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THE

STATUTES OF NOVA SCOTIA,

PASSED IN THE FIRST SESSION

OF THE

GENERAL ASSEMBLY,

OF THE

TWENTY-SEVENTH YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

HELD ON THE

FOURTH DAY OF FEBRUARY, 1864.



HALIFAX, N. S.

PRINTED BY ALPIN GRANT,  
PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1864.



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 OF  
**STATUTES OF NOVA SCOTIA.**  
 27<sup>o</sup> VICTORIÆ.  
 1864.

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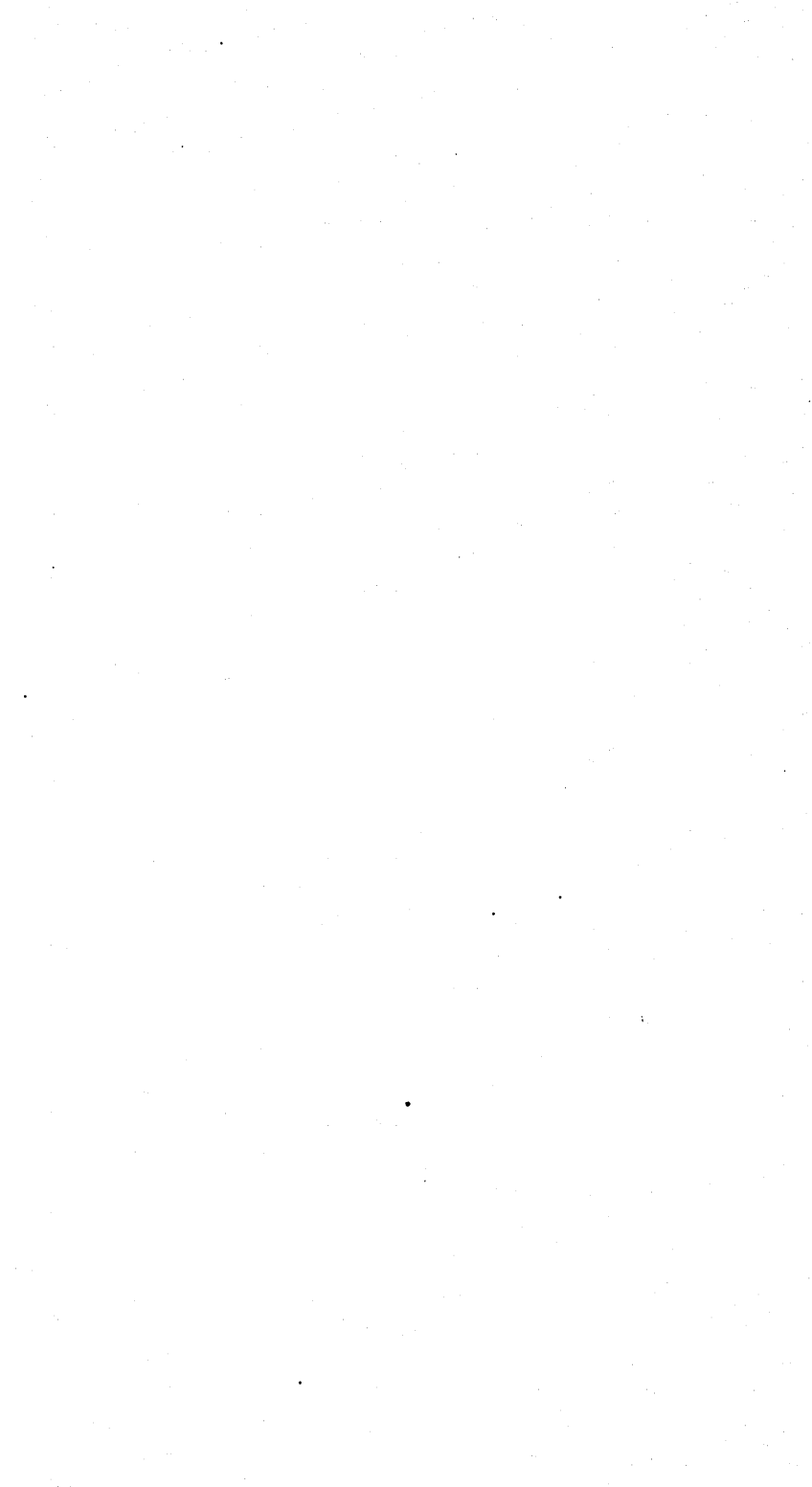
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At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax on Thursday the 4th day of February, 1864, in the twenty-seventh year of the reign of our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, defender of the faith, &c., &c., &c., being the first session of the twenty-third General Assembly convened in the said Province.\*

\* In the time of His Excellency Major-General Charles Hastings Doyle, Administrator of the Government, &c., &c., &c.; Edward Kenny, President of the Legislative Council; John C. Wade, Speaker of the Assembly; Charles Tupper, Provincial Secretary; and H. C. D. Twining, Clerk of Assembly.

## CHAPTER 1.

### An Act to continue and amend the Law regulating Customs Duties.

(Passed the 31st day of March, A. D. 1864.)

#### SECTION.

1. Cap. 1, of Acts of 1863, with amendments, continued to April, 1865.

#### SECTION.

2. Duties on Wines.
3. Malt and Saltpetre exempted.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Chapter one of the acts of 1863, entitled, "An Act to regulate Customs Duties," as hereinafter amended, is continued with such amendments respectively, until the first day of April, one thousand eight hundred and sixty-five.

Cap. 1, of Acts 1863, with amendments, continued to April, 1865.

2. The duties on wines shall be as follows, viz:

Hock, constantia, malmsey, catawaba, toquay, burgundy, hermitage, moselle and champagne, two dollars and fifty cents per dozen of five bottles to the gallon.

Duties on Wines.

On all other wine in bottles, one dollar and fifty cents per dozen of five bottles to the gallon.

Port, sherry, and madeira, in wood, sixty cents per gallon.

On other wines in wood, costing twenty-four pounds sterling and upwards per pipe at the port from whence last imported, sixty cents per gallon.

Other wines in wood costing less than twenty-four pounds sterling per pipe, at the port from whence last imported, twenty-five cents per gallon.

3. Malt, and crude saltpetre, for manufacturing purposes, shall be added to the table of exemptions.

Malt and saltpetre exempted.

CHAPTER 2.

An Act to continue the Acts for imposing an Excise Duty on certain articles manufactured within this Province.

(Passed the 31st day of March, A. D. 1864.)

SECTION 1.—Cap. 12, of Acts 1852, with amendments continued.

Be it enacted by the Governor, Council, and Assembly, as follows:

Cap. 12 of Acts 1852, with amendments continued.

1. Chapter twelve of the acts of 1862, entitled, "An Act for imposing an Excise Duty on certain articles manufactured within this Province, as amended by chapter two of the Acts of 1863," is continued with such amendment, until the first day of April, in the year one thousand eight hundred and sixty-five.

CHAPTER 3.

An Act to continue and amend the Laws imposing Light House Duties.

(Passed the 31st day of March, A. D. 1864.)

SECTION.

1. Cap. of Revised Statutes "Of Light House Duties."

SECTION.

2. New vessels.

3. Not extended to foreign ships of war.

Be it enacted by the Governor, Council, and Assembly, as follows:

Cap. of Revised Statutes "Of Light House Duties," as amended—continued.

1. The Chapter of the Revised Statutes, "Of Light House Duties," as amended by chapter twenty-six of the acts of 1859; and as amended by chapter two of the acts of 1860; and as amended by chapter three of the acts of 1863, and as hereinafter amended, is hereby continued with such amendments respectively, until the first day of April, in the year one thousand eight hundred and sixty-five.

New vessels.

2. New vessels clearing on their first voyage after the first day of September, and returning to the Province, shall be exempted from further payment of duty, until the first day of April next following, on payment of one half of the duties prescribed by the first section of the chapter hereby amended.

Not to extend to foreign ships of war.

3. The provisions of the said chapter shall not extend to any ships of war of foreign governments.

## CHAPTER 4.

An Act to vest in the Board of Works certain public property.

(Passed the 31st day of March, A. D. 1864.)

SECTION 1.—Lot of land in rear of Court House, to be vested in Chairman of Board of Works.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The portion of the lot or tract of land in the rear of the court house lot, commencing at the south-east corner of the court house lot, thence running south one hundred and thirty-three feet four inches; thence west sixteen feet six inches; thence south nine feet ten inches; thence west in a south-westerly direction, three hundred and forty-two feet; thence north one hundred and seventy-five feet ten inches; thence east to the place of beginning, shall be and is hereby vested in the chairman, for the time being, of the board of works, for such public and provincial uses, and on such terms as the Governor in Council may from time to time approve.

Lot of land in rear of Court House, to be vested in the Chairman of Board of Works.

## CHAPTER 5.

An Act to postpone the ensuing Spring Terms of the Supreme Court in certain Counties.

(Passed on the 18th day of April, A. D. 1864.)

SECTION 1.—Court at Lunenburg, Queen's, Shelburne, Yarmouth, and Halifax, postponed.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The ensuing Spring Terms of the Supreme Court at Lunenburg, Queen's, Shelburne, and Yarmouth, and the ensuing Spring Sittings of the Supreme Court at Halifax, shall be postponed in each of the said counties two weeks; and all matters and proceedings pending or to be had therein, shall be had and proceeded with; and all jurors, officers, witnesses, and parties bound to appear thereat, shall appear and attend at the times hereby appointed, instead of at the times appointed by the law hereby amended.

Court at Lunenburg, Queen's, Shelburne, Yarmouth and Halifax—postponed

## CHAPTER 6.

## An Act to authorize the construction of a further section of the Provincial Railway.

(Passed on the 18th day of April, A. D. 1864.)

## SECTION.

1. Contracts for Line to Picton to be made.
2. Provisions of Cap. "Of Railways," made applicable.

## SECTION.

3. Savings' Bank deposit may be appropriated, and debentures issued.
4. Cap. 22, Acts 1863, repealed.

Be it enacted by the Governor, Council, and Assembly, as follows:

Contracts for line to Picton to be made.

1. The Governor in Council is hereby authorized to contract for the extension of the Railway, from the Station House at Truro, to the navigable waters of the harbor at Picton; and as far as practicable on a site adapted for a common line for an extension of a line of railway from the station aforesaid to the frontier of New Brunswick.

Provisions of Cap. "Of Railways," applicable.

2. The provisions of the chapter of the Revised Statutes, "Of Railways," so far as may be, are hereby made applicable to the construction and management of such section.

Savings' Bank deposit may be appropriated and debentures issued.

3. The Governor in Council may appropriate any deposits in the Savings' Bank, towards defraying the costs of construction of such section; and may also, for the purposes of this act, issue provincial debentures bearing interest at a rate not to exceed six per cent., redeemable in twenty years, and not to exceed the sum of sixteen hundred thousand dollars, in the same manner as is provided for issuing debentures under such chapter of the Revised Statutes.

Cap. 22, acts 1863, repealed.

4. Chapter twenty-two of the acts of 1863, entitled, "An Act to authorize the construction of a further section of Provincial Railways," is repealed.

## CHAPTER 7.

## An Act to authorize the appointment of Commissioners without the Province.

(Passed on the 18th day of April, A. D. 1864.)

## SECTION.

1. Appointment of Commissioners; their acts to be valid.

## SECTION.

2. Assent of Her Majesty to be signified.

Be it enacted by the Governor, Council, and Assembly, as follows:

Appointment of Commissioners; their acts to be valid.

1. The Governor in Council may select as commissioners, persons residing in the United Kingdom or in any British colony, or in a foreign country, and a certificate under the

hand and seal of any such commissioner of the due acknowledgment, as required by law before him, of release of dower by married women in lands situate within this Province, or of the attestation under oath before such commissioner, of the due execution of deeds and writings intended to be registered, deposited, or filed, in any public office in this Province; or of the attestation to affidavits relating to the transfer and registry of vessels belonging to this Province, and relating to proceedings in the Supreme Court, or in any other Court within this Province, being a court of record, shall be of full force and effect in this Province, when produced in evidence therein, to all intents and purposes, as if such acknowledgement, oath, or attestation had been duly taken, administered, and certified, by and before persons authorized to act in like cases within this Province.

2. This act shall not go into operation until Her Majesty's assent shall be signified thereto.

Assent of Her Majesty to be signified.

## CHAPTER 8.

### An Act to provide for the publication of the Consolidated Statutes.

(Passed on the 10th day of May, A. D. 1864.)

#### SECTION.

1. Acts; how arranged, published, &c.; title. When to be in force.
2. May be brought in force at earlier period.
3. Acts of present Session; when in force; how published.
4. Present acts to be in force until acts published.

#### SECTION.

5. Acts continued in force.
6. Acts not repealed, expired or incorporated in new acts, to be in force.
7. Private and local acts not affected.
8. Rights, &c., reserved.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The Governor in Council shall cause the general acts passed during the present session, to be arranged under appropriate titles and chapters with the following words pre-fixed, that is to say:

Acts; how arranged, published, &c. Title.

*“ An Act for Revising and Consolidating the General Statutes of Nova Scotia. Be it enacted by the Governor, Council, and Assembly, as follows:”*

and the same shall be published in consolidated form, with a copious index, as soon as the same can be conveniently done; and when the same shall be so published, the Governor shall, by proclamation, declare the acts so consolidated to be in force, and the same, or so much thereof as shall not be then in operation, shall thereupon and thereafter become and be in force.

When to be in force.

May be brought  
in force at earlier  
period.

2. But chapters of the said Consolidated Statutes may be brought into earlier operation by being published in the Royal Gazette, by order of the Governor in Council; and chapters so published shall take effect from such publication, or from the time otherwise expressed in any proclamation of the Governor respecting the coming into operation of the same.

Acts of present  
Session; when in  
force; how pub-  
lished.

3. Acts passed during the present session to which the assent of the Governor has been or shall be given separately come into operation from the time, when, by law or the enactment of the said acts, the same are appointed to come into force; but, nevertheless, such of the said acts as are of a general character, shall be arranged among and incorporated with the Consolidated Statutes.

Present acts to  
be in force until  
acts published.

4. All acts in force on the first day of the present session, which shall not since have expired or have been repealed by some such separate act as mentioned in the third section, or by some such chapter published in advance as mentioned in the second section, shall continue in force, subject to any amendments which may have been made thereto by any such separate act or chapter published in advance until the publication of the consolidated acts by proclamation as aforesaid; and the same acts so continued in force shall, upon and after such publication of the consolidated acts, be repealed and cease to have any force or effect, except the acts hereinafter named, and also except such chapters of the Revised Statutes, second series, and such acts as shall not be substantially incorporated in the said Consolidated Statutes, and which will not have been repealed or have expired.

Acts continued  
in force.

5. The following acts are continued in force, notwithstanding and after the publication of the Consolidated Statutes, that is to say:

The second part of Chapter 27 of the Revised Statutes, second series, entitled, "Of the Coal Mines."

Chapter 40, of the same series, entitled, "Of Sheriffs."

Chapter 82, of the same series, entitled, "Of Interest."

Chapter 8, of the same series, entitled, "Of Scrutinies."

Chapter 28 of the acts passed in 1863, entitled, "An Act to regulate the Election of Members to serve in the General Assembly,"—except as the same, or any clause or section thereof, is or may have been altered, amended, or repealed during the present session.

Chapter 62, "For the incorporation and winding up of Joint Stock Companies."

Chapter 63, "Of Surveyors of Highways and Highway Labor, except in Halifax." Amended by Chapter 40, Acts of 1860.

Chapter 12, part second, "Of a certain Treaty between Her Majesty and the United States of America.



Chapter 113, "Of the Registry of Deeds and Incumbrances affecting Lands."

Chapter 119, "Of the descent of Real and Personal Estate."

6. All such other chapters of the Revised Statutes, second series, and all such other acts, which shall not have been repealed or have expired, and which shall not be substantially incorporated in the said Consolidated Statutes when the same shall be published, shall also be continued in force, notwithstanding and after the publication of the Consolidated Statutes.

Acts not repealed expired or incorporated in new acts, to be in force.

7. Nothing herein contained shall affect or include Local or Private Acts.

Private and local acts not affected.

8. All rights accruing or accrued under any of the Statutes so repealed are reserved,—and all penalties incurred thereunder, shall be enforced as if such Statutes had not been repealed.

Rights, &c., reserved.

## CHAPTER 9.

An Act in addition to Chapter 167 of the Bill for Revising and Consolidating the General Statutes of Nova Scotia, "Of Offences against the Person."

(Passed the 10th day of May, A. D. 1864.)

SECTION 1.—Persons committing assaults, &c., in pursuance of combinations, to raise wages, &c., to be guilty of misdemeanor. Punishment.

Persons committing assault, &c. in pursuance of combinations to raise wages, &c., to be guilty of misdemeanor.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Whosoever, in pursuance of any combination or conspiracy to raise the rate of wages, or of any unlawful combination or conspiracy respecting any trade, business, or manufacture, or respecting any person concerned or employed thereon, shall unlawfully assault any person, or who, in pursuance of any such combination or conspiracy, shall use any violence, or threat of violence, to any person, with intent to deter or hinder him from working or being employed in or about any such trade, business, or manufacture, shall be guilty of a misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding five years.

Punishment.

## CHAPTER 10.

## An Act to provide for the Appointment of an Equity Judge.

(Passed on the 10th day of May, A. D. 1864.)

## SECTION.

1. Appointment. Salary. Qualification. Tenure of Office. Liabilities, powers, &c. Proviso.
2. Rules of Practice to be made and published.
3. Equity cases and motions to be heard and determined by him. Country business need not be sent to him.
4. Judge to preside on trial of causes in Equity Suits. Jury. How drawn, summoned, etc. Fees of Jury and Witnesses.
5. Judge to hear Probate appeals. To be Vice-President of Court of Marriage and Divorce.

## SECTION.

6. Court when open; in absence of other Judges Equity Judge to perform duties.
7. On petition of either party hearings to be had before three Judges.
8. Appeal to full bench; when to be heard, conditions, etc.
9. Judge to sit in Supreme Court in banco; at Chambers when necessary; to go on circuit if other Judge is ill, etc.
10. Cases in which Equity Judge is to preside; his precedence, etc.
11. Hearing of questions in which Judge is interested.

Be it enacted by the Governor, Council, and Assembly, as follows:

Appointment.

Salary.

Qualifications.

Tenure of Office.

Liabilities, powers, etc.

Proviso.

Rules of practice to be made and published.

Equity cases and motions to be heard and determined by him.

Country business need not be sent to him.

Judge to preside on trial of causes in equity suits.

Jury-how drawn, summoned, etc.

1. It shall be lawful for the Governor in Council to appoint a competent person to be and who shall be styled Judge in Equity, at an annual salary of three thousand two hundred dollars, who shall possess the same qualifications for appointment, and whose tenure of office shall be the same, as Judges of the Supreme Court, and who shall be subject to the same restrictions and liabilities, and possess the same functions, powers, and privileges, as a Judge of the Supreme Court; provided that in the event of a vacancy occurring in the office of the present senior Puisne Judge of the Supreme Court, no appointment shall be made to fill the same.

2. It shall be the duty of the Judge in Equity to make rules to govern the proceedings and practice in equity before him; but such rules shall not go into operation until they shall have been published in the Royal Gazette.

3. In equity cases motions shall be made to him, and arguments and hearings had before him, with power to direct issues, and also to hear and determine equity causes after trials of fact have been had, and he shall hear, direct, and determine, all matters of equity jurisdiction; but nothing in this Act shall be construed to make it necessary to send for consideration or decision before the Equity Judge in Halifax, such equity business as has heretofore been or hereafter can be heard and decided by the Judges in the country.

4. In cases of issues directed by the Equity Judge in causes brought in Halifax, or issues sent from other counties, when tried in Halifax, the Equity Judge shall preside, and shall have power to direct a jury of persons residing within the limits of the city of Halifax, to be drawn by the prothono-

tary from the petit jury panel of the county of Halifax, and summoned by the Sheriff at such times as the Judge in Equity shall direct; and jurors and witnesses summoned to attend at such trials shall be entitled to the same fees for attendance and travel, and subject to the same fines and liabilities for non-attendance, and recoverable in the same manner as in the case of jurors and witnesses in the Supreme Court.

Fees of jury and witnesses.

5. Appeals from the Courts of Probate when not decided on circuit shall be made to him; and on a vacancy occurring, he shall hold the office of Vice-President of the Court of Marriage and Divorce, and perform its duties.

Judge to hear Probate appeals. To be Vice-President of Court of Marriage and Divorce.

6. His court, except in vacation, shall be always open, and he shall preside whenever business requires, and in the absence of the Judges of the Supreme Court from Halifax, shall perform all the duties that may be required there of a Judge of the Supreme Court.

Court when open, in absence of other Judges, Equity Judge to perform duties.

7. On petition of either party, hearings in equity causes, or on appeals from the Court of Probate not decided on circuit, may be had before the Judge in Equity with two other Judges of the Supreme Court associated with him.

On petition of either party hearing to be had before three Judges.

8. There shall be an appeal from the decisions of the Judge in Equity, and also from the decisions of the Judge in Equity and the associated Judges, to the full bench of the Supreme Court, and the Judge in Equity and also the associated Judges may be members of the Court of Appeal; and such appeals shall be subject to such conditions as regards stay of proceedings and costs when not provided for by legislative enactment, as may be prescribed by the rules before mentioned, and those appeals may be heard out of term if the attendance of the Judges can be procured, or if heard in term, such portion of the term shall be allotted for them as may be requisite and convenient.

Appeal to full bench: when to be heard; conditions, etc.

9. The Judge in Equity shall sit in the Supreme Court in banco, and when necessary he shall sit at chambers; but it shall not be incumbent on him to preside at sittings for trials, or on the circuits, except it shall be necessary to do so through the illness of a judge or other sufficient cause.

Judge to sit in Supreme Court in banco, and at Chambers when necessary: to go on circuit if other Judge ill, etc.

10. The Judge in Equity in all equitable cases and motions before him, shall regulate and direct the proceedings, and in all hearings, motions and proceedings before him and two associated Judges, he shall preside and regulate the proceedings. In full bench and in other cases, civil or criminal, legal or equitable, the Chief Justice shall preside and regulate the proceedings, and the Judge in Equity shall have precedence next to him, and in the absence of the Chief Justice shall preside and regulate and direct the proceedings.

Cases in which Equity Judge is to preside: his precedence, etc.

11. Questions in equity in which the Judge in Equity may be interested, or have been professionally concerned, shall be brought before one or more Judges of the Supreme Court, according to the nature of the case.

Hearing of questions in which Judge is interested.

## CHAPTER 11.

## An Act relating to the Combination of Workmen.

(Passed on the 10th day of May, A. D. 1864.)

## SECTION.

1. Penalty for interfering with employers and workmen, with regard to the wages, work, &c.
2. Persons exempt from operation of Act.
3. Persons exempted.
4. Offenders to give evidence, &c.

## SECTION.

5. Proceedings before Justice of the Peace.
6. Witnesses: how summoned; penalty for non-compliance.
7. Forms in annexed Schedule to be used.
8. Appeal, proceedings under, &c.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. If any person shall by violence to the person or property, or by threats or intimidation, or by molesting, or in any way obstructing another, force, or endeavor to force, any journeyman, manufacturer, miner, workman, or other person, hired or employed in any manufacture, mining operations, trade, or business, to depart from his hiring, employment or work, or to return his work before the same shall be finished, or prevent, or endeavor to prevent, any journeyman, manufacturer, miner, workman, or other person, not being hired or employed, from hiring himself to, or from accepting work or employment from any person or persons; or if any person shall use or employ violence to the person or property of another, or threats or intimidation, or shall molest, or in any way obstruct another for the purpose of forcing or inducing such person to belong to any club or association, or to contribute to any common fund, or to pay any fine or penalty, or on account of his not belonging to any particular club or association, or not having contributed or having refused to contribute to any common fund, or to pay any fine or penalty, or on account of his not having complied, or of his refusing to comply, with any rules, orders, resolutions, or regulations, made to obtain an advance, or to reduce the rate of wages, or to lessen or alter the hours of working, or to decrease or alter the quantity of work, or to regulate the mode of carrying on any manufacture, mining operations, trade, or business, or the management thereof; or if any person shall, by violence, to the person or property of another, or by threats or intimidation, or by molesting, or in any way obstructing another, force, or endeavor to force, any manufacturer or person carrying on any trade, mining operations, or business, to make any alteration in his mode of regulating, managing, conducting, or carrying on such manufacture, mining operations, trade, or business, or to limit the number of his apprentices, or the number or description of his journeymen, workmen, miners, or servants; every person so offending, or aiding, abetting, or assist-

Penalty for interfering with employers and workmen with regard to the wages, work, etc.

ing therein, being convicted thereof, in manner hereinafter mentioned, shall be imprisoned only, or shall and may be imprisoned and kept to hard labor in the Provincial Penitentiary for any time not exceeding twelve calendar months.

2. This act shall not extend to subject any persons to punishment who shall meet together for the sole purpose of consulting upon and determining the rate of wages or prices which the persons present at such meeting, or any of them, shall require or demand for his or their work, or the hours of time for which he or they shall work in any manufacture, mining operations, trade, or business, or who shall enter into any agreement, verbal or written, among themselves, for the purpose of fixing the rate of wages or prices, which the parties entering into such agreement, or any of them, shall require or demand for his or their work, or the hours of time for which or they will work in any manufacture, mining operations, trade, or business; and that persons so meeting for the purposes aforesaid, or entering into any such agreement, as aforesaid, shall not be liable to any prosecution or penalty for so doing, any law or statute to the contrary notwithstanding.

Persons exempted from operation of act.

3. This act shall not extend to subject any persons to punishment who shall meet together for the sole purpose of consulting upon and determining the rate of wages or prices which the persons present at such meeting, or any of them, shall pay to his or their journeymen, miners, workmen, or servants, for their work, or the hours or time of working in any manufacture, mining operations, trade or business, or who shall enter into any agreement, verbal or written, among themselves, for the purpose of fixing the rate of wages or prices, which the parties entering into such agreement, or any of them, shall pay to his or their journeymen, miners, workmen, or servants, for their work, or the hours or time of working in any manufacture, mining operations, trade, or business; and that persons so meeting for the purposes aforesaid, or entering into any such agreement as aforesaid, shall not be liable to any prosecution or penalty for so doing, any law or statute to the contrary notwithstanding.

Persons exempted.

4. All and every person or persons who shall, or may, offend against this act, shall, and may, equally with all other persons be called upon, and compelled to give his or her testimony and evidence as a witness or witnesses, on behalf of Her Majesty, or of the prosecutor or informer upon any information to be made or exhibited under this act, against any other person or persons not being such witness or witnesses as aforesaid, and that in all such cases, every person having given his or her testimony, or evidence, as aforesaid, shall be, and is hereby indemnified of, from, and against any information to be laid or prosecution to be commenced against him or her for having offended in the matter wherein, or

Offenders to give evidence, etc.

relative to which he, she, or they shall have given testimony, or evidence, as aforesaid.

Proceedings before Justice of the Peace.

5. On complaint and information, on oath before any one, or more justice or justices of the peace, of any offence having been committed against this act, within his or their respective jurisdictions, and within six calendar months before such complaint or information shall be made; such justice or justices are hereby authorized and required to summon the person or persons charged with being an offender or offenders against this act, to appear before any two such justices at a certain time or place to be specified; and if any person or persons so summoned, shall not appear according to such summons, then such justices, (proof on oath having been first made before them of the due service of such summons upon such person or persons, by delivering the same to him or them personally, or leaving the same at his or their usual place of abode, provided the same shall be so left twenty-four hours at the least before the time which shall be appointed to attend the said justices upon such summons,) shall make and issue their warrant or warrants for apprehending the person or persons so summoned, and not appearing as aforesaid, and bringing him or them before such justices, or it shall be lawful for such justices, if they shall think fit, without issuing any previous summons, and instead of issuing the same upon such complaint and information as aforesaid, to make and issue their warrant or warrants for apprehending the person or persons by such information, charged to have offended against this act, and bringing him or them before such justices, and upon the person or persons complained against appearing upon such summons, or being brought by virtue of such warrant or warrants before such justices, or upon proof on oath of such person or persons absconding so that such warrant or warrants cannot be executed, then such justices shall, and they are hereby authorized, and required forthwith, to make inquiry touching the matters complained of, and to examine into the same by the oath or oaths of any one or more credible person or persons as shall be requisite, and to hear and determine the matter of every such complaint, and upon confession by the party or proof by one or more credible witness or witnesses upon oath, to convict or acquit the party or parties against whom complaint shall have been made as aforesaid.

Witnesses: how summoned; penalty for non-compliance.

6. It shall be lawful for the justices of the peace before whom any such complaint and information shall be made as aforesaid, and they are hereby authorized and required, at the request in writing of any of the parties, to issue his or their summons to any witness or witnesses, to appear and give evidence before such justices at the time and place appointed for hearing and determining such complaint, and which time and

place shall be specified in such summons; and if any person or persons so summoned to appear as a witness or witnesses as aforesaid, shall not appear before such justices at the time and place specified in such summons, or offer some reasonable excuse for the default, or, appearing according to such summons, shall not submit to be examined as a witness or witnesses, and give his or their evidence before such justices touching the matter of such complaint, then and in every such case it shall be lawful for such justices, and they are hereby authorized (proof on oath, in the case of any person not appearing, according to such summons, having been first made before such justice of the peace, of the due service of such summons on every such person, by delivering the same to him or her, or by leaving the same twenty-four hours before the time appointed, for such person, to appear before such justices at the usual place of abode of such person,) by warrant under the hands of such justices, to commit such person or persons so making default in appearing, or appearing and refusing to give evidence, to some prison within the jurisdiction of such justices, there to remain without bail for three calendar months, or until such person or persons shall submit to be examined, and give evidence before such justices, as aforesaid.

7. The justices before whom any person or persons shall be convicted of any offence against this act, or by whom any person shall be committed to prison for not appearing as a witness, or not submitting to be examined, shall cause all such convictions, and the warrants or orders for such commitments, to be drawn up in the form, or to the effect, set forth in the schedule to this act annexed.

Forms in annexed Schedule to be used.

8. If any person convicted of any offence or offences, punishable by this act, shall think himself or herself aggrieved by the judgment of such justices, before whom he shall have been convicted, such person shall have liberty to appeal from every such conviction to the next sittings of the Supreme Court, which shall be held for the county, wherein such offence was committed; and that the execution of every judgment so appealed from shall be suspended, in case the person so convicted shall immediately enter into recognizances before such justices, (which they are hereby authorized and required to take) himself with two sufficient sureties, in the penal sum of two hundred dollars of lawful money of Nova Scotia, upon condition, to prosecute such appeal with effect, and to be forthcoming to abide the judgment and determination of the said next sittings of the Supreme Court, and to pay such costs as the said court shall award on such occasion; and the judge or judges in the said next sittings of the Supreme Court, are hereby authorized and required to hear and determine the matter of the said appeal, and to award such costs as to them shall appear just and reasonable,

Appeal: proceedings under, etc.

to be paid by either party, which decision shall be final; and if upon hearing the said appeal, the judgment of the justices before whom the appellant shall have been convicted, shall be affirmed, such appellant shall immediately be committed by the said court to the common goal or provincial penitentiary, without bail, according to such conviction for the space of time therein mentioned.

SCHEDULE TO WHICH THIS ACT REFERS.

*Form of conviction and commitment.*

Be it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_, in the year of our Lord, one thousand \_\_\_\_\_ A B is convicted before us, (*naming the justices,*) two of Her Majesty's Justices of the Peace, for the county of \_\_\_\_\_ of having, (*stating the offence*) contrary to the Act made in the twenty seventh year of the reign of Her Majesty Queen Victoria, entitled, "An Act relating to the Combination of Workmen," and we, the said justices, do hereby order and adjudge the said A B, for the said offence, to be committed to, and confined in the [common gaol, for the said county of \_\_\_\_\_ or Provincial Penitentiary at Halifax, there to be kept to hard labor] for the space of \_\_\_\_\_ . Given under our hands, the day and year above written.

*Form of a commitment of a person summoned as a witness.*

Whereas, C D hath been duly summoned to appear, and give evidence before us, (*naming the justices who issued the summons,*) two of Her Majesty's Justices of the Peace, for the county of \_\_\_\_\_, on this \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_, being the time and place appointed for hearing and determining the complaint made by (*the informer or prosecutor*) before us, against A B, of having (*stating the offence as laid in the information*) contrary to the Act made in the twenty seventh year of the reign of Her Majesty Queen Victoria, entitled, "An Act relating to the Combination of Workmen;" and whereas, the said C D hath not appeared before us at the time and place aforesaid, specified for that purpose, or offered any reasonable excuse for his (*or her*) default, [or, and whereas, the said C D having appeared before us at the time and place aforesaid, specified for that purpose, hath not submitted to be examined as a witness and give his (*or her*) evidence before us, touching the matter of the said complaint, but hath refused so to do,] therefore, we the said justices, do hereby, in pursuance of the said statute, commit the said C D to the (*describing the prison,*) there to remain without bail for his (*or her*) contempt, aforesaid, for \_\_\_\_\_ calender months, or until he (*or she*) shall submit himself (*or herself*) to be examined, and give his (*or her*) evidence before us, touching



the matter of the said complaint, or shall otherwise be discharged by due course of law; and you, (*the constable, or other peace officer or officers to whom the warrant is directed*) are hereby authorized and required to take into your custody the body of the said C D, and him (*or her*) safely to convey to the said prison, and him (*or her*) there to deliver to the gaoler or keeper thereof, who is hereby authorized and required to receive into his custody the body of the said C D, and him (*or her*) safely to detain and keep pursuant to this commitment. Given under our hands, this                    day of                    , in the year of our Lord, one thousand

(*This commitment to be directed to the proper peace officer, and the gaoler or keeper of the prison.*)

## CHAPTER 12.

An Act to amend the Chapter of the Bill for Revising and Consolidating the General Statutes of Nova Scotia, "Of Pleadings and Practice of the Supreme Court."

(Passed the 10th day of May, A. D., 1864.)

### SECTION.

1. Forms of proceedings against absent debtors.

### SECTION.

2. Affidavit for summons against agent.

Be it enacted by the Governor, Council, and Assembly, as follows:

Forms of proceedings against absent debtors.

Affidavit for summons against agent.

1. The forms contained in the Schedule hereto, are the forms to be used in cases of proceedings against absent or absconding debtors, and shall be inserted in the Schedule to the act, entitled, "Of Pleadings and Practice in the Supreme Court," instead of the forms in that behalf provided in the said act in the Revised Statutes, or in act in amendment thereof, passed in the present session.

2. Before a summons shall issue in a case against an absent or absconding debtor, to bring in an agent or trustee, the plaintiff or his agent shall make affidavit of his belief, that the person proposed to be summoned is the agent or trustee of the defendant, or hath goods or credits of such defendant in his possession or under his control.

ss.

Victoria by the Grace of God,  
&c. &c. &c.

To the Sheriff of \_\_\_\_\_, or any other Sheriff,—

We command you to summon C D, late of \_\_\_\_\_, an absent or absconding debtor, to appear in the Supreme Court at \_\_\_\_\_, within thirty days \_\_\_\_\_, at the suit of A B, who says that \_\_\_\_\_ and the Plaintiff claims \_\_\_\_\_ dollars.

Issued the \_\_\_\_\_ day of \_\_\_\_\_, A. D., 186 .

Prothonotary.

E F, Plaintiff's Attorney, (or A B, Plaintiff in person.)

[To be endorsed.]

By oath for \_\_\_\_\_  
(by the Judge.)

(Insert the sum sworn to or allowed)

ss.

Victoria, by the Grace of God,  
&c. &c. &c.

To the Sheriff of \_\_\_\_\_ or any other Sheriff,—

We command you to attach the goods, chattels, or estate of C D, late of \_\_\_\_\_, an absent or absconding debtor, to the value of \_\_\_\_\_, (*the sum sworn to or for which the summons was allowed,*) to respond the judgment which may be obtained by A B, who hath taken proceedings against the said C D, as an absent or absconding debtor, in our Supreme Court at \_\_\_\_\_, and we do command you that immediately after the execution hereof, you do return this writ unto our Supreme Court at \_\_\_\_\_, together with your doings thereon and the day of execution.

Issued this \_\_\_\_\_ day of \_\_\_\_\_, 186 .

Prothonotary.

E F, Plaintiff's Attorney, (or A B, Plaintiff in person.)

By oath for \_\_\_\_\_, (*insert a sum sworn to or allowed when summons was issued.*)

ss.

Victoria, by the Grace of God,  
&c. &c. &c.

To the Sheriff of \_\_\_\_\_, or to any other Sheriff.

We command you to summon G H, of \_\_\_\_\_, the agent or trustee of C D, late of \_\_\_\_\_, an absent or absconding debtor, to appear in our Supreme Court at \_\_\_\_\_, (*being the county in which the agent resides,*) within fifteen days after service, \_\_\_\_\_, to declare, discover, and disclose what goods or credits of the said C D, were in his hands, or possession, or under his management or control, at the time of the service of this writ upon him \_\_\_\_\_, in a suit prosecuted by A B, against the said C D, as an absent or absconding debtor, in our said court at \_\_\_\_\_

Issued this \_\_\_\_\_ day of \_\_\_\_\_, A. D., 186 \_\_\_\_\_.

Prothonotary.

E F, Plaintiff's Attorney, (or A B, Plaintiff in person.)

## CHAPTER 13.

An Act to amend the Law relating to Education.

(Passed the 10th day of May, A. D., 1864.)

SECTION.—When to come in force.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The Chapter of the Revised Statutes, entitled, "Of Public Instruction," shall come into operation immediately on being assented to by the Governor, anything in such Chapter contained to the contrary in anywise notwithstanding.

When to come in force.

## CHAPTER 14.

An Act to legalize Jury Lists and Panels for the present year.

(Passed the 10th day of May, A. D., 1864.)

SECTION 1.—Jury Lists &amp;c., legalized.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. All jury panels, whether grand or petit, drawn from any jury lists at the last sittings of the Supreme Court in the several counties, and all venires and other proceedings connected therewith, are hereby declared legal and valid, notwithstanding the lists from which such panels were drawn may have been from any cause whatever informally or illegally drawn up, and although such lists may not have been revised according to law, and although copies of such lists may not have been given to the Clerk of the Peace and Prothonotary, or posted up, as required by law.

Jury Lists, etc., legalized.

## CHAPTER 15.

## An Act for the appointment of Stipendiary or Police Magistrates.

(Passed the 10th day of May, A. D., 1864.)

## SECTION.

1. Police division.
2. Proceedings to set off same.
3. Report to be confirmed.
4. Meetings of Justices in Police division.
5. Stipendiary Justices, how appointed, etc.
6. Their powers, duties, etc.
7. Where only one Police Magistrate appointed on trial of larcenies, two Justices to sit with him. Jury.
8. Punishment, fines, etc.
9. Limitation of Action.
10. Convictions, etc., not to be quashed for want of form.
11. Court may take recognizance for Sessions or Supreme Court.

## SECTION.

12. Process, how signed.
13. Appointment of Police Constable. His powers, etc. Court—when held, etc. Arrest of parties—Remand, Bail, etc.
14. All persons to assist constable,—fine.
15. Salaries.
16. How collected.
17. Sessions may make regulations.
18. Jurisdiction of Police Magistrate in civil matters.
19. Fees.
20. 17th clause to apply to town of Picton.
21. Appeal.

Be it enacted by the Governor, Council, and Assembly, as follows :

Police division.

1. The general sessions of any county or district, upon application by petition, signed by at least fifty freeholders, in any proposed police division, may, if they think fit, appoint a committee of three disinterested persons to inquire into and report upon the propriety and expediency of creating such division.

Proceedings to set off same.

2. Such committee, if approving thereof, shall assign the limits, and assign a name to any such proposed division, and report the same in writing to the court, and thereupon, the Clerk of the Peace shall cause the substance of such report to be advertised by notice, put up in at least two of the most public places of the proposed police district, and that the confirmation of the same will be considered at the next general session, but such notice shall not be required on reporting any application from the towns of New Glasgow, or Truro, but the court may proceed at once to the confirmation of any report of a committee recommending the appointment of a Stipendiary Magistrate for said towns.

Report to be confirmed.

3. On such report being approved of by the grand jury, and confirmed by the court, the place within the limits contained therein shall thenceforth be and become a police division, by the name assigned in such report, and shall be subject to the provisions of this act.

Meetings of Justices in Police division.

4. Within ten days after the creation of any such police division, the Clerk of the Peace for the county shall summon

the justices residing within the limits of the division to meet at some central place therein, to carry out the provisions of this act; and shall attend at such meeting and record the proceedings thereof.

5. The majority of the justices present at such meeting shall proceed to select one or more of their number to be Stipendiary Justices for the divisions, who shall continue in office until superseded by the order of the majority of the justices residing within the division, or until they cease to be a Justice of the Peace.

Stipendiary Justices, how appointed, &c.

6. The Stipendiary justice or justices selected, or one of them, shall whenever occasion may require, or he or they may think necessary, act as a police court within the aforesaid limits, and shall have and exercise all powers necessary for the preservation of the public peace and good order, the protection of property and the repressing offences against the Sabbath, or using profane or obscene language, and also shall have power to hear and determine in a summary manner, all larcenies where the value of the goods stolen shall not exceed twenty dollars, receiving of stolen goods, assaults, batteries, riots, petty trespasses, malicious or wanton injuries to property, and breaches of the peace, committed within the limits aforesaid.

Their powers, duties, &c.

7. In districts where only one Stipendiary Police Magistrate has been appointed, such police magistrate shall require two Justices of the Peace to preside with him on the trial of all larcenies, and a jury of three persons shall be sworn to try the offender, if required by him.

Where only one Police Magistrate appointed on trial of larcenies, two Justices to sit with him. Jury.

8. The court shall have power to punish offenders, upon conviction of any offences within their jurisdiction, by imprisonment in the lock-up house, or county jail, for a period not exceeding sixty days, or by fine, not exceeding in any case twenty dollars, and costs of prosecution; and in case of non-payment of the fine and costs, may commit the offender to the lock-up house or jail, for any time not exceeding sixty days.

Punishment, fines, &c.

9. Offences shall be prosecuted in every case within two months after commission.

Limitation of action.

10. No such conviction shall be quashed for want of form, and no warrant of commitment shall be held void by reason of any defect therein, so as it be therein alleged that the party has been convicted of some offence, named therein.

Convictions, &c. not to be quashed for want of form.

11. The police court shall have power to hold persons charged with offences, as under recognizances with sureties, to appear and answer in the Supreme Court or the Court of Sessions, and for want of recognizance to commit to the lock-up house or county jail.

Court may take recognizance for Sessions or Supreme Court.

12. All process issued by the court shall be signed by one or more of the justices.

Process, how signed.

Appointment of  
Police Constable,  
his powers, etc.

13. Such justice or justices on their appointment, shall appoint a police constable, who shall have power within the said limits to arrest any person who, in his presence, shall be guilty of any of the offences within the cognizance of such police justices, and take them before one or more of the justices, and if such justice shall consider it necessary, the police court shall meet and adjudicate upon the case; but no person shall be detained in custody from the time of his arrest until the hearing of his case more than thirty hours, except the arrest be made on Saturday, until his case shall be brought to a hearing; but upon a hearing, the person in custody may be remanded for the procuring of evidence or other sufficient cause; but nothing herein shall prevent any person so arrested from being delivered on bail, if entitled to be so delivered; and such justice or justices may dismiss any such police constable and appoint another.

Court, when held,  
etc., arrest of  
parties, remand,  
bail, etc.

All persons to as-  
sist Constable.

14. All persons shall be bound on request to assist the constable in the execution of his duty, and any person refusing shall be fined not less than one dollar, nor more than four dollars, by any one of such justices.

Fine

Salaries.

15. The salaries of the Stipendiary justices and constables over and above their fees hereinafter prescribed, shall be fixed by the Court of Sessions, and shall be assessed and collected by an equal rate upon the rateable inhabitants of the police division, in the same manner as poor rates are collected.

How collected.

Sessions may  
make regula-  
tions.

16. The Clerk of the Peace for the county shall make out the collector's roll for the police division, and the same shall be collected by a collector for the police division, to be approved by the Sessions, in the same manner as other county officers.

Jurisdiction of  
Police Magistrate  
in civil matter.

17. The general Sessions shall have power to make regulations for the preservation of the peace within any such police division, provided the same shall not be repugnant to law.

Fees.

18. Any such police magistrate shall in all civil matters have the same jurisdiction as is now conferred upon two justices.

19. The fees hereinafter enumerated shall be chargeable for the services herein mentioned, viz.:

For affidavit—Twenty cents.

For warrant—Fifty cents.

Service of process—Twenty-five cents.

Recognizance—Sixty cents.

Judgment—Twenty cents.

Warrant of commitment—Twenty cents.

Subpoena—Ten cents.

17th Clause to  
apply to Town of  
Pictou.

20. The 17th clause shall be applicable to the police court for the town of Pictou, and appeals in that court shall only be granted under the provision of said clause.

21. A party aggrieved by any judgment for any sum of money as debt, damage, or penalty, under this act, shall be entitled to an appeal therefrom, in the same way and on the same terms as appeals are allowed from the judgments of Justices of the Peace, but in no other cases. Appeal.

## CHAPTER 16.

## An Act relating to Steam Navigation.

(Passed on the 10th day of May, A. D. 1864.)

## SECTION.

1. Nature and description of boats to be carried by passenger steamers. Life Preservers.
2. Every steamer to have fire buckets—lanterns, gauge cocks in boilers, water gauge, steam gauge, force pumps, and hose.
3. Inspector to regulate the weight to square inch of boilers; regulations to be certified and posted up in steamer.
4. Penalty for putting greater weight upon boilers.
5. Lights to be carried. Penalty.

## SECTION.

6. Inspectors; how appointed; their duties; salaries.
7. Inspectors may board and inspect any steamer.
8. Inspector's certificate.
9. Penalty for false certificate, or neglect of Inspector.
10. Proceedings in case Inspector cannot grant certificate.
11. Penalty for taking passengers before fulfilling requirement of law, etc.
12. Penalty for sailing without certificate.
13. Fines, etc., how recovered.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. No sea boat or vessel propelled by steam, shall depart from any port or place within this province with passengers, without having on board, or attached to such boat or vessel, good suitable and sufficient boats in good condition and properly equipped, as follows: For every steamer of the registered tonnage of two hundred tons and upwards, not less than four boats; of the registered tonnage of less than two hundred tons, not less than three good boats; every one of said boats to be provided with not less than six oars and other necessary tackle, and every such boat to be of sufficient capacity to carry not less than twelve adult persons, exclusive of the crews, and shall be of a length of keel not less than seventeen feet; also, one good and sufficient life boat, made of metal, fire proof, and capable of sustaining inside and outside fifty persons, with life lines attached to the gunwale at suitable distances; also, not less than six good life preservers, made of suitable material or floats, well adapted to that purpose. Such life preservers or floats, shall always be kept in convenient and accessible places in such vessel, and in readiness for the use of passengers.

Nature and description of boats to be carried by passenger steamers.

Life Preservers.

2. Every such steamboat shall be provided with and have on board, in some convenient place, not less than twenty-four good and sufficient fire buckets, of wood or leather, and six good and sufficient lanterns; also, a suitable number of gauge

Every steamer have fire buckets,

Lanterns.

Gauge cocks in  
boilers.  
Water gauge,  
Steam gauge,

Force pumps,

Hose.

Inspector to regulate the weight to square inch of boilers; regulations to be posted up in steamer.

Penalty for putting greater strength on boilers.

Lights to be carried.

Penalty.

Inspectors; how appointed; their duties; salaries.

cocks properly inserted in the boilers of every such steamboat, and a suitable water gauge and steam gauge, indicating the height of the water and the pressure of the steam therein, as the inspector may direct; and also one double acting force pump, with chambers of such size as the inspector may direct, according to the size and route of the steamboat, to be worked by steam if it can be employed, otherwise by hand; and to have a suitable and well fitted hose, of at least the length of the vessel, according to the direction of the inspector, kept at all times in perfect order and ready for immediate use, which shall be supplied with water by a pipe connected therewith, and passing through the side of the vessel, so low as to be at all times in the water when the steamboat is afloat.

3. Every inspector appointed under the provisions of this act, shall regulate and direct the weight to the square inch of the boilers of each steamer inspected by him, and to certify such regulations and directions in writing to the master or owner of the steamboat inspected by him, who, with the engineer of such steamboat, shall be governed thereby; a printed copy whereof, the owner or master of such steamboat, shall post up, or cause to be posted up, and keep posted up, in some conspicuous part of such steamboat, during her continuance on the same route, or until another inspection of such steamboat shall take place.

4. If such master, owner, or engineer, after the inspector shall have so certified as in the last preceding section directed, shall act contrary to the said regulations, by putting a greater weight upon the boilers than allowed thereby, such master or owner and engineer, shall, respectively, be subject and liable to a penalty not exceeding two hundred dollars, for each and every breach of such regulations, to be recovered and applied as hereinafter directed.

5. Every steamboat plying within any of the harbors, waters, bays, or rivers, within this province, or coming to any port or place within the same, shall carry at the mast head of such steamboat, or upon a staff to be erected over the wheel-house, not less than ten feet high above the upper deck, at night, during the time she shall be under way, a good clear and distinct signal white light; and all steam-tug-boats shall carry a red light, and also one distinct white light under the bow of such boat, which lights shall be so kept until alongside of a wharf, or at anchor, on coming into any port or place in said Province, under a penalty for each case of violation of this section, in a sum not exceeding one hundred dollars, to be paid by the owner or master of such boat or vessel, and to be recovered and applied as hereinafter directed.

6. The Governor in Council may appoint an inspector for the port of Halifax, or if necessary one for any other port within this Province; such officers shall be designated inspec-



tors of steamboats, and shall, when called upon by the Governor in Council, perform the services required of them under this act; the said inspectors, when so called upon, shall be entitled to receive for their services, from the Provincial Treasury, such sum, as the Governor in Council shall in each case direct.

7. Any inspector may at all times go on board and inspect and examine the hull, boilers, machinery, boats, and other parts and appurtenances, of any steamer belonging to or steaming from the port or place for which such inspector is appointed, employed in the carriage of passengers, and to satisfy himself that every such steamer is of a structure and in a condition suitable for the service in which she is employed; that she has suitable accommodations for her crew and passengers, and is in a condition to warrant the belief that she may, in regard to safety to life, be used in navigation as a steamer, and that all the requirements of this law, in regard to boats, boilers, machinery, life preservers, and other things, are faithfully complied with; and if he deem it expedient, he may direct the vessel to be put in motion, and adopt any other suitable means to test her sufficiency and equipments.

Inspectors may board and inspect any steamer.

8. When any inspector shall have concluded the examination of any steamer, and approves of such vessel and her equipment, he shall make and subscribe in duplicate, a certificate verified under oath, one to be given to the master of said steamer, and the other to be filed with the registrar of shipping of the port, substantially as follows:

Inspector's certificate.

"Having examined the steamer (*name*) of       whereof are owners, and       is master, on this       day of       A. D. 186

I (*inspector's name*) do certify that she is, in all respects, staunch, seaworthy, and in good condition for navigation; that engine, machinery, pumps, and boilers, are sufficient and suitable to be employed in the carriage of passengers, without hazard to life, on the route for which placed; and that the boilers of such steamer can carry with safety, from       to       pounds, (*here insert number of pounds*) per square inch, and no more. I further certify, that the equipment of the vessel throughout, including boats, life boats, life preservers, lights, and other things, is in conformity with the provisions of the law; and I declare it to be my deliberate conviction, founded on the inspection that I have made, that the said steamer may be employed in the waters hereafter specified, without peril to life from any imperfections of materials, workmanship, or arrangements of the several parts, or from age or use. And I further certify, that the said steamer is to run in the following waters, viz.: (*here insert the waters and where she is to run.*)

Penalty for false certificate, or neglect of Inspector

9. Every inspector who shall be found guilty of any neglect of duty, required by this act, or who shall wilfully certify falsely, under this act, touching any such steamer, shall be fined in a sum not exceeding four hundred dollars, or imprisoned for a period not exceeding twelve months, or both, in the discretion of the court before which convicted.

Proceedings in case inspector cannot grant certificate.

10. In case any inspector, on examination of any steamer, finds he cannot, under the provisions of this act, grant any such certificate, he shall state in writing under his hand, the reasons for refusing such certificate, and shall forthwith serve a copy thereof on the master or owner of such steamer, and file another copy with the registrar of shipping of the port. If such owner or master can not for the space of one hour be found, search for that time being made, so as to be served as in that section mentioned, then the same may be served by serving the same upon the mate or other officer, or one of the crew of such steamer.

Penalty for taking passengers before fulfilling requirements of law, etc.

11. If such steamer shall afterwards go out of any port with passengers, or shall take passengers on board previously to the fulfilling of the requirements of the law, under the said report of the inspector, or until the suggestions and the requirements of said report are carried out and satisfied, the owner or master of such steamer shall be liable to the penalty or penalties imposed by section nine of this act.

Penalty for sailing without certificate.

12. If any steamboat shall depart from any port or place in this province, where any inspector is appointed, and on a voyage to any other port or place in this province, without having first procured from the inspector of steamboats the requisite certificate hereinbefore provided, the master or owner thereof shall, for each such case, forfeit and pay a fine not exceeding two hundred dollars.

Fines, etc.: how recovered.

13. Fines and forfeitures under this act, may be recovered under the provisions of chapter one of the Revised Statutes.

## CHAPTER 17.

An Act to alter the bounds of certain Polling Districts in the County of Kings.

(Passed the 10th day of May, A. D., 1864.)

### SECTION.

1. Boundaries District No. 4. Polling place.
2. Boundaries of No. 5. Polling place.

### SECTION.

3. Boundaries of No. 14. Polling place.

Be it enacted by the Governor, Council, and Assembly, as follows:

Boundaries of district No. 4.,

1. District number 4 shall hereafter be bounded as follows: on the south by the Corwallis River, on the east by the district number 3, on the north by the Bay of Fundy, and on the west by the road leading from Canada Creek to the bridge, near

John Bowles' past Buckle's—not to include the inhabitants on the east side of the Bowles' road from the front of the mountain to the Cornwallis river, who shall vote in ward number five. The polling place to be at Dunham's corner.

Polling place.

2. District number five shall be comprised within the following limits: bounded on the east by number 4, on the south by the Cornwallis river, and the electoral division line, on the west by the township of Aylesford, and on the north by the front of the mountain. The polling place shall be at Somerset.

Polling place.

3. District number 14 is bounded on the south by number 5, on the west by the township of Aylesford, on the north by the Bay of Fundy, and on the east by district number 4. The polling place shall be at or near the school house in Harley Street.

Boundaries of No. 14.

Polling place.

## CHAPTER 18.

An Act to add to the Representation of the County of Cape Breton.

(Passed on the 10th day of May, A. D. 1864.)

## SECTION.

1. After next election Cape Breton to return 3 members.

## SECTION.

2. Consent of Her Majesty required.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. At, from, and after the next general election, the electors of the county of Cape Breton shall elect and return three members instead of two, to represent them in general assembly.

After next election Cape Breton to return 3 members.

2. This act shall not come into operation until Her Majesty's assent be signified thereto.

Consent of Her Majesty required

## CHAPTER 19.

An Act relating to Assessments in the district of St. Mary's, in the County of Guysborough.

(Passed the 10th day of May, A. D. 1864.)

## SECTION.

1. Assessment Roll for 1862 to be valid for 1864.

## SECTION

2. Assessment Roll for portion formerly belonging to Halifax County; how furnished.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The assessment roll for the district of St. Mary's, for the year 1862, shall for all purposes be a valid and legal assessment roll for the district of St. Mary's, for the year 1864, as if duly made in the year 1863.

Assessment Roll for 1862 to be valid for 1864.

Assessment Roll for portion formerly belonging to Halifax County, how furnished.

2. As to that part of the county of Guysborough which was annexed thereto, under chapter 12 of the acts of 1863, (and which is hereby declared to form and be a portion of the district of St. Mary's) a certified copy of so much of the assessment roll for the county of Halifax for the year 1862, as relates to such annexed part, and which certified copy the clerk of the peace for the county of Halifax is hereby required to furnish to the clerk of the peace for the district of St. Mary's, immediately after the passing of this act, shall for all purposes be a valid and legal assessment for such annexed part for the year 1864, as if duly made in the year 1863.

## CHAPTER 20.

### An Act concerning the election of Representatives to serve in General Assembly.

(Passed on the 10th day of May, A. D. 1864.)

SECTION 1.—Elections previous to 24th June; how held. Sections Repealed. Sessions in different Counties to proceed to carry out requirements of Act passed in 1863.

Be it enacted by the Governor, Council, and Assembly, as follows:

Election previous to 24th June '65, how held.

1. All elections of representatives to serve in general assembly, held before the twenty-fourth day of June in the year 1865, shall be held under the provisions of chapters 5, 7, and 8, of the Revised Statutes, second series; and such chapters 5, 7, and 8, and all acts in amendment thereof, are continued and shall remain in force until that date; anything contained in the act passed in the year 1863, entitled, "An Act to regulate the election of members to serve in the General Assembly," to the contrary notwithstanding.

Whereas, certain clauses of chapter 28 of the acts passed in the 26th year of the reign of her present Majesty, entitled, "An Act to regulate the election of members to serve in General Assembly," are inoperative, and no longer required;

And whereas, in some of the counties and districts of the province, the courts of sessions may have neglected at their next meeting after the passing of the act hereby amended, to do the duties incumbent upon them at such meetings, under the provisions of the said act;

And whereas, it may happen that the officers whose duties are prescribed by the said act, or some of them may have neglected to perform such duties within the period prescribed by said act, and it is necessary to amend the same:

Sections repealed

Be it therefore further enacted, that sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 15 and 86, of said act, be, and the same are hereby repealed.

Sessions in different counties to proceed to carry

It shall be the duty of the sessions in each of the counties and districts of this province, where not already done, at their

next meeting to carry out the requirements of section 14 of the said act, and the subsequent sections unrepealed; and all officers and persons named or to be appointed thereunder, shall perform the duties required of them, the same way, and under the same obligations and penalties, as if the said act had passed during the present session of the general assembly.

out requirements  
of Act passed in  
1863.

In counties or districts where revisal sections have not already been laid off, and revisors appointed under section 14 of the said act, and the sessions with the grand jury attending commence their winter term after the tenth day of January in each year, a special sessions shall be held at the next autumn sittings of the supreme court, which shall divide such counties or districts, if undivided, into revisal sections under section 14 of the said act; and for each revisal section, the grand jury attending such supreme court shall nominate, and the justices select, revisors, as in the said fourteenth section prescribed, who shall thereupon be sworn, and be duly qualified, as revisors appointed under and by virtue of the said section. The officers so appointed shall perform the duties prescribed by the act hereby amended, at the same times, in the same way, and under the same obligations and penalties, as if appointed at a general sessions, as in the fourteenth section prescribed.

## CHAPTER 21.

### An Act to provide for defraying certain expenses of the Civil Government of this Province.

(Passed the 10th day of May, A. D. 1864.)

#### SECTION.

1.

Civil List, \$6140.  
Crown Land, \$1400.  
Revenues, \$45560.  
Halifax Poor Asylum, \$5100.  
Distressed Seamen, \$200.  
Steamboat and Ferries, \$3616.  
Military Defence, \$12000.  
Post Office, \$58750.  
Education, \$8315.  
Legislature, \$40848.  
Indians, \$1380.

#### SECTION.

Public Printing, \$3000.  
Gold Fields, \$5000.  
Agriculture, \$5000.  
Railway, \$120000.  
Railway construction, \$5000.  
Paupers, \$6866.  
Navigation Securities, \$38040.  
Public Works, \$26200.  
Miscellaneous, \$1100.  
Roads and Bridges, \$257220.  
2. Amounts; how paid.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. There shall be granted to His Excellency the Governor the several sums of money hereinafter mentioned, to provide for defraying certain expenses.

A sum not exceeding six thousand one hundred and forty dollars, to defray certain charges on the civil list. Civil List, \$6140.

Crown Land,  
\$1400.

A sum not exceeding fourteen thousand dollars, to provide for the expense of the crown land department.

Revenue, \$45660.

A sum not exceeding forty-five thousand five hundred and sixty dollars, to defray certain charges for the collection and protection of the revenue.

Halifax Poor  
Asylum, \$8100.

A sum not exceeding eight thousand one hundred dollars, towards the expense of the Halifax Poor Asylum.

Distressed Sea-  
men, \$200.

A sum not exceeding two hundred dollars towards defraying expenses connected with distressed seamen.

Steamboat and  
Ferries, \$9616.

A sum not exceeding nine thousand six hundred and sixteen dollars, for steamboats, packets, and ferries.

Military defence,  
\$12000.

A sum not exceeding twelve thousand dollars, towards defraying the expense of the military defence of the province.

Post Office,  
\$58750.

A sum not exceeding fifty-eight thousand seven hundred and fifty dollars, to defray the expense of the Post Office department.

Education \$6315.

A sum not exceeding eight thousand three hundred and fifteen dollars, for certain educational purposes.

Legislature,  
\$40848.

A sum not exceeding forty thousand eight hundred and forty-eight dollars, to provide for the pay of the members and officers, and the contingent expenses, of the Legislature.

Indians, \$1380.

