





THE  
**STATUTES**

OF

**THE PROVINCE OF NOVA-SCOTIA.**

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**VOLUME THE FOURTH.**

FROM A. D. 1827 ; 3 GEORGE IV. TO A. D. 1835 ; 5 WILLIAM IV.—BOTH INCLUSIVE.

With Tables of the Acts expired, repealed and executed, during that period.

And a Copious

**INDEX.**

PUBLISHED BY AUTHORITY,

By

JOHN WHIDDEN, AND JAMES F. GRAY, ESQUIRES,  
BARRISTERS AT LAW.



**HALIFAX, N. S.**

PRINTED BY JOHN HOWE & SON,

PRINTERS TO THE KING'S MOST EXCELLENT MAJESTY.

**1835.**

### **ERRATA.**

THE Act of 10, Geo. 4th. Cap. 23. page 48, is printed in full, by mistake, it being a temporary Act expired.

For the word "credit" in the 7th line from the top of page 263, read "audit."

### **MEM.**

IN addition to the above, a few trifling errors may be found in the marginal Notes, which it is not thought necessary to notice, as they are not such as to mislead.

THE Acts as printed, having been carefully collated with the original Bills in Manuscript, obtained from the Provincial Secretary's Office for that purpose, it is hoped they will be found substantially correct.

At the **GENERAL ASSEMBLY** of the Province of Nova-Scotia, begun and holden at Halifax, on Thursday, the First day of February, 1827, in the Eighth Year of the reign of our Sovereign Lord **GEORGE** the Fourth, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, **KING**, Defender of the Faith, &c. &c. &c. being the First Session of the Thirteenth General Assembly, convened in the said Province.\*

\* In the time of Sir **JAMES KEMPT**, Knight Grand Cross of the Most Honorable Military Order of the Bath, Lieutenant-Governor; **S. S. Blowers**, Chief-Justice and President of the Council; **Samuel George William Archibald**, Speaker of the Assembly; **Sir Rupert D. George**, Bart. Secretary of the Council; and **James B. Francklin**, Clerk of the Assembly.

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**CAP. I.**

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

Executed  
except as to  
the clause  
printed below

And a further sum of 750l. in aid of building a Bridge across the Cornwallis River, by the Company formed or to be formed, under the Act, passed in the sixth year of His present Majesty's reign, entitled, "An Act to authorize the Incorporation of a Company for erecting a Bridge across Cornwallis River :'" to be drawn from the Treasury and paid to the said Company when a Bridge shall be built and completed under the said Act.

750l Bridge  
over Cornwallis  
River. See 4  
Wm. IV. C 55

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**CAP. II.**

**An Act for granting an Annuity to James Boutineau Francklin, Esquire.**

**WHEREAS**, James Boutineau Francklin, Esquire, the Clerk of the House of Representatives, hath, during nearly forty-two years, and in forty-three Sessions of the General Assembly of Nova-Scotia, with unwearied and exemplary attention, zeal and prudence, discharged the very arduous and important duties of his office ; Wherefore the Assembly, reviewing with marked and perfect approbation, his long course of faithful and highly useful service to this Province, continued until declining health and increasing years no longer permit it ; mindful also of these claims on the just and liberal consideration of the Legislature, have unanimously resolved to make a permanent provision for his future honorable support :

Preamble

200l per ann.  
granted to J B  
Franklin

**I.** *BE it therefore enacted, by the Lieutenant-Governor, the Council and Assembly,* That there shall be paid to the said James Boutineau Franklin, Esquire, yearly, and every year, during his natural life, one Annuity or yearly Sum of Two Hundred Pounds, current money of Nova-Scotia, to be paid in quarterly payments of Fifty Pounds each, on the first days of January, April, July and October, in every year, and the first quarterly payment to be made on the first day of April next.

Quarterly  
Warrants to be  
drawn on  
Treasury

**II.** *And be it further enacted,* That it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to draw Warrants, quarterly, on the Treasury of the Province, for payment of the said Annuity of Two Hundred Pounds; and the same shall be paid out of any Monies from time to time remaining therein.

### CAP. III.

Expired

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

### CAP. IV.

Expired

**An Act to alter and continue the Acts now in force, to provide for the support of His Majesty's Government in this Province, and for promoting its Agriculture, Commerce, and Fisheries, by granting Duties of Impost on Wine, Brandy, Gin, Rum, and other Distilled Spirituous Liquors, Molasses, Coffee and Brown Sugar.**

### CAP. V.

Expired

**An Act for the further increase of the Revenue of the Province, by continuing an Act of the General Assembly for raising a duty of Excise, as amended in the last Session of the General Assembly.**

### CAP. VI.

Expired

**An Act to continue the Act, more effectually to secure the the payment of the Provincial Duties of Excise, and to prevent Frauds in the collection of the Provincial Revenue.**

### CAP. VII.

Expired

**An Act to continue an Act for the further increase of the Revenue, by imposing a Duty upon Articles imported from Foreign Countries.**

CAP. VIII.

## CAP. VIII.

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

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## CAP. IX.

**An Act to continue the Act respecting Aliens coming into this Province or residing therein.** Expired

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## CAP. X.

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

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## CAP. XI.

**An Act to continue an Act, entitled, an Act in further addition to the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates.** Expired

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## CAP. XII.

**An Act to continue the several Acts relating to the Light-House erected on Cranberry Island, near the entrance of the Gut of Canso.** Expired

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## CAP. XIII.

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

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## CAP. XIV.

**An Act to continue the Act to enable the Proprietors of Wilderness Lands in Onslow to open Roads through the same.** Expired

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## CAP. XV.

## CAP. XV.

Expired

**An Act to continue the several Acts respecting the Liverpool Light-House.**

## CAP. XVI.

Expired

**An Act to continue an Act, relating to the Court of Commissioners at Halifax.**

## CAP. XVII.

Addition to 4  
& 5 Geo. 4, c.  
3, see also 10  
Geo 4, c. 38

**An Act in addition to the Act, entitled, An Act to authorise the Incorporation of a Company, for making a Canal by the River and Lakes of the Shubenacadie.**

Preamble

**WHEREAS**, by the said Act, the Governor, Lieutenant-Governor, or Commander in Chief for the time being, was authorized to grant Letters Patent for incorporating, under the title of The Shubenacadie Canal Company, all the Persons, their Heirs and Assigns, who, from time to time, should be adventurers or Parties, in making a Navigable Water Communication between the Harbour of Halifax and the Basin of Mines, by the course of the River Shubenacadie and the Lakes thereof.

*And whereas*, Pursuant to the said Statute, Letters Patent, under the Great Seal of the Province, and dated the first day of June, One Thousand Eight Hundred and Twenty-six, were duly, and in conformity to the said Statute, made and granted by His Majesty, whereby certain persons, Inhabitants of Halifax, particularly named in the said Letters Patent, were incorporated by the Name and Title, and for the purposes aforesaid, as by the said Letters Patent, will, on reference thereto, at large appear :

*And whereas*, Some further powers and regulations have been found necessary for the better establishing of the said Company, and more effectually accomplishing the objects thereof ;

Perpetuation of Property in Company

**I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That** all and singular the Lands, Works, Waters, Water Courses, Streams, Lakes, Channels, and all and singular other the Estate, Rights, Interests, Powers, Benefits, Privileges and Immunities, in and by the eighth Clause or Section of the said Act, granted to the said Company, for the term of ninety-nine years ; shall be, and the same are hereby vested in, and declared to be, the sole and exclusive property of the said Corporation, henceforth forever.

Members not liable beyond amount of Share

**II. And be it further enacted, That** the Joint Stock, and Real and Personal Estate of the said Corporation, shall be liable for, and subject to, the payment of all Debts contracted by the Company, and none of the present or future Members of the said Company shall be liable for the payment of any debt contracted by the Company, beyond the amount of the Shares or Stock held by such individual Member.

Board of Directors

**III. And be it further enacted, That** the President, Vice-Presidents and Directors, of the said Company, named in the Letters Patent, or hereafter to be chosen, shall constitute the Board of Directors of the Corporation. And that such Members of the said Board, as shall be directed in the Rules and Bye-Laws of the said Company, shall go out of Office on the first day of March in every year ; and shall not be again re-elected to the same Office, before the next annual Meeting ; and the Persons chosen in their stead, or to fill any vacancies in the said Offices, not previously supplied, shall come into Office on that day ; and the General Meeting of the said Company, for the choice of

General Meeting of Comp'y.

such

such Officers, and for its general business, shall be held in the Month of February in every year, and at such time and place as the Directors shall appoint: The first annual Meeting to be held in the Month of February next ensuing the passing hereof.

IV. *And be it further enacted,* That at every annual Meeting, a full, explicit and correct account of the Affairs, Debts, Engagements, Property and State, of the said Company, shall be by the Board of Directors prepared and laid before the Stockholders; who, if they think proper, may, at such or any future Meeting, choose fit and proper persons to examine and audit such account, and to report thereon: And all the Books, Papers, Accounts, Vouchers and Documents, of the Company, necessary for that inspection and audit, shall be produced before, and be submitted to such Auditors, by the persons having the same in charge.

Company's Accounts to be produced for inspection

V. *And be it further enacted,* That whenever a requisition for a General Meeting of the Stockholders of the said Company shall be presented to the Board of Directors, signed by ten Members of the Company, the Directors shall cause such General Meeting to be held at some convenient time and place, within ten days after the delivery of such Requisition.

General Meetings may be called on requisition of ten Members

VI. *And be it further enacted,* That, upon complaint made on oath, to the Judges of the Supreme Court, at any of its Sittings in Halifax, that any person holding any Office in the said Company, has been guilty of any fraud or criminal misconduct in managing the affairs of the said Company; or the Stock, Funds or Property, Real or Personal, belonging thereto, it shall be lawful for the said Supreme Court to examine into the subject matters of such complaint; and to hear and try the same, either by Jury or in a summary way; and upon conviction, to remove the Person or Persons so convicted, from the office held by him or them, in the said Corporation.

Misconduct of Officers

VII. *And be it further enacted,* That every Vacancy occasioned in the Board of Directors, or other Offices of the Company, by the death, resignation or removal from the Province, of the person filling the same, or by the Judgment of the said Supreme Court, shall be supplied by the choice of another Officer at some General Meeting of the Company, to be specially convened for that purpose, agreeably to the Bye-Laws.

Official vacancies—how supplied

VIII. *And be it further enacted,* That the Books and Accounts of the said Company shall at all times be open to the examination of such person or persons, as the Governor, Lieutenant-Governor, or Commander in Chief, by and with the consent and advice of His Majesty's Council, shall appoint to inspect the same.

Governor may appoint a person to inspect Company's Books

IX. *And be it further enacted,* That no part of the Capital Stock of the Company, when paid in, shall be applied or converted to the payment of any dividends whatever, to the Members of the said Company; but shall be wholly applied to, and expended in, the works of the said Navigation, and towards the making, using, navigating, and maintaining the same. And it shall not be lawful for the said Company, unless thereto specially authorised, to make or execute any Bond, Bill, Note or Obligation, to bind the said Company, for any sum of Money less than Twenty Pounds.

Stock not to be converted into dividends

X. *And be it further enacted,* That no Bye Law of the said Company shall be in force, or executed, until the same is approved of by the Governor and Council:—And no alteration, amendment or repeal, of any such Rules or Bye Laws of the said Company, shall be of any force or effect whatever, unless the same shall be also allowed and approved of by the Governor and Council, in such and the like manner, as by the said Letters Patent is appointed with respect to the original Bye Laws.

Company not to make Notes, &c. less than £20

Bye-Laws, &c. to be approved by Governor and Council

*And whereas,* It may happen that the said Canal or Water Communication, or the works thereof, may be injured by unforeseen accidents, whereby the navigation thereof may be interrupted, and the Lands adjacent thereto be exposed to damage:

XI. *Be it therefore enacted,* That for the speedy reparation of such injury, whenever and as often as such case shall happen, it shall be lawful for the said Company, and their servants, to enter with Workmen, Carts, Carriages and Cattle, upon the Lands contiguous to the said Canal, and the Works connected therewith, and thereon and therefrom, to dig, work, get, carry away and use, all such Stone, Gravel, Clay, Timber and other materials, Fruit Trees and ornamental Timber Trees excepted, as may be necessary or proper, in the opinion of the Company or their Servants, for such reparation;

Company may take Materials for Canal repairs from private property in case of accidents

ration; doing as little damage thereby, as the nature of the case will permit. And in case damages shall be claimed by the owner or owners of any Land entered upon for the purpose of obtaining materials as aforesaid, and the Company cannot agree with him or them, touching the extent or payment of such damages, then the amount thereof shall be ascertained and settled in the manner hereinafter prescribed.

Damages done  
by Company—

To be estima-  
ted by Ap-  
praisers

Appraisers how  
appointed

To be sworn

To return  
award to Su-  
preme Court  
to be allowed  
and confirmed  
with Costs

Payment of  
award to be a  
bar to actions

Sup. Court  
may inquire  
into and set  
aside award

**XII. And be it further enacted,** That whenever any damage, trespass, waste or injury, shall be done to any person in his lands, rights or property, by making or opening the said Canal or Water Communication, or by the erection of any of the Dams, Locks, Embankments or Works thereof, or by the flooding or overflowing any lands, or by diverting the Waters of any Stream or Lake from the person or persons legally entitled to the same, or to the use thereof, or by entering upon any Lands contiguous to such Canal, and digging, cutting, carrying away or using, any Stone, Gravel, Clay, Timber, Wood or other materials, for the purpose of the said Canal, or the Works thereof; or by any other way or means whatsoever, injuring or impeding such rights or property, it shall and may be lawful, either for the party grieved and subjected to injury, or for the said Company, to apply to any two Judges of the Supreme Court of the Province, by Petition, stating the nature and situation of the lands, rights or property injured, and praying for the appointment of appraisers to estimate the same. Whereupon the said Judges shall direct proper notices to be given to all parties interested, to attend before them, at a day and place to be appointed for the purpose, and shall, at the time so appointed, call on the Company and party injured, each to nominate one or two appraisers, as the said Judges may think necessary; and the said Judges shall name another appraiser; and shall, by an order in writing, constitute and appoint the persons so chosen and named, to act as appraisers of the damages arising from the injury complained of; and in case the said Company or party injured, shall neglect or refuse to name appraisers as aforesaid, the said Judges shall name a fit and discreet person or persons, as the case may require, to act on behalf of the said Company or person, declining to make such nomination when called on as aforesaid. And the persons so named and chosen shall, before they enter upon the duties of their appointment, severally take and subscribe an Oath before a Judge of the said Court, faithfully and impartially to perform the trust and duties so required of them, by the order of the said Judges; which Oath shall be filed with the said Petition in the office of the Prothonotary of the said Court at Halifax. And the said appraisers, or a majority of them, shall make a just and equitable estimate and appraisal of the loss and damage of the respective owner or owners, or parties interested in the lands, rights, property or premises, so entered upon, injured or pretended or alledged to be injured or impaired, by the said Company, and shall certify and return their determination and award in writing, under their hands, or the hands of the major part of them, touching all such damage, loss and injury, of whatsoever nature it be, into the office of the said Prothonotary of the Supreme Court at Halifax. Whereupon, if the said Court shall be of opinion, that the said award hath been fairly, equitably and impartially made, and if no good and sufficient cause shall be shewn, against such award and determination, the said Court shall allow and confirm the same. And thereupon, the said Company shall, within such time as the Court shall appoint, pay and satisfy into the said Court, or unto the person or persons whom the Court shall find entitled to receive the same, the amount so awarded, together with such costs and expenses as shall be adjudged against the Company in that behalf. And the payment of the amount so awarded, and costs, shall forever discharge the said Company, their Servants and all persons acting for the said Company, from, and be a bar to, all actions, suits, claims and demands whatsoever, for or in respect of such trespass, damage, loss or injury done, committed, suffered or sustained, by the means aforesaid.

**XIII. And be it further enacted,** That the said Judges, and also the said Supreme Court, shall have, with respect to the proceedings touching such appraisement and estimate of damages, by the means aforesaid, and with respect to the taxation and allowance of costs to or against the parties, all necessary discretion, powers and authority, and shall and may inquire into the proceedings, by the oath of witnesses, or otherwise; and shall and may also, on good cause shewn, set aside any such award and appraisement,

ment,

ment, and either direct the parties appraisers again to view, estimate and decide upon, the injuries and damages complained of, or otherwise if the Court shall think it expedient, the said Court shall and may nominate other appraisers; and make an order for their making a new appraisement and valuation of the damages arising from the injury complained of; and the appraisers, so nominated, shall be sworn as aforesaid, and the award and appraisement so by them, or the major part of them, made and returned in writing, when confirmed and approved of by the Court, shall be final between the parties, and may be carried into effect as aforesaid. *Provided always, and be it further enacted,* that the award made on the second appraisement shall be final and conclusive to all intents whatsoever.

May nominate  
other Apprais-  
ers

Second award  
to be final

### CAP. XVIII.

#### An Act concerning Elections in the County of Cumberland.

See 5, Wm. 4,  
C. 25

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That hereafter, at any Election to be held in and for the County of Cumberland, for Members to serve in the General Assembly, the Sheriff or other Officer shall open the Poll at the Court-House at the River Philip, and shall continue the same for one day, or until all the Electors then and there present have been polled; and shall then adjourn or remove the Poll to Wallace, at or near the Meeting-House in that Township, where it shall be held for the space of two days, or until all the Electors then and there present be polled; and shall then adjourn or remove the Poll to Amherst, at or near where the old Court-House now stands, and shall there continue the same for three days, or until all the Electors then and there present be polled, due application for such removal having been made according to Law.

Poll to be  
opened at  
River Philip

Wallace

Amherst

**II.** *And be it further enacted,* That, upon application for the removal or adjournment of the Poll to Wallace, as aforesaid, instead of giving notice that the same shall be there opened, on the eighth day from the first opening of the Poll, as is directed by the second section of the Act, made in the fourth and fifth years of His present Majesty's Reign, entitled, An Act in addition to, and amendment of, an Act made and passed in the fifty-seventh year of His late Majesty's Reign, entitled, An Act for regulating Elections of Representatives to serve in General Assembly; the Sheriff or other Officer holding such Poll, shall give notice that he will, on the fourth day after such first opening of the Poll inclusive, continue the same at Wallace as aforesaid, and in case of a second removal to Amherst as aforesaid, shall give notice that he will so continue the same at Amherst on the fifth day inclusive, after the first day of its being opened at Wallace as aforesaid.

Time of open-  
ing Poll at  
Wallace—

At Amherst

**III.** *And be it further enacted,* That an Act, made and passed in the fifty-eighth year of the Reign of His late Majesty King George the Third, entitled, An Act to alter and amend an Act, passed in the last Session of the General Assembly, entitled, An Act for regulating Elections of Representatives to serve in General Assembly, shall be, and the same is hereby wholly repealed.

Act of 58th  
Geo. III. Cap.  
24, repealed

### CAP. XIX.

#### An Act to continue the Acts for the regulation of the Militia.

Expired

CAP.

## CAP. XX.

Repealed by  
9th Geo. 4, C.  
20.

An Act in addition to the Act, passed in the Second year of His late Majesty's Reign, entitled, An Act for regulating the Exportation of Fish, and the assize of Barrelets, Staves, Hoops, Boards, and all other kinds of Lumber; and for appointing Officers to survey the same.

## CAP. XXI.

Expired

An Act to continue the Acts now in force relating to Trespasses.

## CAP. XXII.

Expired

An Act to continue the Act to provide for the accommodation and billeting of His Majesty's Troops, or of the Militia, when on their march from one part of the Province to another; and also the Acts in amendment thereof.

## CAP. XXIII.

This Act  
amends 7, Geo.  
4, C. 2.

See also 4th  
Wm. 4th, C. 69,  
5, Wm. 4th, C.  
31

Justices in  
Session may  
direct Highway  
Labour to be  
performed on  
any particular  
road

Proviso

Certificates of  
performance of  
Labor

Gates and Bars  
on private  
ways—

Regulations of  
by Court of  
Sessions

An Act in addition to, and amendment of, the Act relating to Highways, Roads and Bridges.

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Justices in the General Sessions of the Peace, in and for each of the several Counties and Districts in the Province, shall and may, and they are hereby authorized, at any General Sessions of the Peace, to be holden in such Counties and Districts, to grant permission to any person or persons in the said Counties and Districts, to perform his or their Highway or Statute Labour, in the said several Counties and Districts upon such Roads as they, the said Justices, shall direct and appoint; and the faithful performance by him or them of such statute or highway labour, in pursuance of such permission, shall be deemed and taken to be the doing and performing his or their statute labour. *Provided*, that such person or persons as may obtain such permission shall, within one month after the performance of such statute or highway labour, obtain from the Surveyor of Highways, for the district in which such person or persons shall reside (who if the said labour has been faithfully performed, is hereby required and directed to grant the same,) a certificate or certificates of the due performance by such persons of such labour; which said permission and certificate or certificates shall be a bar to any action to be brought against such person or persons, under or by virtue of the Act of which this Act is an amendment.

**II.** *And be it further enacted*, That the respective Courts of General Sessions of the Peace, in each and every of the Counties and Districts of this Province, are hereby authorized to direct such and so many gates and bars as the said Courts, in their several General Sessions of the Peace, may think fit, to be placed and kept upon private and particular ways, heretofore or hereafter to be laid out in the said several Counties and Districts; and the said Courts respectively, are hereby authorized to make such regulations, respecting the placing and keeping the said bars and gates upon such private and particular ways, as they for that purpose, may think expedient and proper to appoint.

*And*

And whereas, the mode observed by Road Commissioners, for laying out new Roads, and valuing the Lands through which it may be necessary to make the same, pursuant to the provisions of the thirteenth and seventeenth sections of said Act, has been found tedious and expensive, for remedy whereof:

Preamble

III. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That whenever any Commissioner or Commissioners of Roads, shall receive an order of Council, under the provisions of the said Act, to go to work on a new Road, or to alter an old one, he shall immediately after notify all persons interested, as by said Act is directed, and require the parties so interested, to nominate one fit and proper person, to act in conjunction with a person to be appointed by the said order of Council, to act as an appraiser on the part of Government, for the purpose of laying out the Highway or Road so ordered to be made or altered, and valuing the land wanted for the same; and the two persons so nominated and chosen, shall take and subscribe an oath or affidavit before one of His Majesty's Justices of the Peace, faithfully and impartially to lay out such Road in the way most advantageous to the Public, and least prejudicial to the owner of the lands, and to appraise and value the lands wanted for such Road, the damages to such owner or owners; and after being sworn, it shall and may be lawful for the two persons so chosen, to enter upon the lands through which such Road is to be made or altered, and to lay out, measure and mark the same, and to value and appraise such lands, and to assess the damages to the owner or owners, tenant or tenants, of such lands, according to the just and reasonable value of the same, in the same manner as the said Act directs a Jury to do; which valuation being made in writing, and accompanied with the plan and admeasurement of said Road, shall be returned to the Prothonotary or Deputy Prothonotary for the County or District in which such lands lie, who shall lay the same before one or more of the Judges of the Supreme Court, or the Senior Judge, and one or more of the Judges of the Inferior Court for such County or District, and such Judge or Judges shall thereupon make an order for the parties interested, to shew cause, by a short day, why such plan and valuation should not be established and confirmed, and after hearing the parties, in case they desire to be heard, it shall be lawful for said Judge or Judges either to confirm, or set the same aside, as the case may require, and to order another valuation and appraisement to be made by the same persons, which shall be final between all the parties; and in case the persons so appointed, cannot agree upon a plan and valuation of such Road, then each of such Referees shall make a separate plan of such road, with the valuation thereof, and return the same to the said Prothonotary; and the said Judge or Judges shall, immediately after such return, nominate and swear a fit and proper person to act as an umpire between the said referees; and the determination of such umpire, made in writing, in conjunction with one or both of said referees, shall be final and conclusive, and be made a Record of the said Supreme or Inferior Court, and the parties shall be entitled to be paid the amount according as the Law directs. *Provided always,* in case the parties interested when called on as aforesaid, shall neglect or refuse to nominate a person to make such valuation as aforesaid, it shall and may be lawful for the said Commissioner to give notice of such refusal to the said Prothonotary or Deputy Prothonotary; and it shall and may be lawful for one or more of the said Judges of the Supreme Court, or for the Senior Judge of the Court of Common Pleas, for the County or District, to order the parties interested in the Lands so wanted, to shew cause, by a short day, why he or they refuse to nominate an appraiser as aforesaid; and in case he or they persist in refusing to make such nomination, or shall fail or neglect to shew sufficient cause to justify such refusal, it shall and may be lawful for such Judge or Judges, to nominate and swear a fit and proper person to act on behalf of such person or persons, in conjunction with the person named in such Order in Council, for the purpose of laying out and valuing such Road, and the proceedings of the persons so nominated shall be equally as good and valid as if he had been chosen by the parties interested; and the said Judge or Judges, in case of disagreement, shall nominate an umpire and proceed in the same manner as hereinbefore directed.

Appraisers to lay out new roads

Appraisers to be sworn

Valuation Plan, &c. to be returned to Prothonotary, for inspection of Judges of Sup. Court

Judges may confirm or annul returns

Mode of procedure if return is annulled

Proviso

Judges may nominate appraisers

IV. *And be it further enacted,* That it shall and may be lawful for the said Commis-

Commissioners  
may complain  
to Supreme  
Court

sioners, or the parties interested in the Lands, to complain to one or more of the Judges of the Supreme Court, or to the Senior Judge, and one or more of the Judges of the said Inferior Court, in case either of them shall think there has been any error in the proceedings herein before directed, and it shall be lawful for the said Judges to hear and examine into the cause or causes of such complaint, and to ratify the same, if necessary; or otherwise, if occasion shall require, to set the whole proceedings aside, and to nominate and swear three fit and proper persons, to lay out such road, and make such valuation; and the determination of such Referees, or any two of them, when confirmed and recorded with the Prothonotary, or his Deputy, by the order of such Judges, shall be final and conclusive.

Appraisers and  
proceedings  
under this Act  
substituted for  
provisions in  
force

V. *And be it further enacted*, That the Provisions contained in the said Acts, which direct new Roads and alterations of Roads to be laid out and valued by a Jury, shall be no longer observed or acted upon; but all future plans and valuations of such Roads, shall be made as in and by this Act is directed; and such plans and valuations, when so made, confirmed and recorded, shall be to all intents and purposes as good and valid as if the same had been made by the Sessions and Jury, as in and by the said Act is directed, it being the true intent and meaning of this Act, hereafter to substitute the laying out of new Roads and alteration of old Roads, with the plans and valuations made by referees or appraisers, under the directions of the said Judges, in the place and stead of the same proceedings, which the said Act has directed to be performed by Justices of the Peace, Special Sessions of the Peace, Clerks of the Peace, Sheriffs and Juries.

#### CAP. XXIV.

**An Act to alter an Act, passed in the sixth year of His Majesty's Reign, entitled, "An Act concerning Schools."**

This Act intended to amend 7, Geo. 4, C. 5. repealed by 9, Geo. 4, C. 2

#### CAP. XXV.

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

Expired

#### CAP. XXVI.

**An Act relating to Common Fields.**

See 10, Geo. 4, C. 27, 2d Wm. 4, C. 62

Preamble

**WHEREAS**, great inconvenience has been felt by the Proprietors of Common Fields, from Individuals, or other Proprietors of Common Fields, marking Horses and Cattle with a brand or mark, similar to that previously adopted, and used by such first mentioned Proprietors, for remedy thereof—

Brand marks to be entered in a Book by Town Clerk

I. *BE it enacted, by the Lieutenant-Governor, Council and Assembly*, That from and after the passing of this Act, every brand or mark adopted by the Proprietors of any Common Field, in and by their regulations concerning such Common Field, or otherwise, for the purpose of branding or marking the Horses or Cattle, turned or to be turned into such Common Field, before the same shall be used for that purpose, shall be entered by such Proprietors in a Book, to be kept by the Town Clerk of the Township or Settlement wherein such field may be situate, who shall receive for so recording the said mark or brand, the sum of one shilling.

II.

II. *Provided always, and be it further enacted,* That such Town Clerk, after entry of any such brand or mark, shall not so enter any other brand or mark, similar thereto, under penalty of Ten Pounds, to be recovered by any person who shall sue for the same, by bill, plaint or information, in any Court of Record, to be applied, one half to the use of the person who shall so sue for the same ; and the other half to the use of the Poor of the Township, Parish or Settlement, in which the Office of such Town Clerk may be situate.

Penalty for entering more than one mark of the same description

III. *And be it further enacted,* That if any Proprietor or Proprietors of any Common Field, or any person or persons by him or them, or any of them, duly authorised or appointed, shall brand or mark any horse or horses, ox or oxen, cow or cows, or other cattle whatsoever, for the purpose of turning them, or any of them, into any Common Field, with any brand or mark not duly entered or recorded by the Town Clerk, in manner aforesaid ; or if any person or persons shall imitate, counterfeit or use, any such brand or mark so entered and recorded as aforesaid, for the purpose of marking or branding a horse, ox, cow, or any other beast of the description aforesaid, except such person or persons as may be authorised and entitled so to do, under and by virtue of the regulations of the Proprietors of the Common Field, so having adopted and entered such brand or mark, with the Town Clerk as aforesaid, each and every person so offending or being accessory thereto, on conviction thereof, before any two of His Majesty's Justices of the Peace, for the County or District wherein the offence shall have been committed, shall, at the option of such Justices, be adjudged, either to be committed to the Common Jail of such County or District, for a term not exceeding three Months, nor less than one Month, and be accordingly committed by Warrant, under the hands and seals of the said Justices, or shall be adjudged to forfeit and pay a sum not exceeding Five Pounds, nor less than Three Pounds, with costs of suit, to be levied by warrant of distress, and sale of the Offender's Goods and Chattles, and to be paid, after deducting such costs, to the Overseers of the Poor, for the use of the Poor of the Township, Parish or Settlement, wherein such offence shall have been committed.

Penalty for entering or counterfeiting Brand mark

*And whereas,* from the length of time now allowed by Law, after notice given to persons holding Lands adjoining such Common Fields, to repair their Fences dividing their lands from such Common Fields, before a Fence-viewer can legally proceed to cause such deficient Fence to be repaired ; great injury is often done to such Common Fields, for remedy thereof :

Preamble

IV. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That, the Proprietor or Proprietors of any Field, adjoining to any Common Field enclosed and improved, in case his or their part of the Fence dividing his or their Land from such Common Field, shall become deficient or out of repair, shall immediately repair such deficiency, and make the same a good and sufficient legal Fence, and in case he or they neglect so to do, within the space of three days after notice given him or them, it shall and may be lawful, and any one of the Fence-viewers, upon application being made to him in such case, is hereby empowered, forthwith to cause such deficient Fence to be built up and repaired, if, in his judgment, the same be insufficient ; and the person or persons that of right ought to repair and maintain the same, shall pay double the costs and charges expended for the closing thereof, and in case of refusal, such Fence-viewer may recover the same, by action on the case, according to the value, in manner aforesaid. *Provided always,* that no Fence-viewer shall be allowed more than three shillings per day in his account, for his own trouble and time expended herein. And if any Fence-viewer, when notified, shall neglect his duty herein, he shall forfeit Two Pounds for each offence, to be recovered on due proof before any Justice of the Peace, for the County or District in which such lands shall lie ; one half to the person who shall prosecute for the same, and the other half for the Poor, of the Township or place where the offence shall be committed.

Owners of lands adjoining Common must repair fence

Fence viewers may cause fences to be repaired

Proviso

## CAP. XXVII.

**An Act to authorize the Justices of the Peace in the Town of Halifax, to borrow Money, on the credit of the Town, for erecting a suitable Stone Building, as a Magazine for the reception of all Gunpowder imported and brought into Halifax, and to compel the Importers thereof, to deposit the same in the Magazine.**

Preamble

**WHEREAS**, His Excellency the Commander in Chief, by Message, informed the Honourable House of Assembly, that he has received a Communication from the Ordnance-Store-Keeper-General at Halifax, accompanied by an Order from His Grace the Duke of Wellington, and the Honourable the Board of Ordnance, not to permit any more Powder, owned by the Merchants, to be received into the King's Magazine at Halifax, and to cause what might be then in Store, to be removed as soon as a place could be procured to contain the same :

*And whereas*, it is indispensably necessary for the preservation of the Town, and conformably to the said Message, that a suitable Stone Building should be erected, for the reception of Gunpowder :

Money may be borrowed on credit of the Town for buying land and erecting Magazine

**I. BE it therefore enacted**, by the Lieutenant-Governor, Council and Assembly, That the Justices of the Peace for the Town of Halifax, shall and may borrow, on the credit of the Town, such sum of Money as may be necessary to purchase a piece of ground, and to erect a suitable Stone Building thereon, for the reception of all Gunpowder now in the King's Magazine at Halifax, belonging to the Merchants ; and all Gunpowder which may hereafter be imported or brought into this Town.

Magistrates to appoint Keepers and fix Storage—

**II. And be it further enacted**, That the said Magazine, when completed, shall be the property of the Town of Halifax, and shall be under the control and management of the Magistrates, who are hereby from time to time empowered, in any General or Special Sessions, to appoint fit and proper persons to take charge of the same ; and also to establish a rate of Storage, for all Gunpowder deposited in the Magazine, which storage shall be applied to the payment of the interest of the Money borrowed, and towards the liquidation of the principal, the said Storage, to be recovered in the same manner, as any other debt, in an action, to be brought by any three of His Majesty's Justices of the Peace, for the Town of Halifax.

To be applied to payment of Loan

All persons bound to store Gunpowder in Magazine

**III. And be it further enacted**, That so soon as the Magazine, so to be erected, shall be ready for the reception of Gunpowder, all and every person or persons, importing or bringing Gunpowder, not belonging to His Majesty, into Halifax, or to whom any such Gunpowder may be consigned, shall immediately store the same in the said Magazine ; and if any person or persons, importing or bringing into Halifax any Gunpowder, or any person or persons to whom any Gunpowder shall be consigned, shall store or deposit the same in any other Building, of whatsoever description, within Ten Miles of the Town of Halifax, except the quantity allowed by Law, for persons to have in their possession, the person or persons, refusing to put their powder into the Magazine, or who shall deposit Gunpowder, in any other Building within Ten Miles of the Town of Halifax, shall pay a fine of Twenty Pounds, and the Justices shall seize the Gunpowder as forfeited ; and shall apply the proceeds arising from the sale of the Gunpowder, as well as the Fine, in the same manner and to the same use, as the Storage, to be paid, is heretofore directed to be applied ; the said fine to be recovered by bill, plaint or information, in any of His Majesty's Courts of Record in the Province, by any three of His Majesty's Justices of the Peace for the County of Halifax.

Penalty for refusal or neglect

Application of fines

After paying the debt—the receipts to become Town Property

**IV. And be it further enacted**, That after the debt incurred in borrowing money, shall have been paid, all sums arising from the storage of Gunpowder, and from all fines or forfeitures, and the proceeds arising from all Gunpowder, so seized as aforesaid, shall be applied to Town-purposes ; any law, usage or custom, to the contrary notwithstanding.

**V. And be it further enacted**, That there shall be granted and paid, out of the Treasury

sery of the Province, the sum of one hundred and eighty pounds currency, in aid of the expense of building such Magazine, being the sum formerly granted for that purpose; and the said sum of money shall and may be drawn from the Treasury by warrant from the Lieutenant-Governor, when and so soon as the said Magazine shall be completed.

£180 may be drawn from Treasury in aid of the object

## CAP. XXVIII.

**An Act to extend to Bridgetown, in the County of Annapolis, the Provisions of the Act relating to Commissioners of Highways, in Halifax and certain other places.**

Amended by 2d Wm. 4, C. 23

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the last Session of the General Assembly, entitled, An Act relating to Commissioners of Highways in Halifax, and certain other places, and all the regulations and provisions thereof, with every matter, clause and thing, therein contained, shall be extended, and the same are hereby extended, to Bridgetown, in the County of Annapolis; and it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint three respectable Inhabitants and Freeholders of Bridgetown aforesaid, to be Commissioners of Highways therein for the purpose of carrying into effect the provisions and regulations of the said Act, and to proceed to supply any vacancy that may occur amongst such Commissioners, and such appointment to renew when necessary, in the same manner as is pointed out and provided by said Act.

Act relating to Commissioners of Highways extended to Bridgetown

**II.** And be it further enacted, That the Jurisdiction, powers and authority of the said Commissioners, shall be confined and restricted to the bounds and limits following, that is to say—commencing at Joshua Gidney's eastward boundary line; thence running down the Granville main road, until it reaches the causeway on the western side of the Aboiteau, including the same; thence running southerly until it reaches the Annapolis River; thence along said River, until it meets the south end of said Gidney's line.

Limits of Jurisdiction

## CAP. XXIX.

**An Act to continue and amend the Act for regulating the expenditure of Monies appropriated for the service of Roads and Bridges.**

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the fourth and fifth years of His present Majesty's Reign, entitled, An Act to regulate the expenditure of Monies, hereafter to be appropriated, for the service of Roads and Bridges, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the next Session of the General Assembly.

This Act amends 4 & 5 Geo. 4, C. 15, is not mentioned in continuing Act 9, Geo. 4, C. 14, nor in 4, Wm. 4, C. 33 Act 4th and 5th, Geo. IV. C. 14, continued

**II.** And be it further enacted, That, from and after the publication of this Act, the Contracts mentioned and referred to in the fifth Section of the Act hereby continued, shall not be in the words mentioned and set forth in the said fifth Section, but shall be in the words following, that is to say:—

Form of contract

Articles of Agreement, had, made and agreed upon, this \_\_\_\_\_ day of \_\_\_\_\_ One Thousand Eight Hundred and \_\_\_\_\_ Between A. B. Commissioner for \_\_\_\_\_ of the one part, and C. D. of \_\_\_\_\_ and E. F. and G. H. of \_\_\_\_\_ as Sureties for the said C. D. of the other part, as follows, viz: the said C. D. and the said E. F. and G. H. as his Sureties, for the consideration hereinafter mentioned, do, for themselves, their Heirs, Executors and Administrators, covenant, promise and agree, to and with the said A. B. his Executors and Administrators, that he

the said C. D. his Heirs, Executors, and Administrators, shall and will, on or before the last day of August next, in a good and workmanlike manner, well and sufficiently to the satisfaction of the said A. B. In consideration whereof, the said A. B. for himself, his Heirs, Executors and Administrators, doth hereby covenant, promise and agree, to and with the said C. D. his Executors and Administrators, that he, the said A. B. his Heirs, Executors and Administrators, shall and will well and truly pay, or cause to be paid, unto the said C. D. his Executors or Administrators, the sum of \_\_\_\_\_ in manner following, that is to say:—one third part part of the said sum of \_\_\_\_\_ from time to time, as the said work shall be proceeded in, and the remaining two third parts thereof when the work shall be completed and finished agreeably to this Contract. and the certificate prescribed by the Act of the General Assembly, entitled, An Act to regulate the expenditure of Monies, hereafter to be appropriated for the service of Roads and Bridges, shall be obtained, and for the performance of the Articles and Agreements aforesaid, the said Parties bind and oblige themselves, their Heirs, Executors and Administrators, each to the other, in the penal sum of \_\_\_\_\_ finally by these Presents. In Witness whereof, they have hereunto interchangeably set their Hands and Seals the day and year first above written.

*And whereas*, the regulation contained in the twelfth section of the said Act has in some cases been found prejudicial to the public service :

III. *Be it therefore enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, in case it may be found necessary, to authorize any Commissioner of Roads, hereafter to be appointed, to superintend the expenditure of a larger sum of Money than Five Hundred Pounds, any thing in the said Act contained to the contrary notwithstanding.

Governor and Council may authorize expenditure of more than £500 by one Commissioner

### CAP. XXX.

## An Act for dividing the Parish of St. Paul, in the Township of Halifax.

Preamble

**WHEREAS**, the Parish of St. Paul now comprehends a large extent of Land, which has become very inconvenient on account of its great extent, and the increase of its inhabitants. *And whereas*, a number of the inhabitants of the said Township have erected, built and finished, a Church, which they have called or named St. George's Church, for the celebration of Divine Service, according to the rites and ceremonies of the Church of England, in which a Minister of the said Church, regularly ordained and licenced, now officiates; and at which a large Congregation of the inhabitants of the said Township regularly attend Divine Worship :

*And Whereas*, the Venerable Archdeacon Robert Willis, D. D. the present Rector of the said Parish of St. Paul, has voluntarily relinquished all claim he might have to any compensation on account of so considerable a diminution of his parishioners, and has, so far as he is interested in the premises, most willingly consented to the said division, as a measure advantageous to the inhabitants of the intended Parish of St. George :

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That all the land, lying within the said Township, and bounded as follows, that is to say: beginning at a point on the western shore of the Harbour of Halifax, directly opposite to the centre and eastern end of the Street or Lane, called Jacob's Street, which is the Southern boundary line of the North Suburbs of the Town of Halifax, and running from said Point Westerly, along the centre line of said Street to the end thereof; and from thence the same direct course, until it comes in a range with the centre of Upper Street, and on Brunswick Street, thence northerly along the centre line of Brunswick Street, until it comes to the centre of the Eastern termination of the Public Street which leads along the

Boundaries of St. George's Parish

the North side line of the Northern Barrack Square into the Common, thence West-ly along the centre line of said Street, until it strikes the Eastern line of said Common, thence following the courses of said Common line, northerly and westerly to the end thereof; and from thence to run westerly along the centre of the Public Road, leading in front of the Buildings and premises of the late James Romans, until it meets the centre of the Public Road from Halifax to Brehm's Farm, thence to follow the centre line of said Road northerly and westerly, by Brehm's Farm, until it strikes the centre of the Bridge over Smelt Brook, at the head of the North West Arm, from thence to run West ten miles, thence North until it strikes the Southern side line of Sackville Parish and the northern side line of Halifax Township, thence easterly along said line, to the Shore of Bedford Bason, and to be bounded easterly and southerly by the Shores of Bedford Bason and the Harbour of Halifax, to the place of beginning; all which described Land shall hereafter be the Parish of the said Church, now commonly known by the name of St. George's Church; and all the lands lying within the limits before described, (except the glebe lands, and all other property belonging to the said Church of Saint Paul) shall hereafter be separated from the said Parish of Saint Paul, and be a Parish, hereafter to be known and called the Parish of Saint George.

II. *And be it further enacted,* That it shall and may be lawful for the people residing within the said District, to meet for the choice of Church Wardens and Vestry-men, and all other Parish officers, which choice shall be made yearly, and at the same time and in the manner as is by law already prescribed, for the said Parish of St. Paul, and all meetings, powers and proceedings, of the Parishioners, Church Wardens, and Vestry, and Parish Officers of the said new Parish of St. George, shall be according to the rules and regulations set forth for the said Parish of St. Paul, in an Act, entitled, An Act in addition to an Act for the establishment of Religious Public Worship in this Province, and for suppressing of Popery; and the Minister or Rector of the said Parish of St. George, the Parishioners, Church Wardens, Vestry-men and Parish officers, are hereby powered to act in the same manner, and with the same power, in all cases, as is prescribed in said Act, and all other Acts, made for the said Parish of St. Paul, in addition to, alteration or amendment of, the same.

People may meet to choose Church officers

as provided for by Acts relating to Parish of St. Paul

III. *And be it further enacted,* That the said Church and Building, so called St. George's Church, with the lot of land on which the same now stands, and the Burying-Ground belonging to said Church, with the Buildings thereon, commonly called and known as the Dutch Burying-Ground, and the lot of Land granted to said Church, for the purpose of erecting thereon a Parsonage House, with all the Buildings thereon, and the lot of Land, situate in the North Suburbs, described Letter E. number Three, measuring one hundred feet front, and two hundred and fifty feet deep, purchased for St. George's Church in the year 1776, shall, after passing this Act, vest in the Church Wardens and Vestry of the Parish of St. George, to be by them held in their corporate capacity forever hereafter in fee simple, for the use and benefit of the Minister or Rector and Parishioners of said Church, and for the support and maintenance of the Church Establishment of said Parish, and for no other use, intent or purpose, whatsoever; any deeds, grants, trusts or conveyances heretofore made, to the contrary thereof notwithstanding.

Church and Church property to be vested in the Church Wardens and Vestry—

for use of Rector, Parishioners and Church Establishment

IV. *And be it further enacted,* That the said Church, and the lands thereunto belonging, as aforesaid, shall not be held liable to any mortgage, debt, charge or incumbrance, whatsoever, now existing, and the debts now due from the said Congregation, or which may hereafter become due, shall be liquidated, settled and paid, by the Church Wardens and Vestry of said Parish, out of the parish rates and assessments, or other income of said Church, and on no account shall be made an incumbrance or charge on the Real Estate belonging to the same.

Church not liable for debts now existing—

to be paid by assessments and other Church income

*And whereas,* it will be attended with present difficulty and inconvenience, if the Inhabitants of the new Parish, who hold pews in the Church of Saint Paul, should be obliged to contribute and pay for the support of the said new Church of Saint George:

Preatable

V. *Be it further enacted,* That, for and during the space of twenty years, to be computed from the first day of January last past, the person or persons hereinafter named, that

Residents in St George's holding Pews in St Paul's not to be taxed in St. George's

that is to say—David Shaw Clarke, William Milward, Ann Creighton, Elizabeth Mason, Elizabeth Herd, Ann Hughes, Mary Wood, John A. Veith, Walter C. Wilkie, Elizabeth Tucker, James Collupy, John W. Madden, Daniel Norwood, William Fennerty, Robert Whiston, Frederick Major, William Wells, Mary-Ann Burroughs, John Douglas, A. F. Jones, George Damerum, Joseph Winniett, Adam Grieve, Thomas Maynard, Henry Linart, being Inhabitants of the new Parish of Saint George, each of whom now holds a pew, or a part or share of a pew, in the said Church of Saint Paul, shall not be taxed, or held liable to pay any rate or assessment, for the support of the said Church of Saint George; and the said persons so named, and their families, although they do not dwell within the Parish, shall nevertheless, be assessed and pay towards the support of the said Church of Saint Paul, during the same period of twenty years, the same as heretofore, in case they severally continue so long to hold a pew or part of a pew, in the said Church of Saint Paul. And so in like manner, all persons hereinafter named, that is to say—Andrew Smith and Brothers, John Tryder, Richard John Uniacke, Junior, Beamish Murdoch, Anthony H. Holland, Phillip Holland, Mrs. Thomas Smith, Mrs. Roxby, Nicholas LeCain, Mrs. D. Clarke, Rebecca Miller, George Jost, Andrew Bauers, Thomas Bauers, George Thresher, Frederick Rhalves, William Carritt, Mrs. — Mosher, Henry Lockyer, Edward Knickle, Henry Gruber, James Walsh, Henry Spike, Mrs. — Harvey, Joseph Marchington, George Hughes, James Carter, Robert Grover, John Sheffer, and Daniel Sheffer, William Muncey, John Room, Mrs. — Evans, James Stratton, Henry Brehm, Mrs. — Walker, George Hoskins, Clement H. Belcher, Thomas McKie, Edward Longard, George Haverstock, Andrew Fulmer, who now hold pews, or parts of pews, in the said Church of Saint George, and who are Inhabitants within that part of the Township of Halifax, which still remains as the Parish of Saint Paul; such persons, if they continue during the said period of twenty years, by themselves or families aforesaid, to hold pews, or part of pews, in the said Church of Saint George, shall not be taxed, or held liable to pay any rate or assessment for the support of Saint Paul's Church, but shall, notwithstanding they are Inhabitants of the said Parish of Saint Paul, be assessed, and pay for the support of the said Church of Saint George, in the same manner and form as they would be liable, in case they actually were Inhabitants of the said new Parish of Saint George.

Residents in St. Paul's holding Pews in St. George's not to be taxed for St. Paul's

Appointment of Rector in case of vacancy

VI. *And be it further enacted*, That whenever a vacancy shall take place in the office of Rector of the said Parish, the Governor, Lieutenant-Governor, or Commander in Chief for the time being, having first received the representations of the Congregation on the subject of their interests, and being made acquainted with their wishes and inclinations, shall name to the said Congregation the person intended to be presented to the Rectory of the said Parish; and it shall be lawful for the said Governor, Lieutenant-Governor, or Commander in Chief, within fourteen days after such nomination, if he shall think fit to present the person so named to the Rectory of the said Parish, or otherwise to nominate some other fit and proper person as Rector of the same; and to cause the person so presented, to be instituted and inducted, as the Rector of said Parish; any law, usage or custom to the contrary notwithstanding.

Preamble

*And whereas*, the debts now due from the said Church of Saint George, amounting to seven hundred pounds, which, together with the expence of rebuilding the Parsonage-house, has put it out of the power of the Congregation for the present, to make any permanent allowance to their Minister:

Half the Pew rent to be paid to the Rector after the existing debts are paid

VII. *Be it therefore enacted*, That from and after the expiration of ten years from the passing of this Act, or sooner if the said debt shall be paid and discharged before the said ten years, the Church Wardens and Vestry of the said Parish, shall yearly and every year pay to the Rector or Minister of the said Parish, one half part of all rents arising from the pews of said Church, and also such further part of the said rents as the Parishioners shall think proper to vote at any Parish meeting.

## CAP. XXXI.

**An Act in amendment of an Act, entitled, An Act for establishing a Bridewell, or House of Correction, for the County of Halifax, and for the better and more effectual administration of the office of a Justice of the Peace in the Township of Halifax, and for providing a Police Office in said Town, with proper Officers to attend the same.**

First clause of this Act executed. Mr. Pyke is now deceased

**WHEREAS** it is enacted, by the before in part recited Act, that it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, to appoint, from among the Justices of the Peace for the County of Halifax, three fit and proper persons, one of whom, in his capacity as a Justice of the Peace, for the said County, shall diligently attend daily at the Public Police Office in the Town of Halifax, as a Police Magistrate, for which service there shall be paid to such Justice, who shall daily attend at such Office, for each and every day of his attendance as aforesaid, the sum of eleven shillings and eight pence per diem.

Preamble

*And whereas*, John George Pyke, Esquire, the present Police Magistrate in the Town of Halifax, hath, during nearly fifty-five years, actively discharged the duties of a Magistrate in the County of Halifax, and many other public services; and, since the establishment of a Police Office, the duties of a Police Magistrate :

*And whereas*, it is expedient that the said John George Pyke should, from his length of service, and his advanced period of life, enjoy retirement :

**I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That** the said John George Pyke shall, for and during his natural life, enjoy the aforesaid sum of eleven shillings and eight pence per diem, without being compelled to give his daily attendance at the said Police Office.

Allowance to J. G. Pyke for life

**II. And be it further enacted, That**, after the death of the said John George Pyke, it shall and may be lawful for the Lieutenant-Governor to appoint one fit and proper person to discharge the duties of Police Magistrate in his room.

Appointment of Police Magistrate on his death

**III. Provided always, and be it further enacted, That** no part of the said allowance to the said John George Pyke, or any other person, or any other expense now or hereafter to be incurred, in the carrying into effect this present Act, or any other Act respecting the establishment and support of the Police at Halifax, shall be paid out of the general funds of the Province, but the same shall be raised in the manner provided by the ninth section of the Act, to which this Act is in addition and amendment.

No part of Police expense to be paid by Province

## CAP. XXXII.

**An Act in amendment of, and in addition to, an Act, passed in the thirty-sixth year of His late Majesty's Reign, entitled, An Act to regulate Juries.**

Amends 36, Geo. 3, C. 2. See also 8, Wm. 4, C. 51

**WHEREAS**, great inconveniences have arisen from the manner in which the Grand and Petit Juries are now returned for the Supreme and Inferior Courts, and Courts of Quarter Sessions, held at Halifax, under the Act passed in the thirty-sixth year of the Reign of His late Majesty, entitled, "An Act to regulate Juries," whereby such Juries are directed to be returned and summoned from the Town and Peninsula of Halifax only; *and whereas*, it is just and expedient that all the inhabitants within the vicinity of the said Town should attend as Grand and Petit Jurors at the said several Courts :

Preamble

**I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That**

E

hereafter

Jurors within  
15 miles of  
Halifax to  
be summoned

hereafter the Sheriff of the County of Halifax, shall make a return in the manner by said Act prescribed, of all persons, duly qualified and not exempted by Law, who shall be resident at any place within fifteen miles of the said Town of Halifax, to serve as Grand Jurors and Petit Jurors, at the Supreme and Inferior Courts and Courts of Quarter Sessions, hereafter to be held at Halifax.