A sum not exceeding one thousand three hundred and eighty dollars, to provide for the relief of Indians.

Public Printing,  
\$9000.

A sum not exceeding eight thousand dollars towards providing for the expenses of public printing.

Gold Fields,  
\$20000.

A sum not exceeding twenty thousand dollars towards defraying the expenses connected with the management of the gold fields.

Agriculture,  
\$3000.

A sum not exceeding five thousand dollars, for the encouragement of Agriculture.

Railway, \$20000.

A sum not exceeding one hundred and twenty thousand dollars, to provide for the expenses of the Provincial Railway.

Railway Con-  
struction, \$5000.

A sum not exceeding five thousand dollars, to provide for Railway construction.

Paupers, \$6866.

A sum not exceeding six thousand eight hundred and sixty six dollars, for the relief of transient and lunatic paupers.

Navigation Se-  
curities, \$36040

A sum not exceeding thirty-six thousand and forty dollars, to provide for certain Navigation Securities.

Public Works,  
\$96200.

A sum not exceeding ninety-six thousand two hundred dol-  
lars, to provide for certain public works.

Miscellaneous,  
\$11000.

A sum not exceeding eleven thousand dollars, to defray certain miscellaneous expenses.

Roads and  
Bridges, \$257220.

A sum not exceeding two hundred and fifty seven thousand two hundred and twenty dollars to provide for the great and  
bye roads and bridges.

Amounts—how  
paid.

2. The several sums of money before mentioned, shall be paid by the Receiver General by warrant of the Governor in Council, out of monies now in the Treasury, or as payment may be made at the same.

PRIVATE ACTS.





## CHAPTER 22.

## An Act to incorporate "The People's Bank of Halifax."

(Passed on the 31st day of March, A. D. 1864.)

## SECTION.

1. Shareholders a Corporate Body, etc.
2. President and Directors.
3. Capital, Stock, Shares, etc.
4. Real Estate. Money not to be loaned on Real Estate or Bank Stock.
5. General Meeting, etc.
6. Directors, when to go out of office, etc.
7. Annual meeting. Votes, etc.
8. Power of Directors.
9. Business, how transacted.
10. Qualification of Directors.
11. Cashier to give bonds, etc.
12. Votes of Stockholders.
13. In case of vacancy.
14. When Bank may commence business.
15. Transfer of Shares, etc.
16. Dealings of corporation.
17. Joint Stock liable for corporation.
18. When act shall expire, etc.

## SECTION.

19. Form of Bank notes.
20. Issue of notes.
21. Dividends, when to be made,
22. Inspection of Books.
23. Notes, how made, etc.
24. On excess of issue.
25. Refusing to pay in gold or silver.
26. Counterfeit notes.
27. Bank, where kept.
28. Return to be made.
29. If Capital diminished, etc.
30. General meeting.
31. Dissolution, etc.
32. Official management.
33. Access to Books, etc.
34. Not to affect chapter 87 of Revised Statutes.
35. Continuance of act:

Be it enacted by the Governor, Council, and Assembly, as follows:

1. John W. Young, Benjamin Wier, Peter Lynch, William J. Coleman, William McKay, Charles E. Wiswell, and such others as are or may be shareholders in the company hereby established, their successors and assigns, shall be a body corporate, by the name of "The People's Bank of Halifax," for the purpose of carrying on the business of banking.

2. The business of the corporation shall be conducted by a President and seven Directors.

3. The capital of the company shall be four hundred thousand dollars, which shall be divided into twenty thousand shares of twenty dollars each; and forty per cent. of the stock subscribed, shall be paid on or before the first day of May next; and the balance of each share in instalments, not exceeding twenty per cent., shall from time to time be called for, and paid at such periods, and in such way, as shall be determined by the vote of the shareholders at a special meeting called for that purpose; but no instalment shall in any case be called in unless thirty days previous notice shall have been first given, in two or more newspapers, published in Halifax, of the time and place of payment of such instalments.

4. The company shall be authorized to hold real estate to any extent not exceeding forty thousand dollars; and nothing herein contained shall prevent the company from taking or holding real estate to any amount whatever, under judgment

Shareholders a Corporate Body, etc.

President and Directors.

Capital, Stock, Shares, etc.

Real Estate

Money may not  
be loaned on Real  
Estate or Bank  
Stock.

or by mortgage recovered or taken as collateral security, for any money advanced by or for debts due the corporation; but the said corporation shall on no account lend money upon mortgage upon real estate, nor upon the security of any stock in the bank, unless by way of additional security for debts contracted with the corporation in the course of its dealing.

(General meeting,  
etc.

5. After the passing of this act, whenever one hundred and sixty thousand dollars of the capital stock shall have been paid in, before which no person shall be entitled to vote for any purpose, a general meeting of the stockholders of the said corporation, or the major part of them, shall take place, by notice in two at least of the newspapers, ten days before such meeting, for the purpose of organizing the said bank, and making such bye-laws and regulations for the management of the affairs of the said bank, as the stockholders shall deem necessary; and also for electing seven directors by the stockholders, under the regulations hereinafter provided, which directors shall elect out of their number a President; and they shall have full power to manage the affairs of the corporation, and shall conduct the business of the said bank, subject, nevertheless, to the rules and regulations hereinafter provided: at which general meeting, the stockholders, or the major part of them, shall determine the mode of transferring and disposing of the stock and profits thereof, which being entered into the company's books shall be binding on the stockholders, their successors and assigns, until altered at any other general meeting.

Directors, when  
to go out of  
office, etc.

6. Two of the directors shall annually go out of office in rotation, but shall be eligible for re-election at once if the stockholders shall see fit.

Annual meeting,  
etc.

7. There shall be an annual meeting of the stockholders, to be held on the first Monday of February in each year, at which annual meeting, all vacancies in the board of directors shall be filled up, and after the election of directors, they shall annually choose out of their number, one to be President for the ensuing year, or until another is chosen in his room; in the choice of directors, stockholders shall vote according to the rule hereinafter mentioned.

Votes, etc.

Power of direc-  
tors.

8. The directors, for the time being, shall have power to appoint such officers, clerks, and servants, as they shall think necessary for carrying on the affairs of the bank, and shall allow them such compensation as they shall think right, all which, together with the expense of buildings, rent, and other expenses, shall be paid out of the funds of the company; and the directors shall exercise such other powers for managing the affairs of the company as the bye-laws shall direct.

Business, how  
transacted,

9. The business of the corporation shall be transacted by such number of the directors as shall be determined upon by the stockholders, and specified in the bye-laws, of whom the

President always shall be one; but in case of sickness or temporary absence, the directors present may choose one of their board as chairman in his stead; the President or chairman shall vote at the board as a director, and in case of their being an equal number of votes on any question, the President or chairman shall have a casting vote.

10. No person shall be eligible for a director, unless he is a stockholder, and holding in his own right not less than one hundred shares of the stock of the company, upon which shares, all amounts due shall have been fully paid. And if any director, while in office, shall cease to hold one hundred shares in said stock, such director shall forthwith go out of office, and cease to be a director, and another director shall be chosen in his stead, as hereinafter directed.

Qualification of Directors.

11. Every cashier and clerk of the corporation, before he enters upon the duties of his office, shall give bonds with two or more sureties to be approved by the said directors, that is to say: Every cashier in a sum not less than twenty thousand dollars, with a condition for his good behaviour; and every clerk with the like condition and sureties, in such sums as the directors shall require.

Cashier, &c., to give bonds.

12. The number of votes which each stockholder shall be entitled to on every occasion, when, in conformity with the provisions of this act, the votes of stockholders are to be given, shall in all cases be given in person, and not by proxy, and shall be in the following proportions, that is to say: for one share and less than ten, one vote; for ten shares and less than twenty, two votes; for twenty shares and less than thirty, three votes; for thirty shares and less than forty, four votes; for forty shares and less than sixty, five votes; for sixty shares and less than eighty, six votes; for eighty shares and less than one hundred, seven votes; and for one hundred shares, and all above that number, eight votes.

Votes of Stockholders.

13. The directors may fill up any vacancy that shall occur in the office of President or directors, by death, removal, resignation, or absence from the province for three months, or any incapacity of the President, or any of the directors; and the person so chosen, shall serve until the next succeeding annual meeting of the stockholders.

In case of vacancy.

14. As soon as the sum of one hundred and sixty thousand dollars shall have been actually paid in on account of the stock, and not before, notice thereof shall be given in two at least of the newspapers published in Halifax, and the directors may commence the business of the bank.

When Bank may commence business.

15. The shares shall be assignable or transferable according to the rules which may be established in that behalf; but no assignment or transfer shall be valid, unless it shall be entered in a book to be kept for that purpose, nor until the person or persons making the same shall discharge all debts

Transfer of shares, &c.

actually due and payable to the corporation, and such stock shall be a pledge for any debt which may become due by the holder thereof to the bank, and be disposed of as other stock pledged to the bank; and in no case shall any fractional part of a share, or other than a complete share or shares, be assignable or transferable; and when any stockholder shall transfer all his stock, or it shall be in any way transferred to any other person or persons, such stockholder shall cease to be a member of the said corporation.

Dealings of Corporation.

16. The corporation may conduct the business of banking in all its branches, and may lend money on cash accounts with personal security only, and may generally deal in bills of exchange, promissory notes, gold and silver coin, or bullion, and in other than the current monies of this Province; or in the sale of goods and stock really and truly pledged for money lent and not redeemed, which goods and stock so pledged, shall be sold by the corporation at public sale, at any time not less than thirty days after the period for redemption; and if, upon such sale of goods or stock, there shall be a surplus after deducting the money lent, and interest, together with the expenses of sale, such surplus shall be paid to the proprietors thereof, respectively.

not stock liable corporation.

17. The joint stock or property of the corporation shall alone be responsible for the debts and engagements of the corporation; and no person or persons who may have dealings with the corporation, shall, on any pretence, whatever, have recourse against the separate property of any present or future member of the corporation, or against their persons, except in the cases specified in this act, further than may be necessary to secure the faithful application of the funds of the corporation.

When Act expires, &c.

18. Shareholders in the corporation when this act shall expire, or be repealed, shall be chargeable in their individual capacities, and shall be holden for the payment and redemption of all bonds, bills, and notes, which may have been issued by the corporation, and which may then remain unpaid; but only according to, and in proportion to the share and interest which they may respectively hold in the capital stock of the corporation at the time of such expiration or repeal.

Form of Bank notes.

19. Every bond, bank bill, or bank note, or other instrument, by the terms and effect of which the corporation may be charged or held liable for the payment of money, shall especially declare in such form as the board of directors shall prescribe, that payment shall be made out of the joint funds of the corporation.

sure of notes.

20. The total amount of the debts which the corporation shall at any time owe, whether by bill, bond, or note, or other contract, whatsoever, exclusive of the sum due on deposits, shall not exceed treble the amount of the capital stock actually paid in by the stockholders; nor shall there be due to the cor-

poration at any one time, more than treble the amount of the capital stock actually paid in by the stockholders; and in case of any excess, the directors, under whose administration and management the same shall happen, shall be liable for such excess in their individual and private capacities: provided always that the lands, tenements, goods and chattels of the corporation, shall also be liable for such excess.

21. The directors shall make half-yearly dividends of all the profits, rents, premiums and interest, of the corporation, payable at such time and place as the directors shall appoint, of which they shall give thirty days previous notice, in at least two of the newspapers published in Halifax; but the directors shall not be compelled to make or declare any dividend at an earlier period than one year from and after the passing of this act, unless they shall think it expedient to declare a dividend at an earlier period.

Dividends, when to be made.

22. The books, papers, correspondence and funds, of the corporation, shall, at all times, be subject to the inspection of the directors; but no stockholder not a director shall inspect any books, or the account of any individual with the corporation.

Inspection of books.

23. All the notes or bills issued by the said corporation, shall be signed by the President for the time being, and countersigned and attested by the cashier, and shall be printed and made on stereotype plates, and all bills or notes so signed and countersigned, shall be binding upon the corporation, although not under their seal, which bills or notes shall be payable by the corporation in gold or silver, on demand.

Notes—how made, &c.

24. If the total amount of all the notes of the bank issued and in circulation, shall, at any time, exceed the amount fixed and determined by the act of incorporation of the bank, such act of incorporation shall cease and determine from the time when such excessive issue shall have accrued.

On excess of issue.

25. In case the officers of the corporation shall in the usual banking hours in the bank, refuse or delay payments in gold or silver of any note or bill of the corporation, then presented for payment, the corporation shall be subject to pay on such note or bill to the holder thereof, twelve per cent. interest per annum, from the day of such refusal till the time of payment.

Refusing to pay in gold or silver.

26. The corporation shall be liable to pay any bona fide holder, the original amount of any note of the bank, which shall have been counterfeited or altered in the course of its circulation to a larger amount, notwithstanding such alteration.

Counterfeit notes

27. The bank shall be kept and established at Halifax, or at such other place as the board of directors may think it necessary to remove the bank to, on account of any great emergency, for the security thereof.

Bank—where kept.

Returns to be made.

28. The cashier of the bank shall twice in each year, that is to say: on the thirty-first day of January, and the thirty-first day of July, make a return of the state of such bank, as it existed at the closing of the books on those days, respectively, and he shall transmit the same as soon as may be, not exceeding fifteen days thereafter, to the Provincial Secretary, for the purpose of being laid before the legislature, at its next session, which returns respectively, shall specify the amounts then due from the bank, designating, in distinct columns, the several particulars included therein; and shall also specify the resources of the bank, designating, in distinct columns, the several particulars included therein; and the said returns shall be in substance as follows:

*State of the People's Bank of Halifax, on the      day of*  
 DUE FROM THE BANK.

Capital Stock.....	
Bills in circulation.....	
Nett profits on hand.....	
Balances due to other banks.....	
Cash deposited, including all sums whatsoever due from the bank not bearing interest; its bills in circulation—profits and balances due to other banks excepted.....	
Cash deposited bearing interest.....	
Total amount due from bank.....	

BALANCES OF THE BANK.

Gold, silver, and other coined metals, in its banking house.....	
Real Estate.....	
Bills of other banks incorporated in this Province.....	
Bills of all other banks.....	
Balances due from other banks.....	
Amount of all debts due, including notes, bills of exchange, and all stocks and funded debts of every description, excepting the balances due from other banks.....	
Total amount of the resources of the bank.....	
Rate and amount of the last dividend.....	
Amount of reserved profits at the time of declaring the last dividends.....	
Amount of debts due to the bank, secured by a pledge of its stock.....	
Amount of debts due and not paid, and considered doubtful.....	

which return shall be signed by the cashier of such bank, who shall make oath before some justice of the peace, to the truth

of every such return, according to the best of his knowledge and belief, and one of the directors of such bank shall certify and make oath, that the books of the bank indicate the state of facts so returned by the cashier, and that he has full confidence in the truth of such return; and no further or other returns shall hereafter be required from the bank; copies of which statements shall be laid before the stockholders, at the general annual meeting of the corporation.

29. If upon the exhibition of the yearly account of the corporation, and of the property and effects thereof, it shall appear to the satisfaction of the Legislature, if then in session, or to the Governor in Council if the Legislature be not in session, that the paid up capital of the corporation has been diminished, by losses and bad debts, to one half of the amount of the capital, or sum so paid up, that then the said corporation shall be dissolved by an act of the Legislature, if in session, or if not, by proclamation of the Governor in Council.

If capital diminished, &c.

30. Any number of the stockholders, not less than thirty, who, together, shall be proprietors of two thousand shares, shall have power at any time to call a general meeting of the stockholders, for purposes relating to the business of the corporation, giving at least thirty days notice, in at least two newspapers, published at Halifax, specifying in such notice the time and place of such meeting, with the objects thereof; and the directors, or any four of them, shall have the like power at any time, upon observing the like formalities, to call a general meeting, as aforesaid.

General meeting.

31. On any dissolution of the corporation, immediate and effectual measures shall be taken by the directors, then in office, for closing the affairs of the corporation, and for dividing the capital and profits, which may remain amongst the stockholders in proportion to their respective interests: provided always, that notwithstanding such dissolution, it shall and may be lawful to use the corporate name, style, and capacity, for the purpose of suits, for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of the property, real, personal, and mixed, thereto belonging, but not for any other purpose or manner soever, nor for a period exceeding four years after the dissolution; and the directors in office, at the happening thereof, shall, during those four years, if necessary, continue in office, and shall be charged with, and take effectual measures for, closing the concerns of the corporation, and dividing the remaining capital and profits amongst the stockholders, according to their respective interests therein.

Dissolution, &c.

32. In case any loss or deficiency of the capital stock of the corporation shall occur from the official mismanagement of the directors, the stockholders at the time of such mismanagement, shall, in their private and individual capacities, be

Official management.

respectively liable to pay the same: provided that in no case shall any one stockholder be liable to pay a sum exceeding in amount the stock then actually held by him, in addition to the stock so actually held by him.

Access to books, &c.

33. Any person nominated by the Governor in Council, or any joint committee named by the Legislature, for that purpose, shall at any time have free access to the books and vaults of the corporation, for the purpose of examining into their proceedings: provided no person shall have such access who is a stockholder or director of any other bank; and also provided such person or committee shall not be authorized to examine the account of any individual with the company; and that no member of the company shall be on such committee.

Not to affect Chap. 87 Rev. Stat.

34. Nothing in this act contained shall affect the operation of chapter 87 of the Revised Statutes, entitled, "Of Currency."

Continuance of act.

35. This act shall continue and be in force for fifteen years, and from thence to the end of the then next session of the general assembly.

CHAPTER 23.

An Act to Amend the Act to incorporate the Nova Scotia Marine Insurance Company.

(Passed the 31st day of March, A. D. 1864.)

SECTION 1.—Directors shall be six.

Be it enacted by the Governor, Council, and Assembly, as follows:

Directors shall be six.

1. At the next annual general meeting of the Nova Scotia Marine Insurance Company, six directors shall be elected, instead of the number provided by the act of incorporation, and the business of the company shall thereafter be managed by the board so elected.

CHAPTER 24.

An Act to incorporate the House Joiners' Union Society of Halifax.

(Passed the 31st day of March, A. D. 1864.)

SECTION.

- 1. Incorporation. Council.
- 2. Bye-laws.

SECTION.

- 3. Real Estate.

Be it enacted by the Governor, Council, and Assembly, as follows:

Incorporation.

1. James Martin, Michael Walsh, Donald Mitchell, Clifford H. Mitchell, Thomas Mates, John Townsend, Robert Stewart, John Crowe, Joseph Britton, John Ryan, James Neill, William Drysdale and Samuel McCulloch, and such other persons as



now are or shall become members of the company hereby established, and their successors, are hereby created a body corporate, by the name of the House Joiners' Union Society of Halifax, for the purpose of defraying expenses consequent on the death of their members, for the support of members during illness, for making provision for the maintenance of the widows and families of deceased members, and the education and apprenticeship of orphan children of deceased members.

2. The society shall be under the management of a council of eight members, who shall be elected by the members of the society. Council.

3. The society shall have power to make such bye-laws as shall be necessary for the purpose of electing officers, managing the society, and carrying out the objects for which it is incorporated, such bye-laws not to be repugnant to the laws of this Province, and to be approved of by the Governor and Council. Bye-Laws.

4. The society may hold real estate not exceeding in value eight thousand dollars. Real Estate.

## CHAPTER 25.

### An Act to incorporate a company to establish a Steam Boat Ferry across the Harbor of Pictou.

(Passed the 18th day of April, A. D., 1864.)

#### SECTION.

1. Incorporation.
2. Capital shares. When to go into operation.
3. Landing places. Company may erect wharves, etc.
4. Real Estate.
5. Company to have exclusive right of ferrying.
6. If boats discontinued, right to cease.

#### SECTION.

7. Rates.
8. Liability of Shareholders.
9. Hours when boat to run.
10. On extension of Railway, Governor in Council may make arrangements for ferriage.
11. Company to go into operation in one year.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. John Crearer, John T. Ives, Donald Fraser, Charles T. Irving, William Gordon, Cornelius Dwyer, and such other persons as now are and shall hereafter become shareholders in the company hereby established, their successors and assigns, shall be a body corporate, by the name of "The Pictou Steam Boat Company," for the purpose of establishing an efficient communication between the town of Pictou, Fisher's Grant, and Abercrombie Point, or some other convenient place on the south side of the harbor of Pictou. Incorporation.

2. The capital stock of the company shall be twelve thousand dollars, to be divided into three hundred shares of forty Capital Shares

dollars each, and may be increased, if necessary, by a vote of the company to a sum not to exceed twenty thousand dollars, but the company may go into operation as soon as six thousand dollars are subscribed.

When to go into operation.

Landing places.

3. The boat or boats of the company shall run from the public landing, at the foot of Coleraine street, in the town of Pictou, to the public landing at Fisher's Grant, and to some convenient landing at Abercrombie Point and Loch Broom, or both of them, as the company may determine, by and with the consent of the general sessions for the county, and may agree upon with the owners of private property; and the company shall be at liberty to erect, build, and make on such public property, and on the waters of the harbor in front thereof, by and with the consent of the sessions aforesaid, all such wharves and other buildings and erections as may be necessary for the use of the company, and for the convenience of receiving passengers and property into their boats and landing the same therefrom.

Company may erect wharves, &c.

Real estate.

4. The company shall not hold real estate to a greater value than the sum of twelve thousand dollars (\$12,000.)

Company to have exclusive right of ferrying.

5. As soon as the company shall procure a good steam ferry boat, sufficient for the transportation of passengers, carriages, horses, cattle, and other property, and shall commence to run the same agreeably to the bye-laws established under this act, they shall have and enjoy the sole and exclusive right of ferrying between the places specified, for the term of fifteen years thence next ensuing.

If boats discontinued right to cease.

6. If the company shall discontinue to run their boat on the ferry during the open navigation of the harbor, unless prevented by unavoidable accident or necessity, the sole and exclusive right or privilege to carry on such ferry shall cease and determine; and in the event of being prevented from running the same by accident or for want of repairs, the company shall provide good and sufficient boats, with sails and oars, for the conveyance of passengers across the harbor during the time required to make such repairs.

Rates.

7. The rates of ferriage and freight shall be fixed and determined, from time to time, by the company, but the same shall not exceed the sum of five cents for each adult passenger, and two cents for children under twelve years of age; twenty cents for each horse, cow, steer, heifer or bull; four cents for each sheep or pig; twenty-five cents for each carriage, waggon, or other vehicle with horse, and two cents for every hundred pounds of other property, provided that the Governor in Council may by order, from time to time, authorize the rates of ferriage and freight, or either of them, to be increased or diminished to such an amount as to them may seem advisable.

8. No shareholder shall be liable on account of the debts of the company for a greater amount than double the amount of the stock held by him, deducting therefrom the amount paid to the company on account of such stock, unless he shall have rendered himself liable therefor by becoming security for the debts of the company to a greater amount.

Liability of shareholders.

9. The boat or boats of such company shall run to and from the several points required by this act, from six o'clock, A. M., to ten o'clock, P. M., and shall leave each of the points of the said ferry at least once in each hour during that time, and the general sessions may make rules and regulations respecting the running of such boat or boats on such ferry, and the company shall observe the same.

Hours when boat to run.

10. On the extension of the Provincial Railway to the waters of Pictou harbor, the Governor in Council shall, during and after the construction of such railway, have as full power to make such arrangements for ferriage across Pictou harbor as may in his opinion be necessary for the public convenience, as if this act had not passed.

On extension of railway, Governor in Council may make arrangements for ferriage.

11. If the company shall not go into operation within one year, this act shall be void.

Company to go into operation in one year.

CHAPTER 26.

An Act to amend the Acts to incorporate the Halifax Fire Insurance Company.

(Passed on the 18th day of April, A. D. 1864.)

SECTION.

- 1. Act repealed.
- 2. When to commence business. Amount to be insured. Liability of members.

SECTION.

- 3. Act repealed.
- 4. Real Estate.
- 5. May insure out of Province.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Section four of chapter ninety one of the acts of 1859, entitled, "An Act to incorporate the Halifax Fire Insurance Company," is repealed, and the following section is substituted in lieu thereof.

Act repealed.

2. When the corporation shall have provided the capital, or joint stock of two hundred thousand dollars, and invested one hundred thousand dollars, as hereinbefore directed, it shall be lawful for them to commence business, and to cause insurance to be made on houses, buildings, stores, goods, and merchandize, from loss or damage by fire; provided always, that the risk incurred by the corporation, upon the capital of two hundred thousand dollars, shall not at any time exceed two millions of dollars; but for every eight thousand

When to commence business.

Amount to be insured.

dollars of additional capital subscribed, of which four thousand shall be invested and secured, insurances may be effected to the amount of eighty thousand dollars; and when the whole capital of four hundred thousand dollars shall be subscribed, and the sum of two hundred thousand dollars shall be invested and secured as hereinbefore directed, then it shall be lawful for such company to insure or have at risk at any one time, the amount of four million dollars, and no more; and the whole of the capital or joint stock shall be pledged and liable to make good all and every loss which may happen on all or any of the policies; and in case the company shall at any time make insurances beyond the amount hereby authorized, the members of the corporation shall be liable in their own persons and estates for their respective shares or proportions of the sum insured beyond the said amounts.

Liability of members.

Act repealed.

3. Section three of chapter seventy of the acts of 1860, entitled, "An act to amend the act to incorporate the Halifax Fire Insurance Company," is repealed, and the following section is substituted in lieu thereof.

Real Estate.

4. The company may purchase, take, and hold, real estate, not exceeding in value twenty-five thousand dollars, and may mortgage, sell, lease, or otherwise dispose of the same as they may think proper.

May insure out of Province.

5. The company may effect insurances without as well as within the Province, but only to the extent hereinbefore mentioned.

## CHAPTER 27.

An Act to repeal the Act to incorporate the Bridgeport Union Coal Mining Company.

(Passed on the 18th day of April, A. D. 1864.)

SECTION 1.—Chap. 88 Acts 1863 repealed.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Chapter 88 of the acts of 1863, entitled, "An Act to incorporate the Bridgeport Union Coal Mining Company," is hereby repealed.

Chap. 88 Acts 1863 repealed.

## CHAPTER 28.

## An Act to incorporate the Albion Mines Union Association.

(Passed on the 18th day of April, A. D. 1864.)

## SECTION.

1. Incorporation.
2. Rules, etc., of Union Association valid.

## SECTION.

3. Alteration of bye-laws.
4. Real Estate.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Robert Muir, William McPherson, James Mitchell, James Wier, and George Davidson, their associates, successors, and assigns, shall be a body politic and corporate, under the style and name of the "Albion Mines Union Association." Incorporation.

2. The rules and bye-laws of the society, now known as the Union Association at the Albion Mines aforesaid, shall after the passing of this act, and when the same shall be approved by the Governor in Council, have the force and effect of law, and the affairs and business of the association hereby incorporated, shall be conducted and managed thereunder. Rules, &c., of Union Association valid.

3. The association shall have power to amend or alter any of the said rules or bye-laws as therein provided; and such amended rule or bye-law, shall, when approved by the Governor in Council, have the force of law. Alteration of bye-laws.

4. The association may hold and possess real estate, not exceeding ten thousand dollars in value. Real estate.

## CHAPTER 29.

## An Act to incorporate the Sisters of Charity.

(Passed on the 18th day of April, A. D. 1864.)

## SECTION.

1. Incorporation.
2. Funds vested in corporation.

## SECTION

3. How applied, etc. Real Estate.
4. May collect arrears.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Mary Connolly, Eliza McDermott, Mary McNamara, Joanna Carroll, Eliza Ennis, and their associates, so-called Sisters of Charity, in connection with the Roman Catholic Church of Halifax, and such other persons as shall be members of their community, according to the rules and bye-laws thereof, are hereby incorporated under the name of the Sisters of Charity. Incorporation.

2. The funds and property now owned by the Sisters of Charity, or which may hereafter be acquired by them, shall be vested in the corporation hereby constituted, without prejudice, however, to the rights of any other persons therein. Funds vested in corporation.

How applied, &amp;c.

3. The corporation is hereby authorized to invest their funds on mortgage, or otherwise, for the benefit of the community and for the support of orphan children, and the education of female children; and the corporation may purchase and hold real estate to the value of twenty thousand dollars.

Real estate.

May collect arrears.

4. The corporation may collect all arrears due to them under the bye-laws of the community.

## CHAPTER 30.

## An Act to incorporate the Yarmouth Seminary.

(Passed on the 18th day of April, A. D. 1864.)

## SECTION.

Preamble.

1. Incorporation. Real Estate.

## SECTION.

2. Lands vested in corporation.

3. Time of holding first meeting.

Be it enacted by the Governor, Council, and Assembly, as follows:

Preamble.

Whereas, a number of persons in Yarmouth have contributed means for the establishment of an institution of learning, to be called the Yarmouth Seminary, subject to such rules and regulations as are specified in the conveyance and constitution under which they have associated themselves; and for the furtherance of the object they have in view, are desirous of obtaining an act of incorporation for enabling them to hold property, and manage their affairs with greater ease and convenience;

Be it therefore enacted by the Governor, Council, and Assembly, as follows:

Incorporation.

1. Nehemiah K. Clements, Thomas Killam, Nathan Moses, John W. Lovitt, George Killam, George Stayley Brown, John K. Ryerson, Abel C. Robbins, Aaron Goudey, Samuel M. Ryerson, Bowman Corning, and such other persons as now are, or hereafter may be, members of the association, and their successors, shall be a body corporate, by the name of "The Yarmouth Seminary;" provided, nevertheless, that the corporation shall not hold real estate, lands, tenements, goods, chattels, or property at any one time of greater value than thirty thousand dollars.

Real estate.

Lands vested in corporation.

2. The lands and premises in Yarmouth, and all other property of every kind now vested, or being, by deed or any other manner whatever, in Nathan Moses, John K. Ryerson, John W. Lovitt, Thomas Killam, George Stayley Brown, Gregg Joseph Farish, James Murray, Denis Horton, Samuel Killam, and Bowman Corning, in fee simple or otherwise, in trust for, or for the use or benefit of, the said seminary, as

heretofore instituted, shall be, and are hereby declared to be, transferred to, and to be vested in, and become the sole and absolute estate and property of the seminary hereby incorporated, and to be held, used, and enjoyed by the seminary in succession, as if the same had been originally conveyed thereto by deed or other conveyance.

3. The several times limited by the constitution of the seminary, within which the first meeting of the board of governors, and the appointment of the members of the school committee should take place, having been suffered to pass without any effectual action being taken for the purposes intended, it is hereby enacted and declared that such respective periods or dates shall be altered, and extended to such convenient time, in each case, as the parties interested may choose, not exceeding three months from the passing of this act.

Time of holding first meeting.

## CHAPTER 31.

### An Act to incorporate the Albion Mines Savings' Bank.

(Passed the 18th day of April, A. D., 1864.)

#### SECTION.

1. Incorporation.
2. President, Directors.
3. Capital shares.
4. Real Estate.
5. First General Meeting—how called, proceedings at, etc. Bye-laws.
6. Annual meeting—proceedings at, etc.

#### SECTION.

7. Officers, appointment, salaries, etc.
8. Vacancies—how filled up.
9. Business of company.
10. Books to be kept.
11. Shares—how transferred.
12. Duration of Act.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. David A. Dickson, Thomas Bleckinsopp, George S. Carritt, William McPherson, Hector McKenzie, Robert Muir, Henry Mosely, their associates, successors, and assigns, and such other persons as shall from time to time become shareholders in the company hereby established, are hereby constituted and created a body politic and corporate, by the name of the "Albion Mines Savings' Bank," for the purpose of carrying on business as a Savings' Bank, at the Albion Mines, in the county of Pictou.

Incorporation.

2. The business of the company shall be under the management of a President and six directors, and such other officers as may be found necessary.

President, Directors.

3. The capital stock of the company shall be limited to twenty thousand dollars, in shares of twenty dollars each.

Capital shares.

4. The corporation shall have full power and authority to hold, possess, and enjoy lands, tenements, and real estate, to any amount not exceeding five thousand dollars, and nothing

Real Estate.

herein contained shall prevent or restrain the corporation from taking or holding real estate to any amount whatsoever, under judgment or mortgage recovered or taken as collateral security for the payment of any sum or sums of money, advance by, or for debts due to the corporation; but the said corporation shall not be authorized to lend money on mortgage upon lands or other real property, unless by way of additional security for debts contracted with the corporation in the course of its dealing.

5. After the passing of this act a general meeting of the shareholders of the corporation shall be called by notice in one or more of the public newspapers, and at such meeting, seven directors, being shareholders, shall be appointed, which directors shall out of their number choose a President, and shall also make rules and bye-laws for the regulation and management of the affairs and business of the corporation, which rules and bye-laws, when approved by the Governor in Council, shall have the force and effect of law, and such rules and bye-laws may be altered and amended at any annual meeting of the corporation, by a two-third vote of the shareholders present; such alteration or amendment to be of no effect till approved by the Governor in Council.

6. There shall be a general meeting of the shareholders annually, in the last Wednesday of December in each year, for the election of directors and the transaction of other business of the corporation, subject to the rules and bye-laws in force.

7. The directors shall have power to appoint such officers, clerks, and servants as they shall think necessary for the transaction of the business of the corporation, and shall allow them such compensation for their services as to the directors shall appear reasonable.

8. The directors may fill up any vacancy that shall be occasioned in the office of President, or in the board of directors, by the death, removal, resignation, or absence from the province for three months of any director, and the person so chosen by the directors shall serve until the next succeeding annual meeting of the shareholders.

9. The corporation shall not have the power to issue any bank bill, or note, but the operations of the corporation shall be confined to receiving deposits of money from shareholders and others, and lending money under the terms and regulations to be established by the bye-laws of the corporation; but such loans or deposits shall not at any one time exceed twenty thousand dollars.

10. A book shall be kept by the directors, in which shall be entered the names of the shareholders of the corporation, with the number of shares held by each, and the transfer of such shares, and also a minute of the proceedings of the an-

First general meeting—how called, proceedings at, &c.

Bye-laws

Annual meeting, proceedings at, etc.

Officers, appointment, salaries, &c.

Vacancies—how filled up.

Business of company.

Books to be kept.



nual meeting of the shareholders and of the directors throughout the year.

11. The shares may be assigned or transferred according to the rules and bye-laws, but no such assignment shall be valid until the same shall be entered in the book kept for that purpose.

Shares—how transferred.

12. This act shall continue and be in force for ten years, and from thence to the end of the then next session of the general assembly.

Duration of Act.

## CHAPTER 32.

### An Act to incorporate the Cobequid Marine Insurance Company.

(Passed the 18th day of April, A. D., 1864.)

#### SECTION.

1. Incorporation.
2. Real Estate.
3. Capital shares.
4. Liability of Shareholders.
5. Holders to give security for balance of stock.
6. Calls—how made, etc.
7. Affairs of the company—how managed.
8. First meeting—when held.
9. Minutes of proceedings to be kept, etc.

#### SECTION.

10. Stock list. Transfer to be entered.
11. Amount to be insured in one risk.
12. Capital—how invested, etc.
13. Books open to inspection. Securities to be approved by Governor in Council.
14. If capital exhausted, business to cease. If policies issued President and Directors liable.
15. Company—how dissolved.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Adams G. Archibald, James K. Blair, James Crowe, James Campbell, J. F. Blanchard, Charles Coy, John B. Dickie, James Fleming, John Yeuell, Charles Blanchard, Samuel Rittie, and George Reading, and such other persons as now are or may hereafter become shareholders in the company hereby established, their successors and assigns, shall be a body corporate, by the name of the Cobequid Marine Insurance Company, for the purpose of conducting the business of Marine Insurance at Truro, in this Province.

Incorporation.

2. The company may purchase, take, and hold real estate, not exceeding the value of four thousand dollars.

Real Estate.

3. The original capital stock of the company shall be thirty thousand dollars, which may subsequently be increased by vote of the shareholders to sixty thousand dollars, to be divided into shares of one hundred dollars each, which shares shall be numbered in regular progression; but no member of the company shall hold more than twenty-five shares at one time.

Capital,

Shares.

4. No member of the corporation shall be liable on account of the debts of the company to a greater amount in the whole

Liability of shareholders.

than double the amount of the stock held by him, deducting the monies paid thereon to the company, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the company.

Holder to give security for balance of stock.

5. Every shareholder shall, at or before the time appointed for payment of the first call for payments on account of the shares, execute and deliver to the company, either a bond, with a mortgage on real estate to accompany the same, or otherwise a bond with two sufficient sureties, such 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 or payable on the shares held by him, which securities shall be subject to the approval of the majority of the persons named in this act, until the board of directors shall be chosen, and afterwards to the approval of such board.

Calls—how made, etc.

6. All calls or instalments on account of the shares shall be paid by the several shareholders at such times and in such equal proportions as the directors shall appoint, and notice of the times and places of paying such calls shall be given by them, by advertisement in at least two of the Halifax newspapers, thirty days at least previous to the time of payment.

Affairs of the company—how managed.

7. The management of the affairs of the company shall be conducted by a board, to consist of a president and six directors, and the necessary officers of the company shall, in addition thereto, consist of a secretary, two auditors or examiners of the accounts of the company, and such other officers and servants as the company shall by their bye-laws direct.

First meeting—when held.

8. So soon as these three hundred shares are subscribed, the company may hold their first meeting.

Minutes of proceedings to be kept, etc.

9. The proceedings of every general or special meeting of the company shall be entered by the secretary, or such other person as shall attend in his place, in a book to be kept for that purpose, and shall then be signed by the chairman of the meeting, and being so entered and signed shall be deemed to be the original orders and proceedings of the company, and when proved shall be legal evidence thereof, which book shall be kept at the office of the secretary, and shall be open for the inspection of any person who may desire the same at all reasonable times without fee.

Stock list.

10. The secretary shall also keep in his office a book containing a record of the original subscriptions of stock, and of all additions thereto, and of all alterations in the ownership thereof, together with the amounts paid thereon; and no transfer of such stock shall be valid until it shall be entered in such book, which book being proved shall be legal evidence of the ownership of the shares, and shall be open for the inspection of any person who may desire the same at all reasonable times without fee.

Transfer to be entered.

11. As soon as the whole original capital shall have been subscribed, and the sum of seven thousand five hundred dollars shall have been actually paid to the company by the proprietors of shares, and sufficient securities shall have been given by them for the balances thereof, the directors may, at their office in Truro, commence and conduct the business of marine insurance in all its branches, and may make insurance upon all subjects of marine insurance whatsoever, and may transact all matters relating to the business of a marine insurance broker, insurer or underwriter; but until the expiration of one year from the time when the company shall commence the business of insurance, no greater sum than four thousand dollars, and after the expiration of the year, no greater sum than eight thousand dollars, in the whole, shall be insured by the company and be at risk at the same time upon any one ship or vessel, her cargo, freight, or other interest therein depending on the same risk.

Amount to be insured in one risk.

12. All the paid capital of the company which shall not be considered necessary to be kept on hand for the payment of losses or expenses, shall be kept constantly invested at interest upon approved securities, as mentioned in the fifth section, or in public funds, bank or other stocks, in the name of the company; but no part thereof, beyond the sum absolutely necessary for procuring the necessary buildings for conducting the business of the company, shall be invested in the purchase of real estate, nor shall any part thereof be lent on bottomry or respondentia, or on mortgage of ships or vessels; but mortgages of other personal property may be held by the company to secure a debt; nor shall the funds of the company be employed in merchandize; nor shall the company carry on trade as a merchant; nor shall any dividend be made of any part of the capital stock; nor shall any loan of any part of the capital stock be made directly or indirectly to any director of the 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.

Capital—how invested, etc.

13. The books and accounts of the company shall at all times be open to the examination of such persons as the Governor in Council shall appoint to inspect the same; and before any policy of insurance shall be issued by the company, the securities upon which the surplus capital stock and the balance of the unpaid stock of the company shall have been invested or secured, shall be first approved by the Governor in Council.

Books open to inspection.

Securities to be approved by Governor in Council.

14. If it shall happen that 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

If capital exhausted

Business to cease

If policies issued  
President and di-  
rectors liable.Company—how  
dissolved.

be outstanding 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 the president or board of directors, it shall not be lawful for the company to make, or for the board to accept, orders for, or issue any new insurance or policies whatsoever; and if any further insurance shall be made, or policies issued, after such knowledge of the affairs of the company had by the president or directors, or any of them, then for all losses under such insurance and policies the president and each of the directors who shall accept or make such insurance, or authorize or sign the same policy, shall be personally and jointly and severally liable to the full amount of such losses and all charges incident thereto.

15. Upon the happening of such losses or misfortunes as last mentioned to the extent of the capital and funds, or upon the vote of three-fourths in number of the proprietors in the company, holding at least three-fourths of the whole number of shares in the company, the proprietors may dissolve the company and declare that the same shall cease on a day to be fixed, and thereupon the company on that day shall cease and determine.

## CHAPTER 33.

## An Act to Incorporate the Shipwrights' and Caulkers' Association of Halifax and Dartmouth.

(Passed on the 18th day of April, A. D. 1864.)

## SECTION.

1. Incorporation.
2. Bye-laws.

## SECTION.

3. Officers.
4. Real estate.

Be it enacted by the Governor, Council, and Assembly, as follows:

Incorporation.

1. James Regan, William Hinch, Edmund Garde, Michael O'Brien Peare, John Young, Timothy Regan, William Tierny, and such other persons as now are or shall become members of the company hereby established, and their successors, are hereby created a body corporate, by the name of the Shipwrights' and Caulkers' Association of Halifax and Dartmouth, for the purpose of assisting the several members of their association in case of sickness or death in their families, and in other cases beneficial to their members and their families; and also for the purpose of carrying out their several trades more advantageously for the mercantile communities of Halifax and Dartmouth.

Bye-laws.

2. The association shall have power to make such bye laws as shall be necessary for the purpose of electing officers, managing the society, and carrying out the objects for which

it is incorporated; such bye laws not to be repugnant to the laws of this Province, and to be approved of by the Governor and Council.

3. The officers of the association shall be a President, two vice-presidents, a secretary, a treasurer, and such others as may be specified by the bye laws. Officers.

4. The association may hold real estate not exceeding in value four thousand dollars. Real estate.

### CHAPTER 34.

#### An Act to add to the name of Robert Burton.

(Passed on the 18th day of April, A. D. 1864.)

SECTION 1.—Surname added.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The surname of Lockhart shall be added after the surname of Robert Burton, of Lockartville, in the township of Horton, in Kings county, the son of William Burton of Hantsport, in the county of Hants, minister of the gospel, and the adopted son of Andrew Lockhart, of Lockartville, afore-said, yeoman, the said William Burton and Andrew Lockhart, having desired the said addition on behalf of the said Robert Burton; and after the passing of this act, the said Robert Burton shall be legally known and called by the name of Robert Burton Lockhart. Surname added.

### CHAPTER 35.

#### An Act to amend the Act to Incorporate the Glace Bay Mining Company.

(Passed on the 10th day of May, A. D. 1864.)

SECTION.

1. Vessels may load at harbor on payment of dockage, etc. Company to have priority. Only one vessel at a time.

SECTION.

2. Vessels to be subject to rules of company.  
3. No right to ship coals.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Vessels may be allowed to enter the harbor constructed at Little Glace Bay by the Glace Bay Mining Company, and to land and ship cargoes there, except coal, on the payment of dockage and tolls to the company; the rate of such dockage and tolls to be fixed by the company and approved by the Governor and Council: provided such vessels shall not interfere with the use of the harbor by the company; and in all Vessels may load at harbor on payment of dockage etc.

Company to have  
priority.

cases the company shall be entitled to priority, to the exclusion of all other vessels, in favor of vessels bringing goods for them or their order, or coming to receive coal from them; and in no case shall more than two vessels at any one time be entitled to the privilege granted by this act, except by consent of the company.

Only one vessel  
at a time.

Vessels to be sub-  
ject to rules of  
company.

2. All vessels entering the harbor of Little Glace Bay, shall be subject to such rules and regulations as shall from time to time be made by the company and approved by the Governor and Council.

No right to ship  
coals.

3. Nothing in this act or the act of which this is an amendment, shall give any parties the right to use the harbor constructed by the company at Little Glace Bay, for the shipment of coals, without the consent in writing of the company from time to time accorded and given.

## CHAPTER 36.

### An Act to Incorporate the "Louisburg Railway Company."

(Passed on the 10th day of May, A. D., 1861.)

#### SECTION.

1. Incorporation.
2. Capital.
3. Time for company going into operation.
4. Liability of shareholders.
5. First meeting; how called; proceedings, etc. Directors. Quorum. Meeting of directors.
6. List of stockholders to be filed.

#### SECTION.

7. Agent to be appointed. Service of process.
8. Proceedings to obtain land for company.
9. Books, &c., to be open to inspection.
10. Act to cease, if road not commenced in two years.
11. Road may be built across other roads, etc.

Be it enacted by the Governor, Council, and Assembly, as follows:

Incorporation.

1. Robert Belloni, and such other persons as shall become shareholders in the company hereby created, their successors and assigns, are hereby constituted a body politic by the name of the "Louisburg Railway Company," for the purpose of constructing a railway from Louisburg to Cow Bay, and thence along the northwardly shore towards Bridgeport, Lingan, or Sydney, in the Island of Cape Breton, and for transacting business connected therewith, and for constructing and building such wharves, docks, and piers, as may be necessary for the shipment of coal and other articles.

Capital.

2. The capital of the company shall be five hundred thousand dollars, with power for the company to increase the amount to a million dollars.

Time for com-  
pany going into  
operation.

3. The company, as soon as the same shall have been organized and the sum of twenty-five per cent. of the stock paid in, may proceed to construct a railroad connecting the harbor of Louisburg with Cow Bay, thence towards Bridgeport, Lingan, or Sydney; they may construct such railroad,

erect piers, break-waters, and shipping places, upon any land owned by the company, or acquired as hereinafter provided.

4. No member of the corporation shall be liable, in his person or separate estate, for the liabilities of the corporation to a greater amount in the whole than the amount of the stock held by him, deducting therefrom the amount actually paid to the company on account of such stock, unless he shall have rendered himself liable for a greater sum by becoming surety for the debts of the Company.

Liability of shareholders.

5. The first meeting of the corporation shall be held at such time and place in this province, or in the United States of America, as any two-thirds of the incorporators shall determine, of which public notice shall be given in two of the newspapers published in Halifax, in this province, at least fourteen days before such meeting, at which or at any subsequent meeting the corporation may be organized by the election of a board of directors, of not less than three, nor more than seven, as shall be agreed on by the shareholders then present; a majority of the whole number of the directors so chosen shall be a quorum; all subsequent meetings of the board of directors may be held at such place in this province, or in the United States, as the board of directors in their bye-laws shall direct; and they may in their bye-laws provide the time and manner of choosing the officers of the said corporation.

First meeting: how called; proceedings, etc.

Directors.

Quorum.

Meeting of directors.

6. A list of the stockholders of the said company and of the number of shares held by each of them on the first days of May and November, in each year, certified under the hands of the president and secretary, shall be filed in the months of May and November, in each year, with the registrar of deeds in the county where the principal works of the company are situated; such certificate to contain the names of the stockholders and the number of shares held by them, respectively, on the first day of the month in which such certificate is filed, and it shall not be necessary to file any other certificate of transfer or copy thereof.

List of stockholders to be filed.

7. The company, through their directors, or otherwise, shall appoint a recognized agent or manager, resident in this province, service on whom of all process, notices, and other documents, shall be held to be sufficient service on the company, and the name and address of such agent shall be filed with the registrar of deeds for the county where the principal works of the company are situated; in default of such appointment, or in case of the absence or death of the agent, or in case of doubt, process, notices, and documents, may be served on any officer or employee of the company, or for want of such officer or employee may be posted on some principal building of the company, and such service or posting shall be deemed a sufficient service on the company.

Agent to be appointed.

Service of process.

Proceedings to  
obtain land for  
company.

8. Whenever it shall be requisite in the construction of the railroad contemplated by this act, that this company should be invested with the lands over which the same shall pass, and contiguous thereto, for the tract of the road and for stations, and no agreement can be made for the purchase thereof, it shall be lawful for the directors to apply by petition, with a plan annexed, to any one of the judges of the supreme court, setting forth the nature and situation of the lands required, the names of the owners or occupiers thereof, and praying a conveyance of the same to the company, whereupon such judge, being satisfied that the lands are required and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice in writing, to be served upon the owner or occupiers of the lands, if in the province, and to be published for the period of one month in at least two newspapers published at Halifax, and in one newspaper of the county where the lands lie, if there be any, requiring them to attend at such time and place, personally or by attorney, and the judge shall require the directors to nominate one appraiser, and such owners to unite in naming two appraisers, and the judge shall nominate two appraisers; but in case such owners do not attend, or shall refuse, or neglect, or cannot agree to make such nomination, the judge shall, on proof of such publication or service of such notice, nominate four appraisers, and shall by an order in writing direct the said five appraisers to value the lands so required, and the appraisers, having first subscribed an affidavit in writing, to be sworn to before a justice of the peace and annexed to such order, to the effect that they will faithfully make such appraisement, shall with all convenient speed proceed to and appraise such land, and shall make such appraisement in writing and return it under the hands of the appraisers or a majority of them, with such order and affidavit, to a judge, who may confirm, modify, alter or reject such appraisement, or direct an appraisement de novo; and the company, upon paying or tendering the amount of the appraised value as finally confirmed, and the expenses of the owners on such appraisement, to the owners, or in case of dispute, to such parties as the court or a judge shall direct, and registering such order, affidavit, appraisement, and confirmation in the office of the registrar of deeds in the county in which such lands lie, who is hereby required to register the same, shall be considered the owners of such lands.

Books, etc., to be  
open to inspection.

9. The books and accounts of the company shall at all times be open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

Act to cease, if  
road not commenced  
in two years.

10. This act shall cease and determine if the railroad shall not be effectively commenced and continued within two years from the date of its passing.



11. It shall be lawful for the company to make or construct a railway over and across any roads in the line of the projected railroad, and over and across any railroad, or tram-roads, and over any rivers, brooks, or streams, subject nevertheless in such cases to regulations to be made by the court of sessions, to ensure the safety of the inhabitants and their property.

Road may be built across other roads, etc.

## CHAPTER 37.

### An Act to incorporate the Nova Scotia Coal Company.

(Passed on the 10th day of May A. D. 1864.)

#### SECTION.

1. Incorporation.
2. Capital. Shares. May issue bonds. When to go into operation.
3. First meeting; how called; proceedings, etc. Directors.
4. Liability of members.
5. Announce meetings. Agent. Service of process, etc.

#### SECTION.

6. May construct Railroads.
7. Stock books. Officers, etc.
8. Proceeding to obtain land for company.
9. Books, etc., open to inspection.
10. Operation to be commenced within two years.
11. List of Stockholders to be filed.
12. Road may be built across other roads, &c.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Freeman French, James M. Townsend, Cornelius S. Bushnell, William Cornwall, Linas W. Gilbert, William W. Baldwin, and Justus Peck, all of New York, their associates, successors, and assigns, are hereby constituted a body politic and corporate, by the name of the Nova Scotia Coal Company, for the purpose of opening and working coal mines in the county of Pictou, and transacting business connected therewith, and holding and conveying real estate, lands, mills, and machinery, and for manufacturing coal oil, or other purposes connected therewith; and the constructing and making such railroads and branch tracks as may be necessary for the transportation of coal from the mines to the place of shipment, and all other business necessary and usually performed on railroads; and for constructing and holding such wharves, docks, and piers, as may be necessary for the working of mines and protection and safety of shipping, the shipment of coals, and the transaction of business connected with mines and operation of railways.

Incorporation.

2. The capital of the company shall be one million dollars, to be divided into twenty-five thousand shares of forty dollars each, and which shall be personal property, transmissible and assignable as such; and the corporation shall have power to increase their capital stock by the issue of new shares by vote of the stockholders, and to issue mortgage bonds, bearing six per cent. interest, payable semi-annually in New York, or

Capital.  
Shares.

May issue bonds.

When to go into operation.

Halifax, if the same be advisable and so decided by a vote of the stockholders; but the said company shall not go into operation until twenty-five per cent. of the capital stock is actually paid up: provided the aggregate amount so paid up be not less than one hundred thousand dollars.

First meeting; how called; proceedings, etc.

3. The first meeting of said company shall be held at such time and place in this province, or in the United States of America, as any three of the corporators shall determine, of which public notice shall be given, in two of the Halifax newspapers, at least twenty days previous to such meeting, at which, or any subsequent meeting, the company may be organized by the election of a board of directors, of not less than three nor more than seven, and of whom three shall be a quorum for the transaction of business.

Directors.

Liability of members.

4. No member of the company shall be liable in his person or separate estate for the debts of the company, to a greater amount than the stock held by him, deducting therefrom the amount actually paid to the company on account of such stocks, unless he shall have rendered himself liable for a greater sum by becoming surety for the debts of the company; but no stockholder who may have transferred his interest in the stock of the company, shall cease to be liable for any contracts of the company entered into before the date of such transfer, unless he shall have paid up in full for his stock, so as any action in respect of such liability shall be brought within six months after such transfer.

Announce meetings.

Agent.

Service of process, etc.

5. The meetings of the company shall be held at such place as the directors may appoint, and at every annual meeting they shall elect a recognized manager or agent resident in this province, service on whom of all process, notices, and other documents, shall be held to be sufficient service on the company, and the name and address of such agent shall be filed with the registrar of deeds of the county where the principal works of the company are situate; and in case of the death or absence of such agent from the province, service of process made be made by affixing a copy upon some conspicuous building or office of the company, within the county where the property is located.

May construct railroads.

6. The company, as soon as the same shall have been organized, and the sum of twenty-five per cent. paid in on account of the stock taken, may proceed to construct railroads, provided the aggregate amount so paid in, be not less than one hundred thousand dollars.

Stock books.

Officers, etc.

7. The corporation may open books for the subscription of stock in one or more places out of the province, as also books for transfer, and may appoint officers for the same, and paying of interest and dividends for the whole or any part of the stock, with agencies and branch offices, for the purposes of their incorporation.

8. Whenever it shall be requisite in the construction of any railroad contemplated by this act, that this company should be invested with the lands over which the same shall pass, and contiguous thereto, for the track of the road, and for stations, and no agreement can be made for the purchase thereof, it shall be lawful for the directors to apply by petition, with a plan annexed, to any one of the judges of the supreme court, setting forth the nature and situation of the lands required, the names of the owners or occupiers thereof, and praying a conveyance of the same to the company, whereupon such judge, being satisfied that the lands are required, and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice in writing to be served upon the owners or occupiers of the lands, if in the province, and to be published for the period of one month, in at least two newspapers, published at Halifax, and also one newspaper of the county where the lands lie, if there be any, requiring them to attend at such time and place, personally or by attorney, and the judge shall require the directors to nominate one appraiser, and such owners to unite in naming two appraisers; but in case such owners do not attend, or shall refuse or neglect or can not agree to make such nomination, the judge shall, on proof of such publication, or service of such notice, nominate four appraisers, and shall by an order in writing, direct the said five appraisers to value the land so required; and the appraisers having first subscribed an affidavit in writing, to be sworn to before a justice of the peace and annexed to such order, to the effect that they will faithfully make such appraisement, shall with all convenient speed proceed to and appraise such land, and shall make such appraisement in writing, and return it under the hands of the appraisers or a majority of them, with such order and affidavits, to a judge, who may confirm, modify, alter or reject, such appraisement, or direct an appraisement de novo, and the company upon paying or tendering the amount of the appraised value as finally confirmed, and the expenses of the owner on such appraisement, to the owners, or in case of dispute to such parties as the court or a judge shall direct, and registering such order, affidavit, appraisement, and confirmation in the office of the registrar of deeds in the county in which such lands lie, who is hereby required to register the same, shall be considered the owners of such lands.

Proceeding to obtain land for the company.

9. The books and accounts of the company shall at all times be open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

Books, etc., open to inspection.

10. This act shall cease and determine if operations under it shall not be effectually commenced and continued, within two years from the date of its passing.

Operation to be commenced within two years.

List of stockholders to be filed.

11. A list of the stockholders of the said company, and of the number of shares held by each of them on the first days of May and November in each year, certified under the hand of the president and secretary, shall be filed in the months of May and November in each year, with the registrar of deeds in the county where the principal works of the company are situated; such certificate to contain the names of the stockholders, and the number of shares held by them respectively, on the first day of the month in which such certificate is filed; and it shall not be necessary to file any other certificate of transfer or copy thereof.

Read may be built across other roads, etc.

12. It shall be lawful for the company to make or construct a railway over and across any roads in the line of the projected railroad, and over and across any railroads or tram roads, and over any rivers, brooks, or streams, subject nevertheless, in such cases, to regulations to be made by the court of sessions, to ensure the safety of the inhabitants and their property.

## CHAPTER 38.

### An Act to incorporate the Block House Mining Company.

(Passed the 10th day of May, A. D. 1864.)

#### SECTION.

1. Incorporation.
2. Capital—shares. When to go into operation.
3. Additional shares.
4. Liability of shareholders.
5. Additional stock; how taken, reported, etc.
6. First meeting; how called. Directors. subsequent meeting. Election of officers.

#### SECTION.

7. May erect breakwaters, etc., at Cow Bay.
8. List of stockholders to be filed.
9. Agent. Service of process.
10. Proceedings to obtain lands for company.
11. Books, etc., open to inspection.
12. Act to cease in two years if work not begun.
13. Railway may cross roads, etc.

Be it enacted by the Governor, Council, and Assembly, as follows:

Incorporation.

1. Robert Belloni, Louis J. Belloni, the younger, Daniel P. Ingraham, Augustus T. Stout, and Charles Sullivan, and their successors, associates, and assigns, are hereby constituted a body politic and corporate, by the name of "The Block House Mining Company," for the purpose of buying, opening, and working, coal mines at Cow Bay, and at other places in the county of Cape Breton, and for shipping and selling coals, and transacting any business connected therewith; for making such railroads as may be necessary for the transportation of the production of their mines to the place of shipment; and constructing and building such docks, wharves, basins, and breakwaters, at Cow Bay, in the county aforesaid, as may be necessary in connection with their said mines, and for the protection of vessels in the said Bay.

2. The capital stock of the said corporation shall be two hundred thousand dollars, in shares of one hundred dollars, with power to the board of directors to increase the same to the sum of one million dollars, which shares shall be personal property, and may be transferred and assigned as such, and the three corporators first named in section one, shall be commissioners to obtain subscriptions for the same; but the said company shall not go into operation until twenty-five per cent. of the capital stock is actually paid up.

Capital.

Shares.

When to go into operation.

3. The directors of the said company may, in addition to the said capital stock, issue so many additional shares of stock as they may deem necessary for the purchase of mines and lands, for the purposes aforesaid, at such times as may be necessary and shall be provided by the board.

Additional shares.

4. No member of the corporation shall be liable in his person or separate estate, for the liabilities of the corporation; to a greater amount in the whole, than the amount of the stock held by him, deducting therefrom the amount actually paid to the company on account of such stock, unless he shall have rendered himself liable for a greater sum by becoming surety for the debts of the company.

Liability of shareholders.

5. The stock to be issued by the said corporation for the purchase of mines and land, and mining property, shall when issued for such purposes in payment, be declared and taken to be full stock, and shall not be subject to any further calls, nor shall the holders thereof be liable for any payments on account thereof. In all statements to be made of the affairs of the corporation, such stock shall be reported as additional stock issued for such purposes, and shall not be reported as issued for cash paid to the corporation.

Additional stock, how taken, reported, etc.

6. The first meeting of the corporators shall be held at such time and place in this province, or in the United States of America, as any two-thirds of the corporators named in this act shall determine, of which public notice shall be given, in two of the newspapers published in Halifax, in this province, at least fourteen days before such meeting, at which, or at any subsequent meeting, the corporation may be organized by the election of a board of directors, of not less than three nor more than seven, as shall be agreed on by the shareholders then present; a majority of the whole number of the directors so chosen, shall be a quorum; all subsequent meetings of the board of directors may be held at such place in this province or in the United States, as the board of directors in their bye laws shall direct; and they may in their bye laws provide the time and manner of choosing the officers of the said corporation.

First meeting—how called.

Directors.

Subsequent meetings.

Election of officers.

7. The said corporation may build and erect such piers, docks, basins, wharves, and breakwaters, as may be necessary for the transaction of their business, and the protection of

May erect breakwaters at Cow Bay.

vessels at Cow Bay, upon any land belonging to the corporation, which may be acquired by them as hereinafter provided, and upon the lands belonging to the government of this province, in the waters of the said bay.

8. A list of the stockholders of the said corporation, and of the number of shares held by each of them on the first days of May and November in each year, certified under the hands of the president and secretary, shall be filed in the months of May and November, in each year, with the registrar of deeds, in the county where the principal works of the company are situated; such certificate to contain the names of the stockholders, and the number of shares held by them, respectively, on the first day of the month in which such certificate is filed; and it shall not be necessary to file any other certificate of transfer or copy thereof.

9. The company, through their directors or otherwise, shall appoint a recognized agent or manager resident in this province, service on whom of all process, notices, and other documents, shall be held to be sufficient service on the company; and the name and address of such agent shall be filed with the registrar of deeds for the county where the principal works of the company are situated; in default of such appointment, or in case of the absence or death of the agent, process, notices, and documents, may be served on any officer or employee of the company, or for want of such officer or employee, may be posted on some principal building of the company, and such service or posting shall be deemed a sufficient service on the company.