Fines for non-attendance

II. *And be it also enacted*, That all and every such person or persons, who shall hereafter be so duly returned and summoned as aforesaid, shall be liable to the same fines and penalties for non attendance at any such Court or Courts, as Grand and Petit Jurors within said Town and Peninsula have heretofore been subject to, for such non attendance, by any Act of this Province now in force.

### CAP. XXXIII.

Amends 32d.  
Geo. 2d. C. 5,  
See also 11,  
Geo. 4. C. 1.

**An Act in further addition to, and amendment of, an Act passed in the thirty-second year of the Reign of His late Majesty King George the Second, entitled, An Act for the Establishment of Religious Public Worship in this Province, and for suppressing Popery, and to repeal the third Section of an Act, entitled, An Act for relieving His Majesty's Subjects, professing the Popish Religion, from certain penalties and disabilities imposed on them by the Act of the General Assembly of this Province, made in the sixth year of His present Majesty's Reign, entitled, An Act concerning Schools and Schoolmasters.**

Preamble

**WHEREAS**, all persons within this Province, professing the Roman Catholic Religion, have been for several years past relieved from the restrictions and disabilities heretofore imposed upon them, by the Laws of this Province, and are now allowed to build Churches, and their Clergy permitted to celebrate Divine Worship therein, according to the rights and ceremonies of the Church of Rome :

Privileges enjoyed by Dissenters extended to Roman Catholics

I. *Be it enacted*, That all the exemptions and privileges which are conferred upon Protestant Dissenters, by the second Section of the Act of which this Act is an amendment, shall be conferred upon, and enjoyed by, all Roman Catholics, residing within this Province, any law, usage or custom, to the contrary notwithstanding.

Preamble

*And whereas*, it is expedient, that the said Roman Catholics should be relieved from the disabilities imposed on them, by the third section of an Act, made and passed in the twenty-sixth year of His late Majesty's Reign, entitled, An Act for relieving His Majesty's Subjects, professing the Popish Religion, from certain penalties and disabilities imposed on them, by the Act of the General Assembly of this Province, made in the sixth year of His present Majesty's Reign, entitled, An Act concerning Schools and Schoolmasters :

3d. Sec. 26,  
Geo. III, Cap.  
1, repealed

II. *Be it therefore further enacted*, That the said third Section of the said Act, passed in the twenty-sixth year of His late Majesty's Reign, entitled as aforesaid, and every thing in said Section contained, shall be, and the same are hereby, altogether repealed.

### CAP. XXXIV.

Repealed by  
5, Wm. 4, C.  
15.

**An Act in further amendment of an Act to regulate the Jurisdiction of the Inferior Court of Common Pleas, within the County of Cape-Breton, and to fix and establish the times and places for holding of the said Inferior Court and General Sessions of the Peace, in and for the said County.**

At the **GENERAL ASSEMBLY** of the Province of Nova-Scotia, begun and holden at Halifax, on Thursday, the Thirty-first day of January, 1828, in the Ninth Year of the reign of our Sovereign Lord **GEORGE** the Fourth, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, **KING**, Defender of the Faith, &c. &c. &c. being the Second Session of the Thirteenth General Assembly, convened in the said Province.\*

\* In the time of Sir **JAMES KEMPT**, Knight Grand Cross of the Most Honorable Military Order of the Bath, Lieutenant-Governor; **S. S. Blowers**, Chief-Justice and President of the Council; **Samuel George** William Archibald, Speaker of the Assembly; **Sir Rupert D. George**, Bart. Secretary of the Council; and **John Whidden**, Clerk of the Assembly.

### CAP. I.

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

Executed

VIII. *And be it further enacted*, That the sum of 300l. annually, for five years, be granted, and placed at the disposal of His Excellency the Lieutenant-Governor or the Commander in Chief for the time being, for the encouragement of a Line of Stage Coaches, proposed to be run between Halifax and Kentville, and Annapolis and Kentville, by **James D. Harris**, **Caleb H. Rand**, **James Tobin** and **George N. Russell**, Esquires, and others, associating together for that purpose, or, in case of their failing to carry that object into effect without delay, then by such other person or persons as His Excellency may see fit to license, for that purpose, for the time above mentioned, or any part thereof: the money to be drawn from the Treasury, and the respective payments to be made at the end of each year, to the parties running such Line, upon its appearing, to the satisfaction of His Excellency, or the Commander in Chief at the end of the year, that the Line had been advantageously kept up during the year; that the Coaches had been run with, at least, four Horses each, three times a week, from Halifax to Kentville, through Windsor, and so in return, and from Kentville to Annapolis, and back again, each three times weekly; and that the time employed in performing the Journeys from Halifax to Kentville, and from Annapolis to Kentville, and so in returning, has not, in general, exceeded Sixteen Hours for each respectively. *Provided*, however, that if His Excellency or the Commander in Chief shall deem fit, he may, from time to time, during said term or any part thereof, remit one of the said Weekly Journeys for the whole or any part of the Line between Halifax and Annapolis, without prejudice to the said annual payments. *Provided also*, That they carry the Mail to and from the said places mentioned, if required, at one third of the sum now paid annually for the carriage of the same.

This clause printed, grant being continued with alterations, see 1. Wm. 4. C. 1. 2d. Wm. 4. C. 1. 3d. Wm. 4. C. 1.

## CAP. II.

Expired

## An Act for Aiding and Assisting Common Schools throughout the Province.

For Acts on this subject, see 10. Geo. 4, C. 43, 11, Geo. 4, C. 9, 2, Wm. 4, C. 64, 3, Wm. 4, C. 38, 5, Wm. 4, C. 22.

Appointment of Commissioners—

Amount and description of Notes

Date

Delivery to Treasurer

Oath to be taken by Commissioners

Notes to be paid and received at Treasury and Excise

Printing, and completion of Notes

Quarterly Report of the Gold and Silver in the Treasury

Discharge of Funded Debt of the Province

## CAP. III.

## An Act for Issuing Treasury Notes, and Cancelling those now in circulation.

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief for the time being, to appoint three fit and proper persons as Commissioners, to issue Treasury Notes, to an amount not exceeding Forty Thousand Pounds, in Notes of Twenty Shillings each; which said Notes shall be indented and impressed with the words "Nova-Scotia," signed by the Treasurer of the Province, and countersigned by not less than two of the Commissioners, and in such form, figures and words, as the said Commissioners shall direct; all which Notes shall be dated on the first day of the Month in which the same are issued, and, when so completed and signed, shall be delivered to the Treasurer, in such sums as the Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall by Warrant direct, by the persons appointed to countersign the same, and the Treasurer shall be accountable for such Notes so delivered to him.

II. *And be it further enacted*, That the said Commissioners, so to be appointed as aforesaid, before they enter upon the duties imposed by this Act, shall respectively take and subscribe before any one of His Majesty's Justices of the Courts of Record in this Province, the following oath: I, A, B, do swear, that I will well and faithfully do and perform what I am directed and empowered to do as a Commissioner, to issue Treasury Notes, under an Act, entitled, An Act for issuing Treasury Notes and Cancelling those now in circulation; and that I will not knowingly sign any more or greater amount of Treasury Notes, than I am authorised to do under the said Act, so help me God: which affidavit shall be filed in the office of the Secretary of this Province.

III. *And be it further enacted*, That when and so often as Money shall become due and payable by virtue of any Act or Acts already passed, or that may be passed during the present Session of the General Assembly, and Warrants for the same are produced for payment to the Treasurer of the Province, he shall pay the amount of such Warrants, on demand, in the said Notes, to the person or persons entitled to receive the same; which Notes shall be again received at the Treasury, and also taken by the Collectors of Impost and Excise, for the several Districts in this Province, at the specified value, equal to the like value in Gold and Silver, when and as often as the same are presented and offered in payment of Duties.

IV. *And be it further enacted*, That the Treasurer of the Province, together with the Persons appointed to countersign the said Notes, are hereby empowered to contract for, and superintend, the printing, and completing the Blanks of such Notes, as are directed to be issued by virtue of this Act.

*And whereas*, it is expedient to reduce the Funded Debt of this Province:

V. *Be it therefore enacted*, That the Treasurer of the Province shall, in the first ten days of the Months of January, April, July and October, in every year, report to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, the amount of Gold and Silver in the Treasury; and thereupon, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, as soon thereafter as may be, by Warrant to be directed to the Treasurer, to order and direct such Gold and Silver, to such extent, as to the said Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall appear prudent and expedient, to be paid and applied towards the satisfaction and discharge of so much of the Funded Debt of the Province, and upon such

such Loan Certificates, and in such order and manner, as the said Governor, Lieutenant-Governor or Commander in Chief for the time-being, shall deem proper; and the holders of the Loan Certificates, on which payments shall be made, shall also be paid by the Treasurer Interest for three Months, on the amount paid to them respectively, unless Three Months previous notice shall have been given to such holders.

VI. *And be it further enacted*, That the Treasurer of the Province shall, from time to time, as the Notes now in circulation, or issued under this Act, come into the Treasury, deliver and pay over to the said Commissioners, for the amount of the new Notes to be from time to time delivered by them to him, under this Act, an equal sum or amount of such Notes now in circulation, or hereafter to be issued, as shall be defaced, or entitled to Interest; and the said Commissioners shall, and they are hereby directed to cancel, in the usual manner, Notes so delivered to them by the Treasurer.

Substitution of new Notes for old

*Provided always*, That there shall not at any time be in Circulation, a greater sum than Forty Thousand Pounds, under the operation of this or any former Acts.

Amount of Notes in circulation limited

VII. *And be it further enacted*, That if any person or persons whosoever, shall counterfeit any Treasury Note or Notes, issued by virtue of this Act, or of any former Act of the General Assembly, or alter any of the same, so that they shall appear to be of greater value than when originally issued, or shall knowingly pass and give in payment any of the said Notes so counterfeited or altered, every person convicted thereof shall be imprisoned for a term not exceeding seven years in the Bridewell, and there kept at hard labour, and shall pay all charges of the prosecution.

Counterfeiting Notes

VIII. *And be it further enacted*, That if any person or persons shall feloniously steal, take, or carry away, any Treasury Note or Notes heretofore issued, under any former Act or Acts, or hereafter to be issued under this Act such person or persons shall be deemed and taken to be guilty of the same offence as if such person or persons had stolen, taken and carried away, so much Money as the value expressed on the face of the Treasury Note or Notes so stolen, taken or carried away, shall or may be.

Stealing Notes

IX. *And be it further enacted*, That the provisions of this Act, shall be substituted for, and be in lieu of, the Act, made and passed in the second year of His present Majesty's Reign, entitled, An Act to authorize the Cancelling of Treasury Notes, and to issue others in lieu thereof: and of the Act passed in the seventh year of His present Majesty's Reign, entitled, An Act to authorize the further issuing of Treasury Notes, and Cancelling those heretofore issued, and of all other Acts, previous thereto, touching the issuing and cancelling Treasury Notes, save and except the Acts authorizing the establishment of Loan Offices in King's County and Annapolis; and all further proceedings under the said first mentioned Acts shall henceforth cease and determine.

This Act substituted for 2, Geo. 4, C. 4, 7, Geo. 4, C. 14, and other Acts respecting Treasury Notes except as to Loan Offices in King's and Annapolis

#### CAP. IV.

### An Act for establishing the Lines and Boundaries of several Counties and Districts in this Province.

**WHEREAS**, in pursuance of the Grants heretofore made for running out and marking the boundary Lines of Counties and Districts, several of the said boundary Lines have been already surveyed, ascertained and marked, with proper metes and bounds, which it is requisite to confirm and establish:

Preamble

I. *BE it therefore enacted*, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, with the advice of His Majesty's Council, by Letters Patent, or by any instrument under his hand, duly executed, to confirm the several Lines and Boundaries of the several Counties and Districts which are already surveyed, or which may hereafter be surveyed, pursuant to any grant of money for that purpose, or any direction of the General Assembly.

Confirmation of Lines and Boundaries of Counties and Districts

II. *And be it further enacted*, That the Limits, Lines and Boundaries, of any County

Lines and Boundaries confirmed, shall be judicially noticed

ty or District so confirmed as aforesaid, shall, from and after such confirmation, be judicially noticed, known and taken, to be the Limits, Lines and Boundaries, of such Counties and Districts respectively.

### CAP. V.

This Act amended by 10, Geo. 4, C. 10.

## An Act to exclude ignorant and unskilful Persons from the practice of Physic and Surgery.

No man to recover any reward for Medical or Surgical aid without a Diploma from some College, &c. or having been examined by Judges to be appointed by Governor

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication of this Act, it shall not be lawful for any Man, unless qualified as hereinafter provided, to demand or recover any fee or reward, directly or indirectly, for curing, or attempting to cure, any disease, or the performance of any Surgical operation whatever; and that any person who shall previously have obtained a Diploma, or other authentic and sufficient Testimonial from some College or other Public Institution, legally authorised to grant the same, and where the same shall be usually granted, shall be deemed and adjudged to be duly qualified as aforesaid; and that any other person who shall have been carefully examined by competent Judges, to be named and appointed by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and upon their report shall have received a License under the hand and seal of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, for that purpose, shall also be deemed and adjudged duly qualified for the profession and practice of Physic or Surgery, or both, as may be specified and expressed in such License.

Military and Naval Surgeons excepted

**II.** And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to any Physician, or Surgeon, appointed by Commission or War-rant to serve in any Garrison, or Military Corps, or in His Majesty's Naval or Military Forces, being within the limits of this Province.

### CAP. VI.

## An Act concerning Religious Congregations and Societies.

Preamble

**WHEREAS**, for the promotion of Religion and Piety in this Province, and for remedying the inconveniences under which divers Congregations and Societies of Christians now labour, in regard to the tenure, management and disposition, of the Lands, Monies and Chattles, to them for religious purposes belonging; and in regard to the management of their affairs, respectively, it is expedient to confer upon them the powers and privileges in this Act contained:

Not less than twenty persons may by Deed or Writing form Congregation—with suitable name declaring place where established and peculiar Sect

**I.** Be it therefore enacted, That, when and so often as any number of Persons in this Province, not less than Twenty, who are capable of legally contracting, shall intend to form themselves, under the authority of this Act, into a Society or Congregation of Christians for Religious Public Worship, and the performance of their peculiar Rites and Ceremonies, to avail themselves of the benefits of this Act, it shall and may be lawful for such Persons, by Deed or Writing, under their respective Hands and Seals, duly executed in the presence of two or more Witnesses, and to be entered in a proper Book for this purpose to be provided, to declare and constitute themselves, and each and every of them, members of a Congregation of Christians for Public Worship, and other religious purposes, and in such Deed or Writing to adopt a suitable name or designation for such Congregation, and to declare the place where the same is established, and the particular Sect, Denomination or Persuasion, of Christians, with whose Doctrines, Rites, Ceremonies, Belief and Religious Observances, such Congregation is connected, or which the Persons constituting the same, principally observe or adopt—and further, to

name

name and designate any two or more Persons, being Members of the said Congregation, to be the Trustees thereof, and to give to such Trustees a name of Office, and likewise, to describe and set forth in such Deed or Writing, by Metes and Bounds, the particular situation and description of all Lands and Tenements conveyed to the said Congregation, or any Person or Persons in Trust for the same, or there held and enjoyed by such Congregation, either for the Scite of their Church, Chapel or Place of meeting for Public Worship, or for Places of Interment, or for the House, Manse or Residence of the Pastor, Minister or Clergyman, of such Congregation, or for and as a Glebe, or for the support and maintenance of the said Congregation and the Ministers, Officers and Members thereof, or in aid or support of other lawful objects, connected with such religious establishments; and moreover, to declare and set forth, in such Deed or Writing, so much and such parts of the Constitution of the said Congregation or Society, as the Parties to such Deed or Writing shall think proper; but particularly, the mode by which future Members can or may be admitted in such Congregations, and by whom the right of voting at its meeting shall be enjoyed, and how the votes of the Members shall be ascertained and given, and the manner in which all vacancies in the Trust shall be from time to time supplied.

appointing  
Trustees with  
name of office

describing  
Lands, &c.

and Constitu-  
tion of Con-  
gregation.

II. *And be it further enacted,* That the Deed or Writing so to be executed, shall be registered on the oath of the subscribing Witnesses, in the office of the Registrar of Deeds, of the County or District where the Congregation is established, and in like manner as other Deeds, and the Registry thereof shall be certified, by the Registrar, upon the said Deed or Writing.

Deed, &c. to  
be registered

III. *And be it further enacted,* That after the Registry of such Deed or Writing, all the Lands and Tenements therein described, with their respective appurtenances, and all other Lands and Real Estate granted or conveyed to the said Congregation, or any persons in trust therefor, or for all or any of the aforesaid objects and purposes thereof, saving nevertheless, the estate, right, and interest, whatsoever, therein, of any person not claiming as or under any Trustees of any such Congregation, and also all monies, goods, chattels and effects whatsoever, and all securities for money, or other obligatory instruments, evidences, muniments, and all other effects whatsoever, and all rights, or claims, belonging to, or had by, such Congregation or its Trustees, shall be and become absolutely the property of such Congregation, and be and become vested in the Trustees named in such Deed or Writing for the time being, for the use and benefit of such Congregation; and, after the death or removal of any Trustee or Trustees, shall vest in the succeeding Trustee or Trustees, for the same estate and interest as the former Trustee or Trustees had therein, and subject to the same Trust, without any assignment or conveyance whatsoever, except the transfer of Stock or Securities in the Public Funds.—And also shall, for all the purposes of Action or Suit, as well criminal as civil, at Law or in Equity, in anywise touching or concerning the same, be deemed and taken to be, and shall in every such proceeding, when necessary, be stated to be, the property of the persons appointed to the Office of Trustees of such Congregation for the time being, by their name of office, designated in such Deed or Writing as aforesaid.

Property vested  
in Trustees  
after registry—

on death of  
Trustees in suc-  
ceeding Trust-  
tees

IV. *And be it further enacted,* That such Trustees shall, and they are hereby respectively authorized, in their name of office, to bring or defend or cause to be brought or defended, any action, suit or prosecution, criminal as well as civil, in Law or Equity, touching or concerning the Lands, Real or Personal Estate, Debts, Claims, Rights and Property, of the said Congregation; and such Trustees, by their said name of Office, shall and may in all cases concerning the respective Lands, Real or Personal Estate, Debts, Claims, Rights and Property, of such Congregation, sue and be sued, implead and be impleaded, as Trustees, under their designation of office, and no such Suit, Action or Prosecution, shall be discontinued or abate, by the death of such Trustees, or any of them, or by their respective removal from office; but the same shall and may be proceeded in by the succeeding Trustees respectively, any Law, usage or custom, to the contrary notwithstanding; and the Trustees for the time being shall pay or receive the like monies, costs and expenses, as if the Action or Suit had been prosecuted in the names of those who shall be Trustees at the time of the award thereof, and for the benefit of, or to be reimbursed from, the funds of such Congregation.

Trustees may  
sue or be sued  
in their name  
of office

Suit not to a-  
bate by death  
of Trustees

V.

Amount of  
Real and Per-  
sonal Estate to  
be enjoyed by  
Religious So-  
cieties

V. *And be it further enacted*, That it shall and may be lawful for every Congregation established under this Act, to have, hold, receive, take and enjoy, in the names of the Trustees thereof, Lands, Tenements and Real Estate whatsoever, to any amount not exceeding the yearly value of Two Thousand Pounds; and also all Monies, Securities for Money, Goods, Chattels and Effects, Legacies and Bequests, to any amount, not exceeding in the whole at any one time Ten Thousand Pounds, and such real and personal Estate, to use, apply, sell, lease or dispose of, as to the said Congregation shall appear expedient.

Meetings of  
Religious So-  
cieties, and  
powers vested  
in them

VI. *And be it further enacted*, That it shall and may be lawful for the Members of every such Congregation to meet together at any time or times when they shall think proper, and at such meetings, by the votes of the majority of Members present, to make, establish, and put in execution, all such rules and regulations as to the majority of the members shall appear necessary for declaring and establishing the Constitution and Government of the Congregation, and such rules and regulations to change, alter and amend, as they shall think proper; and also to choose Trustees to supply any vacancy in the Trust, and to remove from office any of their Trustees for the time being; and generally to conduct, manage and superintend, the affairs and business of the Congregation. *Provided always*, That the time and place of meeting shall be duly notified as shall be prescribed by their rules in that behalf, and that some fit person shall be chosen Moderator or Chairman at every meeting; and that all the proceedings thereat shall be duly entered in the Books of the Congregation for that purpose to be provided; and the entries respectively shall be signed by the Person presiding and by the Clerk of the Meeting, and proof of such entry so signed, shall be deemed sufficient evidence of such proceedings and of the regularity of the Meetings respectively.

Notice of Meet-  
ing

Chairman at  
Meeting and  
entries of pro-  
ceeding

Persons admit-  
ted Members of  
Congregation  
to sign Deed

VII. *And be it further enacted*, That every Person admitted a Member of the Congregation after the Registry of the Deed or Writing aforesaid, shall execute the same in the presence of two witnesses, before he shall be deemed a Member thereof.

Property here-  
tofore held by  
Religious So-  
cieties

VIII. *And be it further enacted*, That all Lands, Tenements and Real Estate, which, at the formation of any Congregation under this Act, shall be held in trust for the same Society, Church or Congregation, by any Persons whomsoever, shall and may, by such Trustees, or by the survivors of them, or by such of the said Trustees as then remain in this Province, be for the like Estate and Interest, whereof such Trustees are seized, granted, conveyed and transferred unto, and to the use of, the Trustees named in such Deed or Writing, by their names of Office, or to their Successors, and, upon such conveyance being made and registered, all the Estate, Right, Title and Interest, of the original Trustees or the Survivors of them and their Heirs, shall absolutely vest in, and become the Estate and Property of, the said Congregation, and as fully and effectually as if all the original Trustees had joined in the said Conveyance.

Real Estate to  
be disposed of  
by vote of Con-  
gregation

IX. *And be it further enacted*, That, by the vote and direction of the majority of the subscribing Members of any Congregation, present at any lawful Meeting, the Trustees for the time being shall, and they are hereby required and empowered to grant, sell, mortgage, lease or convey to such Purchaser or Purchasers, or other Persons, and for such price, sums, rents or terms, as by the Meeting shall be agreed on, any Lands or Real Estate of the Congregation, which its Members shall think proper to sell, mortgage, lease or dispose of; and every such Deed, Mortgage, Lease or Conveyance thereof, executed by the Trustees for the time being, in their names of Office, and signed by the Chairman or Moderator of the Meeting, which shall order the sale, mortgage or other disposition, shall be sufficient and valid in Law, to convey to the Grantee, Mortgagee, Lessee or Purchasers, respectively, either in perpetuity or by way of mortgage or of lease for years, or otherwise, as the case may be, all such Estate, Title and Interest therein, as the said Congregation, or the Trustees thereof had, held, or was entitled to, in, to, or out of such Real Estate, with the appurtenances, so granted, mortgaged, demised or disposed of, or as the said Congregation designed, by such Deed, Mortgage, Lease or Conveyance, to vest in the Grantee, Mortgagee or Lessee, named therein.

Deeds to be  
signed by Trus-  
tees and Chair-  
man—to con-  
vey title and  
interest of Con-  
gregation

Contracts with  
Ministers

X. *And be it further enacted*, That under the order and direction of any Meeting of the Congregation, the Trustees shall, and they are hereby empowered to enter into

contracts

contracts and agreements in Writing, with any Clergyman, Minister or Pastor, whom the Congregation shall think proper to select for, and appoint to, the Spiritual Charge of the said Congregation, and for such periods and times, and at such Salary and Stipend, as shall be agreed on in these particulars.

XI. *And be it further enacted,* That the Moderator and Trustees of any such Congregation, who shall have agreed with and settled any Minister, Pastor or Clergyman, shall, without delay, cause the execution of every such Contract or Agreement to be duly proved, by the oath of one of the subscribing Witnesses, and to be registered in the Registry of Deeds for the County or District where such Congregation is established, and thereupon such Person shall be deemed the Settled Minister of such Congregation for the time being.

Agreements with Ministers to be registered

XII. *And be it further enacted,* That the Trustees for the time being, by the vote and direction of the majority of the subscribing Members of any Congregation, and not otherwise, shall, and they are hereby authorized, in all cases where the Funds of the Congregation in their hands or at their disposal shall be inadequate to the discharge of the claims paid or payable by the said Trustees, to sue for and recover a rateable share and proportion from such subscribing Members, to be fixed according to the rules of the Congregation in this behalf established, of such amount or deficiency; and also of all or any other the legal claims of the Trustees against the Congregation, by the distinct and separate suit for their respective rateable proportion or contribution of the whole amount claimed, to be prosecuted against the several and respective surviving and solvent subscribing Members of the said Congregation, or the Representatives of deceased Members, competent and liable to such payment; and every such suit, against such Individual Member or Representatives of a Member, shall and may be prosecuted before such Justice of the Peace or Court as, under the Laws from time to time in force, shall have jurisdiction over Suits for the recovery of simple Contract Debts of the like sum and amount as the Defendant shall be liable to pay and contribute to such Trustees.

Trustees may recover contribution from Congregation to discharge claims—

by separate suit against Members—

to be prosecuted as for other debts

XIII. *And be it further enacted,* That nothing in this Act contained shall extend, or be construed to extend, to change, diminish, impair, or affect the Parishes, Rights, Privileges and Immunities, of the Clergymen, Ministers, Officers and Parishioners, of the Church of England, as by law established in this Province.

Act not to extend to Church of England

## CAP. VII.

### An Act for encouraging the Fisheries of this Province.

Executed

## CAP. VIII.

### An Act for establishing a Public Market in the Town of Pictou.

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Justices of the Peace, resident in the District of Pictou, in the County of Halifax, at their next General Sessions of the Peace, to be held after the publication hereof, for the said District, to procure and fit up a proper place in the Town of Pictou, as a Market House, wherein a Public Market shall be held for the sale of all kinds of Butchers Meat, Poultry, alive or dead, Fish, Roots, Greens, Fruits and other Vegetables, on such days of the week, and during such hours, as the said Justices in their several Sessions shall from time to time appoint; and it shall and may be lawful for the said Justices to appoint the first Market Day, for the opening and establishing of the said Market, from which day, ever after, such Market shall be deemed and taken to be a Public Market.

Public Market House to be established in the Town of Pictou

Appointment  
of Keeper

**II. And be it further enacted,** That it shall and may be lawful for the said Justices, in their General Sessions, from time to time, and at all times, hereafter, to nominate and appoint a Keeper of the said Market-House, who shall be sworn to the faithful discharge of his Office, and shall have the same power and authority as a Constable, in all matters relating to keeping peace and order in the said Market. And the said Justices may from time to time, at their pleasure, remove the said Keeper, and appoint another in his room, and shall regulate and fix the rate or rates of the Stalls or Standings in the said Market; and shall have full power and authority to make and publish such Bye-Laws, from time to time, as may be necessary for the better regulating, governing and ordering, said Market, when established; *Provided*, the same be not repugnant to the Laws of Great-Britain, and this Province. And it shall be lawful for the said Justices to enforce such Bye-Laws, by imposing a Fine, not exceeding the sum of Ten Shillings, for each and every offence. And upon due conviction of any offender, against such Bye-Laws, before any one of His Majesty's Justices of the Peace for the County aforesaid, it shall be lawful for such Justice to cause such Fine to be levied by Warrant of Distress, and sale of the Offender's Goods and Chattles.

Rates of stalls  
or standings

Bye Laws

Penalties

Expense of  
Market to be  
defrayed by  
AssessmentApplication of  
Rents, Fines,  
&c.

**III. And be it further enacted,** That it shall and may be lawful for the Grand Jury of the said District, to raise by presentment, in the usual form, so much money as may be necessary to build, repair and erect, the said Market House; and the Rent of the Stalls and Standings in said Market, together with all Fines and Forfeitures arising in pursuance of this Act, shall be applied to the keeping the said Market House in repair, and to no other use.

## CAP. IX.

Amends 7.  
Geo. 4, C. 15

**An Act in amendment of the Act to enable the Trustees of the Common of Lunenburg to lease the same for the improvement thereof.**

Preamble

**WHEREAS**, it is expedient to extend the term for which the Trustees mentioned in the Act, passed in the seventh year of His present Majesty's Reign, entitled, An Act to enable the Trustees of the Common of Lunenburg, to Lease the same for the improvement thereof, are enabled by the said Act to make Leases of the said Common, or of any part or parts thereof:

Term of leases  
extended to  
ninety-nine  
years

**I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,** That instead of the term of Ten Years, mentioned and expressed in the said Act, it shall and may be lawful for the said Trustees to make Leases of such parts of the said Common as they may think proper, for any term or terms, not exceeding ninety-nine years, any limitation in the said Act contained to the contrary notwithstanding. *Provided always*, That the said Leases shall be made in all other respects conformable to the provisions contained in the said Act, of which this is an amendment. And that nothing herein contained shall extend or be construed to extend, to alter any other of the regulations respecting the said Leases, in the said Act contained, but such regulations and provisions shall be of the same force and effect with respect to Leases made, or to be made, under this Act, as if the said Leases had been made under and by virtue of the said Act whereof this is an amendment.

## CAP. X.

Expired

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

## CAP. XI.

**An Act to provide for the Regulation and Management of the Grammar School or Academy, at Annapolis,**

Continued and amended by 4, Wm. 4, C. 19

**WHEREAS**, a Building has been erected at Annapolis, to be used as a Grammar School or Academy :

Preamble

**I. Be it enacted**, That it may and shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to nominate and appoint three fit and proper Persons to be Trustees of the same, during pleasure, who shall have power to take charge of the Property appertaining to the same, appoint a Master or Masters of the same, and make Rules and Bye-Laws for the regulation of the same: *Provided always*, That no Rule or Bye Law, nor alteration of them, shall have effect, until it has received the approbation of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, under his hand in writing.

Appointment of Trustees

Powers of Trustees

**II. And be it further enacted**, That all such Rules, Bye-Laws, or alteration of them, shall be transmitted to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, for his approbation of the same, within one month from the time of their being made.

Bye Laws to be transmitted to Governor

**III. And be it further enacted**, That it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to replace all vacancies among such Trustees, and to give instructions for their guidance.

Vacancies among the Trustees

**IV. And be it further enacted**, That the Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall be the Visitor of the said School or Academy, with all the powers exercised by Visitors of similar Institutions in Great-Britain.

Visitors

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

Continuation of Act

## CAP. XII.

**An Act to alter and continue the Acts now in force, relating to Trespasses.**

Continued by 4, Wm. 4, C. 8

**BE it enacted**, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the third year of His present Majesty's Reign, entitled, An Act for consolidating and reducing into one Act, all the Acts heretofore made, relating to Trespasses; and also, an Act, made and passed in the Fourth and Fifth Years of His present Majesty's Reign, to alter, amend, and continue the said first mentioned Act: and every matter, clause and thing, in the said Acts contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 3d Geo. 4, C. 32, and 4 and 5, Geo. 4, C. 8, continued

*And whereas*, the Notice required by the second Clause or Section of the said first mentioned Act, passed in the third year of His present Majesty's Reign, has been found too long, and tends to produce injury to the Proprietors of Fields, mentioned in such Clause :

Preamble

**II. Be it therefore enacted**, That it shall and may be lawful to and for any Fence Viewer or Fence Viewers, to proceed as in and by the said Clause or Section of the said Act is required and directed, upon Three Days Notice being given, instead of Ten Days Notice, as mentioned in the said Second Clause or Section of the said Act.

Notice to be given by Fence Viewers

## CAP. XIII.

## An Act to provide for the payment of certain Expenses attending Criminal Prosecutions.

Counsel to  
conduct Cri-  
minal prose-  
cutions—

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That whenever, in the absence of His Majesty's Attorney-General and Solicitor-General, from the Supreme Court, or any Court of Oyer and Terminer, it shall appear to the Judge or Judges of the said Court expedient and necessary to appoint any one Counsel, learned in the Law, to conduct and manage for and on behalf of His Majesty, the proceedings and trial of any Criminal Prosecutions, depending before the said Court, it shall and may be lawful for the said Court to direct any King's Counsel present therein, or, in his absence, to appoint from among the Barristers attending thereat, some one competent person to conduct and manage such proceedings, and to tax and allow to him for his services such reasonable fees as he would have been entitled to for the like services, as the Attorney of any Party in a Civil Action, together with such reasonable Counsel fees, not exceeding for any one Prosecution the sum of Five Pounds, as the said Court shall deem adequate to the services performed on such prosecution. *Provided always*, that the Costs to be taxed under this Act, shall in no one case exceed the sum of Seven Pounds and Ten Shillings for all writings and papers, and for Counsel fees therein.

and to tax Costs  
and Counsel  
Fees—

not exceeding  
£7 10

Necessary ser-  
vices and ex-  
penses only to  
be allowed

**II.** *And be it further enacted*, That on the allowance and taxation of the said expenses, of prosecution, the said Court shall not allow for any but necessary services and expenses, and twenty-four hours previous notice of the time of taxation, shall be given to the Clerk of the Crown or his Deputy.

Certificate of  
taxed amount

Warrant to be  
drawn for

**III.** *And be it further enacted*, That upon the production of the Certificate under the Seal of the said Court, of the amount so taxed and allowed to any such Counsel for his services in any such prosecution, it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to grant his Warrant therefor upon the Treasurer of the Province, who shall, and he is hereby required to, pay and satisfy the amount thereof to the person named in the Certificate or his order.

Party prose-  
cuted to pay  
expenses when  
able

**IV.** *And be it further enacted*, That in all cases where the party prosecuted shall be convicted, and be found by the Court of ability to pay the expenses of prosecution, to be taxed under this Act, the said Court shall, and is hereby required, to adjudge such Defendant to pay the expenses of prosecution, and shall issue Execution accordingly, and the amount levied shall be paid to the Treasurer of the Province.

## CAP. XIV.

## An Act to continue, alter and amend, the Act to regulate the Expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges.

Continued by  
4, Wm. 4, C.  
23  
Sec 8, Geo. 4,  
C. 29

Act 4th and  
5th, Geo. IV,  
C. 14 continu-  
ed with excep-  
tions

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made in the Fourth and Fifth Years of His present Majesty's Reign, entitled, An Act to regulate the Expenditure of Monies, hereafter to be appropriated for the service of Roads and Bridges, and every matter, clause and thing, therein contained, except such parts thereof as are hereby altered and amended, be continued, and the same are hereby continued for three years, and from thence to the end of the next Session of the General Assembly.

Commissioners  
of Great Roads  
—continuance  
in office

**II.** *And be it further enacted*, That each and every person appointed a Commissioner, upon any of the Great Post Roads of this Province, shall remain in office for and during the continuance of this Act, unless sooner removed by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, upon the representation of the House of Assembly, or otherwise.

III.

III. *And be it further enacted,* That the Commission for each Person so appointed a Commissioner, upon the said Great Post Roads of this Province, shall define the extent and limits of the Division of such Road placed under the charge of such Commissioner, who shall have the expenditure of all grants of Money, from time to time, for the repair of such Roads within such limits ; and shall have, at all times of the year, the superintendance of the division of Road for which he shall be so appointed.

Limits of Commissioners to be defined in their Commissions

IV. *And be it further enacted,* That each of the said Commissioners upon such Roads, shall from time to time be governed by the Instructions of the Governor, Lieutenant-Governor or Commander in Chief for the time being, in the expenditure of the Monies granted for such Roads, and in cases where no such Directions or Instructions shall be given, they shall in all things conform their proceedings to the directions contained in the Act hereby continued. And each Commissioner shall report half-yearly to the Governor, Lieutenant-Governor, or Commander in Chief, the state and condition of the Roads and Bridges in his Division, for his information, and for the consideration of the Legislature. *Provided always,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint a special Commissioner as heretofore, for the expenditure of any separate Grant or Grants of Money, for the repair of any part of such Great Post Roads, or the Bridges on such Roads.

Commissioners to be governed by the Instructions of Governor

And to report half yearly

Special Commissioner may be appointed

V. *And be it further enacted,* That instead of the Commissions heretofore issued for the expenditure of Monies upon other Roads in each County and District, that it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to publish the names of the several Commissioners to be appointed by the authority of the Act hereby continued, in the Royal Gazette, together with the several sums of money each Commissioner is appointed to expend, and the several lines of Road upon which the same are to be expended. Which publication shall be the appointment of such Commissioners respectively, and such Commissioner, upon giving security as required by the Third Section of the Act hereby continued, shall and may proceed in the execution of his Office, as such Commissioner, without any other or further appointment, any thing in the said Act to the contrary notwithstanding.

Publication of Road Votes and names of Commissioners in Gazette

Sufficient appointment of Commissioners

VI. *Provided always, and be it further enacted,* That the labour to be performed on all Roads within this Province, either under the superintendance of the Surveyor of Highways, or the Commissioners of Roads, under this Act, or the Acts, or any of them, herein mentioned ; as also, all sums of Money appropriated or hereafter to be appropriated for Roads and Bridges, except in cases where new Roads are to be opened or Bridges repaired or built, shall be done, performed, expended and applied, on all Roads within this Province, between the twentieth day of May and the twentieth day of September, in each year, unless the Governor, Lieutenant-Governor, or Commander in Chief, shall otherwise specially order and direct, with respect to any of the Great Post Roads of the Province.

Time limited for performance of Road Labour

*And whereas,* The regulation contained in the twelfth Section of the Act hereby continued, has in some cases been found prejudicial to the Public Service :

VII. *Be it therefore enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, in case it may be found necessary to authorize any Commissioner of Roads hereafter to be appointed, to superintend the expenditure of a larger sum of money than Five Hundred Pounds, any thing in the said Act contained, to the contrary notwithstanding.

Sum to be expended by Commissioners extended

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

Continuation of Act

## CAP. XV.

Expired

## An Act to regulate the introduction of Passengers, in Vessels arriving in this Province,

## CAP. XVI.

### An Act relating to Coroners and their Fees.

**WHEREAS** the present compensation allowed by Law to Coroners, for holding Inquests, has been found inadequate :

**I.** *BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That,* from and after the publication hereof, every Coroner within this Province shall return each and every Inquisition by him taken, on view of any deceased Person, before the next sitting of the Supreme Court, in the County or District wherein such Coroners shall have Jurisdiction, to the Clerk of the Crown, or his Deputy, for such County or District, who shall thereupon file the same, and, without fee or reward, give to such Coroner a Certificate of such Inquisitions having been so returned and filed with him, and therein state the day and year when such Inquisition was taken, and when returned and filed as aforesaid ; and upon such Certificate of the Clerk of the Crown, or any one of his Deputies, being filed with the Secretary of the Province, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by Warrant under his Hand and Seal, to direct that there be paid to any such Coroner, for each and every such Inquisition so taken, returned and filed, as aforesaid, the sum of Fifty Shillings, from and out of the Treasury of the Province.

Returns of Inquests

Allowance to Coroners

Allowance to Jurors

Allowance to Constables

Expense of burial, &amp;c.

**II.** *And be it further enacted,* That the said sum of Fifty Shillings shall be in full of all demands against the Province, for and on account of such Inquest, to be made by any Coroner under this or any former Act or Acts whatsoever, and the said Coroner shall apply Twelve Shillings thereof to pay the Jury's Fees, and Two Shillings and Six Pence to pay the Constable's Fees, and if there be any further necessary or extraordinary charge attending such Inquest, or the burial of the body of the deceased person or persons, such charge shall be defrayed by the County or District wherein such Inquest was taken ; *Provided,* that an account of items be rendered by the Coroner taking such Inquest to the Court of General Sessions of the Peace, and approved of by the Grand Jury in the usual manner.

Summoning a Jury

**III.** *And be it further enacted,* That hereafter, when any Coroner, in any County, District, Town or Place, within this Province, shall be called upon and required to hold any Inquisition, on any person deceased, when by Law such Inquisition shall be necessary, such Coroner shall forthwith, either personally summon and require a Jury of the Inhabitants of the County, Town or Place, where such Inquisition is held, to attend him, on such Inquisition, or shall make out, and deliver to some Constable or Constables of the County, Town or Place, wherein such Coroner has Jurisdiction, a Warrant or Precept, commanding such Constable or Constables to summon a Jury to attend such Inquisition, at a certain time and place therein to be appointed, and such Jurors shall attend accordingly.

*And whereas,* doubts have arisen, whether any Inquest can be legally held on Sunday ; and it is expedient that Coroners should have authority so to do, if it be necessary ;

Inquest may be held on Sunday

**IV.** *Be it therefore enacted,* That it shall and may be lawful for any Coroner to proceed to hold and take any Inquisition on view of any deceased Person on Sunday, where he shall deem it proper and requisite, any Law, usage or custom, to the contrary notwithstanding.

## CAP. XVII.

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

## CAP. XVIII.

**An Act to alter and continue the Acts now in force to provide for the support of His Majesty's Government in this Province, and for promoting its Agriculture, Commerce and Fisheries, by granting Duties of Impost on Wine, Brandy, Gin, Rum, and other Distilled Spirituous Liquors, Molasses, Coffee and Brown Sugar.** Expired

## CAP. XIX.

**An Act to continue an Act, entitled, An Act in further addition to the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates.** Expired

## CAP. XX.

**An Act for the more effectually enforcing the Inspection, and encouraging the Exportation, of Pickled Fish.**

Amended by 10, Geo. 4, C. 30 and continued and amended by 3, Wm. 4, C. 39

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the first day of September next, all Barrels, Half Barrels and Tierces, in which Pickled Fish, either for exportation or home consumption, are packed (for sale), shall be made of sound well-seasoned timber, free from sap, and constructed of Staves of the thickness not less than half an inch in the thinnest part, if made of hard wood, or three fourths of an inch when made of soft wood, and shall have the bung stave made of hard wood, with heading well seasoned and planed, and free from sap. The barrels, half barrels, and tierces, to be well hooped, with at least four hoops on each bilge, and four hoops on each chime. The barrel staves to be twenty-eight inches in length, and the heads to be seventeen inches between the chimes, and to contain not less than twenty-nine, nor over thirty gallons; the half barrels to contain not less than fifteen gallons, and the tierces to contain not less than forty-five, nor more than forty-six gallons.

Barrels and Tierces—their size and the materials of which they must be made

**II.** *And be it further enacted,* That for the purpose of carrying into effect the regulations and intent of this Act, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint and commission a Person well skilled in the duties of his office, who shall be the Chief Inspector of all the Pickled Fish put up within this Province, and who shall reside in the Town of Halifax; who,

Appointment of Chief Inspectors and Deputy Inspectors

who, before he enters on the duties of his office, shall give Bonds with three sufficient sureties to His Majesty, His Heirs or Successors, in the penal sum of Five Hundred Pounds, for the faithful discharge of his duty, and shall be sworn faithfully to perform the same. And such Chief Pickled Fish Inspector, when so qualified, shall have power to appoint Deputy Inspectors, with the sanction of His Excellency the Governor, who shall be removable by him at pleasure, with the same sanction, in every Sea Port or other Town within this Province, where it shall be deemed necessary to pack such Pickled Fish for exportation or otherwise; for whose official conduct he shall be answerable, and shall take Bonds from them to himself, and Successor in Office, with sufficient Sureties, in a sum not exceeding Two Hundred and Fifty Pounds; and the said Deputies shall also be sworn to the faithful discharge of their duty.

Duties of Inspector

III. *And be it further enacted*, That it shall be the duty of the Chief Inspector of Pickled Fish, or his Deputy, or some one of them, to see that Mackarel, Salmon, Shad and all other kinds of split Pickled Fish, or Fish for barrelling or exportation, have been well struck with salt or pickle in the first instance, and preserved sweet, free from rust, taint or damage. And such Fish as are in good order, and of a good quality, shall be packed in tierces, barrels or half barrels. The tierces shall contain Three Hundred Pounds, the barrels shall contain Two Hundred Pounds, and the half barrels One Hundred Pounds of Fish each, and the same shall be packed with good and clean Salt, suitable for the purpose; and said casks, after being packed and headed up with the Fish, and sufficient Salt to preserve the same, shall be filled up with a clear strong Pickle, and shall be branded Mackarel, Salmon, Shad, or as the case may be. Those of the best quality, to be most approved and free from damage, shall be branded No. 1; those that remain after the best have been selected, being sweet, and free from taint, rust or damage, shall be branded No. 2; and there shall be a third quality, which shall consist of the thinnest and poorest of those Fish, which are sweet and wholesome, that shall be branded No. 3; and the Inspector shall also brand in plain and legible letters on the head of each and every cask in which inspected Merchantable Pickled Fish, or whole Fish, are packed or repacked, the initials of his Christian Name, with his Sur-name at large, the name of the Town for which he is appointed, and Nova annexed, for Nova-Scotia. Each cask shall be filled with Fish of one and the same kind; and if any Person shall intermix, take out or shift, any inspected Fish, which are packed and branded as aforesaid, or put in other Fish for sale or exportation, contrary to the true intent and meaning of this Act, he or they shall forfeit and pay the sum of Five Pounds, for each and every tierce, barrel or half barrel, so altered; *Provided however*, if any casualty should render it necessary to repack a cask of inspected Fish, it may in all cases be done by an Inspector of such Fish. And if any Person shall sell or export, or cause to be sold or exported, within or from this Province, any tainted or damaged Fish, he shall forfeit and pay the sum of Five Pounds, for every hundred weight that shall be thus sold or exported.

Exporters of Fish to produce Certificates of their having been inspected to Collector of Impost and Excise

IV. *And be it further enacted*, That no Pickled Fish shall be exported from this Province in casks, by water, unless the Master or Owner shall produce to the Collector of Impost and Excise, or any other Officer, who may be authorized by His Excellency the Governor, a Certificate from the Chief Inspector or his Deputy, that the same has been inspected, packed, and branded, according to the directions of this Act; and the Certificate shall express the number of barrels, half barrels, and tierces, thus shipped; the kind and quality of Fish they contain, with the name of the Master and Owner, or Shipper, and the name of the Vessel on board which such Fish are shipped for exportation; and every such Master, Owner, or Shipper, shall take and subscribe the following Oath before the Officer authorized as aforesaid—**I, A. B. do swear**, according to the best of my knowledge and belief, the Certificate hereunto annexed contains the whole quantity of Pickled and Barrelled Fish, on board the **Master**, and that no Fish is shipped on board said Vessel, for the Ship's Company, or on freight or cargo, but what is inspected and branded, according to the Law of this Province.

So help me God.

V. *And be it further enacted,* That if any Master of a Vessel, or other Person, shall put or receive on board any vessel, or other carriage of conveyance, to transport the same from this Province, any pickled or whole Fish, packed in casks, which are not inspected and branded, in manner by this Act prescribed, he or they on conviction shall forfeit and pay not less than Thirty Shillings, or more than Forty Shillings, for every hundred pounds of such uninspected Fish.

Exportation of Fish uninspected

VI. *And be it further enacted,* That the Chief Inspector of Pickled Fish, and his Deputies, shall be paid for each Certificate for Exportation, one shilling and three pence; and for inspecting and branding each and every cask of Fish, as directed by this Act, for each tierce, ten pence; for each barrel, seven pence half-penny; and for each half barrel, five pence; exclusive of the labour and expense of packing and cooping. The charge for the Certificates, inspecting and branding, shall be paid by the Exporter or Purchaser, in addition to the purchase or cost of the Fish; and Bills for the legal Fees of Inspection, and Certificates, shall, in the first instance, be paid by the original Owner of said Fish, or by the person employing the Inspector; and all such Owners and Employers are hereby empowered to demand and recover the amount of said Bills, from the subsequent Purchaser or Exporter; and the Chief Inspector shall be entitled to receive, from each and every Deputy he shall appoint, Three Pence for each tierce, Two Pence half-penny for each barrel; and One penny half-penny for each half barrel, which said Deputies shall inspect and brand; agreeably to the directions of this Act; and it shall be the duty of each Deputy Inspector to make returns to the Chief Inspector, once in twelve months, of all the tierces, barrels and half barrels, of Pickled Fish, which he has inspected and branded during that time. And it shall be the duty of the Chief Inspector, annually, to make a return to His Excellency the Governor, of all Pickled Fish that has been inspected by him and by his Deputies, during the past year.

Allowance to Inspectors  
--the Penalty

Returns to be made by Inspectors

VII. *And be it further enacted,* That if the Chief Inspector of Pickled Fish, or either of his Deputies, shall brand any cask, the contents of which he has not inspected, packed, and salted and coopered, according to the true intent and meaning of this Act; or if he shall permit any other person or persons to use his brands, in violation or evasion thereof, he or they, so offending, shall forfeit and pay for every cask so branded the sum of Five Pounds Currency, and to be liable to be removed from his office.

Liability of Inspectors

VIII. *And be it further enacted,* That if any Pickled or Barrelled Fish as aforesaid, shall be put on board any Boat, Vessel or Carriage of Conveyance, with intent to sell or export the same, contrary to the provisions of this Act, it shall be lawful for any Justice of the Peace, in the same County, upon information given him, to issue his Warrant to the Sheriff or his Deputy, or to any Constable of the Town in which such Boat, Vessel or Carriage, may be, requiring them respectively to seize and secure said Fish, and carry the same to the Chief Inspector, or one of his Deputies, which ever may be nearest to the place where said Boat, Vessel or Carriage, may be. And said Chief Pickled Fish Inspector, or Deputy Inspector, is hereby required to open and inspect, and to pack and brand the same as is before provided in this Act; and to detain the same until the expense and charges of seizure, inspection, packing and all other charges arising from such seizure, shall be paid. And it shall be the duty of every person, when required, to give his necessary aid to the officer having such Warrant, on pain of forfeiting Thirty Shillings for his refusal.

Uninspected Fish shipped for exportation

IX. *And be it further enacted,* That all Persons within this Province who shall have Fish for pickling, either in bulk or in casks, to the amount of twenty barrels, in one Season, shall furnish the Chief Inspector, or one of his Deputies, with a branding Iron, containing the first letter of the Owner's Christian Name, and his Surname at large; and the Chief Fish Inspector, or his Deputies, shall cause the names of such owners to be fairly branded on the head of every cask of their inspected Fish; and if any such owner of Fish shall refuse or neglect to furnish such Brand, he shall forfeit and pay, for such neglect or refusal, not less than Thirty Shillings, nor more than Sixty Shillings. And all kinds of Pickled Fish, which are packed in tierces, barrels and half barrels, that are offered for Sale, for the consumption of this Province, and are not subject to a Certificate, as for Exportation, shall be packed and put up in the way and manner aforesaid; and

Branding Irons to be furnished Inspectors

all penalties and forfeitures arising by virtue of this Act, shall be recovered by Action of debt. or by information, in any Court, proper to try the same : One moiety thereof for the benefit of Common Schools in the Town where the offence is committed, and the other moiety to him or them who shall inform and sue for the same.

No Vessels laden with Fish to depart after the 1st. Sept. until the requisite Certificates are produced to the Collector of Impost and Excise

**X.** *And be it further enacted,* That no Vessel laden or partly laden with any Pickled Fish, the Produce of the Fisheries of this Province, and destined to any Port or Place whatsoever out of the same, shall, after the said first day of September, One Thousand Eight Hundred and Twenty-eight, be permitted to depart from this Province, for such Port of destination, until the Master of said Vessel, or Shipper of such Pickled Fish, shall first produce to the Collector, or Deputy Collector of Impost and Excise for the port or place where such Pickled Fish are laden on board, a Certificate of the Chief Inspector of Pickled Fish, or his sworn Deputy for the place of her lading, setting forth and certifying, that all Pickled Fish laden on board such Vessel have been, according to law, surveyed and inspected, and the Fish barrels branded according to the provisions of the third Section of this Act; and that the barrels, half barrels and tierces, containing the same, are in all respects of the size and construction as prescribed by the first clause of this Act. *Provided however,* That nothing in this Act shall be construed so as to prevent uninspected Mackarel, or other Pickled Fish, from being sold, either at the Port of Halifax, or any of the Out-ports of this Province, by the Fishermen, as they bring them to Market, in casks, bulk or otherwise, which may be wanted for immediate consumption, or be afterwards subject to inspection, and that nothing contained in this Act shall extend to Fish packed in kegs of less than ten gallons.

Acts 2d, 6th, 7th, 29th, 38th and 48th, Geo. III, and 8th, Geo. IV, repealed

**XI.** *And be it further enacted,* That the Act, passed in the second year of His late Majesty's Reign, entitled, An Act for regulating the exportation of Fish, and the assize of barrels, staves, hoops, boards, and all other kinds of Lumber, and for appointing officers to survey the same; and the several Acts, passed in the sixth and seventh, twenty-ninth, thirty-eighth, and forty-eighth Years of His said late Majesty's Reign; also the Act, passed in the eighth year of His present Majesty's Reign, in amendment and alteration of, and in addition to, the said Act, and every matter, clause and thing, in the said several Acts contained, in so much as the same in any wise related to or respected the dimensions of barrel staves, or the assize of barrels, tierces, or half barrels, or for the regulating the inspecting, branding and exportation, of Pickled Fish, shall be, and the same are hereby, repealed.

Continuation of Act

**XII.** *And be it further enacted,* That this Act shall continue and be in force from the date hereof until the expiration of five years, and from thence to the end of the then next Session of the General Assembly.

### CAP. XXI.

Expired

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

### CAP. XXII.

Expired

**An Act to continue the several Acts relating to the Light-House erected on Cranberry Island, near the entrance of the Gut of Canso.**

## CAP. XXIII.

An Act to continue an Act relating to the Court of Commissioners at Halifax. Expired

## CAP. XXIV.

An Act to continue the several Acts respecting the Liverpool Light-House. Expired

## CAP. XXV.

An Act to continue the Act respecting Aliens coming into this Province, or residing therein. Expired

## CAP. XXVI.

An Act to alter, continue and amend, the several Acts for the Regulation of the Militia.

Amended by  
10, Geo. 4, C.  
39, 4, W. 4,  
C. 43, contin-  
ued by 5,  
Wm. 4, C. 4.

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the first year of His present Majesty's Reign, entitled, An Act to provide for the greater security of this Province, by a better regulation of the Militia, and to repeal the Militia Laws now in force, and every matter, clause and thing, therein contained, except the Twenty-seventh, Thirty-second, Eighty-third and Eighty-fourth Clauses or Sections of the said Act, and except so far as the same is hereinafter altered and amended; and also, the Act passed in the Fourth year of His present Majesty's Reign, to alter and continue the said Act, and every matter, clause and thing, therein contained, except the seventh clause of the said last mentioned Act, and except so far as the same may be hereinafter altered or amended; and also, the Act, passed in the seventh year of His said Majesty's Reign, in alteration and continuation of the said Acts, and every matter, clause and thing, in the said last mentioned Act contained, except the second clause or section thereof, and except so far as the same may be hereinafter altered or amended, shall be continued, and the said Acts, except as before excepted, are hereby severally and respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 1st, 4th,  
7th, Geo. IV,  
continued with  
exceptions

II. *And be it further enacted,* That the Book mentioned in the second Clause or Section of the said first mentioned Act, passed in the said first year of His present Majesty's Reign, and therein and thereby directed to be kept by the Clerk of each Company of Militia, for the registry of the Names of the Men belonging to such Company, shall be ready at all times, as well for the Inspection of the Commanding Officer of the Regiment to which such Company belongs, as for the Inspection of the Captain and other Officers of such Company.

Book of Regis-  
try of Names  
of Men of  
Companies

III. *And be it further enacted,* That in all cases hereafter, where any person liable by Law to do Militia Duty within any County, District, Town or Place, in this Province, shall neglect to enrol himself, or cause himself to be enrolled, in some Company, in manner as by Law is now directed, and shall, by reason and in consequence thereof, be absent from any Militia Muster or Training, which such person ought to have attended, and would, if his name had been enrolled as aforesaid, been summoned to attend, such person shall be liable not only to the fines and forfeitures by Law imposed on any

Persons neg-  
lecting to en-  
rol themselves

person

person so neglecting to enrol or cause himself to be enrolled in some Company of Militia, but shall also, over and above such fines and forfeitures, be liable to all fines and forfeitures by Law imposed on any Militia Man for non-attendance at any Militia Muster or Training, in the same manner as if such person had received due and legal notice and warning of such muster and training.

Notice to be given Militia Men of Trainings

*Once a year  
17 William III (1694). c. 43  
§ 5.*

IV. *And be it further enacted,* That every Regiment, Battalion, or Company of Militia, shall be called out and assemble twice in each and every year, either entire, or by such detachments, and at such times and places, as the Commander in Chief may direct, for the purpose of training, disciplining, and improving in Martial Exercises, of all which several and respective days of assembling for the purposes aforesaid, previous notice shall be given at least three days, by notice or warning to every Militia Man, from the Commanding Officer, or any other Officer, or Non-commissioned Officer of the Regiment, Battalion or Company, to which such Militia Man may belong, or by any private Militia man; provided such private Militia Man hath the written orders of the Commanding Officer of such Regiment, Battalion or Company, to that effect, or public notice at one meeting of the time of holding the next meeting; and when a Militia Man is not found at his own usual place of dwelling to receive personal notice, the leaving notice in writing with such Militia Man's master, parent or wife, or with his servant, or child, of the years of discretion, or giving him notice in any other reasonable and discreet manner, according to the special circumstances of the case, shall be deemed a sufficient notice, until the delinquent Militia Man shall fully satisfy the Commanding Officer of his Company, or a Board of Officers, that he was ignorant of such notice having been given him.

Ferries free to Militia Men on Duty

V. *And be it further enacted,* That when it shall or may be necessary for any person or persons, in going and returning to and from his or their place or places of abode, for the purpose of attending any Militia Muster or Training, or any other Militia Duty, to cross any Ferry, where there shall be a Licensed Ferryman, such person or persons shall be entitled to, and have, a passage across such Ferry, in the Boat or Boats there usually plying, free and exempt of and from all cost, charge or expense, whatsoever.

Board of Officers for hearing appeals against Fines

VI. *And be it further enacted,* That it shall be lawful for the Lieutenant-Colonel, or Commanding Officer, of each Regiment or Battalion, from time to time, as occasion may require, to form a Board of Officers of his Regiment or Battalion, consisting of three Captains, or of one Field Officer and two Captains, or of two Captains, and three Subalterns, or one Captain and four Subalterns, for the purpose of hearing and determining all appeals, which shall be made by any Militia man, under the provisions of this Act, or of any or either of the several Acts hereby altered, continued and amended, the said Board only to have power to excuse the fine on proof of sickness of the Individual, sickness in his Family, requiring his personal attendance, unavoidable accident rendering it impossible for him to reach the place of muster, or the occurrence of business of importance, the neglect of which would prove of serious injury to his affairs, and which could not *bona fide* be as well attended to at any other period; and if the said Board shall confirm the proceedings of the Officers, who shall have imposed the fine or fines upon the Militia man, the said Board shall certify the same in a Schedule, signed by the Field Officer, or President of the said Board, and the said fines shall be levied and collected as in and by the said Act herein first mentioned, and hereby altered, continued and amended, is directed.

Justices of the Peace allowed no Fees

VII. *And be it further enacted,* That no Justice of the Peace shall hereafter take, have, demand or receive, any Fee, charge, or reward whatsoever, for any service done and performed by him in that capacity, under and by virtue of the provisions of this Act, or of any or either of the several Acts hereby altered, continued and amended.

Preamble

*And whereas,* it is expedient to provide for the punishment of any misbehaviour or ill-conduct of Militia Men, when engaged on Militia Duty, on other occasions than when at a Muster or Training:

Disobedience of orders, or other improper conduct by Militia Men

VIII. *Be it therefore enacted,* That if any Non-Commissioned Officer or Private, in any Regiment, Battalion or Company of Militia, shall be guilty of disobedience of orders, drunkenness, contemptuous or insulting behaviour to any Officer or Officers, while engaged

engaged in Militia Duty of any kind, or on any occasion whatsoever, the Commanding Officer, then present, shall apprehend, or cause to be apprehended, such Non-Commissioned Officer or Private, and commit him to Jail for the time, and in the manner, prescribed in the Forty-first Clause or Section of the Act herein first mentioned, and of which this is an amendment; and any Sheriff or Jailor, on neglect or refusal to receive such offender so committed into his Custody, or any Serjeant, Corporal or Private, on neglect or refusal to escort such offender to Jail, shall be liable to the like pains, penalties and forfeitures, to which they are now severally liable for the like offence, under the said Forty-first Clause or Section of the said Act.

*And whereas,* it may be difficult in some places to procure one Field Officer and two Captains, to compose a Board of Officers, as directed by the forty-ninth Clause or Section of the said Act, herein first mentioned: Preamble

**IX.** *Be it therefore enacted,* That it shall and may be lawful on complaint of any Militia Man, as mentioned in the said Forty-ninth Clause or Section of the said Act herein first mentioned, for the Colonel or other Field-Officer therein mentioned, to appoint a Board of two Captains and three Subalterns, or one Captain and four Subalterns, instead of a Board of one Field-Officer and two Captains, if he shall see fit, who shall have the like power and authority as by the said Forty-ninth Clause or Section of the said Act is granted to the Board of one Field-Officer and two Captains. Board of Officers

**X.** *And be it further enacted,* That all fines and forfeitures incurred by this Act, or by any or either of the several Acts herein and hereby altered, continued and amended, not exceeding Three Pounds, shall be recovered before any one of His Majesty's Justices of the Peace, not being an Officer of the Company in which such fine shall be incurred; and all fines and forfeitures above Three Pounds, and not exceeding Five Pounds, shall be recovered before two Justices not being Officers of the said Company; and all other fines and forfeitures, above Five Pounds, shall be recovered in any of His Majesty's Courts of Record within this Province, unless the recovery of the same be otherwise provided for by this Act, or by any or either of the Acts hereby respectively continued and amended. *Provided,* That no person or persons whatsoever shall be prosecuted by virtue of any clause in this Act, or of any Clause in any or either of the said several Acts, hereby altered, continued and amended, for any breach thereof, after the expiration of three months from the commission of the offence; and all fines, penalties, and forfeitures, received by virtue of this Act, or of any or either of the several Acts hereby continued, altered and amended, shall, after deducting one fourth part, allowed by the provisions of the said Act, herein before first mentioned, for the trouble of recovering and collecting the same, be paid into the hands of the Quarter Master of the Battalion, to be applied, in the first instance, to defraying the contingent expenses of such Battalion, under the direction of the Commanding Officer, and the surplus to be disposed of as the Commander in Chief shall from time to time direct. Recovery of Fines, &c.

**XI.** *And be it further enacted,* That the Commanding Officers of Battalions, when thereunto required, by the Governor, or Commander in Chief, are hereby authorized and required to appoint fit and convenient places within their respective Districts, to serve as Depots for Arms, for the use of their respective Battalions; and all Fines, Penalties and Sums of Money, received under and by virtue of this Act, or any or either of the Acts hereby severally continued, altered and amended, from any Battalion of Militia, shall, after defraying the contingent expenses of such Battalion, be appropriated by the Commander in Chief to such an amount as may be necessary for cleaning and keeping in repair the Arms placed in the Depots appointed for the use of such Battalion; and in case the said Fines, Penalties, and sums of money, received from any Battalion, after paying the contingent expenses thereof, shall be found insufficient to defray the expense incurred in cleaning and keeping in repair the Arms placed in Depot for the use thereof, then such further sum as the Commander in Chief may think proper shall be paid by the Treasurer of the Province, to the Commanding Officer of such Battalion, to be by him appropriated in the cleaning and keeping in repair the Arms of the same, by Warrant of the Governor or Commander in Chief. *Provided nevertheless,* That no greater sum than twenty pounds, over and above the fines, penalties and sums of money, received from such Battalion, after deducting the contingent expenses thereof, shall be Application of Fines

paid to the Commanding Officer of any Battalion, in any one year, for the purposes aforesaid.

## CAP. XXVII.

**An Act to extend to the Town of Dartmouth, the Act relating to Commissioners of Highways in Halifax, and certain other Places.**

Act 7th Geo. IV C. 3, with exceptions—extended to Dartmouth

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, the Act, passed in the seventh year of His present Majesty's Reign, entitled, An Act relating to Commissioners of Highways in Halifax, and certain other places, and every matter, clause and thing, therein contained, except the first, second, twenty-seventh and twenty-eighth Clauses or Sections thereof, shall be extended, and the same are hereby extended to the Town of Dartmouth.

Appointment of Commissioners of Highways for Dartmouth

II. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, to appoint, and commission during pleasure, three fit and proper Persons, Inhabitants of the said Town, to be Commissioners for repairing, keeping in repair, and paving, the Streets and Highways in the said Town of Dartmouth; and upon the death, removal, or refusal to act, of any one or more of the said Commissioners, it shall and may be lawful for the said Governor, Lieutenant-Governor, or Commander in Chief, by and with the advice of His Majesty's Council, to appoint and commission some fit and proper Person or Persons, being an Inhabitant or Inhabitants of the said Town, to supply such vacancy, and such appointment to renew, whenever necessary: So that the said Commissioners may always continue to be three in number.

Jurisdiction of Commissioners

III. *And be it further enacted*, That the Jurisdiction, Powers and Authority, of the Commissioners so to be appointed for the said Town of Dartmouth, shall be confined and restricted to the bounds and limits following, that is to say:—to the distance or space of one Mile, measured in a Southwardly, Easterly, and Northwardly direction, from the Public Landing, or Steam Boat Company Wharf, in the said Town.

Power of Surveyors of Highways at Dartmouth to terminate on the 1st May

IV. *And be it further enacted*, That from and after the first day of May next, the powers and authority of the Surveyors of Highways, within the limits above described in the Township of Dartmouth, shall cease and determine, any law, usage or custom, to the contrary notwithstanding.

## CAP. XXVIII.

Repealed by 6 Wm. IV C. 15

**An Act in further amendment of an Act to regulate the Times and Places for holding the Inferior Court and General Sessions of the Peace, in and for the County of Cape-Breton.**

## CAP. XXIX.

\*Expired

**An Act to continue and amend an Act for the further increase of the Revenue, by imposing a Duty upon Articles imported from Foreign Countries.**

## CAP. XXX.

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

## CAP. XXXI.

**An Act to continue the Act more effectually to secure the payment of the Provincial Duties of Excise, and to prevent Frauds in the collection of the Provincial Revenue.** Expired

## CAP. XXXII.

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

## CAP. XXXIII.

**An Act to continue the Act to provide for the Accommodation and Billeting of His Majesty's Troops, or of the Militia, when on their March from one part of the Province to another, and also the Acts in amendment thereof.** Expired

## CAP. XXXIV.

**An Act to authorize the Court of Sessions, for the County of Shelburne, to appoint, annually, a Town Officer, for the protection of the Fish and Timber Gates, on the Barrington River.**

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That hereafter it shall and may be lawful, for the Justices and Grand Jury for the County of Shelburne, when in General Sessions, to appoint, annually, a Person to be called the Keeper of the Fish and Timber Gates, on Barrington River, who shall be duly sworn into office, in the same way and manner that other Town Officers are qualified. Appointment of a Keeper of the Fish and Timber Gates, on Barrington River

II. *And be it further enacted,* That said Keeper of Fish and Timber Gate or Gates, after being sworn into office, shall take cognizance of any depredation committed on said Gate or Gates, and to bring the offenders to justice; likewise to superintend generally all things concerning the preservation and good management thereof. Duty of Keeper

III.

Expense of re-  
pairs of Fish  
and Timber  
Gates

III. *And be it further enacted,* That all lawful expenses incurred (for the time being,) by the said Keeper of Fish and Timber Gate or Gates, in the repairs and protection thereof, or in any other way, when in performance of his duty, shall be assessed, collected and paid, by the Inhabitants of the Township of Barrington, in the same way and manner that their Poor Rates and other Town expenses are paid.

Opening and  
closing of gates

IV. *And be it further enacted,* That said Gate or Gates shall be at all times subject to be opened and shut, at the discretion of the Magistrates and Overseer of the River Fishery,

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CAP. XXXV.

Expired

**An Act for the further increase of the Revenue of the Province, by continuing an Act of the General Assembly, for raising a Duty of Excise, and the Act for the continuing and amending thereof.**

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At the **GENERAL ASSEMBLY** of the Province of Nova-Scotia, begun and holden at Halifax, on Thursday, the Fifth day of February, 1829, in the Tenth Year of the reign of our Sovereign Lord **GEORGE** the Fourth, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, **KING**, Defender of the Faith, &c. &c. &c. being the Third Session of the Fourteenth General Assembly, convened in the said Province.\*

\* In the time of Sir PEREGRINE MAITLAND, K. C. B. Lieutenant-Governor ; S. S. Blowers, Chief-Justice and President of the Council; Samuel George William Archibald, Speaker of the Assembly; Sir Rupert D. George, Bart. Secretary of the Council; and John Whidden, Clerk of the Assembly.

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CAP. I.

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

Executed

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CAP. II.

**An Act concerning the Terms of the Supreme Court, at Halifax.**

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That hereafter, the Easter Term and Michaelmas Term of the Supreme Court at Halifax shall be held and commence on the days following, that is to say :—The Easter Term of the said Supreme Court on the third Tuesday of April, and the Michaelmas Term of the said Court on the third Tuesday of October, in every year ; and in future the said Terms shall commence on the said days respectively, and continue for the time allowed by Law, any Law, usage or custom, to the contrary notwithstanding.

Commence-  
ment of Easter  
and Michael-  
mas Terms

**II.** *And be it further enacted,* That all Writs, Actions, Suits and Proceedings, now depending in the said Court, and continued until, or returnable on, the first Tuesday of April, in the present year, shall be further continued in their present state to the third Tuesday of the same month ; and all persons liable to appear in the said Court on the first Tuesday of April, shall be held bound and liable to, and shall, appear on the third Tuesday of April, in this year.

Return of  
Writs, &c.

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

Continuation  
of Act

## CAP. III.

Expired

**An Act for the further increase of the Revenue, by imposing a Duty upon Articles imported from Foreign Countries.**

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## CAP. IV.

Expired

**An Act to alter and continue the Acts now in force to provide for the support of His Majesty's Government in this Province, and for promoting its Agriculture, Commerce and Fisheries, by granting Duties of Impost on Wine, Brandy, Gin, Rum, and other Distilled Spirituous Liquors, Molasses, Coffee, and Brown Sugar.**

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## CAP. V.

Expired

**An Act for the further increase of the Revenue of the Province, by continuing an Act of the General Assembly, for raising a Duty of Excise, and the Act for the continuing and amending thereof.**

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## CAP. VI.

Expired

**An Act to continue the Act more effectually to secure the payment of the Provincial Duties of Excise, and to prevent Frauds in the collection of the Provincial Revenue.**

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## CAP. VII.

Expired

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

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## CAP. VIII.

Expired

**An Act to continue the Act in further amendment of an Act to regulate the Jurisdiction of the Inferior Court of Common Pleas within the County of Cape-Breton, and to fix and establish the Times and Places for holding of the said Inferior Court and General Sessions of the Peace in and for the said County.**

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CAP IX.

## CAP. IX.

**An Act concerning Elections in the County of Shelburne.**See 5, Wm. 4,  
C. 25. Sec. 5,  
6.

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That hereafter at any Election to be held in and for the County of Shelburne, for a Member or Members to serve in General Assembly for said County, the Sheriff, or other Officer, shall open the Poll at Shelburne, as by Law he is now directed to do, and being thereunto required, instead of adjourning the Poll to the several places in the said County as are now appointed therefor, shall, under the like notice, and for the same time, and subject to the same regulations as are prescribed for removals or adjournments of the Poll at Elections, in and by the several Acts now in force relating to Elections of Representatives to serve in General Assembly, adjourn the Poll to the Old Meeting House in Barrington, and from thence to the Court House in Tuskent Village, and from thence to the Court House in Yarmouth, to be held at the said several places for the space of four days respectively, unless sooner closed according to Law.

Regulating  
Elections in  
County of Shel-  
burneRemoves the  
Poll to Bar-  
rington, Tuskent  
Village and  
Yarmouth

**II.** And be it further enacted, That it shall not be necessary hereafter to adjourn or hold the Poll for the said County, to or at the French Meeting House in Argyle, any Law, usage or custom, to the contrary notwithstanding.

Poll not to be  
held at Argyle

## CAP. X.

**An Act in amendment of the Act to exclude ignorant and unskilful Persons from the practice of Physic and Surgery.**Amends 9 Geo  
4, C. 5.

**WHEREAS**, complaints have arisen and been made, that the Act, passed in the last Session of the General Assembly, entitled, An Act to exclude ignorant and unskilful Persons from the practice of Physic and Surgery, will, in some of its provisions, be the means of preventing many useful Practitioners, who have been long in Practice, from recovering such Debts as are or may be due to them, and will in effect deprive many new Settlements in this Province of their highly beneficial services, unless such Practitioners submit to the examination required by the said Act :

Preamble

**I.** BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That nothing in the said Act contained shall extend, or be construed to extend, to any person or persons who shall or may have been regularly settled, and in the practice of Physic and Surgery, in any Township or Place within this Province, for the term of Seven Years, before the passing of the said Act, of which this is an amendment.

Practitioners  
settled for seven  
years excepted  
from Act

## CAP. XI.

**An Act in amendment of the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates.**Amends 32  
Geo. 2, C. 11.

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Bond hereafter to be taken from Administrators, and their Sureties, for the due Administration of the Estates of Intestates, shall be taken in the following form, that is to say :—

Form of Bond  
to be taken  
from Adminis-  
trators

Know all Men by these Presents, that We \_\_\_\_\_ of \_\_\_\_\_ in the Province of Nova-Scotia, are held and firmly bound unto \_\_\_\_\_ in the full sum of \_\_\_\_\_ of good and lawful money of Nova-Scotia, to be paid to him the said \_\_\_\_\_ or his Successors in Office, for which payment well and truly to be made, We bind ourselves, our and each of our Heirs, Executors and Administrators, jointly, severally and firmly

firmly, by these Presents, Sealed with our Seals, dated this       day of       in the  
year of His Majesty's reign, and in the year of our Lord One Thousand Eight  
Hundred and

The condition of this Obligation is such, that if the above bounden  
Administrator of all and singular the Estate, Goods, Chattels and Credits of  
deceased, do make, or cause to be made, a true and perfect Inventory of all and singu-  
lar the Goods, Chattels and Credits of the said deceased, which have or shall come to  
the hands, possession, power or knowledge. of the said       or into the hands,  
possession or power, of any other person or persons for him; and the same so made do  
exhibit into the Registry of the Court of Probate, for the County of  
at or before the       day of       next ensuing, and the same Estate, Goods,  
Chattels and Credits, and all other the Goods, Chattels, and Credits of the said deceas-  
ed, at the time of his death, or which at any time after shall come to the hands, posses-  
sion or knowledge, of the said       or of any other person or persons, for him, do  
well and truly Administer according to Law, and further do make, or cause to be made,  
a true and just account of his said Administration, at, or before the       day of  
in the year of our Lord One Thousand Eight Hundred and       and all the rest  
and residue of the said Estate, Goods, Chattels and Credits, which shall be found re-  
maining upon the said Administrator's Account; the same being first examined and al-  
lowed by the Judge for the time being of the said Court, shall deliver and pay unto such  
person or persons respectively, as the said Judge or Judges, by his or their decree, or  
sentence, shall limit and appoint; and if the said       Administrator shall obey, abide  
by, and perform, all such orders and decrees as shall from time to time be made by the  
said Court, touching the Estate, Goods, Chattels, and Credits of the said deceased, and  
if it shall hereafter appear, that any last Will and Testament was made by the said de-  
ceased, and the same be proved and allowed by the said Court, then if the above bounden  
being thereunto required, do render and deliver the said Letters of Admini-  
stration to the said Judge of Probate, or his Successor in Office, then this obligation to  
be void and of none effect, or else to remain in full force and virtue. Signed, Sealed and  
Delivered, in presence of

Share of  
Children dying  
Intestate after  
death of their  
Father

II. *And be it further enacted*, That if after the death of a Father, any of his Chil-  
dren shall die, Intestate, without Children, and in the lifetime of the Mother of the In-  
testate, every Brother and Sister of the Intestate and the Representatives of them, shall  
have an equal share with the Mother of the Intestate in the distribution of the Estate,  
real and personal, of such Intestate, and the assets thereof, remaining after the share of  
the Intestate's Wife, if any shall have been set off to her, any thing in any Act to the  
contrary notwithstanding.

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### CAP. XII.

Expired

**An Act to continue the several Acts relating to the Light-  
House erected on Cranberry Island, near the entrance of  
the Gut of Canso.**

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### CAP. XIII.

Expired

**An Act to continue the Act respecting Aliens coming into  
this Province, or residing therein.**

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CAP. XIV.

## CAP. XIV.

**An Act to continue an Act relating to the Court of Commissioners at Halifax.** Expired

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## CAP. XV.

**An Act to continue the Acts now in force relating to Trespasses.** Expired

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## CAP. XVI.

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

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## CAP. XVII.

**An Act to regulate the Weighing of Beef.**

Continued by  
5 Wm. IV. C.  
24

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Grand Jurors for the several Counties and Districts in this Province, at the Court of General Sessions of the Peace, which shall be holden for each County and District respectively, next after the Publication of this Act, and thereafter annually at the first sitting of the said Court in every year, shall nominate five or more fit and proper persons in each and every Township within their respective Counties and Districts—out of whom the said Court shall appoint two or more for the purpose of Inspecting and Weighing Beef, as hereafter mentioned.

Appointment  
of Inspectors  
and Weighers  
of Beef

II. *And be it further enacted,* That whenever any Cattle, from and after the appointment of such Officers, in any Township within the Province, shall be sold at a stated price to the Butcher, by the Pound or Hundred Weight, and shall be slaughtered in such Township, one of the said Officers, to be named by the Seller, if required, shall be employed within twenty-four hours after the same have been killed, to inspect and weigh the Beef of such Cattle, who shall ascertain the just and true weight thereof, by weights duly assayed and stamped according to Law; and also by deducting, at his discretion, what he shall deem to be a fair allowance for any bruises that may have been sustained by such Cattle, or adding to the several Quarters of such Beef what may appear to him to be a reasonable and fair addition to the weight of such of the said Quarters, as shall or may in his opinion have been improperly trimmed off, and reduced in weight, by the Purchaser.

Their Duties

III. *And be it further enacted,* That such Officer shall receive from the Seller of such Cattle, at the rate of Nine Pence for every Carcase by him inspected and weighed; when not more than two, and when three or more are inspected and weighed, at one and the same time, he shall only receive at the rate of Six pence for every such Carcase.

Allowance

IV. *And be it further enacted,* That any Butcher who shall not employ one of the said Officers named as aforesaid, to inspect and weigh the Beef of all Cattle purchased and slaughtered by him as aforesaid, shall forfeit for every head of such Cattle the sum of Twenty Shillings; to be sued for, and recovered, before any one of His Majesty's Justices of the Peace for the County wherein the offence is committed; one half of

Penalty attaching  
to Butchers  
not employing  
Inspectors

which penalty shall go to the party prosecuting, and the other half to the Poor of the Township in which such recovery is had.

Continuance of  
Act

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

CAP. XVIII.

Expired

**An Act to continue the Act to provide for the Accommodation and Billeting of His Majesty's Troops, or of the Militia, when on their March from one part of the Province to another; and also the Acts in amendment thereof.**

CAP. XIX.

Expired

**An Act to continue the Act to restrain the issuing Writs of Attachment in certain Cases.**

CAP. XX.

Expired

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

CAP. XXI.

Expired

**An Act to continue an Act, entitled, An Act in further addition to the Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates.**

CAP. XXII.

Executed

**An Act for the relief of Smith Roberts Harding, an Insolvent Debtor.**

CAP. XXIII.

**An Act to continue the several Acts respecting the Liverpool Light-House.**

Acts 52d and  
59th Geo. III  
continued

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

provide for the support of a Light-House on the South end of Coffin's Island, on the Eastern side of the entrance of Liverpool Harbour; also, the Act, passed in the fifty-ninth year of His late Majesty's reign, to revive, continue and amend the said Act, and every matter, clause and thing, in the said Acts contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. XXIV.

**An Act to extend to Digby, in the County of Annapolis, the Provisions of the Act relating to Commissioners of Highways in Halifax, and certain other places.**

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, Act of 7, Geo. IV, C. 3, extended to Digby passed in the seventh year of His present Majesty's reign, entitled, An Act relating to Commissioners of Highways, in Halifax, and certain other Places, and all the regulations and provisions thereof, with every matter, clause and thing, therein contained, shall be extended, and the same are hereby extended to Digby, in the County of Annapolis; and it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint three respectable Inhabitants and Freeholders of Digby aforesaid, to be Commissioners of Highways therein, for the purpose of carrying into effect the Provisions and Regulations of the said Act, and to proceed to supply any vacancy that may occur amongst such Commissioners, and such appointment to renew when necessary, in the same manner as is pointed out and provided by the said Act. Appointment of Commissioners

II. *And be it further enacted*, That the Jurisdiction, powers and authority, of the said Commissioners, when appointed, shall be the same as if the said Town of Digby had been originally named and mentioned in the said Act, and shall be confined and restricted within the bounds following, that is to say—to all the Roads and Streets in the said Township of Digby, which are, or may be, comprehended within a circuit of two Miles, extending from the Court-House in the said Township in every direction. Jurisdiction of Commissioners

III. *And be it further enacted*, That, from and after the first day of June next, the authority, powers, and jurisdiction, of the Surveyors of Highways within the limits above described in the Township of Digby, shall cease and determine, any Law, usage or custom, to the contrary notwithstanding. Powers of Surveyors to cease

## CAP. XXV.

**An Act in amendment of an Act, entitled, An Act for encouraging the Fisheries of this Province.** Expired

## CAP. XXVI.

**An Act for ascertaining the commencement of the Acts of the General Assembly.**

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That, from and after the passing hereof, the Clerk of His Majesty's Council, in General Assembly, shall endorse, in English, on every Act of the General Assembly, which shall hereafter pass, the date, month and year, when the same shall have passed; and such endorsement shall be taken to be a part of such Act, and to be the date of its commencement, when no other commencement shall be therein provided. Commencement of Acts how ascertained

CAP. XXVII.

Amends 5,  
Geo. III C. 1,  
amended by 2  
Wm. IV C.  
62, continued  
by 4, Wm. 4,  
C. 34.

See also 8.  
Geo. IV C. 26

Preamble

Proprietors of  
common Fields  
to make regu-  
lations

Proceedings to  
be kept in a  
book

Committee to  
be appointed  
every year

Committee to  
raise and col-  
lect money

Committee to  
appoint a Col-  
lector who  
may sue for  
sums assessed  
before two  
Justices

Five Shillings  
allowed each  
Member of  
Committee

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

WHEREAS the provisions contained in the Fourth Clause of the Act, passed in the fifth year of the reign of His late Majesty King George the Third, entitled, An Act for the choice of Town Officers, and regulating of Townships, have been found inconvenient and in some instances impracticable :

I. BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, it shall and may be lawful for the Proprietors of any Common Field to meet together at some convenient place in the Township or place wherein such Common Field is situated, and to make such regulations respecting the ordering, fencing and improving, of such Common Field, and the keeping the Fences thereof in complete repair, and the making and repairing of Roads in and across such Common Field, as to the said Proprietors may from time to time appear necessary and expedient.

II. And be it further enacted, That the regulations, so to be made at such meeting, shall be entered in a Book to be kept for that purpose, and shall be signed by the Chairman who shall be appointed to preside at such Meeting, and the production of such Book, and the proof of the entry made therein, shall be deemed and taken to be good and sufficient evidence of any such regulation therein contained and entered, having been made in any Court of Law or Equity, in this Province, or wheresoever the proof of such regulations may be or become necessary.

III. And be it further enacted, That, once in each year, at one of the said Meetings to be holden as aforesaid, the said Proprietors of any such Common Field shall appoint from and among themselves a Committee of not less than three nor more than five persons, who shall be authorised and empowered to carry into effect the said regulations so to be made, respecting such Common Field, for the then ensuing year.

IV. And be it further enacted, That whenever the said Committee shall find it necessary to raise and collect any sum of Money for the purpose of carrying into effect the said regulations so to be made as aforesaid, or any of them, with the execution whereof the said Committee shall or may be entrusted, then and in such case the said Committee shall proceed to assess the amount to be raised and collected on the several proprietors or occupiers of the said Common Field, by an even and equal rate, according to the quantity and quality of the Land held in such Common Field by each Proprietor or Occupier respectively.

V. And be it further enacted, That it shall and may be lawful for the said Committee to appoint, by any Instrument in writing under their hands, some fit and proper person as Collector, who shall collect from each and every the Proprietor and Proprietors, Occupier and Occupiers, of such Common Field, the several sums and rates so assessed as aforesaid upon each of them respectively, and the said Collector, upon the neglect or refusal of any Proprietor or Proprietors, Occupier or Occupiers, to pay the amount wherewith he, she, or they, shall be rated and assessed as aforesaid, after due notice given of such assessment, shall have full power and authority to sue for, and recover the same with costs, of and from such Proprietor or Proprietors, Occupier or Occupiers, as shall refuse or neglect to pay as aforesaid, before any one or two of His Majesty's Justices of the Peace, or before any Court of Record, according to the amounts of such rates or assessments in the same manner as Debts under and above three pounds are now by Law respectively recoverable:

VI. And be it further enacted, That it shall and may be lawful for the said Committee to include in any sum to be by them assessed as aforesaid, the sum of five shillings for the attendance of each Member of such Committee, for each and every day in which they shall be actually occupied and employed in carrying into effect the said several regulations so to be made, with the execution whereof they shall be entrusted as aforesaid.

VII. *And be it further enacted*, That, at any Meeting of the Proprietors of any such Common Field for the purpose of making any regulations respecting the said Common Field, either under this Act or the Act of which this is an amendment, the determination of such number of the Proprietors, present at such Meeting, whose Rights and Shares, in such Common Field, when added together, will amount to more than one half of the Land contained therein, shall be binding and conclusive upon all the Proprietors of such Common Field. *Provided*, That three days notice of the time and place of Meeting be first given to all the said Proprietors who are resident within the Township or District wherein such Common Field is situate.

When Regulations binding

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

Continuation

## CAP. XXVIII.

## An Act for affording relief to Co-partners, in certain cases.

Altered and continued by 4, Wm. 4, C. 23.

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That hereafter, in any case wherein Two Co-partners only shall be concerned, and where the whole amount of the Co-partnership dealings shall not exceed the sum of Five Hundred Pounds, and the said Co-partnership shall be terminated, it shall and may be lawful for any one of the said Co-partners to file a Petition in the Office of the Deputy Prothonotary of His Majesty's Supreme Court, in any County of the Province, setting forth the facts respecting the said Co-partnership dealings, and praying the aid of the said Supreme Court; and thereupon, the said Deputy Prothonotary shall sign and seal a Writ of Summons, in the usual manner, whereby the Co-partner complained of shall be commanded to appear in the said Supreme Court at the next term thereof, to be holden in the County wherein the said Petition is filed, then and there to answer to the said complaint of his said Co-partner.

Petition to Supreme Court for aid by Co-partners

II. *And be it further enacted*, That a Copy of the said Petition shall be served upon the Co-partner complained of, at the time of the service of the Summons upon him, or within a convenient time before the term of the said Supreme Court in which the Writ shall be returnable as aforesaid.

Copy to be served on the Co-partner

III. *And be it further enacted*, That, on the return of the said Summons, if it shall be made to appear to the satisfaction of the said Court, that the Co-partnership consisted of Two Persons only; and that the whole amount of the Co-partnership dealing does not exceed the sum of Five Hundred Pounds; it shall and may be lawful for the said Supreme Court, by a rule or order of the said Court, to direct each of the said Co-partners to select one fit and proper person as Commissioners or Arbitrators between the said Co-partners.

Co-partners may select Arbitrators

IV. *And be it further enacted*, That if the said Co-partners shall not, within the time for that purpose to be limited by the said Supreme Court, select two such Persons as aforesaid, it shall and may be lawful for the said Supreme Court to appoint two fit and proper persons as such Commissioners or Arbitrators.

Or in case of neglect Court may

V. *And be it further enacted*, That the said two Persons, to be appointed as aforesaid, shall select one other Person, who, together with the said two Persons to be appointed as aforesaid, shall be Commissioners or Arbitrators to take an account of, and settle, the said Co-partnership dealings.

Appointment of two Arbitrators

VI. *And be it further enacted*, That the said Commissioners or Arbitrators, before they shall proceed to examine into the said Co-partnership dealings, shall make and subscribe the following Affidavit, before any one of the Judges of the said Supreme Court, or before any Judge of the Common Pleas in the Province, which Affidavit shall be filed in the said Office of the Deputy Prothonotary, that is to say—

Arbitrators Oath

We A, B, and C, do hereby solemnly swear, honestly and fairly to settle the Co-Partnership Accounts and Dealings of C, D, and E, F, to the best of our knowledge and ability.

Sworn at } A.  
before me this day } B.  
of 18 } C.

Arbitrators may demand Books, Papers and Accounts

and appoint place of meeting and proceed ex-parte

Witnesses to be examined on oath

and award to be made

If no objection made—judgment to be entered next term

Execution to be issued in usual course

Witness to be subject to usual penalties for non-attendance

Affirmation of Quakers

Punishment for perjury

The decision a bar to any proceedings in Equity

VII. *And be it further enacted,* That, after the said Commissioners or Arbitrators shall have made and subscribed the said Affidavit, it shall and may be lawful for them to order the production of, and notify the said Co-Partners to produce and bring before them, all their Books, Papers and Accounts, touching such Co-Partnership dealing, and also to fix and appoint such times and places as may to them appear expedient and proper for the investigation of the said Co-Partnership dealings, and the examination of the said Co-Partners and their Witnesses; and if either of the said Co-Partners shall refuse or neglect to attend before such Commissioners or Arbitrators, having been first duly notified so to do, it shall and may be lawful for the said Commissioners or Arbitrators to proceed in the matters referred to them *ex parte*.

VIII. *And be it further enacted,* That the said Commissioners or Arbitrators shall have full power and authority to examine the said Co-Partners and their witnesses upon Oath, to be administered by any Judge of the said Supreme or Inferior Court, and to make an Award or decision in favour of such Party as they or any two of them, the said Commissioners, shall find to be justly entitled to the same, and for such sum as may appear to them, or any two of them, to be justly due, and the said Award shall be filed in the Office of the said Deputy Prothonotary.

IX. *And be it further enacted,* That if no sufficient objection shall be made to the said Supreme Court, in the Term which shall happen next after the time in which the said Award shall be filed, Judgment shall be entered thereupon for the sum thereby Awarded, with or without Costs, as the said Commissioners or Arbitrators, or any two of them, shall adjudge and direct.

X. *And be it further enacted,* That Execution shall be issued upon such Judgment in the usual course, and that the said Commissioners or Arbitrators, or any two of them, shall have power to direct the Costs of the said proceedings to be taxed and allowed by the said Supreme Court at the usual rate, and in the customary manner, in which shall be included such sum as the said Court shall think reasonable for the services of the said Commissioners or Arbitrators, to be paid by either of the said Co-Partners, and in such manner as the said Commissioners or Arbitrators, or any two of them, shall direct and award, and the said Supreme Court shall enforce the payment of such costs by attachment or otherwise.

XI. *And be it further enacted,* That the necessary Witnesses shall be summoned in the usual manner by Writs of Subpœna, directing them to attend before such Commissioners or Arbitrators, at such time and place as they shall appoint, and Witnesses neglecting or refusing to attend, when duly summoned, shall be in all respects subject to the same liabilities, pains and penalties, as Witnesses are by Law liable to, who neglect or refuse to attend the said Supreme Court, when duly summoned therefor; the said liabilities, pains and penalties, to be enforced by the said Supreme Court.

XII. *And be it further enacted,* That every Person of the profession called Quakers, who shall be required to take the Oaths prescribed by this Act, shall, instead of such Oaths, be permitted to make his or her Affirmation.

XIII. *And be it further enacted,* That every person who shall have made such Oaths or solemn Affirmations, and shall be convicted of wilfully, falsely and corruptly, having sworn or affirmed any thing false or untrue, knowing the same to be untrue, shall be imprisoned for a term not exceeding seven years in the Bridewell, and there kept at hard labour, and shall pay all charges of prosecution.

XIV. *And be it further enacted,* That neither of the said Co-partners shall file any Bill or commence any proceedings in Equity, touching the aforesaid Co-partnership dealings, and that the Judgments of the said Supreme Court, to be rendered under this Act, shall be final to all intents and purposes.

XV.

XV. *And be it further enacted*, That this Act, and every matter, clause and thing, therein contained, shall be and continue in force for the term of five years, from the passing of this Act, and from thence to the end of the then next Session of the General Assembly, and no longer. Continued 5 years

## CAP. XXIX.

### An Act to prevent the Sale of Spirituous Liquors to Indians, and to provide for their Instruction.

**WHEREAS**, the Sale of Spirituous Liquors to Indians has been found highly prejudicial— Preamble

I. *BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the passing of this Act, it shall and may be lawful for the Justices of the Peace in and for the several Counties and Districts in this Province, at their several General Sessions of the Peace, to make such rules and regulations as they may deem expedient to prevent any person from selling, or giving in barter or exchange, Spirituous Liquors to Indians, and the said rules and regulations, from time to time, to change and alter. and to impose such fines, penalties and forfeitures, for the breach of the said rules and regulations, or of any of them, as to the said Justices shall seem fit and proper. *Provided always*, That any such fine, penalty or forfeiture, do not exceed Twenty Shillings for each and every offence. Justices to make Regulations to prevent sale of Liquors to Indians

II. *And be it further enacted*, That all fines, penalties and forfeitures, imposed by the said rules and regulations for any breach thereof, shall be sued for, prosecuted and recovered, before any one Justice of the Peace in the same manner as debts under Three Pounds are now recoverable, and shall be applied one half thereof to the person who shall sue for the same, and the other half to the relief of the Poor Indians in the town or place wherein such offence shall be committed. Fines to be recovered before one Justice of Peace

III. *And be it further enacted*, That it shall and may be lawful for the Justices in their General Sessions of the Peace, in their discretion, on complaint made to them, to deprive any person or persons, convicted of a breach of the said rules and regulations, of his, her or their License to sell Spirituous Liquors. Offenders to be deprived of Licence

IV. *And be it further enacted*, That it shall and may be lawful for any two of His Majesty's Justices of the Peace to provide for the instruction in reading and writing of any Indian or Indians, who may require it, and, for that purpose, to direct an order to any Master or Teacher of any Public School in the Province, who may be in the receipt of any Salary or Allowance under any Act or Acts of this Province, for supporting and establishing Schools, thereby directing such Master or Teacher to receive into his School any Indian Male or Female, and without fee or reward to instruct and teach such Indian or Indians, to read and write, and any Master or Teacher, who shall refuse or neglect to obey any such order, shall be deprived of any Provincial allowance or salary to which he may be entitled for that year. Justices to provide for instruction of Indians

## CAP. XXX.

### An Act in amendment of the Act, entitled, An Act for the more effectually enforcing the Inspection, and encouraging the Exportation, of Pickled Fish.

Amends 9, Geo. 4, C. 20, continued, & amended by 30 Wm. 4, C. 39.

**WHEREAS**, the provisions of the said Act require to be altered and amended :

I. *BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That the Preamble

1st, 3d and 9th  
Sections Geo.  
4, C. 20, re-  
pealed

Chief Inspec-  
tor to appoint  
Deputies

Deputies to be  
well acquainted  
with curing  
Fish, &c.

Chief Inspector  
answerable for  
his Deputies

Act extends  
to all Pickled  
Fish

Description &  
branding of  
Casks

Contents of  
tierces and  
barrels

Dimensions  
and descrip-  
tions of casks

Casks for Sal-  
mon, Herring  
or Gaspereau

the first, third and ninth Sections of the said Act shall be, and the same are hereby, re-  
pealed, save and except, as to all matters done, or penalties incurred or recoverable un-  
der the same.

II. *And be it further enacted*, That the Chief Inspector of Pickled Fish shall appoint  
so many Deputy Inspectors for the execution of the said entitled Act, and the present  
Act, and at such places as shall be ordered and directed by the respective Courts of  
General Sessions of the Peace for the respective Counties and Districts of the Province,  
and according to the number of Deputies which the said Courts of Session may deem  
necessary for each Port.

III. *And be it further enacted*, That all the Deputy Inspectors shall be Persons well  
acquainted with the curing and packing of Pickled Fish, and shall, before attempting to  
execute the office of Deputy Inspector, give Security by Bond, in such form, and to  
such amount, as by the said Act is provided, and shall be entitled to take the Fees by  
the said Act allowed to Deputy Inspectors.

IV. *And be it further enacted*, That the Chief Inspector shall be liable and responsi-  
ble for all the conduct and proceedings of his several Deputies in their respective offi-  
ces; and all actions for the recovery of penalties or damages for their misconduct or  
neglect of Duty shall be prosecuted against the Chief Inspector only, who shall have  
his remedy over against the Deputy guilty of misconduct or neglect of Duty, either upon  
the Bond given, or by action on the case for damages; and in every such action, the  
Judgment recovered against the Chief Inspector shall be evidence of damages against  
the Deputy Inspector sued, or his Sureties, *provided* such Deputy Inspector shall have  
had due notice of the action brought against the Chief Inspector.

V. *And be it further enacted*, That the said recited and the present Act shall ex-  
tend and apply to all Pickled Fish, packed for sale, in tierces, barrels, or half barrels,  
whether the same be intended for exportation, or consumption within the Province.

VI. *And be it further enacted*, That all tierces, barrels, and half barrels, wherein  
pickled Fish is intended to be packed for sale, shall be made of wood, sound, and well  
seasoned, and free from sap, knots and bug, or worm holes; shall have each one hard  
wood bung stave; shall be branded on the bung stave with the initials of the Christian  
and the whole Surname of the Makers thereof respectively, and shall be well and suffi-  
ciently hooped with four hoops on each bilge, and four hoops on each chime; further-  
more, the staves at the thinnest parts shall be half an inch in thickness, and if made of  
soft wood, shall be at the ends at least three quarters of an inch in thickness; and the  
ends or heads of the casks shall be made of wood not exceeding one inch in thickness,  
be plained or shaved smooth on the out side, and have one third of the thickness at the  
edges cut from the out side.

VII. *And be it further enacted*, That each tierce of pickled Fish shall contain Three  
Hundred Pounds of Fish, each barrel Two Hundred Pounds, and each half barrel One  
Hundred Pounds respectively, over and above the quantity of Salt and Pickle necessa-  
ry to preserve the said respective quantities of Fish.

VIII. *And be it further enacted*, That the casks intended to contain Pickled Fish  
shall be made of Wood of the following dimensions, that is to say—for Pickled Macka-  
rel, the barrels shall be made of staves, cut twenty-eight and an half inches long, and of  
heading cut to the diameter of seventeen and one quarter inches at least, and shall con-  
tain not less than twenty-nine nor more than thirty gallons, measured by the gallon  
pot, commonly used for Pickled Fish; the half-barrel shall contain not less than four-  
teen and one half, nor more than fifteen Gallons, and be made of staves cut twenty-two  
and an half inches long, and the tierces shall contain not less than forty-four nor more  
than forty-five gallons, and be made in proportion to the aforesaid size of the barrels.  
*Provided always*, That barrel staves cut of the length of twenty-eight inches only may  
be used for barrels under this Act, until the thirty-first day of January next.

For Pickled Salmon, Herrings or Gaspereau, the barrel shall be made of staves cut  
twenty-seven inches in length; the half-barrel of staves cut twenty-two inches in length,  
and the tierces in the like proportion, and the said casks shall respectively be made of  
the same diameters, and on the same trusses as the respective casks for Mackarel.

**IX.** *And be it further enacted,* That the Chief Inspector and his several Deputies shall, and they are hereby required to, examine and inspect all casks brought for or intended as aforesaid, to contain Pickled Fish, and shall have power and authority to condemn and declare forfeited all such casks as shall not be in every respect conformable to this Act, and shall seize the same. *Provided always,* That no charge shall be made for the inspection of the several packages or casks aforesaid, if such inspection be made when the Fish is packed or inspected therein; but if they be inspected when Fish is not intended to be immediately packed therein, a Fee of One penny for each Cask shall and may be received and levied for such inspection, of which Fee, one fourth shall be paid to the Chief Inspector.

Inspector and Deputies to inspect all casks

Charge for inspecting casks

**X.** *And be it further enacted,* That every Barrel of Pickled Fish, inspected under these Acts, shall contain, besides the weight of Fish required as aforesaid, at least two pecks, or other greater quantity by this Act required, of coarse Salt or other Salt suitable therefor, being clean and good, and the half-barrels and tierces shall contain the like proportion thereof.

Quantity of Salt to each cask

**XI.** *And be it further enacted,* That all Inspected Pickled Fish, whether Mackarel, Salmon, Herrings, Gaspereau, Shad, or other kinds, and whether split or otherwise, shall be Fish well struck or salted in the first instance with salt or pickle, and preserved sweet and free from rust, taint or damage, and shall be packed with suitable salt for their preservation, and in such tierces, barrels, or half-barrels as aforesaid, containing the respective quantities aforesaid; and each cask shall be filled with Fish of one and the same kind and quality, and be properly packed and headed up, with the proper number of Hoops thereon, and shall be filled up with a clean, strong pickle, sufficiently heavy to float a Fish of the kind packed. And before the Fish are packed in the barrel, they shall be carefully sorted and classed according to their respective numbers and quality, and shall then be carefully weighed; and on each layer of Fish, as packed in the barrel, the Salt shall be regularly placed to the extent, in all, of the quantity hereby required for the casks respectively.

Salting, packing, weight, &c. of inspected Fish

**XII.** *And be it further enacted,* That there shall be three numbers or qualities of Mackarel and Salmon; and two numbers or qualities of Herrings, Gaspereau, and other Fish, as follows:

Qualities of Fish

The quality number one, of Mackarel and Salmon, shall comprehend Fish of the best, fattest, and most superior kind, having, previously to being salted, the blood thoroughly scraped from the back bone, and being properly soaked, well cured, and in every respect free from any taint, rust, or damage whatsoever; the Mackarel shall be Fall Fish.

No. 1 Mackarel and Salmon

The quality number two, of Mackarel and Salmon, shall comprehend the best of those that remain after the selection of the first quality; and the quality number three, shall consist of the thinnest and poorest Fish, or of good Mackarel under eight inches in length—both qualities shall be sweet and wholesome, entirely free from rust, taint or damage, properly cured, and well soaked before being salted.

No. 2 Mackarel and Salmon

No. 3

The quality number one, of Herrings, or other Fish, shall be of the fattest, best and most superior Fish; and the quality number two, of the poorer, thinner and inferior Fish—both qualities of the said Fish shall be carefully cured and cleaned, and be sweet and wholly free from rust, taint or damage, whatsoever, and they shall also, if intended for Exportation, be packed with at least two pecks of suitable salt to each barrel, and so in proportion for other casks.

No. 1, of Herring, &c.

No. 2

**XIII.** *And be it further enacted,* That no Mackarel, not split, shall be inspected for exportation; and that all rusted Fish shall be branded (No. 4, *Rusty*); and all tainted or damaged Fish of every kind shall be wholly condemned, and on no account whatever be permitted to be packed or inspected, but shall either be disposed of for manure, or in the presence of the Chief or Deputy Inspector, be thrown into the sea within such period, not exceeding three days, as the Inspector shall appoint, otherwise, on failure of the Owner so to do, the said Fish shall be forfeited, and shall be sold by the Inspector for manure, or be destroyed.

Rusted Fish Tainted and damaged Fish to be condemned

Herring or  
Mackarel for  
Home Con-  
sumption

Number of  
quality, &c. to  
be branded on  
cask

Inspecting and  
branding done  
in presence of  
Chief Inspector  
or his Deputies

Casks repack-  
ed done by an  
Inspector

Certificate to  
be produced to  
Officers of  
Customs

Penalty for  
violation of Act

If inspected  
Fish be de-  
ficient Inspec-  
tor made liable

Fish not in-  
spected and  
branded of-  
fered for sale  
to be forfeited

**XIV.** *And be it further enacted,* That Mackarel and Herrings, intended for home consumption, shall be packed with fine salt, and be branded in large letters, H. C.

**XV.** *And be it further enacted,* That the several casks containing Pickled Fish, so sorted, packed and inspected as is herein directed, shall be branded in legible characters on one head of the cask, with the description of the Fish, and number of the quality thereof, contained therein, and also with the initial letter of the christian name and whole surname of the Chief or Deputy Inspector by whom the same are inspected, the name of the place where he acts as Inspector, and the word [Nova] for Nova-Scotia.

**XVI.** *And be it further enacted,* That the sorting, weighing, inspecting and branding any cask of Fish as aforesaid, shall be made and done either by, or in the immediate presence and sight of, the Chief Inspector, or of some one of the Deputy Inspectors, who hath given security as aforesaid; and unless in such immediate presence and sight of an Inspector, no other person whomsoever shall be allowed to brand a cask, or sort or inspect such Fish, under the penalty of Three Pounds upon the Chief Inspector or Deputy Inspector suffering the same to be done.