10. Whenever it shall be requisite in the construction or maintenance of the works of the said company, that the company should be invested with lands contiguous thereto, and no agreement can be made for the purchase thereof, it shall be lawful for the directors to apply by petition, with a plan annexed, to any one of the judges of the supreme court, setting forth the nature and situation of the lands required, the names of the owners or occupiers thereof, and praying a conveyance of the same to the company; whereupon such judge, being satisfied that the lands are required, and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice in writing, to be served upon the owners or occupiers of the lands, if in the Province, and to be published for the period of one month, in at least two newspapers, published at Halifax, and also in one newspaper of the county where the lands lie, if there be any, requiring them to attend at such time and place, personally or by attorney; and the judge shall require the directors to nominate one appraiser, and such owners to unite in naming two appraisers, and the judge shall nominate two appraisers; but

List of stockholders to be filed.

Agent.

Service of process.

Proceedings to obtain land for company.

in case such owners do not attend, or shall refuse or neglect, or can not agree to make such nomination, the judge shall, on proof of such publication or service of such notice, nominate four appraisers, and shall by an order in writing, direct the said five appraisers to value the lands so required; and the appraisers having first subscribed an affidavit in writing, to be sworn to before a justice of the peace, and annexed to such order, to the effect that they will faithfully make such appraisal, shall with all convenient speed proceed to and appraise such land, and shall make such appraisal in writing and return it, under the hand of the appraisers, or a majority of them, with such order and affidavit, to a judge, who may confirm, modify, alter or reject, such appraisal, or direct an appraisal de novo; and the company upon paying or tendering the amount of the appraised value as finally confirmed, and the expenses of the owners on such appraisal, to the owners, or in case of dispute, to such parties as a court or a judge shall direct, and registering such order, affidavit, appraisal and confirmation, in the office of the registrar of deeds, in the county in which such lands lie, who is hereby required to register the same, shall be considered the owners of such lands.

11. The books and accounts of the company shall at all times be open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

Books, etc. open to inspection.

12. This act shall cease and determine if effective works shall not be commenced and continued under it within two years from the date of its passing.

Act to cease in two years if work not begun.

13. It shall be lawful for the company to make or construct a railway over and across any roads on the line of the projected railroad, and over and across any railroads or tramroads, and over any rivers, brooks, or streams, subject, nevertheless, in such cases, to regulations to be made by the court of sessions to ensure the safety of the inhabitants and their property.

Railway may cross roads, etc.

## CHAPTER 39.

### An Act to incorporate the Boston and Bridgeport Coal Mining Company.

(Passed the 10th day of May A. D., 1864.)

#### SECTION.

1. Incorporation.
2. Time of going into operation. May deepen harbor, erect piers, etc.
3. Proceedings to obtain land for company.
4. Harbor open on payment of tolls.
5. Capital shares.
6. First meeting; how called, etc.

#### SECTION.

7. Liability of shareholders.
8. Meeting; when held. Agent. Service of process.
9. Books, etc., open to inspection.
10. List of stockholders to be filed.
11. General Mining Association not affected.

Be it enacted by the Governor, Council, and Assembly, as follows:

Incorporation.

1. William Heywood, Frederick Beck, S. H. Head, Horatio Bigelow, Charles D. Head, T. H. Perkins, J. N. Dennison, and Edward L. Baker, their associates, successors, and assigns, are hereby constituted a body politic, by the name of the "Boston and Bridgeport Coal Mining Company," for the purpose of opening and working coal mines in the county of Cape Breton, and transacting business connected therewith, and building mills and manufacturing coal oils; and constructing and making such railroads as may be necessary for the transportation of the production of such mines and other articles from thence to the place of shipment, and constructing and building such wharves, docks, and piers, as may be necessary for the purposes aforesaid.

Time of going into operation.

2. The company, as soon as the same shall have been organized and the sum of twenty-five per cent. of the stock paid in, may proceed to render navigable Bridgeport harbor, by deepening, straitening, and extending the present channel. They may erect piers, breakwaters, and shipping places for coal, upon any land owned by the company, or acquired as hereinafter provided, or upon any land of the crown, in respect of which, such permission shall be granted by the Governor and Council, in and about the shores of said harbor. They may, with the consent of the Governor and Council first had and obtained, deepen, widen, excavate, and clear the channels leading into and within said harbor, construct docks, dams, sluices, waterways, slips, and wharves, and all and every description of structure calculated to improve and make good and available the navigation from the ocean as far up said harbor as may be deemed advisable by the company; and they shall, with such assent, have the right to dig, excavate, or embank the channels of said harbor or any part thereof, so as to render the said harbor navigable.

May deepen harbor, erect piers, &c.

Proceedings to obtain land for company.

3. Whenever it shall be requisite in the construction or maintenance of the works, or the preservation of the channels in said Bridgeport harbor, that the company should be invested with lands contiguous thereto, and no agreement can be made for the purchase thereof, it shall be lawful for the president and directors to apply by petition, with a plan annexed, to any one of the judges of the supreme court, setting forth the nature and situation of the lands required, the names of the owners or occupiers thereof, and praying a conveyance thereof to the company; whereupon such judge, being satisfied that the lands are required, and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice in writing to be served upon the owners or occupiers of the lands, if in the province, and to be published for the period of one month, in at least two newspapers published at Halifax, and also in one newspaper of the county where the lands lie,



if there be any, requiring them to attend at such time and place, personally or by attorney; and the judge shall require the president and directors to nominate one appraiser, and such owners to unite in naming two appraisers, and the judge shall nominate two appraisers; but in case such owners do not attend, or shall refuse or neglect or can not agree to make such nomination, the judge shall, on proof of such publication or service of such notice, nominate four appraisers, and shall by an order in writing direct the said five appraisers to value the lands so required, and the appraisers, having first subscribed an affidavit in writing, to be sworn to before a justice of the peace, and annexed to such order, to the effect that they will faithfully make such appraisal, shall, with all convenient speed, proceed to and appraise such lands, and shall make such appraisal in writing, and return it under the hands of the appraisers or a majority of them, with such order and affidavit, to a judge, who may confirm, modify, alter, or reject such appraisal, or direct an appraisal *de novo*; and the company, upon paying or tendering the amount of the appraised value as finally confirmed, and the expenses of the owners in such appraisal, to the owners, or in case of dispute to such parties as the court or a judge shall direct, and registering such order, affidavit, appraisal, and confirmation, in the office of the registrar of deeds in the county in which such lands lie, who is hereby required to register the same, shall be considered the owners of such lands.

4. The said harbor shall be open and free for the use of all ships and vessels, and to all persons desirous of using the same for trading purposes, subject to such tolls and regulations at such rates as shall be fixed by the company, and approved by the Governor and Council.

Harbor open on payment of tolls.

5. The capital stock of the company shall be three hundred thousand dollars, divided into shares as provided by the bye-laws of said company, which shall be personal property transmissible and assignable as such, and the corporation shall have power to increase their capital stock to five hundred thousand dollars by the issue of new stock, upon vote of the stockholders.

Capital—shares.

6. The first meeting of the company shall be held at such time and place within the province of Nova Scotia, as a majority of corporators may determine, of which public notice shall be given in two of the Halifax newspapers, at least twenty days previous to such meeting; at which or any subsequent meeting the company may be organized by the election of a board of directors, of not less than three, nor more than seven, of whom three shall be a quorum.

First meeting—how called, etc.

7. No member of the company shall be liable in his person or separate estate for the debts of the company, to a greater amount in the whole than the amount of the stock held by him, deducting therefrom the amount actually paid

Liability of shareholders.

to the company on account of such stock, unless he shall have rendered himself liable for a greater sum by becoming surety for the debts of the company.

Meetings when held.

8. The meetings of the company shall be held at such time and place within the Province of Nova Scotia as the directors may appoint, and the company, through their directors or otherwise, shall appoint a recognized manager or agent, resident in the province, service on whom of all process, notices, and other documents, shall be held to be sufficient service on the company, and the name and address of such agent shall be filed with the registrar of deeds for the county of Halifax; in default of such appointment, or in case of the absence or death of the agent, process, notices, and documents, may be served on any officer or employee of the company, or for want of such officer or employee, may be posted on some principal building of the company, and such service or posting shall be sufficient service on the company.

Agent.

Service of process

Books open to inspection.

9. The books and accounts of the company shall at all times be open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

List of stockholders to be filed.

10. A list of the stockholders of the said corporation, and of the number of shares held by each of them on the first days of May and November in each year, certified under the hands of the president and secretary, shall be filed in the months of May and November in each year, with the registrar of deeds of the county where the principal works of the company are situated; such certificate to contain the names of the stockholders and the number of shares held by them respectively on the first day of the month in which such certificate is filed, and it shall not be necessary to file any other certificate of transfer, or copy thereof.

General Mining Association not affected.

11. Provided that nothing in this act shall be construed to abrogate or abridge any rights and privileges to which the general mining association are entitled, and provided also that all ships and vessels resorting to the said harbor for the purpose of obtaining coal from the mines of the general mining association shall be entitled to resort to the said harbor as now existing or hereafter to be enlarged, and to anchor therein without the payment of any tolls, dockage, or dues, under this act, nor shall anything therein contained authorize the said company in any way, directly or indirectly, or as the consequence of any works they may undertake either while those works are in progress or afterwards, to obstruct or interfere with the shipping of coal by the general mining association at their present place of shipment, or diminish the extent or depth of water the said general mining association now uses, or have been accustomed to use, or enjoy, for the shipping of coal there.

Work to be commenced in two years.

12. This act to cease and determine if effective works under it shall not be commenced and continued within two years from its passing.

## CHAPTER 40.

## An Act to incorporate the Sea Coal Bay Mining Company.

(Passed on the 10th day of May A. D. 1864.)

## SECTION.

1. Incorporation.
2. Capital; shares; when to go into operation.
3. First meeting; how called; directors.
4. Liability of members.
5. When to commence business.
6. Lands, Mines, etc., may be taken in payment of stock.
7. Transfer of shares.

## SECTION.

8. List of shareholders to be filed.
9. Meeting, where held; agent; service of process.
10. Proceedings to obtain land for company.
11. Books, etc., to be open to inspection.
12. Act to cease if work not begun in two years.
13. Railway may be built across roads, etc.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Benjamin Wier, Matthew D. Field, Carlos Pierce, and John E. M. Gilley, their associates, successors, and assigns, are hereby constituted and declared to be a body politic and corporate, by the name of "The Sea Coal Bay Mining Company," for the purpose of opening and working coal mines in the Island of Cape Breton, or elsewhere, in the Province of Nova Scotia, and manufacturing coal oil and other substances, from coal; and trading in the products of such mines or manufacture, and transacting business connected with any of the purposes aforesaid; with full power for the purposes aforesaid, or any of them, to purchase, take or lease, or otherwise acquire, any lands or other property; and to construct and make such railways, tramways, or other roads, as may be deemed necessary for the transportation of the products of mines worked by the said company, and of other articles to and from such mines; and to purchase or hire, construct, build, or erect, all such wharves, docks, piers, mills, houses, buildings, and machinery, as may from time to time appear expedient; and to do all other matters and things which the company may deem incidental or conducive to those objects, or any of them.

Incorporation.

2. The capital stock of the company shall be five hundred thousand dollars, to be divided into shares of ten dollars each, which shall be personal property, transmissible and assignable as such; and the company shall have power to increase their capital stock to seven hundred and fifty thousand dollars by the issue of new shares; but the said company shall not go into operation until twenty-five per cent. of the capital stock is actually paid in.

Capital—shares

When to go into operation.

3. The first meeting of the company shall be held at such time and place in this province, or in the United States of America, as the above corporators or any three of them shall

First meeting—how called.

determine, and of which public notice shall be given, in one or more newspapers published in the city of Halifax, in the province of Nova Scotia, and in one or more newspapers published in the city of Boston, in the United States of America, at least twenty days previous to such meeting, and continued to the date thereof, at which, or any subsequent meeting, the company may be organized by the election of not less than three directors, and of other necessary officers; and the shareholders present in person or by proxy, shall have full power to organize the company, establish bye-laws, and elect all necessary officers.

Directors and  
Officers.

4. No member of the company shall be liable in his person or separate estate for the debts of the company, or for any further or greater, or other sum, than the actual amount of stock taken and subscribed for by him.

Liability of mem-  
bers.

5. So soon as five thousand shares in the capital stock of the said company shall be subscribed for, and twenty-five per cent. of the capital stock paid in, the said company may go into operation.

When to com-  
mence business.

6. The directors of the company may receive lands, mines, buildings, wharves, machinery, mining rights or privileges, or any interest therein respectively, in payment for stock subscribed for, or of any instalment or instalments due thereon; but subject, nevertheless, to such conditions as to valuation or acceptance of the same or otherwise, as may be imposed by the bye-laws of the said company.

Lands, mines, etc.,  
may be taken in  
payment of stock

7. The transfer of shares in the said company shall be valid and effectual for all purposes from the time such transfer is made.

Transfer of shares

8. A list of the stockholders of the said company, and of the number of shares held by each of them on the first days of May and November in each year, certified under the hands of the president and secretary, shall be filed in the months of May and November in each year, with the registrar of deeds of the county or district where the principal works of the company are situated in this province; such certificate to contain the names of the stockholders, and the number of shares held by them respectively, on the first day of the month in which such certificate is filed; and it shall not be necessary to file any other certificate of transfer, or copy thereof.

List of sharehold-  
ers to be filed.

9. The meetings of the company shall be held at such place in this province, or the United States of America, as the directors may appoint; and the company, through their directors or otherwise, shall appoint a recognized manager or agent resident in this province, service on whom of all process, notices, and other documents, shall be held to be sufficient service on the company, and the name and address of such agent shall be filed with the registrar of deeds for the county of Halifax; in default of such appointment, or in case of the

Meeting, where  
held; agent.

Service of process

absence or death of the agent, process, notices, and documents may be served on any officer or employee of the company, or for want of such officer or employee, may be posted on some principal building of the company, and such service or posting shall be deemed a sufficient service on the company.

10. Whenever it shall be necessary in the construction or maintenance of the works of the said company, that the company should be invested with lands contiguous thereto, and no agreement can be made for the purchase thereof, it shall be lawful for the directors to apply by petition, with a plan annexed, to any one of the judges of the supreme court, setting forth the nature and situation of the lands required, the names of the owners or occupiers thereof, and praying a conveyance of the same to the company; whereupon such judge, being satisfied that the lands are required, and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice in writing to be served upon the owners or occupiers of the lands, if in the province, and to be published for the period of one month, in at least two newspapers published at Halifax, and also in one newspaper of the county where the lands lie, if there be any, requiring them to attend at such time and place, personally, or by attorney; and the judge shall require the directors to nominate one appraiser, and such owners to unite in naming two appraisers, and the judge shall nominate two appraisers; but in case such owners do not attend, or shall neglect or refuse or cannot agree to make such nomination, the judge shall, on proof of such publication or service of such notice, nominate four appraisers, and shall by an order in writing direct the said five appraisers to value the lands so required, and the appraisers, having first subscribed an affidavit in writing, to be sworn to before a justice of the peace, and annexed to such order, to the effect that they will faithfully make such appraisalment, shall, with all convenient speed, proceed to and appraise such land, and shall make such appraisalment in writing, and return it under the hands of the appraisers, or a majority of them, with such order and affidavit, to a judge, who may confirm, modify, alter, or reject, such appraisalment, or direct an appraisalment de novo; and the company, upon paying or tendering the amount of the appraised value as finally confirmed, and the expenses of the owners on such appraisalment, to the owners, or in case of dispute, to such parties as the court or a judge shall direct, and registering such order, affidavit, appraisalment, and confirmation, in the office of the registrar of deeds in the county in which such lands lie, who is hereby required to register the same, shall be considered the owners of such lands.

Proceedings to  
obtain land for  
company.

11. The books and accounts of the company shall at all

Books, etc., open  
to inspection.

times be open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

Act to cease, if work not begun in two years.

12. This act shall cease and determine if effective works shall not be commenced and continued under it within two years from the date of its passing.

Railway may be built across roads, etc.

13. It shall be lawful for the company to make or construct a railway over and across any roads in the line of the projected railroad, and over and across any railroads or tramroads, and over any rivers, brooks, or streams, subject, nevertheless, in such cases, to regulations to be made by the court of sessions to ensure the safety of the inhabitants and their property.

## CHAPTER 41.

### An Act to incorporate "The Cheticamp Copper Mining and Smelting Company."

(Passed on the 10th day of May, A. D. 1864.)

#### SECTION.

1. Incorporation.
2. May render Cheticamp Harbor navigable, erect wharves, etc. Works open on payment of tolls.
3. Capital—shares. When to go into operation.
4. First meeting: how called. Directors.
5. Liability of shareholders.

#### SECTION.

6. Transfer of shares.
7. List of shareholders to be filed.
8. Meetings, where held; agent; service of process.
9. Proceeding to obtain land for company.
10. Books, etc., open to inspection.
12. Act to cease in two years if work not commenced.

Be it enacted by the Governor, Council, and Assembly, as follows :

Incorporation.

1. William Parrott, Samuel H. Head, Frederick Beck, Edward L. Baker, William Heywood, J. N. Dennison, Charles D. Head, and their associates, successors, and assigns, are hereby constituted a body politic, by the name of "The Cheticamp Copper Mining and Smelting Company," for the purpose of opening and working copper and other mines in the island of Cape Breton, and transacting business connected therewith, including the sale and shipment of the products of said mines, of smelting ore, and building furnaces, and other buildings necessary therefor; and constructing such railroads, docks, piers, wharves, and other erections as may be necessary for the working of such mines, and the sale, transportation, and shipment of the products of the same, or any other the purposes aforesaid.

May render Cheticamp harbor navigable, erect wharves, etc.

2. The company may proceed to render navigable Cheticamp harbor from the ocean, they may for that purpose on making compensation, as provided by this act, to the proprietors of the lands thereby affected, or to be affected, erect piers and breakwaters upon any land owned by the company or by others, or upon any land of the crown, in respect of which

permission shall be granted by the Governor in Council, in and about said Cheticamp harbor, and may proceed to widen, deepen, excavate, and clear out, said Cheticamp harbor, and construct docks, dams, sluices, waterways, slips, and wharves, and all and every description of structure calculated to improve and make good and available the navigation from the ocean as far up the harbor as the company may from time to time deem advisable, a plan thereof having first been submitted to and approved by the Governor in Council, which said works shall at all times, after the completion thereof, be open to the public on payment of such tolls, and under such regulations as may be fixed by the company, and approved by the Governor in Council.

Works open on payment of tolls.

3. The capital stock of the said company shall be one hundred and fifty thousand dollars, in shares of five dollars each, and the company shall have power to increase their capital stock to three hundred thousand dollars by the issue of new shares by vote of the stockholders; the company shall not go into operation until twenty-five per cent of the capital stock is actually paid up.

Capital—shares.

When to go into operation.

4. The first meeting of the company shall be held at such time and place in this province, as a majority of the corporators shall determine, of which notice shall be given either by advertising such notice in two of the Halifax newspapers, at least twenty days before said meeting, or by serving the same personally upon each corporator at least twenty days previous to such meeting; at such first meeting, or at any subsequent meeting, the company may be organized by the election of a board of directors, of not less than three, or more than six, of whom three shall be a quorum.

First meeting, how called.

Directors.

5. No member of the company shall be liable in his person or separate estate, for the debts of the company, to a greater amount in the whole than the amount of the stock held by him, deducting therefrom the amount actually paid to the company on account of said stock, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the company.

Liability of shareholders.

6. The transfer of shares in the said company shall be valid and effectual for all purposes from the time such transfer is made.

Transfer of shares

7. A list of the stockholders of the said company, and of the number of shares held by each of them on the first days of May and November in each year, certified under the hands of the president and secretary, shall be filed in the months of May and November in each year, with the registrar of deeds in the county where the principal works of the company are situated; such certificate to contain the names of the stockholders and the number of shares held by them respectively on the first day of the month in which such certificate

List of stockholders to be filed

is filed, and it shall not be necessary to file any other certificate of transfer, or copy thereof.

Meeting, where held.

Agent.

Service of process.

8. The meetings of the company shall be held at such place in this province as the directors may appoint, and the company, through their directors or otherwise, shall appoint a recognized manager or agent, resident in this province, service on whom of all process, notices, and other documents, shall be held to be sufficient service on the company, and the name and address of such agent shall be filed with the registrar of deeds for the county of Halifax; in default of such appointment, or in case of the absence or death of the agent, process, notices, and documents, may be served on any officer or employee of the company, or for want of such officer or employee, may be posted on some principal building of the company, and such service or posting shall be deemed sufficient service on the company.

Proceedings to obtain land for company.

9. Whenever it shall be requisite in the construction or maintainance of the works of the said company, that the company should be invested with lands contiguous thereto, and no agreement can be made for the purchase thereof, it shall be lawful for the directors to apply by petition, with a plan annexed, to any one of the judges of the supreme court, setting forth the nature and situation of the lands required, the names of the owners or occupiers thereof, and praying a conveyance of the same to the company; whereupon such judge, being satisfied that the lands are required, and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice in writing, to be served upon the owners or occupiers of the lands, if in the province, and to be published for the period of one month, in at least two newspapers, published at Halifax, and also in one newspaper of the county where the land lies, if there be any, requiring them to attend at such time and place, personally or by attorney; and the judge shall require the directors to nominate one appraiser, and such owners to unite in naming two appraisers, and the judge shall nominate two appraisers; but in case such owners do not attend, or shall refuse or neglect, or can not agree to make such nomination, the judge shall, on proof of such publication or service of such notice, nominate four appraisers, and shall, by an order in writing, direct the said five appraisers to value the lands so required; and the appraisers, having first subscribed an affidavit in writing, to be sworn to before a justice of the peace, and annexed to such order, to the effect that they will faithfully make such appraisalment, shall with all convenient speed proceed to and appraise such land, and shall make such appraisalment in writing and return it, under the hands of the appraisers, or a majority of them, with such order and affidavit, to a judge, who may



confirm, modify, alter or reject, such appraisement, or direct an appraisement de novo; and the company, upon paying or tendering the amount of the appraised value as finally confirmed, and the expenses of the owners on such appraisement, to the owners, or in case of dispute, to such parties as a court or a judge shall direct, and registering such order, affidavit, appraisement and confirmation, in the office of the registrar of deeds, in the county in which such lands lie, who is hereby required to register the same, shall be considered the owners of such lands.

10. The books and accounts of the company shall at all times be open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

Books open to inspection.

11. This act shall cease and determine if effective works shall not be commenced and continued under it within two years from the date of its passing.

Act to cease in two years if work not commenced.

## CHAPTER 42.

### An Act to incorporate the International Coal and Railway Company.

(Passed on the 10th day of May, A. D., 1864.)

#### SECTION.

1. Incorporation.
2. Capital. Shares. When to go into operation.
3. First meeting; when held; Directors.
4. Liability of stockholders.
5. Meetings, when and where held; agent; service of process.
6. May construct Railroads.

#### SECTION.

7. Subscription books.
8. Proceedings to obtain lands.
9. Books open to inspection.
10. Act to cease if work not commenced in two years.
11. Lists of Shareholders to be filed.
12. Railway may cross roads, etc.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. John Jacob Astor, jnr., C. Godfrey Gunther, Henry Day, Charles J. Anthony, all of New York, their associates, successors, and assigns, are hereby constituted a body politic, by the name of the "International Coal and Railway Company," for the purpose of opening and working coal mines in the county of Cape Breton, and transacting business connected therewith, and holding and conveying real estate, lands, mills, and machinery, and for manufacturing coal oil, or other purposes connected therewith; and the constructing and making such railroads and branch tracks as may be necessary for the transportation of coals from the mines to the place of shipment, and all other business necessary and usually performed on railroads; and for constructing and holding such wharves, docks, and piers, as may be necessary for the working of mines and protection and safety of shipping, the shipment of coals, and the transaction of business connected with mines and operation of railways.

Incorporation.

Capital, shares.

2. The capital of the company shall be one million of dollars, in shares of not less than fifty dollars, and which shall be personal property, transmissible and assignable as such; and the corporation shall have power to increase their capital stock by the issue of new shares by vote of the stockholders, and to issue mortgage bonds, bearing six per cent. interest, payable semi-annually in New York, or Halifax, if the same be advisable and so decided by a vote of the stockholders; but the said company shall not go into operation until twenty-five per cent. of the capital stock is actually paid up.

When to go into operation.

First meeting, when held, etc.

3. The first meeting of the company shall be held at such time and place in this province, or in the United States of America, as any three of the corporators shall determine, of which public notice shall be given in two of the Halifax newspapers, at least twenty days previous to such meeting, at which, or any subsequent meeting, the company may be organized by the election of a board of directors, of not less than three nor more than nine, of whom three shall be a quorum.

Directors.

Liability of stockholders.

4. No member of the company shall be liable in his person or separate estate for the debts of the company, to a greater amount than the stock held by him, deducting therefrom the amount actually paid to the company on account of such stocks, unless he shall have rendered himself liable for a greater sum by becoming surety for the debts of the company; but no stockholder who may have transferred his interest in the stock of the company, shall cease to be liable for any contracts of the company entered into before the date of such transfer, unless he shall have paid up in full for his stock, so as any action in respect of such liability shall be brought within six months after such transfer.

Meetings, when and where held.

Agent, service of process

5. The meetings of the company shall be held at such place as the directors may appoint, and at every annual meeting they shall elect a recognized manager or agent resident in this province, service on whom of all process, notices, and other documents, shall be held to be sufficient service on the company, and the name and address of such agent shall be filed with the registrar of deeds of the county where the principal works of the company are situate; and in case of the absence of such agent from the province, or doubt of absence, service of process may be made by affixing a copy upon some conspicuous building or office of the company, within the county where the property is located.

May construct railroad.

6. The company, as soon as the same shall have been organized, and the sum of twenty-five per cent. paid in on account of the stock taken, may proceed to construct railroads.

Subscription books.

7. The corporation may open books for the subscription of stock in one or more places out of the province, as also books for transfer, and may appoint officers for the same, and paying

of interest and dividends for the whole or any part of the stock, with agencies and branch offices, for the purposes of their incorporation.

8. Whenever it shall be requisite in the construction of any railroad contemplated by this act, that this company should be invested with the lands over which the same shall pass, and contiguous thereto, for the track of the road, and for stations, and no agreement can be made for the purchase thereof, it shall be lawful for the directors to apply by petition, with a plan annexed, to any one of the judges of the supreme court, setting forth the nature and situation of the lands required, the names of the owners or occupiers thereof, and praying a conveyance of the same to the company; whereupon such judge, being satisfied that the lands are required, and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice in writing to be served upon the owners or occupiers of the lands, if in the province, and to be published for the period of one month, in at least two newspapers, published at Halifax, and also one newspaper of the county where the lands lie, if there be any, requiring them to attend at such time and place, personally, or by attorney, and the judge shall require the directors to nominate one appraiser, and such owners to unite in naming two appraisers; but in case such owners do not attend, or shall refuse or neglect or cannot agree to make such nomination, the judge shall, on proof of such publication or service of such notice, nominate four appraisers, and shall by an order in writing, direct the said five appraisers to value the lands so required, and the appraisers, having first subscribed an affidavit in writing, to be sworn to before a justice of the peace, and annexed to such order, to the effect that they will faithfully make each appraisement, shall, with all convenient speed, proceed to and appraise such lands, and shall make such appraisement in writing, and return it under the hands of the appraisers or a majority of them, with such order and affidavit, to a judge, who may confirm, modify, alter or reject, such appraisement, or direct an appraisement de novo; and the company, upon paying or tendering the amount of the appraised value as finally confirmed, and the expenses of the owners on such appraisement, to the owners, or in case of dispute, to such parties as the court or a judge shall direct, and registering such order, affidavit, appraisement, and confirmation, in the office of the registrar of deeds in the county in which such lands lie, who is hereby required to register the same, shall be considered the owners of such lands.

9. The books and accounts of the company shall at all times be open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

Proceedings to  
obtain lands.

Books open to  
inspection.

Act to cease if work not commenced within two years.

List of shareholders to be filed.

10. This act shall cease and determine if the railroad shall not be effectually commenced and continued within two years from the date of its passing.

11. A list of the stockholders of the said company, and of the number of shares held by each of them on the first days of May and November in each year, certified under the hand of the president and secretary, shall be filed in the months of May and November in each year, with the registrar of deeds in the county where the principal works of the company are situated; such certificate to contain the names of the stockholders and the number of shares held by them, respectively, on the first day of the month in which such certificate is filed, and it shall not be necessary to file any other certificate of transfer or copy thereof.

Railway may cross roads, etc.

12. It shall be lawful for the company to make or construct a railway over and across any roads on the line of the projected railroad, and over and across any railroads or tramroads, and over any rivers, brooks, or streams, subject, nevertheless, in such cases, to regulations to be made by the court of sessions to ensure the safety of the inhabitants and their property.

## CHAPTER 43.

### An Act to incorporate the Broad Cove Mining Company.

(Passed the 10th day of May, A. D. 1864.)

#### SECTION.

1. Incorporation.
2. Capital, shares; when to go into operation.
3. First meeting; how and when held; directors.
4. Liability of stockholders.
5. Transfers valid.

#### SECTION.

6. May render navigable Broad Cove, Ponds, etc.
7. Open to public on payment of tolls.
8. List of stockholders to be filed.
9. Proceedings to obtain lands for company.
10. Railway may cross roads, etc.

Be it enacted by the Governor, Council, and Assembly, as follows:

Incorporation.

1. William Chisholm, Harding Murray Smith, Hiram Blanchard, and their associates, successors, and assigns, are hereby constituted a body politic, by the name of the "Broad Cove Mining Company," for the purpose of opening and working coal mines in the county of Inverness, and transacting business connected therewith, building mills, manufacturing coal oils, and constructing and making such railways as may be necessary for the transportation of the production of such mines and other articles from thence to the place of shipment; and constructing and building such wharves, docks, and piers, as may be necessary for the working of such mines.

Capital.  
Shares.

2. The capital stock of such company shall be one hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be personal property, transmissible and assignable as such, and the corporation shall have power to

increase their capital stock to half a million of dollars by the issue of new shares, upon a vote of the stockholders; but the company shall not go into operation until twenty-five per cent. of the capital stock is actually paid up.

When to go into operation.

3. The first meeting of the company shall be held at such time and place in this province, or the United States of America, as any three of the corporators shall determine, of which public notice shall be given, in two of the Halifax newspapers, at least twenty days previous to such meeting, at which, or any subsequent meeting, the company may be organized by the election of a board of directors, of not less than three nor more than seven, and of whom three shall be a quorum.

First meeting: how and where held.

Directors.

4. No member of the company shall be liable in his person or separate estate for the debts of the company, to a greater sum in the whole than the amount of the stock held by him, deducting therefrom the amount actually paid to the company on account of such stock, unless he shall have rendered himself liable for a greater sum by becoming surety for the debts of the company.

Liability of stock-holders.

5. The transfer of the shares in such company shall be valid for all purposes from the time such transfer shall be made.

Transfers valid.

6. The company, as soon as the same shall have been organized, and the sum of twenty-five per cent. paid in on account of the stock taken, may proceed to render navigable the Broad Cove ponds, or lakes, from the ocean or Gulf of St. Lawrence, upwards; they may for that purpose, on obtaining the consent of the proprietors of lands to be thereby affected, erect piers and breakwaters upon any lands of the company or of the crown, in respect of which such permission shall be granted by the Governor in Council, in and about the entrance of said Broad Cove ponds or lakes; they may with such assent, deepen, widen, excavate, and clear out, such entrance, and such ponds, bays, and lakes, and construct docks, sluices, waterways, dams, slips, and wharves, as may be considered necessary; and also all and all manner and every description of structure calculated to improve and make good and available navigation from the ocean or Gulf of St. Lawrence, as far up the pond or lake as may from time to time be deemed advisable by the company; and they shall with such assent, have the right to dig, excavate, or embank, the channel of such pond or lake or any part thereof, so as to render the same or the entrance thereto navigable.

May render navigable Broad Cove ponds, &c.

7. The public shall at all times after the completion of the said work, have the right to use the same, paying such tolls as shall be fixed by the legislature.

Open to public on payment of tolls.

8. A list of the stockholders and of the number of shares held by each on the first days of May and November in each

List of stockholders to be filed.

year, certified under the hands of the president and secretary, shall be filed in the months of May and November in each year, in the office of the registrar of deeds in the county where the works lie; and it shall not be necessary to file any other certificate of transfer, or copy thereof.

Proceedings to  
obtain land for  
company.

9. Whenever it shall be requisite in the construction or maintenance of the works of the said company, that the company should be invested with lands lying contiguous thereto, and no agreement can be made for the purchase thereof, it shall be lawful for the directors to apply by petition, with a plan annexed, to any judge of the supreme court, setting forth the nature and situation of the lands required, the names of the owners or occupiers thereof, and praying a conveyance of the same to the company; whereupon such judge, being satisfied that the lands are required, and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice in writing to be served upon the owner or occupier of the lands, if in the province, and to be published for the period of thirty days in at least two newspapers published in Halifax, and one in the county where the lands lie, if any, requiring them to attend at such time and place, personally or by attorney; the judge shall require the directors to nominate one appraiser, and such owners or occupiers to unite in naming two appraisers, and the judge shall nominate two appraisers; but in case such owners or occupiers do not attend, the judge shall, on proof of such publication or service of such notice, nominate four appraisers, and shall by an order in writing, direct the said five appraisers to value the lands required, and the appraisers, having first subscribed an affidavit, to be sworn to before a justice of the peace, and annexed to such order, to the effect that they will faithfully make such appraisement, shall, with all convenient speed, proceed to and appraise such lands, and shall make such appraisement in writing, and return it under the hands of the appraisers or a majority of them, with such order and affidavit, to a judge, who may confirm, modify, alter or reject, the same, or order an appraisement de novo; and the company, upon paying or tendering the amount of the appraised value as finally confirmed, and the expenses of the owners on such appraisement, to the owners, or in case of dispute, to such parties as the court or a judge shall direct, and upon registering such order, affidavit, appraisement, and confirmation, in the office of registrar of deeds in the county where such lands lie, who is hereby required to register the same, the company shall be considered the owners of such lands.

Railway may  
cross roads, &c.

10. It shall be lawful for the company to make or construct a railway over and across any roads in the line of the projected railway, and over and across any railroads or tramroads, and

over any rivers, brooks, or streams, subject, nevertheless, in such cases, to regulations to be made by the court of general or special sessions.

### CHAPTER 44.

An Act to amend the Act to incorporate the Presbyterian Church Congregation of Cape North.

(Passed the 10th day of May A. D., 1864.)

SECTION 1.—Mode of terminating membership..

Be it enacted by the Governor, Council, and Assembly, as follows :

1. Any person who is or shall hereafter become a member of the congregation of the Presbyterian church of Cape North under the terms of section 2 of the act hereby amended, may terminate his membership and connexion with such congregation by giving a notice in writing to any of the trustees of the congregation, or to the pastor thereof for the time being, that such person from the time of the service of such notice, will not continue his connexion with said church, such person shall cease to be a member of said church, or to be liable to any obligations under the act hereby amended, accruing subsequently to the date of such service.

Mode of terminating membership.

### CHAPTER 45.

An Act to incorporate the Lutheran Congregation of St. Paul's Church, Bridgewater.

(Passed the 10th day of May, A. D. 1864.)

#### SECTION.

1. Incorporation.
2. Real estate vested in corporation; value.
3. Constitution and bye-laws.

#### SECTION.

4. May lease or sell real estate.
5. Private rights not affected.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. George Wile, Henry Wile, George West, Philip Crouse, Josiah Rodenhesen, Joseph Emeno, Jacob Hirtle, Michael Pemone, Conrad Wentzel, Elkanah Deal, Jacob Misner, Benjamin Boliner, and their successors in office, duly appointed according to the rules, constitution, and bye-laws of the church of St. Paul at Bridgewater, are hereby created a body corporate under the name and title of the "Trustees of the Church of St. Paul's at Bridgewater," and may sue and be sued as such trustees in any of the courts of this province.

Incorporation.

2. The real and personal estate now or hereafter owned by the congregation of the said church of St. Paul, is hereby vested in the said trustees and their successors in office, for

Real and personal estate vested in corporation. Value.

the use and benefit of the said congregation; and the trustees may take, purchase, and hold, for the use and benefit of the said congregation, real estate, not to exceed in value the sum of twelve thousand dollars.

Value.

Constitution and by-laws.

3. The constitution, rules, and bye-laws, adopted and agreed upon by resolution of the said congregation at a meeting of the same, held on the thirtieth day of January last, shall have the force and effect of law, when the same shall be confirmed by the Governor in Council; and any of such rules and bye-laws may be repealed, altered, or amended, at any regular congregational meeting duly convened according to the said constitution and bye-laws, with the sanction and approval of the Governor in Council.

May lease or sell real estate.

4. The said trustees may sell, mortgage, or lease the real estate of the said congregation or church of St. Paul when authorized to do so by a resolution of two-thirds of the said congregation passed at a meeting duly called as aforesaid.

Private rights not affected.

5. This act shall not interfere with or affect private rights.

## CHAPTER 46.

An Act to incorporate the Fruit Growers' Association and International Show Society.

(Passed the 10th day of May, A. D., 1864.)

### SECTION 1.—Incorporation.

Be it enacted by the Governor, Council, and Assembly, as follows:

Incorporation.

1. Charles C. Hamilton, Richard Starr, Robert G. Haliburton, Avard Longley, the Reverend Doctor Robertson, Herbert Harris, George Crichton, John Brown, Peter S. Burnham, D. H. Starr, and such other persons as are or hereafter may become members of the association, shall be a body corporate by the name of the "Fruit Growers' Association and International Show Society."

## CHAPTER 47.

An Act to incorporate the Historical Society of Nova Scotia.

(Passed the 10th day of May, A. D., 1864.)

### SECTION.

Preamble.

1. Incorporation.

### SECTION.

2. Management of company.

3. Real estate.

Preamble.

Whereas, certain persons have associated themselves having for their object historical research, especially the authentication and preservation of the historical and traditionary records of British North America and primarily of Nova Scotia.



Be it therefore enacted by the Governor, Council, and Assembly, as follows:

1. William Blowers Bliss, Lewis Morris Wilkins, Joseph Howe, William Young, Charles Tupper, Jonathan McCully, William J. Almon, LeBernard Gilpin, Thomas Beamish Akin, Beamish Murdoch, John Hunter Duvar, and their successors in office, together with such other persons as are or may become associated with them for the said purpose, in accordance with the rules and bye-laws now or which may hereafter be laid down for admission and membership, shall be and hereby are appointed a body corporate and politic by the name of the "Historical Society of Nova Scotia."

Incorporation.

2. The Government of the society and the management of its funds shall be vested in the president and council, chosen and acting under the constitution of the society.

Management of company.

3. The society shall not hold real estate beyond the value of eight thousand dollars.

Real estate.

## CHAPTER 48.

An Act to incorporate the Nova Scotia Amalgamating and Mining Company.

(Passed the 10th day of May, A. D., 1864.)

### SECTION.

1. Incorporation.
2. Objects of company.
3. Capital. Sharee.
4. Directors. General meeting. Preferential shares. Liability of shareholders.

### SECTION.

5. Bye-laws.
6. Corporators to be directors until others elected.
7. List of shareholders to be filed.
8. Agent. Service of process.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Frank S. Andrews, L. Haskell, Hilliary A. Cobb, S. P. Densmore, B. H. Cheever, Robert Coffin, Frederick M. Kelly, their associates, successors, and assigns, are hereby created a body politic and corporate, with all the rights, powers, and privileges incident to corporations of this province, under the name of the "Nova Scotia Amalgamating and Mining Company."

Incorporation.

2. Said company is authorized to mine and manufacture within this province, and may purchase, and acquire lands, tenements, and hereditaments, rights to property, and choses in action, and deal therewith as natural persons may.

Object of company.

3. The capital stock of said company shall be three hundred thousand dollars, in shares of such denominations as may be fixed by law, or vote of the directors; but the said company shall not go into operation until twenty-five per cent of the capital stock is actually paid up.

Capital; shares.

Directors.

4. The directors of said company shall not be less than five, nor more than fifteen, of whom a majority shall constitute a quorum to do business; they shall be elected at a

General meeting.

general annual meeting of shareholders, to be held on the first Tuesday in August, A.D., 1865, and annually thereafter; but the day and place of such annual meeting may be changed by vote of the directors on due notice thereof, in one or more public newspapers, ten days before the day determined for such meeting; the directors, for property received for the use of the company or for other valuable considerations, may issue full paid shares, or shares subject to assessment, they may make any issue of shares, preferred shares with such conditions of preference as shall be determined; shareholders and subscribers for shares shall be liable to calls on such amounts and at such times as the directors may determine, but not to an amount exceeding the par value of the shares, nor shall the holders of shares be subject to any liability beyond the full payment of the par value of their shares; the organization of said company shall not lapse by reason of any failure to choose officers on the day appointed, but the officers may hold over until others be elected in their places.

Preferential shares.

Liability of shareholders.

Bye-laws.

5. The directors may make bye laws for said company not inconsistent with this act and the laws of this province, and the same repeal or modify, and may therein define the powers and functions of officers of the company; a copy of said bye-laws being filed with the secretary of the province shall have the same force as if herein enacted.

Corporators to be directors until others elected.

6. Until the first general meeting of shareholders herein provided, the persons named in the first section hereof or their instituted appointees, may organize said company, open books for subscription for shares, and act as directors, until a board be elected by the shareholders as herein provided.

List of shareholders to be filed.

7. A list of the stockholders of the said corporation, and of the number of shares held by each of them on the first days of May and November in each year, certified under the hands of the president and secretary, shall be filed in the months of May and November in each year, with the registrar of deeds in the county where the principal works of the company are situated; such certificate to contain the names of the stockholders and the number of shares held by them respectively on the first day of the month in which such certificate is filed, and it shall not be necessary to file any other certificate or transfer, or copy thereof.

Agent.

Service of process.

8. The company, through their directors or otherwise, shall appoint a recognized agent or manager, resident in this province, service on whom of all process, notices, and other documents, shall be held to be sufficient service on the company, and the name and address of such agent shall be filed with the registrar of deeds for the county where the principal

works of the company are situated; in default of such appointment, or in case of the absence or death of the agent, process, notices, and documents, may be served on any officer or employee of the company, or for want of such officer or employee, may be posted in some principal building of the company, and such service or posting shall be deemed a sufficient service on the company.

### CHAPTER 49.

#### An Act to incorporate the Charitable Irish Society of Halifax.

(Passed on the 10th day of May, A. D. 1864.)

##### SECTION.

1. Incorporation.
2. Funds vested in corporation.

##### SECTION.

3. May collect arrears.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. James Butler, John Pugh, Patrick Wallace, John T. Compton, John Meagher, James W. Flinn, John Finn, John Doran, and such other persons as now are or hereafter shall become members of the Charitable Irish Society, according to the rules and bye-laws thereof, are hereby incorporated under the name of "The Charitable Irish Society of Halifax." Incorporation.

2. The funds and property of the society are vested in the corporation for charitable purposes, who are authorized to invest the same on mortgage or otherwise for the benefit of the corporation; and the corporation may purchase, take, and hold, real estate, to the value of twenty thousand dollars. Funds vested in corporation.

3. The corporation may collect all arrears due to them under their bye-laws. May collect arrears.

### CHAPTER 50.

#### An Act to incorporate Spring Hill Mining, Manufacturing, and Transportation Company.

(Passed on the 10th day of May, A. D. 1864.)

##### SECTION.

1. Incorporation.
2. Capital, shares; Company may take land, etc., in payment of stock.
3. May hold real estate.
4. Stock, etc., liable for debts; titles, etc. to be recorded.
5. When to go into operation.
6. Act to cease if shares not subscribed, etc., in 3 years.
7. Service of process.

##### SECTION.

8. Company may open books and appoint officers.
9. First meeting, when and how held.
10. Proceedings to obtain land for company.
11. Books, etc., open to inspection.
12. Act to cease if work not commenced, etc.
13. List of shareholders to be filed.
14. Railway may cross roads, etc.

Be it enacted by the Governor, Council, and Assembly, as follows:

Incorporation.

1. Gilbert Seaman, Rufus Seaman, George Hibbard, and Edward George Vernon, and their associates, successors, and assigns, shall be and are hereby created into a company and declared to be a body politic and corporate, by the name of "The Spring Hill Mining, Manufacturing, and Transportation Company," for the purpose of mining coal, and ores of all descriptions, of minerals, metals, and metallic substances, for manufacturing, refining, working and disposing of the same, and any and all other business pertaining thereto.

Capital—shares.

2. The capital stock of the corporation shall be one million dollars, with liberty to increase the same to a sum not exceeding five million dollars, to be divided into shares of one hundred dollars each, to be paid in at such times and by instalments as the business of the said company shall require; and it shall be lawful for the said corporation to take lands, mines, buildings, wharves, machinery, mining rights, privileges or property, in payment of any instalment or instalments due on any stock subscribed at such valuation as the company shall decide.

Company may take lands, etc., in payment of stock.

May hold real estate.

3. The corporation may purchase and hold coal and mining rights, and other estate, real and personal, and also water-privileges, and having first obtained the consent of private proprietors, may connect their mines by railroad or other roads, to any navigable point or points within the county of Cumberland.

Stock, etc., liable for debts.

4. The joint stock and property alone of the said corporation, shall be liable for the debts and engagements of the same, and no title of the company, their assignees or lessees, nor any incumbrance shall be valid, unless the same shall be duly recorded in the office of registrar of deeds for the county or district where such lands lie.

Titles, etc., to be recorded.

When to go into operation.

5. As soon as three thousand shares shall have been subscribed, and one hundred thousand dollars shall have been paid in, the company may go into operation.

Act to cease if shares not subscribed in three years.

6. Unless three thousand shares shall have been subscribed and one hundred thousand dollars paid in for the purposes of the company, and a certificate of such payment signed and verified on oath by the president and treasurer, (which oath any justice of the peace is hereby authorized to administer,) and be filed in the office of the Provincial Secretary before the expiration of three years after the passing of this act, the operation of this act shall cease, and the existence of the corporation shall terminate.

Service of process

7. Service of process may be made upon any officer or agent of the company within the province, or in case of absence or doubt, by fixing a copy upon some conspicuous building or office of the company, within the county wherein the property is located.

8. The corporation may open books for the subscription of stock in one or more places out of the province, as also books for transfer, and may appoint officers for the same, and paying of interest and dividends for the whole or any part of the stock, with agencies and branch offices for the sale of coal, coal oil, and other productions of said company, as well as the general transaction of their business.

Corporation may open books and appoint officers.

9. The first meeting of stockholders for organizing the company, may be held at any place to be designated in writing by proprietors of at least fifty shares, among whom the three first named on the stock list shall appear.

First meeting: how and where held.

10. Whenever it shall be requisite in the construction of the railroad contemplated by this act, that this company should be invested with the lands over which the same shall pass and contiguous thereto, for the track of the road and for stations, and no agreement can be made for the purchase thereof, it shall be lawful for the directors to apply by petition, with a plan annexed, to any one of the judges of the supreme court, setting forth the nature and situation of the lands required, the names of the owners or occupiers thereof, and praying a conveyance of the same to the company; whereupon such judge, being satisfied that the lands are required, and are not more extensive than may be reasonably necessary, shall appoint a time and place for the consideration of such petition, and shall direct a proper notice in writing to be served upon the owners or occupiers of the lands, if in the province, and to be published for the period of one month in at least two newspapers published at Halifax, and also in one newspaper of the county where the lands lie, if there be any, requiring them to attend at such time and place, personally or by attorney; and the judge shall require the directors to nominate one appraiser, and such owners to unite in naming two appraisers, and the judge shall nominate two appraisers; but in case such owners do not attend, or shall refuse or neglect or cannot agree to make such nomination, the judge shall, on proof of such publication or service of such notice, nominate four appraisers, and shall by an order in writing direct the said five appraisers to value the lands so required, and the appraisers, having first subscribed an affidavit in writing, to be sworn to before a justice of the peace, and annexed to such order, to the effect that they will faithfully make such appraisal, shall, with all convenient speed, proceed to and appraise such land, and shall make such appraisal in writing, and return it under the hands of the appraisers, or a majority of them, with such order and affidavits, to a judge, who may confirm, modify, alter, or reject such appraisal, or direct an appraisal de novo; and the company, upon paying or tendering the amount of the appraised value as finally confirmed, and the expenses of the owners on such appraisal,

Proceedings to obtain land for company.

to the owners, or in case of dispute, to such parties as the court or a judge shall direct, and registering such order, affidavit, appraisal, and confirmation, in the office of the registrar of deeds in the county in which such lands lie, who is hereby required to register the same, shall be considered the owners of such lands.

Books, etc., open to inspection.

11. The books and accounts of the company shall at all times be open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

Act to cease in two years if work not commenced.

12. This act shall cease and determine if the railroad shall not be effectually commenced and continued within two years from the date of its passing.

List of stockholders to be filed.

13. A list of the stockholders of the said corporation, and of the number of shares held by each of them on the first days of May and November in each year, certified under the hands of the president and secretary, shall be filed in the months of May and November in each year, with the registrar of deeds in the county where the principal works of the company are situated; such certificate to contain the names of the stockholders and the number of shares held by them respectively on the first day of the month in which such certificate is filed, and it shall not be necessary to file any other certificate of transfer, or copy thereof.

Railway may cross roads, &c.

14. It shall be lawful for the company to make or construct a railway over and across any roads in the line of the projected railroad, and over and across any railroads or tramroads, and over any rivers, brooks, or streams, subject, nevertheless, in such cases, to regulations to be made by the court of sessions to ensure the safety of the inhabitants and their property.

## CHAPTER 51.

### An Act to incorporate the Truro Cemetery Company.

(Passed the 10th day of May, A. D. 1864.)

#### SECTION.

1. Incorporation. Real estate.
2. Mode of transfer of lands from Trustees of Presbyterian Church, etc.

#### SECTION.

3. Rules, bye-laws, etc.; officers; mode of assessment; how recovered.
4. Proceedings to inclose land to southward.

Be it enacted by the Governor, Council, and Assembly, as follows:

Incorporation.

1. Charles Blanchard, Robert Smith, James K. Blair, Thomas Millan, Isaac Dunlop, Isaac N. Archibald, Richard Christie, Charles D. Blair, Israel Longworth, Crawford Page, and Samuel S. Neilson, their successors and assigns, are hereby created a body corporate, by the name of the "Truro Cemetery Company," and may take, hold, and purchase, real and personal estate, and may improve, enclose, use, ornament, or sell the same; but they shall not at any one time hold real estate to a greater amount than two thousand dollars.

Real estate.

2. In case the trustees of the Presbyterian Church at Truro, or a majority of them, shall consent to allow a transfer to be made to the said Truro Cemetery Company of the lands hereinafter described and set forth, they may signify such assent, by a memorandum in writing, to be signed in presence of two witnesses, which memorandum shall be filed in the office of registry of deeds for the county of Colchester, and shall be proved and registered in the ordinary way, and upon such memorandum being so delivered, and filed, and proved, for registry, the title of the lands used at present as a burial ground, with the other lands adjacent, belonging to the said Presbyterian Church at Truro, and now vested in said trustees, and which lands are particularly described as follows:—  
 “bounded on the north-east by a road leading from the main road on the south-east of the said meeting house and running in a north-westwardly direction to the marsh, thence running in a south-westwardly direction till it joins the main road on the south-west of the said meeting house, and bounded southerly by another marsh,” shall vest in and become the property of the said Truro Cemetery Company, saving to all persons interested in said real estate their legal rights, and upon such transfer being so completed, the proprietors of lots in the burying ground so transferred shall be and become members of the said company.

Mode of transfer of lands from trustees of Presbyterian Church. etc.

3. The members of the company shall have power to make such rules and regulations for the management and care of the property, for the purchase of additional property, for the ornamenting and improving of the same, for the laying out the same in lots, and the disposing thereof; for the regulation of the rights of voting of the members of the corporation, and, for other matters essential to the proper transaction of the company's business as to a majority of the members of the same may appear expedient and necessary, and shall appoint such officers as they may think proper for the management of the affairs of the said corporation; and the members shall be assessed rateably in proportion to the number and dimensions of the lots owned by them towards any monies necessary to be raised for the protection or improvement of the property, which assessment shall be recovered by the person appointed by the company to receive the same, in his own name, as if it were a private debt.

Rules, bye-laws, etc.

Officers.

Mode of assessment.

How recovered.

4. In case the company desire to enclose any lands lying to the southward of the present highway, they may direct such highway by opening a new one, either along the south or along the northern line of the said land, and so soon, as such new highway shall be put in a condition to be used by the public, the old highway through the said lands shall be closed, the title to the soil thereof shall vest in the company, and the public interest in such highway shall cease, but the same shall not be

Proceedings to inclose lands to southward.

closed till the assent thereto of three justices residing in the neighbourhood is obtained and the certificate of such assent and the new highway is as beneficial to the public as the present highway.

## CHAPTER 52.

### An Act to incorporate "The South Joggins Freestone and Grindstone Quarrying Company."

(Passed on the 10th day of May A. D. 1864.)

#### SECTION.

1. Incorporation.
2. Capital; shares; when to go into operation.
3. First meeting; how called; directors.
4. Liability of stockholders.
5. Transfers valid.

#### SECTION.

6. List of shareholders to be filed.
7. Meetings, when and where held; agent: service of process.
8. Books, etc., open to inspection.
9. May hold real estate.

Be it enacted by the Governor, Council, and Assembly, as follows:

Incorporation.

1. Amos Seaman, Thomas Battye, Thomas H. Westone, Arim C. Lombard, and James H. Hickman, and their associates, successors, and assigns, are hereby constituted a body politic, by the name of "The South Joggins Freestone and Grindstone Quarrying Company," for the purpose of opening and working quarries of freestone and grindstone at the South Joggins in the county of Cumberland, and transacting business connected therewith, including the sale and shipment of the products of said quarries, and erecting all buildings necessary therefor, and constructing such railroads, tramways, docks, piers, wharves, breakwaters, and other erections as may be necessary for the working of such quarries, and the sale, transportation, and shipment, of the products of the same, or any other the purposes aforesaid.

Capital—shares

2. The capital stock of the said company shall be one hundred and twenty-five thousand dollars in shares of ten dollars each; and the company shall have power to increase their capital stock to two hundred thousand dollars by the issue of new shares by vote of the stockholders; the company shall not go into operation until twenty-five per cent. of the capital stock is actually paid up.

When to go into operation.

First meeting, when held, etc.

3. The first meeting of the company shall be held at such time and place in this province, as a majority of the company shall determine, of which notice shall be given either by advertising such notice in two of the Halifax newspapers, at least twenty days before said meeting, or by serving the same personally upon each member of the corporation at least twenty days previous to such meeting; at such first meeting, or at any



subsequent meeting, the company may be organized by the election of a board of directors, of not less than three, or more than six, of whom three shall be a quorum.

Directors.

4. No member of the company shall be liable in his person or separate estate for the debts of the company, to a greater amount in the whole than the amount of the stock held by him, deducting therefrom the amount actually paid to the company on account of said stock, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the company.

Liability of shareholders.

5. The transfer of shares in the said company shall be valid and effectual for all purposes from the time such transfer is made.

Transfer of share

6. A list of the stockholders of the said company, and of the number of shares held by each of them on the first days of May and November in each year, certified under the hands of the president and secretary, shall be filed in the months of May and November in each year, with the registrar of deeds in the county where the principal works of the company are situate; such certificate to contain the names of the stockholders, and the number of shares held by them, respectively, on the first day of the month in which such certificate is filed; and it shall not be necessary to file any other certificate of transfer or copy thereof.

List of shareholders to be filed.

7. The meetings of the company shall be held at such place in this province as the directors may appoint; and the company, through their directors, or otherwise, shall appoint a recognized manager or agent, resident in this province, service on whom of all process, notices, and other documents, shall be held to be sufficient service on the company, and the name and address of such agent shall be filed with the registrar of deeds in the county where the principal works of the company are situate; in default of such appointment, or in case of the absence or death of the agent, process, notices, and documents may be served on any officer or employee of the company, or for want of such officer or employee, may be posted on some principal building of the company, and such service or posting shall be deemed sufficient service on the company.

Meeting, when and where held.

Agent.

Service of process.

8. The books and accounts of the company shall at all times be open to the examination of such persons as the Governor in Council shall appoint to inspect the same.

Books open to inspection.

9. The company may hold real estate to the value of one hundred thousand dollars.

May lease or sell real estate.

## CHAPTER 53.

## An Act to incorporate "The Mutual Bank of Nova Scotia."

(Passed the 10th day of May A. D., 1864.)

## SECTION.

1. Incorporation.
2. President, directors, etc.
3. Capital—shares, Instalments, when to be paid. Notice required.
4. Real estate. May not lend on mortgage.
5. First meeting, how and when called. Proceedings at. Power of directors.
6. Two directors to go out annually.
7. Annual meeting. Proceedings at.
8. Officers appointed if necessary. Compensation.
9. Proceedings at board of directors. Appointment of president pro tem. Casting vote.
10. Qualification of directors.
11. Cashiers, &c., to give bonds.
12. Number of votes.
13. Votes by proxy.
14. Vacancies, how filled up.
15. Business, when to be commenced.
16. Transfers to be entered. Stock liable for debts.
17. Nature of business. Sale of pledged goods.
18. Joint stock alone liable for debts.
19. On expiration of act shareholders liable in proportion to stock.
20. Form of notes, &c.
21. Limits of debts and credits. In case of excess directors liable.
22. Dividend.
23. Books, &c., subject to inspection of directors.

## SECTION.

24. Bills how signed, &c. Payable in coin.
25. If notes exceed fixed amount, act to cease.
26. If payment of notes be refused, holder entitled to twelve per cent. interest.
27. Must pay bona fide holder of counterfeited notes.
28. Head office. Agencies.
29. Local directors, election of, etc.
30. Local cashiers. Appointment. To give bonds.
31. One local director to go out annually.
32. Annual county meetings, proceedings at, &c.
33. Tenth section applicable to local directors.
34. Local branches, when to be closed.
35. Return to Provincial Secretary.
36. If capital diminished one half act to be repealed.
37. Special general meeting, how called.
38. Proceedings on dissolution.
39. In case of mis-management shareholders liable. Proviso.
40. Books, &c., open to inspection if person appointed by Governor in Council.
41. Cap. "of Currency" not affected.
42. Duration of act.
43. To cease in two years if bank does not go into operation.

Be it enacted by the Governor, Council, and Assembly, as follows :

1. George S. Brown, Henry A. N. Kaulback, Thomas D. Archibald, John McKinnon, Peter Smyth, Daniel Moore, Isaac LeVesconte, Henry G. Pineo, Ezra Churchill, John C. Wade, Charles J. Campbell, W. O. Heffernan, and such other persons as are or may become shareholders in the company hereby established, their successors and assigns, shall be a body corporate by the name of the "Mutual Bank of Nova Scotia," for the purpose of carrying on the business of banking.

2. The business of the company shall be under the management of a president and six directors, and such other officers and agents as may be found necessary.

3. The capital of the company shall consist of one million dollars, which shall be divided into one hundred thousand shares of ten dollars each, and twenty-five per cent. of the

Incorporation.

President, directors, &amp;c.

Capital—shares.

stock which shall be subscribed for shall be paid on or before the first day of July next, or at such time as the directors shall appoint; and the remaining instalments shall from time to time be paid at such time or times and in such manner as shall be determined by the vote of the stockholders at a special meeting to be called for that purpose; but no instalment shall in any case be called in unless thirty days previous notice shall have been first given in two at least of the newspapers published at Halifax, of the time and place appointed for the payment of instalments.

Instalments,  
when to be paid.

Notice required.

4. The corporation shall have full power and authority to hold, possess, and enjoy lands, tenements, and real estates to any amount not exceeding fifty thousand dollars, and nothing herein contained shall prevent or restrain the corporation from taking or holding real estate to any amount whatsoever under judgment or by mortgage, recovered or taken as collateral security for the payment of any sum or sums of money advanced by or for debts due to the corporation; but the said corporation shall on no account lend money upon mortgage upon lands or other fixed property, nor upon the security of any stock in the bank, unless by way of additional security for debts contracted with the corporation in the course of its dealing.

Real estate.

May not lend on  
mortgage.

5. After the passing of this act, whenever two hundred and fifty thousand dollars of said capital stock shall be paid in, before which no one shall have a right to vote for any purpose, a general meeting of the members and stockholders of the corporation or the major part of them shall take place by notice in two or more of the public newspapers, twenty days previous to such meeting, for the purpose of organizing the said bank and of making, ordaining, and establishing such bye-laws, ordinances, and regulations for the good management of the affairs of the said corporation, and for the establishing agencies in the various counties of the province, under such rules and regulations as may be deemed proper, consistent with this act, and as the members and stockholders shall deem necessary; and also for the purpose of choosing seven directors, being stockholders and members of the corporation, under and in pursuance of the rules and regulations hereinafter made and provided, which directors so chosen shall elect out of their numbers a president, and they shall have full power and authority to manage the concerns of the corporation, and shall commence the operations of the said bank, subject, nevertheless, to the rules and regulations hereinafter made and provided; at which general meeting the members and stockholders of the said corporation, or the major part of them, shall determine upon the mode of appointing the local board of management of the various branches of such bank in the several counties of the province, and upon the mode of

First meeting,  
how and when  
called.