**XVII.** *And be it further enacted,* That in every case when it becomes necessary, in consequence of any casualty, to repack a cask of inspected Pickled Fish, intended for sale or exportation, such repacking shall only be done by an Inspector, if one be within five miles of the place of repacking.

**XVIII.** *And be it further enacted,* That the certificate referred to and required by the fourth and tenth Sections of the said Act, shall in future be produced to the principal Officers of the Customs, at the place of exportation of any Pickled Fish, instead of to the Collector of Impost and Excise, as in the said Sections is directed.

**XIX.** *And be it further enacted,* That whosoever shall, in or from any cask, intermix, take out, or shift, any inspected Fish, packed or branded as aforesaid, or put therein other Fish for sale or exportation, contrary to the true intent and meaning of these Acts, and whosoever shall sell, or export, or offer for sale, or exportation, or cause to be sold in, or exported from this Province, any tainted or damaged Fish, or any tierce, barrel or half-barrel of Pickled Fish, not inspected and branded according to this Act, and whosoever shall carry or convey from the vicinity of Halifax, or any of the Outports or other places in this Province, into the inland or other parts thereof, any Fish packed in tierces, barrels or half-barrels, and intended for consumption, but not being branded as herein before is directed; and whosoever being the master of any vessel, having on board any Pickled Fish for exportation, or being the shipper thereof, shall not produce to the Principal Officers of the Customs for the Port, before the ship's departure therefrom, such certificates of the Chief Inspector or any Deputy Inspector as is by the said Act directed, each and every of the parties so offending, shall suffer and pay a penalty of Twenty Shillings for every hundred weight of the Fish aforesaid, in this Section referred to.

**XX.** *And be it further enacted,* That whensoever it shall appear that any cask of pickled Fish, branded by the Chief Inspector or any of his Deputies, hath proved unequal in quantity or quality, to that which may be indicated by the brand on the cask, or be deficient in any of the requisites in this Act before mentioned, then and in every such case, on due proof thereof, the party injured thereby shall be entitled to recover from the Chief Inspector, for each and every such deficient cask of Fish, double the value thereof, at the time of the inspection thereof, and the Chief Inspector shall and may recover the same, with all costs, from the Deputy, by whom such cask was branded. *Provided always,* That in every such case, sufficient proof shall be given by the party complaining, that the said cask, when first opened, was found to be insufficient, and defective in the particulars required by this Act, and that such insufficiency or defect entirely arose from the state, condition or bad quality, of the Fish or of the cask, or the bad packing or pickling the Fish at the time of the inspection thereof, and not from any casualty or neglect, subsequent to the inspection.

**XXI.** *And be it further enacted,* That all pickled Fish not inspected, and branded according to this Act, or tainted or damaged, being in tierces, barrels or half-barrels, and shipped for exportation, or offered for sale in this Province, or found while being conveyed

veyed into the Inland Parts of this Province, and all Fish taken, shifted or intermixed, from or in the cask after the inspection and branding thereof, shall be, and is hereby declared, forfeited.

XXII. *And be it further enacted,* That all pecuniary penalties, by these Acts imposed, shall and may be recovered before a Justice or Justices of the Peace, or any Court of Record, having Jurisdiction to the amount of the penalty sued for; and that all Pickled Fish forfeited, shall and may be seized by the Chief Inspector, or any of his Deputies, or the Collectors of Impost and Excise, and the Officers of the Provincial Revenue, and shall and may, unless the Fish be tainted or damaged, be condemned and adjudged before any one or more Justices of the Peace, or in any Court having Jurisdiction according to the value thereof; and the proceeds of such forfeitures and of the penalties aforesaid shall be paid and applied, one moiety for the benefit of Common Schools in the Town where the offence is committed, and the other moiety to him who will sue for the same; *Provided always,* That tainted and damaged Fish shall as aforesaid without being condemned be destroyed or sold for manure.

Recovery and application of penalties and forfeitures

XXIII. *And be it further enacted,* That it shall be the duty of the Principal Officers of His Majesty's Customs, of the several Collectors of Impost and Excise throughout this Province, and of the other Officers of the Provincial Revenue, rigidly to enforce the execution of these Acts, and to compel obedience thereto, and to seize and prosecute to condemnation all Pickled Fish liable to be forfeited under these Acts.

Officers of Customs and Revenue required to enforce this Act

XXIV. *And be it further enacted,* That it shall be the duty of the Principal Officers of His Majesty's Customs, in all parts of this Province, whenever any Pickled Fish is cleared out according to the fourth clause of the said Act, to grant to the Master of the Vessel, wherein the same shall be shipped, a Certificate in the following words, that is to say: These will certify, that A. B. Master of \_\_\_\_\_ bound from hence to \_\_\_\_\_ has cleared out, \_\_\_\_\_ of Pickled \_\_\_\_\_ according to law.

Certificate of Clearance

[To be signed by the Collector or Officer of the Customs;] and the Principal Officers of His Majesty's Customs at Halifax shall make an annual return to the Treasurer on the thirty-first day of December, in each and every year, of the number of barrels, half-barrels and tierces of each kind of Pickled Fish that may be cleared out from their respective offices.

XXV. *And be it further enacted,* That when any quantity of Fish shall be required to be inspected, and the same doth not exceed twenty barrels, the same shall be brought to the Store, Wharf, or place of business, of the Inspector, but if the quantity be greater, the Inspector, on payment or tender of his fees for travel, at the rate of six-pence per mile from the place of his residence and back, shall attend at the place where the said Fish may be, and inspect the same within two days after being requested thereto, under the penalty of forfeiting to the owner thereof Three Pounds for each day that he shall, after such space of two days, neglect such inspection.

Travel of Inspector &c.

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

Continuation of Act

### CAP. XXXI.

## An Act to provide for the Custom-House Establishment in Nova-Scotia.

**WHEREAS**, by virtue of certain Statutes of the Imperial Parliament of Great-Britain, passed in the sixth year of His present Majesty's Reign, all Fees and Perquisites previously exacted by the Officers of His Majesty's Customs in the Colonies, on Vessels engaged in the Trade thereof, were wholly abolished, and the Commerce of the said Colonies was by the same Statutes relieved from many burthensome restrictions.

Preamble

*And whereas*, By one of the said Statutes, that is to say, the Act, entitled, An Act to regulate

regulate

regulate the Trade of the British Possessions abroad,—It is enacted, that the produce of the Duties to be received under the provisions of that Act shall be paid by the Officers of the Customs into the hands of the Treasurer of the Colony in which the same shall be levied, and be applied to such uses as by the Legislature thereof, shall be directed.

*And whereas*, It is the inherent and undoubted right of the General Assembly of this Province to appropriate and dispose of the produce of all such Duties, Taxes or Impositions, raised or collected from the People thereof; and the same cannot be applied or appropriated otherwise than as the General Assembly direct.

*And whereas*, Under the said Act, entitled, as aforesaid, and certain other Acts of the Imperial Parliament since passed, in addition, alteration, or amendment thereof, there hath been levied, collected and received by the Officers of His Majesty's Customs in this Province during the three years, ending on the fifth day of January, One Thousand Eight Hundred and Twenty-nine, the sum of Sixty-six Thousand and Seven Pounds One Shilling and Five Pence Farthing of Sterling Money of Great-Britain, whereof, the said Officers have paid into the Treasury of this Province, the sum of Forty Thousand One Hundred and Forty-nine Pounds Nineteen Shillings and Six Pence, and no more, and a balance of Twenty-five Thousand Eight Hundred and Fifty-seven Pounds One Shilling and Eleven Pence Farthing Sterling remains yet unpaid by them into the said Treasury.

*And whereas*, In consideration of the abolition of the aforesaid Fees, it is expedient that the People of this Colony should contribute towards the expence of maintaining the Custom House Establishment in this Province; and also that there should be granted to His Majesty a further sum of Money, in consideration of the benefits which the General Commerce of the Province may derive from the removal of the aforesaid burthensome restrictions upon the same :

Grant for Custom House Establishment  
£6,430 9s  
Sterling equal to £7144 18 9  
Currency Annually

I. *BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That henceforth, by and out of, all and singular the Taxes, Rates and Duties levied and collected, under and by virtue of the said Act of the Imperial Parliament, entitled, as aforesaid, or any Acts made or to be made, in addition, alteration, or amendment thereof, and actually paid into the Provincial Treasury; there shall be granted and paid to His Majesty, his Heirs and Successors, from, and out of the Treasury of this Province, yearly, and in every year, one annuity or yearly sum of Six Thousand Four Hundred and Thirty Pounds and Nine Shillings of Sterling Money of Great Britain, equal in value to the sum of Seven Thousand One Hundred and Forty-four Pounds Eighteen Shillings and Nine Pence of lawful Money or Currency of this Province, instead of, and in lieu of, and in full satisfaction for, all Fees, Perquisites and Emoluments whatsoever, from the People of this Province, or Vessels trading thereto, heretofore demanded or received by, or hereafter to be made payable to, any Officer or Officers of the said Establishment; *Provided*, That no part of the General Revenues of this Province shall be chargeable, or be held, or construed to be chargeable, for the payment of the said Annuity, other than the Duties and Taxes for the regulation of Trade, to be levied and collected by virtue of the said Act of the Imperial Parliament, or any Act made or to be made, in addition, alteration, or amendment thereof, as aforesaid; *And provided further*, and it is hereby declared and enacted, that nothing in this Act shall extend, or be construed to extend, to affect, alter or abridge, the right which the General Assembly of this Province hath to levy and collect any Duties, that it may deem expedient to impose upon articles imported from Foreign Countries.

General Revenue not to be answerable for payment

Not to abridge right of General Assembly to levy duty upon Foreign articles

Grant to be drawn by Warrants quarterly

II. *And be it further enacted*, That it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief for the time being, in each and every year, to make and issue his Warrants to the Treasurer of this Province, for the payment of the said amount or sum of Seven Thousand One Hundred and Forty-four Pounds Eighteen Shillings and Nine Pence Currency, to such Person or Persons, as on behalf of His Majesty, his Heirs or Successors, shall be appointed to receive the same, and in quarterly payments on the quarter days following, that is to say: the fifth days of January, April, July and October, in every year, the first quarterly payment thereof to be made on the fifth day of April in the present year.

III. *And be it further enacted*, That the said Annuity shall be paid out of the produce of the aforesaid Duties, and in such Monies or Currency as from time to time shall be in the Treasury, or shall be received or receivable, or usually paid thereat.

*Provided nevertheless*, That the Principal Officers of His Majesty's Customs at Halifax do, within one month after each and every quarter day aforesaid, in every year, pay into the Treasury of this Province, all and singular the sums of money by them, or the Officers under them, received or collected for Duties, either for the Tonnage and discriminating Duties on Foreign Vessels, or under the said Act of the Imperial Parliament, or any Acts in addition, alteration or amendment thereof, or under any Provincial Acts, and which by the said Act or Acts are now or may be made payable to the Treasurer of this Province.

*And provided also*, That the said Principal Officers of the Customs do, within one month after each and every quarter day aforesaid, render and exhibit to the said Treasurer or other Officers appointed to receive the same, a just and true account of the several articles upon which the said Duties were collected, and of the Vessels in which the same were imported, and such Quarterly Accounts and Returns shall be made up, and stated, in such and the like forms, and shall contain such and the like particulars, as by the Board of Customs now are, or shall from time to time be ordered and required to be inserted therein; *And provided likewise*, That the said Principal Officers of the Customs do, and they are hereby required to, account for, and touching, the Duties imposed or to be imposed by the said Acts or any subsequent Act, and which are or may be required, and ought to be levied and received by the said Officers of the Customs, to the Person or Persons appointed to audit the Public Accounts of this Province, and to the General Assembly, and in such way and manner as the Collectors and Officers of the Provincial Revenue are obliged or compellable to account for the collection, receipt and payment of the Provincial Duties of Impost or Excise, and to the satisfaction of the said General Assembly.

IV. *And provided likewise, and be it further enacted*, That, save and except the annuity payable under this Act, no part of the Monies, at any time hereafter to be paid by the Officers of the Customs into the Treasury of this Province, shall or may be applied or appropriated, on any pretence whatsoever, to any use, service, or purpose whatsoever, other than, and except, such uses, services and purposes as shall hereafter be specified and appointed in the annual Appropriation Acts of the General Assembly.

V. *And be it further enacted*, That the said balance or sum of Twenty-five Thousand Eight Hundred and Fifty-seven Pounds One Shilling and Eleven Pence Farthing, so as is above recited, not paid in by the Officers of the Customs at Halifax, from the Duties collected as aforesaid, shall be and the same is hereby humbly, absolutely and freely given, and granted to His Majesty.

VI. *Provided always, and be it further enacted*, That nothing in this Act contained shall be of any force or effect whatsoever, until His Majesty's pleasure shall be known thereupon.

Paid from such Monies as may be in the Treasury

Officers of Customs to pay in amount of duties one month after close of Quarter

Officers to exhibit Accounts and Returns of their Receipts Quarterly—

and to account to persons appointed to audit public accounts and to General Assembly

Custom duties not to be applied except the annuity aforesaid unless under annual Appropriation Acts

Balance of sum heretofore collected granted to His Majesty

Assented to by His Majesty in Council

## CAP. XXXII. ✓

### An Act concerning the Common of Halifax.

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant-Governor or Commander in Chief, for the time being, by and with the advice and consent of His Majesty's Council, to appoint and commission three fit and competent Persons to be [during pleasure] Commissioners for the Common of Halifax, (the said Common being the lot or tract of waste Land containing two hundred and forty acres, more or less, situate on the Peninsula of Halifax, and originally laid out as a Common for the Town of Halifax) and from time to time, as vacancies occur in such office of Commissioners, either by revocation, death, resignation or continued absence from Halifax, to supply the same by new appointments.

P

H.

Amended by 1. Wm. IV. C. 4, and 4. Wm. IV. C. 71

Governor and Council to appoint three Commissioners

Commissioners or two of them to have full power to manage the concerns of the Common—

and to render yearly Accounts to Lieutenant-Governor and Council and to pay amount to County Treasurer

Duration of Leases

Commissioners to examine state of Lots formerly let and to compromise with proprietors or let to others and confirm Titles

Preamble

Lessees under 55th Geo. III, C. 13, to hold Lots subject to the award of appraisers as to reduced rate of Rent

If Tenant neglect to name appraiser in six months to forfeit his Lot

II. *And be it further enacted,* That such Commissioners, or any two of them, shall have full power and authority to manage, transact and perform all matters and things whatsoever in any wise relating to or concerning the said Common, or connected with the preservation and improvement of the said Common, and the Roads and Highways leading to, from and through the same, and for ascertaining and marking the width and direction thereof, and for repairing the same as occasion may require, and for laying out such allotments therein as it may be expedient and beneficial to enclose and cultivate, not exceeding in the whole One Hundred Acres, and shall and may lease the same to the said number of Acres in the whole from time to time, on such terms and conditions, and for such Rent or Rents as by such Commissioners may be deemed best calculated to enhance the value and to serve the Interest of the Inhabitants of the Town of Halifax; and shall and may yearly, as may be required, render a just and true account to the Lieutenant-Governor and Council, of the state and condition of the said Common, its Roads, enclosures and allotments, with the Leases and Rents thereof, and shall pay the nett amount of such Rents remaining in their hands after deducting such charges and expences as may have been incurred, and shall be allowed on the audit of such Accounts, into the County Treasury for the further improvement and ornament of the said Common, under the direction of the Governor and Council; *Provided,* that no lease be made for a longer time than thirty-three years, and that all leases shall commence on the first day of May.

III. *And be it further enacted,* That the Commissioners shall examine the state and condition of the several Lots, surveyed and leased to several individuals, some of whom have fenced and improved the Lots purchased by them, and shall and may ascertain the amount of the Rent received therefor, and now due and unpaid, and adjust and receive the same, or make any compromise therefor or release the same as may appear expedient, or affix and establish, by agreement and consent of the Tenants, the rate of all future Rents under the said leases respectively, or accept the surrender of such lease or leases from the holders thereof, and grant other leases therefor as may be expedient and equitable under the circumstances of the case.

*And whereas,* The Improvements designed and stipulated to be made when the said Lots were leased as aforesaid have not been executed, and by reason of doubts concerning the title under such leases the tenants have lost or been deprived of much of the benefits to be derived therefrom, and it is therefore expedient to confirm the titles under the said leases, at and under such reduced Rents as may be found reasonable in reference to the present value of unimproved Lots on the said Common:

IV. *Be it therefore enacted,* That all Persons interested in and claiming title respectively to the several Lots or Parcels of Land, part of the said Common of Halifax, demised and leased for the term of Nine Hundred and Ninety-Nine Years, under and by virtue of the provisions of the Act of the General Assembly of this Province, made and passed in the fifty-eighth year of His late Majesty's Reign, entitled, "An Act for the improvement of the Common of Halifax," shall and may severally and respectively hold, occupy and enjoy the several demised Lots and parcels of Land and Premises for the residue of the terms in the leases thereof expressed, according to the force, form and effect of the said leases respectively, but subject to and under such reduced rate of Rent for such Lot as shall be fixed and established therefor by the award of such three Persons as under this Act shall be nominated and appointed to settle the Amount of Rent to be payable in future for such Lots respectively: one of such appraisers to be nominated by the Commissioners, one by the Tenants respectively, and one by the Judges of His Majesty's Supreme Court:—And the Rent so to be established shall be endorsed on the respective leases so made as aforesaid—subject nevertheless to an appeal therefrom to the said Supreme Court, the Judges whereof may in a summary manner inquire into the same, and, if they think proper, order another appraisement thereof which shall be final thereupon.

V. *Provided always, and be it further enacted,* That if within six months from the delivery to any such Tenant of a written notice from the said Commissioners, that they are ready to proceed to name such appraisers, the Tenant or person legally interested in any

any such Lot leased as aforesaid, shall neglect or refuse to name an appraiser on his part or to attorn and hold under the Rent awarded on such appraisement, then the lease of such Lot, and the term of years unexpired therein, shall and may be by the said Commissioners declared forfeited, and such lease shall cease and determine accordingly.

VI. *And be it further enacted,* That the Commissioners may from time to time appoint one or more suitable persons to traverse the said Common, and in the name of the Commissioners to prosecute for any nuisances therein, and to examine and remove any encroachments that may be made on its boundaries, or any Rocks, Stones, broken Glass, or rubbish which may be found thereon, and to scatter and spread any ashes or manure which may be heaped thereon, and to level the hillocks, and open the drains, and water courses, that the whole may be kept neat and in good order.

Commissioners may appoint a Person to search out and remove all Nuisances

VII. *And be it further enacted,* That in case any of the said leases should hereafter, from any cause, matter or thing, become forfeited or void by surrender or otherwise, the said Commissioners shall have full power and authority to enter into possession of the Lands and Premises described in such void lease and to re-let the same to the highest bidder at Public Auction, under such covenants and conditions as were contained in the original lease of the same.

Forfeited leases to be re-let at Auction

VIII. *And be it further enacted,* That it shall and may be lawful for the said Commissioners, by and with the consent and approbation of the Governor and Council for the time being, to set off and appropriate from time to time such parts of the said Common as may be wanted for Public Cemeteries or Burial Grounds for the Town of Halifax, or for the establishment of a House of Correction and Industry, and for a Bridewell, or for any other public purposes which may be considered useful and beneficial to the Inhabitants of the said Town and Peninsula; and the parts of the said Common so assigned for any such use or public purpose shall be thereafter held, used and enjoyed, according to the terms and conditions specified in such assignment.

Lots may be assigned for Burial Grounds for House of Correction and Bridewell

IX. *And be it further enacted,* That it shall and may be lawful for the said Commissioners, by and with the consent and approbation of the Governor and Council, to continue the cultivation and improvement of the said Common, by letting from time to time, on improving Leases, such other lots or portions of the said Common as may be deemed expedient for such term of years, and for such rent, and under such conditions of cultivation and improvement, as may be fixed and established by the said Commissioners, by and with the approbation aforesaid; and the Leases so made and executed shall be good and valid in law; *Provided, always,* That no more than One Hundred Acres of the said Common shall be under Lease at one and the same time, and that the Leases to be hereafter made shall be in all respects, except the time, similar to those heretofore made and herein referred to.

Commissioners with assent of Governor to make new leases

Part of Common leased not to exceed 100 acres

X. *And be it further enacted,* That all Rents arising from the Leases heretofore made or which may hereafter be made of any parts of said Common, and the proceeds of all Fines and Forfeitures recovered from Persons transgressing the rules and regulations, from time to time established for the management of said Common, shall be expended and applied in mending and making convenient Roads through the said Common, and for Fencing and improving the same, and for the planting and ornament thereof.

Rents and Fines applied to improve the Common

XI. *And be it further enacted,* That it shall and may be lawful for the Justices of the Peace for the County of Halifax, in their General Sessions of the Peace to be held from time to time at Halifax, to make such Rules, Orders and Regulations for the said Common as may be thought necessary and from time to time to alter and change the same, and to annex such penalties as may be thought necessary, to compel obedience to such orders and regulations, so as effectually to prevent persons from trespassing on said Common, by digging or breaking up the soil thereof, or from taking away the earth, soil or stones thereof, and for forfeiting and removing all manure, stones, ashes, rubbish, earth or any incumbrance which may be laid thereon, and for punishing by fine or otherwise the Person or Persons who shall place the same thereon, or by whose order or direction the same may have been so done, and for regulating the number of cows, sheep or oxen, which the respective Inhabitants aforesaid may be entitled to pasture on the said Common, and for taking up and impounding all horses or pigs found at large on said Common, as also for impounding

Justices in Sessions to make Rules and Regulations—

With necessary penalties for violation—

*Thompson's  
4. 11. 1829  
With necessary penalties for violation— 5. 2.*

impounding all cattle, cows, oxen and sheep, which may be found on said Common, beyond the number entitled to be depastured thereon; and also to fix the penalty which the owner of such horses, pigs, cattle, oxen, cows or sheep, shall pay, to obtain the release of the same when lawfully impounded, and also for preserving ornamental trees, from time to time planted or to be planted on such Common; and also for punishing persons injuring the same; *Provided always*, That no rule, order or regulation, so made by the Sessions, shall be carried into effect, until the same shall have been signed and approved by the said Commissioners.

Rules to be signed and approved by Commissioners

Extent of Punishment either by fine or imprisonment

**XII.** *Provided always, and be it further enacted*, That no imprisonment in the Jail or House of Correction exceeding three months, or less than three weeks, and no penalty exceeding Forty Shillings, or less than Five Shillings, shall be adjudged or levied for the breach of any order or regulation so to be hereafter established, the same to be recovered with costs before any one of His Majesty's Justices of the Peace for the County of Halifax, one half to go to the Informer who shall sue and prosecute for the same, and the other half to be paid to the said Commissioners to be applied as aforesaid.

Act not to extend to Exercising Ground. Act 1, Wm. IV, C. 4, in amendment of this Act assented to by His Majesty

**XIII.** *And be it further enacted*, That nothing in this Act contained shall extend to the North part of the said Common used as an Exercising Ground for His Majesty's Troops, or shall be of any force or effect, until His Majesty's pleasure shall be known hereupon.

*vide 1 Geo. IV. C. 4, preamble, which says this Act shall not extend to the North part of the said Common and see marginal note to 5 III. ibid*

CAP. XXXIII.

An Act in addition to, and in amendment of, the several Acts of this Province, relating to the Office of Sheriffs.

Preamble

**WHEREAS**, doubts and difficulties have arisen under the existing Practice, with respect to the nature and extent of the liability of the Sureties in Bonds given to His Majesty, for the due execution of the Office of Sheriffs in this Province. *And whereas*, it is expedient that such Security should hereafter be rendered more available, and be better defined than it is at present:

Sheriffs Bond to be given annually to His Majesty

**I.** *BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That hereafter, every Sheriff of a County in this Province shall, annually, within two calendar months from the date of the Gazette in which his appointment shall be published, deposit, at the Secretary's Office in Halifax, a Bond for the due performance of his Office, made to His Majesty, His Heirs and Successors, in the usual Form in such cases, with two sureties, in which the said Sheriff shall be bound as Principal in the sum of One Thousand Pounds currency, and each of the said Sureties, being Freeholders, in the sum of Five Hundred Pounds Currency.

Bond to be approved by Lieutenant Governor and Council

**II.** *And be it further enacted*, That such Bond, when received at the Secretary's Office, shall be laid before the Lieutenant-Governor, and Council, with as little delay as possible, who shall cause their approbation or disapprobation of such security, to be signified in writing to the said Sheriff, within twenty days after such Bond shall have been received at the said Secretary's Office.

Sheriffs to be removed not giving Bond

**III.** *And be it further enacted*, That it shall and may be lawful for the Lieutenant-Governor to remove any Sheriffs not giving such Bond, or whose Security has not been so approved, within three Calendar Months from the date of the Gazette in which his appointment shall have been published.

On approval of Bond to receive commission and be entitled to emoluments &c

**IV.** *And be it further enacted*, That every Sheriff, whose security shall be so approved, shall then, and not before, be entitled to receive his Commission; and shall then, and not before, execute the functions of that Office, and have a right to the emoluments thereof, under his appointment; but the Sheriff appointed for the preceding year shall continue, and his sureties remain responsible, and, if he be the same Person, he shall continue to act under his former appointment; and his sureties for the preceding year, shall continue responsible for the performance of his duty, until he find approved security, as before

Former Sureties responsible for last year

before directed, or that he be removed from Office. *Provided always*, that if at any time it shall appear that the Sheriff of any County has misconducted himself, or that his Sureties are not to be relied on, that it shall be in the discretion of the Lieutenant-Governor to grant a Commission to a new Sheriff immediately upon his first appointment—which shall authorise him at once to enter upon the Duties, and enjoy the emoluments, of his Office, subject nevertheless to his finding approved security as aforesaid, within three Calendar Months, the said Security to commence from the date of the Commission.

If Sheriff misconducts another may be appointed on finding securities

V. *And be it further enacted*, That the Sureties in all Bonds given in pursuance hereof, shall be responsible for the performance of the Duty of such Sheriff—their principal—and for the amount of all goods, chattles, effects and monies coming into his Custody, by virtue of his Office of Sheriff, and not duly accounted for, from the date of his appointment, next preceding the execution of their Bond, until he the said Sheriff shall be actually removed from Office by the appointment of another person in his stead, and a Commission received by such other person, or in case of his re-appointment, until a new Bond for his performance of duty shall be given in pursuance thereof, and the approbation of such new Security signified in writing as aforesaid. *Provided always*, that any such Surety or Sureties who shall at any time desire to be relieved from further responsibility, may signify such desire by petition to the Lieutenant-Governor and Council, who may thereupon require the said Sheriff to substitute some other person or persons of sufficient credit, for the residue of the current year, as Surety or Sureties, and on his failure to do so, within three Calendar Months after his being so required, it shall and may be lawful for the Lieutenant-Governor to remove him from such Office of Sheriff—his first Security being liable until the new Bond be given.

Responsibility of Sureties

Sureties wishing to be relieved of responsibility must apply to Lieut. Governor and Council

VI. *And be it further enacted*, That any person or persons injured by any act or omission of any Sheriff, may sue all or any of the responsible parties in the name of His Majesty, his Heirs or Successors, on any Bond taken according to this Act, and the person or persons so suing shall be entitled to the proceeds of any judgment obtained in such suit, and to full costs thereon, and shall be liable to pay full costs to the Defendant or Defendants, if Judgment should be given in favor of the latter. *Provided always*, that no action shall be brought upon the said Bond until the party injured shall have recovered a Judgment against the Sheriff.

Parties to be sued on Bond in name of His Majesty—

after Judgment against Sheriff

VII. *And be it further enacted*, That the third, fourth and fifth sections of the Provincial Statute, of 57th George III, chap. 20, be, and the same are hereby, repealed. *Provided*, that this Act shall not be construed to affect any suit or suits at law now depending, or to affect any Bonds taken for the good behaviour of Sheriffs under former laws of the Province.

The 3d 4th and 5th Sections of 57 Geo. 3d C. 20, repealed

VIII. *And be it further enacted*, That no action or suit shall hereafter be brought against any Sheriff, for or on account of any act, neglect or omission, in his office of Sheriff, unless the said action or suit shall be commenced within three years after the neglect or omission done or complained of.

Limitation of Actions against Sheriff

#### CAP. XXXIV.

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

Expired

## CAP. XXXV.

Executed

**An Act in amendment of the Act for making further provision for the equal Administration of Justice in the Province of Nova-Scotia.**

## CAP. XXXVI.

Amends 14th  
and 15, Geo.  
III. C. 4

**An Act in addition to the Act for admitting Depositions, *de bene esse*, of Witnesses, aged, infirm, and otherwise unable to Travel, and of Witnesses departing from the Province.**

Preamble

**WHEREAS**, great loss and inconvenience are often sustained by Persons residing in Counties of this Province, where there is no Judge of His Majesty's Supreme Court living, who are parties to suits, depending in the Supreme Court, holden in the said Counties, in consequence of their being unable to obtain the testimony of necessary witnesses, who are obliged to leave the Province, or who are infirm, aged, or otherwise unable to travel, for remedy whereof,

Commissioners  
appointed to  
take Deposi-  
tions

**I. BE it enacted by the Lieutenant-Governor, Council and Assembly**, That it shall and may be lawful for the Justices of the Supreme Court to appoint and commission, under their hands and seals, or under the hands and seals of any two of them, in such of the Counties and Districts of this Province as the said Supreme Court shall think proper and necessary, one or more Commissioners for taking depositions, *de bene esse*, of Witnesses, aged, infirm, and otherwise unable to travel, and of Witnesses departing from the Province.

Such Deposi-  
tions may be  
read in evi-  
dence

**II. And be it further enacted**, That if the Parties, Plaintiff and Defendant, in any Cause pending in the said Supreme Court, reside within the County or District wherein the *venue* in the said Cause is laid, and in which a Commissioner or Commissioners shall be appointed, it shall be lawful for any one of the said Commissioners to take such depositions or affirmations, and the same so taken shall be of the same force and validity as if they had been taken before any Judge under the Act of which this Act is an addition and amendment, and shall be read in evidence on the trial of the said cause, under the same rules, regulations, limitations and exceptions; and the Witnesses deposing or affirming before any of the said Commissioners shall be liable to the same pains and penalties as are specified and set forth in the said Act, in respect to the depositions of Witnesses, taken by any Judge by virtue of the Act entitled as aforesaid.

## CAP. XXXVII.

Amends 4.  
Geo. 4, C. 14,  
See 5, Wm. 4.  
C. 47

**An Act in amendment of the Act relating to Commissioners of Sewers.**

Preamble

**WHEREAS**, under the Act, passed in the fourth year of His present Majesty's reign, entitled, An Act for the appointment of Commissioners of Sewers, prescribing their power and authority, and for repealing the Acts now in force relating to that Office, hardships have arisen from the operation of the said Act upon Proprietors of dyked marsh land, from the issuing warrants of distress against those who have not assented to the building of the dyke.

**I. BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly**, That in future, where the assessment shall be more than five shillings per acre, no warrant of distress

distress shall issue against any party owning or possessing dyked marsh land, for or on account of any tax or assessment made upon or against the marsh land so owned or possessed, unless such party owning or possessing the same, or some other or former owner or owners of such marsh land, shall have assented to the building of the dyke for which the assessment shall have been made; but in all cases, whether such consent hath or hath not been given, the land of every such actual owner or possessor shall be liable to such assessment, and may be proceeded against in the manner provided by the ninth section of the said Act, without previously issuing such warrant of distress; and if, upon the sale of such land, the nett proceeds thereof shall be found insufficient to pay and satisfy the rate or assessment that may have been made thereon, such deficiency may be made up and supplied by another general assessment or assessments in the usual manner, upon the whole Land dyked, or liable to be assessed for other dyked rates. *Provided always*, that nothing in this clause contained shall extend or be construed to extend to prevent any such Commissioners from crediting, towards any such rate or assessment, any account or demand that such owner or owners, possessor or possessors, or any former owner or possessor may have, or claim against such Commissioners as such, for work done, or materials supplied, or otherwise on account of the building of the dyke, for which the assessment may have been made; but the Commissioners in proceeding against the land as aforesaid shall credit such demand and shall not in such case be liable to any action, suit or damages, for any such demand or demands before payment of the rate or assessment.

II. *And be it further enacted*, That in all cases where any proceedings by warrant of distress or otherwise, may have been taken to charge the goods and chattles of any alledged owner or possessor of land with respect to any assessment, rate or tax, made against such land, where neither the said party so owning or possessing at the time of the assessment made, or any former owner or possessor, had assented to the building of the dyke, for and on account of which such assessment was made, the said Commissioners are hereby authorized to abandon and discontinue all such proceedings, had under any such warrant of distress, and to proceed against the land of the party, or of the assignee of the party, who hath so refused or declined to assent, and in other respects to make good such assessments in the manner herein before directed. *Provided always*, That the said Commissioners, by means of abandoning and discontinuing such proceedings, shall in no case be liable to any action or actions, costs or damages whatsoever, at the suit of any person or persons whomsoever.

III. *And be it further enacted*, That the oath by the said Act, whereof this is an amendment, directed to be administered to the said Commissioners of Sewers, Collectors, Assessors and other persons therein named, shall be made in writing by the party required to make the same; and this oath shall be administered by some one of His Majesty's Justices of the Peace, in the presence of the Clerk of the Peace for the County or District wherein such Commissioners of Sewers have jurisdiction; and the said Clerk of the Peace shall make a Record of such oath in his Books, and such Record shall be evidence of the said oath having been duly administered in any Court of Law or Equity within this Province, in any action or suit whatsoever.

IV. *And be it further enacted*, That in all actions brought, commenced, or pending, against any Commissioner or Commissioners of Sewers, or their Collector or Clerk, or any Sheriff, Constable or other Person, for, or on account of, any thing by them done or transacted, under or by virtue of the provisions of the said Act hereby amended, or of any Act in addition to or amendment thereof, it shall and may be lawful for such Commissioner, Collector, Clerk, Sheriff, Constable or other Person, under the general issue, or under a plea setting forth generally that the doings or proceedings for which such action is brought have been by them done under and by authority of the said Act, or any Act in addition to or in amendment thereof, or of such Acts collectively, to give in evidence upon the trial of such action all such proceedings and doings, in the same manner as if the same had been specially set forth and pleaded.

Warrant of Distress not to issue against persons not assenting to assessment

Land liable in all cases

Deficiency to be made up by new assessment

Owners credited for work done or materials supplied

Commissioners exempted from Actions for work done

Commissioners may discontinue proceedings against parties not assenting to assessment

But not to incur Costs

Oath of Commissioners &c. how taken

and recorded

General issue &c. may be pleaded and special matter in evidence &c

## CAP. XXXVIII.

**An Act to continue the Act to enable the Proprietors of Land in the rear Blocks or Divisions of Land in the Township of Guysborough to open Roads through the same.**

Act 4, Geo.  
IV. C. 22,  
continued

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the fourth year of His present Majesty's reign, entitled, An Act to enable the Proprietors of Land in the rear Blocks or Divisions of Land in the Township of Guysborough to open Roads through the same, and every matter, clause and thing, in the said Act contained, be continued, and the same is hereby continued for ten years and from thence to the end of the then next Session of the General Assembly.

## CAP. XXXIX.

Expired

**An Act to continue and amend the several Acts for the regulation of the Militia.**

## CAP. XL.

Continued by  
2d Wm. IV,  
C. 25

**An Act in addition to, and amendment of, an Act, passed in the third year of the Reign of His late Majesty George the Third, entitled, An Act to prevent Nuisances by Hedges, Wears, and other Incumbrances, obstructing the passage of Fish in the Rivers in this Province.**

Preamble

**WHEREAS**, the said recited Act and its amendments do not extend to the Eel Fishery, but are confined to those of Salmon, Bass, Shad, Alewives and Gaspereau, *And whereas*, many evil disposed persons have been in the habit of taking large quantities of Eels in the Spring of the year, by setting nets, seines, and Eel-pots across the streams, brooks, and rivers within the Province of Nova-Scotia, whereby the Eels, in returning from the Ponds and Lakes where they remain during the winter, have been destroyed, to the great injury of the poor settlers, to whom they are of the greatest importance as an essential article of food at all seasons of the year; for remedy whereof:

Hedges, &c.  
not to be set  
up between  
the 1st May  
and 20th June

**I. Be it enacted, by the Lieutenant-Governor, Council and Assembly,** That if any person or persons shall presume to erect or set up any hedge, wear, fish-garth, net, seine, eel-pot or other incumbrance, or place the same in or across any river, brook, stream or other place within the Province of Nova-Scotia where Eels resort, between the first day of May and the twentieth day of June, such person or persons, for each and every hedge, wear, fish-garth, net, seine, eel-pot, or other incumbrance, shall, on due conviction thereof before any two Justices of the Peace, on the oath of one or more credible witnesses, forfeit and pay a sum not exceeding five pounds, nor less than forty shillings, with costs of suit; one half to the informer and the other half to the Poor of the Township where the offence shall be committed. *And be it also enacted,* That it shall and may be lawful for the Overseer or Overseers of the River Fishery, Constable or Constables, or any other person or persons whatever, to take, seize and remove, every hedge, wear, fish-garth, net, seine, eel-pot or other incumbrance, that shall be found in any river, brook or stream, contrary to the intent and meaning of this Act within the times limited as aforesaid; and the same shall be thereupon sold by an order first had and obtained from any two Justices of the Peace, who are hereby authorised to grant the same upon the oath of the person

Hedges, &c.  
found contrary  
to this Act to  
be removed,  
seized, and sold

person or persons who shall make such seizure, and the nett amount after such sale, after deducting all charges, shall be equally divided between the person or persons making such seizure, and the Poor of the Township where such taking or seizure shall happen.

II. *And be it further enacted*, That all persons may require the aid and assistance of a Constable or the Overseer of the River Fisheries, where such incumbrances may be found contrary to this Act, for the purpose of taking and removing the same, and for the better carrying the provisions and regulations of this Act more fully into effect; and upon the neglect or refusal of such Constable or Overseer, being previously so required, he or they may be prosecuted at the next General Sessions of the Peace by information or indictment, and if thereupon convicted, shall be fined by the Court as in other cases of neglect of duty.

Constables or Overseers to give assistance

III. *And be it further enacted*, That the conviction of all offenders under and by virtue of this Act, shall be in the form following, to wit: County or Township of to wit—Be it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord

Form of Conviction

A. B. was convicted before us, two of His Majesty's Justices of the Peace for the County aforesaid, of setting one [or more as the case may be] hedge, wear, fish-garth, net, seine, eel-pot or other incumbrance on the day of \_\_\_\_\_ in the year aforesaid, contrary to the Act in that case made and provided. Given under our hands and seals the day and year first aforesaid.

IV. *And be it further enacted*, That nothing in this Act shall be construed to extend to, or alter the rights of, private property in the River Fisheries, or to prevent any person from setting nets within the times limited by this Act for taking Salmon, Bass, Shad or Gaspereau, according to such regulations as are now provided for by law.

Not to prevent setting Nets for Salmon, &c

V. *And be it further enacted*, That if the prosecutor or defendant in any action prosecuted by virtue of this Act, shall be dissatisfied with the judgment of the Justices or the General Sessions of the Peace before whom it was tried, such prosecutor or defendant may appeal to the Supreme Court at its next sitting, within the County or District wherein such conviction took place, and the appellant shall thereupon be entitled to a new trial, which the Supreme Court is hereby empowered to grant in a summary manner; and the party obtaining a judgment therein, shall be allowed such costs as to the Court shall seem reasonable.

Appeal to Supreme Court

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

Continuation of Act

### CAP. XLI.

## An Act to amend and continue the Act concerning the Bridewell and Police Office in Halifax.

Continued by 4, Wm. 4, C. 31, See 11 Geo. 4, C. 11. 2d Wm. 4, C. 45

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fifty-fifth year of His late Majesty's Reign, entitled, An Act for establishing a Bridewell or House of Correction for the County of Halifax, and for the better and more effectual administration of the Office of a Justice of the Peace, in the Township of Halifax, and for providing a Police Office in the said Town with proper Officers to attend the same, and every matter, clause and thing therein contained, save and except the tenth Section of the before recited Act which is hereby repealed, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 55th Geo. III, C. 9, continued except 10th Section

II. *And be it further enacted*, That the Justices in their General Sessions shall from time to time make such rules, orders and regulations, to be observed and kept at said Police Office as may be deemed necessary, both as to the time the said Police Office should be kept open, and the mode and manner in which the business thereof should be transacted, and also for regulating the Constables and other Officers attending the same in the performance of their respective duties.

Justices to make rules for Police Office

R

III.

Police Justices  
to remove  
nuisances and  
superintend  
weighers of  
Hay, Coals,  
&c

III. *And be it further enacted*, That the said Police Justices shall from time to time perambulate the said Town of Halifax, and cause all nuisances to be removed, and shall superintend the Weighers of Hay, and Measurers of Coals and Wood, and all other Town Officers, to see that they faithfully perform their several duties, and shall take care that the Law be put in force against any Person who may hereafter erect any Building of Wood within the said Town of Halifax, contrary to Law; and shall take care that the carriers of Hay and drivers of Carts, Trucks and Sleds, conform to the Rules and Regulations which the Law directs, and that the Peace and good order of the said Town be preserved, and it shall be the duty of the said Police Justices to enforce and carry into effect the twenty-third Section of the Act, passed in the seventh year of His present Majesty's Reign, entitled, An Act relating to Highways, Roads and Bridges.

Police Justice  
allowed 11s 8d

IV. *And be it further enacted*, That there shall be allowed and paid to such one of the Justices appointed as aforesaid, under and by virtue of the before recited Act, who shall daily attend at such office as aforesaid, the sum of eleven shillings and eight pence per day, for each and every day of the year.

Continue for a  
year

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

## CAP. XLII.

Continued by  
4, Wm. 4,  
C. 32

An Act in amendment of an Act, made and passed in the thirty-second year of the reign of His late Majesty King George the Second, entitled, An Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates, and an Act, passed in the thirty-fourth year of His said late Majesty's reign, in amendment of the said Act.

Preamble

**WHEREAS**, provision is made in and by the said Acts, that in case the personal Assets of a deceased person shall be deficient for the payment of any Debts or Legacies, the Executors or Administrators of such Insolvent Estate are enabled, under the provisions of the said Acts, to make sale of any part of the Real Estate of the deceased, for the payment of the Debts or Legacies of the deceased. *And whereas*, it frequently happens that Real Estates, which have been ordered to be sold under the provisions of said Acts, cannot be divided, and Executors or Administrators have been obliged to sell the whole thereof, amounting in value to more than the debts due from the same, whereby great injury is often done to heirs and minors :

When part of  
Estate cannot  
be sold it may  
be mortgaged  
for payment of  
Debts

I. *BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the passing of this Act, it shall be lawful for the said Lieutenant-Governor, by and with the consent of His Majesty's Council, as often as it may be deemed necessary, to order three good and sufficient Freeholders to survey and examine said real estate, and report whether the same can be divided without injury to the whole: and only such part as may be sufficient sold for the payment of the debts or legacies; and, if it should appear from such report that said Estate cannot be divided without diminishing the value thereof, then it may be lawful for the Lieutenant-Governor, by and with the consent aforesaid, to order the Executors or Administrators of such Estate to Mortgage or lease for years, or otherwise pledge the same, so as to raise money for the payment of the debts or legacies due from the same, either in the whole or by instalments, as may appear to be most for the interest of all concerned; and all such deeds or writings as may be requisite for effecting the same, when duly executed by the Executors or Administrators, shall be good and valid in law.

**II. And be it further enacted,** That previous to any order being made for the sale, mortgaging or leasing of the Real Estate of any person dying Insolvent, the Executors or Administrators shall give bond with two sureties, in a sum not less than the value of said Real Estate so to be sold, mortgaged, leased, or otherwise pledged, to the Judge of the Court of Probates in the County or District where such Real Estate shall lie, for the just and legal distribution of the monies arising from such sale, mortgage or lease, and for securing and paying to the Widow and Heirs of the deceased any sum or sums of money which may remain after payment of all reasonable expences incurred by said sale, mortgage, lease or otherwise.

Executors or Administrators to give Bonds as to proceeds of Real Estate

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

Continuation of Act

### CAP. XLIII.

## An Act to authorise an additional Issue of Treasury Notes.

For Acts on this subject see 9, Geo. 4, C. 3

**WHEREAS,** under an Act of the General Assembly of this Province, passed in the ninth year of His present Majesty's Reign, entitled, An Act for issuing Treasury Notes, and cancelling those now in circulation, the Lieutenant-Governor for the time being is authorised to appoint three Commissioners to issue Treasury Notes to an amount not exceeding Forty Thousand Pounds, and for other purposes in the said Act mentioned. *And whereas,* It has become necessary to make a further issue of Treasury Notes:

Preamble

**I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,** That it shall and may be lawful for the Commissioners, appointed or to be appointed under the said Act, to issue Treasury Notes to an amount not exceeding Fifteen Thousand Pounds, so that the whole amount of Treasury Notes at any one time in circulation under the said Act, and the present Act, shall not exceed in the whole Fifty-five Thousand Pounds.

Notes for £15,000 to be issued

**II. And be it further enacted,** That of the Notes hereby authorised to be issued the sum of One Thousand Pounds shall be in Notes of Ten Shillings each, and the sum of Fourteen Thousand Pounds shall be in Notes of Twenty Shillings each; and all the said Notes shall be made, indented, signed, countersigned, dated and delivered, and be in such form, figures and words, as in and by the said Act is directed, in respect to the Notes to be issued under the same.

£1000 in 10s, 14,000 in 20s

**III. And be it further enacted,** That the Treasurer of the Province shall be accountable for the Notes delivered to him under this Act, and the same notes shall be redeemable, and be paid or cancelled in such and the like manner as by the said Act is directed, with respect to the Notes to be issued under the same; and all the clauses, sections, provisions, penalties and forfeitures in the said Act contained, shall extend to all Notes to be issued under the authority of this present Act.

Treasurer to be accountable and Notes to be redeemable &c. as in 9, Geo. 4, C. 3

### CAP. XLIV.

## An Act for reducing the difficulties and expences attending Suits at Law, by avoiding the necessity of pleading specially in certain Cases.

**BE it enacted, by the Lieutenant-Governor, Council and Assembly,** That in any Action or Suit at Law, against any Commissioner, Magistrate, Sheriff, Constable, or other person or persons, whomsoever, for or on account of any Deed, Act, Proceeding or thing, by him or them done or performed, under, or in pursuance, or by virtue, of any Act or Acts of the General Assembly of this Province, or of the Parliament of the Mother Country

In actions for proceedings under any Statute Special Plea not necessary

Country, having force or effect within this Province, already made or to be made (and not under the common law) it shall and may be lawful for such Commissioner, Magistrate, Sheriff, Constable or other person or persons, under the plea of the general issue, or any brief plea, setting forth generally that such deed, act, proceeding or thing was done or performed, under or in pursuance, or by virtue, of such Act or Acts, and concluding to the Country, to give in evidence upon the trial of any such suit or action, all such the said deed, act, proceeding, or thing by him or them done or performed, in the same manner, as if the same had been specially and particularly pleaded and set forth, any law, usage or custom, to the contrary notwithstanding.

## CAP. XLV.

Amends 8,  
Geo. 4. C. 23

### An Act in further addition to the Act relating to Highways, Roads and Bridges.

Preamble

**WHEREAS**, no fine or penalty is imposed for the breach of the regulations directed to be made, respecting the placing and keeping of bars and gates, on private and particular ways, by the second Clause or Section of the Act, passed in the eighth year of His present Majesty's Reign, entitled, An Act in addition to, and in amendment of, the Act relating to Highways, Roads and Bridges; and violations of such regulations can only be punished by Indictment, the prosecution of which is attended with delay and expense, and it is expedient to provide a more summary method of enforcing the execution of the said second Section of the said Act:

Penalty for  
violating regu-  
lations under  
2d Clause of 8  
Geo. 4. C. 23

1. **BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That** if any person or persons shall be guilty of a breach of any of the regulations made or to be made by the said General Sessions of the Peace, under the said second clause or section of the said Act, and shall thereof be convicted before any one or more of His Majesty's Justices of the Peace on the oath of one or more credible witness or witnesses, such person or persons so convicted as aforesaid, shall forfeit and pay a fine of not less than five shillings, nor more than forty shillings, for each and every such offence, to be applied for the benefit of the poor of the Township or place wherein such offence or offences shall be committed.

Application

## CAP. XLVI.

Amends 55th  
Geo. 3. C. 19

### An Act relating to the Halifax Steam Boat Company.

Preamble

**WHEREAS**, by an Act, passed in the fifty-fifth year of His late Majesty's Reign, entitled, An Act to facilitate the passage across the harbour of Halifax, the Governor, Lieutenant-Governor or Commander in Chief for the time being, was authorised by Letters Patent, under the Great Seal of the Province, to Incorporate certain Persons named in the Act, to be, with their Associates, a body politic and corporate, by the name of the Halifax Steam Boat Company, to continue for the term of twenty-five years, with certain rights and privileges in the said Act particularly set forth; *And whereas*, in pursuance thereof, Letters Patent under the Great Seal of the Province were issued, bearing date the first day of January, in the year of our Lord One Thousand Eight Hundred and Seventeen, whereby the associates for the undertaking in the said recited Act referred to were incorporated by the name and in the manner therein mentioned, and now hold and enjoy the privileges aforesaid. *And whereas*, although the said Company have hitherto received no Returns whatsoever, for the large capital vested in the undertaking, the said Company have now made arrangements for establishing a sufficient Steam Boat on the said Ferry, for the transport of Passengers, horses, cattle and carriages, across the

the same ; and inasmuch as the said Steam Boat will occasion further and large advances, it is deemed reasonable to extend the term of years, for which the aforesaid Charter was granted.

*Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That the said Halifax Steam Boat Company, and all the rights, privileges, powers and authorities therein vested, subsisting and being, and now held and enjoyed by the said Company, under and by virtue of the said in part recited Act, and of the Letters Patent aforesaid, shall remain, continue and endure, from and after the expiration of the term of twenty-five years mentioned in the said Act and Letters Patent, for and during, and unto, the full end and term of twenty-five years, thence next ensuing, and fully to be complete and ended, and in as full and ample a manner, and to all intents and purposes as effectually, as if the term of fifty years had been originally mentioned in the said Act and Letters Patent.*

Powers and Rights of the Corporation extended 25 years

*II. Provided always, and be it further enacted, That this Act shall be of no force or effect unless the said Company, within eighteen months from the Publication hereof, shall have procured and placed on the said Ferry a sufficient Steam Boat, for the accommodation and passage of all persons, cattle and carriages, across the same, and shall, unless prevented by unavoidable accidents, keep and maintain such, or some other, sufficient Steam Boat in operation thereon during the continuance of their said Charter as extended by this Act.*

Act to have no effect unless a Steam Boat be established within 18 months

*III. And Provided always, and be it further enacted, That, during such period, the said Company do and shall be subject and liable to such rules and regulations as the Justices assigned to keep the Peace at Halifax shall ordain and establish with respect to the rates and fares demandable in the said Ferry, and respecting the small Passage Boats kept or to be employed on the said Ferry by the said Company.*

Regulations to be made by the Justices of Halifax

*IV. And be it further enacted, That if, in consequence of the increasing population of the Country or of any other sufficient reason, it shall hereafter be necessary for the accommodation of the Public that another Boat or Boats should be employed for the purposes aforesaid, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, from time to time, by and with the advice and consent of His Majesty's Council, to order and direct the said Company to procure one or more fit and proper Steam Boat or Team Boats, to be used for the purpose aforesaid ; which Steam Boat or Boats shall be under the direction of the Justices in Session in the same manner as is directed by the said Act hereby continued ; and if the said Company shall not procure, equip and employ, such Boat or Boats, within two years after such order shall be made, then it shall and may be lawful for any person or persons, being licensed therefor, to procure, equip and employ, any Steam or Team Boat, for the purpose of transporting passengers, horses, cattle, carriages and goods, across the said harbour, in the same manner as if the said Act had not been made.*

If population increases Lieut. Governor may order more Boats to be provided

## CAP. XLVII.

### An Act to extend to Dorchester Village, in the County of Sydney, the provisions of the Act relating to Commissioners of Highways in Halifax, and certain other places.

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the seventh year of His present Majesty's Reign, entitled, An Act relating to Commissioners of Highways in Halifax, and certain other places, and all the regulations and provisions thereof, with every matter, clause and thing, therein contained, shall be extended, and the same are hereby extended, to Dorchester Village, in the County of Sydney ; and it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint three respectable Inhabitants and Freeholders of Dorchester Village aforesaid, to be Commissioners of Highways therein for

Act 7, Geo. IV, C. 3, extended to Dorchester Village in County of Sydney

Governor to appoint Commissioners

the purpose of carrying into effect the provisions and regulations of the said Act, and to proceed to supply any vacancy that may occur amongst such Commissioners; and such appointment to renew when necessary, in the same manner as is pointed out and provided by the said Act.