Proceedings

Power of direc-  
tors.

transferring and disposing of the stock and profits of the said corporation, which being entered on the books of the corporation shall be binding upon the stockholders, their successors, and assigns, until altered at any other general meeting of the shareholders.

Two directors to go out annually.

6. Two of the directors shall annually go out of office, but shall be eligible to be re-elected as directors.

Annual meeting. Proceedings at.

7. There shall be a general meeting of the stockholders and members of the said corporation, to be annually holden on the first Wednesday in May, in each year, at Halifax, at which annual meeting all vacancies in the board of directors shall be filled up, and after the election of directors in place of those who shall have gone out of office by rotation or otherwise, the directors shall annually choose one out of their number as president for the ensuing year, or until another is chosen in his room; in the election of directors the stockholders shall vote according to the rule hereinafter mentioned.

Officers appointed if necessary.

8. The directors shall have power to appoint such officers, clerks, and servants, as they shall think necessary for executing the business of the corporation, and shall allow them such compensation for their respective services as to the directors shall appear reasonable, all which, together with the expenses of the different agencies, and of buildings, house rents and all other contingencies, shall be defrayed out of the funds of the corporation; and the said directors shall likewise exercise such other powers and authorities for the well regulating the affairs of the corporation, as shall be prescribed by the bye-laws and regulations of the same.

Compensation.

Proceedings at board of directors.

9. The business of the corporation shall be transacted by such number of the directors as shall be determined on by the stockholders and specified in the bye-laws, of whom the president shall always be one; but in case of sickness or necessary temporary absence, the directors present may choose one of their board as chairman in his stead; the president or such chairman shall vote at the board as a director, and in case of there being an equal number of votes for and against any question before them, the president or chairman shall also have a casting vote.

Appointment of president pro tem.

Casting vote.

Qualification of directors.

10. No person shall be eligible for or continue to be a director unless such person is a stockholder, and holding and owning not less than two hundred shares of the capital stock of the said corporation, upon whose shares all instalments called in shall have been fully paid, and no person shall be eligible for or continue to be a director of the corporation who is a director or a co-partner in trade of a director in any other bank whatsoever; and if any director of the said corporation shall, while he is in office, cease to hold two hundred shares in the said stock, or shall become a director or a co-partner in trade of a director in any other bank whatsoever, such direc-

tor of the said corporation shall forthwith go out of office and cease to be a director, another director shall be chosen in his stead as hereinafter directed.

11. Every cashier and clerk of the corporation before he enters upon the duties of his office shall give bonds, with two or more sureties, to be approved by the said directors, that is to say: every cashier in a sum not less than forty thousand dollars with a condition for his good and faithful behaviour, and every clerk with a like condition and sureties in such sum as the directors shall deem adequate to the trust reposed in him.

Cashiers, &c., to give bonds.

12. The number of votes which each stockholder shall be entitled to on every occasion, when in conformity with the provisions of this act the votes of the stockholders are to be given shall be in the following proportion, that is to say: for five shares and less than ten, one vote; for ten shares and less than twenty, two votes; for twenty shares and less than forty, three votes; for forty shares and less than eighty, five votes; for eighty shares and less than one hundred and sixty, six votes; and for one hundred and sixty shares, and all shares above that number, eight votes; which shall be the greatest that any stockholder shall be entitled to have.

Number of votes.

13. All stockholders resident within this province or elsewhere, may vote by proxy, provided that such proxy be a stockholder and do produce sufficient written authority from his constituent or constituents so to act; provided also that no person shall hold more than three proxies.

Votes by proxy.

14. The directors may fill up any vacancy that shall be occasioned in the office of president, or in the board of directors, by the death, removal, resignation, or absence from the province for three months, or any incapacity of the president, or any of their members, and the person so chosen by the directors shall serve until the next succeeding annual meeting of the stockholders.

Vacancies, how filled up.

15. As soon as the sum of two hundred and fifty thousand dollars shall have been actually paid in on account of the subscriptions to the stock, notice thereof shall be given in two at least of the newspapers published in Halifax, and the directors may commence the operations and business of the bank; but no bank bills or bank notes shall be issued or put in circulation, nor any bill or note discounted at the bank until the sum of two hundred and fifty thousand dollars shall be actually paid in and received on account of the subscriptions to the capital stock of the bank.

Business, when to be commenced.

16. The shares or capital stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf, but no assignment or transfer shall be valid or effectual, unless such assignment or transfer shall be entered and registered in a book to be kept by the

Transfers to be entered.

directors for that purpose, nor until the person or persons so making the same shall previously discharge all debts actually due and payable to the corporation; and such stock shall be a pledge for any debt that may become due by the holder thereof to the bank and be disposed of as other stock pledged to the bank, and in no case shall any fractional part of a share or other than a complete share or shares be assignable or transferable; and whenever any stockholder shall transfer, in the manner aforesaid, all his stock or shares in the bank, or the same shall be transferred by act of law to any person or persons whomsoever, such stockholder shall cease to be a member of the corporation.

Stock liable for debts.

Nature of business.

Sale of pledged goods.

Joint stock alone liable for debts.

On expiration of act shareholders liable in proportion to stock.

Form of notes, &c.

17. The corporation may conduct the business of banking in all its branches, and may lend money on cash accounts with personal security only, and may generally deal in bills of exchange, promissory notes, gold or silver coin or bullion, and in other the current monies of this province, or in the sale of goods and stock really and truly pledged for money lent and not redeemed, which goods and stock so pledged shall be sold by the corporation at public sale, at any time not less than thirty days after the period for redemption, and if upon such sale of goods or stock there shall be a surplus after deducting the money lent and interest, together with the expenses of sale, such surplus shall be paid to the proprietors thereof respectively.

18. The joint stock or property of the corporation shall alone be responsible for the debts and engagements of the corporation, and no person or persons who shall or may have dealings with the corporation, shall, on any pretence whatsoever, have recourse against the separate property of any present or future member of the corporation, or against their persons, except in the cases specified in this act, further than may be necessary to secure the faithful application of the funds of the corporation.

19. The holders of shares or stocks in the corporation, when this act shall expire or be repealed, shall be chargeable in their private and individual capacities, and shall be holden for the payment and redemption of all bonds, bills and notes, which may have been issued by the corporation, and which may then remain unpaid, but only according to, and in proportion to, the share and interest which they may respectively hold in the capital stock of the corporation at the time of such expiration or repeal.

20. Every bond, bank bill, or bank note, or other instrument, by the terms or effect of which the corporation may be charged or held liable for the payment of money, shall especially declare, in such form as the board of directors shall prescribe, that payment shall be made out of the joint fund of the corporation.

21. The total amount of the debts which the corporation shall at any time owe, whether by bill, bond, or note, or other contract whatsoever, exclusive of the sum due on account of deposits, shall not exceed treble the amount of the capital stock actually paid in by the shareholders, nor shall there be due to the corporation at any one time more than treble the amount of the capital stock actually paid in by the stockholders, and in case of any excess, the directors under whose administration and management the same shall happen shall be liable for such excess in their individual and private capacities; provided always that the lands, tenements, goods, and chattels of the corporation shall also be liable for such excess.

Limits of debts and credits.

In case of excess directors liable.

22. The directors shall make half yearly dividends of all the profits, rents, premiums, and interests of the corporation, payable at such time and place as the directors shall appoint, of which they shall give thirty days previous notice in it at least two of the newspapers published in Halifax; but the directors shall not be compelled to make or declare any dividend at an earlier period than one year from and after the passing of this act, unless they shall think it expedient to make and declare a dividend at an earlier period.

Dividend.

23. The books, papers, correspondence, and funds of the corporation shall at all times be subject to the inspection of the directors; but no stockholder not a director shall inspect any books or the account of any individual with the corporation.

Books, etc., subject to inspection of directors.

24. All the bills or notes issued by the said corporation shall be signed by the president for the time being, and countersigned and attested by the cashier, and shall be printed and made in stereotype plates, and all bills or notes so signed and countersigned shall be binding on the corporation although not under their seal, which bills or notes shall be payable by the corporation in gold or silver on demand.

Bills how signed, etc.

25. If the total amount of all the notes of the bank, issued and in circulation, shall at any one time exceed the amount fixed and determined by the act of incorporation of the bank, such act of incorporation shall cease and determine from the time when such excessive issue shall have accrued.

Payable in coin.

If notes exceed fixed amount, act to cease.

26. In case the officers of the corporation shall, in the usual banking hours at the bank, refuse or delay payment in gold or silver of any note or bill of the corporation then presented for payment, the corporation 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.

If payment of notes be refused, holder entitled to twelve per cent. interest.

27. The corporation shall be liable to pay any bona fide holder the original amount of any note of the bank which shall have been counterfeited or altered in the course of its

Must pay bona fide holder of counterfeit notes.

circulation, to a larger amount, notwithstanding such alteration.

Head office.

Agencies.

28. The head office of the Bank shall be kept in Halifax, but the corporation shall have power to establish agencies in the various counties of the province, as hereinafter provided, subject to such ordinances and bye-laws as shall be passed at the said general meeting provided for in the fifth section of this act.

Local directors,  
election of, etc.

29. Any ten or more stockholders in the said bank who shall be residents of any one county in the province out of Halifax, and shall own in their own right at least two thousand shares, upon which all the instalments have been paid, at a meeting to be held for that purpose, of which meeting at least twenty days notice shall be given by handbills posted up in said county, and by advertisement in two at least of the public newspapers in Halifax, and in any newspaper published in said county, shall have power to elect three stockholders to act as local directors, which elections shall be subject to the approval of the board of directors at the head office in Halifax.

Local cashiers.  
Appointment.

30. The local boards of directors shall have power to nominate a cashier for their respective branches, subject to the approval of the head board of directors at Halifax, and such cashier before entering upon the duties of his office shall give bonds as provided in the eleventh section of this act.

To give bonds.

One local direc-  
tor to go out an-  
nually.

31. One of the local directors in each branch shall annually go out of office, but shall be eligible for re-election.

Annual county  
meetings, pro-  
ceedings at, etc.

32. There shall be an annual meeting of the shareholders in each county in which there shall be a branch of said bank, to be held at least twenty days before the annual general meeting at Halifax, at which annual meeting, all vacancies in the local boards of directors shall be filled up; in the election of local directors the stockholders shall vote according to the twelfth section of this act.

Tenth section ap-  
plicable to local  
directors.

33. The tenth section of this act shall apply as well to local directors as to the directors of the head office.

Local branches,  
when to be  
closed.

34. If at any time it shall be found in any of the counties in which there shall be a local branch of the bank, that there are not ten or more resident stockholders representing in their own right at least two thousand shares, the directors of the bank shall cause such local branch to be closed, and no further business to be transacted in said county.

Return to Pro-  
vincial Secretary.

35. The cashier of the bank shall twice in every year, that is to say: on the thirty-first day of January and the thirty-first day of July, make a return of the state of such bank as it existed at the closing of the books on those days respectively, and he shall transmit the same as soon as may be, not exceeding fifteen days thereafter, to the provincial secretary, for the purpose of being laid before the legislature at its next session, which returns respectively, shall specify the amount then due



from the bank, designating in distinct columns the several particulars included therein, and shall also specify the resources of the bank, designating in distinct columns the several particulars included therein, and the said returns shall be in substance as follows:

*State of the Mutual Bank of Nova Scotia on the 31st day of*  
 \_\_\_\_\_ A.D., 18—.

DUE FROM THE BANK.

Capital Stock.....	
Bills in circulation.....	
Nett profits on hand.....	
Balances due to the other banks.....	
Cash deposited, including all sums whatsoever due from the bank not bearing interest; its bills in circulation—profits and balan- ces due to other banks excepted.....	
Cash deposited bearing interest.....	
Total amount due from bank.....	

BALANCE OF THE BANK.

Gold, silver, and other coined metals, in its banking house.....	
Real Estate.....	
Bills of other banks incorporated in this Province.....	
Bills of all other banks.....	
Balances due from other banks.....	
Amount of all debts due, including notes, bills of exchange, and all other stocks and funded debts of every description, except- ing the balances due from other banks... ..	
Total amount of the resources of the bank..	
Rate and amount of the last dividend.....	
Amount of reserved profits at the time of declaring the last dividends.....	
Amount of the debts due to the bank, secured by a pledge of its stock.....	
Amount of debts due and not paid, and con- sidered doubtful... ..	

which returns shall be signed by the cashier of such bank, who shall make oath before some justice of the peace to the truth of every such return, according to the best of his knowledge and belief, and one of the directors of such bank shall certify and make oath, that the books of the bank indicate the state of the facts so returned by the cashier, and that he has full confidence in the truth of such return; and no further or other returns shall hereafter be required from the bank; copies

of which statements shall be laid before the stockholders at the general annual meeting of the corporation.

If capital diminished one half to be repealed.

36. If upon the exhibition of the yearly accounts of the debts due to and from the corporation, and of the property and effects thereof, it shall appear to the satisfaction of the legislature of this province, if then in session, or to the governor in council, if this legislature be not in session, that the paid up capital of the corporation has been diminished, by losses and bad debts, to one-half of the amount of the capital, or sum so paid up, that then the said corporation shall be dissolved, if the legislature be in session, by an act of the legislature of this province, or if the legislature be not in session, by proclamation forthwith to be issued by the Governor in Council for that purpose.

Special general meeting, how called.

37. Any number of the stockholders, not less than twenty, who, together, shall be proprietors of five hundred shares, shall have power at any time, by themselves or their proxies, to call a general meeting of the stockholders, for purposes relating to the business of the corporation, giving at least thirty days previous notice in at least two newspapers, published in Halifax, specifying in such notice the time and place of such meeting, with the objects thereof; and the directors, or any four of them, shall have the like power at any time, upon observing the like formalities, to call a general meeting, as aforesaid.

Proceedings on dissolution.

38. On any dissolution of the corporation, immediate and effectual measures shall be taken by the directors, then in office, for closing all the concerns of the corporation, and for dividing the capital and profits which may remain among the stockholders, in proportion to their respective interests: provided always, that notwithstanding such dissolution, it shall and may be lawful to use the corporate name, style, and capacity, for the purpose of suits, for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of the estate, real and personal, and mixed, thereto belonging, but not for any purpose or in any other manner whatsoever, nor for any period exceeding four years after such dissolution; and the directors in office, at the happening thereof, shall, during those four years, if necessary, continue in office, and shall be charged with, and shall take effectual measures for, closing the concerns of the corporation, and dividing the remaining capital and profits among the stockholders, according to their respective interests therein.

In case of mismanagement shareholders liable.

39. In case any loss or deficiency of the capital stock of the corporation shall occur from the official mismanagement of the bank directors, the stockholders at the time of such mismanagement shall, in their private and individual capacities, be respectively liable to pay the same: provided that in no case shall any one stockholder be liable to pay a sum exceed-

Proviso.

ing in amount the stock actually then held by him, in addition to the stock so held by him.

40. Any person nominated by the governor in council, or any joint committee appointed by the legislature for that purpose, shall at any time have free access to the books and vaults of the corporation, for the purpose of examining into the proceedings of such corporation: provided no person shall have such access who is a stockholder or director of any other bank; and also provided such person or committee shall not be authorized to inspect or investigate the account of any individual with such corporation; and that no member of such corporation shall be on such committee.

Books, etc., open to inspection if person appointed by Governor in Council.

41. Nothing in this act contained shall affect the operation of the chapter of the revised statutes, "Of Currency."

Cap. "Of Currency" not affected.

42. This act shall continue and be in force for fifteen years, and from thence to the end of the then next session of the general assembly.

Duration of act.

43. This act shall be of no force or effect unless the bank shall go into operation within two years.

To cease in two years if bank does not go into operation.



**LOCAL ACTS.**



## CHAPTER 54.

## An Act to amend the Act to provide for the erection of a Court House in Halifax.

(Passed the 31st day of March, A. D. 1864.)

## SECTION.

1. Board of Com. to take charge of Court House, etc.

## SECTION.

2. Vacancy, how filled up.
3. Occupation of rooms.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The board of commissioners mentioned in the act above referred to, shall be reconstructed by the Governor in Council, and the same shall be made to comprise the Custos and two Justices of the Peace for the county of Halifax, in whom the title of the said court house, together with the site thereof, shall vest, and they shall be a body corporate, and the care, custody, and management thereof, shall devolve upon and be exercised by the court of sessions for said county.

Board of Com. to take charge of Court House, etc.

2. In case of vacancy in the board by death or otherwise, the same shall be filled up from time to time in the same manner as above directed.

Vacancy, how filled up.

3. The several rooms and apartments within the building shall continue to be occupied, as at present, unless otherwise directed by an order of the Governor in Council.

Occupation of rooms.

## CHAPTER 55.

## An Act to amend the Act for establishing a Public Cemetery in the Town of Yarmouth, and for other purposes.

(Passed on the 31st day of March, A. D., 1864.)

## SECTION.

Preamble.

1. Burial to cease in old burying ground.
2. Trustees of public cemetery, how appointed, etc.

## SECTION.

3. Application of money in hands of present trustees.

Whereas, it is not desirable that the land appropriated by the said act, for a burial ground or cemetery, should continue to be used as such.

Preamble.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. After the expiration of one year from the passing of this act, no burial shall take place in the said cemetery, and it shall thereafter cease to be used as such.

Burials to cease in old burying ground.

2. The court of quarter sessions shall appoint three suitable persons, inhabitants of the town of Yarmouth, to be trustees of the said property, and in case of vacancies, may appoint others in their stead; and such trustees shall have the man-

Trustees of public cemetery, how appointed, etc.

agement of all the land under the charge of the trustees appointed under the act hereby amended : and such trustees shall have and enjoy all powers, rights, and privileges conferred on the said trustees, by the said act, or heretofore enjoyed by them, subject, nevertheless, to the supervision and control of the court of sessions.

Application of money in hands of present trustees.

3. All monies in the hands of the present trustees arising from the sale of lands under the fifth section of the act hereby amended, or from any other source, exceeding the sum of two hundred dollars, shall be applied by them in the purchase of land adjoining the new cemetery, which land so purchased, shall be and form part thereof; and the said sum of two hundred dollars shall be paid to the trustees appointed under this act, to be applied by them in such way as the court of sessions shall direct.

CHAPTER 56.

An Act to authorize the sale of the Academy Lot and Building in the Town of Yarmouth.

(Passed on the 31st day of March, A. D. 1864.)

SECTION.

- Preamble.
- 1. Commissioners.
- 2. The land to be sold at public auction.

SECTION.

- 3. Application of proceeds.
- 4. Application of funds belonging to the Government.

Preamble.

Whereas, a certain lot of land in the town of Yarmouth was, by deed dated the twenty-sixth day of February, in the year of our Lord one thousand eight hundred and thirty, conveyed to trustees for the benefit of certain persons therein named as shareholders, by whom, with the assistance of a grant from the provincial government, a building was erected thereon for an academy;

And whereas, all the said trustees have since died without having made any conveyance of the said property, as they were authorized to do by the original deed of conveyance, and the said building is now out of repair, and all the parties beneficially interested in the said land and building are desirous of disposing of the same;

Be it enacted by the Governor, Council, and Assembly, as follows:

Commissioners.

1. John Murray, Reuben Clements, and James B. Moody, Esquires, are hereby appointed commissioners to sell the said property.

The land to be sold at public auction.

2. The same shall be sold at public auction after one month's public advertisement in Yarmouth, and a conveyance thereof shall be made by the said commissioners, which shall convey to the purchaser or purchasers thereof a title to the said land divested of the said trust.



3. The proceeds of such sale after deducting all necessary expenses in obtaining and carrying out the objects of this act, shall be divided rateably among the parties interested in the said land and premises or their representatives, according to the amounts contributed by them respectively, including the provincial government for the amount of the grant made to aid the shareholders in the purchase and erection of the said building.

Application of proceeds.

4. The sum to which the provincial government shall become entitled under the foregoing section shall be applied by the said commissioners towards the erection of a school house in the district where the academy is now located.

Application of funds belonging to the government.

### CHAPTER 57.

An Act to amend the Act to regulate Highway Labor within the limits of Commissioners of Streets for the Town of Pictou.

(Passed on the 18th day of April A. D. 1864.)

#### SECTION 1. Persons exempted.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. All persons exempted from statute labor in the whole or in part, under and by virtue of sections five and six of chapter 15 of the acts of 1862, shall be exempted from statute labor within the limits of the commissioners of streets for the town of Pictou, under chapter 59 of the acts of 1862.

Persons exempted.

### CHAPTER 58.

An Act to legalize the Assessment Roll of the County of Richmond.

(Passed the 18th day of April, A. D. 1864.)

#### SECTION 1. Assessment roll legalized.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The assessment roll of the county of Richmond for the present year is hereby legalized and confirmed, notwithstanding that the same may not have been made up in compliance with the requisites of section four of chapter nine of the acts of 1861.

Assessment roll legalized.

## CHAPTER 59.

An Act to provide for building a bridge across Nappan River in the County of Cumberland.

(Passed the 18th day of April A. D., 1864.)

## SECTION.

1. Members may borrow \$500; repayment.

## SECTION.

2. How expended.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The members for the county of Cumberland may borrow on the pledge of the road monies of the county and the security of this act, a sum not exceeding eight hundred dollars, to be expended in the erection of a bridge across the Nappan River in that county; such loan to be repaid in equal amounts out of the road monies of the county for the year 1865 and 1866 with interest, at a rate not exceeding six per cent.

2. The monies borrowed under this act shall be expended by commissioners to be appointed by the Governor in Council.

Members may borrow \$500.

Repayment.

How expended.

## CHAPTER 60.

An Act to amend the Act relating to Poor Districts in the County of Cumberland.

(Passed on the 18th day of April, A. D., 1864.)

SECTION 1.—Assessment rolls legalized.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The assessment rolls made up for the several poor districts of the county of Cumberland for the present year, are hereby legalized, although the assessors in making up such rolls may not have strictly complied with the provisions of section two of chapter fifty-nine of the acts of 1863.

Assessment rolls legalized.

## CHAPTER 61.

An Act relating to the Harbor Master at Pictou.

(Passed on the 18th day of April, A. D. 1864.)

SECTION 1. Vacancy, how filled up.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. A special session may, in the event of a vacancy occurring in the office of harbor master before the meeting of a general session, appoint a harbor master, as the general sessions are authorized to do by section 17 of the chapter of the revised statutes "Of Pilotage, Harbors, and Harbor Masters."

Vacancy, how filled up.

## CHAPTER 62.

## An Act to regulate the Herring Fishery in the Basin of Annapolis.

(Passed on the 18th day of April, A. D., 1864.)

## SECTION.

1. Supervisors of weirs; appointment of.
2. Their powers; penalty for not complying with regulations.

## SECTION.

3. Regulation as to voters.
4. To be sanctioned by sessions.
5. Penalties, how recovered.
6. Compensation for supervisors

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The sessions for the county of Annapolis shall, at the April term in each year, appoint three persons resident within such county, to be supervisors of weirs for the purpose of regulating the herring fishery within such county.

Supervisors of weirs, appointment of.

2. The supervisors so appointed shall have power to direct the mode in which weirs for the herring fishery shall be erected within the fishing district in such county, and to prescribe the time within which such weirs shall be completed; all persons neglecting or refusing to comply with the regulations in this behalf shall be liable to a penalty not exceeding twenty dollars.

Weir powers.

3. No persons owning a weir above another shall erect the same or any part thereof below low water mark or beyond the boundaries of their grant, or shall place any obstructions to the fish taking their natural course; under a penalty not exceeding one hundred dollars.

Penalty for non-complying with regulations.

4. The regulations so to be made by the supervisors, after being sanctioned by the sessions, shall have the force of law.

Regulation as to weirs.

5. Penalties imposed under this act may be sued for in the names of the supervisors as a private debt.

To be sanctioned by sessions.

6. The grand jury may provide such compensation as they may deem adequate for the supervisors, and the same when confirmed by the sessions shall form a county charge.

Penalties, how recovered.

Compensation of supervisors.

CHAPTER 63.

An Act to enable the inhabitants of the town of Pictou to assess themselves for a sum sufficient to purchase and erect a Town Clock.

(Passed the 18th day of April, A. D., 1864.)

SECTION.

1. Inhabitants may assess for clock.
2. Assessment, how made.

SECTION.

3. How collected.

Be it enacted by the Governor, Council, and Assembly, as follows:

Inhabitants may assess for a clock.

1. The inhabitants of the town of Pictou are hereby authorized to assess themselves for the purpose of purchasing and erecting a town clock in some convenient place in the town of Pictou.

Assessment, how made.

2. The assessment may be made on the property of the inhabitants by a pound rate on the appraised value at the regular meeting for the provision of the poor in the town of Pictou, in April next, or at a special meeting to be called for that purpose by public notice, for at least eight days in the public newspapers of the town.

How collected.

3. The collectors of poor rates shall be the collectors of the sums thus assessed.

CHAPTER 64.

An Act relating to the inspection of Gas in the city of Halifax.

(Passed the 10th day of May, A. D., 1864.)

SECTION.

1. Gas inspectors: appointment; duties.
2. Term of office; bond to be given.
3. Penalty for neglect.
4. Salary.
5. All meters to be inspected.
6. City Council to provide apparatus.
7. Meters to be tested on application; if defective, company to pay expenses, etc.; penalty.
8. Illuminating power of gas.
9. Penalty for altering meters, etc.

SECTION.

10. Penalty for damaging meters, pipes, etc. Putting out public lights or wasting gas.
11. Power of inspectors to enter premises if gas, etc. Penalty for obstructing him.
12. Record of inspections to be kept.
13. If meter correct, person applying to pay fifty cents.
14. Regulations for stamping meters.
15. Penalties, how recovered—applied.
16. City Council to make regulations.

Be it enacted by the Governor, Council, and Assembly, as follows:

Gas inspectors.

1. The Mayor, Aldermen, and Council, of the city of Halifax, shall nominate and appoint an inspector of gas meters, whose duty it shall be when required, to inspect, examine,

Appointment.

prove, and ascertain, the accuracy of any and all gas meters, used or intended to be used for measuring or ascertaining the quantity of illuminating gas furnished by the Halifax Gas Light Company, or any other gas light company to be established in the city, to and for the use of any person, company, or corporation, and to seal, stamp, or mark, all and every such meter with some suitable device, which device shall be recorded in the office of the city clerk ; also to ascertain and determine the illuminating power of the gas so furnished by the said gas light company or companies hereafter established.

2. The inspector shall hold his office for the term of three years from the time of his appointment, and until another person is appointed in his place, but may be removed from his office at any time by the city council for incompetency, neglect, or dereliction of duty ; and the inspector shall give a bond to the Mayor, Aldermen, and Council, of the city of Halifax, with two sufficient sureties in the penal sum of one thousand dollars, conditioned for the faithful discharge of his duties as such inspector.

3. The inspector shall be liable to a penalty of twenty dollars for each and every wilful neglect or breach of duty imposed upon him by this act.

4. The city council shall pay to the inspector out of the funds of the city, such annual salary as they shall deem suitable ; and the gas light company shall pay into the hands of the city treasurer, annually, the sum of two hundred dollars currency, to and for the use of the said city of Halifax ; and any other gas light companies which shall hereafter be established, and shall carry on business within the city of Halifax, shall in like manner annually pay the sum of two hundred dollars into the treasurer's hands, to and for the use of the city of Halifax ; but the whole amount of the inspector's salary shall not exceed four hundred dollars.

5. It shall not be lawful for the Halifax Gas Light Company or any other gas light companies to be hereafter established, to furnish or put in use any gas meter which shall not have been inspected, proved, and sealed by the inspector, except during the time the office of inspector may be vacant, or the inspector shall neglect or refuse to perform his duty in respect to such meter, under a penalty of twenty dollars for each and every offence.

6. The city council shall provide a suitable and proper apparatus for testing and proving the accuracy of the gas meters furnished for use by the Halifax Gas Light Company, or by any other gas light company within the city, which shall be the test or standard by which every meter so furnished shall be proved and tested ; the council shall also provide a proper apparatus for ascertaining and determining the illuminating power of the gas so furnished.

Duties.

Term of office.

Bond to be given.

Penalty for neglect.

Salary.

All meters to be inspected.

City council to provide apparatus.

Meters to be tested on application.

7. It shall be the duty of the inspector at any time, upon the written application of the consumer of any gas supplied by any gas light company, or of the president or secretary of any such gas light company, to test and prove any such meter supplied by the company, whether before or after this law shall come in force, and if any such meter shall be found defective or incorrect, the necessary cost and expense of removing, correcting, and replacing the same, shall fall upon the company, who are hereby required with all dispatch to make the necessary reparation, under the penalty of twenty dollars for each and every neglect.

If defective, company to pay expenses, etc.

Penalty.

Illuminating power of gas.

8. The illuminating power of the gas supplied by the Halifax Gas Light Company or any other companies, shall be such that an argand burner having fifteen holes and a seven inch chimney, consuming five cubic feet of gas an hour, shall give a light equal to the light of not less than twelve sperm candles of six to the pound, each burning one hundred and twenty grains an hour.

Penalty for altering meters, etc.

9. If any person shall wilfully damage or cause to be damaged any meter belonging to any gas light company, or shall wilfully alter or impair the same, so that the meter shall indicate less gas than actually passes through the same, or shall by any act or deed cause such meter to register unjustly or fraudulently, or shall prevent or refuse to allow lawful access to any meter in his possession or under his control, or shall obstruct or hinder any examination or testing thereof, or the lawful removal of the same as authorized by this act, shall forfeit for every such offence a sum not exceeding eight dollars, and shall also defray the expenses attending the repair and the replacing of such meter, and such penalty and expenses shall be recoverable as all others are under this act.

Penalty for damaging meters, pipes, etc.

10. If any person shall wilfully remove, destroy, damage, fraudulently alter, or in any way falsify any meter, pipe, pedestal, post plug, lamp, or any thing belonging to the Halifax Gas Light Company, or any other gas light company, or shall wilfully extinguish any of the public lamps or lights, or waste or improperly use any of the gas supplied by this or any other company, he shall for each separate offence forfeit a sum not exceeding twenty dollars, and shall pay to the company three times the amount of damage done.

Putting out public lights or wasting gas.

Power of inspector to enter premises if gas Co., etc.

11. The inspector shall have power and authority to enter into and upon the works, grounds, and premises, of the Halifax Gas Light Company, or any other gas light company, at any and all seasonable times, when he may deem it expedient for the performance of any of his duties under this act, and to do all lawful acts and things necessary to the satisfactory discharge of the same; and the company or companies, their servants or agents, shall afford to the inspector all reasonable

facilities for any test, examination, or enquiry, under this act, and every person obstructing such inspector in the performance of his duties or any of them, shall for each and every offence forfeit and pay a sum not exceeding forty dollars.

Penalty for obstructing him.

12. The inspector shall make and keep a record of all inspections, examinations, and tests, made and applied by him, and the results thereof, which shall be open at all times to the inspection of the city council, or any person or corporation who may be interested therein; and the council may publish the same if they deem it expedient for general information.

Record of inspections, etc., to be kept.

13. Any person applying for any inspection of any meter which shall be found correct on examination by the inspector, shall pay to the company supplying them with gas, the sum of fifty cents for the use and benefit of the company, which may be charged to him by the company, and recovered against him with costs of suit in any court competent to try the same.

If meter correct, person applying shall pay Co. fifty cents.

14. No meter shall be stamped which shall be found by the inspector to register or be capable of being made, by increase or decrease of the water in such meter, or by any other means whatever, to register quantities varying from the true standard measure of gas more than two per cent. in favor of the seller, or three per cent. in favor of the consumer; and every meter, whether stamped or unstamped, which shall be found by the inspector to register, or be made capable to register, quantities varying beyond the limits aforesaid, shall be deemed incorrect, within the meaning of this act; and every meter which shall be found by the inspector to measure and register quantities accurately, or not varying beyond the aforesaid limits, shall be deemed correct, and shall be stamped in such manner and on such part of the meter as shall in his opinion best prevent fraud.

Regulations for stamping meters.

15. All penalties, forfeitures, fines, or damages, under this act, shall be recoverable at the police office, before the Mayor or the presiding Alderman; the summons or first process shall be served upon the president or secretary of the company, liable to any penalty, and the payment thereof may be enforced by warrant of distress, against the goods and chattels of said company or corporation, and when recovered shall be paid into the city treasurer to and for the use of the city of Halifax.

Penalties, how recovered and applied.

16. The city council shall have power and authority to make and constitute any bye-laws, rules, or regulations, necessary to carry out the intention and meaning of this act.

City council may make regulations

## CHAPTER 65.

## An Act to authorize the Funding of certain Monies due by the City of Halifax.

(Passed the 10th day of May, A. D., 1864.)

## SECTION.

## Preamble.

1. City may borrow \$24000.
2. Form, etc., of bonds.
3. Repayment, etc.

## SECTION.

4. Application of loan.
5. Members of council held liable for future debts. Proviso.

## Preamble.

Whereas, the exigencies of the public service have from time to time compelled the expenditure of monies by the city of Halifax beyond the amount estimated and provided for in the annual assessment, which amounts have been advanced to the said city on the security of resolutions duly passed by the City Council, and which sums now amount from the accumulations of many years to nearly six thousand pounds;

And whereas, it is desirable that the said accumulations should be placed on a more satisfactory basis both for economy and for other good reasons;

And whereas, the city can obtain money on debentures payable in thirty years on more favourable terms than the existing loans;

Be it enacted by the Governor, Council, and Assembly, as follows:

City may borrow  
\$24000.

1. The city council may borrow the sum of twenty-four thousand dollars on the credit of the city of Halifax, and advertise for tenders for the loan of such sum not exceeding twenty-four thousand dollars as may be required for the purposes aforesaid, in two or more of the newspapers published in the city, for one month, and the tender expressing the lowest rate of interest shall be preferred.

Form, etc., of  
bonds.

2. The bonds for such loan shall be in sums not less than four hundred dollars, with interest warrants or coupons attached for the interest thereon half yearly, and shall be in the form mentioned in Schedule A, hereto annexed.

Repayment, etc.

3. The loan hereby authorized and interest shall be a charge on the funds, revenue, and property of the city generally, until the same is fully satisfied and discharged, and the interest may be at any time included in the general assessment annually made on the city, but the said loan shall not be liable to any city rate or assessment.

Application of  
loan.

4. The city council shall apply the amount of such loan with all convenient speed to the discharge of the said advances heretofore made to the city and to no other purposes whatever.



5. In case hereafter any debt shall be incurred or money be expended by the city council or under their authority, beyond the amount limited by law or specially provided for by an act of the legislature, the members of the city council incurring such debt or authorizing such expenditure shall be jointly and severally liable therefor, but such debt shall not be recoverable from the city; provided nevertheless, that no member of the city council shall be held liable under this act for any debt incurred or expenditure authorized by the city council for a longer period than twelve months after the time when the debt was so incurred or the expenditure authorized, or if he can make it appear that he was not present when such debt was incurred or expenditure authorized, or that he gave his vote in opposition thereto.

Members of Council liable for future debts.

Proviso.

### SCHEDULE A.

No. ———

*Debenture.*

\$ ———

£ ———

*Transferable.*

*Under the authority of the Legislature of Nova Scotia.*

The bearer hereof is entitled to receive from the city of Halifax, in the province of Nova Scotia, the sum of ——— of lawful money of Nova Scotia, in thirty years from the date hereof, and interest for the same from same date, at the rate of ——— per cent. per annum, payable half yearly, as per the interest warrants hereto annexed, payable at the city Treasurer's office, Halifax.

Dated at Halifax, this ——— day of ———, A.D., 1864.

(L.S.)

A. B., *Mayor.*

C. D., *Treasurer.*

E. F., *City Clerk.*

*(Interest Warrants half yearly.)*

### CHAPTER 66.

An Act to vest the title to certain lands in the Commissioners of the Poor Asylum for the city of Halifax.

(Passed the 10th day of May, A. D. 1864.)

#### SECTION.

1. Land vested in commissioners.
2. To be laid off in lots.
3. Sold at public auction.
4. Application of proceeds.

#### SECTION.

5. Other lands vested in commissioners.
6. Building to be erected thereon.
7. Commissioners may open cash account.

Be it enacted by the Governor, Council, and Assembly, as follows:

Land vested in  
commissioners.

1. The land and premises now occupied by the Commissioners of the Poor Asylum, as a poor house, with all the buildings and outhouses thereon, or whereon the building known as the Bridewell formerly stood, now included within the fence as it now stands, bounded on the south by Spring Garden road, on the west by Queen Street, on the north by government property, and on the east by the county jail and old burying ground, together with the site of the old county jail, and the premises attached thereto, and all right and title thereto shall be, and the same hereby are invested in the commissioners of the poor for the purposes hereinafter mentioned.

To be laid off in  
lots.

2. The commissioners of the poor asylum, shall with as little delay as possible, cause a plan of the said lands to be made, laying off the same in building lots to the best advantage, with such streets as they may deem necessary.

Sold at public  
auction.

3. The commissioners of the poor asylum, when they shall deem it expedient so to do, may sell the said lots at public auction, and shall execute and deliver proper deeds to the respective purchasers of said lots, on payment of the purchase monies.

Application of  
proceeds.

4. After reserving a sufficient sum for the costs and charges of making the plan and all the necessary charges incurred in the selling of such lands, the commissioners of the poor asylum shall pay the balance as hereinafter provided.

Other lands vest-  
ed in commission-  
ers.

5. That portion of the south common to the westward of the city hospital, bounded as follows: on the east by the city hospital premises, on the south by South Street, on the west by the road leading from Spring Garden road to Belmont, and on the north by Morris Street, is hereby transferred and vested in the commissioners of the poor asylum, their successors and assigns, for ever.

Building to be  
erected thereon.

6. The commissioners of the poor asylum, in case such sale shall take place, shall erect such buildings of brick or stone as may be sufficient for the accommodation of the poor as now required by law, and shall appropriate towards the same the monies received by them from the sale of the said poor house lands.

Commissioners  
may open cash  
account.

7. In order to obtain the funds necessary for building, before the sale of the present site of the poor house and jail is completed, the commissioners of the poor asylum are authorized and empowered to open a cash account in their name with any of the banks doing business in the city, for such sum, not exceeding thirty thousand dollars, as may be required for erecting the said buildings, to be repaid by the commissioners out of the monies in the preceding section mentioned.

## CHAPTER 67.

An Act to amend the Act to authorize a loan for the erection of a County Jail in Halifax.

(Passed on the 10th day of May, A. D., 1864.)

SECTION 1.—The sum to be borrowed increased to \$16000.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The sum of twelve thousand dollars, allowed to be borrowed by the commissioners, under chapter 40 of the acts of 1863, may be increased to sixteen thousand dollars; and so much of section 3 of that chapter as is inconsistent with this act is repealed.

Sum to be borrowed increased to \$16000.

## CHAPTER 68.

An Act to amend the Act for the better regulation of the Town Marsh at Annapolis.

(Passed the 10th day of May, A. D., 1864.)

## SECTION.

1. Supervisors may borrow money for dyking marsh.

## SECTION.

2. May mortgage marsh.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The supervisors of the town marsh at Annapolis, may borrow such a sum of money as may be deemed necessary for the purpose of dyking such marsh at such time as the commissioners of the marsh at a special meeting to be called for that purpose shall agree upon; and such money so borrowed, shall be expended in dyking and ditching such marsh, in such manner as the commissioners, at such special meeting or any subsequent meeting, may direct.

Supervisors may borrow money for dyking marsh.

2. The supervisors may borrow such money on the security of the said marsh, which they are hereby authorized to mortgage for that purpose.

May mortgage marsh.

## CHAPTER 69.

An Act relating to the Assessment Rolls for the district of Shelburne.

(Passed the 10th day of May, A. D., 1864.)

SECTION 1.—Assessment Rolls legalized.

Be it enacted by the Governor, Council, and Assembly, as follows:

Assessment rolls legalized.

1. The assessment rolls for the district of Shelburne for the present year are hereby legalized and confirmed, notwithstanding that the same may not have been completed within the time limited therefor under the chapter of Revised Statutes "Of County Assessments."

## CHAPTER 70.

An Act to change the name of Little River in the County of Antigonish.

(Passed the 10th day of May, A. D. 1864.)

SECTION 1. Little River to be called Bayfield.

Be it enacted by the Governor, Council, and Assembly, as follows:

Little River to be called Bayfield.

1. That portion of the county of Antigonish lying between Jemie's pond and the ferry at Pomket, and to include the lots in the first division, and now known as Little River, shall be hereafter known as and called "Bayfield."

## CHAPTER 71.

An Act to extend the time for repayment of Loans by the County of Antigonish.

(Passed the 10th day of May, A. D., 1864.)

SECTION 1. Time extended one year.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The members for the county of Antigonish may arrange with the creditors from whom were borrowed the amounts required for improving roads in that county, under chapter 62 of the acts of 1862, and chapter 65 of the acts of 1863; and the sums which under those acts were payable in 1864 and 1865, may be paid in 1865 and 1866.

Time extended one year.

## CHAPTER 72.

An Act to change the name of Little River in the County of Richmond.

(Passed on the 10th day of May, A. D. 1864.)

SECTION 1. To be called Port Richmond.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. Little River, in the county of Richmond, shall hereafter be called and known as Port Richmond.

To be called Port Richmond.

## CHAPTER 73.

An Act to provide a Cemetery for the Congregation of the Baptist Church at Digby.

(Passed the 10th day of May, A. D., 1864.)

SECTION 1. Portion of common to be set off.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The trustees of the Digby common are hereby authorized to set off, for the purpose of a cemetery or burial ground, for the Baptist church and congregation of the town of Digby, a certain portion of such common of the width of sixteen rods or thereabouts, bounded on the west by the Episcopalian cemetery, recently laid off from the glebe, on the north by the old road leading to Digby town, and on the south by lands owned by James Dennison; and the trustees shall convey the portion of the common so described, to such person or persons as may be appointed by the Baptist church congregation of Digby to receive the same, for the purpose of being used solely as a place of burial.

Portion of common to be set off.

## CHAPTER 74.

An Act to provide for building a Bridge over Steep Creek in the County of Guysborough.

(Passed the 10th day of May, A. D. 1864.)

## SECTION.

1. Members may borrow \$800.
2. Repayment.

## SECTION.

3. How expended.

Be it enacted by the Governor, Council, and Assembly, as follows:

Members may borrow \$800

1. The members of the county of Guysborough may borrow on the pledge of the road monies of the county and the security of this act, a sum not to exceed eight hundred dollars, for building a bridge over Steep Creek in said county, and opening the remaining portion of the road from Pirate Cove to the bridge at James Hunt's.

Repayment.

2. Such loan shall be repaid by annual instalments of one half the sum borrowed with interest at a rate, not exceeding six per cent., out of the road monies for 1865 and 1866, until the whole sum borrowed under this act shall have been paid.

How expended.

3. The monies borrowed under this act shall be expended by Commissioners appointed by the Governor in Council.

## CHAPTER 75.

An Act relating to the Commissioners of Streets for the town of Windsor.

(Passed on the 10th day of May, A. D. 1864.)

## SECTION.

1. Appointment of commissioner. Commission.

## SECTION.

2. Present commissioners to remain in office.

Be it enacted by the Governor, Council, and Assembly, as follows:

Appointment of commissioner.

1. The sessions and grand jury of West Hants shall annually appoint one commissioner of streets for the town of Windsor instead of three commissioners as heretofore, and such commissioner shall have all the powers heretofore vested in the three commissioners, and shall be subject to the like duties and penalties, and shall receive for his services, a commission not exceeding five per cent. on the monies collected.

Commission.

2. The present commissioners for the town of Windsor shall continue in office until the next general sessions of the peace for the western district of Hants County.

Present commissioners to remain in office.

## CHAPTER 76.

## An Act relating to the Ox Bow Marsh in the County of Hants.

(Passed the 10th day of May, A. D. 1864.)

## SECTION.

1. Appointment of Commissioners.

## SECTION.

2. May cut through marsh.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The Governor in Council may appoint commissioners, not to exceed three in number, for the purpose of carrying out the provisions of this act.

Appointment of Commissioners.

2. Such commissioners are empowered, with the consent of the proprietors of the Ox Bow Marsh in the St. Croix river, in the county of Hants, to make a cutting through such Ox Bow Marsh, for the purpose of making the channel of such river shorter and deeper, and of thereby improving the navigation of such river.

May cut through marsh.

## CHAPTER 77.

## An Act relating to the County of Yarmouth.

(Passed on the 10th day of May, A. D., 1864.)

## SECTION.

1. Jury panels legalized.

## SECTION.

2. Appointment of health inspector legalized

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The grand and petit jury panels for the county of Yarmouth, and all acts of the supreme court and sessions connected therewith, are hereby declared to be legal and valid, notwithstanding any irregularity in the lists from which such panels were drawn or in the mode of such drawing, or in any other requirements of the law in that behalf.

Jury panels legalized.

2. The appointment of health inspectors in such county by the sessions in March term 1863, and March term 1864, is hereby legalized to the same extent as if made by the commissioners of streets, and all acts by them done are declared as valid as if such appointment had been made by such commissioners.

Appointment of health inspector legalized.

## CHAPTER 78.

An Act to extend the period for the repayment of a Loan by the County of Pictou.

(Passed on the 10th day of May, A. D., 1864.)

SECTION 1. Members may arrange for extension of time.

Be it enacted by the Governor, Council, and Assembly, as follows:

Members may  
arrange for ex-  
tension of time.

1. The members for the county of Pictou are hereby authorized to arrange for the extension of the period limited by chapter 52 of the acts of 1860, and chapter 61 of the acts of 1862 in amendment thereof, for the payment of the balance of the amount borrowed for the purposes specified in the said first recited act, and the payment which should have been made in 1864 under such act and the act in amendment thereof, may be made in 1865.

## CHAPTER 79.

An Act to provide for improving certain Roads in the County of Pictou.

(Passed on the 10th day of May, A. D., 1864.)

SECTION.

1. Members may borrow \$2000. Repayment.

SECTION.

2. How expended.

Be it enacted by the Governor, Council, and Assembly, as follows:

Members may  
borrow \$2000.

Repayment.

1. The members for the county of Pictou may borrow, on the pledge of the road monies of the county and the security of this act, a sum not to exceed two thousand dollars, to be expended in improving certain roads in the eastern district of that county; such loan to be repaid, together with interest at a rate not exceeding six per cent. per annum, by two equal instalments, out of the road monies of the county for the years 1865 and 1866, until the whole sum borrowed shall be repaid.

How expended.

2. The monies so borrowed under this act shall be expended by commissioners to be appointed by the Governor in Council.



## CHAPTER 80.

An Act to change the name of Porter Town in the County of  
Cumberland.

(Passed the 10th day of May A. D., 1864.)

SECTION 1. To be called Hastings.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The village of Porter Town, in the county of Cumberland, shall be hereafter called and known as "Hastings." To be called  
Hastings.



## CHAPTER 81.

## An Act concerning the City of Halifax.

(Passed on the 10th day of May, A. D., 1864.)

## CHAPTER FIRST—OF THE INCORPORATION OF THE CITY OF HALIFAX.

Be it enacted by the Governor, Council, and Assembly, as follows:

1. The inhabitants of the town and peninsula of Halifax are constituted a body politic and corporate, by the name of the City of Halifax. City incorporated.

2. They shall, as a corporation, have perpetual succession, and a common seal, changeable at pleasure, shall be capable of suing and being sued in all courts of justice, and of acquiring, holding, and conveying, any description of property, real, personal, or mixed. May have seal and hold property.

3. The town and peninsula of Halifax, and all docks, quays, wharves, slips, and erections, connected with its shores, shall be included in and called the city of Halifax. Limits of city.

4. The city of Halifax is divided into six Wards, the description of which follows: Wards.

NUMBER ONE commences on the shore on the east side of Water Street, at a point opposite to the north of Wallace Street, then running westwardly through the centre of said street to Barrington Street, thence northwardly through the centre of said street to the street known as the Spring Garden Road, thence by the centre of the said street westwardly to the termination thereof, thence southwardly to the road which leads to the North-West Arm past Studley, thence westwardly by the centre of said road to the North-West Arm, thence by the shore southwardly and eastwardly, by the courses of the shore to the place of beginning. No. 1.

NUMBER TWO commences on the harbor of Halifax at the centre of Noble's wharf, thence running westwardly by the centre of Sackville Street, until it intersects the road which crosses the common in the rear of citadel hill, thence northwardly and westwardly through the centre of the said road past the windmill hill to the shores of the North-West Arm, thence southwardly by the courses of the said shore to the centre of the road which leads to the North-West Arm by Studley, being the northern bounds of Ward Number One, thence eastwardly by the centre of said road, and by the Spring Garden Road to Barrington Street, thence southwardly through the centre of said street to Wallace Street, thence eastwardly through the centre of said street to the point of commencement of Ward Number One, thence by the harbor to the place of beginning. No. 2.

No. 3.

NUMBER THREE commences on the harbor of Halifax at the centre of Ryan's wharf, thence running westwardly by the centre of Duke Street across the citadel hill to the road which crosses the common in the rear thereof, thence southwardly by the centre of the said road until it is intersected by Sackville Street, thence eastwardly through the centre of Sackville Street to the point of commencement of Ward Number Two, thence by the harbor to the place of beginning.

No. 4.

NUMBER FOUR commences on the harbor of Halifax at the centre of Leppert's wharf, thence running westwardly by the centre of Jacob Street to Barrack Street, thence northwardly through the centre of that street to the street which leads westwardly past the barrack stores to the road which crosses the common in the rear of citadel hill, thence southwardly by the said road to the northern line of Ward Number Three, thence eastwardly by the said line until it strikes the centre of Duke Street, thence through the centre of said street eastwardly to the place of commencement of Ward Number Three, thence by the harbor to the place of beginning.

No. 5.

NUMBER FIVE commences on the harbor of Halifax at the southwestern corner of the Dockyard wall, thence running westwardly by the centre of Gerrish Street to Gottingen Street, thence northwardly by the centre of Gottingen Street to North Street, thence westwardly by the centre of North Street until it reaches the Dutch Village road, thence through the centre of said road until it reaches the brook which runs into the North-West Arm, thence southwardly by the shore of the said Arm, until it meets the northern line of Ward Number Two, thence by the said line eastwardly through the centre of windmill hill road to the road which crosses the common in the rear of citadel hill, thence northwardly by said road until it is intersected by the road which runs westwardly from Barrack Street past the North Barracks, thence eastwardly through the centre of said street to Barrack Street, thence southwardly by the centre of said street to the centre of Jacob Street, thence eastwardly by the centre of said street to the place of commencement of Ward Number Four, thence by the harbor to the place of beginning.

No. 6.

NUMBER SIX commences at the southwestern corner of the Dockyard wall, thence running northwardly on the eastern side of the Dockyard by the shores of the harbor and basin northwardly, to the place where the basin road is intersected by the road running through the Dutch Village by Titus Smith's, thence southwardly by the said road until it intersects the road leading from the town of Halifax, past Hosterman's mills, thence eastwardly through the centre of said road until it meets North Street, thence eastwardly through the centre of North Street until it intersects Gottingen Street, thence by the centre of Gottingen Street until it is intersected

by Gerrish Street, thence eastwardly by the centre of Gerrish Street to the place of commencement at the southwest corner of the Dockyard.

5. The Mayor and Aldermen shall constitute the city council. City Council.

6. The number of Aldermen shall be in all eighteen, three representing each ward. No. Aldermen.

7. The city council shall have the power of making bye-laws, and shall administer the revenues and finances of the city, shall have the charge and care of the city property, shall conduct its local government, and be authorized and competent to make, enter into and accept all contracts in relation to the business of the corporation. Power of City Council.

8. The present mayor, aldermen, recorder, city clerk, and other officers of the city of Halifax, shall respectively continue in office and be bound to serve for the residue of the terms for which they have each been elected or appointed. Present officers continue.

9. Immediately after the passing of this act the city council shall make a list of the aldermen, by placing in numerical succession the six wards, and under each ward the names of the present aldermen in order of seniority, so arranged, that those whose term of service will expire soonest, shall have priority; and every alderman hereafter elected shall be entered also thereon from time to time: provided any alderman elected to fill a vacancy, shall take the place on the list which the person he succeeds previously held. List of Aldermen.

#### ELECTIONS.

10. The elections of mayor and aldermen shall take place annually, on the first day of October in the present and every future year. Time of election.

11. In order to qualify a citizen to vote at any election of mayor or alderman, he must be a natural born or naturalized male subject of Her Majesty, of the full age of twenty-one years, not attainted of treason or felony, and must have resided in the city of Halifax for one year at least next previous to the election, and shall have been assessed for poor and city rates or poll tax therein, for the year ending on the thirty-first day of December next preceding the election, and paid the same; but no payment of rates or poll tax after the thirty-first day of December as aforesaid, or during the current year of our Lord in which such election shall take place, shall qualify any person to vote. Qualification of voter.

12. Any person having a shop, store, or office, in the city, and conducting a business therein, on his own account, solely or as a recognized partner in business for three years next previous to any election, shall, although his residence be out of the city, be deemed to dwell in the ward in which he con- If residing out of city.

ducts his business, and being otherwise qualified, shall have the right of voting therein ; but it shall not be necessary that the person voting shall have occupied the same shop, store, or office in the same ward only, during such period of three years.

Qualified citizen to vote on producing tax receipt.

13. Any citizen duly qualified to vote, shall, on producing his receipt for the payment of poll tax and city rates, if any, for the next year preceding the election, (as hereinbefore provided) be entitled to vote for mayor or alderman in the ward in which he resides, or carries on his business, or has property on which such rates have been paid ; but nothing herein contained shall enable any person to vote in more than one ward at any civic elections.

Firemen, etc

14. Every engineman, axeman, and fireman, and every member of the Union Protection Company, who is exempt from poll taxes and road taxes, if not assessed as liable to city rates, shall have the same privileges of voting at city elections as is given to payers of poll taxes, on producing at the elections a certificate from the city treasurer, as hereinafter described.

Volunteers.

15. The members of the militia volunteer artillery, and the members of other militia volunteer corps in the city of Halifax, being effective members of such corps, shall have the same privilege of voting at city elections, (in accordance with the next sections of this act) as is given to payers of poll taxes ; provided that such privilege shall not extend to non-effective or honorary members of any volunteer corps, nor to parties assessed for city rates.

List of members of fire companies, etc.

16. On or before the first day of June next, and on or before the first day of March in each succeeding year, an alphabetical list of all members who have belonged for six months previously, with the number of the ward opposite to his name where each member resides, either to fire companies, volunteer militia companies, or to any other companies, who are exempt from poll taxes, and are entitled to vote at the city elections in consequence of such exemptions, shall be prepared and signed by the captains or commanding officers, or presidents of such companies, and countersigned by the secretaries or clerks thereof, and such secretaries or clerks shall verify the lists by affidavits as being correct, and shall on or before the said day, hand into the office of the city treasurer the said list so verified.

Certificate from city treasurer.

17. The city treasurer, upon application, shall give a certificate to any member of such companies, whose name is contained and set down in such lists, stating that the name is contained and stands upon the lists so returned into the treasurer's office.

Member must be enrolled six months.

18. No member of such companies shall be entitled to vote at any city elections, unless he has been enrolled in the

company for six months previously to the return of the lists, and unless his name is contained in such lists as an effective member.

19. Every volunteer militia man who shall have been enrolled as an effective member for six months, and whose name shall appear in the list returned to the city treasurer, upon producing the certificate specified in this act, shall be entitled to vote at all city elections.

Volunteers to vote.

20. On or before the first day of June in each year hereafter, the city treasurer shall cause to be prepared, an alphabetical list or register, of all the rate payers and payers of poll taxes within the city of Halifax, and of the names of such members of the different companies which shall have been returned into his office, who are exempt from poll taxes, and opposite to each rate payer's and poll tax payer's name on the said list or register, the wards for which he is assessed and rated to pay his rates and taxes, shall be stated and set down, and a notice of such list shall be then published in order that electors legally qualified to vote, whose names may have been omitted, may have the same added to the said lists.

List of rate payers.

21. That the city treasurer shall cause to be prepared, six copies of the said lists or register, each copy to be certified by him, to be used and referred to by the presiding aldermen in the several wards at the elections of mayor and aldermen at any elections for said officers; and that after the passing of this act, no citizen or rate payer or payer of poll taxes, or member of any companies, shall be allowed to vote, nor shall his vote be accepted by the presiding officer at any such election, unless the name of such citizen or elector shall appear upon the said list or register, certified for the use of the several wards; provided always that nothing in this section contained shall exempt voters from presenting to and filing with the presiding officers, their tax receipts and certificates as hereinbefore directed.

Lists to be used at election.

22. In order to qualify a citizen to be eligible as mayor or alderman, he must be a natural born or naturalized male subject of her Majesty, of the full age of twenty-one years, not attainted of treason or felony, and must in addition to every qualification necessary for a voter, be the owner in his own right of property, within the city of Halifax real, or personal, of the value of five hundred pounds beyond the amount he may justly owe.

Proviso.

Qualification of mayor and aldermen.

23. The city council may, by a resolution passed by a majority of two-thirds of the council at any meeting, expel any member of the council who shall have been guilty of disgraceful or immoral conduct after he shall have been elected to such office, and a new election shall take place to fill the vacancy or vacancies so occasioned; but no motion to expel a member shall be made unless at least one week's notice thereof

Council may expel members bad conduct

shall have been given to the council and to the party accused.

Persons not eligible.

24. No person in holy orders, no minister or teacher of any religious congregation, no judge or clerk of a court, no ministerial law officer of the crown, no person accountable for city taxes or revenues, no person who having collected city taxes or revenues, has not settled fully with the city for such collections, no person in receipt of salary from the city, and no acting inspector or poll clerk at a city election, shall be eligible as mayor or as alderman; the non-payment of taxes or rates is not to be considered as either an excuse or a disqualification for the offices of mayor or alderman.

Council to determine eligibility.

25. The city council shall have power to inquire into and determine on the eligibility of persons returned, as elected to office, as mayor or alderman; and if they find a person returned who is in their judgment not capable by law of being so elected, they shall declare the office vacant, and direct a new election to take place.

Time of elections.

26. On the first day of October next and thereafter on the same day annually, the mayor and the senior alderman of each ward shall go out of office, and the citizens shall assemble and give their votes in the several wards in which they are qualified to vote, for a mayor and for an alderman in each ward.

Receipts to be produced.

27. The evidence of payment of rates by a voter shall be the receipt signed by the city treasurer, or by his agent, appointed with the consent or recognition of the city council, which receipts shall be produced at the time of voting, and lodged with the presiding officer.

Mode of conducting elections.

28. The elections shall be conducted in each ward before one alderman presiding and two or more inspectors; such inspectors shall be qualified as voters and resident in the ward, and shall be each sworn before the mayor to the faithful discharge of his duties.

Presiding aldermen and inspectors—appointment of.

29. Before any election the city council shall appoint the alderman to preside thereat, and three or more inspectors for each ward shall annually be appointed by the council twenty days before the general election, who shall be also inspectors of all special elections held in the ward for the ensuing year; any two inspectors may act; vacancies in the office of inspector by death, inability, or refusal, to be filled up by the council.

Duties.

30. The aldermen and inspectors shall receive, sort, count, and declare, all the votes given in the ward.

Poll clerk.

31. The poll clerk shall be appointed by the alderman presiding, and shall be sworn by the alderman presiding to the faithful performance of his duties.

Notice of election.

32. Ten days before any election, notice shall be given by the mayor, of the place or places where it is to be held, the day and hour of beginning, and the name of the alderman who is to preside at each ward; this notice shall be published in at least three of the city newspapers and by hand bills.



33. The poll clerk shall make a fair and true record of the election, and keep an exact journal of all votes and transactions, entering each voter's name and any other fact the presiding officer requires him to note down. Record to be kept.

34. Candidates shall be nominated at the opening of the poll, or at or before ten of the clock in the morning, and not after that hour, by citizens duly qualified to vote; all votes given for any person who has not been so nominated, shall be considered as thrown away; the citizen nominating a candidate must lodge his tax receipt, (or certificate in lieu thereof,) with the presiding officer. Nomination.

35. The votes shall be given by the citizens at the elections by ballot; the ballot shall be a paper ticket, which shall contain in writing or printing, or partly written or partly printed, the name of the person or persons for whom the elector intends to vote, designating on the back, the office which the person named inside is intended to fill; each voter shall deliver his ballot folded up to one of the inspectors; the inspector shall ascertain that the ballot is single without reading it, and then shall deposit it without delay in the ballot box. Votes—how given.

36. There shall be in the charge of the alderman presiding, one or more ballot boxes; when the mayor and aldermen are to be elected, there shall be two ballot boxes in each ward, to receive separate ballots from each voter for the different offices. Ballot boxes.

37. No ballot shall contain more names than there are persons to be chosen to office; no ballot shall be rejected because found in a box to which it does not belong, if otherwise correct; but a ballot if double, or containing more names than legal, shall be rejected. Description of ballot.

38. No alderman presiding at any city election, nor any poll clerk or inspector, or officer of the city present thereat, shall give to any voter any ballot to vote with, or offer or give him any advice as to the person for whom he should vote, or otherwise interfere with the voter in the exercise of his franchise; any such alderman, poll clerk, inspector, or officer, offending against this section, shall forfeit for every offence, a sum not exceeding twenty dollars, to be recovered by any person in the city court, or imposed as a fine in the police court, upon complaint and proof by any person present at such election. Aldermen, etc. not to give ballot.