Jurisdiction, powers and limits of Commissioners

II. *And be it further enacted,* That the jurisdiction, powers and authority of the said Commissioners, when appointed, shall be the same as if the said Dorchester Village had been originally named and mentioned in the said Act, and shall be confined and restricted within the limits following, that is to say: to all the roads and streets within the Township of Antigonish, in the County of Sydney, which are or may be comprehended within the lines and bounds of Lots numbers four and five, in Block number thirteen, and within the lines and bounds of Blocks numbers fourteen, fifteen, sixteen, seventeen, eighteen, twenty-nine, thirty and thirty-one of the Hierlihy or Soldier's Grant, so called, in the said Township of Antigonish.

Surveyors of Highways to have no powers

III. *And be it further enacted,* That, from and after the first day of May next, the authority, powers and jurisdiction, of the Surveyors of Highways within the limits above described, in the Township of Antigonish, shall cease and determine, any law, usage or custom, to the contrary notwithstanding.

CAP. XLVIII.

An Act to aid the Shubenacadie Canal Company.

WHEREAS the early completion of the Shubenacadie Canal or Navigation will essentially promote the Trade and Agriculture of this Province; *And whereas,* in addition to the funds already obtained by the Shubenacadie Canal Company towards their said undertaking, it is estimated that a further sum of Fifty Thousand Pounds will be required to complete and open the said Navigation from the Harbour of Halifax to the Basin of Mines; *And whereas,* towards aiding the said Company to raise by Loan or by Subscriptions, to the Capital Stock thereof, the said amount of funds still required for the purposes aforesaid, it is expedient to guarantee and assure to those who shall advance, lend or subscribe, for the said funds or any part thereof, a reasonable annual interest on their advances for a limited period:

Annual Grant of 1500l. for ten years ending 1st Jan. 1840—

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That in each and every year, for the space of ten years, commencing on the fifth day of January One Thousand Eight Hundred and Thirty, and ending on the first day of January One Thousand Eight Hundred and Forty, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to draw by warrant on the Treasury of this Province for such sum of money not exceeding in the whole, in any one year, the sum of One Thousand Five Hundred Pounds Currency, as will suffice to make good, pay and satisfy, unto all such Persons as shall hereafter lend or advance to the said Company any sum or sums of money towards raising the funds aforesaid, or who shall hereafter subscribe for and take Shares in the Capital or Joint Stock of the said Company, towards raising the funds aforesaid, the just and full interest of Five Pounds per centum, per annum, on their said respective loans or subscriptions, or so much and such balance of the said Interest, at the rate aforesaid, as the dividends from time to time to be declared and made by the said Company of the nett profits and gains, annually to arise from the said Navigation, shall leave unpaid and unsatisfied to the parties lending or subscribing for the funds aforesaid.

to pay interest on monies to be borrowed for Canal &c

Act to be a guarantee for interest for 10 years

II. *And be it further enacted,* That this Act shall be unto all future Subscribers for shares in the said Company, and to all who shall lend to the said Company any part of the funds so required to the amount aforesaid, a public pledge and guarantee that they shall severally receive in every year an interest of five per cent. at the least on the sums advanced or subscribed by them for and during the said space of ten years, but no longer, nor for a greater annual amount than One Thousand Five Hundred Pounds.

Present Stockholders excepted

III. *Provided always, and be it further enacted,* That the guarantee hereby given shall not in any way extend to the present Stockholders in the said Company on the Shares they now hold therein.

AT

At the **GENERAL ASSEMBLY** of the Province of Nova-Scotia, begun and holden at Halifax, on Thursday, the Eleventh day of February, 1830, in the Eleventh Year of the Reign of our Sovereign Lord **GEORGE** the Fourth, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, **KING**, Defender of the Faith, &c. &c. &c. being the Fourth Session of the Fourteenth General Assembly, convened in the said Province.\*

\*In the time of **MICHAEL WALLACE**, President, **S. S. Blowers**, Chief-Justice, and President of the Council; **Samuel George William Archibald**, Speaker of the Assembly; **William Hill**, Acting Secretary of the Council; and **John Whidden**, Clerk of the Assembly.

### CAP. I.

## An Act for the relief of His Majesty's Roman Catholic Subjects in this Province.

**WHEREAS**, by an Act of the Imperial Parliament, passed in the tenth year of His present Majesty's Reign, entitled, An Act for the relief of His Majesty's Roman Catholic Subjects, various restraints and disabilities, which had formerly been imposed on the Roman Catholic Subjects of His Majesty, to which other Subjects of His Majesty were not liable, were removed, and certain Declarations, commonly called the Declaration against Transubstantiation, and the Declaration against Transubstantiation and the Invocation of Saints, and the sacrifice of the Mass, as practised in the Church of Rome, were repealed, with certain exceptions, in the said Act specified; *And whereas*, it is just and expedient, that the relief so granted should extend to the benefit of His Majesty's Roman Catholic Subjects in this Province; *And whereas*, doubts may be entertained how far the said Act of Parliament is in force here, for remedy whereof:

Preamble

I. *BE it enacted, by the President, Council and Assembly*, That, from and after the commencement of this Act, it shall not be required of any of His Majesty's Subjects, within this Province, to make, or subscribe, the said Declarations, or either of them, as a qualification for sitting and voting in the General Assembly of this Province, or for the exercise of any office, franchise, or civil right, within the same.

Declarations against Transubstantiation, &c abolished

II. *And be it further enacted*, That, from and after the commencement of this Act, it shall be lawful for any person professing the Roman Catholic Religion, being appointed a Member of His Majesty's Council, or who shall, after the commencement of this Act, be returned a Member of the House of Representatives of this Province, in General Assembly, to sit and vote in either House respectively, being in all other respects duly qualified to sit and vote therein, upon taking and subscribing the Oath set forth and directed in and by the second and third Clauses of the said Imperial Act, instead of the Oaths of Allegiance, Supremacy and Abjuration.

Roman Catholics may sit in the Council or House of Assembly

III. *And be it further enacted*, That henceforth it shall and may be lawful for any of His Majesty's Subjects, professing the Roman Catholic Religion, to hold, exercise, and enjoy, all Civil and Military Offices, and places of trust, or profit, in this Province, under His Majesty, His Heirs or Successors; and to exercise any other franchise, or civil right, upon taking and subscribing the said Oath, set forth and directed in and by the said second and third Clauses of the said Imperial Act, instead of the Oaths of Allegiance, Supremacy, Abjuration, and instead of such other Oath or Oaths as are, or may be now, by Law, required to be taken for the purpose aforesaid, by any of His Majesty's Subjects professing the Roman Catholic Religion.

Roman Catholics may hold Offices

IV.

Proviso as to  
taking oath

IV. *Provided always, and be it further enacted,* That nothing herein contained, shall be considered to exempt any person professing the Roman Catholic Religion from taking any Oath or Oaths, or making any Declaration not herein before mentioned, which are, or may be, by Law, required to be taken or subscribed by any person; on his admission into any such office or place of trust or profit as aforesaid.

Oaths of Office  
—how administered

V. *And be it further enacted,* That the Oath so appointed to be taken by His Majesty's Subjects, professing the Roman Catholic Religion, in lieu of the Oaths of Allegiance, Supremacy and Abjuration, and in lieu of any other Oaths or Declarations required formerly to be taken by them, shall be administered in the same manner, at the same time, and by the same Officers, or other Persons, as the Oaths for which it is substituted, are, or may be now by Law, administered.

### CAP. II.

#### An Act to regulate the Public Landing at Windsor.

Justices empow-  
ered to  
make Regula-  
tions for Pub-  
lic Landing

**B**E it enacted, by the President, Council and Assembly, That, from and after the passing of this Act, the Public Landing in the Township of Windsor, in the County of Hants, shall be under the charge, care and custody, of the Justices of the Peace for the said County; and it shall and may be lawful for the said Justices from time to time at any General Sessions of the Peace, to be holden in and for the said County, to make such Orders, Rules and Regulations, as shall appear to them to be expedient and necessary for the due ordering and keeping of the said Public Landing.

Justices may  
allow erection  
of Buildings

II. *And be it further enacted, by the authority aforesaid,* That it shall and may be lawful for the said Justices, at any of the said General Sessions, to permit any person or persons to make and erect such Buildings and Erections thereon for such necessary Public purposes, as may appear to the said Justices to be beneficial to the Inhabitants of the said Township.

### CAP. III.

#### An Act in amendment of the several Acts of this Province, respecting the Surveying of Merchantable Cod Fish.

Preamble

**W**HEREAS the present mode of remunerating the Cullers of Dry Fish is found insufficient for the due survey thereof:

Allowance to  
Cullers of Dry  
Cod Fish

I. *Be it therefore enacted, by the President, Council and Assembly,* That it shall and may be lawful hereafter for every Culler of Dry Cod Fish to ask, demand and receive, the sum of One Penny for each Quintal contained in the cargo, or other lesser quantity thereof, submitted to him for inspection, in lieu of the charge at present receivable by Law.

### CAP. IV.

## CAP. IV.

**An Act to authorize the Supreme Court, in the County of Cumberland, to be held at the Court-House at Amherst, in the said County; and also to empower certain Persons therein named to sell and dispose of the Court-House at River Philip, in said County, and the Lands upon which the same stands.**

**WHEREAS**, the said Court is now held at River Philip, in the County of Cumberland, and it is expedient that the same should be held in future at Amherst:

Preamble

**I. Be it therefore enacted, by the President, Council and Assembly,** That the Supreme Court for the said County shall hereafter be held at Amherst, in the said County, and not at River Philip, any Law, usage, or custom, to the contrary notwithstanding.

Supreme Court to be held at Amherst

**II. And be it further enacted,** That all Writs and Processes issued from the said Court shall be returnable at Amherst, and Sheriffs, Constables, Jurors, Witnesses and Parties, and all other Persons who are required by any Writ heretofore issued to appear at River Philip, shall appear at Amherst, and the same proceedings shall take place as if the same Writs and Processes had been made returnable at Amherst before named.

Returns of Writs, etc.

*And whereas*, it is expedient to sell and dispose of the Court-House and Grounds at River Philip, aforesaid, and the Lands upon which the same stands:

**III. Be it therefore enacted,** That it shall and may be lawful for Thomas Roach and Joshua Chandler, Esquires, and they are hereby invested with full power and authority, to sell the Lot of Ground upon which the said Court-House stands at River Philip aforesaid, together with the said Buildings, at Public Auction, to the highest bidder, after giving Thirty Days notice of the time and place of making such sale; and to sign, seal, and deliver to the purchaser or purchasers thereof, a deed or deeds thereof, upon payment of the consideration money for the same, which deed or deeds shall be sufficient to vest in the purchaser or purchasers, their heirs and assigns, all the right and title of the public in and to the said Lot of Ground and Buildings; and upon receipt of the purchase money, the said Trustees shall pay the same over to the Treasurer of said County, to be by him applied, under the direction of the Justices in Sessions, to the building of a new Court-House at Amherst.

Court-House at River Philip to be sold

## CAP. V.

**An Act in addition to, and amendment of, the Act to authorize the Incorporation of a Company for working certain Mines of Iron in the County of Annapolis.**

Amends 7, Geo. 4. C. 6

**WHEREAS**, it may be expedient for the Annapolis Iron Mining Company, incorporated under an Act, passed in the seventh year of His Majesty's Reign, entitled, An Act to authorise the Incorporation of a Company for working certain Mines of Iron in the County of Annapolis, to borrow money upon the security of their Lands and Buildings for the purpose of completing their Works, and of carrying on their business: *And whereas*, doubts may be entertained, by persons willing to lend upon Mortgage of the said Lands and Premises, of the power of the said Company to grant the security aforesaid:—

Preamble

**I. BE it therefore enacted, by the President, Council and Assembly,** That it shall and may be lawful for the said Annapolis Iron Mining Company, in such manner and form as a majority of the Directors for the time being may think proper, to grant and

Company empowered to convey Lands in Mortgage

T

convey

convey in Mortgage, any Lands, with the Buildings thereon, which they now possess, or hereafter may possess, or any part thereof, to secure payment of any money which the said Company may borrow, to enable them to enlarge or carry on their business, and for the general purposes of the said Corporation.

## CAP. VI.

## An Act to regulate the Packing and Inspecting of Salted Beef and Pork for Exportation.

Preamble

**WHEREAS** it is necessary for the encouragement of raising neat Cattle and Hogs, as staple articles of exportation from this Province, to apply every necessary precaution to prevent Salted Beef and Pork being shipped otherwise than in the best manner and condition, and under certain regulations :

Appointment of Inspectors of Beef and Pork for Export

**I.** *Be it therefore enacted, by the President, Council and Assembly, That,* from and after the publication hereof, the Grand Juries of the several Counties and Districts in this Province, at the general Sessions of the Peace in each of the said Counties and Districts, wherein, by Law, Town Officers are to be nominated and appointed, shall nominate, out of every Township in such County or District, four fit persons, out of whom the said Court of Sessions shall appoint two, to be Inspectors and Repackers of Beef and Pork, intended for Exportation, which Inspectors and Repackers shall hold and exercise their said office, for and during the year succeeding their nomination and appointment, and until others shall be appointed in their stead, and shall, within eight days after notice of their appointment, and before they enter upon the execution of their office, take the following Oath before some Justice of the Peace, for the County wherein they reside, viz—

**I, A, B,** do swear that I will faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute, do and perform, the office and duty of an Inspector and Examiner of Beef and Pork, according to the true intent and meaning of the Laws of this Province, relative to the same.

Pork Barrels, their size, etc.

**II.** *And be it further enacted, That,* from and after the publication of this Act, every Barrel or half Barrel, in which Pork shall be packed or repacked, shall be made of good seasoned White Ash, or White Oak Staves and Heading, free from sap, and every defect ; and each Barrel shall contain Two Hundred Pounds weight of Pork, and shall be of not less Gauge than twenty-seven, nor more than twenty-eight Gallons ; and each half-barrel shall contain One Hundred Pounds weight of Pork, and shall not be of less Gauge than fourteen, or more than fifteen Gallons : the Barrels to measure sixteen inches between the Chimes, and to be twenty-eight inches long ; to be hooped with two Iron Hoops at the least, and fourteen Ash, Oak, or Hickory Hoops ; the heads to be made of good thick stuff, and the Hoops to be well set and drove ; the half-barrels to be hooped in the same manner as the whole Barrels.

Beef Barrels

**III.** *And be it further enacted, That* every Barrel, in which Beef shall be packed, shall be in all respects the same as the Barrels in which Pork shall be packed, except that the barrel in which Beef shall be packed may contain Thirty Gallons.

Duties of Inspectors

Qualities of Pork

**IV.** *And be it further enacted, That* the Inspectors and Repackers, so to be appointed, shall examine and sort all Pork and Beef to be by them repacked, in the following manner : there shall be three qualities of Pork known and distinguished by the names of Mess, Prime and Cargo ; that Mess Pork shall consist of the rib pieces of good Fat Hogs only ; Prime Pork shall consist of the next best pieces with not more than three Shoulders in one Barrel, and the said Barrel shall contain no Legs, and no more than Twenty Pounds of Heads, from which the Ears and Snouts above the tusks shall be cut off, and the Brains and Bloody Grizzel taken from out of the Heads ; and the third quality of Pork shall be nominated Cargo Pork, of which there shall not be more in one Barrel than four Shoulders without the Legs as aforesaid, and not more than two Heads with the

Ears

Ears and Snouts cut off, and Brains and Bloody Grizzel taken out as aforesaid, which heads shall not exceed Twenty-five pounds weight, and shall be otherwise fat Merchantable Pork; and every half barrel of Mess, Prime or Cargo Pork shall contain one half of the quantity of different kinds and qualities of Pork of a whole Barrel; and the Pork so to be packed shall be cut in pieces as nearly square as may be; provided that the Mess Pork shall be cut as nearly as possible in pieces of four pounds weight, and Prime and Cargo Pork shall not exceed twelve or be under four pounds weight; and there shall not be less than half a bushel of coarse Salt used in the packing of a barrel, one peck in the packing of a half barrel, which shall be Turk's Island, Bahama Island, or St. Ubes Salt, and there shall not be less than three ounces of Salt Petre used to each barrel of Pork, or less than one ounce and one half of an ounce used to each half barrel of Pork.

V. *And be it further enacted*, That the Beef, to be by the said Inspectors repacked, shall be such as is well fatted, and in every other respect fit for exportation, and the same shall be repacked into barrels and half-barrels in the following manner, that is to say: such Beef as is large and fat, without either Hocks, Shins, or Neck Pieces, shall be sorted by itself, and on one of the heads of all barrels containing Beef of this quality shall be branded the words Mess Beef; and such Beef as is not of the very first quality shall be sorted and repacked by itself, and on one of the heads of all barrels containing Beef of this quality shall be branded the words Prime Beef; in each of which barrels of Prime Beef there shall be at least one Round, and not more than two Hocks or Shins, and one half of the Neck, and shall be good and well-fatted Beef; and such as is inferior or third quality Beef shall, in like manner, be sorted, and repacked by itself, and on one of the heads all barrels containing Beef of this quality, shall be branded the words Cargo Beef, which shall not contain more than three Hocks or Shins, and one half of the Neck in each such last mentioned barrel; and further that every barrel, in which any kind of Beef shall be so repacked as aforesaid, shall contain two hundred neat pounds of such Beef, and the figures 200 shall be branded on one of the heads of each and every such barrel; and each barrel of Beef shall contain one peck and one half peck of Turk's Island, Saint Ubes, or Bahama Island Salt, and three ounces of Salt Petre at the least.

Qualities of  
Beef--

and weight of  
Barrels

VI. *And be it further enacted*, That every half barrel, in which Beef shall be repacked by virtue of this Act, shall be made of the same materials, and in the same manner, as half barrels in which Pork shall be repacked as aforesaid, and contain one hundred neat pounds of Beef, and on one of the heads of every such half barrel of Beef shall be branded the figures 100, and, in other respects, be assorted and branded, and shall be under the same rules and restrictions as full barrels of Beef are herein before directed to be.

Half barrels  
for Beef. size.  
etc.

VII. *And be it further enacted*, That every Inspector or Repacker shall brand upon each barrel of Mess Pork, which shall contain two hundred pounds weight of Pork as aforesaid, the figures 200, and the words Mess Pork; and upon each barrel of Prime Pork shall, in like manner, be branded by the said Inspector, the words Prime Pork, together with the figures 200; and, upon every barrel of Cargo Pork the words Cargo Pork, with the figures 200; and the half barrels of Mess, Prime and Cargo Pork, shall be branded in like manner, excepting only that the figures 100 shall be branded on such half barrels instead of the figures 200.

Barrels of Pork  
to be branded

VIII. *And be it further enacted*, That no Beef or Pork shall be repacked until the same has been laid in Salt not less than fourteen days before such repacking; and all casks of Beef and Pork so repacked shall be branded with the name of the Inspector or Repacker at full length, together with the name of the place where the same shall have been repacked; and every Inspector and Repacker of Beef and Pork shall carefully secure such his marking Irons so as to put it out of the power of his servants or others to obtain and make use of the same, contrary to the true intent and meaning of this Act.

Salting and  
Branding of  
Beef and Pork

IX. *And be it further enacted*, That the Inspectors and Packers shall receive, and be paid, for inspecting and repacking, after the rates following, that is to say for inspecting and repacking each barrel, one shilling; and for each half-barrel, seven pence half penny; for each hoop wanting, and put on by the Inspector and Repacker, two pence, and for flagging, nailing, pegging and pickling, each barrel, seven pence half-penny;

Allowance to  
Inspectors and  
Packers

and

and each half barrel, five pence—the owner of the Beef and Pork furnishing or paying for the Salt.

Penalty for  
Frauds after  
Inspection

X. *And be it further enacted*, That if any person or persons shall, at any time hereafter, intermix, take out or shift, any beef or pork, that has been repacked and branded as aforesaid, and shall export, and lade on board of any vessel for exportation, such beef or pork, so intermixed, taken out or shifted, every person so taking out, intermixing and fraudulently shifting, such beef or pork, shall, on conviction thereof, forfeit and pay the sum of fifty pounds, to be applied to the use and benefit of the Informer or Informers.

Inspectors and  
Repackers of  
loading

XI. *And be it further enacted*, That if any Inspector or Repacker, hereafter to be appointed by virtue of this Act, shall inspect, repack or brand, any barrel or half barrel of Beef or Pork, in any manner or form contrary to the true intent and meaning of this Act, or shall in any other manner offend against the true intent and meaning thereof, such Inspector and Repacker shall forfeit for every offence the sum of two pounds: the one half of which shall be applied to the use of the Poor of the Township wherein the offence is committed, and the other half to be paid to the person or persons informing.

Penalties for  
exportation of  
Beef or Pork  
uninspected

XII. *And be it further enacted*, That, from and after the appointment of such Inspectors and Repackers, if any person or persons shall export, or ship for exportation, out of this Province, any Beef or Pork, not being inspected, repacked and branded, by one of the sworn Inspectors and Repackers aforesaid, every such exporter, and the master of every vessel having on board such uninspected Beef or Pork, shall, upon conviction, respectively forfeit and pay the sums following: For every barrel of Beef or Pork, so exported or shipped for exportation as aforesaid—that is to say, the owner thereof shall forfeit and pay for every such barrel, the sum of two pounds; and the master of every vessel having the same on board, shall forfeit and pay for every barrel twenty shillings; and further, that the said Inspectors, and every of them, shall have full power and authority, by virtue of this Act, on suspicion that any Beef or Pork, not inspected as aforesaid, shall be shipped in any vessel for exportation, to apply to any Justice of the Peace, and, on oath, to assign to such Justice the causes of such suspicion, and if the said Justice shall think the suspicion well-grounded he shall issue his warrant to the said Inspector or Inspectors to enter on board any vessel whatever, laden or loading, in any port within this Province, and to search for, and make discovery of, any Beef or Pork shipped on board of any such vessel for exportation out of this Province; and if any of the said Inspectors shall discover any Beef or Pork, not repacked or branded as directed in and by this Act, on board of any such vessel, such Inspector shall apply to such Justice of the Peace, who is hereby authorised and required to issue his warrant, directed to the Sheriff, his Deputy, or any of the Constables of the County wherein such vessel is laden or loading as aforesaid, commanding him or them to enter on board every such vessel, having on board such uninspected Beef or Pork, and cause the same to be relanded and delivered to the owner or owners thereof, upon his or their paying all reasonable and lawful expences for the aforesaid warrant, search and relanding; and if any person or persons shall obstruct or prevent any Inspector from making such search as aforesaid, or any Peace Officer in relanding such Beef or Pork, each and every person so offending shall forfeit and pay the sum of fifty pounds, to be paid to the Overseers of the Poor for the Township wherein such offence is committed, the same to be recovered on the oath of the Inspector or Peace Officer.

Recovery of  
Penalties

XIII. *And be it further enacted*. That all and every the forfeitures and penalties aforesaid, shall and may be recovered, with costs of suit, in the Supreme Court, or the Inferior Court of Common Pleas, by any person or persons who will sue and prosecute for the same to effect, by bill, plaint or information.

Acts 34 Geo.  
III, C. 9, and  
48, Geo. III,  
C. 23, repeal-  
ed

XIV. *And be it further enacted*, That an Act, passed in the thirty-fourth year of His late Majesty's reign, entitled, An Act to regulate the packing and inspecting of salted Beef and Pork for Exportation; and also, the Act, passed in the forty-eighth year of His late Majesty's reign, for making perpetual the said Act, shall be, and the said Acts, and every matter, clause and thing, therein contained, are hereby severally and respectively repealed.

## CAP. VII.

## An Act to regulate the Pilotage of Vessels at the Port of Halifax.

Amended by 1  
Wm. IV, C.  
12

**B**E it enacted, by the President, Council and Assembly, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, to appoint and commission, during pleasure, five Persons, (three of whom to be a Quorum) to examine and select Pilots for the Port of Halifax; and that vacancies in such Commission shall be filled up by the same authority of the Governor, Lieutenant-Governor, or Commander in Chief and Council; and that, before any such Commissioner shall act under such appointment he shall take the Oath contained in the Schedule annexed to this Act, marked A. before one of the Judges of the Supreme Court.

Appointment  
of Commis-  
sioners

**II.** *And be it further enacted,* That the said Commissioners shall from time to time license as many fit persons, by them examined, as they shall think necessary to act as Pilots for the Port of Halifax, and to grant to each licensed Pilot a Certificate, in the form contained in the Schedule hereto annexed, marked B, for which Certificate the person receiving it shall pay the sum of Twenty Shillings, and the Certificate so granted shall be numbered and registered in a Book, to be kept for that purpose, and shall be annually renewed, on payment of the sum of Ten Shillings.

Licensing of  
Pilots

**III.** *And be it further enacted,* That the rates of Pilotage into and from the Harbour of Halifax, to which such licensed Pilots shall be entitled, when employed by any Vessel, shall be according to the Table of Rates contained in the Schedule annexed to this Act marked C, and on every Vessel entering the Port spoken by a licensed Pilot Southward of Herring Cove and Thrum Cap, when his services are not accepted, the licensed Pilot, who first has hailed her, shall be entitled to one third of the Pilotage fixed in the said Table, if the Vessel be owned in this Province, and one half on other Vessels. *Provided always,* that Vessels owned in this Province, and employed in the Coasting Trade or Fishery, (except Whalers) and all Vessels under eighty tons burthen coming from Prince Edward's Island or New-Brunswick, and all Vessels entering, not spoken by a licensed Pilot Southward of Herring Cove or Thrum Cap, and all Ships of War belonging to His Majesty, shall be exempted from Pilotage, unless a Pilot is voluntarily taken on board. *And provided also,* that nothing contained in this Act shall be construed into any obligation on the part of any Master to take a Pilot, either into, or out of, the Harbour of Halifax, but in case of any Master acting as his own Pilot into the Harbour, then, and in that case, the Pilot first tendering his services shall be entitled to the proportion of Pilotage as aforesaid.

Rates for Pilot-  
age

**IV.** *And be it further enacted,* That any Person taking charge of any Vessel as a Pilot, not being licensed, shall be bound to give up the guidance of the said Vessel to the first licensed Pilot who shall board such Vessel South of Thrum Cap and Herring Cove, under a penalty of Five Pounds.

Unlicensed  
Persons taking  
charge of ves-  
sels

**V.** *And be it further enacted,* That no Pilot shall be taken off to sea against his will by any Master or Commander of any Vessel, under penalty of Twenty-five Pounds, except when through stress of weather the taking a Pilot off to sea shall be inevitable; and in all cases where any person acting as a Pilot shall be taken to Sea against his will, he shall be entitled to receive from the Master or Owners of such Vessel a compensation for loss of time, at the rate of five pounds per month, and be provided with a passage home at their expence.

Taking a Pilot  
off to sea

**VI.** *And be it further enacted,* That the Master or Commander of any Vessel approaching Halifax, when hailed by any licensed Pilot, such Pilot being within a reasonable distance, with his Flag flying, shall shorten sail, haul to, or use other means, as circumstances will admit, to facilitate such Pilot's boarding, under a penalty of Two Pounds; and that every Master or Person in command of any Vessel arriving at Halifax, which shall have taken on board a Pilot, licensed or unlicensed, shall report the name and behaviour of such Pilot at the Custom-House in Halifax, whence the same shall

Vessels to  
shorten sail to  
receive PilotsPilots to be re-  
ported to Cus-  
tom House

shall be transmitted when required to the said Commissioners, under the penalty of Twenty Shillings on the Master who shall neglect to make such report.

Pilots Flags  
and Boats

VII. *And be it further enacted*, That every Pilot so licensed shall be bound to carry such Flag, and to have his Boat so marked and rigged, as shall be directed by the said Commissioners, under a penalty not exceeding Twenty Shillings, nor less than Five Shillings; and that any unlicensed Person carrying such Flag, shall be liable to a penalty of Ten Pounds; and that a Pilot taking charge of any Vessel shall, in all cases, behave himself civilly, and be strictly orderly and sober, while in discharge of his duty, and use his utmost care and diligence for the safety of the Ship, and to prevent her doing damage to others, under the penalty of Ten Pounds for the first offence, and also to suspension for a certain time, or dismissal, if the Commissioners think proper; and on a second conviction for a similar offence, the said Pilot shall lose his license, and be no more capable of being licensed.

Duties

Loan or Trans-  
fer of Certifi-  
cate

VIII. *And be it further enacted*, That no licensed Pilot shall lend or transfer his Certificate, under the penalty of Five Pounds; and that any Pilot exacting a larger sum for his services, or taking a lesser sum than is allowed by Law, shall forfeit for each offence the sum of Two Pounds; and, when he has exacted, shall also refund the excess by him received.

Bye Laws for  
further regula-  
tion of Pilots

IX. *And be it further enacted*, That it shall and may be lawful for the said Commissioners, from time to time, with the approbation of the General Quarter Sessions at Halifax, to establish Bye-Laws for the further regulation of Pilots, and for extra remuneration in cases of any extraordinary kind, and for the adjustment and decision of questions arising between Masters of Vessels, Pilots and others, respecting pilotage, and also respecting the salvage of Anchors and Cables, and to enforce such Bye-Laws, by reasonable penalties to be thereto annexed.

Pilots not  
Licensed

X. *And be it further enacted*, That nothing herein contained shall be construed to extend to deprive any other person who may act as a Pilot, in the absence of licensed Pilots, from receiving payment for his services, according to the said Table of Rates, or to relieve any licensed or other Pilot from his responsibility to answer for the amount of any loss sustained through his improper conduct, in a civil action, at the suit of the party injured.

Civil suits a-  
gainst Pilots

Penalties how  
recovered

XI. *And be it further enacted*, That all penalties imposed by this Act, or hereafter to be imposed by any Bye-Law, made by virtue hereof, shall be sued for and recovered before any two of His Majesty's Justices of the Peace for the County of Halifax, and shall be levied with costs by Warrant of Distress, under the Hand and Seal of such Justices, on the goods of the offender; and for want of goods, the said Justices shall order such offender to be imprisoned for a term not exceeding one day, for every Five Shillings in the said penalty, or until the penalty be paid; and that one third of such penalties shall go to the use of the Informer, and the remainder, together with the Fees received for Certificates, shall form a fund in the hands of the said Commissioners to defray the Salary of a Secretary, and other Contingent Expences attending the execution of this Act; and the surplus, if any, to be appropriated by them for the benefit of infirm and disabled Pilots. *Provided always*, That any person who may think himself aggrieved, may appeal from the decision of such Justices to the next General Quarter Sessions of the Peace at Halifax, when the penalty shall exceed two pounds, and shall also be entitled to demand a Jury at the said Sessions to try such appeal when the penalty shall exceed Three Pounds; but that no Certiorari or other Appeal shall be allowed from the said General Quarter Sessions to any higher or other Court, in the case of any penalty imposed by this Act or the said Bye-Laws.

Continued by  
4, Wm. IV.  
C. 7

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

### SCHEDULE A.

Commissioners  
Oaths

I, A, B, do swear, that I will act diligently, faithfully and impartially, in the selection and examination of Pilots for the Port of Halifax.

Schedule

SCHEDULE B.

*Province of Nova-Scotia.*

No. Port of Halifax.

We, [Names of Commissioners] Commissioners, appointed by Law of this Province, to examine and select Pilots for the Port of Halifax, Certify that [Name of Pilot] of [place of abode of Pilot] having been examined by Us, at Halifax, was, by Us, judged a fit and proper Person to undertake the Pilotage of Vessels of every description, into, and out of, the said Port of Halifax, and on the day of A. D. 18 was, by Us, Licensed to act in that capacity.

Form of Certificate

[Signed] Commissioners of Pilotage at Halifax.  
 Entered in the Register of Pilots Licenses day of 18  
 [Signed] C. D. Secretary.  
 This License cannot be lent or transferred.

DESCRIPTION OF E. F. PILOT,					No.
Age.	Height.	Complexion.	Colour of Hair and Eyes.	Remarks.	

SCHEDULE C.

Table of Rates of Pilotage of Vessels into, and out of, the Harbour of Halifax,

Rates of Pilotage

On Vessels of 200 Tons, and under	L. 2 0 0
Do. 200 Tons to 300	2 10 0
Do. 300 Tons, and upwards	3 0 0
His Majesty's Ships under 4th Rates	2 0 0
Do. 4th, 5th and 6th Rates	2 10 0
Ships of the Line	3 0 0

On Vessels entering the Port, if boarded to the Northward of Herring Cove and Thrum Cap Island, one fourth less than the above rates.

CAP. VIII.

**An Act to authorise the Congregation of the Presbyterian Meeting-House at Cornwallis to raise Money from the Pews of the said Meeting-House, for the repairing and ornamenting thereof.**

Continued and amended by 2d, Wm. IV, C. 55

**WHEREAS**, the Presbyterian Meeting-House at Cornwallis, in the County of King's County, wherein the Reverend William Forsyth at present officiates, was originally built by a number of persons who were mutually interested therein, and were the owners of the Pews in such Meeting-House, many of which persons are since dead, and the property in the said Pews, in such Meeting-House, has now become vested in the Heirs and Families of such deceased original Proprietors. *And whereas*, the interest of the several present owners of the said Pews has now become so inconsiderable, that great difficulties are experienced in procuring Funds to keep the said Meeting-House in repair, owing to the neglect of many of the owners of the said Pews to pay their proportion of the necessary and unavoidable expense of repairing and ornamenting the said Meeting-House,

Preamble

House, in consequence of which the said Meeting-House is in great danger of going to decay:

Assessment of  
Pews

**I. Be it therefore enacted by the President, Council and Assembly,** That, from time to time, and at any time after the publication of this Act, whenever it shall be necessary to procure or raise any sum of Money for the repairing or ornamenting the said Meeting House, it shall and may be lawful for the Congregation attending at such Meeting House, at any public meeting of such Congregation, whereof due notice shall be given to such Congregation in said Meeting-House, during the time that the said Meeting House shall be open for Divine Service, on the Sunday previous to such Meeting, to nominate and appoint, by vote of the majority of the Members of the said Congregation present at such Meeting, three or more fit and proper persons, to assess and apportion the sum of Money necessary and required to be raised for the purposes aforesaid, on the said Pews respectively, according to the relative size and value of such Pews, at a just and equitable rate; of which assessment and apportionment due notice shall be publicly given, by reading the same in the said Meeting-House, on the Sunday after the same shall be made by the said Committee; and also by putting up a true and correct copy of such assessment and apportionment on the door of the said Meeting-House, for three successive weeks, after the same shall have been made by the said Committee.

Pews may be  
let until assess-  
ment is paid

**II. And be it further enacted,** That if, after due notice of such assessment and apportionment shall have been so publicly given as aforesaid, some such person or persons so interested in any of the said Pews shall not come forward to pay the sum which may have been by the said Committee assessed on such Pew, within three weeks after such notice so given as aforesaid, then and in such case it shall and may be lawful for the said Committee, after having given on the previous Sunday due and public notice of the time of letting the same, to proceed to let at Public Sale or Auction, for two years and no longer, any Pew or Pews, whereon the sum assessed shall remain unpaid for such period of time as may be sufficient to pay the rate or sum assessed on such Pew or Pews respectively.

Recovery of  
Pew Rents

**III. And be it further enacted,** That the person or persons who shall or may become the Lessee or Lessees of the said Pew or Pews respectively, at the said Sale, shall be put in possession thereof by the said Committee, and shall be taken and held to be the sole and exclusive owner or owners of the said Pew or Pews, for such period of time as the same may be Leased or Let to the said person or persons at such sale, and such Lessee or Lessees shall be liable to pay such Rent or Rents as he or they shall or may have agreed to pay for the same at such sale; and if the said Rent or Rents, or any part thereof, shall be behind or unpaid after the time or times which shall or may have been agreed on for payment thereof, it shall and may be lawful for the said Committee, so to be appointed as aforesaid, to sue for and recover such Rent or Rents, or such part thereof as may so remain behind and unpaid, in the same manner as Debts of the like amount may or can be ordinarily sued for or recovered.

In force

**IV. And be it further enacted,** That this Act shall continue and be in force for two years, and no longer.

### CAP. IX.

For Acts on  
this subject see  
9, Geo. IV,  
C. 3

## An Act in amendment of the several Acts, now in force, relative to the Issuing of Treasury Notes.

Issue of New  
Notes in lieu  
of torn and  
defaced

**BE it enacted, by the President, Council and Assembly,** That, when and so often after the passing of this Act, as any Treasury Notes issued or to be issued, under and by virtue of the Act, passed in the ninth year of His present Majesty's Reign, entitled, An Act for Issuing Treasury Notes, and Cancelling those now in Circulation; and also, under and by virtue of an Act, passed in the last Session of the General Assembly,

sembly, entitled, An Act to authorize an additional issue of Treasury Notes, shall be paid into the Treasury, which shall be torn and defaced, and unfit to be again issued, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by Warrant under his Hand and Seal, to authorise and require the Commissioners, appointed for issuing Treasury Notes, under the Acts herein before mentioned, to issue new Notes, from time to time, to an amount equal in value to the amount of the Notes so torn and defaced, and unfit to be issued as aforesaid, and to deliver such new Notes to the Treasurer, in lieu of the said torn and defaced Notes; and the said Commissioners shall receive from the Treasurer the said torn and defaced Notes, so unfit to be again issued, and shall cancel the same in the usual manner.

*And whereas* Notes of a larger denomination than those of One Pound are often required for the convenience and dispatch of the public business :

II. *Be it therefore further enacted*, That it shall and may be lawful for the said Commissioners, in lieu of the said torn and defaced Treasury Notes, from time to time; when required and authorized by the Warrant of the Governor, Lieutenant-Governor or Commander in Chief for the time being, to issue, and deliver to the Treasurer, Notes of the value of Five Pounds each, to the amount in the whole of Five Thousand Pounds, and no more.

Five Pound  
Notes to be  
issued

III. *And be it further enacted*, That if any person or persons whosoever shall counterfeit any Treasury Note or Notes, issued or hereafter to be issued, by virtue of this or any former or other Act, or alter any of the same, so that they shall appear to be of greater value than when originally issued, or shall knowingly pass, or give in payment, any of the said Notes so counterfeited or altered, every person convicted thereof shall be imprisoned for a term not exceeding seven years in the Bridewell, and there kept at hard labour, and shall pay all charges of the prosecution.

Counterfeiting  
Notes

IV. *And be it further enacted*, That if any person or persons shall feloniously steal, take, or carry away, any Treasury Note or Notes, heretofore issued under any former Act or Acts, or hereafter to be issued under this Act, such person or persons shall be deemed and taken to be guilty of the same offence as if such person or persons had stolen, taken and carried away, so much Money as the value expressed on the face of the Treasury Note or Notes so stolen, taken or carried away, shall or may be.

Stealing Notes

## CAP. X.

**An Act in further addition to, and in amendment of, the several Acts for appointing Firewards, ascertaining their Duty, and for punishing Thefts and Disorders at the time of Fire.**

Stat. 5, Wm.  
17. C. 12.

**WHEREAS**, doubts have arisen, whether the privileges and exemptions from Militia Duty, Highway Labour, and other Duties and Services, granted by Law to the Fire-Engine Men of the Town of Halifax, extend to, or can be claimed by, the Fire-Engine Men of other Places, to which the several Acts respecting Fire-Engine Men have been extended, and where the same are now in force :

Preamble

i. *BE it therefore enacted, by the President, Council and Assembly*, That, from and after the passing of this Act, all Fire-Engine Men, who shall or may be, or now are, appointed in any Town or place within this Province, under and by virtue of the Act, passed in the second year of His late Majesty's Reign, entitled, An Act for appointing Firewards, ascertaining their duty, and for punishing thefts and disorders at the time of Fire, or of any or either of the Acts made in amendment of the said Act, shall be, and shall be taken and held to be, entitled to all the several and respective privileges, rights and exemptions, from Highway Labour, Militia Duty, and all other duties and services to which the Fire-Engine Men of the Town of Halifax are, or may be, by law, entitled.

Privileges of  
Fire Engine  
Men at Halifax  
extended to  
other places

Teams and  
Horses of Fire  
Engine Men to  
perform High-  
way Labour

II. *And be it further enacted*, That any Team or Teams, Horse or Horses, of and belonging to any Fire-Engine Man, and liable to perform Highway Labour, shall be compelled and obliged to do and perform such Highway Labour, any thing in this or in any other Act contained, to the contrary notwithstanding.

## CAP. XI.

### An Act to amend and continue the Acts concerning the Bridewell and Police, in Halifax.

For Acts on  
this subject  
See 10, Geo.  
IV. C. 41

Act 55th Geo.  
III, C. 9, [ex-  
cept 10th Sec-  
tion] and

10th Geo. IV.  
C. 41, [except  
4th Section]  
continued

Preamble

Pay of Police  
Magistrate

**BE** it enacted, by the President, Council and Assembly, That an Act, passed in the Fifty-fifth year of His late Majesty's Reign, entitled, An Act for establishing a Bridewell or House of Correction, for the County of Halifax, and for the better and more effectual Administration of the office of Justice of the Peace in the Township of Halifax, and for providing a Police Office in said Town, with proper officers to attend the same; and every matter, clause and thing, therein contained, (save and except the Tenth Section of the before mentioned Act, which is hereby repealed); and also, an Act, passed in the tenth year of His present Majesty's Reign, entitled, An Act to amend and continue the Act concerning the Bridewell and Police in Halifax, and every matter, clause and thing, therein contained (except the Fourth Section of the last recited Act, which is hereby repealed) shall be continued, and the same are hereby continued, for one year, and from thence to the end of the then next Session of the General Assembly.

*And whereas*, the allowance made to the Justice appointed to attend at the Police Office, under the Act of which this is an amendment, is not considered a sufficient compensation for the duties of his Office:

II. *BE it therefore further enacted*, by the authority aforesaid, That there shall be allowed and paid to such one of the Justices appointed as aforesaid, under and by virtue of the before recited Act, who shall daily attend said Office as aforesaid, out of the Fund created, or to be created, by the Act, to which this Act is an amendment, the sum of Sixteen Shillings and Eight Pence per day, for each and every day of the year.

## CAP. XII.

### An Act to continue the several Acts relating to the Lighthouse erected on Cranberry Island, near the entrance of the Gut of Canso.

Expired

## CAP. XIII.

### An Act to continue the several Acts for the regulation of the Militia.

Expired

## CAP. XIV.

## CAP. XIV.

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

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## CAP. XV.

**An Act to continue an Act, entitled, An Act in further addition to the Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates.** Expired

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## CAP. XVI.

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

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## CAP. XVII.

**An Act to continue the Act to provide for the accommodation and billeting of His Majesty's Troops, or of the Militia, when on their March from one part of the Province to another, and also the Acts in amendment thereof.** Expired

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## CAP. XVIII.

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

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## CAP. XIX.

**An Act to continue the Acts now in force relating to Trespasses.** Expired

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## CAP. XX.

Expired

**An Act to continue the Act in further amendment of an Act to regulate the Jurisdiction of the Inferior Court of Common Pleas within the County of Cape-Breton, and to fix and establish the Times and Places for holding of the said Inferior Court and General Sessions of the Peace in and for the said County.**

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## CAP. XXI.

Expired

**An Act to continue the Act respecting Aliens coming into this Province, or residing therein.**

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## CAP. XXII.

Expired

**An Act to continue the several Acts respecting the Liverpool Light-House.**

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## CAP. XXIII.

Expired

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

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## CAP. XXIV.

Expired

**An Act to continue the Act more effectually to secure the payment of the Provincial Duties of Excise, and to prevent Frauds in the collection of the Provincial Revenue.**

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## CAP. XXV.

Expired

**An Act for the further increase of the Revenue of the Province, by continuing an Act of the General Assembly, for raising a Duty of Excise, and the Act for the continuing and amending thereof.**

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## CAP. XXVI.

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

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## CAP. XXVII.

**An Act to continue the Act for the further increase of the Revenue, by imposing a Duty upon Articles imported from Foreign Countries.** Expired

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## CAP. XXVIII.

**An Act to continue an Act relating to the Court of Commissioners at Halifax.** Expired

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At the **GENERAL ASSEMBLY** of the Province of Nova-Scotia, begun and holden at Halifax, on Monday, the Eighth day of November, 1830, in the First Year of the Reign of our Sovereign Lord **WILLIAM** the Fourth, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, **KING**, Defender of the Faith, &c. &c. &c. being the First Session of the Fifteenth General Assembly, convened in the said Province.\*

\* In the time of Sir **PEREGRINE MAITLAND**, K. C. B. Lieutenant-Governor; **S. S. Blowers**, Chief-Justice, and President of the Council; **Samuel George William Archibald**, Speaker of the Assembly; **William Hill**, Acting Secretary of the Council; and **John Whidden**, Clerk of the Assembly.

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CAP. I.

**An Act for applying certain Monies, therein mentioned, for the service of the year of Our Lord One Thousand Eight Hundred and Thirty, and for other Services therein specified.**

Executed except clauses below which have been continued

(PASSED THE 23d DAY OF NOVEMBER, 1830.)

Grant to Eastern Stage Coach Company  
For continuation of their grant and alteration of terms  
Sec. 3, Wm IV. Cap. 1, and 4. W 4.

V. *And be it further enacted*, That the sum of 250l. annually, for the years One Thousand Eight Hundred and Thirty, One Thousand Eight Hundred and Thirty-One, One Thousand Eight Hundred and Thirty-Two, One Thousand Eight Hundred and Thirty-Three, and One Thousand Eight Hundred and Thirty-Four, be granted and paid to the Eastern Stage Coach Company, for the encouragement of a line of Stages now running between Halifax, Truro and Pictou; the money to be drawn from the Treasury quarterly, upon its appearing to the satisfaction of His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, that the public have been accommodated during those years respectively, with a Coach drawn by three or more Horses, running three times in the week, from the Month of May to the middle of November, and during the remainder of the year, once in the week, between Halifax, Truro and Pictou.

Western Stage Coach Company to be paid quarterly  
Sec 9, Geo. IV. Cap 1st

VI. *And be it further enacted*, That the Annual Bounty granted in the Year of Our Lord One Thousand Eight Hundred and Twenty-Eight, to the Western Stage Coach Company, shall be in future paid to them Quarterly, by equal Instalments, instead of being paid annually, as heretofore.

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CAP. II.

Expired

**An Act for granting to His Majesty certain Duties of Impost on Wine, Brandy, Gin, Rum and other Distilled Spirituous Liquors and Brown Sugar, for the support of His Majesty's Government, and for promoting the Agriculture, Commerce and Fisheries, of this Province.**

(PASSED THE 11th DAY OF DECEMBER, 1830.)

## CAP. III.

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

Executed except as to following clause

(PASSED THE 11th DAY OF JANUARY, 1831.)

**AND WHEREAS** the employment of a powerful and effective Steam-Boat, in maintaining the Communication between the Port of St. John, in New-Brunswick, and Annapolis, in this Province, touching at Digby, for the conveyance of the Mails to and from the said Ports, and of Passengers and Commodities, will be attended with great benefit to the Public;

**XX. Be it therefore enacted,** That, in aid towards the providing and maintaining the Establishment of such Steam-Boat, there be granted, and placed at the disposal of His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, the following sums of money: *Provided*, the like amounts be granted and provided therefor by the Legislature of New-Brunswick, that is to say, the sum of 500l. towards defraying the expense of building, and providing for the said Station, a good, substantial and efficient, Steam-Boat, impelled by one Engine of at least Fifty Horses Power, or by two Engines, each of at least Twenty Horses Power, and manufactured either in this Province or Great Britain, and to be paid to James Whitney, or whosoever else shall first build and provide such Steam-Boat, and establish the same on the said Station, whenever it shall be certified to His Excellency the Lieutenant-Governor, by such persons as he shall appoint for this purpose, that such Steam-Boat has been built, and been running three months on the said Station, and that Security has been given, that the same, unless prevented by unavoidable accidents, shall be continued running on the said Station during at least Three Years from its commencement; and the further sum of 200l. to be paid in each and every year for Five Years, by quarterly payments, to the Proprietor or Proprietors of such Steam-Boat as aforesaid, upon its being certified at the end of each quarter, by such persons as aforesaid, that such Boat has, unless prevented by unavoidable accidents, been continued in effective operation, and has crossed to and fro twice in each week, carrying the Mails, during seven months in each year, to and from Annapolis and Saint John, touching at Digby, and that during the remainder of each year, a sufficient sailing Packet Vessel, carrying the Mails, has been maintained on the said Station, crossing once a week when the Steam-Boat shall be unable to run thereon.

Grant for Steam Boat between Annapolis and St. John

Annual grant for five years

## CAP. IV.

**An Act in addition to, and amendment of, the Act concerning the Common of Halifax,**

(PASSED THE 11th DAY OF JANUARY, 1831.)

Amends 10, Geo. IV, C. 32, See also 4, Win. IV, C. 71,

**WHEREAS**, in the tenth year of the Reign of His late Majesty King George the Fourth, a certain Act of the General Assembly of the Province of Nova-Scotia, was made and passed, entitled, An Act concerning the Common of Halifax, but with and subject to a Proviso, that nothing therein contained should be of any force or effect until His Majesty's pleasure should be known thereupon:

Preamble

And

*And whereas*, His Majesty's pleasure hath not yet been signified touching the said Act, and since the passing thereof it has been found expedient to alter and amend the said Act, as is hereinafter mentioned:

*And whereas*, certain Fortifications, for the protection and defence of the Town of Halifax, are now being constructed on the Grounds called the Citadel Hill, on the west side of the said Town, and for and towards the completion of the said Works, and for other Military purposes, it hath been found necessary, not only to prevent any further building upon, and enclosure of, the said Common Lands, within a certain distance from the said Fortifications; but also to obtain and appropriate for Military purposes, from and out of the tract or parcel of Land in the said Act referred to, and mentioned as the Common of Halifax, the piece or parcel of Land hereinafter described, that is to say: all that piece or parcel of Land, parcel of the Common of Halifax, and lying on the western side of the Lands or Grounds called the Citadel Hill, and adjoining to the same, and described as follows, that is to say—beginning at the north-west angle of the Fence now enclosing the said Citadel Hill Grounds—which angle is formed by the intersection of the south side line of the Street running westwardly from the North Suburbs by the North Barracks, with the east side line of the Common, then from the said angle to run as the Picket Fence now stands, south two degrees east, twenty-five chains and thirty-six links, thence south forty-four and a half degrees east eight chains fifty-two links, to a point in the eastern side line of the Common, at the distance of fifty feet from the north-west corner of the Field now or lately owned by Doctor Lewis Johnston, and in a line with the west side of that Field—then from the said point to run east eight chains and forty links, more or less, and in a line with Sackville-Street, till it strikes the Fence of the Citadel Hill Grounds, opposite the Artillery Park, and on the north side of Sackville Street, aforesaid, and thence to be bounded by the Citadel Hill Grounds, to the place of beginning, containing about twelve acres, more or less, as in and by a plan of the said piece of Land and the roads thereon, filed in the Office of the Surveyor-General, at Halifax, and signed by the Officers of the Ordnance Department, and by His Excellency the Lieutenant-Governor, will on reference thereto more particularly appear.

*And whereas*, for the purposes of the said Fortifications, it also is necessary that the Public Highways now running across and through the said described piece or parcel of Land, should be changed, and that, instead thereof, another Highway be made and formed in the line or direction on the said plan, represented by yellow lines, and as is hereinafter set forth:

**I.** *Be it therefore enacted, by the Lieutenant-Governor, the Council and Assembly,* That henceforth so much and such part of the above described parcel of Land as forms a portion of, or is comprehended within, the original grant of the Tract called the Common of Halifax, shall be, to all intents and purposes, and fully and absolutely granted, assigned, appropriated to, and vested in, His Majesty, His Heirs and Successors, forever, to and for such Military uses and purposes, connected with the said Fortifications, or otherwise, as to His Majesty, His Heirs or Successors, or to the Commander in Chief for the time being of His Majesty's Forces in this Province, or other His Majesty's Officers in charge of the said Fortifications, shall appear necessary or expedient, and free and absolutely discharged and released of and from all claim, title and interest, whatsoever, of the Trustees of the said Common, or their Heirs or Assigns, or of the Inhabitants of Halifax, in, to or upon, the said described Land or Premises, or any part thereof, with the appurtenances thereto belonging.

**II.** *Provided always, and be it further enacted,* That the said Grant and Appropriation of the said piece or parcel of Land, part of the said Common, to and for Military purposes as aforesaid, is made on the express condition that the proper Officers of His Majesty's Ordnance or Engineer Departments, or others thereto appointed, do and shall, as soon as conveniently may be, make, form and construct, a good and sufficient new Public Main Road or Highway, of the breadth of fifty feet, commencing at the corner of the Artillery Park, and to run in prolongation of Sackville-Street aforesaid,—Westerly along the North side of the Fields or Property of the late John George Pyke, Esq. and of the said Doctor Lewis Johnston, to the west side line of the property of the said Doctor Johnston, being the east side line of the Common aforesaid, and thence to continue on a line running north

Grant of portion of the Common to His Majesty

Roads to be made

north forty-four and a half degrees west along part of the piece of land above described, and to be continued in a straight line on the said course till it strikes the Main Road near to the Bridge thereon, situate about the centre of the Common aforesaid; and do and shall also make and construct the Cross Road laid down on the said plan, and coloured yellow, to connect the Road last described with the old Road along the Picket Fence, and outside the piece of Land herein before described. *And provided also*, that the said New Road or Highway so to be opened in the direction aforesaid, be made and completed as a Main Road, and in all respects to the satisfaction of the Lieutenant-Governor or Commander in Chief for the time being, and without cost or charge therefor to the Inhabitants of Halifax.

III. *And be it further enacted*, That when and so soon as the said new Main Roads or Highways, in the courses and direction above described, shall have been made and completed to the satisfaction of His Excellency the Lieutenant-Governor for the time being, it shall and may be lawful for the Officers in charge of, or entrusted with, the construction of the said Fortifications, to shut up, stop and entirely close, the way or passage now used, in, through and over, the roads or highways which pass from the corner of the Artillery Park aforesaid, through the piece or parcel of Land herein before particularly described, and set out by metes and bounds as aforesaid: and thenceforth the said Roads and Highways, and all right of way and passage, in, to, over and upon the same, as now used, shall absolutely cease and determine; and the site of the said Roads and Highways shall be wholly appropriated to and for Military purposes as aforesaid.

Land may be enclosed

IV. *And be it further enacted*, That the several and respective Lessees of Lots of Land on the said Common of Halifax, as set forth in the Fourth Section of the said above recited Act, entitled, An Act concerning the Common of Halifax, and the several and respective assigns of the said Lessees, shall and may severally and respectively hold, occupy and enjoy, the several demised lots and parcels of Land and Premises, for the residue of the terms in the Leases thereof respectively mentioned, and in manner and form as in the said Fourth Section of the said Act is provided: but nevertheless, as to such, and so many and such parts of the said Lots, as are situate and lying within the space or circuit of six hundred yards from the salient angles or extreme points of the Fortifications of the said Citadel Hill, subject to, and under, the further condition and restriction, that there shall not henceforth be built, made or erected, on any part of the said Lots lying within the space or distance aforesaid from the said Fortifications, any Houses, Buildings, Walls, Ditches, or Permanent Fences whatsoever, other than and except such Houses, Buildings, Walls, Ditches and Fences, as His Excellency the Lieutenant-Governor or Commander in Chief for the time being may deem it proper to permit to be built and erected thereon, and which he shall think may be erected without obstructing or injuring the defences of the said Citadel Hill. *Provided always*, that, whenever, for the protection and security thereof, or for the defence of Halifax, the said Lieutenant-Governor or Commander in Chief for the time being, shall, in time of War, or of attacks threatened on Halifax, deem it necessary to remove such Buildings so permitted, or to prostrate and level the Walls or Fences, or fill up the said Ditches, it shall and may be lawful for him to order the same to be removed, levelled or destroyed, to such extent, as the security and defence of the said Citadel may require, and without any claim for indemnification therefor, to be had, made, preferred or allowed, against such Governor or Commander in Chief or His Majesty's Government of this Province, on occasion of any losses or damages to be sustained thereby by any persons whomsoever.

Leases of Common Lots confirmed with reservations

Buildings, &c. to be removed in time of War if necessary

V. *And be it further enacted*, That no Houses, Buildings or Walls, nor any other than Fences of Wood, shall be erected or built on any part of the said Common of Halifax, lying to the northward and eastward of the said Lots so Leased, as in the Fourth Section of the Act above recited is mentioned, and within the space or distance of six hundred yards from the salient angles of the Fortifications aforesaid; but the said portion of the said Common may be Leased and appropriated to and for the purpose of Gardens or Orchards, or other purposes, from which no injury or impediment can result to the defence of the said Citadel. *Provided always*, that all trees, whether for fruit or

No Buildings to be erected on Common Lots within 600 yds. of the Fortifications

Trees may be cut down.

ornament, planted on those portions of the said Common, shall and may be subject to be cut down and destroyed, whenever in time of war, and of attacks threatened on Halifax, the defence thereof shall appear to the Governor or Commander in Chief to require the removal of such trees: *And provided always*, That no indemnification of the value of the said trees shall be demanded, other than the value thereof, as fuel, if used by or for the Garrison.

Future Leases  
of Common to  
contain the re-  
servations

*VI. And be it further enacted*, That all Leases of any part of the said Common within the limits aforesaid, to be given, granted or confirmed, under and by virtue of the said Act concerning the Common of Halifax, shall contain the conditions, limitations and restrictions, herein before prescribed, with respect to the erection of Buildings, Walls, Fences and Ditches, thereon, and in all other respects, and for all other purposes, the said Act as herein amended shall go into full force and operation.

This Act specially confirmed by H. M. in Council, 30th May, 1832.

*VII. Provided always, and be it further enacted*, That nothing in this Act, or in the said Act concerning the Common of Halifax, shall be of any force or effect until his Majesty's Assent to the said Acts shall have been duly signified.

### CAP. V.

Amended by 3,  
W. 4, c. 43  
see also 5, W.  
4, c. 46

## An Act to regulate the opening and holding a Poll for the Election of Representatives to serve in General Assembly for the County of Cape-Breton, and for the removal or adjournment of the same.

(PASSED THE 11th DAY OF JANUARY, 1831.)

Preamble

*WHEREAS* doubts exist where the Poll should first open for the said County, and whether the same should be removed or adjourned, whereby vexation and expense happen to the Freeholders and Electors of, and Candidates seeking to represent, the said County :

Polls to be held  
at Sydney, Arichat, Port Hood and Cheticamp

*BE it enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the passing of this Act, it shall be imperative on the Sheriff or other proper Officer holding Polls for the Election of Persons to represent said County of Cape-Breton, to first open the same at the Court House at Sydney, and continue the said Poll for six days, or until all the Electors then and there present be Polled; and, upon application for the removal or adjournment of said Poll, the Sheriff or other proper Officer holding it shall, if thereto required as by Law directed, give Notice, according to Law, that the Poll will be adjourned and opened at the Court House at Arichat, on the tenth day after the opening at Sydney, and shall so remove the said Poll, and there continue the same for the space of four days, or until the Electors then and there present be Polled; and, after having received the Votes of the Electors, as by Law directed, shall remove or adjourn the Poll, on the tenth day after its opening at Arichat, to the Court-House at Port Hood, and there continue the same for the space of four days, or until all the Electors then and there present be Polled, unless sooner closed according to Law; and after having received the Votes of the Electors, as by Law directed, shall remove or adjourn the Poll on the tenth day after its opening at Port Hood, to some central and convenient place at Cheticamp, in the said County, and there continue the same for the space of four days, or until all the Electors then and there present be Polled, unless sooner closed according to Law.

Qualification of Candidates throughout Province on opening of Polls

*II. And be it further enacted*, That, from and after the passing of this Act, if any Candidate or Agent of a Candidate, at any Election to be held in any part of the Province, shall be questioned by any Elector at the commencement of the Poll, as to the qualification of such Candidate, and be required to take the Oath as by Law directed, it shall not be imperative on said Candidate, or Agent, to attend in person to take and subscribe

scribe the same, but a deposition in writing (containing the description and situation of the Lands by which he claims to be legally qualified as such Candidate,) made and subscribed by such Candidate or Agent, before one of the Judges of the Supreme or Inferior Courts of this Province, and delivered to the Sheriff or other proper Officer holding said Election, shall be sufficient. *Provided*, that the said Candidate, thus called upon to exhibit and attest to his qualification, shall, if elected and required before he assume his Seat or Vote in General Assembly, take and subscribe the Candidate's Oath by Law directed, and deliver to the Clerk of said House of Assembly, the Title Deeds under which he holds the Lands, Tenements or Hereditaments, whereby he seeks to make out his Qualification, or true Copies of the same.

before taking  
seat

## CAP. VI.

### An Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape-Breton.

(PASSED THE 11th DAY OF JANUARY, 1831.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Governor, Lieutenant-Governor, and Commander in Chief for the time being, by and with the advice of His Majesty's Council, to appoint and commission, during pleasure, four Persons (three of whom to be a Quorum) to examine and select Pilots for the Port of Sydney; and that vacancies in such commission shall be filled up by the same Authority of the Governor, Lieutenant-Governor or Commander in Chief, and Council, and that before any such Commissioner shall act under such appointment he shall take the oath contained in the Schedule annexed to this Act, marked A, before one of the Judges of the Inferior Court of Common Pleas.

Four Persons to  
be Commission-  
ed to select  
Pilots

**II.** *And be it further enacted*, That the said Commissioners shall, from time to time, License as many fit Persons, by them examined, as they shall think necessary to act as Pilots for the Port of Sydney, and to grant to each Licensed Pilot a Certificate in the form contained in the Schedule hereunto annexed, marked B, for which Certificate the person receiving it shall pay the sum of Twenty Shillings, and the Certificate so granted shall be numbered and registered in a Book, to be kept for that purpose, and shall be annually renewed on payment of the sum of Ten Shillings.

Commissioners  
empowered to  
License Pilots

**III.** *And be it further enacted*, That the Rates of Pilotage into and from the Harbour of Sydney, to which such Licensed Pilots shall be entitled, when employed by any Vessel, shall be according to the Table of Rates contained in the Schedule annexed to this Act, marked C; and on every Vessel entering the Port spoken by a Licensed Pilot, such Pilot, when his services are accepted, shall be entitled to the Pilotage fixed in the Table C.

Rates of Pilot-  
age established

**IV.** *And be it further enacted*, That any person taking charge of any Vessel, as a Pilot, not being Licensed, shall be bound to give up the guidance of the said Vessel to the first Licensed Pilot, who shall board such Vessel, under a penalty of five pounds.

Unlicensed Pi-  
lots to give up  
charge of Ves-  
sels

**V.** *And be it further enacted*, That no Pilot shall be taken off to sea against his will, by any Master or Commander of any Vessel, under the penalty of Twenty-five Pounds, except when, through stress of weather, the taking of a Pilot off to sea shall be inevitable; and in all cases when any person acting as a Pilot shall be taken to sea against his will, he shall be entitled to receive from the Master or Owners of such Vessel a compensation for loss of time at the rate of Five Pounds per month, and be provided with a passage home at their expense, which shall be sued for and recovered by the party aggrieved, by any action of debt, plaint or information, in His Majesty's Supreme or Inferior Courts in the County of Cape-Breton.

Pilots taken off  
to Sea

**VI.** *And be it further enacted*, That every Pilot so Licensed shall be bound to carry such flag, and to have his boat so marked and rigged as shall be directed by the said Commissioners,

Pilots to carry  
Flags, &c.

To be orderly,  
&c.

Commissioners, under a penalty not exceeding Twenty Shillings, nor less than Five Shillings; and that any unlicensed person carrying such flag shall be liable to a penalty of Ten Pounds; and that a Pilot taking charge of any Vessel shall in all cases behave himself civilly, and be strictly orderly and sober while in discharge of his duty, and use his utmost care and diligence for the safety of the ship, and to prevent her doing damage to others, under the penalty of Ten Pounds for the first offence, and also to a suspension for a certain time, or dismissal, if the Commissioners think proper; and on a second conviction for a similar offence the said Pilot shall lose his License, and be no more capable of being Licensed.

Pilots Certificate of License not to be transferred

VII. *And be it further enacted*, That no Licensed Pilot shall lend or transfer his Certificate under the penalty of Five Pounds, and that any Pilot exacting a larger sum for his services or taking a lesser sum than is allowed by Law, shall forfeit for such offence the sum of Two Pounds, and, when he has exacted, shall also refund the excess by him received.

Bye Laws may be established for regulation and extra remuneration of Pilots and for decision of questions

VIII. *And be it further enacted*, That it shall and may be lawful for the said Commissioners from time to time, with the approbation of the General Sessions at Sydney, to establish Bye-Laws for the further regulation of Pilots, and for extra remuneration in cases of any extraordinary kind, and for the adjustment and decision of questions arising between Masters of Vessels, Pilots and others, respecting Pilotage, and also respecting the salvage of Anchors and Cables, and to enforce such Bye-Laws by reasonable penalties to be thereunto annexed.

Any person may act as Pilot in the absence of regular Pilots

IX. *And be it further enacted*, That nothing herein contained shall be construed to extend or deprive any other person who may act as a Pilot in the absence of Licensed Pilots, from receiving payment for his services according to the said Table of Rates, or to relieve any Licensed or other Pilot from his responsibility to answer for the amount of any loss sustained through his improper conduct, in a civil action, at the suit of the party injured.

Recovery and application of Penalties

X. *And be it further enacted*, That all penalties imposed by this Act, or hereafter to be imposed by any Bye-Law, made by virtue hereof, and not exceeding the sum of Ten Pounds, shall be sued for and recovered before any two of His Majesty's Justices of the Peace, for the County of Cape-Breton, and shall be levied with Costs by Warrant of Distress, under the Hand and Seal of such Justices, on the Goods of the Offender, and for want of Goods, the said Justices shall order such Offender to be imprisoned for a term not exceeding one day, for every Five Shillings in the said penalty, or until the penalty be paid; and that one third of such penalties shall go to the use of the Informer, and the remainder, together with the Fees received for such Certificates, shall form a Fund, in the hands of the said Commissioners, to defray the Salary of a Secretary, and other Contingent Expences attending the execution of this Act; and the surplus, if any, to be appropriated by them for the benefit of infirm and disabled Pilots: *Provided always*, that any person who may think himself aggrieved may appeal from the decision of such Justices to the next General Sessions of the Peace at Sydney, when the penalty shall exceed two pounds, and shall be entitled to demand a Jury at the said Sessions, to try such appeal when the penalty shall exceed three pounds; but that a Writ of Certiorari or other Appeal shall be allowed from the said General Sessions, to any higher or other Court, in case of any penalty imposed by this Act or the said Bye Laws.

Appeal and Jury

Continued by 2  
W. IV, C. 27,

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

#### SCHEDULE A.

Oath to be taken by Commissioners

I. A. B. do swear that I will act diligently and impartially in the selection and examination of Pilots, for the port of Sydney.

#### SCHEDULE B.

Pilot's License

Province of Nova-Scotia.

No,

Port of Sydney.

We,

We, (names of Commissioners) Commissioners appointed by a Law of the Province, to examine and select Pilots for the Port of Sydney, certify that (name of the Pilot) of (place of abode) having been examined by us at Sydney, was, by us judged a fit and proper person to undertake the Pilotage of Vessels of every description, into and out of the said Port of Sydney, and on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18\_\_\_\_ was by us Licensed to act in that Capacity.

(Signed) \_\_\_\_\_ Commissioners of Pilotage at Sydney.  
 Entered in the Register of Pilot's Licenses \_\_\_\_\_ day of \_\_\_\_\_ 18\_\_\_\_  
 (Signed) \_\_\_\_\_ C. D. Secretary.

This License cannot be lent or transferred.

Description of			(Name of Pilot)	No.
Age	Height	Complexion	Colour of Hair and Eyes	Remarks

SCHEDULE C.

Table of Rates of Pilotage of Vessels into, and out of, the Harbour of Sydney.

On Vessels of 200 Tons and under	L2 0 0	Sydney	L1 10 0	Plant's Bar.	Rates of Pilotage
Ditto 200 to 300 and upwards	2 5 0		1 15 0	Ditto	
His Majesty's Ships under 6th rate	2 0 0		1 10 0	Ditto	
Ditto 4th, 5th and 6th rates	2 5 0		1 15 0	Ditto	
Ships of the Line	2 15 0		2 0 0	Ditto	

On Vessels entering the Port, if boarded to the Southward and Westward of Cranberry Island, one fourth less than the above Rates.

CAP. VII.

An Act for the establishing Courts of Probates of Wills, and granting Letters of Administration, in the Southern and North-Western Districts of the County of Cape-Breton.

(PASSED THE 11th DAY OF JANUARY, 1831.)

WHEREAS, much inconvenience is experienced by Persons residing in the Southern and North-Western Districts of the County of Cape-Breton, in consequence of there being but one Court of Wills, and granting Letters of Administration, established for the whole County, as held at Sydney:

I. BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant-Governor or Commander in Chief, for the time being, to commission and appoint two fit and proper Persons to be Judges of the Courts of Probates of Wills, and granting Letters of Administration, for the Southern and North-Western Districts of the County of Cape-Breton, that is to say, one Person to act as such Judge in each of the said Districts; which Persons, so commissioned and appointed, shall possess all the privileges, and have and exercise the same jurisdiction, within the said Districts respectively, as Judges of the Courts of Probate of Wills, and granting Letters of Administration, possess and exercise in the respective Districts and Counties in the Province of Nova-Scotia, for which they are commissioned and appointed.

II. And be it further enacted, That, from and after the passing of this Act, it shall not be lawful for the present Judge of the Court of Probate of Wills, and granting Letters

Preamble

Judges of Courts of Probate of Wills, &c to be appointed for Districts of Cape-Breton

Jurisdiction of present Judge limited

ters of Administration, in the County of Cape-Breton, to exercise any jurisdiction under or by virtue of that office, or in his capacity of such Judge, save and except within and for the first or North-Eastern District of the said County of Cape-Breton.

Probate Courts  
to be held at  
Sydney, Arichat  
and Port  
Hood

III. *And be it further enacted*, That the said Courts of Probate of Wills, and granting Letters of Administration, shall be hereafter held at Sydney, Arichat and Port Hood, in the respective Districts of the County of Cape-Breton, at such times as the Judges of the said Courts may respectively appoint.

### CAP. VIII.

Expired

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

(PASSED THE 11th DAY OF JANUARY, 1831.)

### CAP. IX.

**An Act to continue the Act to suspend the operation of the Acts to prevent Forestalling, Regrating and Monopolizing, of Cord Wood, in the Town of Halifax.**

(PASSED THE 11th DAY OF JANUARY, 1831.)

Act 7th Geo.  
IV, C. 21,  
continued

**BE it enacted, by the Lieutenant-Governor, Council and Assembly**, That an Act, passed in the seventh Year of the Reign of His late Majesty King George the Fourth, entitled, An Act to suspend the operation of the Acts to prevent Forestalling, Regrating and Monopolizing, of Cord Wood in the Town of Halifax—and every matter, clause and thing, in the said Act contained, shall be continued, and the same are hereby continued for Five Years, and from thence to the end of the then next Session of the General Assembly.

### CAP. X.

**An Act to continue the Act to suspend the operation of several Acts of the General Assembly, passed to prevent Forestalling, Regrating and Monopolizing.**

(PASSED THE 11th DAY OF JANUARY, 1831.)

Act 7th Geo.  
IV, C. 20,  
continued

**BE it enacted, by the Lieutenant-Governor, Council and Assembly**, That an Act, passed in the seventh Year of the Reign of His late Majesty King George the Fourth, entitled, An Act to suspend the operation of several Acts of the General Assembly, passed to prevent Forestalling, Regrating and Monopolizing—and every matter, clause and thing, in the said Act contained, shall be continued, and the same are hereby continued for Five Years, and from thence to the end of the then next Session of the General Assembly.

## CAP. XI.

**An Act for raising an additional Duty on Persons hereafter to be Licensed to keep Public Houses or Shops.**

Expired.

(PASSED THE 11th DAY OF JANUARY, 1831.)

## CAP. XII.

**An Act in amendment of the Act to regulate the Pilotage of Vessels, at the Port of Halifax.**

Amends 11, Geo. IV, C. 7.

(PASSED THE 11th DAY OF JANUARY, 1831.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That whenever any ship or vessel shall require a Pilot from and out of the Port or Harbour of Halifax, the Master of such ship or vessel so requiring such Pilot shall make the same known by hoisting an Union Jack, if a British vessel, or, if a Foreign vessel, such Flag as is usually worn by such Foreign vessel, during day-light, at the fore top gallant mast-head of such ship or vessel, at least twelve hours before the time of the sailing of such ship or vessel; and in case no Licensed Pilot shall offer himself during that time, the said Master shall then be at liberty to employ such other person as he may think fit, although such person may not be a Licensed Pilot.

Vessels outward bound requiring Pilots

**II.** And be it further enacted, That any person taking charge of any vessel bound outwards, not being Licensed, shall give up the guidance of the said vessel to the first Licensed Pilot, who shall tender his services within the time herein before prescribed, under a penalty of Five Pounds, to be sued for, recovered and applied, in like manner and by the same means as are prescribed in and by the Eleventh Section of the Act of which this is an amendment, in regard to penalties imposed by that Act.

Unlicensed Pilots to give up charge to Licensed Pilots under Penalty

**III.** And be it further enacted, That the Rates of Pilotage for taking any ship or vessel from and out of the Harbour of Halifax, shall be one third less than the Rates hereinafter established for the Pilotage of ships and vessels into the said Harbour.

Charge of Pilotage of outward bound Vessels

**IV.** And be it further enacted, That in lieu of the Table of Rates of Pilotage in the Schedule C. annexed to the said Act hereby amended, the following Table of Rates of Pilotage for any ship or vessel coming into the said Harbour of Halifax, shall be substituted, that is to say—

Rates of Pilotage into Halifax altered

*Table of Rates of Pilotage into the Harbour of Halifax.*

On Vessels of two hundred tons and under,	L2 0 0
On Vessels from two hundred tons to three hundred tons,	2 10 0
On Vessels of three hundred tons and upwards,	3 0 0
On His Majesty's Ships under Sixth Rates	2 0 0
On His Majesty's Ships of Fourth, Fifth and Sixth Rates,	2 10 0
On His Majesty's Ships of Line,	3 0 0
On Vessels entering the Port of Halifax, if boarded to the northward of Herring Cove and Thrum Cap Island, One Fourth less than the above Rates.	

Table of new rates

## CAP. XIII.

**An Act to continue the Act of the General Assembly, for raising a Duty of Excise, and the Act for the continuing and amending thereof.**

Expired.

[PASSED THE 11th DAY OF JANUARY, 1831.]

## CAP. XIV.

Expired

**An Act to continue the Act more effectually to secure the payment of the Provincial Duties of Excise, and to prevent Frauds in the collection of the Provincial Revenue.**

(PASSED THE 11th DAY OF JANUARY, 1831.)

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## CAP. XV.

**An Act to continue the Act to prevent Disorderly Riding, and to regulate the driving of Carriages on the Streets of Halifax, or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned.**

(PASSED THE 11th DAY OF JANUARY, 1831.)

Act 4th Geo.  
IV, C. 23,  
continued

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth Year of the Reign of His late Majesty King George the Fourth, entitled, An Act to prevent Disorderly Riding, and to regulate the driving of Carriages on the Streets of Halifax, or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned, and every matter, clause and thing, in the said Act contained, shall be continued, and the same are hereby continued for Five Years, and from thence to the end of the then next Session of the General Assembly.

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## CAP. XVI.

**An Act to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages.**

(PASSED THE 11th DAY OF JANUARY, 1831.)

Act 50th Geo.  
III, C. 7, con-  
tinued

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the Fiftieth Year of the Reign of His late Majesty King George the Third, entitled, An Act in addition to an Act, passed in the Thirty-third year of the Reign of His late Majesty King George the Second, entitled, An Act for regulating the Rates and Prices of Carriages, and every matter, clause and thing, therein contained, be continued, and the same are hereby continued for Five Years, and from thence to the end of the then next Session of the General Assembly.

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CAP. XVII.

## CAP. XVII.

**An Act to alter the Times of the Sittings of the Inferior Court of Common Pleas and General Sessions of the Peace, for the County of Queen's County.**

(PASSED THE 11th DAY OF JANUARY, 1831.)

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication hereof, the Inferior Court of Common Pleas and General Sessions of the Peace, for the County of Queen's County, shall be held at Liverpool, on the Fourth Tuesday of April, and the Third Tuesday of October, instead of the Times heretofore appointed for holding the same; and all Judges, Justices, Sheriffs, Constables, Jurors, Criers, and other Officers, and all and every person or persons whom it may concern, are to take notice of this Act, and govern themselves accordingly.

Court Common Pleas and Sessions in Queen's County held in April and October

## CAP. XVIII.

**An Act to repeal an Act, passed in the Third Year of the Reign of His late Majesty King George the Fourth, entitled, An Act for the greater Security of the Town of Halifax against Fire, and the preventing the erection of Wooden Buildings, beyond a certain height, within the same.**

(PASSED THE 11th DAY OF JANUARY, 1831.)

**WHEREAS** the said Act has been found extremely injurious to the interests of a large proportion of His Majesty's Subjects within the Town of Halifax—for remedy whereof,

Preamble

**I.** *BE* it enacted, by the Lieutenant-Governor, Council and Assembly, That the said Act, and every matter, clause and thing, therein contained, be repealed, and the same are hereby repealed accordingly.

Act 3d Geo. IV c. 29, repealed

**II.** *And be it further enacted,* That, from and after the passing of this Act, all Prosecutions now pending under the Act hereby repealed, shall cease and be discontinued, upon payment of all costs of such Prosecutions, or other expences incurred, to be respectively made by the parties prosecuted or proceeded against.

Prosecutions withdrawn

**III.** *And be it further enacted,* That all Houses, Stores and other Buildings, constructed and made of Stones or Bricks, and covered with slate, tiles, tin, copper, lead or iron, which have been, or shall at any time hereafter be, erected and built within the said Town, shall be exempted from all contribution towards paying for any House or other Building which may be pulled down to prevent the spreading of Fire, and shall not be liable to any assessment therefor.

Houses exempted from Fire Tax

## CAP. XIX.

**An Act relating to the Common at La Have.**

(PASSED THE 11th DAY OF JANUARY, 1831.)

**WHEREAS**, the Island which lies off the Mouth of La Have River, in the County of Lunenburg, and is known by the name of La Have Island, was granted by His

Preamble

Aa

late

late Majesty King George the Third, in the Year of Our Lord One Thousand Seven Hundred and Eighty-five, to Joseph Pernette, Henry Volger, Matthew Park, Joseph Whitford, George Grieser and John Baker, or the Survivor or Survivors of them, and their several and respective Heirs, in trust for the use and benefit of the Inhabitants of the Township of New Dublin, and of all those persons who were then settled in the Eastern side of the River of La Have, extending from Park's Farm, so called, up to the Falls in the said River, and their several and respective Heirs and Assigns, for a Common for feeding and depasturing their Cattle.

*And whereas*, four of the said Trustees have since departed this life ; and the said Grant contains no provisions for supplying the vacancies which have thus been created, or may in future occur :

Lieutenant-Governor empowered to fill up the present vacancies in the Trust

I. *BE it therefore enacted by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to nominate and appoint three fit and proper Persons to be Trustees, in conjunction with the two surviving Trustees, mentioned in the said Grant, namely—the aforesaid George Grieser and John Baker, of and for the said Common, which said Trustees, so to be nominated and appointed, shall be invested with all the authorities and powers conferred on the original Trustees and their Heirs, in and by the said Grant.

Empowered to fill up future vacancies

II. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, from time to time, and at all times hereafter, on the death or continued absence from the Province, or refusal to act, of any of the said Trustees, or, at his pleasure, to nominate and appoint other fit and proper persons to hold and exercise the said Trust, in room of such of the said Trustees as may die, absent themselves, be removed, or refuse to act as aforesaid.

## CAP. XX.

### An Act to enable those interested in LaHave Common, to make Regulations for the management thereof.

(PASSED THE 11th DAY OF JANUARY, 1831.)

Preamble

**WHEREAS**, the Island which lies off the mouth of LaHave River, in the County of Lunenburg, and is known by the name of LaHave Island, was granted by His late Majesty King George the Third, in the year of Our Lord One Thousand Seven Hundred and Eighty-Five, to Joseph Pernette, Henry Vogler, Matthew Park, Joseph Whitford, George Grieser and John Baker, or the Survivor or Survivors of them, and their several and respective Heirs, in trust for the use and benefit of the Inhabitants of the Township of New Dublin, and of all those Persons who were then settled on the Eastern side of the River of LaHave, extending from Park's Farm so called, up to the Falls of the said River, and their several and respective Heirs and Assigns, for a Common for feeding and depasturing their Cattle, and for no other use or purpose whatever.

*And whereas*, it is expedient to give to the Survivors of the said Trustees, and to such other Trustees of the said Common who may be hereafter duly appointed, and to the Persons beneficially interested therein, under the said Grant, the power of making Regulations, in respect thereof, in manner and form hereafter mentioned:

Trustees may annually call Public Meetings in New Dublin

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That such Trustees as aforesaid of the said Common, shall once in every year, in the early part of the Spring, convene a Public Meeting in the said Township of New Dublin, of all the Inhabitants and Settlers beneficially interested in the said Common, under the aforesaid Grant, which Meeting shall be advertised by Notices in Writing, put up in four of the most Public Places in the said Township, twenty days at the least before the day appointed for such Meeting, and the majority of such persons, then and there assembled, shall have power to adopt such Regulations as they shall think fit, in respect to the mowing,

mowing, feeding and depasturing, of the said Common, the cutting of wood, the kindling of fires, and taking of the sea-manure thereon, and all other matters touching the use and occupation of the said Island, for the ensuing year: and shall also have power to appoint one or more Keepers of the said Common, who shall be sworn before one of His Majesty's Justices of the Peace, to the faithful discharge of his or their office for the said year, and shall receive such compensation as may be directed by the majority at such Meeting; and the said majority shall also have power to choose a Clerk, to enter and record the proceedings of such meetings, and all votes and orders of the said Trustees in respect of the said Common during the year, and who shall be sworn and compensated for his services as aforesaid, and shall furnish Copies of such Regulations, Proceedings and Orders, to any person or persons who may at any time require the same, and pay him therefor at the rate of sixpence for every Ninety Words contained in such Copies; and the said majority shall likewise have power to fix and impose pecuniary penalties for the breach of any of the Regulations to be adopted as aforesaid, to be recovered on due proof before any one of His Majesty's Justices of the Peace, with costs, in the name of the said Clerk, and applied to the use of the said Common; and may also empower the said Keeper or Keepers to impound such Cattle as may be found upon the said Island, contrary to the Regulation to be adopted in that behalf, and to sell the same under the direction of a Justice of the Peace, at Public Auction, after ten days Public Notice thereof by Advertisement in Writing, and ten days Notice to the Owner thereof, if to be found in the said Township or Neighbourhood, for payment of the expenses thereon, and the penalties that may have been incurred by the Owners thereof under the said Regulations, unless such Owners shall previously pay such expences and penalties to the said Trustees or some of them; and in the event of such Sales being held, the surplus of the net proceeds, if any, after satisfying such expences and penalties, shall be paid by the said Trustees on demand to the Owners of such Cattle. *Provided always*, That no Regulations shall be made to prevent persons from taking sea-weed and sea-manure from the reserved shores and beaches of the said Island, in the manner they have been heretofore accustomed to do.

Meeting empowered to make necessary Regulations—to appoint a Keeper of Common, and a Clerk

Impounding & selling of Cattle

Proviso

Sea Manure

II. *And be it further enacted*, That the said Trustees may sue, commence and prosecute, any Actions or Suits respecting encroachments or trespasses on the said Common, or the management thereof, in any Court or Courts competent to try the same, and in like manner defend any Actions or Suits that may be brought against them; and that the majority of persons interested as aforesaid, and assembled at such Annual Meeting, shall have power to order the raising of any sum or sums of money that shall be by such majority thought necessary for the prosecuting or defending of such Actions or Suits, and for carrying on and managing of any affairs relating to the said Common, at any time hereafter, and defraying any necessary expences hereafter to be incurred in and about the same, and to appoint five of the Inhabitants or Settlers, interested in the said Common, to apportion such sums so to be raised for the ends and uses aforesaid upon all the persons interested as aforesaid, according to their ability, and to authorise the said Clerk to gather in and collect the same: which said sums shall be collected by the said Clerk, and the payment thereof enforced, in like manner as taxes may be collected and levied for the support of the Poor, and shall be duly accounted for by the said Clerk to the said Trustees, as and when he shall receive the same.

Encroachments or Trespasses may be prosecuted

Assessments may be made for necessary purposes

III. *Provided always, and be it further enacted*, That the penalties to be imposed for the breach of any of the Regulations to be made from time to time as aforesaid, shall in no case be less than Twenty Shillings nor exceed Sixty Shillings for each offence; and that such Regulations shall not be contrary to the Laws of this Province. *Provided also*, That any Commoner who may conceive himself aggrieved by the enforcing of such Regulations or any of them, may appeal therefrom, on giving sufficient Security by recognizance to prosecute such Appeal before the next Supreme Court or General Sessions of the Peace, the Justices whereof shall have full power to inquire into and determine the same in a summary way, or otherwise as they shall think fit.

Penalties limited

Appeal therefrom

IV. *And be it further enacted*, That the said Trustees shall be at liberty, on giving due notice as aforesaid, to convene other Meetings besides the Annual Meeting of such Commoners, at which Meetings the majority may adopt and pass such orders as may

Other than annual Meetings may be called

appear

appear to them expedient for the present government and regulation of the said Com-  
mon, but so as the same shall not go to the raising of any Monies, nor extend beyond the  
period of the Annual Meeting, then next to be convened as aforesaid.

Continued by  
3 W. IV. c.  
26

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

### CAP. XXI.

Expired

**An Act to continue the Act for the further increase of the  
Revenue, by imposing a Duty upon Articles imported from  
Foreign Countries.**

[PASSED THE 11th DAY OF JANUARY, 1831.]

### CAP. XXII.

Expired

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

(PASSED THE 11th DAY OF JANUARY, 1831.)

### CAP. XXIII.

Executed

**An Act for the appointment of Commissioners to report upon  
the advantages that may be derived to the Proprietors of  
the Grand Dyke and Union Dyke in the Township of  
Cornwallis, by the Building of the Wellington Dyke.**

(PASSED THE 11th DAY OF JANUARY, 1831.)

### CAP. XXIV.

**An Act concerning the Poor-House in Halifax.**

(PASSED THE 11th DAY OF JANUARY, 1831.)

Preamble

**WHEREAS**, the Paupers, and other infirm and destitute Persons, admitted into the  
Poor-House at Halifax, have hitherto been maintained partly at the expense of the  
Town of Halifax, and partly at the expense of the Province, and, without reference to  
the proportions which the numbers of Town Paupers and Transient Paupers, received  
into the said Poor-House, respectively bear to each other; *And whereas*, upon a State-  
ment of the Accounts of the Commissioners of the Poor for the Town of Halifax, for the  
support of that Establishment, it hath been found that a debt of One Thousand and Ninety  
Pounds,

Pounds, or thereabouts, will be due and payable for the expences incurred, until the last day of December, One Thousand Eight Hundred and Thirty. *And whereas*, it is expedient to provide for the immediate liquidation of the said debt, and for the support of the said Establishment; *And whereas*, to provide more effectually for the health and comfort of Paupers within the Poor-House, and for the care of the Children who now are receiving, or hereafter may claim, the benefits of the said Establishment, it has become necessary to separate such Children from the other Paupers, and to procure other and more convenient Buildings for their reception:

**I.** *BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That,* for and towards the liquidation of the said balance of One Thousand and Ninety Pounds, there shall be granted and paid to the Commissioners of the Poor for the Town of Halifax the sum of Five Hundred Pounds; for which sum it shall be lawful for the said Lieutenant-Governor to draw a Warrant on the Treasury in favor of the said Commissioners.

This clause executed

**II.** *And be it further enacted, That* the sum of Five Hundred and Ninety Pounds, being the residue of the said debt of One Thousand and Ninety Pounds so found due from the said Establishment, shall forthwith, under the direction of the Justices for Halifax in any General or Special Sessions, be assessed upon, and shall be raised, levied, collected and paid, from and by the Inhabitants of the Town of Halifax, and in such and the like manner as other sums for the support of the Poor, within the said Town, after being voted and presented, are by Law appointed to be raised, assessed and collected, on and from the said Inhabitants.

This clause executed

**III.** *And be it further enacted, That* the Accounts for the expenses of the maintenance and support of the said Establishment shall be made up and stated to the Thirty-first day of December, in every year, and also quarterly, if need be, and shall be rendered to the House of Assembly as soon as may be after the commencement of each Session, and shall be examined, and be yearly audited, both by the Grand Jury for the County of Halifax, and by any Committee of the House of Assembly appointed to audit the same.

Accounts to be audited by Grand Jury and Committee of House of Assembly

**IV.** *And be it further enacted, That,* upon the application of the said Board of Commissioners, in case they shall deem the site hereinafter mentioned necessary for the purpose of an Orphan House, it shall and may be lawful for His Excellency the Lieutenant-Governor or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, to assign, lay off, and appropriate, by any Order or Orders of the Governor in Council, from and out of the south part or moiety of the Tract of Land on the Peninsula of Halifax, called, and granted in Trust as, a Common for the Inhabitants of Halifax, a lot or piece of Land not exceeding five acres for the site of an Establishment for the reception of poor and destitute Children, to be called the *Orphan House*, and thereafter the lot of Land so to be assigned and set off from the said Common for the site of an Orphan House shall remain and be used, and appropriated for the purposes of such Establishment, and under the charge, management, and direction, of the said Board of Commissioners, or such other Persons as may hereafter be intrusted therewith.

Appropriation of Land for Orphan Establishment

**V.** *And be it further enacted, That* for and towards the erection of the necessary Buildings and Accommodations for such Orphan House as aforesaid, wheresoever the same shall be placed, there shall be granted and paid a sum not exceeding Six Hundred Pounds, as and for the contribution of the Province to the expense of the establishment of such Orphan House, and it shall and may be lawful for the Lieutenant-Governor or Commander in Chief for the time being to draw by Warrant on the Treasury, from time to time, for the payment of the said sum of Six Hundred Pounds, when and so soon as, and not before, the sum of Twelve Hundred Pounds shall have been actually raised, contributed and paid in, towards such Orphan House, by the Inhabitants of Halifax, either by private subscription or by assessments, on the said Town, for the purpose of such Orphan House.

Provincial Appropriation in aid of Orphan Establishment

Part to be raised by Inhabitants of Halifax

**VI.** *And be it further enacted, That* it shall and may be lawful for the Grand Jury for the County of Halifax, from time to time, to present and vote for and towards the erection

Assessment for Orphan House

erection of such Orphan House, such sum or sums of Money as they shall think necessary, and such Presentment being confirmed by the Court in which it is made, the amounts so voted and presented shall be assessed, levied, collected and paid, in such and the like manner, and by the like means, as other Monies for the support of the Poor of the said Town.

## CAP. XXV.

Amends 1st &  
2d, Geo. IV,  
C. 5

**An Act in amendment of an Act, made and passed in the first and second years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton.**

(PASSED THE 11th DAY OF JANUARY, 1831.)

Preamble

**WHEREAS** it is enacted in and by the second Section of the Act whereof this Act is in amendment, that the Supreme Court shall be held at Sydney, in the County of Cape-Breton, on the last Tuesday of August, and at Arichat, in the said County, on the first Tuesday of September, in each year.

*And whereas*, in consequence of the uncertainty attending passages by Water, it may sometimes happen that the Judges may be unable to arrive at the before mentioned places of Sydney and Arichat, on the day so appointed by Law :

Court may be  
adjourned for  
arrival of  
Judges

I. *BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That in such cases, where the Judges have been prevented, by weather or other unavoidable accident, from arriving at the said places of Sydney and Arichat, on the day or days appointed by Law, that it shall and may be lawful for the Sheriff of the County of Cape-Breton, or his lawful Deputy, to give public notice at the respective Court Houses in Sydney and Arichat, to all Suitors, Defendants, Jurors, Witnesses, and all other Persons bound to attend the said Courts, that the said Court will meet for the despatch of business on the following day.

Adjournment  
continued *de*  
*die in diem*

II. *And be it further enacted,* That the said Sheriff of the County of Cape-Breton, or his lawful Deputy, shall continue to give such notice *de die in diem* for three successive days, or until the Judges, authorized to hold the Court at the said respective places, or one of them, do arrive.

Attendance of  
Suitors,  
Judges, &c.

III. *And be it further enacted,* That all Suitors, Defendants, Jurors, Witnesses, and all other Persons who were bound by Law to attend the said Court, on the days named in the said Act of which this in amendment, shall be bound to attend on the following day or days, which the Sheriff or his Deputy shall nominate, as herein directed.

Validity of  
Proceedings

IV. *And be it further enacted,* That all the Proceedings of the said Supreme Court, as well in criminal cases as in civil cases, shall be equally valid, legal and binding, when the said Court shall be opened in conformity to this Act, at Sydney or Arichat as aforesaid, as if the said Court had commenced its Sittings on the days appointed by Law in the Act of which this Act is an amendment.

Proviso

*Provided,* That nothing herein contained shall authorize or be construed to authorize the Judges to open the Court or continue its Sittings at Sydney or at Arichat, after the expiration of four days from the days so named in the said Act, of which this Act is in amendment, for the commencement of the said Court at Sydney and at Arichat.

Continued by  
3, Wm. IV,  
C. 25

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

At the **GENERAL ASSEMBLY** of the Province of Nova-Scotia, begun and holden at Halifax, on Wednesday, the Twenty-fifth day of January, 1832, in the Second Year of the Reign of our Sovereign Lord **WILLIAM** the Fourth, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, **KING**, Defender of the Faith, &c. &c. &c. being the Second Session of the Fifteenth General Assembly, convened in the said Province.\*

\* In the time of Sir **PEREGRINE MAITLAND**, K. C. B. Lieutenant-Governor ; S. S. Blowers, Chief-Justice and President of the Council ; Samuel George William Archibald, Speaker of the Assembly ; Sir Rupert D. George, Bart. Secretary of the Council ; and John Whidden, Clerk of the Assembly.

CAP. I.

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

Executed except as to the clauses printed below

(PASSED THE 14th DAY OF APRIL, 1832.)

And a further sum of 750l. to assist the Inhabitants of Halifax in completing a Road round Bedford Bason, in conformity with the report of the Committee ; the said sum to be paid by Instalments in the Years One Thousand Eight Hundred and Thirty-three, and One Thousand Eight Hundred and Thirty-four, provided they give security to the satisfaction of His Excellency the Lieutenant-Governor, that they will complete said road on receipt of said sum.

750l. Bedford Basin Road

And a further sum of 1150l. to the Inhabitants of King's County, and others, in addition to the sum of 750l. heretofore granted, whenever and so soon as a good and sufficient Bridge shall have been built and completed across the Cornwallis River, at such site as shall be selected by the Magistrates and Grand Jury of King's County and approved of by His Excellency the Lieutenant-Governor therefor, and according to such plan, and under such Securities, for durability, as the Governor and Council shall approve.

1150l. Cornwallis Bridge  
See 4, Wm. IV. C. 55

II. *And be it further enacted,* That the sum of 300l. be granted and paid, annually for five years, to Messrs. Samuel Cunard and Company, for the support of a sufficient Steam Boat for the carrying of Merchandize and Passengers between the Port of Pictou and Prince Edward Island, upon the following conditions, that is to say ; that the Government of the said Island shall annually make a similar provision for the same Boat, and that she shall be kept continually plying between the said places from the opening to the closing of the Navigation in each year, and perform a voyage at least once a week during each season, unless in case of unavoidable accident, with convenient accommodation for Passengers.

300l. Messrs. Cunard for P. E. Island Steam Boat

*And whereas,* The Western Stage Coach Company, by the terms of the Provincial Grant of the year One Thousand Eight Hundred and Twenty-eight, to become entitled thereto, are bound to run their Carriages with four Horses each, and it often happens that it is not necessary or advisable to run with the full number of four Horses the whole line.

Western Stage Coach Company  
See clause 9, Geo. IV. C. 1

XVII. *Be it therefore enacted*, That at such times as may be deemed expedient by the said Company they shall be at liberty to run their Carriages on said line, or such part thereof, as they may think fit, with two or more Horses, without prejudice to their right, to receive any Grant from the Treasury, in the same manner as if they had run their said Carriages with four Horses.

## CAP. II.

## An Act for the Encouragement of Schools.

[PASSED THE 30th DAY OF MARCH, 1832.]

Appointment  
of Boards of  
Commissioners  
in each County  
and District for  
superintend-  
ance of Schools

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication of this Act, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint and commission in each and every County or District, and in Counties which are by Law divided into one or more Districts, within this Province, five fit and proper persons, as a Board of Commissioners, three of whom shall be a Quorum, for the superintendance of Schools, in and for the said County or District, who shall have the control and management of all Schools established, or to be established, under and by virtue of this Act, within such County or District, for which they, the said Commissioners, shall be appointed as aforesaid, and which said Commissioners, any or either of them, shall be removable at the pleasure of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, who shall also have power to fill up any vacancy occasioned by such removal, or by the death of any Commissioner or Commissioners.

Annual grant  
for support of  
Schools

II. *And be it further enacted*, That the sum of Four Thousand Pounds shall, from and after the first day of April next, be annually granted and paid to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, in aid of Schools throughout the Province, to be distributed and applied to and among the several Counties and Districts in this Province, in manner following, that is to say:—to the District of Halifax, Two Hundred Pounds; to the District of Colchester, Three Hundred and Thirty-three Pounds; to the District of Pictou, Three Hundred and Fifty-six Pounds; to the County of Annapolis, Three Hundred and Ninety Pounds; to King's County, Three Hundred and Sixty-six Pounds; to the County of Hants, Three Hundred and Thirty-three Pounds; to the County of Shelburne, Three Hundred and Sixty-six Pounds; to Queen's County, Two Hundred and Sixty-six Pounds; to the County of Lunenburg, Three Hundred and Sixty Pounds; to the County of Sydney, Three Hundred and Fifty-one Pounds; to the County of Cumberland, Two Hundred and Sixty-six Pounds, to the County of Cape-Breton, Four Hundred and Thirteen Pounds.

Establishment  
of School Dis-  
tricts

III. *And be it further enacted*, That the said Board of Commissioners shall divide and lay off their several and respective Counties and Districts, for which they shall be appointed and commissioned as aforesaid, into School Districts, of such convenient size and extent as they shall deem proper, and shall give notice by public advertisement of such intended division by publishing a copy of the same at least one month before the same shall be established, to give an opportunity to all persons concerned to make their objections thereto, and to render the same as convenient to each and every neighborhood as possible; and that the said Commissioners shall have power to alter, extend or diminish, the limits of the said School District, if they see occasion to do so, or to approve and confirm the division and distribution of the several School Districts as now by Law established; and that when such arrangement shall be finally made, a copy of such division, or a description thereof, be furnished by said Commissioners to the Trustees of any School to be hereafter established in any such School District under and by virtue of this Act.

IV. *And be it further enacted* That, whenever any number of Individuals, in any School District so laid off and established, in any County or District in this Province, shall

shall make application in writing to the said Board of Commissioners for such County or District, engaging to hire a Teacher for One Year, and to build or provide a School House and keep the same in repair, and therein cause to be taught, for the said period of One Year at least, Thirty Scholars, in Reading, Writing and Arithmetic; or shall therein engage to hire a Teacher, and to provide or build and keep in repair a School House, and cause to be taught therein as aforesaid, for the period aforesaid, at least fifteen Scholars, and shall apply to the said Board of Commissioners for a participation in the said sum of Money, so to be paid to the said County or District as aforesaid, then and in such case the said Board of Commissioners shall enter upon a list of Schools to be kept by them for that purpose such School for a participation in said money, and shall appoint one, two or three Trustees as they shall deem requisite for such School, which said Trustee or Trustees shall have power and authority to make and enter into all necessary contracts and agreements with the person or persons applying for such School, and the Teacher or Teachers thereof, which said contracts and agreements shall be good and valid, and which said Trustee or Trustees shall have power to sue and be sued in their own names, for and concerning all matters relative to such School of which he or they shall be Trustee or Trustees.

Condition upon which allowance for Schools will be granted

Trustees to be appointed

V. *Provided always, and be it further enacted,* That whenever two thirds of the Freeholders and Inhabitants of any School District within any County or District in this Province, rateable or subject to be assessed as hereinafter mentioned, who shall meet at a public meeting of such Freeholders and Inhabitants, to be held after sufficient public notice to be given at least twenty days previous to such meeting, by the Trustees of such School District, in at least five public places in the same District, shall agree at such public meeting to raise the several sums required to be raised and provided by them under the provisions of this Act by an equal rate or assessment upon each person according to his ability, they shall certify the same to the next General Sessions of the Peace for the County or District wherein such School District is situate as aforesaid, and the same shall be assessed at the same time, and in the same manner, and under and subject to the several regulations, and by the same means, course and proceedings, as by any Acts of the General Assembly of this Province now in force, or hereafter to be enacted, are or may be provided, for levying rates for the support of the Poor upon each of the Freeholders and Inhabitants of such School District, in a rateable and equal proportion according to his ability, and shall be collected and paid over to the Trustee or Trustees appointed by the Board of Commissioners for such School District from which such assessment was raised.

Assessments of Inhabitants may be made in aid of Schools

VI. *And be it further enacted,* That the said Trustee or Trustees, any or either of them, shall be removeable at the pleasure of the said Board of Commissioners, who shall have power to fill up any vacancy occasioned by such removal.

Trustees removable

VII. *And be it further enacted,* That no Teacher shall receive aid under this Act, unless such Teacher shall first receive a License to teach a School from the said Commissioners.

Teachers must be licensed

VIII. *And be it further enacted,* That the said sum of money so to be granted and paid to the said Counties and Districts as aforesaid, shall be drawn from the Treasury half yearly by the said Board of Commissioners, by the warrant of the Governor, Lieutenant-Governor or Commander in Chief for the time being, directing the sums respectively allotted herein to the said County or District, and shall be paid by the said Board to the Clerk of the said Board, and by him be paid over to the several Teachers in the several School Districts in such County or District, in manner and form, and in the proportions to be directed and prescribed by the said Board of Commissioners, as hereinafter mentioned. *Provided always,* that only so much of the sum allotted to any County or District as hereinbefore mentioned shall be drawn from the Treasury as the several engagements, made between the Trustees and the Teachers of Schools within such County or District, render necessary.

Allowance to Schools how drawn from Treasury

IX. *And be it further enacted,* That the Trustee or Trustees of each and every School within the several School Districts in any County or District as aforesaid, shall, once in every six months, render to the said Board of Commissioners for such County or

Returns of  
Scholars, Salaries of Teachers, &c. to be made every six Months by Trustees

District, a true and correct account of the number; names and ages, of the Scholars taught in such School, and their progress in Education, the amount and particulars of the expenditure of such School, the amount of the salary of the Master, and in what manner the same is paid, and that the sum to be received from the said Board by the said Trustee or Trustees is *bona fide* payable to the said Master for his own use and benefit; and also, that the several engagements entered into and made to the said Board, by the persons applying for such School at the time of such application, have been fully kept and performed; and shall produce and give into the said Board a certificate from the Teacher or Teachers of such School, that no part of the salary which the persons applying for such School have engaged to pay to such Teacher or Teachers is collusively withheld, and that the said engagement was not made merely for the purpose of procuring a portion of the provincial allowance herein before mentioned.

Fraudulent or incorrect Returns

X. *And be it further enacted*, That if any Trustee or Trustees shall wilfully render to the Board of Commissioners a fraudulent or incorrect account under the provisions of this Act, for the purpose of obtaining Provincial aid for the School, whereof he or they are Trustee or Trustees, such Trustee or Trustees shall be liable to a penalty of Ten Pounds, to be sued for, recovered and received, by the Clerk of the Board of Commissioners hereinafter mentioned, in any action or suit in the Supreme or Inferior Court of the said County or District, and which said Clerk is hereby required to sue for and recover such penalty as aforesaid: one half to his own use, and the other half to be paid to the said Board, to be applied for the general purposes of this Act.