39. On opening the boxes, if it is found that the ballots in any of the boxes exceed the number of votes entered on the poll list, the ballots of that box shall be returned and well mingled, and then the presiding officer shall draw out publicly as many of them without looking at them as equals the excess, and destroy them at once. Penalty.

40. At such elections the poll shall be opened at nine o'clock in the forenoon, and shall continue open till four If ballots exceed votes.

Time of opening, closing polls, etc.

o'clock in the afternoon of the same day, unless sooner closed, as hereafter provided, and the name of each elector voting at such election, shall be written in poll lists, to be kept at such election by the poll clerk, and immediately after the final close of the poll, all the votes given in each ward being sorted and counted, and publicly declared by the presiding officer and inspectors, shall be recorded at large by the poll clerk, and in making such declaration and record, the whole number of votes or ballots given in shall be distinctly stated, together with the name of every person voted for, and the number of votes given for each person respectively, and the presiding officer shall proceed publicly to declare the persons having the majority of votes in their favour to be duly elected, (except as to the office of mayor.)

Casting vote.

41. If there shall be at the final closing of the poll an equal number of votes polled for two or more persons, the presiding officer shall give a vote for one or other of the persons having such equality of votes, in order to give a majority to one of them; but nothing herein contained shall be construed to prevent the presiding alderman from voting previously to the close of the poll in the same manner as other citizens may vote, and in case of his being entitled to vote in any ward other than that in which he shall be appointed to preside, he may give such vote by proxy, such proxy being in writing and signed, and having the receipt for taxes of the alderman so voting by proxy, annexed thereto, and the poll lists shall, by the officers holding the same, be delivered on or before the day next after the conclusion of such elections to the clerk of the city to remain in his office; they shall be open for inspection to any elector on the payment of a fee of one shilling.

Closing poll.

42. The presiding officer may at any time give public notice that unless some voter shall come forward to poll within an hour, the poll will be closed, and if no voter comes forward within the hour the poll shall then be finally closed.

Penalty for refusal of inspector to act.

43. An inspector refusing to act or declining or omitting to be sworn for five days after notice of his appointment, or who after his appointment and being sworn into office, shall not appear and be present at the opening of the poll, or who shall neglect or refuse to act, unless he have some valid excuse satisfactory to the council, shall forfeit and pay for such offence five pounds fine to the city, to be recovered at the police office before the mayor or presiding alderman, and on conviction and non-payment, to be imprisoned in the city prison for thirty-days.

Penalty for voting illegally.

44. Any person knowingly and wilfully voting at any election in the city held under this law when not entitled so to vote, and fully aware that he is acting illegally, any person voting in a ward in which he is not entitled to vote, any per-

son fraudulently putting in more than one ballot when voting, and any person who shall vote in more than one ward at any such election, shall for every such offence forfeit and pay to the city a sum not less than two pounds, nor more than ten pounds, to be recovered in the police court before the mayor or presiding alderman, and in default of payment after conviction, shall be committed to the city prison, for a term not less than thirty days, nor more than six months.

45. Every person desirous of voting at any election for mayor or alderman, shall, before his vote be entered on the poll lists, if required by the officer or person holding any such election, or by any person qualified to vote at the same, make oath to the particulars of his qualification, and that he has not before voted at such election, which oath the officer or person holding such election is hereby directed to administer as follows:

Voters may be sworn.

#### RATE PAYER'S OATH.

I do swear that I have resided in the city for one year or upwards now next preceding, unless temporarily absent, (or have carried on business in this city for three years previous to this election, *as the case may be*,) and that I am of the age of twenty-one years or upwards, and am a subject of our Lady the Queen; and that in the assessment payable during the year ending on the thirty-first day of December last, I was rated in this ward No. — for poor and city rates, and that I have paid the same in full; and that I am now residing in ward No —, and that I have not before voted at this election or any other election which is at this time being held, for any other ward than ward No. —; and that I am the person named in the receipt of the city treasurer now produced. So help me God.

#### (ELECTOR'S OATH—NOT RATE PAYER'S.)

I do swear that I have resided in this city for one year or upwards now next preceding, unless temporarily absent, (or have carried on business in this city for three years previous to this election, *as the case may be*,) and that I am of the age of twenty-one years or upwards, and am a subject of our Lady the Queen, that I have not before voted at this election or any other election which is at this time being held, for any other ward; that I am a member of the —, and that the certificate now produced, was given to me by —, and that I am the person named therein, and that the same is genuine.

Whenever a voter shall be sworn, the poll clerk shall mark "sworn" opposite his name in the list of voters in his poll book.

Penalty for false swearing.

46. If any person shall knowingly swear falsely as to any of the particulars of his alleged qualifications as a voter, he shall be guilty of perjury, and on conviction, be disfranchised as a citizen for life.

For altering receipt.

47. If any person at an election for the purpose of giving a vote, shall knowingly and fraudulently offer a forged or altered receipt of the city treasurer or his deputy, or a forged or altered certificate of being engine or axeman, or volunteer artilleryman, or volunteer militiaman, or such a receipt or certificate belonging to another person, as his own, or shall vote falsely under the assumed name and character of any voter, he shall forfeit and pay to the city, not less than two nor more than ten pounds, to be recovered in the name of the city of Halifax at the police office, before the mayor or presiding alderman, and in default of payment, shall be imprisoned for not less than one month nor more than six months, and in every such case shall be incapable of voting or holding office in the city for seven years next after the offence.

Return of candidates.

48. The alderman presiding at every election shall, on or before the next day, make a return to the clerk of the city of the names of the persons having the majority of votes, and declared by him elected; and when an election of mayor takes place, a return also of the names of the candidates, and of the number of votes given for each. The poll books and lists shall be delivered to the city clerk with the returns.

Election of Mayor.

49. In an election of mayor, the council shall, in public, cause the returns to be read, the votes for each candidate summed up, and the person who has the greater number of votes in his favor more than any other candidate, shall be declared to be the mayor, on the same day or the day following the election. In case of an equality of votes for mayor, the mayor or alderman presiding in council, shall, by his casting vote, decide which of the candidates shall be mayor.

Result to be published.

50. The result of every election respectively of mayor and alderman, shall be published in the next Gazette after the election.

Powers of presiding officers.

51. The presiding officer at every election, shall have full power to preserve peace, order, and decency. All persons present are bound to obey him in so doing, and he may commit any one offending in this respect; the offender shall be sent to the city prison for twenty-four hours, and shall also be guilty of a misdemeanor.

Oaths of mayor and Aldermen.

52. The mayor and aldermen shall before entering upon the duties of their offices, respectively be sworn by taking and subscribing the oath of allegiance and oath of office. These oaths shall be administered to the mayor elect before the governor or administrator of the government, or in his

absence before the chief justice, or one of the judges of the supreme court, in the presence of three aldermen; the aldermen shall be sworn to these oaths by the mayor or presiding alderman; a certificate of such oaths having been taken, shall be entered by the city clerk in the city minutes. The oath of office shall be as follows:

I A B do swear that I am duly qualified as required by law, for the office of \_\_\_\_\_ that I am seized or possessed as the owner in my own right, and for my own use and benefit, of real or personal estate, in the city of Halifax, of the value of five hundred pounds beyond the amount of my just debts, and that I have not obtained the same by fraud or collusion to qualify myself for office, and I swear that I will faithfully perform the duties of \_\_\_\_\_ while I hold the office, with diligence and impartiality, to the best of my ability. So help me God.

The blanks shall be filled up with the name of office before the oath is taken or subscribed.

53. After an election for a mayor is held until the new mayor shall be declared to be elected, and shall have been sworn into office, the mayor previously in office, (or if there be a vacancy, the alderman presiding in the city council) shall exercise the functions of mayor.

Until new mayor declared old one to continue.

54. If the person elected mayor, shall be an alderman at the time of his election, having an unexpired term to serve in that office, the retiring mayor shall occupy the place and office in the city council of the mayor then elect, for the rest of his term, unless the retiring mayor give notice to the contrary to the city council in writing within two days after the new mayor is sworn in.

If mayor is an alderman.

#### VACANCIES.

55. If any extraordinary vacancy occur in the office of mayor or alderman, on a day fixed by the mayor, or if it be a vacancy of mayor, by the presiding alderman, after at least four days notice, the voters shall elect a qualified person to fill the vacant office.

Vacancies.

56. The election for a vacancy shall be conducted in all respects in the same manner as ordinary elections under this law.

Election.

57. All officers of the city who shall go out of office shall be capable of immediate re-election, if then qualified as required by law; provided that no person shall fill the office of mayor for more than three years, until at least one year after the termination of his last occupancy.

Officers may be re elected.

58. If at any election of alderman, any person shall be elected for more than one ward, he shall within three days

Aldermen elected for more than one ward.

after make his option, or on his default, the mayor shall determine for which ward he shall serve, and another election shall be held in the vacant ward.

Resignation of  
office.

59. Any alderman may resign office at the expiration of two years service, or at any time after two years service, upon giving one month's notice in writing to the mayor of his intention of so doing, and the vacancy so occasioned, shall be filled up as other vacancies now are.

Ditto.

60. Any alderman may resign office on payment of twenty pounds to the city, or by leave of the council, upon twelve of the members concurring in council in an open vote for that purpose; the resignation shall be in writing and signed.

Ditto.

61. Any mayor or alderman who shall accept any office or situation that would have rendered him ineligible, shall become disqualified to act further as mayor or alderman.

Ditto.

62. Any mayor, alderman, or other officer, who shall obtain an office or position which would exempt him from serving in the city office he holds, may resign his city office by written declaration, delivered to the clerk of the city, without being bound to pay any fine or penalty.

Disqualified if  
bankrupt.

63. Any mayor or alderman bankrupt, insolvent, or compounding by general deed of assignment with his creditors, shall become disqualified.

Or absent.

64. Absence of the mayor from the city for more than one month, and of an alderman for more than three months, shall vacate their offices, unless in case of serious illness, or special leave previously obtained from the council.

Special vacancies  
to be declared.

65. All special vacancies of office from death, loss of qualification, exemption, bankruptcy, insolvency, compounding, or absence, shall be declared by resolution of the council before proceeding to fill up the vacancy.

Alderman—pen-  
alty for neglect.

66. An alderman who shall neglect duty for the space of one month, unless excused by the council, shall forfeit and pay the sum of ten dollars to the city of Halifax for such neglect, to be recovered in the mayor's court.

#### PENALTIES FOR REFUSING OFFICE.

Mayor.  
Aldermen.  
Ward assessor.  
Auditor.  
Inspector.

67. Every person duly qualified who shall be appointed or elected to the office of mayor, alderman, inspector of elections, auditor, or ward assessor, shall accept the office, or forfeit and pay to the treasurer of the city, to and for the use of the city, a fine, as follows, that is to say: for the non-acceptance of the office of mayor, a fine of twenty-five pounds; for the non-acceptance of the office of alderman, twenty-five pounds; and for the non-acceptance of the office of ward assessor, a fine of ten pounds; and for the non-acceptance of the office of auditor, a fine of five pounds; and for the non-acceptance of the office of inspector of elections, a fine of five pounds.

68. The election to any office shall be presumptive evidence of qualification on the part of the person elected, unless he make oath before the mayor that he is not possessed of the qualification for the office, required by this act, in some particular to be stated in such oath, and every person so elected shall accept such office, by taking the oath of allegiance and oath of office, within five days after the notice of his election, unless good excuse for delay in taking such oath be given to the satisfaction of the city council, or shall be liable to pay the fine for his non-acceptance of such office, and such office shall thereupon be deemed to be vacant, and shall be filled up by a new election.

Election to be presumptive evidence of qualification, etc.

69. The non-payment of rates or taxes is not hereafter to be considered as an excuse or a disqualification for the office of mayor, alderman, or ward assessor.

Non-payment of taxes no excuse.

70. The city council may impose a fine not exceeding five pounds, on any fireward, (or person appointed by the board of health) or any other officer nominated or elected by the city council, upon whom no specific fine is by law imposed, who shall neglect or refuse to qualify himself for the same, or refuse the duties of such office agreeably to this act, such fine to be recovered at the police office before the mayor or presiding alderman, and in default of payment of said fine, to be imprisoned in the city prison for not more than thirty days; provided always that no such officer shall be obliged to serve continuously more than one year in the same office, or shall be liable to any fine for not serving in the same office, for a period of five years after he has served or paid such fine.

Fine for firewards, board of health, &c.

Proviso.

#### EXEMPTIONS.

71. No person disabled by sickness, lunacy, or imbecility of mind, shall be liable to such fine for non-acceptance of city offices; every person so elected who shall be above the age of sixty-five years, or shall already have served such office, or paid the fine for not accepting such office within five years preceding, or who shall have served for two years as a member of the city council; also every person who shall be a member of the legislature of this province, or who shall be a member of the executive council, or who shall have been a member of the executive council, or of the legislative council, either in this or any other of Her Majesty's provinces, if such exemption be claimed within five days after notice of his election shall be exempted from office; military, naval, or marine officers and soldiers, sailors or marines, in full pay; the provincial secretary, the commissioners of crown lands, the commissioner of railways and employees; the adjutant general of militia; the clerks in the public offices of the province or of the army, navy, or war departments; the ope-

Exemptions from fine.

rators and messengers of the telegraph office ; the postmaster general, the postmaster of Halifax, and the post office clerks, and letter carriers ; the sheriff and deputy sheriff, the coroners ; the clerks and officers of the executive council, legislative council, and house of representatives ; and all school masters, shall be excused from serving in any city office, and not subject to fine for declining the same.

#### OFFICERS.

Officers—election  
of, etc.

72. On the third day of October in the present and every succeeding year, or as soon after as the returns of the members elect shall be complete, the members of the city council shall elect from persons qualified to be aldermen by a majority of votes, two persons, auditors of the city, whose duties shall be prescribed by the bye-laws of the corporation ; every such auditor shall continue in office until the first day of October in the year following his election ; no member of the city council nor any paid officer of the said city, shall be auditor ; in case of vacancy occurring, the council may appoint an auditor for the residue of the year.

Ditto.

73. On the fifteenth day of October in every year, the city council shall elect by open voting the following officers :—

A recorder, a city treasurer, a city clerk, an assistant city clerk, a city marshal, a city clerk of license, who shall act as collector of city rents, and surveyor of city property, and who shall also act as supervisor of the inspector of weights and measures.

A city architect.

One or more city coroners.

One keeper of the city court house and building.

A clerk of streets.

Two inspectors of weights and measures, who shall be under the direction and control of the city clerk of licenses, and who shall obey his instructions in all matters appertaining to the duties of their offices.

Weighers of flour and meal.

One or more superintendent of streets.

Firewards and fire constables.

Measurers or weighers of wood and coal.

Measurers of salt and grain.

Eight or more guagers of fish oil.

Two or more fence viewers.

One or more pound keepers.

One keeper of markets and public squares.

One keeper of the city clock.

One city assessor, and two or more assessors for each ward, and any other officers the city may deem requisite to the due performance and carrying on the business of the city and the execution of the laws and the preservation of order.



All officers which the city council has power to appoint, may be elected and appointed on the fifteenth day of October in any year, or at any subsequent meeting or meetings of the city council as they may deem expedient.

74. If the city council shall not complete the election of officers on the day appointed, they may do so at any adjourned or special meeting afterwards. May adjourn.

75. No person elected or appointed to fill any office, shall be excused on the ground of ill-health or physical inability to discharge the duties thereof, unless he shall establish the facts on which he relies to be excused, by an affidavit in writing, to be sworn to before the mayor or an alderman, and delivered to the city clerk or his assistant. Excuses to be verified.

76. The city council shall prescribe the duties of all officers of the city by bye-laws, wherever the law has not expressly appointed and prescribed their functions. Duties.

77. All officers of the city, shall give security, by bonds with good sureties or otherwise, as the council shall direct and approve, and it shall be the duty of the council to demand such securities from every officer who collects or receives monies for the city, or has the special custody of property or funds of the city. Security.

78. All bonds and securities taken in the name of the city or for its security, shall, before being laid before the council for approval, be submitted to the recorder, in order that he may certify that he is satisfied with the form in which they are drawn, and also of the regularity of the execution. Form of bonds etc.

79. Every officer of the city, although appointed or elected for one year, or other term certain, shall continue in office and be in every respect considered as such officer until removed either by an express vote of removal passed by the city council, or by the election or appointment of a successor, and until such successor shall be sworn into office and have given bonds therefor to the satisfaction of the city council, and the bonds of any city officer, though given for one year only, shall be in force to make the party and his sureties liable for all acts, receipts, and omissions of duty which may occur in the interval until the new officer is sworn in and his bonds are approved by the Council, and a copy of this clause shall be endorsed on or attached to every such bond. Duration of office.

80. The council may, at any time, appoint such additional officers of any kind as they may deem necessary or expedient to carry out the powers vested in the city corporation by law, and may remove any such officers at pleasure, and appoint others in their places. Additional officers.

81. The annual salary of the mayor shall be one thousand dollars; of the recorder, one thousand two hundred dollars, in full of all services which he may be required to render; of the city treasurer one thousand eight hundred dollars, out Salaries.

of which he shall pay a clerk, for whom he shall be responsible. The yearly salaries, compensations, and allowances of all other officers of the city shall be such as the council of the city may from time to time settle and appoint.

Regulations as to officers carrying on other business

82. Whenever the city council think it necessary that any of the officers of the city shall be restricted from being engaged in business of any kind which they conceive incompatible with the efficient and satisfactory performance of his duties of office, they shall have power whether by bye-laws or resolution to impose conditions to prevent the engagement or connection of their officers with any business or occupation they think objectionable, and to annex fines, suspension or forfeiture of office to any disobedience therein.

Penalty for persons disqualified accepting office.

83. Any person not duly qualified and appointed who shall assume the duty or presume to exercise the functions of any city office, (or of any office the appointment to which is vested in the city council or the mayor,) shall pay a fine not exceeding ten pounds, with costs to be recovered at the police office, before the mayor or presiding alderman, or not paying the same, shall be committed to the city prison for a term not less than ten days nor over ninety days. Any officer who having been dismissed lawfully shall continue to act as if in office, shall be liable to the same fine to be recovered in like manner, and in default of payment to a like imprisonment.

#### TREASURER.

Monies—how paid.

84. The treasurer of the city shall not pay any monies of the city without a written order for every payment signed by the mayor, or in his absence by the alderman presiding in the place of mayor, and countersigned by the clerk of the city, nor shall he pay such money unless the same be warranted by the express terms of this chapter, or of some bye-laws or resolution of the city council.

Duties of city treasurer.

85. The city treasurer shall receive and collect all rates and taxes payable by the inhabitants of the city under this act, and shall also receive all other monies of the city that are paid over to him, and be responsible for the same; and shall also have all the powers and perform all the duties belonging to the treasurer of the county of Halifax, under any laws which now are or shall hereafter be in force.

To give receipts.

86. The treasurer shall on request give a written receipt to any person paying him money.

Shall give bonds.

87. The city treasurer before acting as such, shall be sworn before the mayor to the faithful performance of the duties of his office, and shall execute annually and each every year, a bond to the city with two sureties in the sum of two thousand pounds, conditioned for the faithful performance of his official duties, in such form as the city council may direct or any bye-laws require; and that the said bond shall

annually on the            day of October be left with the city clerk to be submitted to the city council for approval.

88. Whenever it appears requisite to the council, they may require a new bond or additional sureties from the treasurer, on his non-compliance for ten days they may vacate his office and elect another treasurer. New bonds.

89. In every case the treasurer and his sureties remain responsible to the city for his acts and omissions, and his official character continues until the same person or another is elected treasurer, sworn into office, and his bond and sureties fully approved by the council, unless by express order of the council to the contrary suspending or annulling his functions. Responsibility of treasurer.

90. The treasurer of the city shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received and paid as treasurer, and of the several matters for which such sums shall have been received and paid; these books shall at all reasonable times be open to the inspection of any alderman. Books to be kept.

91. All the accounts of the treasurer, with all vouchers and papers, shall in May and November in every year, be submitted by the treasurer to the city auditors, and to such (two) or more members of the council as (the council) shall name, on or before the first day of November in every year, or in case of any extraordinary vacancy of office within ten days next after such vacancy, for the purpose of being examined and audited from the first day of November in the year preceding to the first day of May, and from the first day of May to the first day of November in the year in which the auditors shall have been elected, and if the accounts shall be found to be correct, the auditors shall so certify. Accounts to be audited.

92. After the accounts shall have so been examined and audited in the month of November in every year, the treasurer shall make out in writing and cause to be printed, a full abstract of his accounts for the year, and a copy shall be open to the inspection of all rate payers, and copies thereof or extracts, shall be delivered to all rate payers applying; on payment of a reasonable price for each copy or extract to be fixed by the mayor. Abstract to be printed.

93. The clerk, treasurer, and all other officers of the city, shall respectively at such times during their continuance in office, also within thirty days after they shall respectively cease to be in office, whenever the city council shall direct, deliver (to the mayor for inspection of the council) a true account in writing of all matters committed to their charge under this act, or under any law relative to the government of the city; and also of all monies which shall have been by them respectively received as city officers, and how much thereof shall have been paid and disbursed, and for what Accounts, &c., to be produced at any time.

purposes, with proper vouchers. The city treasurer shall be entitled to demand and receive for the use of the city, of and from every person requiring from him a duplicate receipt for taxes or other sums of money paid into the treasury, a fee of twelve and a half cents for the same.

All monies to be paid to treasurer.

94. Every officer of the city, and every person who has held a city office, shall at all times when ordered so to do by the city council or by the mayor, acting in conformity with any law, bye-law, or resolution of the city council, immediately pay over all such monies as may be in his hands belonging to or be due by him to the city, into the hands of the city treasurer, or of such person as the order may appoint to receive the same.

All books to be delivered up when required.

95. Every city officer or other person having possession or control over any books, accounts, documents, or papers belonging to the city, or which the city council has a just right to inspect, shall at once deliver the same to the city clerk, when required by the city council or by the mayor.

Penalty, etc.

96. If any person shall refuse or wilfully neglect to account with the city council for his official receipts and payments, to pay over money which he owes to or withholds from the city, and for which he has become responsible as a city officer, or to deliver to the city clerk or such other person as the council may appoint to receive the same, any books, accounts, documents, or papers, in which the council have a right of property or inspection on the city's behalf, then, and in every such case, on complaint made on behalf of the council, of any such refusal or wilful neglect, to any justice of the peace for the city, district, or county wherein such officer or person shall reside or be, such justice of the peace, shall issue a warrant under his hand and seal for bringing the offender before any two of her Majesty's justices of the peace; upon the offender not appearing or not being found, the two justices shall hear and determine the matter in a summary manner. If it shall appear to such justices, that any monies remain due from such officer, on non-payment thereof, by warrant under their hands and seals they shall cause such monies to be levied by distress and sale of the goods and chattels of such officer; and if sufficient goods and chattels shall not be found to satisfy the said monies and the charges of the distress, or if it shall appear to such justices that such officer has wilfully neglected or refused to deliver such account or the vouchers relating thereto; or that any books, documents, papers, or writings, in the custody or power of such officer in his official capacity, have not been delivered as aforesaid, or are wilfully withheld, then, and in every such case, such justices are hereby required to commit the offender to the common jail, there to remain without bail until he shall have paid such monies, or shall have made satisfactory return

to the council, or until he shall have delivered a true account, together with such vouchers, or until he shall have delivered up such books, documents, papers, and writing, or have given satisfaction in respect thereof to the council; provided always that no person so committed shall be detained in prison for want of sufficient distress only, for a longer space of time than three months, or for any other cause above mentioned, for a longer period than twelve months. No prosecution of this nature shall be lawful unless commenced within three months after the offence has been committed. The ordinary remedies by action against any person holding office, or who has held office under the city, or against his sureties, are not to be impaired or diminished by this law, or by any proceedings taken under it.

Proviso.

97. The commissioners of the poor asylum annually, on or before the fifteenth day of December, shall file in the office of the city clerk, an account of all monies received and expended by them in such form and with such details as shall be required by the city council. This account shall be subject to the same auditing as the accounts of the city receipts and expenditures.

Com. of poor to file accounts.

98. All boards, committees, officers, and persons, who shall collect, receive, expend, or disburse, any public money belonging to the city or under its care or control, shall account to the city council. The city council may direct the form and mode of accounting by resolution or bye-law.

Committees, etc., to account.

99. The books of account of the corporation shall shew the amount, particulars, state, and circumstances, of the property, funds, taxes, effects, and fees, belonging to the city, the incomes and fees of its officers, and all its receipts and expenditures.

Statements to be entered in books of accounts.

100. The city accounts shall be annually published after audit and approval in such form and mode as the city council direct.

Accounts to be published.

#### RECORDER.

101. The recorder shall be a barrister of the supreme court of Nova Scotia, of at least five years standing. It shall be his duty to afford legal advice and assistance to the mayor and council of the city in the performance of their respective offices, and when requisite, in the business of the police court, to attend all meetings of the city council when required, and to assist in hearing and determining cases before the city court, of which he shall be a constituent member, and to take the charge and management of all legal business connected with the affairs of the city, to draft or revise all legal documents required by the city, and to act as counsel and attorney for the city in any suits in the provincial courts to which the

Qualification.

Duties.

To be approved  
and sworn.

corporation is a party. Before entering upon office he shall be approved of by the governor and sworn before the governor or chief justice, or any judge of the supreme court, to the faithful discharge of his duties.

#### COUNCIL.

Meetings.

102. There shall be in every year four quarterly meetings of the council held on such days as provided by bye-law.

Meetings—how  
regulated, etc.

103. In all meetings of the city council, a majority of the members present at such meetings shall determine all questions and matters submitted or under consideration; provided that the number at the said meetings be not less than ten besides the mayor or chairman. The mayor if present shall preside, and in case of his absence such alderman as the members assembled shall choose to be chairman during such absence, and in case of an equality of votes, the mayor or chairman presiding shall have a casting vote.

Special meetings.

104. It shall be lawful for the mayor to call a special meeting of the council when and as often as he may deem proper giving at least one days notice. In case the mayor should refuse after a requisition for that purpose, signed by five or more members, the requisitionists may call the meeting, giving at least two day's notice. The notice shall specify the business for which the proposed meeting is held, and shall be signed by the members. In all cases of special meetings, a summons to attend the council specifying the business to be transacted and signed by the city clerk or assistant, shall be left at the usual abode or place of business of every member of the council.

Minutes to be  
kept.

105. The minutes of the proceedings of all meetings of the council shall be drawn up and fairly entered in a book to be kept for that purpose, shall be signed by the mayor or the alderman presiding at such meeting, and shall be open to the inspection of all persons qualified to vote at the election of mayor or alderman, on payment of a fee of twenty cents. The meeting shall be held in public.

Committees.

106. It shall be lawful for the council to appoint from its members such and so many committees as they may see fit for the transaction of business, and for the discharge of such duties (within the scope of their powers,) as may by the council be prescribed, but subject in all things to the approval, authority, and control, of the council.

Bye-laws, ordi-  
nances, etc.

107. The city council at any meeting when at least ten members besides the mayor or chairman shall be present, may from time to time, make, alter, amend, or repeal any bye-laws or ordinances, for the good rule, peace, government, and welfare of the city, and for carrying into effect more fully, all powers, functions, and offices, vested in the mayor, council, and corporation, by law.

108. Fines not exceeding eighty dollars for one offence, and punishment in the jail or city prison for a term not exceeding ninety days, may be annexed to the breach of any bye-law passed in accordance with this chapter, or of any law authorized by any present or future law of this province; and all actions or prosecutions in which the city or any of its departments is or are concerned, shall be commenced in the name of the city.

Fines on breach of bye-laws.

109. It shall be the duty of the mayor to cause all matters recommended by any committee, and whereon their reports have been adopted and approved in city council, to be carried into full effect.

Duties of mayor.

110. No bye-laws of the city whether passed under the authority given in this chapter, or that of any other laws of the province, shall take effect until approved and confirmed by the governor in council.

Bye-laws to be approved.

111. A copy of every bye-law shall be transmitted with all convenient speed to the governor, and it shall be lawful for the governor in council within thirty days after the receipt of it to disallow it, and such disallowance shall without delay be signified to the mayor. No bye-law shall have any force or effect until it be so transmitted and approved, or until thirty days without disapproval, which shall amount to an approval and confirmation.

Copy to be sent to Governor.

112. It shall not be lawful for the city council to borrow on the credit of the city any sum of money whatever, unless otherwise particularly authorized by some act of the province. In case hereafter any debt shall be incurred or money be expended by the city council or under their authority, beyond the amount limited by law or specially provided for by an act of the legislature, the members of the city council incurring such debt or authorizing such expenditure, shall be jointly and severally liable therefor; but such debt shall not be recoverable from the city; provided nevertheless, that no member of the city council shall be held liable under this act for any debt incurred or expenditure authorized by the city council, for a longer period than twelve months after the time when the debt was so incurred, or the expenditure authorized, or if he can make it appear that he was not present when such debt was incurred or expenditure authorized, or that he gave his vote in opposition thereto.

Council not to borrow money.

Members liable.

113. In case of absence of the mayor from the city, or his incapacity from sickness or other causes, or of a vacancy in that office, such one of the aldermen as the council may direct shall discharge all the duties of the office of mayor.

In case of absence of mayor.

#### CITY COURT.

114. From and immediately after the passing of this chapter, there shall be a city court, over which the mayor, one

Members.

alderman, and the recorder, or in the absence of the mayor, two aldermen and the recorder shall preside, and the city clerk or the assistant clerk shall act as clerk thereof.

#### CIVIL JURISDICTION.

Jurisdiction.

115. The city court shall have cognizance, power, and jurisdiction to try and determine in a summary way without a jury, all civil actions on contracts, in which the whole cause of action or dealing shall have arisen within the city of Halifax, in which the cause of action does not exceed eighty dollars, and for all balances not exceeding eighty dollars upon accounts stated and settled previous to suit; and all such civil contracts, where the amount originally due has been reduced to eighty dollars or less, by payments of cash, and when the defendant shall prove an offset of greater amount than the plaintiff has proved, may give judgment in favor of the defendant for the balance due him, and shall also have cognizance, power, and jurisdiction, to try and determine in a summary way without a jury, all actions ex delicto, including actions in the nature of trover, detinue, replevin, assault and battery, slander in word or writing, trespass to lands or buildings, or other real estate, in which the title or right of possession is not the object of controversy; provided the causes of such actions originate within the city, and the damages claimed in any such cases do not exceed ten pounds.

To decide summarily.

116. The city court shall try every cause that is contested upon the examination of witnesses viva voce, and decide summarily without unnecessary delay.

Confessions.

117. Confession in writing or verbally given in open court may be recorded by the clerk, and judgment given thereon.

Capias.

118. The issuing of a capias shall be in the discretion of the mayor or an alderman, and no capias shall issue unless the party applying make affidavit that he has good grounds for believing and verily believes that the defendant is leaving the city, and that unless a capias is granted, the debt may be lost.

Gaoler's fees.

119. No fees shall be demanded or received by the gaoler or his subordinates for any prisoner upon process or execution from the city court, or from any prisoner committed by the city court, mayor, or any alderman, in any criminal case or breach of law.

Authority over harbor, etc.

120. The authority of the city officers and jurisdiction of the city court shall extend unto and over all acts, matters, and things, civil or criminal, done upon the harbor of Halifax, and South-East passage, and the North-West Arm, and over that portion of Bedford Basin situated from Three Mile House to the Narrows, extending five hundred feet into the water from low water mark, and the wharves, slips, docks, and land-



ings, therein; provided such acts, matters, and things, if done within the limits of the city, would be within the authority and jurisdiction of any of the officers or courts of the city, and the process, civil and criminal, which any court or any officer of the city may have the power to issue or execute, shall and may be executed upon the harbor of Halifax, the South-East Passage, and the North-West Arm, and the portion of Bedford Basin above limited; and for these purposes the harbor of Halifax shall be considered as extending from Maugher's Beach to Ferguson's cove, and across the Narrows at the entrance of Bedford Basin; but not to include McNab's Island or Duggan's Island.

Proviso.

121. When any person has been heretofore, or hereafter shall be committed to gaol under any writ of execution or mesne process issued from the city court, the court, or the mayor and any alderman, or any two aldermen, shall and may extend to such person, the benefit of any law that may be in force for relieving insolvent debtors from imprisonment.

Relief of insolvent debtors.

122. In like manner the said court may decide cases of seamen's wages, where the sum claimed does not exceed eighty dollars to any one master, mate, or seaman, provided the voyage for which the wages are claimed, began or ended at the port of Halifax, or in case of any other kind of voyage, the owner of the ship, master, or other party, made defendant therein, is a resident of the city of Halifax; and in any such suit two or more plaintiffs may join, if their claims of wages arose on the same voyage in the same vessel.

Seamen's wage

123. The city court shall also try and determine in a summary way without a jury, all cases of forcible entry and detainer, and over-holding lands, houses, and tenements by the tenants, upon a summons at the suit of the landlord, and may award possession by writ, and also may adjudge any amount of rent not exceeding twenty pounds, due to the landlord; such tenant having the power of appealing on giving sufficient security by bond or recognizance, in such sum as the court may direct, or any judge thereof, if the appeal be taken after the court rises, and such appeal shall be to the supreme court, if then sitting, or a judge thereof in chambers, and shall be made within two days after the trial.

Forcible entry and detainer.

124. The city court shall be holden for the trial of civil causes on the second and fourth Tuesdays of every month, and may sit by adjournment from day to day until the list of causes ready for hearing is gone through. The party succeeding shall be entitled to costs in all civil cases in the city court.

Trial of civil causes.

125. The court on the application of either party, supported by affidavit, if required by the court, grant appeals from their decision to the supreme court.

Costs.

Appeals.

126. In case of process or proceedings occurring by mistake or inadvertency, in any case where the city court has not

Liability of court if no jurisdiction

jurisdiction, the members and officers shall not be liable to any damages.

Extent of jurisdiction.

127. No suit for any debt or dealings, the whole amount of which shall not exceed eighty dollars, and which shall have arisen within the city, shall be brought in any other court except by way of appeal to the supreme court.

Form of process.

128. The city court shall in civil causes use as its process, writs of summons, replevin, capias, execution, and subpoena, and writs of restitution, issued by the clerk, under a stamp or seal which the said court is hereby authorized to make and use, and in such forms as have been used or shall be established by the city court, and shall be directed to the city marshal.

Proceedings on appeal.

129. In case of an appeal, the appellant, or in his absence, his agent, before the appeal shall be allowed, shall make an affidavit in writing, that he is dissatisfied with the judgment, and feels aggrieved thereby, and that such appeal is not prosecuted solely for the purpose of delay, and shall file the same with the city clerk on the last day of the term in which the cause is tried, and the party so appealing, or in his absence his agent, shall within two days thereafter, enter into a bond with two sureties, in a penalty double the amount of the judgment, with a condition that the appellant shall enter and prosecute his appeal in the supreme court, and shall perform the judgment of the said court, and shall pay the amount of the judgment and all costs of the supreme court, or shall before the first day of the term of such court, pay the amount of the judgment, together with all costs thereon subsequently accruing, which appeal bond shall be prepared by the city clerk.

(AFFIDAVIT TO BE MADE BY THE PARTY APPEALING.)

*In the Mayor's Court.*

Between } A B, Plaintiff,  
          } and  
          } C D, Defendant.

A B, (*the party making the appeal*) of \_\_\_\_\_ in the county of \_\_\_\_\_ the above named (plaintiff or defendant, *as the case may be*, or if the party for whom the appeal is made be absent, say "agent for the above named plaintiff" or defendant, *as the case may be*,) maketh oath and saith that he is really dissatisfied with, and feels aggrieved by, the judgment given in this cause, and that he does not appeal therefrom, solely for the purpose of delay, but that justice may be done therein.

Sworn at the day of }  
186 , before me, }  
                                  J. P.

To be signed by the party appealing, or in his absense, the agent.

## BOND TO BE GIVEN ON APPEAL BEING MADE.

Know all men by these presents, that we, A B, C D, and E, F, (*name of the appellant, if he be present, or if absent of the agent and the sureties, with their places of residence*) are held and firmly bound to G H, (*the party against whom the appeal is allowed*) in the sum of (*double the amount of the judgment, debt, and costs,*) to be paid to the said G H, his certain attorney, executors, administrators, or assigns, for which payment we bind ourselves, and every of us by himself, our and every of our heirs, executors, and administrators, firmly by these presents, sealed with our seals, and dated the      day of      186 .

Whereas, a certain cause between the above bounden A B, (*if the party appellant be the principal in the bond, or if he be absent, then say between      name the appellant,*) and the above named G H, in which the said (*name the appellant*) was (*plaintiff or defendant, as the case may be*) tried before the city or mayor's court, on the      day of      and judgment was given in favor of the said G H, for the sum of      debt and costs, and an appeal therein hath been demanded on behalf of the said (*name the party appealing.*)

Now, the condition of the above obligation is such, that if the said (*name the appellant,*) at the next sitting or term of the supreme court for the county of Halifax, shall duly enter and prosecute his said appeal, and shall proceed therein to final judgment, and shall abide by and fulfil the judgment of the said court, to be given in such appeal, and pay the amount of the said judgment and all costs, or shall, previous to the first day of the sitting of such court, pay the full amount of judgment in such cause, together with all costs subsequently accruing thereon, then the above obligation to be void.

Signed, sealed, and delivered }  
in presence of }

A B (seal)  
C D (seal)  
E F (seal)

## CRIMINAL AND PENAL PROSECUTIONS.

130. The city court shall have cognizance, power, and jurisdiction, to try and determine in a summary way, without a jury, all criminal cases for offences, either at common law or by statute, which have been committed within the city or on the harbor, or within the boundaries already specified herein, regarding the limits of city jurisdiction, including all larcenies, receiving stolen goods, assaults and batteries, libels, frauds and forgeries, perjury, trespass, &c., assisting deserters from army and navy to desert, or persuading them to do so ;

Jurisdiction, sentences, etc.

not to extend however, to any charges of treason, homicide, burglary, or arson, but with those exceptions, to try and sentence in all cases of offence, committed within the city and jurisdiction, for all crimes and offences made penal by any provincial statute, act, or bye-law of the city now in force, or hereafter to be made to such punishments, as the acts or the law impose therein ; provided that the mayor, alderman, and recorder, in any case where there is no express penalty or punishment fixed by statute, act, or bye-law shall not impose on any parties convicted, any punishment exceeding an imprisonment of one year, or a fine of one hundred dollars.

Practice.

131. The city court shall make orders and regulations respecting the practice therein, and may prescribe and adopt forms of writs and proceedings for the due conducting the civil and criminal business of said court.

Limitation of action.

132. No offence shall be cognizable in the city court at its criminal sittings, unless within six months after the same has occurred.

Administration of police.

133. The administration of police within the city, and all the executive powers of the corporation, are hereby vested in the mayor and aldermen, and the mayor, or one of the aldermen, in rotation, shall daily attend to the public office for that purpose appointed, and constantly between the hours of ten o'clock in the forenoon, and three o'clock in the afternoon, shall perform every act appertaining to the office of justice of the peace, necessary for the apprehension, committal, conviction, and punishment of criminal offenders, and for carrying into effect the laws in force, and the ordinances and bye-laws of the city, as set forth in the foregoing section.

Jurisdiction.

134. All persons violating the Sabbath by carrying on any game, play, or pastime, to the annoyance of their neighbors or the public, common beggars, fortune tellers, gamblers, habitual drunkards, persons breaking windows, or damaging the property of others wilfully and mischievously, lewd persons, vagabonds, runaways, stubborn and refractory apprentices, and all persons who may have been found drunk or disorderly in the streets, and all persons imbecile in mind, or incapable of taking care of themselves, may be sent to the city prison by the mayor or any alderman, for a period not to exceed ten days, for the first offence, and may on any subsequent conviction be imprisoned by the same authority, for a period not exceeding ninety days ; and in case of imbecile persons or vagabonds, for a period not over one year ; and the mayor or any alderman, may in lieu of imprisonment, impose a fine not exceeding five pounds in any such cases.

Arrest.

135. The city constables shall arrest such persons and bring them before the mayor or alderman. If the arrest occurs after three o'clock in the afternoon, or upon Sunday or holiday, the prisoners may be kept in the lock-up house until the hour of eleven in the forenoon of the subsequent day.

136. The mayor or aldermen, on being satisfied by inspection, confession, or proof, that the persons so arrested ought, whether for their own benefit, or that of others, not to be at large, may sentence them respectively to such imprisonment in the city prison, with or without hard labor.

Imprisonment  
without labor.

137. No conviction before the mayor or an alderman or before the city court, shall be quashed for want of form, and no warrant of committment shall be held void by reason of any defect therein, so as it be therein alleged that the party has been convicted of some offence named therein.

Want of form.

138. Nothing herein contained shall prevent the mayor or any alderman from committing persons charged with offences for trial in the supreme court, or bind them under recognizance with sureties, to appear and answer in the supreme court.

Committal for  
trial at supreme  
court.

139. In any case where the city court or the mayor or any alderman in the daily police court, think fit, they may impose the alternative of a fine or imprisonment.

May fine or im-  
prison.

140. In no case where the mayor or any alderman shall sentence any party to punishment by fine or by imprisonment, or by both fine and imprisonment, shall any appeal be allowed from such sentence, except by writ of *certiorari* or *habeas corpus cum causa*.

No appeal.

#### FEES IN CRIMINAL CAUSES.

141. In the city court in criminal causes, the following fees shall be received by the city clerk for the use of the city:

Fees

- For affidavit, one shilling,
- “ warrant, two shillings and sixpence,
- On service of process, one shilling and threepence,
- On a recognizance, three shillings,
- On judgment one shilling,
- Warrant of commitment, one shilling,
- Subpœna, sixpence.

142. All persons shall be bound on request to obey the mayor or any alderman, and to assist the policemen and constables in any duty of arrest, and any one refusing shall be fined not less than ten shillings, nor more than five pounds, by the mayor or presiding alderman, and on default of payment, shall be imprisoned not less than five nor more than thirty days.

Assistance to  
aldermen, etc.,—  
fine.

#### SEAMEN ABSENT WITHOUT LEAVE.

143. The mayor and any one of the aldermen holding the police court, shall have power on the sworn complaint of the master, to arrest any seaman of a British, Provincial, or a

Proceedings  
against seamen.

Foreign vessel, who, having signed regular articles, and not being duly discharged therefrom, shall wilfully absent himself from his vessel, and after hearing both parties, if he find the complaint well founded and just, to compel the seaman to return to duty, if requisite, also to send him to gaol, until the vessel is ready for sea, and give the aid of the police constables in carrying him on board of his vessel. The affidavit on which to ground the proceeding shall be made before the mayor or presiding alderman at the police office, and the warrant to arrest shall be granted by the mayor or presiding alderman, and on the hearing of the complaint the ship's articles must be produced and proved by the master or complainant, or a sufficient excuse rendered for their non-production.

#### CHARGES.

Charges—how taken.

141. Whenever any criminal charge is made, or any complaint of an act or omission punishable by penalty, fine, or imprisonment, whether a breach of common law or statute, or a violation of any city ordinance, it shall be the duty of the city clerk, or his assistant, to make a written note of such charge or complaint in a book to be kept in the police office to be called the charge book; and process as the case may require, either of summons or arrest, may thereon issue, to be granted by the mayor or an alderman; and if any affidavits are required to ground such process, they shall be prepared by the city clerk or his assistant, and the parties may be sworn thereto before the mayor or an alderman.

#### ARRESTS.

Proceedings in default of apprentices.

145. In case any person duly summoned to appear in the city court on any penal or criminal charge, shall make default in appearing, the court may either issue a warrant for his or her arrest to answer thereto, or in their discretion may proceed *ex parte*, and, on evidence on the part of the prosecution, commit if they see sufficient reason, provided no such *ex parte* conviction shall take place in any case where the penalty adjudged shall exceed five pounds.

Recognizance to keep peace.

146. In case of persons arrested by the city authorities upon oath made of threats or of facts which appear to require the binding over the party arrested to keep the peace, it shall not be necessary to confront the parties with the person complaining unless he or she demand it to be done, and the commitment may be made on the party arrested declining or omitting to give security within the day following such arrest.

147. The police office shall be open for the issue of process, civil and criminal, in the city court, and for receiving complaints in criminal cases generally, every week day, from ten, a. m., to three, p. m., (except the following holidays—Christmas day, Good Friday, the Queen's birthday, the 17th March, the 23rd April, the 21st June, and 30th November,) but in the event of a cause at the police office having been entered upon, it shall be optional with the court to finish the case before adjournment, notwithstanding it may be necessary to sit after three o'clock.

Office hours.

148. Witnesses in criminal and penal cases may be bound over by recognizance to attend in the city court when required, and on refusal to recognize, may be committed by the city court, or by the mayor or any alderman, until they are required to give evidence.

Witnesses.

149. The city court, in all civil and criminal cases where they deem it just, may tax costs of witnesses in their discretion, to be paid by the party losing, not to exceed fifty cents a day for attendance, or three pence a mile travel.

Witness fees.

150. Whereas the term of imprisonment at present allowed by law in the case of juvenile offenders, is too short and utterly useless for their reformation or education, and is rather calculated to injure than improve them,—

Sentences for juvenile offenders.

Be it enacted by the Governor, Council, and Assembly:—

That after the passing of this act, the police court in the city of Halifax shall have power to sentence any minor under the age of eighteen years, who may be convicted of any of the offences for which he might under any law or ordinance at present in force be sentenced to imprisonment in the city prison, to such term of confinement in the juvenile reformatory hereafter authorized to be appropriated to that purpose, not exceeding three years, as to the said police court may appear proper.

151. That the city council shall appropriate such portion of the city prison building at Rockhead farm to the use of such juvenile offenders, to be called the juvenile reformatory, as they may deem sufficient, due care being taken to isolate the said juvenile offenders entirely from the adult prisoners, both within the prison and at any out-door work which they may be employed at; and the city council shall make such regulations, by resolutions duly passed, for the employment, reformation, and instruction of such juvenile offenders, in some useful trade or calling, as they may from time to time deem proper.

Juvenile Reformatory.

## CITY MARSHAL.

Duties, powers,  
etc.

152. The city marshal shall be the high constable of the city, and shall have the superintendence of all the constables and police force, as directed by the 156th section of this act, and shall, within the said city, have all the powers and authority in all matters criminal, and in cases of breach of the peace, and for preserving quiet and good order, which sheriffs by law have within their bailwick, and constables have within their jurisdictions,—and shall perform and discharge such other duties, and receive such fees and emoluments, as shall and may be appointed by any bye-law or ordinance of the city.

Ditto.

153. It shall be the duty of the city marshal, or his deputy, to attend the city council and the mayor's court whenever they shall meet, and at all times to be at the command of the mayor or officer presiding at the police court,—and on all occasions to aid in the preservation of the peace of the city, and the observance of all laws in force therein; and he shall serve, or cause to be served, all writs, process, warrants, or orders issuing out of the city or mayor's court or the police court.

Be sworn to give  
bonds.

154. The city marshal shall, before he enter upon the duties of his office, be sworn before the mayor, and also shall give bonds, in the sum of not less than two thousand dollars, and in such form as shall be directed by the council, with two sufficient sureties to be approved by the city council, for the faithful discharge of the duties of the office, to be renewed when required.

Appoint-ment of  
police-men.

155. The city marshal shall within thirty days after the passing of this act, select policemen who are to act as day and night watch for the city of Halifax, to the number of thirty-three, and not exceeding fifty; and he shall prepare in each year a list containing their names, which he shall leave with the city clerk, on or before the fifth day of October in each year, and the said list shall be submitted to the city council on the fifteenth day of October in each year for approval; and if any of the policemen whose names are contained in the lists so submitted, shall be rejected by the council, their names shall be struck from the said lists, and other persons shall be appointed by the council in the stead of those rejected.

Marshal's au-  
thority over  
policemen.

156. That after the passing of this act the city marshal shall have under his authority and control the deputy city marshal, the sergeant or sergeants of police, and all the police force of the city of Halifax, both day and night police; that the deputy marshal, the sergeants of police, and all the policemen, shall be subject to his authority and obey his



instructions; and that the said city marshal shall have the sole management of the policemen and police force of the city, and shall be accountable for the good order and quiet of the city; provided however, that the city marshal shall obey any order of the mayor or of the presiding alderman acting at the police office.

Proviso.

157. After the passing of this act, no person or persons shall be chosen or appointed or continued by the city council to the office and duties of police constable or constables for the city of Halifax who shall be over the age of sixty years.

Age of police.

158. That after the passing of this act there shall be a monthly inspection of the police force of the city of Halifax, and at any other time the mayor may see fit to order, before the mayor, or in his absence the presiding alderman; and every man belonging to the police force of the city, shall appear at such place as may from time to time be appointed, on the first Monday of each month, and at such hour as may be appointed, dressed in uniform and decently clad, and any policeman who shall neglect to appear, or who shall appear negligently dressed, shall for the first offence be subject to a fine not to exceed two dollars, to be then imposed by the mayor, or in his absence by the presiding alderman, and for a second offence to a like fine, or suspension from office, in the discretion of mayor, or in his absence of the presiding alderman.

Monthly inspection.

159. The city council may make bye-laws (and from time to time alter and amend the same) to regulate the duties and powers of the city marshal, and the policemen or constables respecting their conduct, and to punish any persons resisting them in the execution of their several duties, or refusing to give them assistance when required.

Bye-laws.

#### SPECIAL CONSTABLES.

160. In case of riot, tumult, or disturbance, or illegal acts of any kind, accompanied with force or violence, or of a just apprehension thereof, if in the city of Halifax, the mayor and any three of the aldermen, and if elsewhere in the province, any three of her Majesty's justices of the peace, may by writing under their hands, appoint any number of special constables to assist in preserving peace and order.

Appointment

161. Such special constables shall within the city be under the direction of the mayor or presiding alderman, and if elsewhere, under the direction of the senior magistrate, who has signed their appointment.

Superintendence.

162. In the city, the mayor or any alderman, and elsewhere, any justice of the peace, may swear in such special constables to the faithful discharge of their duty.

To be sworn.

Duration of office.

163. The appointment of such special constables shall continue in force for the period of fourteen days from the date of such appointment, unless sooner revoked by the mayor, alderman, or justice, by whom they were appointed.

Appointment in case of disturbance at meetings.

164. In case of disorder or disturbance which may occur at any public meeting or assemblage of persons, the mayor or any alderman, if in the city, or any justice of the peace if elsewhere, upon the request of the chairman of such meeting, or of three or more freeholders, may verbally appoint and swear in special constables, who shall aid in restoring and preserving order and peace at such meeting or assemblage.

Penalty.

165. Any person who may be appointed a special constable under this act, and shall neglect or refuse to be sworn into office, shall be liable to a penalty of two pounds.

Penalty for resisting, etc.

166. Any person who shall by force resist any constable or special constable in the execution of his duty, shall be subject to a penalty of not less than ten shillings, and not more than five pounds, to be recovered, if in the city, on conviction in the police court, and if elsewhere, before any two justices of the peace, and on non-payment, the offender shall be committed to the county jail for a period not exceeding thirty days.

## EXTRA CONSTABLES.

Appointment.

167. The mayor of the city of Halifax may from time to time appoint such number of extra constables as he may deem necessary.

Termination.

168. The appointment of every such extra constable shall terminate on the last day of the year in which he was appointed.

To be sworn.

169. Each extra constable when first appointed, shall be sworn before the mayor or an alderman, to the faithful discharge of his duties, while he shall continue to be an extra constable; in case of his subsequent renewal, or re-appointment, no re-swearing shall be required.

Pay.

170. If extra constables are called out for special duty, involving loss of time, but in no other case, the city council may compensate them.

List to be published.

171. The appointment of extra constables shall be published, and an annual list of their names and residences shall be inserted in one or more city newspapers.

Badge.

172. Every extra constable shall be furnished by the city with a badge, baton, or emblem of office.

Powers, etc

The powers of extra constables shall be—

First,—In case of an actual breach of the peace occurring in their presence, to interfere to preserve order, and if necessary, to arrest wrong-doers, and take them to the station house.

Second,—If any persons are found by them in the act of injuring or destroying any trees planted in the streets, squares, on the parade, on the common, or in any public or open place, or in front of any house or building, which have been growing, or placed there for ornament, or shade, or other purpose, to arrest such trespassers if they are unknown persons, and detain them in custody a reasonable time in the station house, or elsewhere, in order to ascertain their names and residences; and if the parties caught so trespassing are known persons, to report the fact to the police at once, without such arrest.

Third,—If any persons are discovered defacing or injuring the exterior of any house, building, or fence, or the shutters, or other appendages thereof, or in writing any obscene or profane words, on any wall, fence, or building, the extra constables or the constables shall exercise the same power as herein given in case of injury to trees.

Fourth,—The extra constables shall have power on the request of the mayor, any alderman, or the city marshal, to serve any summons, or to execute any warrant emanating from the police court, mayor's court, or otherwise, which a city constable has authority to do.

Fifth,—The extra constables shall also be empowered to assist the police constables in any of their duties.

Sixth,—In case of larceny or alleged larceny, the extra constables shall have power to act in prevention and otherwise; and in case of violent removal of goods, or violence as to property in houses, or the possession thereof, to assist in keeping the peace.

Seventh,—At all churches, meeting-houses, and at all exhibitions, theatres, and at all public meetings, and meetings of societies and bodies of men, they shall act in preserving the peace, arrest of disturbers of peace, and keeping the entrance and streets clear of disturbance.

#### REAL ESTATE OF THE CITY.

173. All and singular the lands and real estate, and all buildings thereon, which at any time heretofore have been granted or conveyed to, or by any body politic or corporate, or any person whomsoever, in trust for the use and benefit of the town of Halifax, or of the inhabitants of the town or peninsula, or for any public use and purpose within the same, or used or appropriated for any such public purposes; and all lots and parcels of land, originally laid out or allotted, or now held for any such public purpose, or wherein the town of Halifax, or the inhabitants of the city of Halifax, or any body politic or corporate, or other person on behalf of the

Property vested  
in city.

town, or for any public use, have, or hath, any title, interest, right, or benefit at law, or in equity, including the county court house, the land whereon the powder magazine stood, and the water lot and tenements belonging thereto; the passage to the fish market bought from the board of ordinance by the city, the lot of land at the North-West Arm, the public markets, Rockhead farm, and the lands attached thereto, Bridewell; the water lot near to Fresh Water bridge, the city hospital, the water lot purchased from Doctor Cogswell, the water lots at the south end of the Basin, public landing places or slips, the steamboat landing or property, the new cemetery on the common, the common on the peninsula, and the various lots of land on which the engine houses now stand, are hereby absolutely vested in and transferred to the said corporation or city of Halifax, held, used, and occupied, (so long as this act shall remain in operation) in fee simple for the public and common benefit and use of the city of Halifax, according to the true intent and meaning of the original grant, purchase, conveyance, or assignment, of the same respectively; subject, nevertheless, to and saving any interest, property, possession, or right, which may have been acquired by any person, under and by virtue of the statute of limitations, and reserving to all persons whomsoever, all charges, incumbrances, claims, and demands, whether at law or in equity, now subsisting upon or against the said real estate, or any part thereof, and the same shall be and remain a charge upon and against the said corporation and city of Halifax, its estates, property, and effects, excepting herefrom the public penitentiary, the gaol, the churches, or other places of worship, the glebes, school houses, and the grounds thereto appertaining, which are not intended to be affected by this chapter.

Application of  
North Fish Mar-  
ket.

174. The city council may apply the property of the city known as the north fish market, and the wharf and slip thereof, to such use or purpose as they deem for the benefit of the city; provided a landing and passage of ten feet at least be left from the water to the street thereon for public and free use.

Additional pur-  
chase at Rock-  
head.

175. The city council may at any time assess the sum required to pay for the purchase of the additional property at Rockhead farm in ward number six in the general assessment.

Council may  
manage and  
lease.

176. The council shall have full power to manage and lease the real estate of the city, provided that no lease or any part thereof for any time beyond five years, shall be valid, unless previously submitted to the governor in council, and sanctioned by their approval; all leases of any part of the city property shall be under the city stamp or seal signed by the mayor and countersigned by the city clerk.

## CITY DEBTS.

177. All debts heretofore due and owing by the town of Halifax, shall be transferred to and become the debts of the said city, for the payment of which the real estate and all other funds of the said city shall be held liable.

Transferred to city.

178. The real estate, property, and funds of the city, shall continue liable and bound for the payment of all certificates and debentures heretofore issued by the city authorities and now chargeable upon the city.

Real estate liable

179. All public monies raised by assessment, and all monies due and payable as aforesaid, as well as all other monies to be hereafter raised by and under the authority of this act, shall be chargeable with all debts heretofore legally contracted by the authorities of the town of Halifax or the said city of Halifax, or under the authority of the justices of the peace for the county of Halifax, or any of them, or by or under any other lawful authority, empowered by act of the province to contract debts binding on the town or city, and all such debts shall be payable out of the revenues and assessment of the city.

Monies assessed liable for debts.

180. Public officers of the county, town, or city of Halifax, and other persons, who, at the time of the first incorporation of the city, or subsequently, held any just claims upon the town or city, shall not be prejudiced therein by the repeal or expiration of the several acts respecting the incorporation of the city heretofore in force, nor shall any creditor of the city be prejudiced in his rights by any such repeal or expiration of the acts of incorporation.

Old claims not affected.

## LICENSES.

181. The mayor and any three of the aldermen shall have full power to grant licenses to inn-holders, victuallers, retailers, and confectioners, within the said city, and also licenses for the sale of liquors of any kind; but no licenses to sell liquors shall be issued or granted to any person who now keeps or hereafter shall keep a brothel or house of ill fame. In granting such licenses the mayor and aldermen may annex thereto such reasonable conditions in regard to time and place, and other circumstances under which such licenses shall be acted upon, as in their judgment the peace, quiet, and good order of the city, may require; the city council shall have power to make rules for regulating and restricting the sale by retail of intoxicating liquors within the city, under such penalties as they may think right, not to exceed the amount prescribed by law.

How granted

Rules.

- License duties.** 182. The city council shall fix the amount of duty to be paid by each class of licenses, and the fees to be paid to the clerk of licenses, and to the city clerk for issuing the same, and also the commission to be paid to the clerk of license for collecting and paying over such monies, and shall from time to time make such bye-laws as they may think proper for the government of licensed houses or shops, and shall regulate the hours of closing the same, in all respects as they shall deem necessary for the peace, quiet, and good order of the city.
- Bonds.** 183. Bonds shall be given by all persons so licensed, in reasonable sums and with sufficient sureties, to be approved of by the mayor or presiding alderman, conditioned for faithful performance of the terms of said licenses, and of all subsisting laws, bye-laws, and regulations.
- Revocation.** 184. The mayor and any three aldermen shall have power to revoke or suspend any such license, if in their judgment the order and welfare of the city require it.
- Penalties.** 185. Any person who shall presume to pursue the said employments within the said city, without having first obtained a license therefor, or in any manner contrary to the terms of said license, or after the same shall have been revoked or suspended, shall be liable to the penalties and forfeitures which by this act or by any provincial act or laws, shall or may be hereafter imposed on the sale of liquors without license, and shall also be taken and deemed to have forfeited their bonds, upon which suits may be instituted against them or their sureties, at the discretion of the mayor or presiding alderman. All inn-holders, retailers, confectioners, victualers, and all other licensed persons, under and in pursuance of this act, shall be liable for and pay the same license duty now or hereafter to be imposed by law to the clerk of license.
- Forms.** 186. The licenses granted and the bonds to be taken, shall be in the same form as is prescribed and appointed under this act, respecting licenses to sell liquor, with such alterations as shall be found necessary to suit the circumstances of the said corporation, and shall be signed by the clerk of the city, and approved of and countersigned by the mayor.
- Returns, etc.** The city clerk shall keep a correct list of the licenses granted in every year, with the names, additions, and residences, of the parties licensed, and also all their sureties, and the amounts of the license duty payable on every such license, and shall return to the mayor once in every quarter, a written statement of the sums of money due and in arrears for license duty. All arrears of license duty shall be recovered in the city court, in the name of the city of Halifax, with costs, by the usual process, as in civil suits.
- Recovery of duties.**

187. No intoxicating liquors shall be sold in quantities less than ten gallons, to be delivered at one and the same time, unless in the original package in which imported, or by license, under a penalty of not less than four dollars nor more than eighty dollars for every offence; and no such liquors shall be sold in the city of Halifax without license, unless in the original package in which the same are imported, and when any intoxicating liquors are imported or sold in bottles contained in casks or cases, such casks or cases shall be considered original packages.

Penalty for selling without license.

188. All penalties incurred for breach of any part of the license laws, or of the bye-laws or ordinances of the city, made in reference thereto, shall be adjudged by the city court, and shall be paid and applied one half to the person who shall inform, and the remainder to the city, and on failure of payment, the party condemned shall be committed for a term not exceeding one day for every five shillings of such penalty, to the jail or city prison, by order of the city court, and no appeal shall be allowed in such cases, except by way of certiorari or habeas corpus cum causa.

Recovery and application of penalties, etc.

189. Once every month or oftener if the city council so direct, the clerk of license shall pay over to the city treasurer the amount of license duty, and shall produce and file in the city clerk's office, a particular account of the monies received by him in every quarter for license duty, and also the receipt of the city treasurer.

Duties to be paid to treasurer.

190. The city clerk of license shall be entitled to a commission of five per cent., provided that he shall not in any one year receive together with his fees for such commissions a larger sum than one hundred and fifty pounds, both for his fees on licenses and his said commissions, and the balance, if any, arising from such commissions and fees, shall be paid into the city treasurer.

Commission to clerk.

191. The mayor or any alderman of the city of Halifax, the city clerk of license, the marshal, or the captain of the watch, and any of the constables or any of the watchmen of the said city, are hereby empowered to enter in or upon the premises, or into the shop, store, dwelling-house, or other building, of any person or persons who (holding a license or unlicensed) is or are suspected of violating any law respecting the sale of intoxicating liquors, or of violating the license law, or of selling liquor without license; and all persons who are so suspected, shall upon being required by any of the said officers, immediately open their said premises, and grant free admission to the same, and any person or persons who shall refuse admission to his, her, or their premises, shop, store, dwelling-house, or other building, or who shall not open the same, and grant free access thereto, and who shall not permit any of the said officers to so enter, or who shall

Licensed premises open to inspection.

Penalties.

obstruct any such officer in the performance of his duty, shall be liable on conviction to a penalty of not less than four dollars, nor more than twenty dollars, to be prosecuted in the name of the city at the police office before the mayor or presiding alderman; and in the event of the fine not being paid, the party convicted shall be imprisoned in the city prison for not less than seven days, nor more than ninety days. The fine when received, to be paid into the city treasurer towards the general funds of the city.

Proof on trial.

192. Upon the trial of any party for any violation of the laws relating to the sale of intoxicating liquors, or for any violation of the license laws, or for selling liquor without license, if it shall be proved to the satisfaction of the court who are trying such party, that bottles, or decanters, or tumblers, or glasses, or other vessels, which are usually employed for holding and using liquor, were found in and upon the premises of such accused party, and had been recently used, this shall be deemed sufficient evidence to convict the said accused party of violating the laws, or of selling liquors, and to cause him to account for the purposes for which such articles were on his premises, and to establish his innocence by proof.

Kinds of licenses.

193. Licenses shall be of the following kinds, to be used in the city of Halifax, viz: tavern licenses, shop licenses, and general licenses.

Forms.

194. Licenses shall be in the form of Schedule A.

### SCHEDULE A.

#### CITY OF HALIFAX TAVERN LICENSE.

License is hereby granted to \_\_\_\_\_ of the city of Halifax, in the county of Halifax, to sell and retail in a tavern, to be kept in the shop or premises which he occupies, situate (*here describe particularly the situation of the premises,*) intoxicating liquors, only, and no other articles, either provisions, goods, wares, or merchandize of any description, conformably to law.

This license to remain in force for \_\_\_\_\_ months from the date hereof, subject to forfeiture for breach of the law.

Given under my hand as clerk of licenses for the said city of Halifax, this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 186

A B, Clerk of License  
of City of Halifax.

#### CITY OF HALIFAX SHOP LICENSE.

##### *License Office.*

License is hereby granted to \_\_\_\_\_ of the city of Halifax, in the county of Halifax, to sell in a shop to be kept by him in the building occupied by him, situate (*here describe par-*



*ticularly the situation of the premises,)* intoxicating liquors in quantities not less than one bottle, containing not less than three half-pints; but no part whereof shall be consumed on the premises.

This license to remain in force for \_\_\_\_\_ months from the date hereof, subject to forfeiture for breach of the laws.

Given under my hand as clerk of license for the said city, this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 186

A B, Clerk of License.

CITY OF HALIFAX HOTEL, EATING HOUSE, OR CONFECTIONER'S LICENSE.

*License Office.*

License is hereby granted to \_\_\_\_\_ of the city of Halifax, in the county of Halifax, to keep a hotel (*or an inn, or a saloon, or eating house, or a confectioner's shop, as the case may be*) in the building or dwelling house occupied by him, situate (*here describe particularly the situation of the premises,)* and to vend therein provisions, victuals, and supply food or tobacco, and also to retail intoxicating liquors therein, conformably to law.

This license to remain in force for \_\_\_\_\_ months from the date hereof.

Given under my hand as clerk of licenses for the said city, this \_\_\_\_\_ day of \_\_\_\_\_ A. D., 186

A. B., Clerk of Licenses.

195. The city council shall fix the amount of duty to be paid for each class of license. Duties.

196. Every person to whom a license shall be granted, shall before receiving the same, pay down the whole duties, and shall also enter into a bond with two sureties in the form of schedule B, which bond shall be prepared by the city clerk of license, and when executed shall be filed with the city clerk. To be paid in  
advance.  
Form of bond

SCHEDULE B.

Know all men by these presents, that we \_\_\_\_\_ are held and firmly bound unto our Sovereign Lady the Queen Victoria, her heirs and successors, in the sum of fifty pounds of lawful money of Nova Scotia, to which payment we jointly and severally bind ourselves, our heirs, executors, and administrators, by these presents, sealed with our seals, and dated the \_\_\_\_\_ day of \_\_\_\_\_ A. D., 186

Whereas the above bounden \_\_\_\_\_ has been granted a

license for the sale of intoxicating liquors in the tavern (*shop, &c.*) kept by the said in  
 Now the condition of this obligation is such, that if the said shall in in all respects conform to the laws in force respecting the retail of intoxicating liquors, and connected with such license, then this obligation to be void, otherwise to remain in full force and effect.

Signed, sealed, and delivered, } (seal)  
 in presence of } (seal)  
 } (seal)

No justice of the peace to hold license.

197. No alderman or a justice of the peace shall hold a license for the sale of intoxicating liquors, or be directly or indirectly interested in the sale thereof by retail.

List of licenses.

198. The city clerk and the city clerk of license shall each register in a book to be kept for the purpose, a list of licenses, with the dates of such licenses, the names and residences of the parties so licensed, and a memorandum of the houses or shops for which such licenses were granted, and a statement of the number of bonds taken, and such book shall be exhibited when required to the city council.

Regulations as to tavern license.

199. If any person holding a tavern license shall sell in the tavern or upon the premises where he conducts his retail tavern business, any description of article, goods, wares, and merchandize, other than intoxicating liquors, ale, porter, beer, and such like drinkables, and if he shall not within ten days after obtaining the same, place a sign on the tavern with his name thereon, importing that liquors are there to be sold, he shall forfeit on violation of either of the cases named in this section, a sum not exceeding twenty dollars, and each continuance for every ten days after conviction, to violate this section in either particular herein named, shall be deemed a fresh offence. If any person not having a license shall place on any building or in the neighborhood thereof, any inscription importing that intoxicating liquors may be had there, he shall forfeit a sum not exceeding twenty dollars; and every continuation of such inscription for ten days after conviction shall be deemed a fresh offence.

Fewalty.

Regulation for tavern licenses.

200. If any person holding a license shall not maintain good order on his premises, or if he shall permit raffling or gambling therein, or shall on Sunday permit persons other than lodgers, or persons coming for necessary victualling only, to remain about the premises drinking, or idly spending their time, or shall permit any thing to be sold or exposed for sale on the premises, other than victuals and drinks usually consumed in a hotel or inn, and these to be sold only by those holding a hotel or an inn-keeper's license, or if any person holding a hotel-keeper's or an inn keeper's licence shall not have reasonable accommodation for travellers, and their horses, cattle, and conveyances, in each of such cases, he shall

forfeit his license, and a sum not exceeding ten pounds, for every offence, in the discretion of the court before which he shall be convicted. Penalties.

201. If any person holding any license shall sell any intoxicating liquors on Sundays, except in the case of hotel or inn-keepers, to lodgers on the premises, he shall incur the like forfeitures as mentioned in the last section. Sale on Sundays.

202. No person holding a shop license only, shall sell less than one bottle, containing not less than three half pints of intoxicating liquors, to be delivered at one and the same time, or shall suffer any intoxicating liquors to be drunk on the premises where sold, or any such premises to be opened on Sunday, under the same penalty as that mentioned in the two hundredth section. Regulation for shop licenses.

203. No person shall recover or be allowed to set off any charge for intoxicating liquors in any quantity less than one bottle, delivered at one and the same time, and all specialities, bills, notes, or agreements, given in whole or in part, to secure any such charge shall be void, but nothing herein contained shall extend to any charge made by a person holding a hotel or inn-keeper's license, against any boarder or traveller. Charges for liquor not recoverable.  
Exceptions.

204. If any person holding a license shall purchase from any servant or common laborer, any wearing apparel, tools, or implements of trade, or husbandry, or household goods, or furniture made up, or shall receive from any person, any goods in pawn, the mayor or presiding alderman, upon sufficient proof on oath, of the fact, may issue his warrant for restitution of the property, and for payment of the costs, and in default thereof the warrant shall contain directions for levy and sale of the offender's goods for double the value of the property and costs, and the offender shall also be liable to a penalty of forty shillings. Holders not allowed to purchase or pawn goods.

205. Married women and servants concerned in any breach of this act shall be liable to the penalties thereto attaching, as if they were unmarried women and principals, provided the husbands or masters shall not have been prosecuted for the same offence, and upon any conviction of a married woman or servant, under this section, the husband or master shall not afterward be sued for the same offence. Married women and servants liable to penalties.

206. The clerk of license may whenever he sees fit, visit the premises of persons holding tavern licenses, to see that the provisions of this act are complied with, and he shall prosecute all offenders against such provisions, and if any persons shall obstruct him in the exercise of his duty, he shall forfeit the sum of five pounds, and may also be indicted for a misdemeanor, and fined and imprisoned in the discretion of the court. Clerk may visit premises.

207. If any person subpoenaed as a witness in any suit or prosecution under this chapter, shall not attend at the time Penalty for witnesses not appearing, etc.

and place mentioned in the subpoena, without just cause to be allowed by the court before whom the suit or prosecution shall be had, or having attended shall depart without permission of the court or shall refuse to be sworn or to give evidence on the trial, he shall forfeit a sum not exceeding ten pounds, to be levied by warrant of distress from the mayor or presiding alderman on the offender's goods, and for want of such distress such person shall be committed to jail for a period not exceeding three months, or until the amount be paid; but no person shall be obliged to attend or give evidence on any such trial until he shall have been paid his fees for travel and for attendance.

Payment of costs  
in case judgment  
for defendant.

208. In suits instituted by the clerk of licenses, where the court before whom the trial is had shall give judgment for the prosecution, or if they give judgment for the defendant, shall certify there was reasonable ground for commencing the suit, the prosecutor shall be fully indemnified for all costs and expenses on both sides, to be taxed by the mayor or presiding alderman, and to be paid out of the city funds.

General objec-  
tions, etc.

209. No judgment shall be withheld on account of variance between the proof and summons, if it appears to the satisfaction of the court that the defendant was aware of the real cause of complaint; but if the court see fit for this cause, they may continue the trial for another day, and no judgment shall be set aside for any variance or from any formal objection.

Sale by wife,  
child, or servant.

210. Any sale of intoxicating liquors made on the premises of any person, by the wife, child, or servant, of such person, shall be considered presumptively as the act of the husband, parent, or master, and shall be punished in the same way as if such sale had been made by such husband, parent, or master, in person, and the burthen of proof of innocence shall be thrown on such husband, parent, or master.

Sale to a minor.

211. Any person holding a license who shall knowingly sell intoxicating liquors to a minor, any part of which shall be consumed on the premises, upon proof thereof before the mayor, or presiding alderman, shall forfeit his license, and shall not again be capable of holding a license.

Sale to forbidden  
persons.

212. If the husband, wife, parent, child, brother, or sister, master, guardian, or creditor, of any person addicted to the intemperate use of intoxicating liquors, or any alderman or justice of the peace, or commissioner of the poor shall give notice in writing to any person engaged in the sale of intoxicating liquors that such person is addicted to the intemperate use of intoxicating liquors, it shall not thereafter be lawful under any pretence whatever, for the person receiving such notice by himself, his servants, or agents, directly or indirectly to sell or give any intoxicating liquors to such intemperate per-

son; and any person knowingly violating the provisions of this section, upon proof of the truth of such notice, shall be liable to a fine of not more than five pounds, for a first offence, and a fine of not less than five pounds nor more than ten pounds, and imprisonment for a period of not more than thirty days, as the court may direct, for a second or any subsequent offence.

213. In any suit instituted for a breach of the provisions of this chapter, the defendant, if claiming any of the exceptions, may set up the same as a defence, in which case the burthen of proof shall be thrown on the defendant, and it shall not be necessary in the summons to specify the particular kind of liquor sold; but in all cases it shall be sufficient in the summons to charge the party accused with having sold intoxicating liquors contrary to law.

214. In any such suit, in case it shall be alleged in the summons that the sale complained of was made to a person therein named, and on the trial the prosecutor shall fail to prove such charge, but proof shall be given of a sale to another person, the suit shall not thereby be defeated, but the court shall adjudicate upon the offence so proved, as if the same had been alleged in the summons; but in such case the defendant, upon application, shall be entitled to a continuance of not more than eight days to make his defence, and the prosecutor shall not be obliged again to prove his case, although if he choose, he may bring additional proof in support of the prosecution, as well as proof to rebut the defence.

215. No person imprisoned under execution issued upon any judgment for breach of this chapter shall be entitled to jail limits, or to benefit of any acts for the relief of insolvent debtors, until he shall have been imprisoned, if for the first offence, twenty-five days, for the second offence, thirty-five days, and for the third offence, forty-five days.

216. Prosecutions for offences against this chapter shall be commenced within six months.

217. In case the constable or officer to whom a summons is delivered to be served shall not be able to effect a personal service, it shall be a sufficient service of the same to leave it at the dwelling house of the defendant: provided that the officer makes affidavit that he believes that the defendant concealed himself, or in any way endeavored to escape service of such summons.

218. All suits for penalties for the breach of the license law incurred by selling spirituous liquors without license, and all suits and prosecutions against parties having licenses, for violation of the law, or for breach of any bye-law of the city regulating licensed houses, shall, where the offence has been committed within the city of Halifax, be brought in the name of the city in the police office.

Defence to be proved.

Allegation in summons.

Proof of sale to other persons mentioned in summons.

Jail limits—relief as insolvent.

Limitation of actions.

Service of summons.

Penalties how recovered.

Form of summons.

219. The summons to be issued in such cases, shall be in the following form, viz :

*In the Police Court.*

CITY OF HALIFAX.

*To the City Marshal or his Deputy :*

You are hereby commanded to summon \_\_\_\_\_ of the city of Halifax \_\_\_\_\_ to be and appear before the police court in the city of Halifax, on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ at eleven o'clock in the forenoon, to answer to the suit of the city of Halifax, for breach of the laws of the province, (*or ordinances of the city,*) respecting licenses in having (*here state the nature of the offence complained of.*)

Witness \_\_\_\_\_ Esquire.  
Mayor at Halifax this \_\_\_\_\_ day of \_\_\_\_\_ 186  
A B, City Clerk.

Term of conviction.

220. On a conviction for such offences, no particular form of entry or record thereof shall be necessary, but any written memorandum made at the time, whereby the date of judgment, name of party convicted, and amount of fine imposed, shall appear, made by the court or the clerk thereof shall be sufficient.

Enforcing judgment.

221. Every such judgment may be enforced by commitment of the offenders to the city prison, or by distress, on his or her goods and chattels.

Habitual drunkard.

222. That when it shall be proved to the satisfaction of the mayor and one alderman, or of any two aldermen, that any person is an habitual drunkard, and is injuring his or her health by excessive drinking, or neglecting his or her family (if any) it shall be lawful for the said mayor or alderman, or two aldermen, to cause a notice to be published in one or more of the newspapers published in the city, prohibiting all persons from supplying such person with any spirituous or fermented liquors, for any term not exceeding two years; and if any person shall supply such person with any spirituous or fermented liquors thereafter, upon proof that he has received such notice, the person who so supplies, shall be liable to a penalty of not less than twenty dollars, nor more than eighty dollars; and in default of payment of such fine, the offender shall be imprisoned in the city prison for not less than twenty days nor more than ninety days.

DISORDERLY PERSONS.

Penalties.

223. If any person shall, by riotous or disorderly conduct or language, or by discharging fire-arms, or by fire-works, or by cries, or other noises, wantonly or maliciously disturb the peace and quiet of any assembly of persons lawfully convened

for any religious, moral, social, or benevolent purpose, he shall for every offence, forfeit a sum not less than ten shillings, nor more than forty shillings, and if any person shall sell or expose for sale in the city of Halifax, any crackers or fire-works, whereby the peace of the citizens may be disturbed, or to the annoyance of citizens, he shall forfeit and pay a penalty of not less than forty shillings, nor more than ten pounds, or in event of non-payment, shall be imprisoned for not less than ten days nor more than ninety days.

224. If any person shall wilfully or wantonly remove, or let loose, disfigure or injure, any horse, or remove or meddle with, injure, or destroy, any vehicle, or cut, injure, or destroy, any harness connected with such horse or vehicle, while the same are in the vicinity of any place where such meeting may be in the act of being held, he shall for every offence forfeit a sum not less than ten shillings nor more than twenty dollars, and in case of non-payment to be imprisoned not more than ninety days.

Removing, etc.,  
horses or vehicles.

225. If any person shall, by discharging fire-arms or by riotous conduct in any street or highway, wantonly or maliciously disturb the peace and quiet of the inmates of any dwelling house near such street or highway, he shall for every offence forfeit a sum not less than two dollars nor more than eight dollars.

Disturbance in  
streets.

226. Any person offending against the provisions of this chapter may be arrested on view of any peace officer present at the commission of the offence, or by any person thereto verbally authorized by any alderman or justice of the peace present thereat, and such offender shall thereupon be committed to the county jail until he shall find security, to the satisfaction of an alderman or justice of the peace, for his good behaviour, and to pay any fine or penalty that may be imposed upon him on any prosecution for such offence.

Offenders may be  
arrested on view,  
etc.

227. Any person who shall keep a common gambling house or disorderly house, shop, room, or place, may be summarily tried and convicted before the police court, and on conviction, shall be punished by a fine not to exceed forty dollars, or by imprisonment in the city prison, with or without hard labor, not less than ninety days nor more than one year, or be both fined and imprisoned as the court may direct.

Gambling or disorderly  
houses.

228. The mayor or any alderman may at any time of the night or day, enter any house, shop, room, or place, suspected of being a gambling house, or bawdy-house, shop, room, or place, and it shall be their duty upon reasonable suspicion, or on evidence tendered them under oath, so to do.

Suspected houses  
may be entered.

229. Any person profanely cursing or swearing in the hearing of the mayor or aldermen, or any peace officers, who shall be convicted thereof, shall forfeit not less than one dollar, nor more than eight dollars, for the first offence, and for

Profane swearing

a second offence double, and for a third offence treble that sum, and in default of payment, shall be committed to jail for a term not less than two days nor more than ninety days.

Lotteries and  
raffles.

230. Whoever shall undertake, or set up, or shall by writing or printing, publish the undertaking or setting up of any lottery or raffle, for money or goods, with intent to have such lottery or raffle, drawn or thrown, or to induce persons to purchase tickets, or to give money or other valuables for any such lottery or raffle, or shall play, throw, or draw, at such lottery or raffle, or shall purchase any lot or ticket for any such lottery, or shall take part in any such raffle, shall forfeit a sum not exceeding forty dollars, and in default of payment, shall be committed to the city prison, for a period not exceeding ninety days.

#### DISCHARGE OF FIRE-ARMS AND FIRE-WORKS.

Discharge of  
fire-arms.

231. If any person shall unnecessarily discharge any fire-arms within the city of Halifax, or within one hundred yards of any person riding or driving, he shall forfeit not less than two dollars, nor more than eight dollars, on summary conviction before the mayor or presiding alderman at the police office, and in default of payment, shall be imprisoned not less than twenty-four hours nor more than ten days.

Fireworks.

232. If any person shall wantonly throw any fire-works, or permit the same to be thrown into any street, thoroughfare, or passage, or into any building, or shall make any bonfire, within one hundred yards of any building, he shall for every offence forfeit eight dollars, and in default of payment, shall be imprisoned for a period not exceeding fourteen days.

Limitation of  
action.

233. Prosecutions under the two preceding sections of this chapter, must be commenced within eight days after the offence committed.

#### FALSE ALARMS OF FIRE.

Penalty for false  
alarms.

234. If any person wilfully and without reasonable excuse, shall by outcry or the ringing of bells, or otherwise, make or circulate, or cause to be made or circulated, within the city of Halifax, any false alarm of fire, he shall be punished on conviction, before the police court, by fine of not less than two nor exceeding forty dollars, and in default of payment, may be imprisoned in the city prison for a period of not less than thirty nor more than ninety days.

Regulation  
therefor.

235. The city council may make such regulations as they may think proper for carrying into effect the provisions of the above section.



## SHOWS AND EXHIBITIONS.

236. The city councils may make bye-laws to regulate all public lectures, theatrical and musical exhibitions, and all public shows, and all exhibitions of whatever name or nature, to which admission is obtained on payment of money, and all street music, on such terms and conditions as may seem just and reasonable, and to regulate the same, from time to time in such manner as may appear necessary to preserve order and decorum, and to prevent the interruption of peace and quiet, and subject to such bye-laws; the mayor shall in his discretion grant written licenses for the same; the person obtaining such license shall pay therefor such fee or sum of money as shall be prescribed by any bye-law of the said city, and it shall be at all times optional with the mayor either to grant or refuse such license.

Regulation, licenses, etc.

## HACKNEY CARRIAGES.

237. No person shall keep or drive in the city of Halifax any carriage, waggon, gig, chaise, sleigh, or conveyance, for the carriage of passengers, for hire, or to ply as a hackney carriage, cab or omnibus, in the streets or lanes of the city, unless under a license for such purpose previously obtained from the mayor and two aldermen, and such fee shall be paid for license, not exceeding three dollars per annum, as the council direct.

License required.

238. The city council shall have authority by bye-laws to regulate the keeping, driving, plying, and general conduct of all carriages, waggons, gigs, chaises, sleighs, or conveyances, for carrying passengers for hire, in the city of Halifax, and by ordinance or resolution, to establish or alter the fares and prices to be charged and taken by the keepers, owners, or drivers.

Regulation to be made.

239. No person shall ride or drive any horse at full speed, or in a disorderly manner, in the public streets of the city of Halifax. Persons violating this provision shall forfeit a sum not less than ten shillings nor more than ten pounds for each offence, or in default of payment, not less than ten nor more than ninety days imprisonment.

Disorderly driving.

## TRUCKMEN.

240. No person shall keep, use or drive, any cart, truck, car, sled, or carriage of any kind, for transportation of any goods, merchandize, furniture, fuel, or other articles whatever, within the city of Halifax, for hire, pay, or wages, unless licensed as a truckman by the mayor.

Truck license.

Regulations.

241. The city council shall make bye-laws to regulate the form and granting truckmen's licenses, or giving security, the numbering and putting names on the trucks, and the stands where they may be stationed, to prevent the leaving any trucks, carts, sleds, or other vehicles, upon the streets or squares, and in any respect to regulate the conduct of truckmen.

License fees, etc.,

242. The licenses shall be signed by the mayor and countersigned by the city clerk, and be annually renewed, the sum of three dollars, shall be paid on every such license.

In case of misconduct.

243. On proof of misconduct the mayor and one alderman shall have power if they see fit, to suspend a truckman's license for a fixed term, or to revoke and annul it.

Rates of truckage

244. The city council shall make bye-laws to fix the rates and fares receivable by truckmen for the carriage of goods, merchandize, fuel, furniture, and other articles; such rates may be altered by resolution of the city council.

## AUCTION LICENSES.

Duties, etc.

245. Auction licenses in the city of Halifax shall be granted by the mayor, and shall be made out and issued by the clerk of the city, upon payment to the city treasurer, of a duty of twenty pounds, and every such license shall be signed by the mayor and one alderman and shall continue in force for one year.

Penalty for acting without license.

246. If any person shall act as an auctioneer within the city without being thereto licensed, he shall for every offence forfeit fifty pounds; but nothing herein contained shall extend to sheriffs or other officers of justice selling under process of law, or the decree or direction of any court.

## SEARCHING FOR GUNPOWDER.

Warrant—how issued, etc.

247. The mayor or any alderman, upon oath made by a fireward or peace officer that he has just suspicion that gunpowder is kept in any house, barn, or other building whatsoever, within the city, may grant a search warrant under which the fireward, accompanied by a city constable or the peace officer, in presence of an alderman, may break and enter any such place if refused admittance, in order to make such search.

General search.

248. The mayor or any two aldermen may by written order, in their discretion, authorize any two or more of the city constables at any time or times between the hours of nine a. m. and five p. m., to make a general search for gunpowder illegally kept, and for that purpose to enter and inspect any houses, stores, or buildings, within the city, to search for

gunpowder kept without license, or in illegal quantities, and such order shall remain in force ten days from the date thereof, and every person shall be bound to give every reasonable facility by unlocking outer and inner doors, and otherwise; and any person opposing, delaying, or obstructing such search, shall be liable to a fine not exceeding forty dollars, or not less than eight dollars, recoverable in the city court at suit of the city.

#### FORFEITURE OF GUNPOWDER.

249. Any gunpowder kept contrary to this act within the city shall be forfeited to the city, and may be sold by order of the mayor, and the proceeds of sale paid into the city treasurer. Powder forfeited.

250. All fines respecting gunpowder, under this chapter, where the recovery is not mentioned, shall be prosecuted and recovered before the mayor or presiding alderman at the police office. Recovery of fines

#### OF THE TRANSPORTATION OF GUNPOWDER.

251. No person shall convey by land more than one thousand pounds of gunpowder at one time. Quantity to be moved.

252. No gunpowder shall be placed in any one cart or vehicle to be land borne unless the same shall be completely covered with woollen or hair cloth exclusive of the package and the covering of the carriage. To be covered.

253. No carriage conveying gunpowder shall be stopped less than twenty rods from any dwelling house. Stoppage.

254. No iron, steel, or metallic substance, other than copper hoops on the casks, shall be placed on any carriage together with any quantity of gunpowder exceeding fifty pounds. No metal in same carriage.

255. No gunpowder exceeding fifty pounds shall be placed in any carriage, but in barrels, half-barrels, or quarter-barrels, tight, well hooped with wood or copper hoops. Powder to be in barrels.

256. No more than twenty five pounds of gunpowder shall be carried from one place to another unless the package be well hooped and sufficiently wrapped with woollen or hair cloth. Covered.

257. If any person shall offend against the provisions of the six previous sections of this chapter he shall forfeit for every offence a sum not exceeding forty dollars nor less than two dollars, and on non-payment shall be imprisoned for not more than thirty days nor less than two days, one half of the fine imposed to be paid to any party who shall give such information and evidence as may lead to the conviction of the guilty party. Penalty.

258. Nothing in this chapter contained shall affect the carriage of gunpowder for her Majesty's service. H.M. service no affected.

## FURIOUS RIDING AND DRIVING.

Bye-laws.

259. The city council shall have power by bye-laws to restrain all persons from driving or riding in a disorderly, careless, improper, or too rapid manner.

## STREETS.

Proceedings to lay out and widen streets.

260. The city council shall have power to lay out any new square, street, road, lane, or highway, to enlarge, improve, make straight, alter, or widen, any square, street, lane, passage, or public place, within the city, and for that purpose, to remove when necessary, any buildings, projections, wall or fences, or portions thereof, to direct a survey to be made, and to appoint three competent persons not being interested in said road or square, but who may be citizens, and shall be compensated for their labour out of the city funds, to appraise the damages to be paid to those whose lands may be taken up to form the street, road or square, or whose buildings, walls, or erections, may be removed or destroyed in whole or in part, for the improvement of any street, square, lane or public passage.

Appraisement.

261. The appraiser shall notify the parties interested, and hear them if required, and the appraisement being made by the three appraisers, or any two of them, notice shall be given to each person whose land is taken, or whose buildings are to be removed in whole or in part, or to his agent, ten days at least before the meeting of council at which it is to be confirmed. The council shall give any party objecting to the appraisement an opportunity of being heard and of proving his objections by testimony. If the expenses and damages appear to the council excessive when compared with the utility of the work, they may suspend or abandon the undertaking at any period, compensating for any damage actually done.

Width of new streets.

262. Hereafter no proprietor or possessor of land in the city shall lay out or open any new road or street over or on his property of less than sixty feet wide, and the committee of streets are authorized in their discretion, wholly or partially to close up and obstruct any road, street, lane, or thoroughfare, whatever, of less than sixty feet in width, which may be hereafter laid out or opened, or which may have been so laid out and opened, contrary to law.

Street regulations.

263. The city council shall have power by bye-laws to pass any regulations (and to amend or alter the same) necessary for preserving the streets from encroachment, and prevent any projections, balconies, signs, cellars, doors, or other erections, which may be prejudicial to the streets, and to remove and prevent all incumbrances thereupon.

264. The city council or their committees shall remove all incumbrances upon the streets, prevent encroachment thereon, make alterations and improvements thereon as required, open new streets when authorized, make and repair bridges, and cause to be observed the laws touching streets and bridges, or the work to be performed thereon.

Removal of incumbrances, etc.

265. The city council or their committee shall from time to time cause the streets of the city of Halifax to be cleaned, repaired, raised, sunk, altered, or paved, as they may deem proper, and may also cause to be dug and carried out of or brought into the streets, materials from the shores of the harbors, doing as little injury as possible in any case to the proprietors of the soil, and may employ and pay boatmen, carts, and laborers, as they may judge conducive to the accomplishing the designs of this chapter, and may also make contracts for the repairing and paving the streets, and may put up bars and fences to shut up streets while undergoing repairs, and may raise, sink, alter, or new lay drains, water-courses, pipes, and sewers, as they may think proper, causing as little detriment to individuals as the case will admit of, and may cause the course of gutters, water-courses, or channels, running in or through the streets, to be altered as they shall think proper.

Repairing, cleaning, etc.

266. Persons residing within the foregoing limits respectively, shall keep the side walks, gutters, and streets before the houses, buildings, or land, inhabited or occupied by them, free from dirt, filth, and nuisance of every kind, and whenever any incumbrance or nuisance shall be found in any of the streets, the person before or nearest whose house, building, or land, the same shall be, shall forfeit four dollars, and also pay the expense of removing the same; the committee of streets may cause the removal thereof without giving notice to the owner or being in any way answerable therefor, but no person shall be liable to this penalty unless he shall have placed the nuisance or incumbrance in the street where found, or not having so placed it, shall suffer the same to continue twenty-four hours without giving notice at the police office.

Side-walks to be kept clean, etc.

267. Persons by leave of the committee of streets, may place in the streets, materials for building, and erect posts, bars, or enclosures, for securing such materials, and continue the same for such time as the committee may give leave, and in manner as they shall direct, and not longer or otherwise, on pain of forfeiture.

Building materials, etc.

268. The city council may cause wells to be dug, and pumps to be placed therein in the streets or roads of the city where they shall judge necessary and convenient, in manner as they shall direct.

Wells.

269. The city council or their committee shall cause all things belonging to any building or cellar, or to any ground

Removal of encroachments etc.

or enclosure thereof, which may occasion any nuisance, encroachment, or annoyance, in any street, to be removed or altered in manner approved by them or their superintendents of streets, or if it can be done without particular inconvenience to the public, they may suffer the same to remain, upon the proprietor giving security that it shall not be repaired or rebuilt, and also paying to the city a reasonable annual ground rent for the part of the street encroached on during the continuance of the encroachment.

Persons building to apply for line of street.

270. Persons intending to build upon, or close to the line of a street, shall before digging a foundation or beginning the building, apply to the committee of streets or their superintendent of streets, to cause the line of the street to be defined and laid out, and shall defray the expense of a surveyor if necessary to employ one, and shall dig the foundation and erect the building within the line, avoiding any encroachment; and if any person shall erect a building upon the line of the street without making such application and having the line so ascertained, he shall forfeit ten pounds, and shall also remove the encroachment, or otherwise the city council or their committee of streets may cause the same to be removed, or take the steps by law allowed in cases of common nuisances.

Proceedings if dissatisfied with line given.

271. When the committee of streets or their superintendent shall have proceeded to ascertain the line of street on application of any person about to build thereon, and he shall be dissatisfied with the line pointed out by the committee or their superintendent, a judge of the supreme court shall, upon application of either party, issue a precept to the sheriff or his deputy, to summon a jury of twelve disinterested freeholders, to meet at some convenient day therein mentioned, to view and lay out the line, and the jury shall have an oath administered to them by the sheriff or his deputy, well and truly to lay out and establish the line of street according to their best judgment; and the witnesses tendered shall be sworn by the sheriff or his deputy, and if the jurors or either party require it, a new survey of the line shall be made, and the sheriff shall make a return forthwith, under the hands of himself and the jurors to the judge, who, if he shall approve thereof, shall confirm the return, and the same shall be filed in the prothonotary's office at Halifax, but if the judges shall not approve of the return a new precept shall be issued, and further proceedings had thereon in manner prescribed as to the first precept, and so on, until a return be confirmed; and the judge shall direct how and by whom the expenses of the proceeding shall be paid, and the same shall be taxed by the judge, and shall not exceed ten pounds.

Breaking up soil of street.

272. No person shall break up the soil of any street without first making application to the committee of streets in writing, specifying the purpose for which such breaking up is

required, and obtaining their permission therefor, in writing, and the committee may impose such terms upon the person applying, as the security of passengers shall appear to them to require, and any person acting contrary to this section or to terms imposed by the committee, shall for every offence forfeit twenty dollars.

273. Every person who shall designedly and unnecessarily drive any carriage, or ride over a side path, or roll or place heavy articles over or on the same to the injury or obstruction of the side path; shall for every offence, forfeit not less than one dollar nor more than eight dollars.

Driving, etc., on side-walk.

274. The city council shall have all the powers by law vested in the surveyors of highways, and no surveyors of highways shall have any powers within the city of Halifax.

Powers of council.

275. Monies and forfeitures payable under the foregoing eleven sections, may be sued for and recovered by the city of Halifax in the name of the city, in the same manner, and with the like costs, as if they were private debts, and when recovered shall be applied by the city council to the repairs of the streets, or other the purposes of the streets.

Collection and application of penalties.

276. No action shall be commenced against the city of Halifax or their committee of streets, or persons acting under them, until twenty days notice in writing shall be given to them, nor after six months next after the act committed for which the action shall be brought, and every such action shall be laid and tried within the city of Halifax.

Actions against city—how and when commenced.

277. There shall be chosen on the fifteenth day of October in each year by the city council, a superintendent of streets, to hold office respectively until a successor shall be appointed, or until removal, to be removable at the pleasure of the city council; such superintendents to be sworn before the mayor or an alderman to the faithful discharge of duty, and to give such security and receive such compensation as the city council may from time to time determine.

Superintendent of streets—appointment, etc.

278. It shall be the duty of such superintendents, under the direction and control of the committee of streets, to superintend the general state of the streets within the whole city, or such wards or districts as the committee of streets may place under the charge of such superintendents, to attend to the laying out, widening, elevation, and repairs of the same, and the making, repairing, and improving of any bridges, drains, sewers, gutters, channels, pavements, and side walks, within the same, and to give notice to the committee of streets, of any nuisance, obstruction, or encroachment thereon.

His duties.

279. The superintendents shall inspect carefully all operations connected with digging up or opening streets for the purpose of water or gas pipes being laid or repaired, and the replacing the surface properly, and in all cases when permission is given, to open or disturb the surface of the streets, the

Superintendent's duties.

superintendents shall be responsible in their districts to notify the committee of streets if there be any neglect or improper proceedings therein on the part of companies or others opening such streets.

Accounts to be kept.

280. The superintendents shall keep such accounts and records of their proceedings as shall be ordered by the city council or the committee of streets, and shall furnish accounts properly vouched whenever required to do so by the city council or the committee of streets.

#### STREET EXPENDITURE.

To be taken from general revenue.

281. After the passing of this act all sums required for street service within the city of Halifax shall be borne by and taken from the general revenues of the city.

Cab and truck license.

282. After the passing of this act no person shall keep or drive for hire any carriage, waggon, sleigh, cab, cart, truck, or sled, or other conveyance, without first obtaining a license for which he shall pay the sum of three dollars, and every such license shall continue in force for one year, and shall entitle such person to keep and drive for hire one horse and no more. Five dollars shall entitle such person to keep two horses and no more; for each additional horse above two he shall pay one dollar, to be collected and paid in the same manner as at present, and under the same penalties for non-compliance with the laws.

Amount required to be assessed.

283. The sum which shall hereafter be required for street purposes within the city of Halifax, shall be raised by an equal rateable assessment on the real and personal estate of the citizens as directed by this act for that part of the city revenue raised by assessment, and the sum so raised shall be paid into the city treasurer, and become part of the general revenues of the city.

Committee of streets.

284. After the passing of this act the streets of the city of Halifax and the expenditure thereon shall be placed under the control of a committee of three aldermen, to be annually appointed by the city council, to be called "the committee of streets," and the superintendents of streets and their assistants, if any, shall be under the direction and control of such committee.

Yearly estimate.

285. The committee of streets shall annually, so soon after their appointment as possible, submit to the city council their estimate for the expenditure on the streets and sewers for ensuing year, and if approved the amount shall be granted and placed at their disposal.

Powers of committee.

286. The committee of streets shall have power to make contracts for the supply of labor and materials for streets, and for the use of such horses and carts as shall be required for the purposes of the street service within the city of Halifax.



287. After the passing of this act the owners of real estate fronting on the streets within the following limits, viz., from the foot of Cornwallis Street along Water Street, to the north side of Morris Street, thence westerly to Pleasant Street into Barrington Street, thence along Barrington Street to Buckingham Street, thence down Buckingham Street to Water Street, thence along Water Street to the place of beginning, including all cross streets within these limits, shall provide and supply brick, and cut granite curbstones, to the satisfaction of the committee, which shall be laid down at the expense of the city; provided that where brick or stone side-walks shall be already laid down, which shall in the judgment of the committee be good and sufficient, they shall not call on the owner or owners of the lots in front of which such side-walks are laid down, to provide bricks or granite as before directed, but if such stone or brick side-walks shall not in the judgment of such committee be equal in quality to those being laid down under their direction, or shall not be of sufficient width or of proper grade, then the street committee shall proceed under the provisions of this act, as if no such brick or stone side-walk were already laid down.

Brick side-walks

288. Within the limits in the last section defined, it shall be in the discretion of the committee of streets, to commence and carry on the work of laying down such side-walks of brick or stone in any places or streets they may think fit.

Commencement of work.

289. If any owner of real property shall neglect or refuse within thirty days after notice to that effect from the committee of streets or the superintendent of streets, served on the owner or agent, or left at his last place of abode, to provide such bricks and granite, the committee shall provide the same, and the cost shall be borne by the owners or owner of the real property, and the cost shall be recovered as a common debt in the supreme court or in the mayor's court, according to the amount, and a minute of the amount thereof verified by the oath of the superintendent of streets, shall be recorded in the office of the registry of deeds for the county of Halifax, and shall bind the real estate in the same manner as a registered judgment would do.

Bricks, etc.,—how provided.

290. The committee of streets shall have power to lay down stone crossings, in any street or portions of the city of Halifax where they may deem proper.

Crossings.

291. In order to lay down durable and substantial side-walks and street crossings, and to defray the expenses thereof, the city of Halifax shall have power to borrow on the credit of the city, in addition to the sum already borrowed under seventeenth section of 24 Victoria, acts 1861, a sum or sums of money not to exceed twenty thousand dollars in the whole, at a rate of interest not to exceed six per cent. per annum, to be paid and expended by the city council or under the direc-

City empowered to borrow.

tions of the committee of streets, to lay down side walks and street crossings.

Tenders to be advertised.

292. Such loan may be obtained at once, or in portions from time to time as the city council may decide; tenders for the money shall be advertised for in two or more of the newspapers published in the city, for one month, and the tender expressing the lowest rate of interest shall be preferred.

Sidewalks may be extended.

293. It shall be lawful for the city council from time to time hereafter by a resolution passed by a majority of the whole council at any meeting, to extend the limits within which the street committee shall have power to cause side walks to be laid down as aforesaid, which resolution shall define such additional limits, and shall be published in at least two newspapers published in Halifax, for the space of one month.

Lenders certificate.

294. The lenders shall receive for every four hundred dollars so lent, a certificate under the city seal, signed by the mayor and countersigned by the city clerk, drawn in favor of such lenders, their indorsers or assigns, specifying the terms of loan and the rate of interest; such interest to be payable half-yearly. The certificates shall be transferable by an indorsement of the holder's signature in the same manner as promissory notes.

Interest.

Repayment.

295. The principal monies of such loan shall be repaid to the lender or lenders within twenty years from the date of the loan; but the city may at its option, pay off all or any such certificates in whole or in part at the end of the first five years, and after that period at any time on six months notice.

Loan to be a charge on city

296. The loan hereby authorized and interest, shall be a charge on the funds, revenues, and property of the city generally, until the same is fully satisfied and discharged, and the interest may at any time be included in the general assessment annually made on the city.

Internal health committee.

297. The city council shall appoint annually three aldermen, who shall form a committee, to be called the "Internal Health Committee," who shall be charged with the duty of attending to, sweeping, cleaning, and watering the streets of the city, cleaning away snow, and other like duties.

Annual estimate.

298. The internal health committee shall submit an estimate to the city council as soon as practicable after their appointment, (and annually thereafter) of the sum required for the work to be done in connection with their duties, and if the estimate be approved, the same or a smaller sum shall be granted and paid out of the general revenues of the city, and placed at the disposal of the committee.

Power of committee.

299. The internal health committee shall have power to hire or make contracts, or otherwise provide for the supply of labor and all things necessary to the discharge of the duties entrusted to them, and for the use of such horses and carts as

shall be required for the purposes of keeping clean and watering the streets.

300. The city council shall have power from time to time to make such rules and regulations as may be deemed necessary for sweeping and keeping clean the city, the streets and side-paths, and for compelling the owner or occupant of tenements to keep clean the side path, and to remove or deposit offal, ashes, or other material, at such times and in such manner, and at such places as may be thought proper, and under such regulations and penalties for non-compliance with the rules and regulations so made, as may be thought just.

Council may  
make rules.

301. The health inspector for the city of Halifax shall hereafter be placed under the direction of the internal health committee, and he shall obey and carry out the instructions from time to time furnished to him by the committee.

Health Inspector  
to be under control  
of committee

#### BOARD OF HEALTH AND NUISANCES.

302. The mayor and aldermen of the city of Halifax shall constitute the board of health for the said city.

Board of health.

303. The city council shall appoint a clerk of the said board, and make compensation to him out of the funds of the city for his services.

Clerk.

304. In case of any contagious or infectious disease existing or spreading among the citizens, the council may expend to the amount of two thousand dollars in support of the hospital, and for the accommodation of the sick of the city, and assess the city for the sum expended.

Expenditure for  
sick.

305. The city council shall appoint health inspectors for the city of Halifax, and shall define the limits of their respective jurisdiction, and may fix the time, not to exceed one year, for which such appointment shall be in force; all such inspectors shall be sworn into office.

Health inspectors.

306. The city council shall constitute a court under this chapter, and all orders by the court shall be forthwith executed, notwithstanding any appeal therefrom.

City council to be  
court.

307. Health inspectors, for the purposes of this chapter, shall have charge of all streets, highways, passages, vessels, wharves, docks, wells, markets, and market places, common, sewers, drains, vaults, privies, and other places, and shall cause all nuisances and filth to be removed therefrom or destroyed, and may open and enter all places where nuisance substance dangerous to public health, may be reasonably suspected to exist, subject, nevertheless, to the committee of streets of the city council, and to the control of the city council.

Duties of inspectors.

308. Health inspectors shall execute and enforce all sanitary orders to them directed under this chapter, in the several sections relating to infectious diseases and rabid animals.

Further duties.

Salaries.

309. Every health inspector shall be entitled to such adequate compensation for his services and for charges incurred about his duties, as the city council may allow.

Drains, etc.

310. Every dwelling house within the city of Halifax shall be furnished with a suitable underground drain for carrying off waste water; also, with a suitable privy and underground vault attached thereto; and the owner of such dwelling house who shall neglect to provide the same, the same shall forfeit a sum not exceeding twenty pounds.

Penalty.

Privies.

311. All privies and vaults shall be built so that the inside shall be at least two feet from the line of the adjoining lot, unless by consent of the owner thereof in writing, and shall be at least two feet distant from every street, lane, court, square, public place, or public or private passage way. There shall be no communication between a privy and any public sewer or drain; every vault shall be tight, and the contents shall be within two feet of the surface of the ground; but the city council may give any other directions relative to their construction.

How cleansed.

312. When any privy or vault shall be reported offensive by the health inspector, the same within a reasonable time after notice in writing to that effect, given to the owner or his agent, or the occupant of the land where situate, may be ordered by the city council or health warden to be cleansed and disinfected at the expense of the owners, agent, or occupant; and in case of neglect, the same shall be done under the orders of the health inspector, who shall recover double the expense from the owner, agent, or occupant, as a private debt.

Time of cleansing

313. No vault or privy shall be emptied without a permit from the health inspector, and in no case between the fifteenth day of June and the fifteenth day of September, unless by order of the mayor, or in his absence, of the presiding alderman, and then only in cases where it is absolutely necessary.

Waste water.

314. All waste water shall be conveyed through drains under ground to a common sewer, or to such reservoir as a health inspector shall appoint.

Vacation of houses.

315. When it shall appear to the city council that any tenement used as a dwelling house is so unfit for that purpose that the public health is endangered thereby, the city council may make an order in writing for its being vacated within a reasonable time, to be therein prescribed; which order shall be served upon the inmates, or left at such dwelling house, and in case of disobedience thereto, or of a re-occupation of the dwelling house without a permit to that effect, the court may direct a warrant to the sheriff or constables, or health inspectors, to enforce compliance with the terms of such order.

Cleansing of cellars, vacant grounds, etc.

316. Whenever it shall appear to the city council or board of health, that any cellars, lots, or vacant grounds, are in a

state likely to endanger the public health, they shall cause a notice to be given to the owners or the occupants, if any, and if there are no occupants, and the owners do not reside within the city, may give notice by advertisement in one or more public newspapers, publicly requiring such owners or occupants to remove such cause of complaint, as in such notice prescribed; and in case of neglect, the city council shall order the same to be removed, and double the expense shall be recovered by the health inspector from the owners or occupants of the same.

317. No person unless specially licensed in that behalf, shall put in any place on land or water, any offensive matter or thing likely to endanger the public health, under a penalty not exceeding twenty dollars for each offence; and if any person shall suffer any such matter or thing to remain upon his premises, after notice in writing requiring him to move the same, the health inspector may remove the same, under the direction of the board of health, and at the charge of the owner or occupants of such place, and may recover double the expense as a private debt.

Restriction as to  
offensive matters  
Penalty, etc.

318. Any alderman of the city of Halifax on the oath of one witness, may make an order in writing for the removal, burial, or destruction, of any offensive substance, being or likely to become a nuisance, in any place, or in boat or vessel, and may direct the same to be done by the party occasioning the offence, or by any other party whom the alderman shall appoint, and the expense shall be recovered as in the order prescribed.

How removed.

319. No person shall sell or offer for sale, or have in his possession in a public or private market, or any other place, for the purpose of sale, any unwholesome, stale, or putrid article of food, under a penalty not exceeding forty dollars, and the article may be further seized and destroyed by the health inspector.

Unwholesome  
food.

320. The city council or board of health may make orders for prohibiting the introduction into the city, and for preventing the sale and the offering for sale of any kind of uncleaned fish, and for preventing persons from throwing offal into any place likely to be offensive or dangerous to the public health.

Uncleaned fish.

321. The city council may from time to time make orders, fixing the extent and limits within which the slaughtering and dressing of animals for food shall be prohibited or conducted, under penalties not to exceed forty dollars for any one offence.

Slaughter house

322. Any person who shall violate any of the orders made under this chapter, or shall obstruct any officer acting in discharge of his duty, shall forfeit a sum not exceeding forty dollars, and on non-payment to be imprisoned in the city prison for ninety days.

Penalty for ob-  
structing office  
etc.

## MEDICAL OFFICER.

Medical officer.

323. The board of health for the city of Halifax shall annually on the second Monday of February, or as soon after as practicable, elect a medical officer for the city, and the board shall vote a suitable salary for such officer, to be paid out of the civic funds.

Health officer not to be interfered with.

324. The city medical officer shall not interfere with the health officer for the port of Halifax appointed by the provincial government; but the latter is to perform his duties and receive the fees as heretofore.

Medical officer.

325. The city medical officer shall be under the control of and be subject to the orders of the board of health, and the board of health for the city of Halifax may appoint such committees and establish such bye-laws as the members may judge proper to carry into effect any measures they may deem effectual for the health and safety of the inhabitants.

Removal of sick persons.

326. The city medical officer when he thinks it essential for public safety, may order to be removed from any dwelling house or place, or from any vessel or boat at any wharf within the city of Halifax, any person sick with any contagious or infectious disease, to any hospital, house, or place, proper for that purpose, and if he shall find it necessary, to enforce obedience to such order; or if he has reasonable grounds for suspecting contagious or infectious disease to exist in any house or place, the city medical officer, upon a reasonable notice first given to the occupant to show cause forthwith before his worship the mayor and one alderman, why a warrant should not issue, is hereby empowered by writing under his hand, countersigned by the mayor, to direct any city constable to force open or break the doors of any dwelling house or any other place within the city of Halifax, and to enter and to remove the person so sick of contagious or infectious disease, to the hospital, house, or place, described in such writing; and the city constable to whom the written order is directed, shall obey the instructions therein contained and employ such force as may be requisite to carry the order into effect, and such written order shall be a sufficient justification to the constable, and the force he may employ who shall enforce the same.

In case such person cannot be removed.

327. If any person sick with contagious or infectious disease in any house or place within the city of Halifax, in the opinion of the medical officer, cannot be removed, then the medical officer may cause such house or place, or any contagious house or place within the city, to be vacated by other occupants for such time as the safety of the inhabitants shall require, and the medical officer may enforce obedience by his order in the manner expressed by the preceding section.

328. The city medical officer may at any time when he deems it necessary, call in a second physician to consult with him in cases where contagious or infectious disease is supposed to exist, and such consulting physician shall be paid for each consultation out of the funds of the city.

Consulting physician.

329. Any person obstructing the city medical officer or any city constable acting under his directions, in the execution of any duty prescribed or contemplated by an order made under this act, or who shall wilfully disobey any order of the medical officer made to carry out the objects of this act, shall forfeit and pay for every offence, the sum of not less than four dollars nor more than forty dollars, to be recovered in the name of the city of Halifax, before the mayor and one alderman, or before any two aldermen of the city, to be paid into the civic treasury; or in default of payment, shall be confined in the city prison for a period not less than ten days nor more than ninety days.

Penalty for obstructing medical officer.

#### ASSESSMENT.

330. The city council shall have power to assess on the inhabitants and on the property within the city annually such sum of money, not exceeding sixty thousand dollars as may be necessary to defray the expenses which they are by law authorized to incur on behalf of the city, and such amount may be increased in any year by permission of the governor in council to the extent of twelve thousand dollars additional, provided such increase be requested by a vote in which at least two thirds of the members of the city council concur.

Amount to be assessed.

331. The objects which may be provided for by assessment, include the salaries and compensations legally granted to the officers and other persons employed in the business of the city, expenses of police, of lighting the streets, of a night watch, of a supply of water, expense of fire department, maintenance of the city hospital, and city prison, repairs of city property, the making, repair and improvement of the streets, and of the sewers and drains, bridges and roads, and all other expenses required in the due execution of the different powers and trusts vested by law in the city corporation, its council, and officers.

Objects to be provided for.

332. On request of the commissioners of the poor asylum of Halifax, specifying the sum they deem necessary to be paid by the city for the support of the poor of the city in the poor asylum, and in the provincial hospital for the insane for the year ensuing, the city council shall be authorized to include in the foregoing general assessment the sum so specified.

Assessment for poor asylum.

333. The ward assessors annually elected by the city council shall, when required by the city assessor, assist him within their respective wards, attending to such duty, within the hours of ten a. m. and six p. m., to make a fair and

Ward assessors.

impartial assessment; and in case any ward assessor so selected, shall neglect or refuse to perform any of the duties of his office, he shall forfeit to the city for every offence, a penalty of ten pounds.

In case of absence, penalty, etc.

334. If any ward assessor shall be absent, or become from illness incapacitated for the performance of his duties, the city council shall be at liberty to appoint in his place some qualified citizen of the ward, who shall be liable to the same penalty of ten pounds for neglect or refusal to perform any of the duties of his office.

City assessor.

335. The city council shall annually elect one suitable person, not being a member of the city council, to be city assessor, and no person shall be considered ineligible to such office on account of his having already served therein, and any city assessor who shall be guilty of neglect of duty, shall pay a fine of not less than forty shillings nor more than ten pounds, for every such offence.

In case of vacancy.

336. Whenever a vacancy shall occur in the office of any city assessor who has not served out his full time, such vacancy may be supplied by the city council; and the person elected to fill such extraordinary vacancy, shall occupy the office, and discharge the several duties thereof for the term unexpired of the person whose place he shall supply.

Oath of office.

337. Every city assessor on acceptance of office shall make oath in writing before the mayor or some alderman, to perform the duties of the office, and to make a fair and impartial assessment of the city.

Salary.

338. There shall be payable out of the city funds to the city assessor, so long as he shall remain in office, such annual salary as the city council may appoint, and to each ward assessor such compensation as the city council may from time to time direct.

Assessment, how made.

339. The city assessor associating himself with the ward assessor for every respective ward, taking the wards in such order of rotation as the city assessor shall think fit, shall upon the order of the city council, proceed forthwith to make an assessment upon the respective wards for all sums of money legally authorized and directed to be assessed upon the city for city purposes and rates, for poor rates, and for the proportion of county rates chargeable on the city and its inhabitants.

How rated.

340. The assessment shall be rated on the occupants of real estate, being yearly tenants, and in all other cases, on the owners of property by an equal pound rate upon the value of the real and personal estate within the city, whether such real and personal estate shall be possessed, occupied, or owned by individuals, or by any joint stock company or corporation, and whether owned by parties resident or absent, according to the best knowledge and discretion of the city and ward



assessors, subject to the exemptions hereinafter specified the city council may direct the assessment to be made in the autumn of any year for the ensuing year, after the assessment has been made and the city rates imposed.

341. The personal property of all persons assessed under this act for city rates, shall be liable for the full amount of rates due, notwithstanding any assignments or other conveyance made by the owner of such property, or of any judgment entered against the owner thereof, or any execution issued to bind the property.

Personal property liable.

342. No property of any party shall be liable to be taken by virtue of any assignment or mortgage, or execution, unless the party who holds the assignment or mortgage, or at whose suit the execution is sued out, shall before taking into possession the property or removal of any goods, pay the city rates for the then current year, and the sheriff or his deputy, or other officer, is required to levy and pay to the city treasurer, such rates or assessment, or the assignee, mortgagee, or judgment creditor, who takes the property of any debtor or party, if he do not pay such rates within two days after taking possession, shall be liable to an action for the amount in the name of the city of Halifax, or the goods so taken may be distrained upon by the city treasurer, for such rates or costs.

Rates to be paid before removal of property.

343. The assessors, or any of them, may require the owners of any real estate in the city, to give a written statement, shewing the tenancy thereof, name of tenant or tenants, and amount of rent, and whether yearly or otherwise, within five days after request, under penalty of forty shillings for failure to make such return; all tenants holding real estate for one year or any longer period, shall be assessed whether rent be payable quarterly, monthly, or otherwise.

Landlords to shew vacancy.

344. Partners in business shall be assessed under the name of the firm for partnership property, in the same way as individuals; notice to either partner or to the agent of the firm shall be valid.

Assessment of tenants.

Partners.

345. The owner or holder of stock in any incorporated or joint stock company, doing business within the city, taxed on its capital, shall not be assessed as an individual for such stock.

Owners of joint stock.

346. The estate of deceased persons under control of their executors, administrators, or trustees, the separate property of married women, and the property of minors, and other property under the control of agents and trustees, shall be rated in the name of the principal party or parties ostensibly exercising control over them; but under such description as will keep the rating separate and distinct from any assessment on such parties in respect of property held in their own right.

Estates of deceased persons, minors, etc.

Meaning of term  
"personal estate"

347. Under the term "personal estate," shall be included all household furniture, monies, goods, chattels, wares, and merchandize, kept in public or private premises, or in the Queen's or other public warehouses; all ships and vessels, or shares in ships or vessels, owned by persons residing, or having offices, or doing business within the city, whether such ships or vessels be at home or abroad at the time of assessment; also all public stocks, except provincial and city debentures, of the said city of Halifax; there shall also be included under the term personal estate, stocks in public or private banking companies, water, gas, fire, marine, or life insurance companies, or associations, or other joint stock companies or corporations, whether public or private, doing business within the city; and all monies belonging to the inhabitants of the city, invested in public or private securities within the city, and all bullion and coin of gold or silver, all province notes, and notes of solvent banks, in the province or elsewhere, which may be in the possession, and the property of any citizen, or in the custody of a bank, or other party, or monies deposited on deposit receipt, shall be considered as his monies, and be assessed accordingly.

Life insurance  
companies.

348. Life insurance companies established in the city, or having any branch office or agent therein, shall pay assessment upon the amount of premiums actually received or secured within the city during the current year, deducting agency and office expenses incurred within the city, deducting also any losses incurred on lives insured in the city.

Benefit building  
societies.

349. Investors in any benefit society established in the city of Halifax, under the act 12th Victoria, chapter 42, entitled "an act for the regulation of benefit building societies," shall be assessed on their deposits in the same way as mortgagees, as such society shall be assessed for its office or place of business, on its rental or value, and also on its furniture, in the usual way, but borrowers shall not be assessed on their borrowed shares.

Joint stock com-  
panies.

350. Every joint stock company doing business in the city, shall be rated as if holding one hundred pounds of property for every six pounds nett annual income or profit derived from its business, done within the city, life insurance companies excepted.

Corporate bodies.

351. All corporate bodies and joint stock companies or agencies doing business in the city of Halifax, shall be rated as if holding one hundred pounds of property for every six pounds annual nett income or profit derived from its business, whether the profits of the year are declared or reserved; provided always, that if any such incorporated company shall within twenty days after the receipt of city assessor's notice, file in the office of the city clerk an affidavit made by the president or secretary, or other responsible officer of such

company, that no profits or dividends have been paid or reserved during the past year, or during the year for which the assessment is made, such company shall be exempt from taxation.

352. In case of companies incorporated by the legislature, every president, secretary, manager, cashier, treasurer, or in case of a branch, the resident agent, annually, on or before the first day of March, make an affidavit in writing before the mayor or an alderman, or a justice of the peace, for the county of Halifax, containing a true, full, and correct statement of the amount of the paid up capital of any such company, at the period he makes such affidavit; the party making this affidavit, shall file it immediately with the city clerk, and the assessors shall fix the rate accordingly; on default of this statement being duly filed, the assessors may rate the company's income, according to the best information they can otherwise obtain; and the company or corporation shall in addition to the rate, pay to the city a penalty of fifty pounds for the neglect or omission of their officers or agents, in not furnishing the said statement.

Statement by officers of companies as to capital.

353. In the case of every joint stock company or agency, the president, secretary, manager, cashier, treasurer, or in case of a branch office, the resident agent shall annually on or before the first day of March, make an affidavit in writing, before the mayor and alderman or a justice of the peace for the county of Halifax, a precise statement of the actual nett income of the company or corporation, derived from their business done within the city during the year ending on the thirty-first day of December preceding, or such other date within the year ending on said first day of March, as shall be the usual period of any such company for closing and balancing their accounts. The party making this affidavit shall file it immediately with the city clerk, and the assessor shall fix the rate accordingly; on default of this statement being duly filed, the assessors may rate the company's income according to the best information they can otherwise obtain; and the company or corporation shall in addition to the rate, pay to the city a penalty of fifty pounds for the neglect or omission of their officers or agents in not furnishing the statement of their profits by affidavit. When the assessment is ordered to be made in the autumn, the joint stock companies may be taxed on their returns to the 31st December previous.

Statement as to profits.

354. The yearly assessment shall be prepared, made up and delivered into the city council, not later than the thirtieth day of June in each year.

Assessment—when to be made up.

355. The city assessor shall examine at the registry of deeds office the records in order to ascertain the mortgages covering property within the city of Halifax, and the fees

Search for mortg<sup>es</sup>

payable for such examination shall be borne by the city and paid out of the city funds.

Property exempt.

356. All property real or personal owned by her Majesty, to the province, the county, or city, all personal property of military persons residing in government buildings or barracks, or of officers or men of the navy residing in government buildings; every building erected and used as a college, incorporated academy, or other seminary of learning, every building for public worship, temperance hall, school house, court house, and jail, and the site and appurtenances of each, and their furniture; every poor house, alms house, orphan house, asylum for deaf and dumb, house of industry, house of refuge, and the real and personal estate of the same; the real and personal estate of every public library, and all stocks owned by the city or province, or by literary or charitable institutions, and all provincial and city of Halifax debentures, shall be wholly exempt from assessment; this section is not to exempt yearly and other tenants holding under lease from the city, nor are the dwelling houses or lodgings occupied by clergymen, by whomsoever they may be owned, to be exempt from assessment.

Property under £50.

357. No person shall be assessed for his personal estate unless its value amounts to fifty pounds.

Warehoused goods.