Application of School grant

XI. *And be it further enacted*, That the said sum of Money to be granted and paid to each and every County and District as aforesaid, shall be apportioned and applied by the said Board of Commissioners, as soon as the said accounts of the said Trustee or Trustees have been rendered and received as aforesaid, in manner following, that is to say:— the sum of Seventy Pounds, to be paid and applied by the said Board, to and among such of the Inhabitants of the said County or District as may be unable to keep a School, with fifteen Scholars therein, to enable such Inhabitants to employ a Teacher or Teachers for the whole or some portion of the Year, to be paid and applied in such proportions and under such regulations and restrictions as the said Board shall, from time to time, make and appoint; Five Pounds to be applied by the said Board of Commissioners in the purchase of School Books, Pens, Paper, Pencils, Slates and Ink, for the use of Poor Children within the said County or District, whose Parents are unable to purchase the same; and the remainder of the gross sum of money, so to be granted and paid to and for such County or District, together with any surplus of the said sum of Seventy Pounds that may remain over and above what may be required to be applied as aforesaid, shall then be distributed and paid by the said Board to and among such Schools so to be entered on such list as aforesaid, as to the said Board shall seem fit objects for the Provincial aid, in such sums and proportions as to the said Board shall seem fit and proper; *Provided*, That no School of Thirty Scholars and upwards shall obtain or receive more than the sum of Twenty Pounds, and no School of Fifteen Scholars and under Thirty Scholars shall obtain and receive more than Fifteen Pounds; *Provided always*, that there shall be taught in every such School, as shall receive any share or proportion of the said Money, at least so many poor Scholars, free of expense, either in whole or in part, as by the said Board shall be directed; *And provided also*, that in any populous settlement, where it shall appear to the said Board that the Inhabitants are fully able to maintain and keep up a School, without any participation in the Provincial aid, no sum of Money shall be paid to any such School unless as an allowance for the teaching of poor Children, and not more than Twenty Shillings annually shall be allowed for each poor child taught in such School; *And provided further*, that such last mentioned School shall not receive a greater sum in the whole than Ten Pounds.

Provision for support of Teachers to be made by Inhabitants in School Districts

XII. *Provided always, and be it further enacted*, That no School, wherein Thirty Scholars and upwards are taught, shall be entitled to or receive any portion of the money hereby allotted to the several Counties and Districts in this Province, unless it shall be satisfactorily made to appear to the Board of Commissioners for the County or District wherein such School is kept, by the Trustee or Trustees, that the Teacher of such School did

did actually and *bona fide* receive, at least, the full sum of Forty Pounds per annum, exclusive of, and in addition to, his Boarding, Washing and Lodging: and no School wherein less than thirty and more than fifteen Scholars are taught shall be entitled to receive any portion of the said Money so allotted as aforesaid, unless it be satisfactorily made to appear to the Commissioners that the Inhabitants interested in such School have actually raised for the use of such School, either by subscription or assessment, the sum of Twenty-five Pounds per annum; *And provided lastly*, that no School herein before mentioned shall receive any Provincial aid, unless it shall also be made to appear to the said Board of Commissioners that a School House has actually been built or provided, as herein before directed and prescribed.

XIII. *And be it further enacted*, That the said Board of Commissioners, for each County and District, shall appoint a Clerk to such Board, who shall receive and pay all Monies to be received and paid by virtue of this Act, and shall keep a true and correct account and record of the proceedings of the said Board, and of the number of Schools and Scholars taught therein, and of the different sums so paid and received under and by virtue of this Act; which Clerk shall receive Two Shillings and Six Pence for each License to be granted to any Teacher or Teachers by the said Board, and also, Five per Cent. for all sums to be by him received and paid, under and by virtue of this Act, to be deducted from such payments so to be made by him as aforesaid.

Appointment  
of Clerk to  
Boards of Com-  
missioners—  
his duty:

Allowance to  
Clerk

XIV. *And be it further enacted*, That, at the end of each and every year, the said Board of Commissioners shall make and render to the Secretary of the Province, for the information of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and of the General Assembly, a true and correct account and report of their proceedings, and of the Monies by them received and distributed as aforesaid, to be certified and signed by the Clerk of said Board; and it shall also be certified by the said Commissioners, or a quorum of them, that the same is to the best of their knowledge and belief correct in every particular, and that they have distributed the Provincial Money impartially, without favor or affection to any person.

Report of pro-  
ceedings of  
Commissioners  
to be annually  
made

XV. *And be it further enacted*, That, on complaint to the said Board of Commissioners, for any such County or District, if they shall see fit, the said Board shall have power and authority to remove and displace the Teacher or Teachers of such Schools, and annul any contract or agreement between such Teacher or Teachers, and the Trustee or Trustees, and withdraw any License which may have been granted to such Teacher or Teachers so complained of as aforesaid.

Trustees remo-  
vable

XVI. *And be it further enacted*, That, in order to secure a uniformity of proceeding, as far as may be under the provisions of this Act, the several Boards of Commissioners, Trustees and Teachers, to be respectively appointed by virtue hereof, shall be furnished with general Instructions from the Secretary of the Province, to be made and approved of by the Governor, Lieutenant-Governor or Commander in Chief for the time being, if he shall think fit so to do, by and with the advice of His Majesty's Council, not being repugnant to the provisions of this Act, under which Instructions the said Commissioners, Trustees and Teachers, shall respectively act and be governed.

Instructions to  
Commissioners  
Trustees and  
Teachers

XVII. *And be it further enacted*, That there shall be paid the sum of one Hundred Pounds each, Yearly and every Year, to the Acadian, National and Catholic, Schools in the Town of Halifax.

Allowance to  
certain Schools  
in Halifax

XVIII. *And be it further enacted*, That the Commissioners to be appointed under and by virtue of this Act, in each and every County or District, shall be responsible for the due and faithful application of the money to be granted and paid to and for such County or District by virtue of this Act, and shall take good and sufficient security from the Clerk, to be by them appointed as aforesaid, that he shall, well and truly, pay and apply all sums of money to be by him received for the purposes herein before mentioned and contained.

Responsibility  
of Commis-  
sioners

XIX. *And be it further enacted*, That in such County or Counties as are divided in two or more Districts, and wherein two or more Boards of Commissioners shall be appointed under this Act, (the County of Halifax excepted,) it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief, for the time being, to divide

Division of  
School Money  
in Counties or  
Districts hav-  
ing two Boards  
of Commis-  
sioners

divide and apportion the sum of money hereby granted to any such County, for the purposes of this Act, into such sums and proportions for each District in such County, according to its population, as to the Governor, Lieutenant-Governor or Commander in Chief for the time being, shall seem just and proper.

Act 9 Geo. IV.  
repealed

**XX.** *And be it further enacted,* That the Act, made and passed in the Ninth Year of His late Majesty's Reign, entitled, An Act for aiding and assisting Common Schools throughout the Province, and all Acts in amendment thereof, and every matter, clause and thing, therein contained, be, and the same are hereby, repealed, except so far as the provisions therein contained may be requisite and necessary to carry into effect any contract or agreement heretofore made by virtue thereof.

Grammar  
Schools may  
be combined  
with Common  
Schools

**XXI.** *And be it further enacted,* That whenever the Inhabitants of any School District, wherein any Common School is now established, or shall hereafter be established, and shall be in operation in any of the said Counties and Districts of this Province, under and by virtue of this Act, shall, by application in writing, to the said Board of Commissioners, undertake, engage and agree, in addition to the several provisions and requirements of this Act herein before mentioned, and in addition to the several branches of learning herein before required to be taught in such Common School, to instruct, or to cause to be instructed, from eight to fifteen of the Scholars taught in such School, in the classics, the practical branches of the Mathematics, Geography, Algebra, English Grammar, or such of them as may be required, or in like manner to instruct or cause to be instructed fifteen and upwards of the Scholars taught in such School, in the said higher branches of Education, then, and in such case, the said Board of Commissioners shall appoint two or more Trustees for the said School, and shall enter the same as a combined Grammar and Common School, and the same shall be entitled to the Provincial allowance hereinafter mentioned, in addition to any other Provincial allowance granted and paid to such School under the provisions of this Act; *Provided always,* that there shall not be established in any one County or District more than three such Combined Grammar and Common Schools, and that the same shall be established in such of the Towns, Villages, or most populous settlements of such County or District, as the Board of Commissioners for such County or District shall direct.

Additional al-  
lowance to  
combined  
Grammar and  
Common  
Schools

**XXII.** *And be it further enacted,* That there shall be allowed and paid, from and out of the Treasury of the Province, to any such Combined Grammar and Common School, so to be established as aforesaid, wherein at least from eight to fifteen of the Scholars shall be instructed in the higher branches of Education herein before mentioned, in addition to any Provincial allowance to which such School shall or may otherwise be entitled under and by virtue of the provisions of this Act, the sum of Twenty-five Pounds, and to any such School wherein fifteen or upwards of the Scholars are so instructed, in addition to any other Provincial allowance under this Act, the sum of Thirty-five Pounds yearly, such sums to be applied, paid and distributed, for the use and benefit of such combined Grammar and Common Schools, in such manner and under such regulations as the said Board of Commissioners, for the County or District wherein such combined Grammar and Common Schools shall be situated, shall, from time to time, direct and appoint.

Salary to  
Teacher in  
combined  
Grammar and  
Common  
Schools

**XXIII.** *Provided always, and be it further enacted,* That no such combined Grammar and Common School shall be entitled to such allowance herein before mentioned and granted, unless it be made satisfactorily to appear to the said Board of Commissioners, that the Master or Teacher of any such combined Grammar or Common School shall actually and *bona fide* receive, including the sum paid by the Inhabitants in support of such School, and the several allowances thereto granted under this Act, in every such combined Grammar and Common School, wherein eight at least of the Scholars are or may be instructed in the higher branches of learning herein before mentioned, a salary of at least One Hundred Pounds per annum in the whole; and in every such School wherein fifteen and upwards of the Scholars are so instructed, a salary of at least One Hundred and Twenty Pounds, per annum, in the whole.

Management  
of combined  
Grammar and  
Common  
Schools

**XXIV.** *And be it further enacted,* That all the said combined Grammar and Common Schools shall be governed and conducted in the same manner, and such Schools and all Trustees and Teachers thereof, shall be subject and liable to all and the like provisions,

rules,

rules, regulations, penalties, forfeitures and restrictions, as herein before are made, contained and provided, and imposed with respect to Common Schools.

XXV. *And be it further enacted,* That any Licensed Teacher employed or engaged in any School now established, or to be hereafter established, or to be in operation under this Act, shall be hereafter wholly free and exempted from the payment of all or any Poor and County Rates, and from the performance of Statute Labour on the Roads and Highways, and from Militia Duty, during the time such Teacher shall be so engaged or employed as aforesaid.

Exemption in favor of Teachers

XXVI. *And be it further enacted,* That the powers vested in the Commissioners by this Act shall not extend, or be construed to extend, to authorise them to interfere, either in the appointment or management of the Trustees now appointed, or hereafter to be appointed, of any Academy now established, or hereafter to be established, in any part of this Province, but the said Trustees shall conduct the Academy or Academies under their care without being subject to the control or supervision of said Commissioners; *Provided always,* that the Trustees of any such Academy shall be entitled to participate in the money granted for the support of combined Grammar and Common Schools, whenever the Legislature does not otherwise provide for said Academy by a separate and distinct grant.

Academies now established not under control of Commissioners

Proviso

XXVII. *And be it further enacted,* That the sum of Four Thousand Pounds, herein before granted, and distributed and divided to and among the several Counties and Districts of this Province, shall be applied and paid for and towards the support and encouragement of Common Schools only, and the additional annual allowances of Twenty-five Pounds and Thirty-five Pounds, hereby granted to and for any combined Grammar and Common Schools to be established under this Act, and all sums of money required for the same, shall be granted and paid in addition to and over and above the said sum of Four Thousand Pounds; and it shall and may be lawful to and for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by Warrant under his Hand and Seal, to draw from the Treasury any sum or sums of money hereby granted, and which may be required as such additional allowances to any such combined Grammar and Common Schools, in any County or District in this Province, over and above, and in addition to, the sum hereby specifically apportioned and allotted to such County or District, out of the said sum of Four Thousand Pounds, which additional allowances shall be paid to the respective Boards of Commissioners of Schools, to be applied as herein before directed and prescribed.

Allowance to Schools to be drawn for from Treasury

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

Act to be in force for three years

CAP. III.

An Act concerning Persons Licensed to keep Public Houses or Shops, and the Duties thereon.

[PASSED THE 30th DAY OF MARCH, 1832.]

BE it enacted, by the Lieutenant-Governor, the Council and Assembly, That, from and immediately after the passing of this Act, all and singular the clauses and provisions contained in the Act of the General Assembly of this Province, passed in the Thirty-ninth year of the Reign of His late Majesty King George the Third, entitled, An Act for raising a Revenue to repair the Roads throughout the Province, by laying a Duty on Persons hereafter to be licensed to keep Public Houses or Shops for the retail of Spirituous Liquors, and for regulating such Public Houses and Shops; and also, all and singular the clauses and provisions contained in the several Acts of the General Assembly, made in addition, alteration or amendment thereof, or to repeal any

Act 39, Geo. III. C. 13 and Acts in amendment of that Act repealed

part or clause of the said Act or Acts, shall be, and the same are hereby, absolutely repealed.

This Act to  
take effect from  
1st January,  
1832

**II. And be it further enacted,** That, from and immediately after the passing of this Act, and at all times hereafter, when any Act or Acts of the present or any future Session of the General Assembly, granting or imposing Duties on Persons Licenced, or to be Licenced, to keep Taverns, Public Houses or Shops, for the retail of any Liquors whatsoever, shall be in force in, or applicable to, any part of this Province; and so long as any such Act granting Duties on Licences shall be in force in any part of this Province, and as to and concerning all Licences granted, and Persons Licenced as aforesaid, since the first day of January, in the present year; and as to and concerning all duties, payments and forfeitures, in respect of such Licences, this Act, and the several clauses, regulations, penalties and directions thereof, shall take effect, apply, and be in operation, in the place and stead of the clauses, regulations, penalties and directions, contained either in the said Act of the thirty-ninth year of George the Third, entitled as aforesaid, or in any the Acts in addition, alteration, or amendment thereof, or to repeal any part or clause of the said Act or Acts passed as aforesaid.

Licences—

**III. And be it further enacted,** That the Licences hereafter to be granted for selling Wine, Beer, Ale, Cyder or Perry, Rum, Brandy, or other Distilled Spirituous Liquors, shall be of the three kinds or denominations following, that is to say:—

Tavern Li-  
cense

A Licence to be called a Tavern Licence, to be granted for the sale of Liquors, and for the using or consuming the same in the house of the party Licenced.

Shop Licence

A Licence to be called a Shop Licence, to be granted for the sale of Liquors, in quantities not less than one quart, delivered at one and the same time, and not to be drunk in the House or Shop of the party Licenced.

General Li-  
cense

A Licence to be called a General Licence, to be granted to the holder of a Tavern Licence, giving permission to vend Goods, Wares or Merchandize, whatsoever, in his house, or to the holder of a Shop Licence, giving permission to sell Liquors to be consumed in his House or Shop.

Licences to be  
granted by  
Justices at first  
General Quar-  
ter Sessions of  
the year

**IV. And be it further enacted,** That, it shall and may be lawful to and for the respective Justices assigned to keep the Peace in any County or District of this Province, in every year, at their first General Quarter Sessions of the year, to grant and order Tavern Licences for the sale of Wine, Beer, Ale, Cider or Perry, Rum, Brandy, and other strong or Distilled Spirituous Liquors, whatsoever, for use or consumption in the Tavern or House of the party Licenced, to be issued and given to and in favor of such, and so many, fit and proper persons of good fame, and of sober life and conversation, as the said Justices shall judge necessary to be Licenced to sell such Liquors, in any quantity within, and to keep Taverns or Houses of Public Entertainment in the several Towns, and on the several roads or streets of this Province, lying within their respective Counties or Districts; and also to grant and order Shop Licences for the sale of such Liquors as aforesaid, in any quantity not less than one quart, delivered at one and the same time, to be issued and given to any and every such person or persons keeping Shops, or vending Goods, Wares and Merchandize, as the said Justices shall deem fit and proper, and further to grant and order General Licences to be issued and given, either unto the holder of a Tavern Licence, to authorise and permit such person to vend Goods, Wares and Merchandize, in the Tavern or House of Public Entertainment of the party so Licenced, or unto the holder of a Shop Licence, to authorise and permit such person to sell any such Liquors as aforesaid, in any quantity, and to permit the same to be used or consumed in the house or shop of the party named in any such Shop Licence.

Name, reside-  
nce, &c. of  
Person obtain-  
ing Licence to  
be inserted in  
Licence

**V. And be it further enacted,** That in every such Tavern Licence, Shop Licence, or General Licence, to be granted pursuant to this Act, there shall be inserted and contained, the name, residence and occupation, of the person or persons to whom the same is made, and the particular house or shop for which the same Licence is given, with the name of the County and of the Town, Township or Settlement, thereof, and of the particular road, street or lane, therein, in which such house or shop is situate.

Grand Jury at  
Halifax to re-  
commend Per-  
sons for Li-  
cences

**VI. And be it further enacted,** That the Grand Jury for the County of Halifax shall, and they are hereby required, at the first General Quarter Sessions in every year, at  
Halifax,

**Halifax**, to nominate and recommend to the Justices in Session as many fit and proper persons of good fame, and of sober life and conversation, as they shall judge necessary to be Licenced to sell such Liquors as aforesaid, or to keep Taverns or Houses of Public Entertainment within the Town and Peninsula of Halifax; and no Tavern Licence, or General Licence, to persons within the said Town or Peninsula, shall be granted or made at such first Quarter Sessions of the year, to any person or persons, other than those whose names shall be contained in the list of such recommendations.

**VII. And be it further enacted,** That if, after the first General or Quarter Sessions of the year shall have ended, any person or persons, not named in the said list of recommendations by the Grand Jury, shall apply to the Justices at Halifax, at any other their Quarter or Special Sessions of the Peace, for any Tavern Licence, Shop Licence or General Licence, as aforesaid; and such application shall be by the said Justices in Session approved of and allowed, then, and in every such case, an order shall be made for granting the Licence applied for, and the same shall be issued accordingly; *Provided always*, that every such application for a Tavern Licence be first recommended by the Grand Jury, at some of their sittings or be signed by twelve of the Grand Jurors.

Licences at Halifax may be granted by Justices in Special Sessions

Provide

**VIII. And be it further enacted,** That if, after the first General or Quarter Sessions of the year, in any other County or District of the Province, any person or persons shall apply for any such Tavern Licence, Shop Licence or General Licence, therein, it shall and may be lawful to and for the Justices at any other General Session, held in and for such County or District, or to and for any three Justices thereof, in Special Session assembled, to make an order for granting such Licence as aforesaid, if it shall be deemed expedient so to do, and the same shall be issued accordingly; *Provided always*, that every such application made to a Special Session, for a Tavern Licence, shall be first recommended by three Justices of the said County or District, not of the said Special Session; *And provided also*, the issuing of such Tavern Licence be first recommended by the Grand Jury.

Licences granted in other Counties or Districts to be granted by Special Sessions

**IX. And be it further enacted,** That the said several Licences shall be made and issued in the terms and according to the forms prescribed therefor, in the Schedule to this Act annexed, and shall be signed by the Clerk of the Licences of the County or District for which they shall be granted; the Clerk of the Peace first certifying thereon that security has been given therefor, as hereinafter prescribed, and such Licence shall continue and endure from the date thereof until the end of the General or Quarter Sessions of the Peace first held in and for such County or District, in the year of our Lord next following the grant of such licences respectively.

Form and—

continuance of Licence

**X. And be it further enacted,** That, for and upon every such licence granted in any County or District, after the end of the first General or Quarter Sessions thereof, there shall be allowed and deducted from and out of the whole duty for the time being, payable upon such licence, a sum equal to one twelfth part thereof, for each and every full Calendar month elapsed, between the last day of such Quarter Session of the Year and the date of such licence.

Deduction from Duty when Licence issues after beginning of year

**XI. And be it further enacted,** That every person to whom any such Tavern Licence or Shop Licence shall be ordered to be granted, shall, before the same is delivered, first enter into a Bond or Obligation to His Majesty, His Heirs and Successors, whereby the person licenced, and one or more sufficient Sureties, to be approved by the Justices ordering the same, shall become bound in the penal sum of Fifty Pounds, with condition that he, she or they, will well and truly comply with and yield obedience to this Act, and all Laws of this Province, hereafter to be made in relation to persons Licenced to sell Liquors, and shall duly pay into the hands of the Clerk of the Licences for the time being, his, her and their, payments of the duty on such Licence, within ten days after such payments respectively shall become due; and such bond or obligation shall be according to the form therefor contained in the Schedule to this Act annexed, and when executed shall be filed in the Office of the Clerk of the Peace.

Bond to be given by persons Licenced

**XII. And be it further enacted,** That as well as the Clerk of the Peace as the Clerk of the Licences, in each County and District, shall register in a Book and keep a correct list of all Licences granted in every year, with the names, additions and residences, of

Register of Licences

the parties Licenced, and a memorandum of the House or shop for which such Licence is granted, and the several dates thereof, with an account of the Bonds or Securities given, previous to taking out such Licences and the amounts of the Licence duty payable on every such Licence, and the respective times when the same are payable, and paid or received, and such Books shall be produced and exhibited to the Justices in Session, and to the Grand Juries, whensoever they shall require the same.

Fees allowed to Clerks of Licences and of the Peace

XIII. *And be it further enacted,* That each and every person who shall hereafter obtain or take out any Tavern Licence, Shop Licence, or General Licence, shall pay to the Clerk of the Peace the fee of five shillings in full for his attendance about such Licence, and entering the names of the party Licenced, and the proceedings, in the Minute Book of the Sessions, and taking the bond or obligation required to be given as aforesaid, and for all other his services in and about the granting such Licence; and the Clerk of the Licences, where such Licences are granted, shall receive for his fee for and upon every such Licence from the party Licenced, the sum of five shillings and no more, for making out and preparing such Licence, and filling up the bond or obligation, and all services therewith connected.

Times of payment of Licence Duty

XIV. *And be it further enacted,* That for and upon every such Licence, so to be granted as aforesaid, there shall be paid by the person or persons Licenced thereby, to the Clerk of the Licences, the whole sum of licence duty from time to time granted and payable thereupon under and by virtue of this or any other Act of the General Assembly, and in the proportions and at the times following, that is to say—one half of the whole yearly duty in advance at or before the issuing of such Licence, and the residue thereof in advance at or upon the expiration of six calendar months from the date of every such Licence: *Provided always,* That upon Licences granted within six months after the end of the first General or Quarter Session of the Year, the reduction of duty herein before allowed shall be made and taken out of the second payment of the said licence duty: *And provided also,* That, upon licences granted after the said term of six months from the end of such first Session, the reduction of duty shall be made at the issuing of the licence.

Penalty for selling Liquors without Licence, and mode of recovery

XV. *And be it further enacted,* That, from and after the publication hereof, if any person or persons whatsoever within this Province, either by themselves or their wives or any of their children, or their known and reputed servants or substitutes under them, directly or indirectly, in any House, Shop, Warehouse, or other place whatsoever belonging to the Father or Mother of such child or children, or to the known or reputed Master or Mistress of such Servant or Substitute, shall sell, barter or exchange, or deliver upon credit, any Rum, Brandy, Ale, Wine, Cider, Perry, or other strong or distilled Liquors, mixed or unmixed, by whatsoever name or names they are or may be called or distinguished, (without Licence first had and obtained for that purpose, in manner and form as herein directed or under the said Acts herein before repealed,) whether such wife, child, children, servant or substitute, so sold, bartered, or exchanged, or delivered the same, or not, by the command of such father, mother, master or mistress, or shall hawk, sell, or expose to sale, barter or exchange, or deliver upon credit, any such liquors, mixed or unmixed, by whatsoever name or names they are or may be called or distinguished, about the Streets, Wharves, Highways, Lanes or Suburbs, of the Town or Peninsula of Halifax, or in any other Town or place whatsoever, within this Province, in any manner whatsoever, or upon the water, in any ship or vessel, or in any other manner whatsoever; or shall deliver upon credit, or sell, or barter or exchange, or expose the same to sale, on any bulk or bulks, stall or stalls, or in any shed or sheds; or on, or in, any other place or places, such person or persons, and the father or mother of such child or children, and the reputed master or mistress of such servants or substitutes, shall forfeit for every offence a sum not exceeding Twenty Pounds, nor less than Five Pounds; and it shall and may be lawful for any two Justices of the Peace within this Province, on their view, or on confession of the party, or by proof on the oath of one credible witness, to convict any person or persons so offending, and the person or persons so convicted shall immediately on such and every other like conviction, pay the amount of such fines or forfeitures into the hands of the Clerk of the Licences; and on such offender or offenders refusing or neglecting to pay the said sum, together with the charges of prosecution, it shall

shall and may be lawful for such Justices to issue a warrant under their Hands and Seals for the levying the same, by distress and sale of the offender's goods and chattels, and if no sufficient distress can be found, then the said Justices shall, by warrant under their Hands and Seals, commit the offender or offenders to His Majesty's Gaol within the County where the offence shall be committed, there to remain in close confinement, or to be put to hard labour, for the space of three months, or until he or she shall have fully paid and satisfied the said fine and charges as aforesaid, or otherwise to be bound out by the Justices aforesaid for any time not exceeding three months, to serve and labor for any person who will pay the fine and costs. *Provided*, that all prosecutions, in pursuance of this Act, shall be made within three months after the offence committed.

XVI. *And be it further enacted*, That every person keeping a Tavern or retail Shop, and having licence to sell any Spirituous Liquors, Wine, Ale, Beer, Cider, or Perry, shall, within ten days after obtaining such licence, hang out a sign or inscription with their names thereon, setting forth that Spirituous Liquors are there to be sold, on pain of forfeiting Five Pounds for each and every such neglect.

Signs of Licenced Taverns &c

XVII. *And be it further enacted*, That if any person or persons, not having obtained a licence therefor, shall presume to hang out or suffer to remain any sign or inscription whatsoever, importing that Rum or other strong or Distilled Spirituous Liquors, Wine, Ale, Beer, Cider or Perry, are there sold, otherwise than by wholesale, upon proof thereof in manner and form herein described, such person shall be subject and liable to the like penalties and forfeitures as persons convicted of selling Spirituous Liquors without licence.

Persons not holding Licences hanging out signs

XVIII. *And be it further enacted*, That if any person or persons either by themselves or their wives, or any of their children, or known or reputed servants, or substitutes under them directly or indirectly, shall presume to sell any Rum, Brandy, Wine, Ale, Cider, Perry, or other strong or Distilled Liquors, mixed or unmixed, by whatsoever name or names they are or may be called or distinguished, by virtue of or under pretence of any Licence obtained, as in this Act is directed, in any other place than at the House, Shop or place, to be named in such Licence, where such person or persons themselves shall *bona fide* actually and constantly reside and dwell, or carry on the business of such shop, upon conviction thereof, such person or persons shall be subject and liable to the like pains and penalties as persons convicted of selling Spirituous Liquors without Licence, and the same shall and may be prosecuted for, paid, levied, and disposed of, in like manner as is directed by this Act.

Persons holding Licences selling in Houses not specified in Licences

XIX. *And be it further enacted*, That it shall be in the power of the said Justices in their General or Quarter Sessions of the Peace, from time to time, at the discretion of the said Justices, to grant licence or licences gratis, to any person or persons living on roads, which are remote and little frequented, for the encouragement of such persons keeping Houses of Entertainment on such public roads for the accommodation of Travellers.

Free Licences to Persons on remote Roads

XX. *And be it further enacted*, That it shall and may be lawful to and for the Justices in any their Sessions at Halifax, to grant any such Licence as aforesaid, to any person or persons keeping a Public Country Market House, in the Town or Suburbs of Halifax, for the accommodation of Travellers from the Country, at and under such reduced rate of Licence Duty as will amount in all upon any one licence to the sum of Three Pounds and no more for any one year.

Licence to Public Country Market House Halifax

XXI. *And be it further enacted*, That the Justices aforesaid shall, on the first day of their first Sessions of the Peace in every year, appoint one certain day during their said Session, whereon to grant licences as aforesaid, on which day the Clerk of the Licences shall, and is hereby required to, attend the said Justices, to receive the half-yearly advances from the several persons licenced as aforesaid; and to take a list of their names and places of abode, and all licences granted at any other time, or in any other manner, except as is herein before provided for, shall be void: *Provided*, that if any person or persons recommended as aforesaid by the Grand Jury, in Halifax, or approved by the Justices in other parts of this Province, as a proper person to be licensed, shall neglect or refuse to attend on the day or days to be appointed as aforesaid for the granting of

Clerk of Licences to receive half-yearly advances of Licence Duty

Neglect or refusal of Persons recommended by Grand Jury to take out Licences

licences, or shall neglect or refuse then and there to enter into an obligation with one or more Sureties, as is herein before provided, or shall not pay to the Clerk of the Licences one half part of the said licence money in advance; or in case any person licensed should die, or his or their licence be taken away, or otherwise become vacant, then and in all such cases it shall be lawful for the said Justices, either at Halifax or elsewhere, at any time during the same Sessions, or in any succeeding Sessions, to appoint and grant such licence or licences to any other person or persons of good fame and sober life, living near the person whose licence may become vacant as aforesaid, or so neglecting or refusing to comply with the conditions required by this Act, he, she or they, so to be licenced instead thereof, giving the Security and paying the fees and advances hereby required.

Holders of Tavern Licence (except in Halifax) to provide accommodation for Travellers

**XXII.** *And be it further enacted,* That the said Justices shall not grant a Tavern Licence to any person (except in the Town of Halifax) unless he, she or they, shall keep a house of public entertainment for Travellers; and every person obtaining such Tavern Licence shall cause a sign to be set up over or near the door of such Tavern, with his or her name thereon, and a plain inscription, setting forth that entertainment may be had there for Man and Horse; and shall also keep, and have in his or her House, two good beds, over and above what may be required for the lodging of his or her family and servants, and shall also be provided with good and wholesome victuals and drink, for the accommodation of Travellers, and with Stables, hay and provender for Horses; in default whereof it shall be lawful for the Justices in Sessions, on complaint thereof, by one or more witnesses upon Oath, to take away such licences as forfeit.

Order in Licenced Houses

**XXIII.** *And be it further enacted,* That every person licenced as aforesaid shall at all times keep and maintain good order in the House, Tavern, Shop, or House of Entertainment, for which such licences shall be granted, and shall not suffer any riot, disturbance, or breach of the Peace therein, nor any raffle or raffles, nor the using or playing of any kind of game or games, by dice, cards or otherwise, therein, on pain of forfeiture of such licence.

Holder of Shop Licence not to sell on Lord's Day

**XXIV.** *And be it further enacted,* That no person whatsoever holding a Shop Licence shall for the future open his, her or their, Shop or Warehouse, or either by himself, or herself, or by his or her servant or servants, child or children, sell, expose, or offer for sale, any manner of Goods or Merchandise whatsoever, [bread and milk excepted] on the Lord's Day, or on any part thereof, under the penalty of Five Pounds for every such offence, and of forfeiture of the licence.

Disorderly persons, Servants, Apprentices, frequenting Taverns, &c

**XXV.** *And be it further enacted,* That if any Tavern-keeper, Shop-keeper, Retailer of Spirituous Liquors, Vintner, or other person keeping a Public House of Entertainment or Shop within this Province, and licenced as aforesaid, shall, on any pretence whatsoever, suffer any disorderly persons, or any hired man or woman servant, apprentice, male or female, or any person or persons under the age of twenty-one years, to resort to such Tavern, Shop or Public House, or at any time or times of the day or night throughout the week, there to idle or mispend his, her or their time, or to have any liquor to drink therein, or shall entertain or suffer on the Lord's Day any of the Inhabitants of Halifax, or of any of the Towns respectively where such Tavern-keepers, Shop-keepers, Retailers of Spirituous Liquors, Vintners, or other persons keeping public houses of entertainment or shops respectively dwell, or others not being strangers or lodgers in such houses, or such as come thither for necessary dieting and victualling only, to abide or remain in or about their dwelling houses or shops, drinking or idly spending their time, it shall and may be lawful for any one of His Majesty's Justices of the Peace for the County, either on his own view, or on the information of one credible witness, to cause the person or persons offending against this clause, or any matter or thing herein contained, to be apprehended and committed prisoner to the County Jail, unless such offender or offenders shall enter into a recognizance before such Justice, with one or more sufficient Bondsmen, for his, her, or their appearance at the next General Sessions of the Peace, there to answer to such complaint, and in the mean time to be of good behaviour; and also to bind over the witness or witnesses to prosecute at such Sessions; and it shall and may be lawful for the Grand Jury, of their own knowledge, or on the information of one or more credible witnesses, to make presentment, or to prefer a Bill of Indictment,

ment,

ment, against such offender before the Justices of the Peace at their General or Quarter Sessions of the County or District where the offence shall have been committed; and such Tavern-keeper, Shop-keeper, Retailer of Spirituous Liquors, Vintner, or other person keeping a Public House of Entertainment or Shop, being duly convicted by the verdict of a Jury upon such presentment and indictment, shall forfeit his licence, and shall also pay the penalty of his, her, or their bond or recognizance, taken pursuant to this Act for such offence; and every such Tavern-keeper, Shop-keeper, Retailer of Spirituous Liquors, Vintner, or other person keeping a Public House of Entertainment or Shop, shall cause the whole of this and the two preceding sections of this Act, written or printed in a plain and legible manner, to be affixed and set up in some conspicuous part of his or her tavern or shop, and in every room in his or her house, set apart or commonly used for the entertainment of Travellers or other persons, and there to remain as long as such Tavern-keeper, Shop-keeper, Retailer of Spirituous Liquors, Vintner, or other person, keeping a Public House of Entertainment or Shop, shall hold such licence, on pain of forfeiting such licence for any neglect thereof.

**XXVI.** *And be it further enacted,* That it shall not be lawful for any Tavern-keeper, or person holding a Tavern Licence within this Province, unless such person also holds a General Licence, hereafter to sell, vend or expose to sale, in or about his or her Tavern, any Goods, Wares, or Merchandize whatsoever, other than the victuals or drink necessary to be used and consumed, and which are usually used and consumed in Taverns, nor shall it be lawful for such Tavern-keeper or person holding a Tavern Licence to suffer the same to be done, and any person or persons offending against the provisions contained in this clause shall forfeit and pay the penalty of Twenty Pounds for each and every offence, to be recovered and applied in the manner herein mentioned.

Tavern-keepers to sell only victuals and drink usually consumed in Taverns

**XXVII.** *And be it further enacted,* That if any person now holding, or who shall hereafter hold, any Shop Licence, shall sell or deliver any quantity of Wine, Ale, Beer, Cider, Perry, Rum, or other strong distilled Spirituous Liquors, less than a quart, or shall on any account permit or suffer any Wine, Ale, Beer, Cider, Perry, Rum, or other strong Liquors, to be sold for the purpose of being drunk or consumed in his or her Shop or House, such person or persons so offending, unless holding a General Licence, shall be subject to the like prosecutions, penalties and forfeitures, as persons selling Spirituous Liquors without Licence; and every person taking out such Shop Licence shall cause the whole of this and the preceding section of this Act, written or printed in a plain legible manner, to be affixed up in some conspicuous part of his or her Shop, and there to remain during the continuance of his or her Licence, on pain of forfeiture thereof.

Holders of Shop Licence restricted to sale of not less than a quart—not to be drank in Shop

To put up this Act in Shop

**XXVIII.** *And be it further enacted,* That every person or persons Licenced as aforesaid, who shall continue to sell any such Liquors as aforesaid, for a longer time than the period or date for or to which their respective Licences are or shall be limited to endure and be in force, without taking out a new Licence, shall be subject to the like prosecutions, penalties and forfeitures, as persons selling Spirituous Liquors without Licence.

Selling Liquor after expiration of Licence

**XXIX.** *Provided always, and be it further enacted,* That nothing in this Act contained shall extend, or be construed to extend, to prevent or debar any Merchant, Shop-keeper or other person, not licenced by any such licences as aforesaid, to retail Rum, or other strong or distilled Spirituous Liquors, Wine, Ale, Beer, Cider or Perry, within the Town and Peninsula of Halifax, from selling of such Liquors (if imported or brought from abroad into the said Town or Peninsula) any quantity delivered at one time, and not less than the contents of the Cask, Case or Package in which such Liquors respectively may have been first or originally imported or brought into the said Town or Peninsula; and if such Liquors be not imported or brought as aforesaid, but made or manufactured within the said Town or Peninsula, then, any quantity thereof, not less than ten gallons thereof, delivered at one and the same time.

Quantity to be sold by Merchants &c without Licence

**XXX.** *And provided also, and be it further enacted,* That nothing in this Act contained shall extend, or be construed to extend, to prevent or debar any Merchant, Shop-keeper, or other person (not licenced by any such licence as aforesaid, to retail any Rum or other strong or distilled Spirituous Liquors, Wine, Ale, Beer, Cider, or Perry, in any part

Shop-keepers in Country may sell ten gallons Liquor without Licence

part of this Province, other than the Town or Peninsula of Halifax,) from selling any quantity of such Liquors, not less than ten gallons thereof, delivered at one and the same time, or not less than the contents of the original Cask, Package or Case, in which the same was brought into this Province.

Witnesses on  
Prosecutions  
under this Act

**XXXI.** *And be it further enacted,* That when any information, presentment or indictment, shall be made against any person or persons offending against this Act, and any person or persons shall be summoned to give evidence relative thereto, and any such person so summoned shall neglect or refuse to give his or her attendance at the time and place mentioned in the summons, not having any just cause therefor to be allowed by the Justices before whom such information, presentment or indictment, shall be made, or shall wilfully withdraw himself or herself before sworn, or shall wilfully refuse to be sworn, or shall refuse to give his or her evidence, in every such case, the party so offending shall forfeit and pay the sum of Ten Pounds, to be levied by warrant of distress and sale, from the said Justice, on the Offender's Goods and Chattles, and for the want of such distress such person or persons shall be committed to Jail, there to remain for the space of three months, or until the said sum of Ten Pounds shall be paid; *Provided nevertheless,* that no person shall be obliged to give evidence on any information, before such person be paid or secured their reasonable charges for attendance, to be allowed of and ordered by such Justices, and payable out of the monies arising by virtue of this Act.

Application of  
penalties

**XXXII.** *And be it further enacted,* That all the monies arising from the conviction of any person or persons, for the breach of any part of this Act, shall, after deducting the charges of prosecution, be paid by the Justices, before whom the same shall be recovered, one half to the person or persons who shall inform and sue for the same, and the remaining half part to the Clerk of the Licences, to be by him accounted for and applied as hereinafter directed.

Clerks of Li-  
cences may vi-  
sit Licenced  
Houses

**XXXIII.** *And be it further enacted,* That the Clerks of the Licences shall and may, at such times as they shall see fit, visit the Taverns, Retail Shops and Public Rooms of persons holding Licences, to see that the several provisions of this Act are complied with, and shall and may, and are hereby required and commanded, to prosecute all offenders against this Act, and shall be sworn faithfully to carry this Act into execution to the best of his or their power and ability, and to discharge honestly and justly all the several duties herein and hereby imposed on him or them.

Obstruction of  
Clerks of Li-  
cences

**XXXIV.** *And be it further enacted,* That, in case any person or persons, keeping Taverns, Retail Shops or Public Rooms, or any persons being in or about such Tavern, Shop or Room, at the time the Clerk of the Licence may be visiting the same, shall interrupt or assault the said Clerk while in the execution of this Act, the said person or persons shall be liable to be indicted, and, if convicted, fined or imprisoned for any such offence.

Appointment  
of Clerks of  
Licences

**XXXV.** *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint, during pleasure, the Clerk of the Licences for the Town and County of Halifax, and for the Grand Jury in the several other Counties and Districts in this Province, so often as the office of Clerk of the Licences in such County or District shall be vacant, to return to the Justices, in their General Sessions, three fit and proper persons to fill such office, one of whom the said Justices, in their said Sessions, shall appoint Clerk of the Licences for such County or District during pleasure.

Duties in arrear

**XXXVI.** *And be it further enacted,* That, so often as one half-yearly payment for a Tavern or Shop Licence shall be due, and unpaid to the Clerk of the Licence ten days after the same shall be due, it shall and may be lawful for such Clerk of the Licence to bring an action on such person's Bond against himself or his or her surety or sureties, before any one of His Majesty's Justices of the Peace, or in any Court of Record, for the amount of such Licence Duty, and such Justice shall give Judgment for the same, and grant Execution for such duty in arrear, and costs, against such debtor, and his or her surety or sureties.

**XXXVII.** *And be it further enacted,* That if any complaint shall be made on oath to any two Justices of the Peace for any County or District in this Province, that any person

person Licenced to sell Spirituous Liquors by retail, keeps a disorderly house or shop, or hath in any other respect neglected or refused to conform to the rules and regulations of this Act or any other Act relating to licenced persons, it shall be lawful for such Justices, if the complaint shall appear to them to be well founded, to suspend the Licence of such person so complained against, and to direct notice of such suspension to be given to him by the Clerk of the Licences; and if, after such notice, the person whose Licence has been so suspended shall presume to sell or retail any Wine, Ale, Cider or Perry, or any Rum, or other strong or distilled Spirituous Liquors, until such suspension shall be removed, such person shall suffer and pay the penalties and forfeitures imposed hereby on persons convicted of selling Spirituous Liquors without licence; *Provided always*, that the person or persons whose Licence hath been so suspended, may appeal from the order of the said Justices to the next General Sessions of the Peace for the County or District, and the complaint being removed into the said Court of Sessions, the Clerk of the Peace shall prepare and file an information accordingly, to which the appellant shall plead without delay, and the cause shall be tried by a Jury: and if the appellant is acquitted such suspension shall forthwith be removed—but if he be convicted, his Licence shall be wholly taken away, and his Licence Bond shall be put in suit against him and his sureties.

Violation of  
rules and regu-  
lations

Licence to be  
suspended

Appeal against  
suspension

**XXXVIII.** *And be it further enacted*, That the Clerk of the Licences, in and for the County of Halifax, shall forthwith and immediately after the receipt of any Licence duties whatsoever, or of any monies, fines and penalties, received by him under this Act or any other Act of the General Assembly respecting Licences, after deducting therefrom the commission of five per cent allowed to him for his trouble therein, pay over four equal fifth parts of the net balance of the said Licence duties, monies, fines and penalties, collected, paid, or received as aforesaid, to the Commissioners of the Streets for the Town and Peninsula of Halifax, to be applied and appropriated by such Commissioners as other Funds received by them are or may be by Law appropriated; and the said Clerk of the Licences shall also pay over the other fifth part of the said net balance of such Licence duties, monies, fines and penalties, collected, paid, or received as aforesaid, into the hands of the Treasurer of the County of Halifax, for and towards the support of the Police and Bridewell at Halifax.

Application of  
Licence Duties

**XXXIX.** *And be it further enacted*, That the Clerks of the Licences for the several Counties and Districts of this Province, (Halifax excepted) shall once in every half-year render a just account, and pay into the hands of the respective Treasurers of such County or District, all monies and fines received by them by virtue of this Act, deducting therefrom seven and one half per cent for their trouble.

Half-yearly  
account to be  
rendered by  
Clerks of Li-  
cences in the  
Country

**XL.** *And be it further enacted*, That all Monies raised in the other Counties and Districts of this Province (Halifax excepted) shall be appropriated and applied, by the Justices in their Sessions for the several Counties or Districts, to the making, opening and repairing, the public roads, making or repairing bridges, or establishing Ferries, throughout the several Counties or Districts within which such monies shall have been collected—*Provided always*, That, in every town or place where Commissioners of Streets are or may be appointed, or have jurisdiction, the said County Treasurer shall, and he is hereby required to, pay to the said Commissioners respectively, out of the County Treasury, quarterly, three-fifth parts of the monies arising from the duties on Licences for Taverns and Shops within the respective jurisdictions of such Commissioners, for the purpose of being applied, by such Commissioners of the Streets, to the objects and purposes for which they are or may be appointed.

Application of  
Licence Duties  
in the Country

Proviso

**XLI.** *And be it further enacted*, That, it shall and may be lawful to and for Justices of the Peace, at any their General or Special Sessions in any County or District, to require any present or future Clerk of the Licences or County Treasurer, to enter into such Bond to His Majesty, His Heirs and Successors, and with such sufficient sureties, and in such penalty, as the said Justices shall order and direct for the due and faithful performance of the duties of the office of Clerk of the Licences or County Treasurer, in and for the County or District in and for which such appointment is or shall be made; and if any such Clerk or Treasurer now appointed, being by order of any such Session

Clerk of Li-  
cences to give  
Bond

required to enter into such Bond with sufficient sureties shall refuse so to do, his appointment shall be thereby vacated, and another person be forthwith appointed to fill the same.

Forms of Li-  
cences

SCHEDULE OF FORMS REFERRED TO IN THE FOREGOING ACT.  
COUNTY (OR DISTRICT) OF

LICENCE OFFICE.

TAVERN LICENCE.

Tavern Li-  
cence

Whereas, the Justices assigned to keep the Peace in and for the said County (or District) at their General (or Special) Sessions, held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ instant, have ordered a Tavern Licence to be granted unto \_\_\_\_\_ of \_\_\_\_\_ in the said County (or District.) And whereas, the security by Law required, previous to issuing such Licence, hath been duly executed, Licence is therefore hereby accordingly granted to the said \_\_\_\_\_ to keep a Tavern or House of Public Entertainment, in the House wherein \_\_\_\_\_ now dwell, situate, lying and being, in the Township (or Settlement or Town) of \_\_\_\_\_ in the said County (or District,) and on the Street, (or Road, describing it) to sell and retail in such House, Spirituous Liquors, Wines, Ale, Beer, Cyder or Perry, and other strong or distilled Liquors, under and pursuant to the rules, regulations and provisions, contained in a certain Statute of the General Assembly of this Province, passed in the Second year of the Reign of King William the Fourth, and entitled, "An Act concerning Persons Licenced to keep Public Houses or Shops, and the duties thereon."

This Licence to remain and be in full force from the day of the date hereof until the end of the first General or Quarter Sessions of the Peace, to be held in and for the said County, (or District,) in the Year One Thousand Eight Hundred and \_\_\_\_\_ subject nevertheless to be sooner terminated, as by Law is or may be appointed, or to be cancelled at any time for misbehaviour, or offences against the Provisions of the Statute aforesaid, and subject also to the Payment of the Licence Duty thereon

Given under my hand, as Clerk of the Licences in and for the said County (or District,) at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ in the Year of Our Lord One Thousand Eight Hundred and \_\_\_\_\_

Licence Duty paid this day, L

Do. payable 183 L

Clerk of the Licences.

By order of the Sessions, Security having been given by the Party above Licenced, as the Law requires.

Clerk of the Peace.

COUNTY (OR DISTRICT) OF

Shop Licence

LICENCE OFFICE.

SHOP LICENCE.

Whereas, the Justices assigned to keep the Peace in and for the County [or District] aforesaid, at their General [or Special] Sessions held at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ instant, have ordered a Shop Licence to be granted unto \_\_\_\_\_ of \_\_\_\_\_ in the said County [or District]. And whereas, the Security by Law required, previous to issuing such Licence, hath been duly executed.

Licence is therefore hereby accordingly granted unto the said \_\_\_\_\_ to keep a Shop in the House or building now occupied by \_\_\_\_\_ situate in \_\_\_\_\_ in the County [or District] aforesaid, for the purpose of selling by retail in the said Shop, Spirituous Liquors, Wines, Ale, Beer, Cyder, or Perry, and other strong or distilled Liquors, in any quantity not less than one quart to be delivered at one and the same time, but on no account whatsoever to be drank or consumed in such Shop or House; and the party licenced, in all things, conforming to and observing the Rules, Regulations and Provisions, contained in the Statute of the General Assembly of this Province, passed in the second year of the Reign of King William the Fourth, and entitled, "An Act concerning Persons licenced to keep public Houses or Shops, and the Duties thereon."

This Licence to remain and be in force from the day of the date hereof until the end of the first General or Quarter Sessions of the Peace, to be held in and for the said County [or District] in the Year One Thousand Eight Hundred and \_\_\_\_\_ subject nevertheless,

nevertheless; to be sooner terminated as by Law is or may be appointed, or to be cancelled at any time for misbehaviour or offences against the Provisions of the Statute aforesaid; and subject also to the payment of the Licence Duty thereon.

Given under my hand as Clerk of the Licences, in and for the said County [or District] at this day of in the Year of our Lord One Thousand Eight Hundred and

Licence duty paid this day, L.

Do. payable 183 L.

Clerk of Licences.

By Order of the Sessions, Security having been first given by the Party above Licenced as the Law requires.

Clerk of the Peace.

**COUNTY [OR DISTRICT] OF**

**LICENCE OFFICE.**

**GENERAL LICENCE.**

General, Licence

Whereas, under the order of the Justices assigned to keep the Peace, in and for the County [or District] aforesaid, a Tavern Licence, dated the day of in the year of our Lord One Thousand Eight Hundred and hath been granted unto of in the said County [or District] of And whereas, upon the application of the party so licenced, the said Justices at their Session, held at on the day of instant, have ordered a General Licence to be granted to Licence is therefore hereby accordingly granted to the said during the continuance of the said Tavern Licence, to vend any Goods, Wares, or Merchandize, whatsoever, in the Tavern or House of Public Entertainment, in such Tavern Licence, described and mentioned, pursuant to the Statute of the General Assembly of this Province, passed in the second year of the Reign of King William the Fourth, entitled, "An Act concerning Persons Licenced to keep Public Houses or Shops, and the Duties thereon."

Given under my hand as Clerk of the Licences, in and for the said County [or District] at this day of in the year of our Lord One Thousand Eight Hundred and

Duty paid L.

Clerk of the Licences.

By order of the Sessions.

Clerk of the Peace.

**COUNTY (OR DISTRICT) OF**

**LICENCE OFFICE**

**GENERAL LICENCE.**

General Licence

Whereas, under the Order of the Justices assigned to keep the Peace in and for the County (or District) aforesaid, a Shop Licence, dated the day of in the year of Our Lord One Thousand Eight Hundred and hath been granted to of in the said County (or District) And whereas, upon the application of the party so Licenced, the said Justices, at their Session, held at on the day of instant, have ordered a General Licence to be granted to Licence is therefore hereby accordingly granted to the said during the continuance of the said Shop Licence, to sell by retail, permit to be used, drank or consumed, in the Shop or House described in such Shop Licence, Spirituous Liquors, Wines, Ale, Beer, Cyder or Perry, and other strong or distilled Liquors whatsoever, and in any quantity, whether more or less than one quart, pursuant to the Statute of the General Assembly of this Province, passed in the second year of the Reign of King William the Fourth, entitled, "An Act concerning Persons Licenced to keep Public Houses or Shops, and the Duties thereon."

Given under my hand as Clerk of the Licences in and for the said County (or District) at this day of in the year of Our Lord One Thousand Eight Hundred and

Duty paid L.

Clerk of Licences.

By order of the Sessions.

Clerk of the Peace.

KNOW all Men by these presents, that We are held and firmly bound unto

Bind our

our Sovereign Lord William the Fourth, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, King, Defender of the Faith, and of the United Church of England and Ireland, on Earth the Supreme Head, His Heirs and Successors, in the sum of fifty pounds of lawful currency of the Province, to which payment We jointly and severally bind ourselves, our heirs, executors and administrators, firmly by these presents. In witness whereof, we hereunto set our hands and seals, this        day of

in the year of our Lord One Thousand Eight Hundred and

*Whereas* the above bounden        hath applied for and obtained a        Licence, for the sale by retail of Spirituous Liquors, Wine, Ale, Beer, Cyder or Perry, and other strong or distilled Liquors, in the Tavern or House of Public Entertainment, (or in the Shop) kept by the said        in

Now the condition of the foregoing obligation is such, that if the above bound shall in no way or manner, at any time, offend against or violate but at all times well and truly comply with and yield obedience to, all and singular the rules, regulations, directions and provisions, of the Act of the General Assembly of this Province, passed in the Second Year of the Reign of King William the Fourth, entitled, "An Act concerning Persons Licenced to keep Public Houses, or Shops, and the duties thereon," and all and singular other the Laws of this Province, to be hereafter made, in relation to Persons Licenced to sell Liquors, by such        Licence, as aforesaid, and shall keep and maintain good order in (the Tavern or House of Entertainment or Shop,) which the said        has been this day Licenced to keep; and shall not suffer any raffle or raffles, or the using or playing of any kind of game or games whatever, therein, and shall duly pay into the hands of the Clerk of the Licences the half-yearly payments of the Duty imposed on such (Tavern or Shop) Licence, within ten days after payment shall become due, then, and in such case, the foregoing Bond or Obligation to be null and void, otherwise to be and remain in full force and virtue.