358. The officers of the excise department, and provincial revenue officers, shall be bound on request of the city assessor from time to time, to furnish him with lists of the goods in the Queen's warehouses, and the names of the owners, under penalty of fifty pounds for refusal or neglect to furnish the same within ten days after the request.

Valuation books.

359. The assessor before proceeding to the assessment of the respective wards, shall be provided by the city with a sufficient number of blanks, to form valuation books, ruled and headed throughout in the following form :

Ward No.	Names.	Value of Real Estate as tenant or landlord.	Value of personal property.	Total Amount on which Assessment is to be levied.

made up.

360. The assessors shall enter the name of each person, company, or corporation, to be assessed separately in order, in the first or left hand column, the value of real estate stated in currency, in the next column of a personal property, and the sum total on which the assessment is to be levied in the last column, opposite to each name.



In making this statement, each item or class of property shall be separately valued, and the amount admitted under each of the six classes of assessable property, shall be separately stated, and the assessor shall not be bound to adopt such statement where each is not expressly valued.

The return of ships or vessels or shares therein shall, in every case be made by the party rated in the affidavit or return by him or them, made in the ward in which such person shall reside; such return or statement shall be verified in every instance by an affidavit in the form following:

*Incorporated Company.*

Halifax, ss.

of the city of Halifax maketh oath and saith that the above is in all respects just and true, and that the sum of            pounds or dollars is the full amount of the paid up capital, and that            pounds is the full value, to the best of deponent's judgment, of the real and personal estate of the said company liable to assessment under the law in the city of Halifax.

Sworn to at Halifax,            }  
this day of A. D. 18

City of Halifax, ss.

of the city of Halifax maketh oath and saith, that the above statement is in all respects just and true, and that the sum of            pounds is the full value to the best of deponent's judgment and belief, of the real and personal estate and income for which the said deponent was liable to be taxed on the day of the assessment thereof, within Ward No.—

Sworn to this            day of            A.D. 18            }  
before me            }

*Joint stock companies not incorporated.*

Halifax, ss.

of the city of Halifax maketh oath and saith that the above statement is just and true, and that the sum of            pounds, is the full value of the real and personal estate of said company, exclusive of the nett profits            derived from business during the year ending 31st December last, estimating the real estate at ten times the value of annual rental, and giving the whole nett profits without any reserve.

Sworn to at Halifax            18

The affidavits are to be signed by the party sworn, and when made by an agent, the form is to be altered accordingly.

When such a statement cannot be made within fourteen days, from the absence or sickness of the party rated, a further time may be allowed thereof by the city council; and every person to be assessed shall, in stating his real and personal estate liable to assessment, give the amount of such real and personal estate liable to assessment, give the amount of such real and personal property and income, as it existed on the day the same was assessed.

362. The form of the statement and affidavit in the cases of all public and private banks, water and gas companies, insurance companies and agencies, marine, life, or fire, and all other joint stock companies and bodies corporate, shall be as follows:

Statement for corporate bodies

*Statement of the real and personal property of \_\_\_\_\_ doing business within the city of Halifax, liable to assessment.*

£

Real estate, value.....

Personal estate, viz:—furniture of office, goods and chattels.....

Nett profits or income derived from the business done within the city during the year ending 31st December last, or \_\_\_\_\_ day of \_\_\_\_\_ or (*in case of life insurance companies,*) nett amount of premiums received at Halifax during the current year.....

Total....£

363. Such returns in the cases of companies, banks, societies, or corporations, shall be verified by affidavit in the following form, viz:—

How verified.

Halifax city, ss.

\_\_\_\_\_ of the city of Halifax, maketh oath and saith, that the above statement is in all respects just and true, and that to the best of this deponent's information and belief, the sum of \_\_\_\_\_ pounds is the full value of the real and personal estate, and nett interest, premiums or receipts of said company liable to assessment under the law, within the Ward No. \_\_\_\_\_ in the city of Halifax.

Sworn to this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18 \_\_\_\_\_, before me.

This affidavit is to be signed by the party sworn.

364. These statements may be sworn before the mayor, or before one of the aldermen, or any justice of the peace for the county of Halifax, and must be delivered to the city assessor,

To be sworn and delivered to Assessor

or be left for him, at any time on a week-day between the hours of ten o'clock, a. m., and four o'clock. p. m., at the office or place mentioned in the notices.

Sworn statement to be accepted.

365. Whenever a person, company, or corporation to be assessed, shall deliver a sworn statement, in the form required by this law, the assessor shall accept and adopt the valuation sworn to.

Return of valuation, books, etc.

366. The city assessor shall complete the valuation annually, within seventy days from the date of the order of the council to commence the valuation ; and having duly delivered the notices of valuation above directed, and the fourteen days allowed for the personal affidavits having expired, shall then make return of the books of the valuation to the office of the city clerk, one for each ward, clearly and correctly made up in writing, and signed by him and by the ward assessors acting for the ward, or by any two of them.

General assessment book.

367. The valuation-books, having been first seen and approved of by the city council, shall be taken back by the city assessor, who shall then proceed without delay to make up one general book of assessment for the city, in which there shall be distinctly shown the amount of the rate upon each individual or company, in such form as the city council may direct ; and the assessment-book being so made up and signed by the city assessor, shall be returned to the office of city clerk.

Notices to pay rates.

368. As soon as the assessment-book shall be accepted and approved of by the city council, it shall be deposited with the city treasurer, who shall cause each person or company rated, or their agents, to be served with a notice in the following form :—

Halifax, 18

You are hereby notified that you are rated and assessed for the current year, 18        to pay the sum of        pounds,        shillings, and        pence, for city, county, and poor rates ; unless the amount be paid within thirty days, ten per cent. will be added thereto, besides all charges and costs of collection.

To

*City Treasurer.*

Proceeding in default of payment.

369. If any person or company rated and assessed shall not pay the amount within thirty days after service of notice, the city treasurer shall, without delay, issue a warrant of distress to collect it, in the form following :

Whereas                                        is indebted to the city of Halifax in the sum of                        for                        rates for the year 18 and has omitted to pay the same after full notice so to do,



you shall forthwith distrain the goods and chattels of the said for the said sum, and ten per cent. additional, and if within seven days after distress made the amount of the rate, with ten per cent. and any necessary charges be not paid, you shall sell the goods and chattels so distrained upon to satisfy the same; and the property distrained upon may be removed to any place for safe keeping, and if not redeemed within seven days, the said property shall then be sold to pay the rates, per centage, and costs.

Halifax, 18

*City Treasurer.*

In case of any dispute the mayor and any alderman may tax and limit the expenses to be allowed in a summary manner.

370. If the money assessed be not collected and paid over to the city treasurer under the warrant of distress, he shall without delay sue for the amount, inclusive of the ten per cent., or for so much as is not collected, as in case of debt, the action to be in the name of the city: the treasurer's certificate in writing shall be presumptive evidence of the rate being due and unpaid, and shall be sufficient to entitle the city to a judgment without further proof, unless a good and just defence can be made thereto.

Rates to be sued for, etc.

371. Any person absent from the province, and any company whose effects are not to be found, or are insufficient to levy upon by way of distress, may be proceeded against for rates due to the city according to the provision of the absent debtor laws.

In case of absence of rate-payer.

372. In case either an individual or a firm from whom or which assessment or taxes are due to the city, shall have made a general assignment of assets to creditors, or otherwise is unable to pay debts in full, and in case of the insolvent estate of a person deceased, it shall be lawful for the treasurer of this city to join in behalf of the city in any such assignment, arrangement, or compromise, and to secure and accept any such dividend or part payment, in his discretion, as may appear for the interest of the city in his opinion, and in case of doubt he may require the approbation of the mayor thereto.

Treasurer may compromise.

373. Whenever any citizen whose property has been valued by the assessors under this law shall die before the taxes and assessments of that year have been fixed, adjusted and paid by him or her, his or her executors and administrators shall have the same powers, rights, and liabilities therein as he or she might have had if living, and the proper notices under these heads shall be served on them, and they may make affidavit to reduce such assessment if they think proper, and if

In case of death after valuation.

there be no executor or administrator immediately ready to receive such notices, the publication thereof in any city newspaper shall be sufficient, and any such assessment or tax whether due by a citizen before his or her death, or assessed or adjusted subsequently, may be recovered as a debt may by suit, at the suit of the city against his or her executors or administrators.

Estate of deceased persons.

374. While any estate real or personal of any deceased party within the city shall remain in charge of executors, administrators, guardians, or trustees, the assessments annually thereon shall be made by a written or printed notice served on any one of such guardians, executors, administrators or trustees, in place of the notices required by law in case of citizens living who may be assessed; and it shall be the duty of the city assessors to have these notices served, and taxes and assessments due on such estates shall and may if not duly paid, be sued for as a debt, in the name of the city, against, as defendants, the executors, administrators, guardians, or trustees of such estate, and if any one of them be made defendant, no objection shall be allowed for the omission of the others.

Non resident.

375. In case of any non-resident party assessed for property, real or personal, within the city, a notice shall be published in one of the city newspapers; and if the party lives within the province, the city assessors shall send notices by mail, such notice shall be equivalent to personal service.

Co-partners, tenants in common, etc.

276. Whenever any property, real or personal, shall belong to more than one individual, whether the same be owned by co-partners, tenants in common, or held by executors, administrators, trustees, devisees, or co-heirs, the different notices and proceedings of valuation and assessment thereof under this act shall be valid, if such notices shall be actually served on, or come to the hands of any one of the parties who own or have charge thereof, notwithstanding any errors, omissions, or mistakes, in the name or names of the party or parties to be rated for the same: provided that the property itself intended to be rated be sufficiently designated or pointed out in such notices to enable the parties to ascertain the object of such rate.

Rate not affected by errors, etc.

377. In case of any excess, error, or other objection made by any party or parties to the assessment for the city made on him or them, the court before which the same is investigated shall not in any case annul and set aside such whole rate, but if he, or she, or they can fully establish that the rate is excessive, the court may reduce the amount of his or her assessment to what it ought to be in justice, and shall give judgment in favor of the city for the amount so reduced, but such power shall in no case be exercised by the city council.

Qualification for ward assessor.

378. It shall not be necessary that a ward assessor of said city reside in the ward for which he is elected, provided he

has an office, shop, warehouse, or place of business, within the ward, and has been resident for one year previous within the city.

379. After the first day of April next, every person who shall commence business of any kind in the city of Halifax, whose property has not been assessed at the previous general assessment, or paid taxes, shall give notice in writing to the mayor or presiding alderman, within one week after his commencing business, of his place of residence and place of business, and the mayor or presiding alderman shall direct the city clerk to notify the city assessor and the ward assessors of the same, and they shall proceed within three days after such notice to the premises, and assess the property of the party so commencing business, in the same way and at the same rate as other citizens are assessed under the general assessment. After the assessment has been so made, the city assessor shall make a return of the same to the city treasurer, who shall collect the amount as all other taxes are collected; any person commencing business who shall not give the notice as afore required, shall be liable to pay a penalty of forty dollars, to be recovered at the police office, and if the fine be not paid, to be imprisoned for not less than thirty days nor more than ninety.

Persons commencing business to give notice.

Penalty.

#### FIREWARDS.

380. The city council may elect and appoint from time to time, annually, or otherwise, as many firewards, and also as many fire constables for each ward of the city as they may deem necessary, who shall be sworn into office before the mayor or an alderman, to the faithful discharge of their duties, and shall have a suitable staff assigned to them as a badge of office.

Election of Fire Ward and Fire Constables.

381. The city council may also in addition to the laws which may be at any time in force for the prevention of fires, make any further rules and regulations on the subject by way of bye-laws, that the welfare of the city appears to them to require.

Bye-laws.

382. The engine man in charge or command of any engine at the time of a fire in the city, shall have the same authority to command aid in drawing it to the fire as if he were a fireward.

Authority of man in charge of engine.

383. Any person disobeying any order given by an alderman or a fireward, with a view to putting out a fire, or in drawing any engine or hose, or other articles requisite thereto, may by order of the same, or any other alderman or fireward, be immediately arrested and detained by any constable, fire constable, or other person present, and kept prisoner for any space of time not exceeding two hours, in order that obedience

Penalty for disobeying fire ward etc.

to the fire authorities may be enforced, and also that the name, abode, and identity of the offender may be ascertained, to enable the officer disobeyed to proceed against him for the penalty then or afterwards if necessary.

New engines, etc.

384. The city council may at any time direct new engines and fire implements to be procured, and new wells to be sunk and pumps to be placed therein.

Fine for officers refusing duty.

385. The city council may impose a fine not exceeding twenty dollars, on any fireward or person appointed to the board of health, or any other office nominated or elected by the city council, upon whom no specific fine is by law imposed, who shall neglect or refuse the duties of such office, or shall refuse to qualify himself for the same agreeably to this act, the fine to be recovered at the police office before the mayor or presiding alderman, and if not paid, the party arrested and fined to be imprisoned in the city prison for not more than months; provided always that no such officer shall be obliged to serve more than one year in succession, or shall be liable to any fines for not serving for a period of five years after he has so served or paid such fine.

Proceedings to put out fire.

386. Upon the breaking out of a fire, the firewards, taking their badges with them, shall forthwith repair to the spot and use their utmost endeavors to extinguish and prevent the spreading of the fire, and to preserve and secure the property of the inhabitants, and may command the assistance of the inhabitants therein, and in removing property out of any building actually on fire, or in danger thereof, and appoint guards to secure and take care of the same; and may command assistance for the pulling down of buildings, or for other services relating thereto to prevent the further spreading of fire, and to suppress tumults and disorder, and due obedience shall be yielded unto them for those services, and generally at such fires; and for any disobedience of their orders, information thereof shall within ten days next thereafter be given to the mayor or presiding alderman at the police office, and the offender shall be liable to a penalty not exceeding eight dollars; and if he shall not pay the same, shall be imprisoned for a period not exceeding ten days.

Pulling down of buildings.

387. Upon the occurrence of a fire in Halifax, four of the firewards or aldermen, or partly firewards and partly aldermen, and in the absence of four fire wards or aldermen, three firewards or aldermen may direct any building to be pulled down, if in their judgment the doing so will tend to prevent the further spreading of the fire, and if the pulling down of such building shall have the effect of stopping the fire, or the fire shall stop before it comes to the same, the owner of such building shall receive payment therefor from the rest of the inhabitants whose houses have not been burnt, in manner following, viz: the owner of the building shall as

How paid for.

soon as may be, make application to the city council, who, if satisfied of the justice of the claim, shall make an order for the valuation of the damages so sustained, to be made by three indifferent persons; and such persons shall be sworn before an alderman or justice of the peace, to the faithful discharge of their duties, and they or any two of them shall make return of their proceedings to the city council, whereupon the city council shall appoint two or more assessors, who shall tax the houses that have not been burnt, in such proportions as shall be deemed just according to their value, for paying the damages sustained by the owner for the buildings so pulled down; and also the charges for valuation, taxation, and collection, to be settled before the making of the assessment; and the assessors shall also report their proceedings upon oath to the city council; and the city council shall thereupon issue an order for collecting the monies so assessed, and in case of non-payment, the same shall be levied by warrant of distress, to be issued by the mayor or presiding alderman at the police office, upon application by the collectors; and when the assessments are collected, the city council shall order payment to be made to the claimant of his damages, according to the approved report of the appraisers, and also the payment of the charges hereinbefore mentioned; but if the building pulled down shall be the building where the fire began, or if any other building shall be pulled down, or be begun to be pulled down, which shall be on fire at the time the orders are given for pulling the same down, or which shall take fire while such orders are being carried into execution, the owner of such building, shall not be entitled to any compensation therefor.

388. Buildings constructed of stone or brick and covered with incombustible materials, shall be exempted from taxation under the next preceding section; and such buildings, when covered with combustible materials, shall be liable to an assessment upon half the value thereof only.

Stone buildings  
not to be taxed.

389. No person shall at a fire break open any building, or attempt to pull the same down, or order others so to do, unless orders therefor shall have been first given by the owner of the building or as previously provided; and any person violating this provision, shall, for every offence, forfeit a sum not exceeding twenty dollars.

Penalty for  
breaking open  
buildings.

390. The firewards shall, from time to time, report to the city council what number of ladders, hooks, buckets, bags, chains, ropes, axes, and saws are required for service at fires, and the probable expense thereof, and of keeping the same in repair, and the city council shall order such of them to be provided as they may deem necessary, but every fireward shall be at all times provided with two ladders with hooks, one of which ladders shall be at least twenty-four feet in length, and

Fireward's re-  
port.

Ladders, hooks,  
etc.

the other at least sixteen feet in length, and fire hooks, two axes, one saw, twelve leather buckets, and twelve large bags, which shall be by the firewards deposited in the most convenient places in the city, and where, on the alarm of fire, the inhabitants of the city shall assemble and proceed under the direction of the firewards, with such of the implements as may be deemed necessary, to the place of danger.

Districts and implements to be numbered.

391. The district of which each fireward shall have charge shall be numbered, and the implements in the last section mentioned shall be marked with the number of the district to which they belong, and within twenty-four hours after the extinguishing of any fire the different implements shall be delivered at their place of deposit, and if thereafter any of such implements shall be found in the possession of any person he shall forfeit a sum not exceeding eight dollars, and any person who shall use such implements, except at a fire, or an alarm thereof, shall forfeit a like sum.

Penalty for having implements in possession.

Firemen.

392. The city council may appoint such number of firemen for the city as they may deem necessary, who shall under the firewards have the charge of the fire implements hereinbefore mentioned, and shall be obliged to keep them in good order and fit for service, and upon an alarm of fire they shall at once repair to the place of deposit of such implements and bring the same to the place where the fire shall have been discovered, and shall there diligently use the same under the direction of the firewards, in such way as may be deemed most useful for extinguishing the fire.

Powers of officer. Firemen.

393. One of the firemen appointed by the firewards shall have the power of a fireward in commanding assistance in taking fire implements to or from any fire, and a like penalty shall attach for disobedience of his orders as of those of a fireward.

Engine men.

394. The city council may, from time to time, appoint such number of engine men as may be deemed necessary, who shall take charge of the fire engines, and shall keep the same in good order and fit for service, and upon an alarm of fire they shall repair with their engines to the place where the fire shall have been discovered, and work the same under the direction of the firewards.

Powers of 1st officer.

395. One of the enginemen to be appointed by the firewards shall have the power of a fireward to command any necessary assistance in taking the engines to and from fires, and any person refusing to obey his orders therein shall be liable to the same fine as hereinbefore imposed for disobeying a fireward.

Privileges of firemen and enginemen.

396. Firemen and enginemen shall be exempted from the performance of statute labor, except in respect of cattle and teams, and from serving on juries or in the office of constable, and these exemptions shall extend to persons who shall have actually served as firemen or enginemen for a period of sixteen

years, and shall have obtained a certificate of such service from the captain or lieutenant of the company, countersigned by the secretary.

397. Upon any vacancy among firemen or enginemen, the same shall at once be reported by the captain to the city council, that the vacancy may be supplied.

Vacancy to be reported.

398. Any two firewards or aldermen may demand admittance into any building wherein they have reason to believe there is any dangerous chimney externally or internally, stove, stove-pipe, or funnel, and if in their opinion the same shall be dangerous, they shall order them to be altered or removed, in such manner as they shall direct; and if their directions shall not be complied with, the firewards or aldermen shall cause such removal or alteration to be made, at the expense of the owner or his agent of the building; and if any person refuse admittance to the fireward or aldermen while acting under this section, or shall not make the removal or alteration by them directed, he shall forfeit a sum not exceeding eight dollars, to be recovered, together with the expenses of removal or alteration, in the name of the city of Halifax, and in default of payment the offender may be imprisoned in the city prison for a period not exceeding ten days.

Dangerous chimneys, stove pipes, etc.

Penalty.

399. If any two firewards shall consider it proper to inspect the placing or situation of any combustible materials, they may demand admittance into any building or place for that purpose, and, if they shall deem the same dangerous, they shall direct the occupant of the building or place to remove such materials or alter the placing thereof, and if he shall neglect to obey them, they may make the removal or alteration at his expense, and if any person shall refuse admission to the firewards while acting under this section, or shall not carry out their orders, he shall forfeit eight dollars, in addition to the expense of carrying out the directions of the firewards, to be recovered in the name of the city of Halifax, and if the penalty and expenses shall not be paid with costs, the offender may be imprisoned for a period not exceeding ten days.

Combustible material.

Penalty.

400. No person shall keep at any one time in any one place, within the limits of the firewards, or in any vessel or boat for more than twelve hours after she has reached any wharf within such limits, more than twenty-five pounds of gunpowder; and if any persons shall violate the provisions thereof he shall forfeit one dollar for every pound of such gunpowder over twenty-five pounds, to be recovered in the name of the firewards or any of them; but this provision shall not extend to any vessel or boat belonging to Her Majesty wherein gunpowder may be kept for public purposes, and all prosecutions hereunder shall be commenced within three months after the offence shall be committed.

Gunpowder.

Penalty

Exception.

Warrant to search for powder, etc.

401. Any alderman of the city of Halifax upon complaint on oath by a fireward that he has reasonable cause to suspect that dangerous quantities of gunpowder are kept in any place contrary to the provisions of the last section, may issue his warrant to search therefor in the daytime; and if admission under the warrant shall be refused, and such refusal shall be made appear on oath, the alderman may grant a further warrant to break open the place where such gunpowder is supposed to be deposited, and if upon any search a greater quantity than twenty-five pounds of gunpowder shall be found, the fireward may seize and sell such excess at public auction, and the proceeds shall be paid into the city treasury.

Regulation as to fires, ringing bells, etc.

402. The city council may make regulations to prevent the occurrence, increase, or spreading of fires within the city of Halifax, and to prevent the unnecessary ringing of firebells or destruction thereof, or of their appurtenances, and shall have the management and control of the engine-men and firemen, and may increase or diminish their numbers, and shall have general powers for the due carrying out the provisions of the sections of this act relative to fire and firewards, and may affix penalties for breach of any such regulations, by bye laws or resolution, not exceeding eight dollars.

Penalty for injuring fire implements, etc.

403. If any person shall wilfully destroy or injure any public well, or pump, or fire plug, or any engine or fire implements within the limits to which this chapter extends, he shall forfeit twenty dollars, and in default of payment and no effects being found whereon to levy, may be imprisoned for not more than ten days.

Chairman of firewards.

404. The firewards shall annually appoint a chairman, who shall act as treasurer of the board, and shall submit his accounts annually to the firewards to be audited and signed by them and submitted to the city council for examination and approval.

Investigation as to origin of fires.

405. Whenever any building or property shall be injured or destroyed by fire, and the cause or origin thereof shall not be known, the mayor of the city of Halifax shall cause an investigation to be made to ascertain the cause or origin of the fire, and the same shall take place before the mayor or two or more aldermen in the city of Halifax, who shall have power to enforce the attendance of such persons to give evidence before them as they may require, by summons or warrant, under their hands and seals, and to examine them under oath, and the proceedings and all depositions connected therewith shall be returned to the prothonotary of the supreme court of the county of Halifax, and filed by him in his office.

Meaning of firewards.

406. The word firewards, when used in this chapter, shall include one or more of them, unless otherwise expressed or repugnant to the context.



## ENGINE HOUSES.

407. The city council shall have power to purchase sites for engine houses, and for buildings to receive hose, ladders, and other things requisite for the use of the fire department, and to erect suitable buildings thereon, or to take or lease suitable premises for such purposes.

Council may erect buildings.

## CHIMNEYS.

408. The city council shall have power by bye laws to regulate the sweeping of chimneys, and to license sweeps, which at any time have been or shall be conferred by law upon firewards, and to impose fines on neglect thereon if any chimneys take fire; and all suits for breach of the law in this respect shall be prosecuted in the name of the city.

Sweeping licenses.

## LIGHT AND WATCH.

409. The city council shall make bye laws, orders, and regulations for lighting the city, and they may make any necessary contracts on behalf of the city for that purpose.

Lights—how regulated.

410. The city council shall make bye laws, orders, and regulations for the protection of the property and inhabitants of the city, by establishing a sufficient watch at night, and for governing of the watch.

Establishment of watch.

411. Every person appointed to watch shall possess the power and authority of a constable; all opposition and resistance offered to any city watchman shall be prosecuted and punished as offences committed against constables in the execution of their office.

Powers of watchmen.

412. The expenses of watch and ward, and lighting the city, shall be paid out of the general funds of the city, and may be included in the general assessment annually levied.

Expenses, how paid.

## INSPECTION OF PROVISIONS, ETC.

413. The city council may annually, or otherwise, appoint for the city inspectors of beef and pork, inspectors and stampers of leather, measurers or weighers of corn, surveyors of lumber sold within the city, and all other officers necessary for carrying out the objects of this chapter, and may fix the rate of remuneration by bye laws or resolution, when the same is not fixed by this act.

Inspectors and measurers appointed, remuneration.

414. The city council may by bye laws regulate the sale of fresh provisions of all kinds, and the slaughtering of cattle, sheep, and swine, and may direct the destruction of all un-

Sale of fresh provisions, etc.

sound and unwholesome provisions—fish or meat, and may enforce these objects by appointing clerks of the various markets, and other officers, by bye laws.

#### FISH OIL.

How branded.

415. On every cask of fish oil guaged shall be branded, or cut with a double iron, the initial letters of the christian name of the guager, and the whole of his surname, and the word "cod," "dog," "whale," "seal," or whatever word will express the description of the contents.

Smallest quantity to be guaged.

416. No guager shall be compelled to leave his residence to guage a less quantity than five barrels; and the fees for guaging shall be at the rate of one shilling a puncheon, or nine pence a barrel.

Fees.

Penalty for false branding.

417. Any guager who shall falsely brand any cask of fish oil, shall, for every gallon, forfeit six pence.

Penalty for acting without appointment.

418. If any person shall act as a public guager of fish oil without having duly been appointed and sworn, he shall for every offence, forfeit five pounds.

#### SALTED BEEF AND PORK.

Qualities and marks.

419. There shall be three qualities of salted beef and pork respectively, which shall be designated, "mess," "prime," and "cargo." "Mess beef" shall comprehend all large and fat beef of the first quality, without hocks, shins, or neck pieces; "prime beef," good and well fattened beef of the next quality, each barrel containing one round at least, and not more than two hocks or shins, and half the neck; and "cargo beef" inferior quality beef, each barrel containing not more than three hocks or shins and half the neck. "Mess pork" shall consist of the rib pieces of good fat hogs only; "prime pork" of the next best pieces, with no legs, and not more than three shoulders and twenty pounds of head in any one barrel; and "cargo pork" shall be fat and merchantable, with no legs, and not more than four shoulders and twenty-five pounds of head in a barrel. The snouts above the tusks and the ears shall be cut off all the heads, and the brains and bloody grizzle taken out. All pieces of pork shall, as nearly as possible, be cut square, and mess pork as near as may be to the weight of four pounds; and no piece of prime or cargo pork shall exceed twelve or be less than four pounds in weight.

Description of casks, etc.

420. The staves and heading of the casks in which salted beef and pork respectively shall be packed for exportation, shall be made of good seasoned hard wood, free from sap and every other defect; and each cask shall be secured with two iron hoops, and fourteen ash, oak, yellow birch, hickory, or maple hoops; and the casks to contain beef or pork for home-

consumption shall be made either of the above descriptions of hard wood, or of good seasoned spruce, with spruce or hard wood heading, free from every defect, with hoops similar in number and quality to those required for casks intended for exportation, with the exception of the two iron hoops, for which wooden ones may be substituted—the heads in all cases to be made of good thick stuff, and the hoops to be well set and drove. The dimensions of pork and beef barrels shall be seventeen inches between the chimes, and twenty-eight inches long, and shall not guage less than twenty-seven nor more than thirty gallons. Half-barrels, either for beef or pork, shall contain not less than fourteen, nor more than fifteen gallons.

421. Every barrel shall contain two hundred pounds nett weight of beef or pork, not less than three ounces of saltpetre, and if pork, half a bushel of salt, and if beef, a peck and a half of salt; the salt to be Turks Islands, Bahama Island, or Saint Ulbe's; and every half barrel shall contain one half the quantity and quality of beef or pork, salt and saltpetre above prescribed for each barrel respectively.

Weight and contents of barrel.

422. The inspectors and re-packers shall, within the districts assigned to them respectively, examine and sort all salted beef and pork intended for exportation or sale, and see that the same and the casks in which they are packed are of the qualities and dimensions hereinbefore in that behalf prescribed, and shall brand on one of the heads of each barrel the figures "200," and "100" on each half-barrel, and the words "mess," "prime," or "cargo beef" or pork, as the case may be, the name of the inspector, and the place of inspection or re-packing, at full length, in plain, legible characters; and they shall carefully secure their branding irons, so as to put it out of the power of any person to use the same.

Duties of inspectors, &c.

423. No beef or pork shall be repacked until it has laid in salt fourteen days.

To be salted before re-packing.

424. The inspector shall receive for inspecting or re-packing each barrel of beef or pork one shilling, and seven pence half-penny for each half-barrel; for putting on each hoop wanting, two pence; and for flagging, nailing, pegging, and pickling each barrel, seven pence half-penny; and for each half-barrel, five pence: the owner to supply the salt.

Fees.

425. Any inspector or re-packer who shall inspect, re-pack, or brand any cask of salted beef or pork contrary to, or shall in any way offend against these provisions, shall forfeit forty shillings for every offence.

Penalty.

426. All salted beef or pork, packed or re-packed, whether for home consumption or exportation, shall be inspected, re-packed, and branded in the manner hereinbefore prescribed; and any person who shall ship for exportation any salted beef or pork without being so inspected, shall forfeit forty shillings

Penalty for packing without inspection.

for each cask, and any master having the same on board his vessel, shall forfeit twenty shillings for each cask.

Warrant to search vessels.

427. If any inspector or re-packer shall have any reason to suspect that any salted beef or pork is shipped contrary to the last section, he may apply to a justice of the peace or alderman of the city of Halifax, assigning under oath the causes of his suspicion; and the justice or alderman, if he shall think the suspicion well-grounded, shall issue his warrant to the inspector to board and search the vessel; and if any salted beef or pork, not inspected, repacked, or branded, shall be found therein laden, any justice of the peace or alderman, upon the application on oath of such inspector, shall direct his warrant to the city marshal, or to any constable of the city, commanding him to enter the vessel and cause the same to be re-landed and delivered to the owner, upon his paying all expenses of the warrant, search, and re-landing. Any person obstructing the search or re-landing, shall forfeit fifty pounds, to be recovered in the name of the city of Halifax, in the supreme court, for the use of the city.

Penalty for obstructing.

Penalty for shifting or intermixing after being packed.

428. If any person shall take out of the cask, or shift or intermix any salted beef or pork which has been duly repacked and branded, and shall load on board any vessel, or sell the same, he shall forfeit fifty pounds.

#### INSPECTION OF FRESH BEEF.

To be inspected.

429. Fresh beef slaughtered in the city, and sold by weight at a stated price, shall, if required, be inspected and weighed by an inspector of beef, who shall, at his discretion, make a fair allowance to the purchaser for any loss he may sustain by the same being weighed within four hours after the slaughter, or for any bruises found thereon, or to the seller, by making compensation to him for what may have been improperly trimmed off or reduced in weight by the purchaser. The hide and tallow shall, if the seller so require, be weighed with the carcase, and paid for by the purchaser as for the like quantity of beef; and it shall be imperative upon the purchaser to take such hide and tallow, under a penalty of twenty shillings for each carcase.

Exemptions.

430. Nothing in the preceding section contained shall prevent any person from selling or purchasing live cattle by weight, nor shall extend to any contract with the government or any public department.

Fees.

431. Where no more than two carcasses shall be inspected and weighed at one time, the officer shall receive nine pence for each, and where three or more, six pence for each.

Bally for neglect of duty.

432. The officers for every neglect of duty shall respectively forfeit not less than two nor more than five pounds.

## BREAD.

433. All bread intended for sale shall be marked in Roman characters, with the initial letters of the grain of the flour or meal of which it is made, and with the initials of the christian and surname of the baker, and shall be also marked with the weight thereof. To be marked.
434. All bread intended for sale shall be made to the following weights respectively, and no other, viz.: four pounds, two pounds, one pound, and eight ounces. Weight of loaves.
435. No person shall sell any bread that shall not be marked in accordance with the four hundred and thirty-third section; and any person violating the same, by having in his possession, selling, or offering for sale, any bread not duly marked, shall forfeit for every loaf not duly marked, not less than one nor more than five shillings. Penalty.
436. Every person selling bread shall keep a pair of scales and weights, in order that the purchasers of such bread may, if they require, have the same weighed. Sellers to keep scales.
437. Any alderman of the city of Halifax, or constable authorized by the warrant of an alderman, or a clerk of the market, may visit the premises whercin bread is made or sold, and may search for and weigh all bread therein; and if any bread be found therein under the prescribed weight, or not marked as herein directed, the same shall be seized, and on proof of the fact before an alderman of the city of Halifax, it shall be disposed of to poor persons, under the directions of such mayor or alderman. Proceedings to search premises.
438. If any person shall obstruct or oppose the officer in making such search or seizure, he shall forfeit not less than twenty, nor more than forty shillings. Penalty for obstructing search.
439. Any person selling bread deficient in weight, and the offence being proved by the same being weighed within twenty four hours after baking, at the police office, before the mayor or alderman of the city of Halifax, shall, unless the deficiency appear to have been occasioned by some unavoidable accident, forfeit not less than six pence, nor more than two shillings and six pence for every half ounce deficient. Penalty for selling light bread.
440. If any servant or journeyman in the employ of a baker shall offend against these provisions, he shall forfeit not less than twenty, nor more than forty shillings, and in default of payment he shall be imprisoned not less than seven nor more than fourteen days. Penalty for servant offending, &c.
441. If any baker shall pay any of the foregoing penalties in consequence of the wilful neglect or default of his servant or journeyman, any alderman, upon the application of such baker, may cause the offender to be brought before him, and order him to pay a reasonable sum by way of recompense; If baker fined by default of servant.

and if he shall not comply with such order, may commit him to the city prison for a period not exceeding a month.

Bread, etc., excepted.

442. These provisions shall not apply to loaves made to order, and rasped by the desire of the customer, nor to loaves or cakes sold weighing less than half a pound. Prosecutions for breach of any such provisions shall be commenced within three days after the offence committed.

Limitation of action.

#### GRAIN AND CORN.

Weights per bushel.

443. Merchantable grain and corn shall be of the following weight ber bushel, viz. : wheat, sixty pounds; foreign barley, fifty-two pounds, and if the produce of the province, forty-eight pounds; rye, fifty-six pounds; indian corn, fifty-eight pounds; oats, thirty-four pounds; and malt, thirty-nine pounds.

Wheat and barley—how sold.

444. All wheat and barley, not the produce of the province, shall be sold by weight, and the number of pounds by the last section established as the standard weight of a bushel thereof respectively, shall be deemed to represent a bushel of such wheat or barley.

Grain and corn from vessels

445. All grain and corn sold on board of and intended to be delivered from any vessel, shall be weighed and measured by a sworn measurer; but grain and corn may be exported or sold in a store without his intervention, unless the purchaser require to have the same weighed or measured by such officer.

If heated.

446. If the measurer shall find the same heated, or in any other respect unmarketable, he shall inform the purchaser, and shall not take any account thereof, unless at the request of the purchaser.

Fees.

447. The grain measurers shall receive from the seller for inspecting and weighing or measuring grain, or corn, at the rate of two shillings and six pence for every hundred bushels. The measures used by them shall, in all cases, be struck with a straight stick rounded at the edges.

Striking measures.

Penalty.

448. If any person shall sell or deliver any grain or corn, in violation of these provisions, he shall forfeit six pence for every bushel of such grain or corn.

Penalty for measurers.

449. If any grain measurer shall undertake to attend the weighing and measuring of grain or corn from more than one vessel at the same time, or shall be guilty of any neglect or dereliction of his duty, he shall forfeit a sum not exceeding twenty dollars for each offence.

#### FLOUR AND MEAL.

Barley to be weighed.

450. All barrels and half barrels of flour and meal brought into or offered for sale in the city of Halifax, shall, before being used or offered for sale, or carried out of the city, be

weighed by one of the weighers of flour and meal, and each barrel shall contain not less than one hundred and ninety-six pounds nett weight, and each half-barrel not less than ninety-eight pounds nett weight.

451. Every barrel or half-barrel found to be of full weight, shall be branded by the weigher with the initials of his Christian name and his surname at full length, and with figures denoting the nett weight. No barrel or half-barrel deficient in weight shall be branded until the importer or owner shall have the deficiency supplied.

And branded.

452. Every person sending from or offering for sale within the city of Halifax, any barrel or half-barrel of flour or meal, deficient in weight, or without its having been previously branded, shall be liable to a penalty not exceeding twenty shillings for each barrel, ten shillings for each half-barrel, and six pence for every pound weight deficient.

Penalty.

453. Weighers shall receive for weighing every barrel, two cents, and every half-barrel, one cent, from the person employing them.

Fees.

454. When any barrel or half-barrel shall, after having been branded, be emptied of its contents, the brands thereon shall be erased before the same shall be refilled for the purpose of exportation or sale; and any person re-filling any such barrel or half-barrel without first erasing the brands, shall be liable to a penalty not exceeding five shillings for every barrel, and two shillings and six pence for every half-barrel.

When emptied brands to be erased.

Penalty for re-filling.

455. To prevent any damage or loss sustained in unpacking flour or meal to ascertain the tare of the barrels or half-barrels, the weigher may affix a tare according to his judgment, without unpacking or weighing the same, which judgment shall be final, unless disputed by the buyer or seller, in which case the barrel or half-barrel may be unpacked; but the reasonable expense attending the same shall be paid by the party complaining.

Tare of barrels.

456. If any weigher shall brand any barrel or half-barrel contrary to these provisions, he shall be liable to a penalty of forty shillings for every barrel, and twenty shillings for every half-barrel; and every weigher offending in any other manner, shall be liable to a penalty of ten pounds.

Penalty for weigher.

457. These provisions shall not extend to the weighing of barrels or packages of flour and meal manufactured within the province, if branded with the name of the proprietor of the mill where manufactured, and which shall have the nett weight thereof distinctly branded thereon, unless the purchaser shall require the same to be weighed by the public weigher; and if any such flour or meal shall be sold without being so marked, or the barrel or package so branded shall not contain the full weight branded thereon, the proprietor of such mill shall be liable to a penalty not exceeding twenty shillings

Flour made in province: how marked, etc.

for each barrel, and ten shillings for each half-barrel, and sixpence for every pound weight deficient.

Flour for exportation.

458. These provisions shall not extend to wheaten flour which may be warehoused, and shall be taken therefrom for exportation.

Roots to be sold by weight.

459. Potatoes and all edible roots shall hereafter be sold by weight, and the standard bushel thereof shall be as follows: potatoes and turnips, sixty pounds; all other edible roots, forty pounds.

#### TARE ON SUGAR.

Tare.

460. The tare to be allowed on the sale of brown or raw sugar, shall, upon every barrel, be twenty-two pounds; and upon every other package of the weight of fourteen hundred pounds or less, eleven pounds for every hundred pounds of gross weight; and upon every package of such sugar above the weight of fourteen hundred pounds, the tare shall be ten pounds for every hundred pounds of gross weight.

Penalty.

461. Any person who shall not allow the full tare as herein prescribed, shall forfeit two shillings and sixpence for every hundred weight of the sugar upon which such full tare shall not be allowed.

#### COAL AND SALT.

How sold.

462. Coals sold from ship-board, by retail, shall be sold by the ton weight of two thousand two hundred and forty pounds avoirdupois, and its subdivisions.

To be weighed or measured.

463. All coal or salt sold from ship-board by retail in the city of Halifax, shall be weighed or measured by officers appointed for the purpose.

Penalty.

464. If such coal or salt shall be delivered to any truckman or other person without having been weighed or measured according to the two last sections, the seller shall forfeit the same or the value thereof to the use of the poor.

Fees.

465. The measurers of coal shall receive from the seller five pence for every ton, and measurers of salt shall receive two pence for every hogshead which they shall respectively measure.

Penalty for measurer.

466. If any measurer of coal or salt shall undertake to attend the admeasurement of coal or salt from more than one vessel at the same time, he shall forfeit a sum not exceeding forty shillings for each offence; and for any neglect or misconduct other than the offence last mentioned, a sum not exceeding three pounds.

#### SOLE LEATHER.

How weighed and stamped.

467. Every inspector of sole leather shall provide himself with proper scales and weights, and shall weigh every side of



sole leather presented to him for inspection, and shall impress thereon :—

1. His own surname, and the name of the place for which he is inspector.

2. The word "best," if the leather be manufactured of good hides and in the best manner.

3. The word "good," if the leather be manufactured of good hides, in a merchantable manner.

4. The word "damaged," if the leather be manufactured of damaged hides in a merchantable manner.

5. The word "bad," if the leather be not of one of the qualities above mentioned.

6. The weight of the side shall also be distinctly impressed thereon, either in figures or in words at length.

468. The inspector shall make such a deduction as he shall think reasonable from the actual weight of every side of sole leather inspected by him which shall not be perfectly dry; and he shall receive three pence for every side of sole leather which he shall inspect, weigh, and stamp.

Deductions if wet.

Fees.

469. If any person shall offer for sale any sole leather which shall not have been duly stamped, he shall forfeit a sum not exceeding five shillings for every side.

Penalty.

470. If any inspector shall violate his duty, he shall forfeit a sum not exceeding twenty shillings for every offence.

Penalty for inspector.

#### HAY.

471. Hay may be weighed in scales, or by steel-yards, duly stamped by the clerk of the market; and weighers shall receive at the rate of a penny for every hundred-weight of hay weighed by them, and four pence for every mile they shall be required to travel, if the distance shall exceed one mile.

To be weighed.

Fees.

#### CORDWOOD.

472. Every stick of cordwood intended for retail shall measure four feet in length, accounting half the scarf, and be sound hardwood, and every cord shall be of the full length of eight feet, and four feet high, and piled close.

Measurement and description.

473. All cordwood sold from shipboard shall be surveyed and measured before sale by an officer appointed for the purpose, who shall receive four pence from the seller for every cord by him surveyed and measured.

Fees.

474. Persons selling such cordwood without having the same surveyed and measured under the last preceding section, shall forfeit the same or the value thereof.

Penalty.

475. All sticks of such wood not of the requisite length, shall be rejected by the measurer.

What sticks to be rejected.

Without crooked wood.

476. Persons offering any cordwood for sale shall pile all the crooked and rotten sticks, if any, separately; and if, on the survey, the measurer shall find any rotten wood or any crooked sticks in the cord, which shall prevent the same being piled close, such crooked or rotten sticks shall be rejected, and the deficiency in the cord made good before sale thereof.

Penalty for measurer.

477. If any measurer shall violate his duty, he shall forfeit a sum not exceeding twenty shillings for every offence.

#### LUMBER.

Description.

478. In the survey of boards there shall be four qualities, viz. :—

1st. Clear boards, at least one inch in thickness.

2nd. Merchantable boards of first quality, sawed of equal thickness throughout, and, when not hardwood, squared at the edges with a saw; to be free from rots, waness, worm-holes and auger-holes; at least seven-eighths of an inch in thickness, and containing not less than ten superficial feet.

3rd. Merchantable boards of second quality, of the same dimensions, and free from rot, shakes, and worm-holes; and

4th. Refuse, to include all other descriptions of boards.

Dimension and description.

479. All dimension deals shall be twelve, fourteen, sixteen, eighteen, twenty, and twenty-one feet long; nine, eleven, and twelve inches wide, and three inches thick, respectively, having an allowance of from one to two inches in the length, from a quarter to half an inch in the breadth, and from one eighth to a quarter of an inch in the thickness: they shall be smooth and fair, of equal width and thickness throughout, butted at both ends with a saw, free from rots, sap, stains, large knots, rents, shakes, worm and auger-holes, and shall have the stub-shot sawn off.

Plank for exportation.

480. All plank intended for exportation, except hardwood plank, shall be from ten to twenty feet in length, nine inches in breadth, and three inches and one-eighth in thickness, and of the same quality as dimension deals.

Ton timber.

481. All ton timber for exportation shall be straight lined and squared, and with not more than one inch of wane on the edges, without offsets or joints, square-butted at both ends, and free from all marks of scoring, rots, splits, or worm-holes, which may be detrimental to the same.

Merchantable timber.

482. Merchantable spruce or pine timber shall be sixteen feet, and hardwood timber ten feet in length at least, and at least ten inches square; and where it does not exceed sixteen feet in length, the ends shall be of equal size, and all ton timber shall be measured by the girth, one quarter part thereof to be taken as the side of the square.

483. In the survey of the shingles there shall be three Shingles. qualities, viz. :—

No. 1. Pine or cedar shingles, not less than eighteen inches long, four inches wide, and three-eighths of an inch thick at the butt, and clear of sap, slash, shakes, twists, and worm-holes.

No. 2. Pine, cedar, spruce, or hemlock shingles, not less than sixteen inches long, three and a half inches wide, and from a quarter to a quarter and a sixteenth of an inch thick, to be free from sap, slash, shakes, and worm-holes; and,

No. 3. Refuse, to include all other descriptions of shingles.

No. 1 and 2 shingles shall be put up in bundles, not less than twenty-five tiers or courses, twenty inches wide, four bundles to be considered as a thousand.

484. All shipping shingles for exportation shall be half an Shipping shingles. inch thick at the butt, and extend the same thickness three-fourths of the length, and be shaved from thence to the point, and from four to four and a half inches wide.

485. Clapboards shall be four feet four inches long, five Clap-boards. inches wide, and half an inch thick at the back.

486. Lathwood shall be of fresh growth, straight rift, free Laths. from bark, heart, and knots, and measured by the cord.

487. Hogshead staves shall be forty-two inches long, from Staves. three and a half to five and a half inches wide, and three quarters of an inch thick on the thinnest edge, and not more than one inch on the back.

488. Barrel staves shall be thirty-two inches long, and half an inch thick on the thinnest edge, and not exceeding three quarters of an inch on the back: to be of good rift, fairly split, free from twists, knot holes, rotten knots, worm holes, and shakes, and shall be calculated by the tale of twelve hundred to the thousand.

489. Upon any contract or bargain for a quantity of timber or lumber for exportation, the same shall be understood Interpretation of contract for timber. to mean that which is hereinbefore described, and the purchaser shall not be obliged to receive any other, unless under a special written agreement, specifying what he actually is to receive.

490. The surveyors of lumber shall, when required, diligently examine and survey every description of lumber described in any of the preceding sections, whether for sale or exportation, in their respective districts, and shall mark the same as directed by this section at the time of the survey; but if it shall have been previously surveyed in the province, he shall only re-survey and mark anew the same when he shall have any doubt of the measure; and on every survey he shall furnish the seller and the purchaser each with a certificate thereof, specifying the quality and dimensions, and on every Duties of surveyors.

stick of ton timber shall mark in figures the contents in cubic feet, the initials of his name, and the private mark of the purchaser; and on all deals and plank shall mark in lead on the ends, the length, breadth, thickness, and superficial contents, and his own private mark; and on all boards the superficial contents and his private mark.

Fees.

491. The surveyors of lumber shall receive the following fees, viz. :—

For measuring and surveying all ton timber, three pence per ton, together with four pence for every mile they shall necessarily travel in coming to the place of the survey.

For every thousand superficial feet of deals, plank, scantlings, and boards respectively, nine pence for surveying, and three pence for marking; and for viewing only, where the same shall have been previously surveyed and the surveyor shall doubt the measure, three pence.

For every cord of lathwood, sixpence.

For every thousand shingles, three pence; and for culling and re-packing, six pence.

For every thousand hogshead staves, one shilling and sixpence.

For every thousand barrel staves, nine pence.

Re-survey in case of dispute.

492. The surveyor's certificate shall be binding between the seller and purchaser; but, in case they disagree, either party may call in three other surveyors who are in no way interested in the matter in dispute, to re-survey the same, and their decision shall be final. If the first survey be confirmed, the expense of the second shall fall upon the party by whom it was had; but, if the first survey is not established, then the surveyor shall bear the expense of the second survey.

Fees: by whom paid.

493. The surveyor's fees shall, in all cases, be paid by the seller, who shall remove all obstacles in the way of the surveyor which may prevent him from viewing and measuring with facility any timber or lumber which he may be required to survey, and shall, if necessary, have the same canted; but the purchaser, upon any special agreement therefor, or if he shall require a fresh survey, shall pay the surveyor's fees.

Penalty.

494. All timber, lumber, and shingles, shall be surveyed and marked, as prescribed by this chapter, before delivery on sale or shipment for exportation; and if any person shall violate this provision, he shall forfeit the article or the value thereof; but entire cargoes of lumber, sea borne, may be disposed of without the intervention of a surveyor between the first buyer and seller.

Deficient articles to be rejected.

495. Upon the survey of shingles, clapboards, and staves, respectively, those which are deficient in quality or dimensions shall be rejected.

496. All shingles and clapboards exposed to sale by quantities in bundles, and not holding the number they are marked for, shall, unless it appear that part thereof have been accidentally shaken out, after packing, be forfeited. If number not complete.
497. Any person who shall, without the permission of the owner of any timber or lumber, alter, deface, or destroy the marks of a surveyor of lumber thereon, shall forfeit a sum not exceeding twenty shillings for each offence. Altering marks penalty.
498. Any surveyor of lumber violating any of these provisions shall forfeit a sum not exceeding five pounds for each offence. Penalty for surveyor.
499. All prosecutions under these provisions shall be commenced within twelve months from the time of the commission of the offence. Limitation of actions.

#### OF WEIGHTS AND MEASURES.

500. Weights and measures shall be according to the standard now in use. According to standard.
501. The city clerk shall be furnished, at the expense of each county or district, with a set of standard weights and measures, which shall be accessible to every person at all reasonable times for the purpose of assay. Standard weights.
502. The clerks of the market shall keep a set of weights and measures, long, liquid, and dry, which shall be stamped by the clerks of the market with the letter S, and they shall be standard weights and measures. Weights and measures to be kept by clerk of markets.
503. Every inhabitant of the city making use of weights and measures in the sale of any commodity, shall, in one week after public notice given by the clerks of the market, bring, or cause to be brought, their weights and measures to be assayed, for each of which assay the clerk shall have two pence for his trouble, and shall cause such weights and measures to be branded and stamped with the initial letter of the city. Assaying of weights and measures.
504. The clerks may inspect all weights and measures, and once in three months, or oftener, visit every inhabitant selling publicly by weights and measures, and shall have full power and authority to seize all such not stamped or branded as aforesaid, and may assay, and mark, and dispose of the same for their own use, as satisfaction for their trouble therein. Inspection of weights and measures.
505. The penalty for selling by weights or measures, not so branded, shall be twenty shillings for each offence, and for selling by weight or measures less than the standard, ten pounds. Penalty.

## MANUFACTORIES, ETC.

Noxious or dangerous manufactories: how carried on.

506. Slaughter-houses, soap and candle manufactories, breweries, machine shops, steam mills, steam engines, distilleries of spirits, lime kilns, tanneries, and all other establishments, manufactories, or trades, dangerous, or productive of serious inconvenience or discomfort to the persons living near to them, shall not be established, continued, or carried on, in any part of the city, unless by express permission of the city council. And the city council shall have power to make bye laws, from time to time, to regulate the same, and to prescribe the limits and location of any such establishments, and to affix such penalties to any violation thereof as they shall see fit. Every such building, engine, or other establishment, erected, or continued without such express permission, shall be deemed and taken to be a common nuisance, and the same may be abated by resolution of the city council, and the owner or owners thereof punished under the sections of this act relative to buildings erected contrary to law. And any person or persons establishing, conducting, or continuing any such factory, engine, or trade, without license from the mayor and city council, shall be liable to a penalty not exceeding five pounds for every month he or they shall so continue such nuisance, after written notice from the mayor, forbidding the same: to be recovered in the mayor's court, at the suit of the city, with liberty to appeal to the next supreme court.

## DOGS.

May be taxed.

507. The city council shall have power, by their bye laws, to regulate the keeping of dogs within the city, and, if they deem it expedient, to impose a tax, not to exceed one dollar per annum for each dog, and to direct the destruction of any dog illegally kept.

## FINE FOR REFUSING DUTY.

Penalty for city officers refusing duty.

508. The city council may impose a fine, not exceeding twenty dollars, on any fireward, fire-constable, or any officer nominated or elected by the city council, upon whom no specific fine is by law imposed, who shall neglect or refuse the duties of such office, or shall refuse to qualify, and fines so imposed may be recovered in the city court (without appeal) at the suit of the city.

## OF THE CEMETERY.

Titles confirmed.

509. Several enactments having been made by the legislature of this province at different times, with a view to obtain

and secure to the city of Halifax a public cemetery for general use, and that object having been at length accomplished, the respective titles of the city to the land contained in the public cemetery, that of the Roman Catholics to the land held as a Roman Catholic cemetery, and that of the officers of ordnance for military purposes, or of her Majesty to any land conveyed and now held under these enactments, are hereby confirmed.

510. The enactments referred to are the act of (1829) the tenth year of the reign of his late majesty king George the fourth, chapter thirty-two, section eight—in (1833) the third year of the reign of his late majesty king William the fourth, chapter thirty-two, section first—in (1837) the seventh year of the reign of his late majesty king William the fourth, chapter seventy-six—in (1838) the first year of the reign of her Majesty Queen Victoria, chapter seventeen—in (1839) the second year of the reign of her majesty queen Victoria, chapter twenty-five—in (1840) the third year of the reign of her Majesty Queen Victoria, chapter forty-seven—in (1843) the sixth year of the reign of her Majesty Queen Victoria, chapter thirty.

Acts referred to.

511. The city council shall have power by their bye-laws to provide for the care and custody of the public cemetery, and to make all rules and regulations necessary for managing and improving it.

Care and custody of cemetery.

512. The religious principles and sentiments of all persons shall be respected in the framing of such bye-laws.

Religious sentiments to be respected.

513. The portions already set apart to congregations shall continue under their charge, subject to the general control of the city council to regulate, and to control, and to preserve the order and appearance of the whole.

Portions set apart.

514. No clergyman shall officiate in the portions so set apart, except the minister of the congregation to which they belong, or some one by his permission.

Officiating ministers.

515. There shall be a keeper of the public cemetery annually elected by the city council, who shall fix his compensation. He shall be sworn to the faithful discharge of his duties. He shall keep a book of register, and enter therein every burial that takes place in the cemetery, with the name, sex, age, and cause of death, as correctly as may be. Of this book there shall be duplicate originals, one to be lodged in the office of the city clerk. These books, or either of them, shall be legal evidence of the fact of burial.

Keeper: his duties.

516. The council may direct the further division or allotment of any portion of the public cemetery not already set apart.

Further division.

517. The purchasers of lots in the cemetery who have paid for them, shall hold the same in perpetuity for them and their kindred.

Tenure of lots purchased.

- Sale of lots.** 518. The council may sell the remaining lots in perpetuity.
- Lots: how held.** 519. The purchasers of the lots shall hold and use them, if situated within the allotment of any congregation, subject to the rules of the congregation, and further subject to any bye-laws of the city respecting the fencing, planting, and mode of using them.
- Record of lots.** 520. The city shall keep a record of all lots sold, with the requisite particulars to verify the holders' titles.
- Fees.** 521. A fee of five shillings for registry shall be paid to the keeper for the use of the city, upon every interment; and no other fee or charge shall be exacted. In case of paupers, no fee shall be exacted.
- External fences.** 522. The external walls or fences of the public cemetery shall be kept up and repaired at the charge of the city.
- Dead to be buried in cemeteries.** 523. No one shall bury the dead in any part of the city, except in the public cemetery, the Roman Catholic cemetery, the military burial ground at Fort Massy, the navy burial ground opposite the naval hospital, the cemetery adjoining the episcopal chapel near Dutch Village Brook, adjacent to the bridge at the three-mile house. To offend against this shall be a misdemeanor, punishable by fine and imprisonment.

#### OF THE TRACK OF STEAMERS IN THE HARBOR OF HALIFAX.

- Track to be kept clear for ferry steamers.** 524. In order that the track of the steam ferryboats between the city and Dartmouth may be kept clear, vessels are not to be so anchored, moored, or to lie within the portion of the harbor of Halifax, following:—

The space contained within a line drawn from the north-east corner of the Market wharf to the north-eastern corner of the steamboat dock, as a western boundary; a line from the north-eastern corner of the steamboat dock, extending in a direction towards the west end of Boggs' street, in Dartmouth, until it reaches a point six hundred feet from the south-east end of Bauer's wharf, where a buoy shall be kept, as a northern boundary; a line from the north-east corner of the Market wharf in the direction of the north side of that wharf protracted eastwardly into the harbor six hundred feet from the end of the wharf, at which point another buoy shall be kept, and a direct line to reach from one of these buoys to the other, as an eastern boundary.

- Space to be kept clear for mail steamer.** 525. In order that the passage for the royal mail steamers may not be impeded, no vessel shall be anchored, moored, or lie in the part of Halifax harbor to the southward of Collins' wharf, within a space to commence fifty fathoms from the eastern extremity of the line of wharves on the western side of the harbor, thence to extend one hundred and fifty fathoms eastwardly towards the centre thereof,—nor in that part of



the harbor north of Collins' wharf, any nearer than one hundred and fifty fathoms to the west side of the harbor, to be measured from the eastern extremity of the wharf which is nearest to such vessel.

526. If the master or other person in command of any vessel shall wilfully violate the foregoing provisions, as the limits appointed to be kept clear for the benefit of the ferry steamers, he shall pay a penalty not exceeding forty shillings, or if having under any circumstances anchored or moored, or being within these limits, he shall not remove the vessel therefrom within two hours after written notice to that effect, he shall pay a like penalty, unless the state of the weather should make it dangerous to the vessel.

Penalty with reference to ferry steamers.

527. If the master or other person in command of any vessel, shall either place in at anchor, or suffer it to remain within the limits appointed herein to be kept clear for the track of the royal mail steamers, he shall pay a penalty of forty shillings, and after notice to remove given by the agent or some officer of the steamers, a further penalty of ten shillings an hour until the vessel is removed.

Penalty as to mail steamers.

528. Vessels entering into, going out of, or lying in, or at any dock, wharf, quay, or pier, or dropping anchor in progress of coming or going, are not to be construed as violating the limits, if there be no reasonable delay.

Entering or leaving dock.

529. If any vessel shall from any cause be within the prescribed limits at night, a sufficient light shall be exhibited at the masthead, or some conspicuous place, from the time darkness sets in,—if the vessel be within the space first described, until half-past ten in the evening,—and if the vessel be within the space to be kept clear on account of the royal mail steamers, to be exhibited until the return of daylight, under a penalty of forty shillings, to be paid by the master or person in command of the vessel.

Lights at night.

530. No steamer entering or leaving Halifax harbor (vessels of war excepted) shall, while inside of George's Island, proceed at more than half her usual speed, under a penalty of ten pounds, to be paid by the owner, master, or agent.

Steamers to go at half speed.

531. Penalties under the seven preceding sections may be recovered in the mayor's court, and shall be sued for in the name of the city, and if paid shall be for the use of the city.

Recovery of penalties.

#### MAGISTRACY.

532. The mayor and aldermen while in office, shall be justices of the peace in and for the city of Halifax, and each of them after taking the oath of justice of the peace, which the clerk of the city shall administer, shall have as full power and authority as if commissioned.

Mayor and Aldermen Justices of Peace.

Jurisdiction, etc.  
of City Council.

533. The city council alone shall have all the jurisdiction, authority, and power, which before the passage of an act entitled, "An Act to incorporate the Town of Halifax, in the fourth year of her present Majesty's reign Anno Domini, 1841," could be legally exercised within the town and peninsula of Halifax by the court of sessions of the peace and grand jury for the county of Halifax, or by any special sessions and the city council shall also exclusively hold and exercise within the city of Halifax, all powers, jurisdiction, and authority whatsoever, that by any act of the province that may now or hereafter be in force, are or shall be conferred upon the sessions of the peace, general or special, with or without the grand juries, in other counties of the province generally. Whatever power, jurisdiction, or authority is or may be conferred by any present or future law of the province upon one justice of the peace, or upon two or more justices shall, within the city, be held and exercised by the mayor or any one or more of the aldermen, if one justice be named, and by any two of them when two are required.

Appointment of  
officers.

534. The city council shall appoint annually within the city all township and other officers, who were formerly nominated by the grand jury, and appointed by the sessions, so long as the laws respectively under which such officers acted remain in force, or are substantially re-enacted, the officers appointed shall exercise their functions within the city only.

Compensation,  
etc.

535. The city council may by bye-laws regulate the fees and compensation they are to receive, and may, if they see cause, omit or suspend the appointment of any of those officers.

Powers transferred.

536. Officers whose power and authority are transferred to the city of Halifax, or to any of the several officers to be appointed thereunder, shall not, so long as this act shall continue and be in force, exercise any of the powers and authorities heretofore by law granted to or inherent in them, which are by this act transferred and granted to the city council, or the officers of the city. Justices of the peace for the county of Halifax may not within the city hold or exercise any of the powers hereby transferred to the city authorities, but may still exercise therein any special authority not so transferred.

Court of sessions,  
etc., not affected.

537. Nothing herein contained shall repeal or vacate the jurisdiction or sittings of the court of quarter sessions for the county of Halifax, or their special sessions, or of the grand jury in matters of a criminal nature, or lessen their authority in other matters, regarding other parts of the county of Halifax, and not affecting the city of Halifax and its inhabitants.

## CITY PRISON.

538. Prisoners sentenced to imprisonment in the city prison, and persons condemned to be confined there as vagrants or otherwise, shall be kept at work, unless when sick and infirm.

Prisoners to be kept at hard work.

539. The earnings of the prisoners shall belong to the city, in order to assist in defraying the expenses of the city prison.

Earnings.

540. The keeper shall be appointed and removable by the city council at their pleasure.

Keeper.

541. The city council shall have power by bye laws to make regulations, and from time to time to change, alter, or annul them, respecting the government and administration of the city prison; the keeper, officers, and servants employed there; the lodging, food, raiment, drink, health, and safety of the prisoners therein; their periods and hours of labor and repose; their classification as to or otherwise; their religious or moral instruction; the visitors who may be admitted; the regular and periodical inspection of the establishment; its records, accounts, and expenses by any bye-laws or ordinances.

Government.

## SUITS FOR PENALTIES.

542. All fines and penalties imposed by this act, or any chapter of this title, of upwards of eighty dollars, and for the recovery whereof no provision is made by this act, shall and may be sued for, and recovered by action of debt in the supreme court, in the name of the city of Halifax.

Over \$80.

543. All fines and penalties amounting respectively to eighty dollars, or below that sum, by this act, or by any bye-law or ordinance of the city council made under the authority of this statute, or any other act of the province, for the recovery whereof no provision is otherwise made, shall be sued for and recovered in the name of the city of Halifax, before the mayor's court, in the same manner as any debts can be recovered in the said court; and all such fines and penalties when recovered, shall belong to the city.

Under \$80.

544. In every such suit, whether in the supreme court or in the mayor's court, the defendant shall be entitled to the benefit of the acts of this province from time to time in force for relief of insolvent debtors: provided also, however, that when in and by this chapter any period of imprisonment is prescribed or may be ordered upon non-payment of any such fine or penalty, the defendant shall not be entitled to his discharge from imprisonment until such period so prescribed shall have elapsed.

Relief of insolvent.

545. All fines and penalties by this act or any bye law or ordinance imposed, which shall be received or recovered as

Application.

aforesaid, and for the application whereof provision is not otherwise made, shall be paid over to the city treasurer, and form part of the general funds of the city.

#### RESERVATION OF CROWN RIGHTS.

Rights, &c

546. Nothing in this act contained shall in any manner derogate from or affect the rights of her majesty, except so far as the same may be clearly and distinctly expressed.

#### SUITS IN SUPREME COURT.

Venue where held.

547. In any suit in the supreme court, in which the city of Halifax is plaintiff or defendant, the venue and trial shall be in the city, unless the court shall see cause to direct a trial in some other county, upon the suggestion usually made upon the record.

#### CITIZENS COMPETENT TO BE WITNESSES OR JURORS IN CITY CAUSES.

Competence.

548. In actions, suits, indictments, informations, or prosecutions whatever, civil or criminal, at law, equity, or otherwise, in which the said city or corporation shall be a party concerned, it shall not be received or allowable as an objection to the competency of any witness, that he is a citizen or officer of the said city or corporation, but such objection shall go to the credit only, nor shall any such objection be allowed in any such case as aforesaid against any such persons as jurors therein.

#### FORMER BYE-LAWS.

Bye-laws valid.

549. All bye-laws of the city which have been passed by the city council and approved by the governor and council, shall remain valid and be in force until replaced by others on the same subject, so far as they are not inconsistent with this chapter or any other express law in force within this province.

#### ALTERING LIMITS OF WARDS.

How altered.

550. The city council may from time to time alter the limits of any of the wards of the city, by an ordinance or by bye-law sanctioned by the governor in council; an interval of five years shall always elapse between any such changes.

Council and supervisors exempt from serving on juries.

551. The members of the city council and two supervisors of streets, to be appointed by the council, shall be exempt from serving on any jury within the city.

## OF THE COMMON.

552. The several lessees and their assigns, and those who derive title under them, to whom leases were granted under an act of this province passed in the fifty-eighth year of his late Majesty King George the Third, chapter thirteen, of certain half-acre lots lying on each side of the road leading westwardly from Pyke's bridge, out of the original common of Halifax, for the term of nine hundred and ninety-nine years, shall hold the same agreeably to the terms of their leases, as modified by the act passed in the tenth year of the reign of his late Majesty King George the Fourth, chapter thirty-second.

Title of lessee.

553. The portions of the common which have been under former laws appropriated as a public cemetery, as well as a portion containing twelve acres granted and relinquished to the crown by an act of the province passed in the first year of his late Majesty King William the fourth, chapter fourth, shall all remain and be for ever so appropriated. All other leases and appropriations which have been heretofore lawfully made of any portion of the common, are hereby confirmed.

Other titles confirmed.

554. No person shall put up any building, fence, or other erection, within eighteen hundred feet of the salient angles of the fortress of Citadel Hill, without the permission of the commander-in-chief of her Majesty's forces in this province; and in time of war, or of a hostile attack upon Halifax being threatened, the commander-in-chief may demolish all buildings, fences, and trees within that distance which may be upon any part of the original common, and no compensation shall be due to the party damaged.

Erection of buildings, etc.

555. The exercising-ground, at the north end of the common, shall remain always open and free for the use of her Majesty's troops.

Exercising grounds.

556. Subject to the foregoing appropriations and leasehold interests, the common shall be vested for ever in the city of Halifax, in fee simple.

Common vested in city.

557. The city council shall by their bye-laws make rules and regulations for the care, management, and improvement of the common, and may impose fines, not to exceed forty shillings, on every person who shall trespass thereon in any way. Persons convicted of digging up the soil, of encumbering it with manure, offal, dirt, ashes, earth, stone, or rubbish; of destroying, removing, or damaging buildings, fences, trees, or shrubs thereon; of injuring the ponds, or taking from them ice or water, or using the same in any way contrary to the regulations in force, shall, in addition to the penalty, be liable to pay all expenses incurred in behalf of the city in re-

Management.

Penalties.

moving incumbrances, and in making good damage, and the value of any thing taken away or damaged,—which expenses or damage may be recovered before the mayor's court, at the suit of the city, if not exceeding ten pounds, and, if above ten pounds, in the supreme court.

Use as pasture.

558. Cows, oxen, and sheep may be, if the council see fit, permitted by the rules and regulations to be kept on the common, on such conditions as they may prescribe. All such animals, if found there contrary to the regulations, and all horses, asses, mules, swine and goats found there, shall be impounded and only released on such terms as the regulations shall prescribe.

Penalty.

Collection, &c.,  
of rents.

559. All rents accruing from the leased parts of the original common shall be collected under the direction of the city council, and form part of the revenue of the city.

Improvement.

560. The city council shall have power to appropriate any sum annually received from the rents of the common, in the improvement and adornment of the parts of it not appropriated or leased.

Horticultural  
gardens.

561. The Nova Scotia horticultural society shall be free from payment of rent under the leases of eleven half-acre lots, part of the original common, held by them for the unexpired residue of the term of nine hundred and ninety-nine years, so long as such lots shall be occupied and used by the society as a public garden, the other conditions of the leases remaining valid; but if any part cease to be so occupied and used, it shall be again subject to rent. The other portions of the garden, leased to the society for thirty-three years, shall be held under the terms of the lease or leases granted by the city.

Camp hill.

562. The title of the crown, or of the ordnance department on behalf of the crown, to a certain piece of land on Windmill or Camp-hill, is not to be affected by this chapter.

Council may  
lease.

563. The city council may grant leases of any portions of the common, not to exceed in the whole one hundred acres, for any term of years not longer than fifteen years, on such rents and conditions as they think proper, and on condition that no building be erected thereon.

564. Act passed 12th April, 1862, twenty-fifth Victoria, chapter thirty-eight, to sell and convey a portion of the Halifax common.

Portion to be  
sold.

565. The city of Halifax is hereby authorized and empowered to sell at public auction or private sale, and to convey in fee simple all that portion of the Halifax common situate on the east side of Park street, commencing on the southern line of Brenton street at the north-west corner of Mitchell's field; thence westwardly four feet on a line with Brenton street; thence southerly by Park street four hundred and twelve feet to the northern line of Morris street; thence easterly by the northern line of Morris street fourteen

feet; thence northwardly by the western line Mitchell's field to the place of beginning—containing three thousand seven hundred and eight square feet; also commencing at the north-west corner of Philip Letson's garden fence; thence westerly fifteen feet by the southern line of Morris street; thence southwardly by Park street five hundred and ninety-nine feet to the northern line of South street; thence easterly by the line of South street nineteen feet to the south-west corner of the Catholic cemetery and Philip Letson's western line, to the place of beginning,—containing ten thousand two hundred and forty superficial square feet.

566. After deducting the charges attending the sale, the proceeds arising therefrom shall be paid in to the city treasurer, in aid of the funds of the common of the city of Halifax.

Application of  
proceeds.

#### OF THE POOR ASYLUM.

567. The poor of the city of Halifax, who by law are chargeable upon its inhabitants, shall be accommodated, supported, and relieved in the city asylum.

Objects.

568. No pension, out door allowance, or other relief granted to persons not residing in the asylum, shall be granted or paid out of any funds raised by assessment in the city.

Out door relief.

569. The honorable Edward Kenny, the honorable Mather Byles Almon, James Walton Nutting, William Lawson, Charles Twining, Henry Pryor, William M. Allan, Andrew M. Uniacke, John H. Anderson, Patrick Power, George P. Mitchell, and his worship the mayor, heretofore the commissioners of the poor for the town and peninsula of Halifax, and their successors in office, shall be and continue a body corporate, under the title of "the commissioners of the poor asylum."

Commissioners  
incorporated.

570. All the lands and premises in the city, with the buildings thereon, now held or occupied by the said commissioners, shall be vested in the commissioners of the poor asylum in fee simple. [The title to the land adjoining the poor house, formerly called the new burial ground, is not to be affected hereby, nor the title of any part of the common now under lease.]

Land vested in  
Commissioners.

571. The commissioners shall each hold office while resident in the city, but may be removed by the governor in council at their discretion.

Duration of office.

572. Every vacancy in the commission shall be without delay supplied by such citizen as the remaining commissioners or the major part shall recommend and the governor in council shall approve.

Vacancy: how  
filled.

573. The commissioners, by vote of a majority, shall have power to make, change, amend, or annul regulations and by-

Powers and duties of  
commissioners.

laws for the rule and government of their own corporation, the appointment of all necessary officers, keepers, and servants; their duties, terms of office, and compensation, or salary; also for the government and management of the poor asylum, and all its inmates,—the admission and discharge of paupers; their food, drink, clothing, washing, and lodging; the medical attendance and treatment of the sick paupers; the custody and treatment of the insane and imbecile; the admission of visitors; the due observance of the Sabbath within the asylum; the keeping proper records, journals, and accounts; and for securing, as far as circumstances permit, the health, comfort, and improvement of the inmates of the asylum.

Bye-laws to be approved.

574. All bye-laws and regulations now in force in the asylum or hereafter adopted, shall be, without delay, submitted to the approval of the governor in council, and, when confirmed by them, but not sooner, shall have legal effect; and a copy of every such bye-law and regulation shall be transmitted to the mayor of the city for the information of the public, and be printed in the Royal Gazette, at the charge of the city.

Gifts and bequests.

575. The commissioners shall have power to receive all gifts, bequests, and trusts, for the benefit of the poor of the city, or for relief of other poor persons within the city, or any other charitable purpose, and to apply the same as the donors may desire or direct.

Transient paupers.

576. Any other poor, sick, or distressed persons, not chargeable on the city, may be taken into the asylum and relieved by the commissioners out of any funds they may receive by grant from the provincial treasury or otherwise. Such persons shall be in all respects subject to the rules of the asylum, and no charge for their support shall be made to the city or its inhabitants.

Appointment of officers, &c.

577. The commissioners shall have power to appoint, and at pleasure to remove, all officers and servants of the asylum; to make all necessary purchases and contracts for the repair of the buildings, the furniture, bedding, food, clothing, implements, materials for industry, and every other thing required in the asylum for the maintenance and employment of the paupers.

Monthly commissioners.

578. The direct superintendence of the asylum shall devolve on one of the commissioners monthly by rotation, in such order and with such special powers as their bye-laws may define.

Refractory inmates.

579. Any disobedient or refractory inmate may be expelled from the asylum by written order of any two of the commissioners.

Register

580. A register shall be kept, in which shall be duly entered at the time, the admission and discharge of each inmate of the asylum, and such other particulars and transactions as the commissioners may direct.



581. Regular books of account shall be kept, showing all receipts and expenditure of money by the commissioners, or under their authority. Books of account.

582. An account shall be kept with each pauper, showing his expense and crediting his earnings, and, if he earns more at any time than he has cost the asylum, he shall have the balance for his own use. Earnings of pauper.

583. A distinct and separate account shall be kept and annually made up, shewing the expenses incurred in the relief of all paupers legally chargeable upon the city of Halifax, in which the persons so chargeable shall be specified, including their fair proportion of all general expenses; all orphan children, and infants whose parentage is unknown, to be considered as a city charge. This account shall be annually rendered by the commissioners to the city council, on or before the fifteenth day of December, and, when approved by the city council, the amount of it shall be included in the general assessment on the city; but no other sum shall be charged on account of the poor in the city assessment. Annual account.

584. The commissioners shall annually publish, in the Royal Gazette, an abstract of their accounts, showing the numbers of city poor, of transient paupers, the amount of expenses and of monies received, with such other particulars as they may deem useful. Abstract to be published.

585. The commissioners of the poor asylum shall twice a year, in January and June, send to the city clerk a correct list of all the inmates therein, shewing when each one was received and discharged, also conveying such information as they may possess of the birth-place or settlement, and of the age and state of health of each inmate; and these lists shall be carefully preserved in the city clerk's office, and be accessible to any citizen by permission of the mayor or any alderman. List of inmates sent to City Clerk.

586. The commissioners' account shall be annually audited, in such manner as the governor in executive council may from time to time direct. Accounts to be audited.

587. No commissioner, officer, servant, or inmate of the asylum shall be a contractor for supply of any articles required, nor have any commissions or emoluments on any purchases or sales connected with the asylum. No officer to be contractor.

588. Ardent spirits shall not be admitted or kept in the asylum, except under medical charge for the use of the weak and sick, when ordered by a physician. Ardent spirits

589. The commissioners, or any three or more of them, shall have power to bind out any boys or girls who are maintained in the asylum, as apprentices,—the boys until twenty-one years of age, and the girls until eighteen, or marriage. These apprentices are not to be taken out of the province, and are to be fed, clothed, lodged, and instructed by the party Binding apprentices.

to whom they are bound. The commissioners, or any three of them, may execute the indentures and affix their corporate seal. They shall preserve a duplicate, executed by the master or mistress of the apprentice, and duly attested.

Powers of commissioners.

590. All powers and authority conferred by any law of the province now in force or hereafter to be passed, upon the overseers of the poor, or upon any other officers entrusted with the care and relief of the poor, shall be held and exercised by the said commissioners.

Mayor to be a commissioner.

591. The mayor of the city of Halifax shall be ex officio one of the commissioners of the poor asylum in that city, and shall have and exercise the powers and privileges conferred on those officers under this act or any act of this province.

(Chapter 44.) Act respecting ancient lights. (Passed 12th May, 1860.)

No restriction in building.

592. Within the boundaries of the city of Halifax, no person or corporate body shall be restricted or prevented from building to any height he or they may judge necessary, by any right acquired or pretended by any adjacent proprietors, by reason of any lights, windows, or openings for air or light in premises near to or bounding on such intended building.

Rights not affected.

593. No rights of ancient lights attached to windows, which have been in existence for twenty years prior to the passage of this act, shall be destroyed or diminished thereby.

#### PENALTIES.

How recovered.

594. Where a penalty or forfeiture shall be imposed by this act, and no particular mode be prescribed for the recovery thereof, the same may be recovered in the name of the city of Halifax, before the mayor or presiding alderman at the police office; and where no particular mode of applying any penalty shall be prescribed, the same when received shall be paid over to the city treasurer towards the funds of the city.

#### FORMS.

Want of form.

595. Where forms are prescribed, slight alterations therefrom, not affecting the substance, or calculated to mislead, shall not vitiate them.

#### HOLIDAYS.

If act be done on holiday.

596. If the day upon which an act is to be done shall fall on a Sunday, Christmas-day, or Good Friday, the same shall be performed on the day following.

Acts repealed.

597. All acts or parts of acts contrary to or contradictory of this act, is and are hereby repealed.

## WATER WORKS.

598. Immediately after the passing of this act it shall be lawful for the City of Halifax to purchase from the Halifax Water Company the real and personal property, hereditaments, rights, and privileges of such company, at such price as may be mutually agreed upon between the city council and the company, and upon such sale thereof made by the company, all and singular the property, works, rights, revenues, and hereditaments, and all other property of the company shall become absolutely vested in the city of Halifax, and all powers and privileges conferred upon the company by the act passed on the nineteenth day of April, in the year one thousand eight hundred and forty-four, or by any subsequent act, shall be transferred, by virtue of such sale, to the city of Halifax, and it shall be lawful also for the city of Halifax to proceed for recovery of any arrears or monies due to the company at the time of such transfer, or which may subsequently fall due under and by virtue of any contracts and agreements made with the company prior to such transfer, by distress and sale, in manner hereinafter provided.

City may purchase water works.

599. The city council of Halifax shall, as soon as may be deemed expedient, appoint, and also from time to time, as may be expedient, in case of vacancy, supply such vacancy by three discreet and proper persons, to be commissioners for the purposes of this act, neither of which three commissioners shall be a member of the city council.

Water commissioners.

600. The commissioners before entering upon the duties of their office, shall severally take and subscribe an oath, or affirmation, before any justice of the peace of the city of Halifax, faithfully to perform the trusts and duties required of them by this act, which oath or affirmation such justice is hereby authorized to administer, and he shall forthwith file the same in the office of the city clerk of Halifax.

To be sworn.

601. The present commissioners of water supply for the city of Halifax, and any commissioner, to be hereafter elected by the city council, in case of a vacancy, shall continue in office during good behaviour, and shall be removable only by a vote of at least two-thirds of the whole council. It shall be the duty of such commissioners, but subject to the control of the city council, to carry out the provisions of the act hereby amended, and to do all things necessary to provide for the city of Halifax a sufficient supply of water for the use of the inhabitants, the purposes of the fire department, and other services of the city.

Duration of office.

Duties, &c.

602. The nomination of a chairman of the board, as well as the appointment of the commissioners, is hereby vested in the city council. It shall be the duty of the chairman to pre-

Chairman.

side at all meetings of the board, and to exercise a general supervision of all proceedings under this chapter, or of any ordinance of the city, or bye-laws of the commissioners in pursuance thereof.

Salaries.

603. The chairman shall have a salary not exceeding two thousand dollars per annum, and each of the other commissioners shall have four dollars per day for each day's actual attendance on the duties of his office, but so as not to exceed the sum of two hundred dollars for each commissioner in any one year.

Meetings.

604. The commissioners shall hold a general meeting for the transaction of business, at least once in each month.

Extension of works.

605. The commissioners, with the sanction of the city council, may from time to time, at such times as they may deem expedient, improve, extend, and enlarge the water works of the city, or make and construct new works, and lay new pipes, and do all things necessary to afford a sufficient supply of water.

Service pipes: by whom laid, &c.

606. The service pipes for water supply to houses, buildings, or establishments shall be carried by the commissioners, at the public expense, from the mains to the side line of the streets, when it shall seem expedient to the commissioners to lay such pipes, or when required so to do by notice in writing from the owner of any house or building opposite to which a main is laid; and such service pipes at the same time shall be carried through the wall of the house to which water is to be supplied, upon permission being first obtained from the proprietor or tenant of such house, and all beyond that distance at the expense of the owners or tenants for life, or for renewable terms; or for a term exceeding five years, of the premises so supplied.

Assessment of rates, &c.

607. Wherever good and sufficient mains for the supply of water to dwellings or other houses, or establishments already exist, and likewise wherever the same shall be laid down ready for the use of dwellings, houses, or establishments within the city, the owners in fee or leaseholders for renewable terms or for life, or a term exceeding five years, of any land or tenements through or along which such mains shall pass, shall, whether the water be taken or used on the premises or not, be respectively assessed for the same in each year on a scale to be fixed and determined by the commissioners, and approved by the city council; due regard being had to the value, mode of occupation of the premises, and probable consumption of water in each case, except steam mills, manufactories, baths and hotels which shall be rated by agreement with the parties, in which scale the several lots or premises assessed, whether occupied or vacant, shall be numbered, and the rates assessed on each set down; and if any person shall think himself aggrieved by reason of such

assessment, it shall be lawful for him to appeal therefrom to the city council of Halifax, and the assessment shall be amended by the commissioners, in accordance with such order as may be therein made by the city council, provided that all such appeals shall be made within thirty days after demand of the amount assessed shall have been made upon the party so appealing.

Appeal.

608. The commissioners of water supply shall, on the first day of August, in every year, file in the office of the city clerk of Halifax a copy of the assessment made by them, in pursuance of the ninth section of chapter 43 of the acts of 1861, and the assessment for water rates on real estate in the city shall be of the same value and amount as the assessment returned each year by the city assessor to the city council for the general taxes of the city.

Assessment to be filed, and to be same value as other rates.

609. The owners or leaseholders for life, renewable terms, or a term exceeding five years, of wharves within the district supplied with water by the commissioners, shall be rated upon a separate scale to be fixed at the same time by the commissioners, and subject to the same approval of the city council as in the ninth section of such chapter provided; and the commissioners may make such special agreements as to them shall seem best for supplying with water the shipping in the harbor of Halifax.

Wharves.

Shipping.

610. All churches and buildings used for public worship shall be exempt from taxation for water rate.

Churches.

611. Whenever the committee of streets for the city of Halifax shall give notice in writing to the commissioners of water supply of the intention to lay down new sidewalks in any district of the city, it shall be the duty of the commissioners to proceed to lay down all such service pipes as shall be necessary for the supply of water to the several properties embraced within the limits of the district defined by the committee of streets.

Pipes under sidewalks.

612. Landlords who have let or leased their property, or who may hereafter let or lease their property, although for less than five years, may recover from tenants the amount payable by them for water rates, in addition to the rent reserved.

Rates recoverable by landlord.

613. The commissioners shall employ a competent engineer to make surveys and plans of the streets within the city of Halifax, showing the surface of the streets as now existing, and the permanent levels to be hereafter made, which levels, when approved by the city council, shall be and forever thereafter remain the permanent levels, and the plans shall then be filed in the office of the city clerk of Halifax, and a copy in the provincial secretary's office, as public records of the same: Provided that if the surveys and plans of the city of Halifax already made be sufficient for the purposes herein contempla-

Survey of streets.

ted, no additional surveys or plans shall be made or deemed necessary under this section.

Proceedings to  
lay down main  
pipes.

614. In the laying down, construction, repairing, and alteration of any main service-pipes, under the provisions of this act, the commissioners, or any or either of them, and their servants, agents, or workmen shall have full power, and they are hereby authorized from time to time as occasion may require, to enter upon any lands and tenements in the city, whether inhabited or otherwise, and may remain thereon as long as they may deem requisite for the proper execution of the work, and may make all such excavations on the premises as may be expedient, and take up and remove any floors, timber, planks, or any walls, fences, or erections whatsoever, doing no unnecessary damage to the same, and carefully replacing the same upon the requisite work being performed: Provided that no such entry shall be made between the hours of sunset and sunrise, nor without the permission of the owner or the occupant, if resident on the premises, being first requested; but the refusal of such permission shall not prevent or delay the execution of the work.

Damage: how  
ascertained and  
paid

615. In the event of any damage being done in the execution of the works contemplated by this act, the city shall pay to the party sustaining the same such compensation as may be mutually agreed upon; and in case such parties and commissioners should not agree, it shall be the duty of the commissioners, at the request of such party, to apply to some one of her Majesty's justices of the peace of the city of Halifax, for a warrant, which warrant such justice is hereby authorized and required to issue, commanding the sheriff or any constable in the city, to summon a jury of five disinterested freeholders, or occupiers of land in the city, to assess the damages to be paid to the party complaining; the jury shall be sworn, and the sheriff or his deputy at such inquest, and the verdict shall be binding, as well on the party complaining as on the city, which shall within ten days thereafter pay to the party the amount assessed the costs of such inquest, to be taxed and allowed by the sheriff or his deputy, at the same rate as an ordinary inquest held before him, and shall be equally borne by the city council and the party complaining, whose moiety thereof shall be deducted and retained out of the amount of damages assessed.

Notice by persons  
intending to  
build.

616. Persons intending to build or erect any dwelling-house or building in any street of the city, shall, before proceeding with the work, give notice in writing to the commissioners of such intention, in order that the proper water supply may be provided, under direction of the commissioners, during the progress of the work, and in case of neglect to give such notice, the party so neglecting shall forfeit and pay a penalty of five pounds; and the commissioners shall

forthwith proceed to execute the requisite works upon the premises at his expense: the costs of which, together with the penalty, shall be recovered in manner hereinafter provided.

617. The commissioners, subject to the approval of the city council, may appoint, dismiss, re-appoint, and supply from time to time as may be requisite, a superintendent of water supply, and such other officers, servants, or agents as may appear necessary, with such reasonable compensation to each as shall appear adequate and proper.

Officers: appointment of, &c.

618. All mains, hydrants, service-pipes, and other works connected with water supply of the city, shall be deemed and taken to be the property of the commissioners for all legal purposes, and all wilful or malicious injuries to the same shall be deemed felony.

Pipes property of commissioners.

Injury to.

619. The assessments to be made under and by virtue of the ninth section of this act, as well as the penalties which may from time to time be incurred under and by virtue of the sixteenth section of the same, shall be binding upon the respective lands and tenements specified in the scales of assessment prescribed by this act, as well as on the respective owners and parties therein mentioned; and the same shall be recovered, with all incidental charges and expenses, by distress and sale of any goods and chattels of the owner or such leaseholder found upon the premises; and in case of deficiency of such goods or chattels to satisfy the same, it shall be lawful for the commissioners to sequester, and take, and hold possession of such premises, until such deficiency be made good, and to collect, receive, and appropriate and apply the rents and profits of lands and premises in payment of the same: Provided always, that no such distress or sequestration shall be made until the expiration of thirty days after a demand in writing, under the hands of the commissioners, or any two of them, of the monies due in such case shall have been served upon the owner, occupant, or person appearing to be in charge of the premises for the time being; and in case the same shall be vacant or unoccupied, then no such distress or sequestration shall be made until such demand shall have been advertised in one or more of the newspapers published in the city for four consecutive weeks prior to such distress or sequestration.

Assessment and penalties binding on lands.

Recovery of.

Proviso.

620. For the recovery of rates and assessments and of all arrearages, it shall be lawful for the commissioners, or any two of them, to issue distress warrants and sequestration orders under their hands from time to time, in such form as they may determine, briefly reciting the amount to be levied in each case, and that such previous demand has been made, as hereinbefore prescribed; and all sheriffs and other peace officers are hereby required to execute such warrants and orders.

Warrant: how issued.

Application of  
rates.

621. The monies accruing from the annual income of water supply, together with all monies arising from such local assessments and payments as are hereinbefore mentioned, shall be appropriated and applied, in the first place, to discharge the current expenses incurred in the execution of the trusts and duties required by this act; and in the next place, towards the payment of the half-yearly interest of the debentures issued under the authority of this act, and, in case the whole income shall not be sufficient for the purposes before mentioned, the deficiency shall be made good and supplied by general assessment on the citizens as hereinafter prescribed: Provided that no general assessment shall be made during the first five years after this act going into operation, unless the same may be required to supply any deficiency to meet the half yearly payments of interest on debentures.

If insufficient.

Yearly estimates.

622. The commissioners shall prepare a careful estimate in each year of the amount or sum of money which may be required to make good such deficiency hereinbefore mentioned, for the purpose set forth in the twenty-fifth section of this act, and shall, on or before the first Monday of February in each year, send a report in writing to the city council, to be included in the estimates for the current year.

Accounts, &c.

623. The commissioners shall keep regular books of account, in which shall be entered all monies received and all sums disbursed from time to time, under the authority of this act, and they shall pay into the city treasury every week all monies received for water rates, and shall draw on the city treasurer cheques for such sums as may be required to be paid out, and they shall annually submit a detailed account, made up to the thirty-first day of December, with proper vouchers, to two or more auditors, to be appointed for that purpose by the city council, which auditors shall report thereon to the city council, who shall publish the same for the information of the public, on or before the thirty-first day of March in each year.

Protection of  
commissioners,  
etc.

624. The commissioners, and their officers and servants, shall have the like protection in the exercise of their respective offices, and in the execution of their duties, as justices of the peace now have under the laws of this province.

Remuneration to  
auditors.

625. The auditors appointed under this act, in the six hundred and twenty-third section, shall receive such remuneration as the city council may determine, not exceeding four dollars each for each day's actual employment in the duty assigned them.

Liability of com-  
missioners.

626. The commissioners shall not be answerable the one for the other of them, nor for the acts, defaults, or misdoings of each other, and in case of any default or misapplication of the monies received by any commissioner by virtue of this act, the whole real and personal estate of such commissioner with-



in the province shall be liable for the same, in like manner as for a debt due unto the crown; and immediately upon such default or misapplication being made known to the governor, it shall be his duty to order a writ of extent to thereupon issue.

627. Every officer or servant employed by the city council or commissioners shall, upon request by them so to do, account to them for all monies received and all disbursements made by such officer or servant, on pain of immediate dismissal from his employment, and such other remedies to be pursued against him as may be legal.

Officers to account.

628. If any officer or servant of the city council, or commissioners, shall refuse to account with them, and to produce and deliver up any vouchers, receipts, books, papers, goods, chattels, or monies in his possession or power, touching or concerning the works to be carried on, or monies to be raised by virtue of this act, it shall be lawful for his worship the mayor, or any two justices of the peace for the city or county of Halifax, on complaint thereof made, to summon such offender to appear before them; and if he shall disobey such summons, the mayor or justices shall and may commit such offender to the common jail of the city or county, there to remain until he shall have accounted for and delivered up such property.

Proceedings on refusal.

629. If any one of the commissioners, or any one acting on their behalf, shall make oath before any justice of the peace of the city or county, that he has reason to believe, and does believe, that any officer or servant of the city council, or commissioners, is about to abscond for the purpose of evading such accounting, such justice shall thereupon issue his warrant for bringing such offender or servant before the mayor or a justice, who shall proceed thereon as is provided by the thirty-second section of this act: Provided that the person executing such warrant shall not keep such officer or servant in custody longer than thirty-six hours before bringing him before the mayor or a justice.

If about to abscond.

630. For the purposes of raising the necessary funds to pay the sum agreed upon between the city of Halifax and the water company, and to purchase the property of the water company, and to carry into effect the works contemplated by this act, the city council are hereby authorized and empowered to make and issue, from time to time as they may deem expedient, debentures in the form specified in schedule A in this act, bearing interest at a rate not exceeding six per cent. per annum, payable half-yearly, and redeemable at periods not exceeding fifty years from the dates of the issuing of such scrip: Provided that the whole amount of such debentures shall not exceed the sum of five hundred thousand dollars, (\$500,000) and the holders of such debentures shall be free

Debentures.

and exempt from all city taxation, for and on account of the same.

How issued

631. Such debentures shall not be issued for a less sum than four hundred dollars each, and shall bear interest at a rate not exceeding six per cent., signed by the mayor, city clerk, and treasurer of the city of Halifax, to be verified by the city seal.

Application of surplus income.

632. The city council shall have power, and they are hereby authorized, to appropriate any surplus of income over the expenditure required for the current expenses of the commissioners, and the half-yearly interest on the debentures, to the payment of bonds, or in funding such surplus in such way and manner as they may devise for the purposes of this act.

### SCHEDULE A.

No.	§	Debenture. Transferable
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Under the authority of the legislature of Nova Scotia:

The bearer hereof is entitled to receive from the city of Halifax, in the province of Nova Scotia, the sum of \_\_\_\_\_ dollars of lawful money of Nova Scotia, in \_\_\_\_\_ years from the date hereof, and interest for the same from same date, at the rate of \_\_\_\_\_ per cent., per annum, to be paid half-yearly, payable at the city treasurer's office, Halifax.

Dated at Halifax, this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 186

Bye-laws.

633. The commissioners shall have full power, from time to time, to make such bye-laws, rules, and regulations, (subject to the sanction of the city council,) as to them shall seem requisite and necessary for regulating the supply of water, and the payment and collection of the water rates, and for preventing any person supplied with water from wasting, vending, or improperly disposing of the same, and regarding every other matter or thing which it may be necessary or expedient for them to regulate or direct in carrying out the purposes of this act, and in order to secure to the inhabitants of the city a continued and abundant supply of pure and wholesome water, and to prevent frauds being practised upon the commissioners; and the commissioners may enforce observance of such bye-laws, rules, or regulations, by shutting off the water, or by proceeding for the recovery of any penalty attached to the violation of such bye-laws, rules, or regulations: Provided that all such penalties shall be established by ordinance of the city council, and shall not exceed forty dollars or one month's imprisonment.

Shutting off water, etc.

## OF WOODEN BUILDINGS.

634. After the passing of this act, no wooden building of any kind, nature, or description, shall be erected in the portion of the city of Halifax contained within the following boundaries:—

Boundaries in which no wooden building to be erected.

Beginning at the foot or north-east corner of Jacob street where it touches Water street; thence to run west along the north side of Jacob, until it strikes the western side of Barrack street; thence along the western side of Barrack street to the south east corner of the glacis of the citadel; thence by the south side of the glacis westerly to a point opposite to the north west corner of Queen street; thence by the various courses of Queen street on the western side thereof, until it strikes the south side of Morris street; thence by the south side of Morris street easterly to the east side of Water street; thence by the eastern side of Water street northerly to a point opposite to the place of beginning. Such limits to include also the distance of sixty feet eastwardly from the east side of Water street from Morris street to Jacob street.

635. All the provisions of this chapter within the said limits shall apply to all buildings or outhouses erected after the passing of this chapter.

636. Within the limits defined in the first section of this act, all buildings to be hereafter erected shall be constructed of brick or stone, and the front, rear, side, end, or other exterior walls (not being party walls,) shall not be less than one and a half bricks, (of nine inches each brick,) or thirteen and one half inches thickness.

637. Within such limits, where owners of adjoining properties who intend to erect buildings at the same time shall agree to erect such intended buildings together and in conjunction, they may make the party walls of their buildings of the thickness of two bricks or eighteen inches in the whole, that is to say, one brick or nine inches on the property of each proprietor; but, should the owners of adjoining properties not agree to erect buildings at the same time together and in conjunction, then each person who builds shall make all the walls of his building of the thickness of one brick and one half brick, or thirteen inches and one half inch in the whole on his own property, agreeably to the third section of this act.

Party walls.

638. Within such limits, all foundation walls of buildings shall not be less in depth from the surface of the street or sidewalk than four feet, and all foundation walls within such limits to the surface of the street shall not be less than eighteen inches in thickness.

Foundation.

Outhouses.

639. Within such limits, all outhouses or houses in the rear of buildings, less than thirty feet and more than fifteen feet high, shall, when constructed of brick or stone (and not iron,) have walls not less than twelve inches thickness, and when less than fifteen feet high, the walls shall not be less than one brick or eight inches thickness.

Back windows.

640. All windows in the rear of buildings erected within the said limits shall have and be protected with iron shutters.

Chimneys.

641. Chimneys within the city of Halifax must be built upon a solid foundation from the lower foundation of any house, and in party walls chimneys may be built back to back, but they must not be less in thickness from the centre of such walls than four and one half inches, and in party walls chimneys that do not stand back to back must be built of one brick thickness; and all other chimneys within the city must be built of one brick or nine inches thickness at the least.

Thickness of walls.

642. Within such limits, all outhouses, or houses in the rear of buildings less than thirty feet, shall be constructed of brick or stone and have walls not less than twelve inches thickness, and, when less than fifteen feet high, the walls shall not be less than one brick or nine inches thickness.

Roofs.

643. The roofs of all buildings erected within the said limits shall be entirely covered with iron, tin, zinc, tiles, or other similarly unflammable materials, and not with any but unflammable materials; and the tops of the roofs shall be flat or crowned to the width of six feet at least. Every such flat or crowned roof shall be provided with at least one opening or scuttle, of not less than thirty inches square, and the same shall be protected with an iron shutter, to the satisfaction of the inspector of buildings; and all buildings within such limits shall be provided with a parapet of twelve inches thickness, to be raised two feet above the roof.

No wooden building to be raised, etc.

644. No existing wooden buildings within the limits shall be enlarged, raised, or added to without the permission of the city council: Provided, however, that this section shall not apply to wooden buildings now erected for religious worship, and entirely separate from other buildings.

Except churches.

District in which erection of wooden buildings is restricted.

645. After the passing of this act, no wooden building shall be erected in the city of Halifax within the limits or boundaries hereinafter set down and defined (except under the restrictions hereinafter contained) :—

Beginning at the bridge over Freshwater River: thence to run in a westerly direction by the road until it meets the angle of the Tower road, opposite the house formerly Colonel Bazalgette's; thence to run northerly by the new road to Pyke's bridge; thence further northerly by the east bound. of the common until it meets the north east angle of the common; thence to run westerly by the road or north edge of the common to the opening of the Kempt road; thence along

Kempt road northerly to the crossing of roads at King's corner so called; thence to run eastwardly along the road and street called North street to the harbor of Halifax, and thence southerly by the wharves, slips, and shores of the harbor to the place of beginning at Fresh Water bridge aforesaid: Provided, however, that out of the last defined boundaries the limits named and specified in the first section of this act are hereby excepted, within which no wooden building shall be erected.

646. Within the limits prescribed by the last foregoing section, no wooden buildings shall be erected within the said city and limits, over or exceeding thirty-nine feet in height, measuring to the top of the roof from the level of the street (which shall in all cases be defined by the superintendent of streets): Provided, however, that when any building shall be erected at a distance from any street, and upon higher elevation than the level of the street, that the said building may be carried to the height of thirty-nine feet to the roof from the level of the street or ground on which the same shall front.

Height of buildings.  
46

647. After the passing of this act, no wooden building shall be erected in the city of Halifax within the boundaries defined by the twelfth section of this act, of a lower or less height than twelve feet post.

Not less than 12 feet.

648. Every wooden building erected within the limits prescribed by the twelfth section of this act, being over thirty feet in extreme height from the level of the street to the top of the roof, shall have at least one brick or stone end wall, of at least twelve inches in thickness, extending the whole depth thereof, and rising at least two feet above the roof to form a parapet.

End wall of house over 30 feet high.

649. Every wooden building divided into separate and distinct tenements, erected within the city of Halifax and within the last mentioned limits, in addition to the end walls referred to in the last section, shall have a division or party wall of brick or stone between each tenement, of the thickness of nine inches at least, extending the whole depth of the building, and rising at least two feet above the roof to form a parapet. The back of chimneys in the end of all wooden buildings of less height than thirty feet, shall be one brick thick.

If divided into separate tenements.

650. Every building erected within the boundaries specified by the twelfth section of this act over thirty feet in extreme height shall have either a flat roof or a crowned roof, of at least six feet; and the flat or crowned roof shall be covered with unflammable materials.

Roof.

651. No door, window, or opening shall be permitted in any such end or party wall of brick or stone, unless provided with sufficient fire-proof iron doors or shutters, to the satisfaction of the inspector of buildings.

End windows.

Re-building of  
damaged house.

652. In case any wooden or other building, not erected in conformity with the provisions of this act, and being within the limits hereinbefore described or hereafter to be appointed by the city council, shall sustain damage by fire, tempest, or other casualty, or shall be injured or pulled down in any attempt to stop the progress of a fire, and the city architect or inspector of buildings shall certify that the same is so far damaged as to be unfit for repair, the city council may forbid the same to be rebuilt or repaired.

No building to  
be enlarged, etc.  
without permis-  
sion.

653. No building within such limits as aforesaid not being in conformity with the provisions of this act, shall be enlarged, raised, or added to, except with the express permission of the city council.

Buildings not ac-  
cording to act  
nuisances.

654. Buildings of every description at any time hereafter erected, or in course of erection contrary to this act, shall be deemed public nuisances, and the builders or owners thereof shall on conviction before the police court of the city enter into recognizance to demolish the same, within such time as shall be limited therefor by the city council.

Proceedings to  
pull down same.

655. The city council may direct buildings deemed nuisances under this act, upon investigation of the facts and conviction of the owners or builders before a judge of the supreme court, to be pulled down, and may authorize and cause the materials to be sold to defray the expenses; and if the said material on sale should prove insufficient to meet the expenses, any deficiency of expenses must be paid by the owners of such buildings, and any balance remaining after defraying such expenses shall be paid to the owners, and such deficiency of expenses may be recovered against the owners in a civil action, in the name of the city of Halifax, either in the mayor's court or supreme court, according to the amount of the deficiency.

Penalties for vio-  
lating act.

656. Any person violating or infringing this act, or any provision or clause therein, or any ordinance of the city made under the same, shall, on conviction before a judge of the supreme court, forfeit and pay a sum not exceeding two hundred dollars for every such offence, and a further sum of five dollaas per week for every week the offence or violation of this act shall be continued; and the possessor or occupant, whether owner of the ground in fee simple, or for life, or term of years, by whose direction or with whose consent and acquiescence such unlawful building has been erected, or offence of violation of the act committed in consequence, shall be liable to pay such sum with costs: and also any contractor, builder, or workman who shall persist in erecting an unlawful building or addition, after notice from the mayor or an alderman or city architect to the contrary, or who shall continue to violate this act, shall be liable to pay a penalty not to exceed four dollars a day for every day he shall so act and persist after such notice.

657. All fines, penalties, and forfeitures imposed by this act, and all proceedings under this act, or in relation to buildings erected or to be erected within the city of Halifax, may be recovered in the name of the city of Halifax, and to its use and benefits, with costs, in the same courts and in the same manner as civil debts of like amount may now be recoverable.

Fines—how recovered.

658. The city council shall annually elect and appoint a city architect or inspector of buildings, and fix his remuneration from time to time. He shall hold office during the year, computing from the day he is sworn into office, unless the city council should see fit to remove him and appoint another person in his place for the residue of his year. The architect or inspector shall be sworn before the mayor to the performance of his duties before he shall act as architect or inspector of buildings. The duties of the city architect or inspector of buildings shall be to attend to, observe constantly, and report in writing, upon the erection or progress of every house, store, or other building whatsoever in the city of Halifax and within the respective limits hereinbefore specified in this act; and all repairs, alterations, and changes made of any buildings within said limits, with the object and for the purpose of strictly enforcing the provisions and restrictions of this act; and the reports of such architect or inspector of buildings shall be made in such form, and with such details and particulars, and at such times as the mayor or the city council may direct and require; and it shall be the further duty of the architect or inspector of buildings, by direction and vote of the city council, to abate or cause to be abated all nuisances arising from violations of this act, and to enforce the prosecutions and collection of all fines, penalties, and monies,—to be sued for, enforced, and collected against any person for non-compliance with the provisions of this act.

City architect—duties, salary, &c. Powers.

659. The city architect or inspector of buildings shall have authority at all proper seasons to enter into and upon any buildings, grounds, and premises within the respective limits of this act, and to stay thereon a reasonable time, with free access to all parts thereof, as far as requisite for the full and effectual performance of his duties; and any person refusing him access and entry, or in any way obstructing him therein, shall be liable to a fine of not less than four dollars nor more than eight dollars, recoverable with costs of suit at the suit of the city of Halifax in the police court or in the mayor's court, such fine to belong to the city; and, in case of non-payment, the court in which such trial is had may impose sentence of imprisonment on the offender in the jail or the city prison, not to exceed fourteen days.

Penalty for obstructing.

660. It shall be the express duty of the city architect or inspector of buildings to examine all foundations of houses as

To report violation of law.

the work proceeds, and whenever any violation of this law in respect of any buildings, additions, or erection occurs, to report the same, and to bring the matter before the city council at its first meeting for their decision ; and when directed, by resolution of the council, to cause steps to be taken to enforce the law thereupon by suit for penalties incurred, or by ordering and causing any illegal building adjudged to be a nuisance, to be taken down.

Notice by persons  
intending to  
build.

661. Every person intending to build, or to enlarge, or repair the exterior of any building within the respective limits of this act shall, before digging a foundation or commencing any work thereof, give a written notice to the city architect or inspector of buildings, directed to him, and to be left at the police office at least ten days before beginning any building operations thereon, and shall therein give such intended building, its materials, and the name or names of the owner or owners, under a penalty not to exceed forty dollars, in case of proceeding to build without such previous notice.

Plans to be fur-  
nished city archi-  
tect.

662. After the passing of this act, any party or parties intending to erect or repair any building or buildings in the city of Halifax shall, before commencing the same, prepare and furnish the city architect a plan or plans, and the specification or specifications of such intended building or buildings, or repairs, or alterations ; and no person shall be permitted to erect, repair, or alter any building or buildings within the city of Halifax until he shall have furnished such plan or plans, and specification or specifications, and until the city architect shall certify in writing on such plan or plans, and specification or specifications that the same are in conformity with the existing laws ; and no alteration shall be made in such plan or plans, and specification or specifications, after such certificate shall have been so written thereon, unless by the approval in writing of the city architect, who shall receive from the person submitting such plans and specifications a fee of fifty cents for each certificate or alteration thereof so approved by him ; and any person or persons violating this section shall be liable to a penalty not exceeding seventy-five dollars, to be recovered in the name of the city in the police court.

Bye-laws.

663. The city council may make such bye-laws as they may from time to time judge essential to carry out the objects and purposes of this act, and for the safety of buildings within the city of Halifax.

Tenants to pay  
water rate.

664. The commissioners of water supply shall collect the water rate from the tenants in all cases of tenancy for a term of one year and upwards ; and the landlord shall only be liable for such rates in case of tenancies for a shorter period.

Time when act  
goes into opera-  
tion.

665. This act shall not go into operation until the first day of August next, until which time the present act shall continue in force.



## 16 Vict., Chap. 34.

## MARKET HOUSE.

1. The city of Halifax are authorized to erect a city market house, and other buildings and enclosures connected therewith, which may embrace all or any part of a parallelogram, bounded eastwardly by Water street, northwardly by George street, and westwardly by Bedford Row, and extending southwardly from George street one hundred and five feet.

2. The city of Halifax shall have power to borrow, on the credit of the city, a sum or sums of money not to exceed in the whole five thousand pounds, at a rate of interest not exceeding six per cent. per annum, to be expended by the City Council, or under their directions, in building such market house.

3. The loan may be obtained at once, or in portions, from time to time, as the city council may decide. Tenders for the money required shall be advertised for in two or more of the newspapers published in the city, for one month, and the tender expressing the lowest rate of interest shall be preferred.

4. The lenders shall receive, for every one hundred pounds so lent, a certificate under the city seal, signed by the mayor and countersigned by the city clerk, drawn in favor of such lenders, their endorsees and assigns, specifying the terms of loan and rate of interest—such interest payable half yearly. These certificates shall be transferable, by an endorsement of the holder's signature, in the same manner as promissory notes.

5. The principal monies of such loan shall be repaid to the lenders or holders within ten years from the date of the loan; but the city may, at its option, pay off such certificates, in whole or in part, at the end of the first five years, and after that period, at any time on six months notice, may pay off the whole, or any part thereof.

6. Until the loan of five thousand pounds is fully paid off with interest, the rents and proceeds of the city market shall form a separate fund in the hands of the city treasurer, and shall be applied exclusively in the reduction and payment of the loan hereby authorized, with interest—such rents and proceeds to be first applied to payment of the interest, and the residue to form a sinking fund to pay off the principal of the loan.

7. The loan hereby authorized, and interest, shall, notwithstanding, be a charge on the funds, revenues, and property of the city generally, until the same is fully satisfied and discharged.

*Act to enable the City of Halifax to erect a City Prison.  
Passed the 21st March, 1864.*

1. The city of Halifax is authorized to erect a city prison on the land belonging to the city, situate in ward number six, and called the Rock Head farm.

2. The city of Halifax shall have power to borrow on the credit of the city, a sum or sums of money not to exceed in the whole three thousand pounds, at a rate of interest not to exceed six per cent. per annum, to be expended by the city council, or under their directions, in building the prison.

3. The loan may be obtained at once, or in portions, from time to time, as the city council may decide. Tenders for the money shall be advertized for in two or more of the newspapers published in the city, for one month, and the tender expressing the lowest rate of interest shall be preferred.

4. The lenders shall receive for every one hundred pounds so lent, a certificate under the city seal, signed by the mayor, and countersigned by the city clerk, drawn in favor of such lenders, their endorsees or assigns, specifying the terms of loan and rate of interest—such interest to be payable half yearly. The certificates shall be transferable, by an endorsement of the holder's signature, in the same manner as promissory notes.

5. The principal monies of such loan shall be re-paid to the lenders within twenty years from the date of the loan, but the city may, at its option, pay off such certificates, in whole or in part, at the end of the first three years, and after that period, at any time on six months' notice, may pay off the whole or any part thereof.

6. The loan hereby authorized, and interest, shall be a charge on the funds, revenues, and property of the city generally, until the same is fully satisfied and discharged.

7. When the city prison is completed, all prisoners then in the bridewell shall be transferred to it; and all persons who may lawfully be sent to bridewell may, thereafter, be sent to the city prison, and therein, or in such portion thereof as the city council may designate for that purpose, shall be kept for the terms of their sentences, subject to all the laws, bye-laws, and ordinances in force regarding bridewell.

8. The city courts and officers may, under such regulations as the council may make on the subject, commit any prisoners to the city prison who may become liable to be sent to gaol under the present law and ordinances; but prisoners so committed shall be kept separate from those held under bridewell regulations, and shall not be subjected thereto.

(1855. *Chap. 57.—Amending Act of 1854.*)

1. Instead of the sum of three thousand pounds which the city of Halifax was authorized to borrow by the act above named, the city of Halifax shall have power to borrow a sum not exceeding five thousand pounds, on the same terms, and for the same purpose, as mentioned in such act.
2. The interest on such loan may be at any time included in the general annual assessments of the city.

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(1858. *Chap. 78, Sect. 1.*)

1. The city of Halifax shall have power to borrow, on the credit of the city, in addition to the sum of five thousand pounds already authorized to be borrowed for building a city prison, the further sum of four thousand pounds, in the same manner, on the same terms, and for the same purpose as mentioned in chapter 46 of the acts of 1854, and amended by chapter 57 of the acts of 1857, for the erection of a city prison.

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*Act to provide for the erection of a Court House. Passed 7th April. 1851.*

1. The grand jury of the county of Halifax shall present, and the court of sessions shall confirm, two-thirds of such sums of money as may be necessary for the erection of a court house in the county of Halifax as hereinafter mentioned, as well as providing a site therefor.

2. Such building shall be erected on the site known as the poor-house burying ground, in the city of Halifax, if the same can be obtained for the purpose, and shall be of stone or brick, at the option of the grand jury and sessions, or of the supreme court, if they shall neglect to act as hereinafter mentioned.

3. The grand jury and sessions shall cause to be procured plans for the erection of the building, and after the same have been subjected to the inspection of, and have been approved by, the governor in council, shall proceed to the erection and finishing of the building.

4. The court house shall contain two rooms for the supreme court, with such robing and jury rooms as may be necessary; an apartment for the law library; offices for the prothonotary and registrar in chancery, whenever it may be necessary for them to remove from the rooms in the provincial building now occupied by them; and apartments for the keeper of the building.

5. The courts of chancery and vice-admiralty shall have the use of the court rooms and other apartments in the building as may be required; but not so as to interfere with the occupation thereof by the supreme court, and the probate and other courts may also use them, when not otherwise in use, as may be permitted by the governor in council.

6. One-third of the cost of the site and building shall be paid out of the public funds.

7. In case the grand jury and sessions at their June term shall not make arrangements for procuring the plans and site, erecting the building, and assessing therefor, with all convenient speed, the site shall be purchased under the direction of the supreme court, who shall also order the plans, and whenever the same are approved by the governor in council, shall amerce the county for two-thirds of the sum necessary to erect and finish the same.

*Act to amend the Act to provide for the erection of a Court House (16th Vic., Chap. 20). Passed 31st March, 1853.*

Whereas by the act passed in the fourteenth year of her Majesty's reign, to provide for the erection of a court house in Halifax, the grand jury were required to assess, and the sessions to confirm, two thirds of the amount necessary for that purpose, and it was enacted that in case the grand jury and sessions should not make arrangements for carrying out the intention of the legislature with all convenient speed, then the service should be performed under the direction of the supreme court, and that court was authorized to amerce the county for two-thirds of the sum necessary to erect and finish such building,

And whereas the grand jury and sessions have not complied with the provisions of that act,

And whereas the grand jury have made a presentment to the supreme court that two thirds of a sum, not exceeding five thousand pounds, should be assessed on the county for the erection of a court house, on a certain site therein named, be it enacted, &c.,

1. Two-thirds of a sum necessary for the erection of a court-house, when the amount thereof shall have been ascertained by the supreme court, shall be assessed on the county of Halifax by the assessors of the city and county on the same principle, and shall be levied and collected in the same way as county rates are levied and collected by the officers appointed to collect the same; and when collected, the same shall be paid into the treasury: provided the whole amount, including the one-third to be paid out of the general funds of the province, shall not exceed five thousand pounds; and in case

any delay shall occur in the assessment or in the collection thereof by the officers hereby authorized to make the same, then the supreme court may appoint assessors and collectors to assess and collect the amount hereby directed to be raised.

2. The governor in council may appoint three persons to be commissioners for superintending the erection of such court-house.

3. The assessment hereby authorized shall be divided and extend over the term of four years; and the commissioners are authorized to anticipate the funds to be raised by such assessment, by borrowing money, to be applied towards erecting the court-house,—to be repaid with interest out of the proceeds of the assessment authorized under this act: Provided the amount to be so borrowed shall not exceed in the whole two-thirds of five thousand pounds, at a rate of interest not to exceed six per cent., such interest to be added to the amount of assessment authorized by this act.

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*An Act to amend the Act to provide for the erection of a Court House in Halifax. Passed 31st of March, 1854.*

1 The fourth section of the act passed in the fourteenth year of her Majesty's reign to provide for the erection of a court-house in Halifax, is hereby amended, by adding the following words:—

“But the commissioners may, with the approval of the governor in council, omit or leave unfinished such of the above apartments in selecting the plan and erecting the building, as they may consider expedient.”

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HOSPITAL.

(1855. Chap. 51.)

1. The city of Halifax is authorized to erect a general hospital for the sick on a portion of the common of Halifax or any lands now belonging to the city or which the city may procure by gift for that purpose.

2. The city of Halifax shall have power to borrow, on the credit of the city, a sum or sums of money not to exceed in the whole five thousand pounds, at a rate of interest not to exceed six per cent. per annum, to be expended by the city council, or under their directions, in building the general hospital.

4. The loan may be obtained at once, or in portions, from time to time, as the city council may decide. Tenders for the money shall be advertized for in two or more of the newspapers published in the city, for one month, and the tender expressing the lowest rate of interest shall be preferred.

4. The lenders shall receive for every one hundred pounds so lent, a certificate, under the city seal, signed by the mayor, and countersigned by the city clerk, drawn in favor of such lenders, their indorsees, or assigns, specifying the terms of loan, and the rate of interest, such interest to be payable half yearly. The certificate shall be transferable by an endorsement of the holder's signature, in the same manner as promissory notes.

5. The principal monies of such loan shall be re-paid to the lender or lenders within twenty years from the date of the loan; but the city may, at its option, pay off all or any of such certificates, in whole or in part, at the end of the first five years; and after that period, at any time, on six months notice, may pay off the whole or any part thereof.

6. The loan hereby authorized, and interest, shall be a charge on the funds, revenues, and property of the city generally, until the same is fully satisfied and discharged; and the interest may be at any time included in the general assessments annually made in the city.

7. The city council shall have power, by its ordinances, to provide for the management and government of such general hospital, and the expenses attending the same may be included in the annual general assessments of the city.

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(Act 1858. Chap. 78, Sec. 2.)

The city is further empowered to borrow, on the credit of the city, in addition to the sum of five thousand pounds already authorized to be borrowed, for building a city hospital, by chap. 51 of the acts of 1855, a further sum of four thousand five hundred pounds, in the same manner, on the same terms, and for the same purpose, as mentioned in the act last named.

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(Chap. 44.) Act to authorize the issue of new debentures by the City of Halifax. Passed 15th April, 1861.

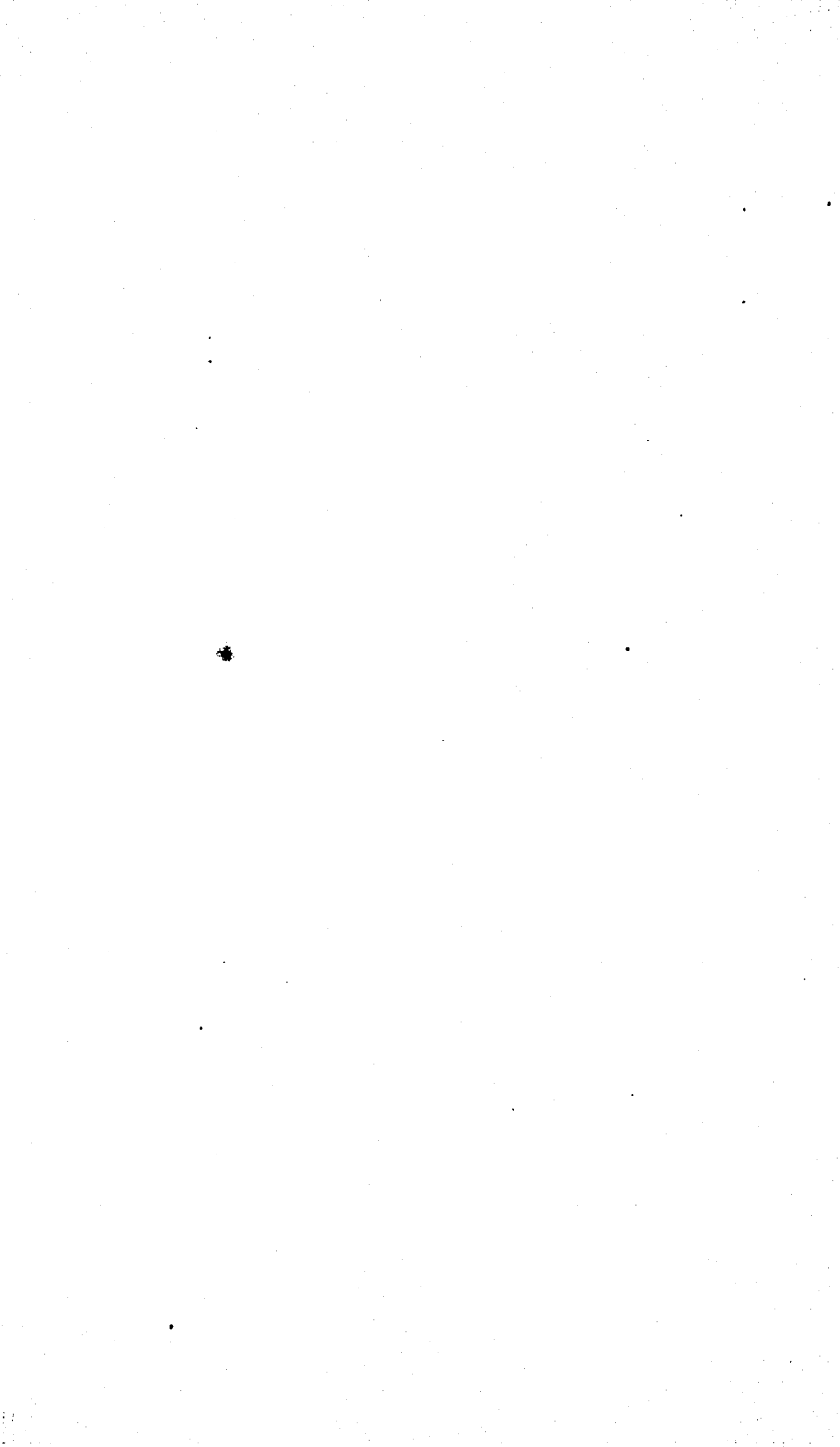
1. If the city council of Halifax shall deem proper so to do, it shall be lawful for the city to call in all debentures heretofore issued, under and by virtue of the seventy-first section of chapter thirty-nine of eleventh Victoria, and

to issue new certificates or debentures for and in lieu of the certificates heretofore issued, and now in existence under that act.

2. The new certificates or debentures shall be payable to respective holders thereof, or their endorsees or assigns, and shall bear interest at a rate to be specified therein, of not more than six per cent. per annum, and shall be issued under the hands of the mayor and any two or more aldermen of the city, and under the city seal, and countersigned by the city clerk.

3. All such new certificates or debentures shall be, and on the face thereof shall express, that they shall be redeemable and payable in ten years from the respective dates thereof; the city shall be at liberty to pay any of such debentures, after the expiration of five years from the date thereof, upon giving the holders six months notice.

4. From and immediately after the issue of such new certificates or debentures, the amounts thereof respectively therein expressed shall be and become chargeable in and upon the city of Halifax; and, for the payment thereof, all the real estate, property, and funds of the city shall be held and deemed liable and bound.





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TO THE

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27° VICTORIÆ.

1864.

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