Signed, Sealed and Delivered, in open Court, this        day of        183

#### CAP. IV.

Expired

### An Act for the further increase of the Revenue, by imposing a Duty upon Articles imported from Foreign Countries.

[PASSED THE 30th DAY OF MARCH, 1832.]

#### CAP. V.

### An Act to Regulate and Support the Pictou Academy.

(PASSED THE 30th DAY OF MARCH, 1832.)

Preamble

**W**HEREAS by the Act, passed in the fifty-sixth year of the Reign of His late Majesty King George the Third, entitled, An Act for Founding, Establishing and Maintaining, an Academy at Pictou, in this Province, and also by the Act, passed in the fifty-ninth year of the reign of His said late Majesty, for repealing and altering part of the said Act first mentioned, certain religious tests, declarations and subscriptions, are required of persons chosen to be Trustees, Masters or Teachers, in the said Academy, and which tests, declarations and subscriptions, have been found prejudicial to the said Academy, and of an injurious tendency in preserving religious distinctions in this Province; *And whereas*, it has been deemed expedient to extend the benefit of Education in the said Academy to persons of all denominations of Christians, without distinction of sect, and to render the said Academy more extensively useful for the Instruction of Youth,

Youth, and to provide for the appointment of persons of the several different religious persuasions to be Trustees of the said Academy, and to make a more effectual provision for the support thereof.

I. *BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That the second, third, fourth, fifth, sixth and eighth Sections or Clauses of the said Act, of the fifty-sixth year of His said late Majesty's Reign, entitled, An Act for Founding, Establishing and Maintaining, an Academy at Pictou in this Province, and also the whole of the said Act of the fifty-ninth year of His said late Majesty's Reign, passed to repeal and alter part of the said Act, shall be, and the same are hereby wholly repealed, and in future no religious test, declaration or subscription, whatsoever, shall be required to be taken or made by any Trustee or Teacher, in the said Academy, as a qualification for office.

Act 56, Geo. 3, C. 29, Sec. 2, 3, 4, 5, 6 and 8, and 59, Geo. III, C. 15, repealed

II. *And be it further enacted,* That it shall be lawful for the Trustees of the said Academy, to hold Lands and Hereditaments for the use and benefit thereof, in any part of this Province, not exceeding the yearly value of Two Thousand Pounds at any one time; and the said Trustees shall and may sell, mortgage and dispose of the same Lands, when, and as it shall be deemed beneficial for the said corporation.

Trustees may hold, sell, mortgage or dispose of Lands, &c.

III. *And be it further enacted,* That, on or before the first day of July next, the acting Trustees now or then being of the said Academy, shall assemble together, and, from and out of their present number, select and choose seven persons to be and continue Trustees of the said Academy, of whom the Reverend Thomas McCulloch, the Principal of the said Academy, and who was one of the Founders thereof, and hath always presided over the same, shall be one, and all the other Trustees shall, on that day, cease to be acting Trustees, but shall continue and remain Honorary Trustees of the said Academy, not entitled to vote or interfere in the management of the same, and shall be absolutely divested of all Estate and Interest in the Lands, Funds and Property thereof, and the names of the said seven Trustees shall be certified to His Excellency the Lieutenant-Governor or Commander in Chief, for the time being, on or before the said first day of July next.

Seven Trustees continue in office to be selected by present Trustees, &c.

IV. *Provided always, and be it further enacted,* That if the said acting Trustees of the said Academy shall not, on or before the said first day of July next, select seven of their number to be and remain as the remaining and acting Trustees of the said Academy, as hereinbefore required, and so certify the same to His Excellency the Lieutenant-Governor or Commander in Chief for the time being, as aforesaid, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to nominate and appoint, out of the present acting Trustees, seven of their number to be the remaining and acting Trustees of the said Academy, of whom the said Reverend Thomas McCulloch shall be one, and thereupon all the other Trustees, except the seven so nominated and appointed, shall cease to be acting Trustees, but shall remain Honorary Trustees of the said Academy, not entitled to vote or interfere in the management of the same, and shall be divested of all estate and interest as aforesaid.

If not selected Governor to appoint

V. *And be it further enacted,* That, instead of the Trustees so going out of Office, the Right Reverend William Fraser, Doctor in Divinity, Bishop of Tanen, and four other persons, such as the Governor, Lieutenant-Governor or Commander in Chief for the time being, shall select and appoint for that purpose, shall be, and they are hereby appointed Trustees of the said Academy, and shall come into office as of the said first day of July next.

New Trustees

VI. *And be it further enacted,* That, after the said day, the said Trustees shall meet together and appoint one of their number to be Chairman, and all questions, except as hereinafter provided, shall be decided by a majority of the Trustees present at any Meeting.

Chairman of Trustees

VII. *And be it further enacted,* That the said seven remaining Trustees, to be selected as hereinbefore mentioned, together with the said five Trustees to be appointed under and by virtue of this Act, shall be Trustees of the said Academy, with all the powers, authority, privileges and liabilities, of the Trustees of the said Institution, in the same manner, and to the same extent, in all respects, as if they had been originally named.

Powers of Trustees selected, &c.

med and incorporated, in and by the Act and Charter passed, made and granted, for Founding, Establishing and Maintaining, the said Academy.

Higher branches of Education

VIII. *And be it further enacted*, That the higher branches of Learning and Education to which Instruction in the said Academy has hitherto been confined, shall continue to be taught as has been hitherto practised, and according to the design of the original Subscribers to the said Institution.

Elementary Branches

IX. *And be it further enacted*, That, in addition to the above mentioned branches, Instruction shall also be given in the Languages, and in all the Elementary branches of Learning usually taught in Grammar Schools, including, in the course of Education therein, the Modern Languages and the practicable application of the Mathematics or such other branches as may be determined on by the Trustees, and that a Master or Teacher be appointed to give such Instruction on or before the first day of July next.

Additional House may be provided for lower branches

X. *And be it further enacted*, That if the Trustees shall find it inconvenient to appropriate any part of the Building, now called the Pictou Academy, for the purpose of affording Instruction in the lower branches, that it shall and may be lawful for them to provide any House or Building in the town of Pictou, suitable for such purpose, or to make such addition to the present Building as will afford sufficient accommodation for the Scholars, as to the said Trustees shall seem most expedient and advisable.

*And whereas*, it is intended that the said Academy shall not be confined to persons called Presbyterians:

Theological Lectures

XI. *Be it therefore enacted*, That no Theological Lectures shall be delivered in the said Academy, nor shall there be any class of Students in Divinity taught therein; *Provided always*, that nothing herein contained, shall be construed to prevent any Professor or Teacher from giving Theological Lectures, or forming a Divinity Class, unconnected with the said Academy, in any other part of the Town or District of Pictou, at such time or times as shall not interfere with the performance of his or their duties in the said Academy; *And provided also*, that three fourths of the said Trustees may permit any such Lectures to be given, or class taught, in any Lecture Room or apartment of the said Academy, when and at such times as the same may not be in use, or required for any other Lectures or Classes usually given therein.

Visitor or Visitors of Academy

XII. *And be it further enacted*, That it shall be lawful for the Lieutenant-Governor or Commander in Chief for the time being, when, and as often as he shall deem it expedient or proper, to nominate and appoint a Visitor or Visitors for the said Academy, who shall be a person or persons not resident in the said District and wholly unconnected with the said corporation, and who shall inspect the existing state of the said Institution, in regard to its Bye-laws, Funds, Teachers, Students, and proceedings of the Trustees, and report thereupon, for the information of the several branches of the Legislature.

Death, resignation, &c. of Trustees

XIII. *And be it further enacted*, That the death, resignation, removal from office, or continued absence of more than one year from the Province, of any Trustee of the said Academy, shall occasion a vacancy in the Board of Trustees thereof.

Vacancies in trust how filled up

XIV. *And be it further enacted*, That to supply any vacancy or vacancies occasioned as aforesaid, the choice of any future Trustee or Trustees of the said Academy shall be made by the votes of the two thirds at least of the whole number of Trustees present at the meeting for such Election, and shall be certified to the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, and if he shall disapprove of such choice within three Months after the same is certified to him, then the said Trustees shall proceed to choose another Trustee, instead of the party disallowed, and shall certify such second choice in manner as aforesaid; and if the person so elected a Trustee shall also be disallowed within three Months after the Election certified as aforesaid, then the vacancy in the Trust shall be filled up, and a Trustee appointed by the Lieutenant Governor or Commander in Chief, for the time being; and in case the said Trustees shall not elect any person to fill such vacancy in manner aforesaid, within six Months after such vacancy shall have occurred, then the said vacancy shall also be filled up by the Governor, Lieutenant-Governor, or Commander in Chief, for the time being.

Endowment of Academy

XV. *And be it further enacted*, That, towards the support and endowment of the said Pictou

Pictou Academy, there shall be granted and paid to the Trustees in each and every year which shall be and elapse, until the thirty-first day of December, which will be in the year of Our Lord One Thousand Eight Hundred and Forty-two, the full yearly annuity of Four Hundred Pounds, of lawful Money of Nova-Scotia, to be issuable and payable from the Treasury of this Province, in four equal quarterly payments in every year, to be drawn for by warrant of the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, and to be payable on the usual quarter days, and the first quarter thereof to commence and be accounted from the first day of the present year; and out of which said annuity the sum of Two Hundred and Fifty Pounds Currency shall be paid to the said Reverend Thomas McCulloch, Doctor in Divinity, the Principal of the said Academy, in each and every year during his continuance in such Office; and a further sum of One Hundred Pounds shall be paid out of the said annuity to the Master herein directed to be appointed by the said Trustees to give instruction in the lower branches of learning: and the residue of the annuity to be applied for the support and maintenance of the said Academy, in such way as the Trustees thereof shall deem proper.

Salary to  
Teacher of  
lower branches

### CAP. VI.

#### An Act to increase and establish the number of Representatives to be elected for the County of Cape-Breton, and the Townships of Arichat and Sydney.

See Wm.  
IV, C. 46

(PASSED THE 30th DAY OF MARCH, 1832.)

**WHEREAS**, the great increase of Population, and advancement of the Commerce, Agriculture and Fisheries, of Cape-Breton, render it expedient and just, that the Freeholders be authorised to elect a greater number of Representatives to serve in General Assembly:

Preamble

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, immediately after this Act shall be in force, to cause a Writ or Writs to be issued in the usual manner to the Sheriff of the said County of Cape-Breton, for the Election of three additional Members, to be returned from the said County, to serve as Representatives in the General Assembly, that is to say: for the County of Cape-Breton, one additional Member; for the Township of Arichat one Member; and for the Township of Sydney, one Member.

Representation  
of Cape-Breton  
increased

II. *And be it further enacted*, That this Act shall not be of any force or effect until His Majesty's Assent thereto shall have been duly signified.

Assented to  
by His Majesty  
in Council 27th  
June, 1832

### CAP. VII.

#### An Act concerning Rates and Assessments on certain Dyked Marsh Lands in Cornwallis.

Amended by  
5, Wm. IV, c.  
53

(PASSED THE 30th DAY OF MARCH, 1832.)

**WHEREAS**, about the Year of Our Lord One Thousand Seven Hundred and Eighty-four, certain large tracts of Marsh Land situate upon the River called the Canard, within the Township of Cornwallis, in King's County, and then and still known by the name of the Grand Dyke, and comprehending within the same, the Lands denominated the Upper Dyke and the Middle Dyke, all which now stand rated as

Preamble

One

One Thousand Three Hundred and Eighteen assized Acres, or thereabouts, were, by the authority of the Commissioners of Sewers, then being of the said Township, and at the common charge of the respective Proprietors of the said Lands, secured and protected from the Tide-Waters of the said River and Sea, by certain Sea-Walls, Dykes or Embankments, and by certain Aboiteau, across the said River and its Channels, erected and extending from the said River to the Upland on the East and West sides thereof, all which said works and constructions are called the Grand Dyke; and whereby, as also by certain repairs and additions thereto, subsequently made at the common charge aforesaid, the said tracts of Land were and have been preserved from the Sea, and in cultivation; *And whereas*, after the erection of the said Grand Dyke, another tract of Marsh Land below and outside of the same, and lying on the East side of the said River, and now rated Thirty-six assized Acres and one-half Acre, and known as the Union Dyke, was, by the proprietors thereof, also dyked, enclosed and protected, from the said Waters, and rendered fit for cultivation; *And whereas*, also afterwards, about the Year One Thousand Eight Hundred and Nine, the proprietors then being of certain other large tracts of Marsh Land, lying on both sides of the said River, and next adjoining to, and immediately below, the said Grand Dyke and Union Dyke, so called, and now rated as Five Hundred and Twelve assized Acres and one half Acre, did consent and agree to undertake the dyking and redeeming the same from the Waters aforesaid; and the said work having been undertaken and commenced under the authority of the Commissioners of Sewers, then being for the said Township, was, after various delays, finally completed in the Year One Thousand Eight Hundred and Twenty-five, by the Commissioners of Sewers then in Office, and the said last mentioned tract of Land then designated the Wellington Dyke, by a certain large Aboiteau or embankment across the Channel of the said River, constructed at a great expense, and by the Sea Walls, Dykes and Embankments, therewith, and, with the Upland connected and called the Wellington Dyke, was not only effectually enclosed and protected from the tide waters of the said River and Sea, redeemed therefrom, and rendered of great value, and fit for the purposes of Agriculture; but also the said Tracts, called the Grand Dyke and Union Dyke, were further and entirely secured from the said waters, and certain parts thereof drained and improved in consequence of the works of the Wellington Dyke being below and defending the same from the waters aforesaid; *And whereas*, about the fourteenth day of July, One Thousand Eight Hundred and Twenty-five, divers Persons, Freeholders, from the adjacent Township, duly appointed and sworn to appraise and estimate the sums of money which the Lands included within the said Grand Dyke and Union Dyke should respectively bear and contribute towards the payment of the sum expended in building the works of the Wellington Dyke, did find, and so report to the said Commissioners of Sewers, that the sum of Eleven Hundred and Fifty Pounds should therefore be rated and assessed on the said Lands, called the Grand Dyke, and the sum of Twenty-two Pounds and Ten Shillings on the said Lands called the Union Dyke; *And whereas*, the said sum of Twenty-two Pounds and Ten Shillings was not assessed upon the said Union Dyke, but in and by a certain dyke rate, by the said Commissioners of Sewers made and ordered, bearing date the Twenty-eighth day of January, One Thousand Eight Hundred and Twenty-six, the said sum of Eleven Hundred and Fifty Pounds, towards paying the sum expended in building the Works of the Wellington Dyke, together with One Hundred and Forty-nine Pounds Ten Shillings and Three Pence, expended for repairs of the running Dyke and Sluices of the Grand Dyke and other expences, to the date of the said rate, making, with the Charge of collecting, One Thousand Three Hundred and One Pounds Three Shillings and Three Pence Half-penny Currency, were ordered to be, and were by the said Commissioners, rated and assessed upon certain parts of the said Land, called the Grand Dyke, at the rate of Seventeen Shillings and Eleven Pence for each acre, and, upon other parts of the said Land called Flats, at the rate of Seven Pounds for each acre, and a Collector was appointed for the same rate, as in such cases is provided; *And whereas*, in and by a certain other Dyke rate, by the said Commissioners of Sewers made and ordered, and bearing date the said Twenty-eighth day of January, in the

Year last aforesaid, after deducting the said sums of Twenty-two Pounds and Ten Shillings, and Eleven Hundred and Fifty Pounds, from the amount of the expenses of building the works of the said Wellington Dyke, and other necessary expenses to the date of the said rate, the balance of the said expenses, amounting, with certain other charges, to Nineteen Thousand Five Hundred and Thirty-five Pounds Eighteen Shillings and Eight Pence Half-penny Currency, was ordered to be, and was by the said Commissioners, rated and assessed upon the said Lands called the said Wellington Dyke, at and after the rate of Thirty-eight Pounds Two Shillings and Three Pence for each and every acre thereof; and a Collector was appointed for the same rate as in such cases is provided; *And whereas*, under and by virtue of the said two several Dyke rates which were duly assessed on the respective Lands, the greater part of the said sums of money so assessed have been collected from, and paid by, the said respective Proprietors of Lands in the said Wellington Dyke and the Grand Dyke, or been levied by sale of the Lands so rated, and there remains now due and payable under the said Dyke rates the sum of Four Hundred and Ninety-nine Pounds, or thereabouts, from proprietors within the said Grand Dyke, and the sum of Nine Hundred and Ninety-four Pounds, or thereabouts, from proprietors within the said Wellington Dyke; which sums of money are parcel of the expenses incurred under and by authority of the said Commissioners, in and about the works of the Wellington Dyke aforesaid; *And whereas*, divers suits at Law and in Equity have been prosecuted for the recovery of, or in consequence of proceeding to recover, the residue of the rates aforesaid, and it hath been decided, that Lands within the said Grand Dyke and Union Dyke were not liable to be rated towards the expense of the said Wellington Dyke; *And whereas*, it is expedient to alter the Law in this respect, so as to render the lands lying within the said Grand Dyke and Union Dyke liable to the repairs of the said Wellington Dyke, to the extent hereinafter mentioned; *And whereas*, an Act of this General Assembly, passed in the first year of His present Majesty's Reign, entitled, An Act for the appointment of Commissioners to report upon the advantages that may be derived to the Proprietors of the Grand Dyke and Union Dyke, in the Township of Cornwallis, by the building of the Wellington Dyke, after reciting in part to the effect as herein before is set forth; and that it was reasonable and just that the owners of land lying within the Grand Dyke and Union Dyke should contribute towards the expense of the Wellington Dyke, in proportion to the benefit derived or to be derived to them from the building thereof; the Lieutenant-Governor was authorised, with the advice and consent of His Majesty's Council, to appoint and commission Five Persons to be Commissioners for the purposes in that Act mentioned, which Commissioners were thereby empowered to examine, on Oath, and investigate, as well the original agreements for the building of the said Wellington Dyke, as also all subsequent agreements and undertakings in respect thereto, and to enquire particularly into the advantages which all or any of the Marsh Lands, lying within the said Grand Dyke and Union Dyke, had theretofore derived, or were likely to derive thereafter, from the completion of the said work, and to make a statement thereof, and to return the same into the office of the Secretary of the Province, to be laid before the Legislature at the next meeting thereof, as in and by the said Act will, on reference thereto, at large appear; *And whereas*, in pursuance of the said Act, five Commissioners were duly appointed for the purposes therein mentioned, who did execute the duties, and make the enquiries, to them committed, and make and return their report thereupon, as by the said Act is directed; and, among other things, did find and report that the owners of the largest parts of the Land in the said Grand Dyke, and the majority of the owners of Lands therein, did agree and consent to the building of the said Wellington Dyke, and to contribute to the expense thereof; and the said Commissioners did return and report authenticated copies of such agreements and other proceedings, touching the building of the said Wellington Dyke, together with copies of the said two Dyke rates; and did adjudge and report their opinion that, at the date of the said Dyke rates, the sum of Twenty-two Pounds and Ten Shillings was the proportion of benefit accrued to the owners of the Union Dyke, from the building of the Wellington Dyke; and the sum of Eleven Hundred and Fifty Pounds, the proportion of benefit accrued to the owners

of the Grand Dyke therefrom; and further, that in future the common repairs required by, and under ordinary circumstances probably to be incurred upon, the Wellington Dyke, will benefit the whole level above it; and that the expense of such repairs, not exceeding Five Shillings for each qualified or assized acre, should, and ought to be, rated equally on the whole level, which level includes all the Lands on the said River within the Wellington Dyke, Union Dyke, and Grand Dyke, above the same, as in and by the said Report will at large appear; *And whereas*, it is expedient to provide for the collection of the arrears of the aforesaid assessments, and to terminate all disputes and differences touching the premises herein before recited:

Grand Dyke  
and Well-  
ington Dyke rates  
confirmed

I. *BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That the said two several Dyke Rates, herein before recited to have been made and ordered by the said Commissioners of Sewers, and bearing date the Twenty-eighth day of January, One Thousand Eight Hundred and Twenty-six, that is to say:—For the sum of One Thousand Three Hundred and One Pounds Three Shillings and Three Pence half-penny upon the Lands called the Grand Dyke, and for the sum of Nineteen Thousand Five Hundred and Thirty-five Pounds Eighteen Shillings and Eight Pence half-penny upon the Lands called the Wellington Dyke, and the rating, assessments and apportionment, of the said respective rates upon the Lands respectively, and Proprietors thereof, within the said Grand Dyke and Wellington Dyke, and all the payments, levies, sales and proceedings whatsoever, for, touching or concerning the said Dyke rates or the assessments thereof, on the Lands or Proprietors rated or assessed towards the same, as aforesaid, or for or concerning the purchases and conveyances of any Lands within the said Dykes, for non-payment of the said rates, by whomsoever or howsoever such purchase may have been made, or for or concerning the recovery, receipt or application, of the respective sums of money rated, assessed, levied or prosecuted for, against the said Lands or the Proprietors, in the said two several Dyke rates mentioned or any or either of them, shall be, and the same are hereby ratified and confirmed, and declared to be good, valid and effectual, to all intents and purposes whatsoever; and it shall and may be lawful, to and for any the Commissioners of Sewers of the said Township, for the time being, to order and enforce the payment of all arrears whatsoever now due and owing upon the said two Dyke rates or assessments from the Lands and Persons liable for or assessed as aforesaid, to the payments of the said arrears, and to sue for, or recover, collect and receive, all such arrears, by such proceedings, ways and means, and whether by sale of the Lands assessed or otherwise, by the Laws now in force, are provided for the recovery of Dyke rates and assessments, and all such arrears and sums of Money, when so recovered, shall be paid and applied by the said Commissioners, in satisfaction of the several claims and demands now unsatisfied and subsisting in respect of the expences of the works aforesaid; *Provided always*, that if, upon sale made of any Lands so rated as aforesaid, for enforcing payment of the assessments thereon, the proceeds of the sale shall be insufficient to pay the rate, then, and in every such case, the party so rated, shall not be liable to the payment of such deficiency, but the same shall be supplied by, and included in, some other general rate as hereinafter is provided.

And to be en-  
forced

Commissioners  
of Sewers to  
tax Lands in  
Union Dyke

II. *And be it further enacted,* That it shall and may be lawful to and for the Commissioners of Sewers for the Township aforesaid, to rate and tax the Lands in the said Union Dyke, and the respective Proprietors thereof, for and towards the payment of, and with the said sum of Twenty-two Pounds and Ten Shillings, so reported as aforesaid to be the benefit accrued to the said Union Dyke from the building of the Wellington Dyke, and also for the expenses of assessing and apportioning the same, to and upon the Lands and Proprietors therein, and collecting the said sum of money, and to make and order a Dyke rate therefor, upon the said Lands and Proprietors in the Union Dyke, and to enforce and cause the same to be collected in such manner, and by such ways, means and proceedings, as by Law are provided, for the rating, assessing, collecting and enforcing, other Dyke taxes and assessments.

Rates for fur-  
ther repairs to  
Wellington  
Dyke

III. *And be it further enacted,* That all sums of Money, Costs, Charges and Expenses, which shall or may at any time hereafter be paid, laid out, incurred or expended, by or for the necessary repairs of the Aboiteau, Sea Walls, Dykes, or Embankments, of the

the said Wellington Dyke, or any part thereof, or for towards or in respect of the necessary charges of maintaining, securing or defending the same, or any of the works aforesaid, or any constructions, drains or works, hereafter deemed necessary for the defence of the said Wellington Dyke, or towards any charges and expenses therewith connected, shall be, and the same are hereby ordered and required to be, levied, rated and assessed, by the Commissioners of Sewers for the time being, to, upon, and among, the Lands, and Proprietors of Lands, lying within the whole level above the said Wellington Dyke, the said level including the said Wellington Dyke, Union Dyke, Grand Dyke, Middle and Upper Dykes, aforesaid, and all the said Lands and the Proprietors thereof shall be, and the same are hereby, made subject and liable to be rated and assessed for and towards all such sums of Money, Costs, Charges and Expences, to be incurred as aforesaid, in respect of the repairs and support of the said Wellington Dyke; *Provided always*, that all such sums, costs, charges and expences, shall be incurred by and under the authority of the Commissioners of Sewers, for the time being, or the major part of them, and be authorised, approved, allowed and assessed, by them, as by Law is or may be provided; *And provided also*, that the first Dyke rate to be made therefor, shall not be made or ordered for any larger tax or sum than Five Shillings, of lawful Money of Nova-Scotia, for and upon each and every assized or qualified acre, within the said level, and that no other and future dyke rate therefor shall be made or ordered upon the said level, for any greater sum than Five Shillings on each assized acre, within any one year.

To be assessed  
on whole level

To be allowed  
and assessed  
by Committee

Not exceeding  
5s in one year

IV. *And be it further enacted*, That if the sums of money, costs, charges and expences, incurred, or to be incurred in respect of the repairs and maintenance of the said Wellington Dyke, at the time of making the first dyke rate, now authorized on the said level, or any subsequent dyke rate therefor, shall exceed or amount to a larger sum than the said tax of Five Shillings for each acre will suffice to pay, then, and in every such case, all such surplus or excess over Five Shillings, for each acre in the whole level, shall be borne and paid by, and shall be rated and assessed upon, the Lands and Proprietors within the said Wellington Dyke alone, and not upon the whole level aforesaid.

Expences ex-  
cept Costs of  
suits to be de-  
frayed by own-  
ers of Welling-  
ton Dyke

V. *And be it further enacted*, That all other costs, charges and expenses, except the costs, charges and expenses, of the suits at Law and in Equity, incurred since the said twenty-eighth day of January, One Thousand Eight Hundred and Twenty-six, by or under the authority of the Commissioners of Sewers, for the time being, for and in respect of the Lands within the whole level aforesaid, shall be borne by the Proprietors of the Lands lying between the Grand Dyke and the Wellington Dyke only, and not by the Proprietors of Land within the Grand Dyke or Union Dyke.

Costs of suits  
incurred how  
defrayed

*And whereas*, for enforcing payment of divers rates or taxes, assessed upon Lands and Proprietors within the Wellington Dyke, by the said dyke rate of One Thousand Eight Hundred and Twenty six, divers parcels of the said Land have been sold and disposed of at Public Auction, under the authority of the said Commissioners, and the net proceeds of such sales found insufficient to discharge the whole rate or tax upon the said Lands respectively, and several balances of such taxes thereby remain deficient and unpaid:

Preamble

VI. *Be it therefore enacted*, That it shall be lawful for the Commissioners of Sewers, for the time being, and they are hereby required, to ascertain and settle the amount of all such balances which remain unpaid by the sales of the Lands so respectively sold as aforesaid for non-payment of the Dyke rates thereon, and also the amount of all such balances as shall hereafter remain unsatisfied, after any future sale of Lands within the said Wellington Dyke, by order of the said Commissioners, for non-payment of the proportion thereon, assessed under the rate so made in One Thousand Eight Hundred and Twenty-Six, and all such balances of the taxes so assessed, remaining or hereafter to remain deficient as aforesaid, after crediting to and against such taxes all payments or orders made or given, on account thereof, which payments and orders are to be deemed part payments of the said taxes respectively, shall be rated and assessed by the said Commissioners upon, and shall be borne and paid by, the Lands and Proprietors within the Wellington Dyke only, and no part thereof by the Proprietors of Lands lying within the Grand Dyke and Union Dyke.

Balances due  
on Rates

*And*

Preamble

*And whereas*, doubts are entertained whether the Goods and Chattles of any Proprietor of Dyke Lands, refusing to pay his proportion of the Dyke tax thereon, may be legally distrained for such rate, otherwise than on the particular Land rated:

Distress on any part of level

VII. *Be it therefore declared and enacted*, That whenever hereafter the owner of Lands, assessed for any dyke rate or tax, shall neglect or refuse to pay his proportion thereof, and a warrant to distrain therefor shall be issued, then, and in every such case, it shall be lawful to levy upon, and seize, under such warrant, any Goods and Chattles whatsoever, of such delinquent Proprietor, or his or her representatives or assigns, found or being in any part of the level where such dyke rate hath been ordered, but not elsewhere, nor out of the said level.

## CAP. VIII.

Expired

**An Act to alter and continue the Act for granting to His Majesty certain Duties of Impost on Wine, Brandy, Gin, Rum, and other Distilled Spirituous Liquors, and Brown Sugar, for the Support of His Majesty's Government, and for promoting the Agriculture, Commerce and Fisheries, of this Province.**

(PASSED THE 30th DAY OF MARCH, 1832.)

## CAP. IX.

**An Act to authorize the Commissioners of Streets at Halifax to borrow Money for certain purposes.**

(PASSED THE 14th DAY OF APRIL, 1832.)

Commissioners of Streets in Halifax authorised to borrow Money

**BE it enacted**, by the Lieutenant-Governor, the Council and Assembly, That from and immediately after the passing of this Act, and that, for and towards the formation and construction of the several public Drains and Sewers, required for the drainage of the Town of Halifax, and which shall be found necessary, or ordered to be opened and built through the Main Streets of Halifax, and for the general improvement of the Roads and Streets of the Town and Peninsula, it shall and may be lawful for the Commissioners of the Streets and Highways of the Town of Halifax, to raise and take up, by way of Loan, and borrow, upon the security or pledge of the Funds to be raised under and by virtue of any Act for granting Duties on Licences, or of any other Funds which may be payable to the Commissioners of Streets, or appropriated for the repairs or improvement of the said Streets, and from any person or persons willing to advance and lend the same, any sums of Money, not exceeding in the whole the sum of Ten Thousand Pounds of lawful Money of Nova-Scotia, and at and under such rates of Interest for the whole or any part of the said Loan, not exceeding Six Pounds per Centum per Annum, as the said Commissioners, or the major part of them, shall agree for, fix and establish, with the parties who shall lend or advance the same respectively :

Licence Duties Road Money, &amp;c. made liable for Loan

II. *And be it further enacted*, That all and singular the Funds and Monies whatsoever payable or appropriated, or hereafter to be payable or appropriated for the use, benefit, repairs or improvement, of the said Streets or Highways, whether such Funds or Monies arise from, or be produced by, the compositions paid or payable from or by persons liable to perform labor on the Highways, under any existing or future Act or Acts of the General Assembly concerning Highways, whatsoever, or from or by any penalties incurred

curred under such Act or Acts, or from the labor thereby required to be performed, or whether such Funds arise from the Duties paid or payable by persons Licenced to sell Spirituous Liquors within the Town or Peninsula of Halifax, or from or by any other payment or receipts whatsoever, shall be, and the same are hereby, severally and respectively made liable to, and are specifically charged with and preferably made liable to and chargeable with, the said Monies so to be borrowed as aforesaid, and all interest Monies due or to become due thereon, according to the stipulations of the original Loans thereof, respectively, until the whole of the principal Money, so to be borrowed, and all interest Money to grow due thereon, shall have been fully paid off, and discharged.

III. *And be it further enacted,* That the said Commissioners shall be, and they are hereby, authorised and empowered to grant and issue to the respective persons who shall so lend and advance Money for the purposes aforesaid, Certificates in the form and to the effect contained and set forth in the Schedule to this Act annexed, which certificates shall be issued for sums of not less than One Hundred Pounds, respectively, and shall express therein the rate of interest agreed to be paid, and the day of the Month and year in which they shall be respectively issued, and shall be numbered in succession, from one upwards, and shall be signed by the Chairman for the time being, of the said Board of Commissioners, and be countersigned by two others of the same Board; and shall be assignable and transferable by endorsement of the parties to whom the certificates shall be respectively issued, who shall immediately thereafter give Notice thereof to the said Commissioners.

Loan Certificates

Amounts—  
to be numbered  
and signed and

to be assigna-  
ble

IV. *And be it further enacted,* That the Interest on the said certificates shall be payable half yearly, on the last days of June and December in every year, at the Office of the said Commissioners, and that the re-payment of the whole principal Money borrowed shall be made by annual Instalments thereof, not less than ten per cent. upon the said respective certificates, in one year; and the said Commissioners shall not be required to commence the payment of the said Instalments until after the expiration of three years, from the date of the said certificates, respectively; *Provided always,* that the said Commissioners shall have the option of paying any Instalments upon the said certificates or the whole amount due upon any of the said certificates, at any earlier period than that herein before mentioned, if they shall think proper so to do, and that the public service will be benefitted by so doing.

Payment of Interest due on Certificates

V. *And be it further enacted,* That the said Commissioners shall, and they are hereby required to, enter in a Book, to be by them provided and kept for the purpose, a list of the certificates so to be issued as aforesaid, specifying the numbers and dates thereof, and the names of the persons to whom, and the sums and rates of Interest for which they were respectively issued, and shall and are hereby required in every successive year, during the continuance of the said Loan, from and out of any funds whatsoever, in their hands or power, or under their control, for the use and benefit of the said Streets as aforesaid, for that year, first and preferably to all other payments, to retain and set apart the full sum of Interest due and payable in such year, upon the certificates then issued and outstanding for the said Loan, and such Interest the said Commissioners shall in the respective last days of June and December, in that year, or on demand thereafter, pay to the bearer of such certificates respectively, on production thereof to the Commissioners, and the payment thereof shall be endorsed on such certificates respectively.

Commissioners to enter list of Certificates in Book

VI. *And be it further enacted,* That on neglect or failure by the said Commissioners, to pay the Interest on any such certificate, to the party lawfully entitled thereto, and after demand made as aforesaid, such party shall be, and is hereby, authorised to sue and proceed against the said Commissioners for the recovery of the said Interest in like manner as if the same were a debt owing by the said Commissioners to such party, for money received by them to their use.

Interest may be recovered from Commissioners

VII. *Provided always, and be it further enacted,* That nothing herein contained shall extend or be construed to extend to render the said Commissioners for the time being, or any of them, personally liable for the repayment of any part of the principal of the said Loan; *And provided also,* that in case the whole amount of Funds intended to be applied under the authority of this Act should in any year, during the continuance thereof, prove

but not principal

and not when found insufficient

insufficient

insufficient for the payment of the interest which may become due as aforesaid, then, and in such case, the Commissioners shall be discharged from any personal liability, beyond the amount which may come into their hands.

Accounts of  
Commissioners  
to be audited  
by Grand Jury  
and Sessions

VIII. *And be it further enacted*, That, henceforth, all the accounts, payments, receipts and proceedings whatsoever, of the said Commissioners of Streets, touching and concerning the affairs and business of their office, and in and about the repairs and improvement of the Streets aforesaid, or the construction of the public Drains or Sewers therein, or in any way relating to the expenditure of the monies to be borrowed under the authority of this Act, shall be annually submitted to, and audited by and under the direction and authority of the General Quarter Sessions, and of the Grand Jury of the County of Halifax, in like manner as other public accounts for Town or County charges are by them examined and audited in every year.

Money bor-  
rowed to be  
preferably em-  
ployed in con-  
struction of  
Drains and  
Sewers

IX. *And be it further enacted*, That all sums of Money by the said Commissioners raised and borrowed under the powers and authorities of this Act, shall be faithfully and specially applied and expended by them, first and preferably in and about the construction and completion of the public Drains and Sewers, commenced or found necessary to be formed in the Streets of the Town of Halifax, and also, for and about the improvement of the Streets aforesaid, and to and for no other use or purpose whatsoever.

Preamble

*And whereas*, it will be of great public benefit as well as of great personal advantage to persons owning Lots of Land, fronting Easterly on the Streets of Halifax, to have Drains or Sewers formed on the Western side of the said Streets, of sufficient depth to drain the Cellars belonging to Houses so situated, and to receive the drainage and to convey the impure water from the Yards appertaining to such premises,

Contribution of  
Owners of  
Lands to pub-  
lic Drains

X. *Be it therefore enacted, by the authority aforesaid*, That whenever the Commissioners of Streets shall deem it expedient to cause a Sewer or Drain to be formed on the Western side of any Street or Streets in Halifax, they shall cause a Notice of such intention to be posted up in some conspicuous part of the Property near to which it is intended to form such Sewer, requiring all persons interested in the Block or Square of Lots lying to the Westward of such intended Drain or Sewer, to meet the Commissioners of Streets, at such time and place as may be specified in such Notice; and the said persons, or the majority of them, when so assembled, shall nominate and appoint one person, not interested in the Lands included in such Block or Square, and the Commissioners of Streets shall name one other person, or in case such Proprietors shall at such time and place neglect or refuse to appoint one person for such purpose, then the Commissioners of Streets shall name one person, and the Justices of the Peace in General or Special Session in Halifax, or such persons as they shall nominate for such purpose, shall choose two other persons, which three persons so chosen, or any two of them, shall have full power to assess, and they are hereby required to assess, the Proprietors of the Property contained in such Block or Square, in such proportion as they shall deem just and fair, to be paid by the respective Proprietors of the said Land, to defray the expense of forming such Drain or Sewer, one equal half-part of which expense shall be paid and contributed by the Owners of such Lands, in the respective proportions so assessed by referees, so chosen as aforesaid, and the other equal half-part of such expense shall be paid by the said Commissioners out of the Funds which may be at their disposal; and in case any person shall neglect or refuse to pay the sum so assessed upon the Property by him owned in such Block or Square, the said Commissioners shall and may sue for and recover the same, before any two Magistrates of the County of Halifax, and the said assessment shall be deemed and taken to be good evidence of such debt against the party so refusing to pay the same.

Ascertained by  
Assessors

how recovered

Contribution to  
be charged on  
Land

XI. *And be it further enacted*, That, in case the owner or owners of any Lots of Land, which shall be so assessed for the purposes aforesaid, shall not, within three months after such assessment shall have been made as aforesaid, pay the amount of the said assessment upon such Lot or Lots respectively, the said Commissioners shall and may cause a registry to be made in the Office of the Registry of Deeds in Halifax, of the Lot or Lots so assessed, and the sums upon such Lots respectively assessed, which Re-

gistry

gistry shall operate and be an incumbrance upon such Lots prior and preferably to all other incumbrances upon the said Lots by Mortgage, Judgment or otherwise, for the sum or sums so assessed, together with interest at the rate of six per Centum per Annum from the date of the said assessment until fully paid off, and discharged; *Provided always*, that nothing herein contained shall be construed to affect Mortgages, Judgments or other Security on Property existing thereon, previous to the said assessment and registry thereof.

XII. *And be it further enacted*, That the said assessors, before they shall engage in the duties prescribed by this Act, shall be sworn before a Justice of the Peace, faithfully and impartially, according to the best of their ability, to make the said assessment, and for their services herein, including the making out and certifying the said assessments for and upon each block or square, shall be entitled to receive the sum or fee of not more than Twenty Shillings, one half of which expense shall be included in, and make a part of, the said assessment, and the other half-part shall be paid by the Commissioners, out of the funds at their disposal.

Assessors to be Sworn—Fee allowed

XIII. *And be it further enacted*, That whenever it shall be found necessary or expedient to lay out or open a new road or street, or alter, change or widen, an old road or Street, within the Town and Peninsula of Halifax, the Commissioners of Streets within the same, for the time being, shall, for and in respect of such new Road or Street, or such alteration of an old Road or Street, and they are hereby required and empowered, in all things to observe, perform and fulfil all the regulations, directions and provisions, contained in the Seventeenth Clause or Section of the Act of the General Assembly, passed in the Seventh year of the Reign of His late Majesty King George the Fourth, entitled, "An Act relating to Highways, Roads and Bridges," and upon the said Plan, Admeasurement, Estimates, Order in Council and Notices, required by the said Seventeenth Section, being provided and given as therein mentioned, the said intended new Road or Street, or alteration of an old road or street, and the Lands and Property whatsoever through which the same shall pass, or which shall be affected thereby, shall be laid out, and the damages thereby to the owner or owners be appraised and valued, in such and the like manner as in and by the Act, passed in the Eighth year of His said late Majesty's Reigu, entitled, "An Act in addition to, and in amendment of the Act relating to Highways, Roads and Bridges," is provided and directed, and by the ways, means and proceedings, therein prescribed; and the said Commissioners of the Streets shall adopt, take and follow, all and singular the provisions and directions in the Act last mentioned contained, for the laying out, appraising, valuing and confirming, the said Lands and Property, required for the purposes of, or affected by, such new road or streets, or alteration of an old road or street, within the said Town or Peninsula of Halifax, and all and singular the provisions, directions, and mode of proceeding, in and by the third, fourth and fifth, Clauses and Sections of the Act last mentioned, provided or contained, shall be, and the same are hereby, made applicable, and are hereby applied and put in operation, to, for, and in respect of, the laying out, valuing, appraising and confirming, the Lands or Property so required for any such new road or street, or alteration of an old road or street, and to and for the ascertaining the damages and compensation to the owner or owners of such Land or Property thereby, and shall be adopted, used and acted upon, on all occasions, in respect of such new roads or streets, or alterations of old roads or streets respectively, within the said Town and Peninsula, and as fully and effectually, to all intents and purposes whatsoever, as could or might be done in any other part of the Province, for, and in respect of, any new Highway or Road, or alteration of an old one, by any Commissioner or Commissioners of Roads throughout the Province, under and by virtue of the Acts aforesaid.

New Streets to be opened, or old Streets widened or altered

According to direction of 7 Geo. 4, c. 2, S. 17.

Damages to be appraised under 8, Geo. 4, C. 23

XIV. *And be it further enacted*, That all the clauses and provisions in the said "Act relating to Highways, Roads and Bridges," so far as the same relate to new public Highways, laid out and allowed, and the compensation, damages and fencing, in respect thereof, shall apply and be in force and operation, with respect to and in every case of any new Road or Street, or alteration of an old Road or Street, in the said Town or Peninsula of Halifax.

Provisions of 7, Geo. 4, C. 2, for laying out Highways to be renewed

Act may be amended in present Session

XV. And be it further enacted, That this Act may be added to or amended by any other Act or Acts that may pass the General Assembly in the present Session, any usage or custom to the contrary notwithstanding.

Schedule referred to in the foregoing Act, being the form of Certificate therein specified.

LOAN TO THE COMMISSIONERS OF STREETS IN HALIFAX.

Form of Loan Certificate

No. Certificate For Currency, L. By virtue of an Act of the General Assembly of the Province of Nova-Scotia, passed in the second year of the Reign of His Majesty King William the Fourth, entitled, "An Act to authorise the Commissioners of Streets in Halifax to borrow Money for certain purposes."

We, the Chairman and two of the Commissioners of the Streets and Highways in the Town of Halifax in Nova-Scotia, do hereby certify and declare, that, under the powers and authorities in and by the said Act vested in us, we have borrowed and received by way of Loan from (name and description of lender) the sum of Pounds of lawful money of Nova-Scotia, bearing interest from the date hereof, at the rate of per Centum per Annum, which interest is payable half-yearly on the last days of June and December in every year; and we declare that the said sum of Money has been paid to and received by us towards defraying the expenses of constructing public Drains and Sewers; and the improvement of the Streets in the Town of Halifax, as in the said Act is provided; and that as well for the re-payment of the said principal Money, on or after the first day of which will be in the year of Our Lord 18, or also for the payment of the said interest thereon, by half-yearly Dividends on the days aforesaid, all and singular the Funds and Monies whatsoever now payable or appropriated, or hereafter to be paid or appropriated, to the Commissioners of Streets in Halifax, for the time being, or for the use and benefit of the said Streets and Highways by any means whatsoever, are and shall be liable to, and are specifically charged with, the re-payment of the said principal Monies, and accruing interest.

We further certify, that the said principal Money and interest will be paid and payable to the said (lender's name,) or his assigns or indorsee on the production of this certificate at the Office of the Board, on or after the respective days and times when the said principal and interest are made payable as aforesaid.

Given under our hands at Halifax, Nova-Scotia, this day of in the year of Our Lord, 18

Chairman.

} Commissioners.

CAP. X.

Expired

An Act for the further increase of the Revenue of the Province, by continuing and amending an Act of the General Assembly for raising a Duty of Excise.

(PASSED THE 30th DAY OF MARCH, 1832.)

## CAP. XI.

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

(PASSED THE 30th DAY OF MARCH, 1832.)

## CAP. XII.

**An Act to continue the Act more effectually to secure the payment of the Provincial Duties of Excise, and to prevent Frauds in the collection of the Provincial Revenue.** Expired

(PASSED THE 30th DAY OF MARCH, 1832.)

## CAP. XIII.

**An Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine.**

Continued and amended by 3, Wm. IV. C. 67, and continued by 4, Wm. IV. C. 21

(PASSED THE 14th DAY OF APRIL, 1832.)

**WHEREAS** it is expedient to repeal the several Laws relating to the performance of Quarantine, and to prevent the spreading of Contagious Diseases, and to make other provisions: Preamble

I. *BE it therefore enacted, by the Lieutenant-Governor, the Council and Assembly,* That so soon as a Proclamation shall be issued by His Excellency the Lieutenant-Governor, by and with the advice and consent of His Majesty's Council, under the authority of this Act, and declaring the same to be in force, the Act of the General Assembly, passed in the first year of His Majesty King George the Third, entitled, An Act to prevent the spreading of Contagious Distempers, and the Act, passed in the fifteenth and sixteenth years of the same Reign, entitled, An Act in addition to an Act, made in the first year of His present Majesty's Reign, entitled, An Act to prevent the spreading of Contagious Distempers, and also the Act, passed in the Thirty-ninth Year of the same Reign, to amend the Acts entitled as aforesaid, and every matter and thing in the said three Acts contained, shall be, and are hereby, repealed, save and except as to any fines, penalties, forfeitures or punishments, to which any person or persons may be liable under the same, and save and except as to any suit or prosecution on account of any offence against the same.

II. *Provided always, and be it further enacted,* That, until such Proclamation shall issue, the said Acts shall continue in force, and all things done or authorized to be done under the authority of the said Acts shall be legal, valid and binding. Proviso

III. *And be it further enacted,* That henceforth all Vessels, as well His Majesty's Ships of War as others, coming from, or having touched at, any place from whence the Lieutenant-Governor or Commander in Chief, by and with the advice and consent of His Majesty's Council, shall have adjudged and declared it probable any infectious disease or distemper, highly dangerous to the health of the Inhabitants of this Province, Vessels, &c. coming from parts declared to be infected by Governor and Council—

shall be liable  
to Quarantine

whether such disease be Plague, Small Pox, Yellow-Fever, Typhus Fever, Cholera Morbus, or any other infectious disease, or contagious distemper whatsoever, may be brought; and all Vessels and Boats, receiving any Persons, Goods, Wares and Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or any other article whatsoever, from, or out of, any Vessel, so coming from, or having touched at, such infected place as aforesaid, whether such Persons, Goods, Wares and Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters or other article, shall have come, or been brought, in such Vessels, or such persons shall have gone, or articles have been put, on board the same, either before or after the arrival of such Vessels at any port or place in this Province; and whether such Vessels were or were not bound to any port or place in this Province, and all Persons, Goods, Wares and Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or any other article whatsoever, on board of any Vessel so coming from, or having touched at, such infected place as aforesaid, or on board of any such receiving Vessels or Boats as aforesaid, shall be, and be considered to be, liable to Quarantine, within the meaning of this Act, and of any order or orders which shall be made by the Governor, Lieutenant-Governor, or Commander in Chief, of this Province, for the time being, by and with the advice of His Majesty's Council, concerning Quarantine, and the prevention of infection, from the time of the departure of such Vessels from such infected place as aforesaid, or from the time when such Persons, Goods, Wares, Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters, or other articles, shall have been received on board respectively, and all such Vessels and Boats as aforesaid, and all persons (as well Pilots as others,) Goods, Wares and Merchandize, and all other articles aforesaid, whether coming or brought in such Vessels or Boats from such infected place as aforesaid, or going or being put on board the same, either before or after the arrival of such Vessels or Boats at any port or place in this Province, and all persons, goods, wares and merchandize, and all other articles as aforesaid, on board such receiving Vessel or Boat as aforesaid, shall, upon their arrival at any such port or place, be obliged to perform Quarantine in such place or places for such time and in such manner as shall from time to time be directed by any such Governor, Lieutenant-Governor or Commander in Chief, for the time being, by his order or orders in Council, notified by Proclamation or Published in the Royal Gazette Newspaper at Halifax, and that until such Vessels and Boats, persons, goods, wares and merchandize, and other articles as aforesaid, shall have respectively performed, and shall be duly discharged from Quarantine, no such person, goods, wares or merchandize, or other articles as aforesaid, or any of them, shall either before or after the arrival of such Vessel or Boats at any port or place in this Province, come or be brought on shore, or go and be put on board any other Vessel or Boat in order to come or be brought on shore in any such port or place, although such Vessels so coming from such infected place as aforesaid may not be bound to any port or place within this Province, unless in such manner and in such cases and by such Licence as shall be directed or permitted by such order or orders made by such Governor, Lieutenant-Governor or Commander in Chief, for the time being, in Council as aforesaid; and all such Vessels and Boats, whether coming from such infected place as aforesaid, or being otherwise liable to Quarantine as aforesaid, and all persons (as well Pilots as others,) goods, wares and merchandize, and other articles as aforesaid, whether coming or brought in such Vessels or Boats, or going, or being put on board of the same, either before or after the arrival of such Vessels or Boats at any port or place in this Province, and although such Vessels or Boats shall not be bound to any port or place in this Province, and all Commanders, Masters, and other persons having the charge or command of any such Vessels or Boats, whether coming from any infected place, or being otherwise liable to Quarantine as aforesaid, shall be subject to all provisions, rules, regulations and restrictions, contained in this Act, or in any order or orders which shall be made by such Governor, Lieutenant-Governor, or Commander in Chief for the time being, in Council as aforesaid, concerning Quarantine, and the prevention of infection, and to all pains, penalties, forfeitures and punishments, contained in this Act, for any breach or disobedience thereof, or of any order or orders of the said Governor in Council, made under the authority thereof.

IV. *And be it further enacted,* That it shall and may be lawful for such Governor, Lieutenant-Governor, or Commander in Chief, by his order in Council, notified by Proclamation, or Published in the Royal Gazette, from time to time, as often as he may see reason to apprehend that the Plague, Small Pox, Yellow Fever, Typhus Fever, Cholera Morbus, or any other highly infectious disease or contagious distemper prevails in the said United Kingdom or any part thereof, or on the Continent of Europe, or in any Country, Colony or place whatsoever, to require that every Vessel coming from, or having touched at, any Port or Place in the said United Kingdom or Continent of Europe, or other Country or Colony, shall come to an Anchor at certain places, to be appointed from time to time by such order or orders in Council, or in default of such appointment, then at such place or places as the Officers of His Majesty's Customs at the Ports where or near to which such Vessel may arrive or be (and which said Officers are hereby authorised to make such appointment, when and as often as shall be necessary,) may direct for the purpose of having the state of the health of the Crew of such Vessel ascertained before such Vessel shall be permitted to enter the Port whereto she shall be bound, or any other Port in this Province, but that such Vessel shall not be deemed liable to Quarantine, unless it shall be afterwards specially ordered under that restraint.

Quarantine Grounds established

*And whereas,* certain sorts of Goods and Merchandize are more especially liable to retain infection, and may be brought from places infected into other Countries, and from thence imported into this Province:

Preamble

V. *Be it enacted,* That all such Goods and Merchandize as shall be particularly specified for that purpose, in any order or orders made by the Governor, Lieutenant-Governor or Commander in Chief, in Council, concerning Quarantine, and the prevention of infection as aforesaid, which shall be brought or imported into any Port or Place in this Province, from the said United Kingdom, or any Foreign Country, or any other place whatsoever, whether in this Province, or out of the same, in any Vessel whatsoever, and the Vessels in which the same shall be brought, and also, all Vessels which shall arrive from any Port or Place wheresoever, under any alarming or suspicious circumstances, as to infection, shall be subject and liable to such regulations and restrictions as shall be made by such order or orders of the Governor in Council, as aforesaid, respecting the same.

Goods and Merchandize coming from infected Countries

VI. *And be it further enacted,* That it shall and may be lawful for the said Governor, Lieutenant-Governor or Commander in Chief, or in his absence, for the said Council, to make such order as he or they shall see necessary or expedient, upon any unforeseen emergency, or in any particular case or cases with respect to any Vessel arriving, and having any infectious disease or distemper on board, or on board of which any infectious disease or distemper may have appeared in the course of the voyage, or arriving under any other alarming or suspicious circumstances as to infection, although such Vessels shall not have come from any place from which such Governor, Lieutenant-Governor or Commander in Chief, by and with the advice of His Majesty's Council may have adjudged and declared it probable that the plague or any other infectious disease or distemper as aforesaid may be brought; and also with respect to the Persons, Goods, Wares and Merchandize, and other articles as aforesaid, on board the same; and in case of any infectious disease or distemper appearing or breaking out in this Province, to make such orders and give such directions, in order to cut off all communication between any persons infected with any such disease or distemper, and the rest of His Majesty's subjects, as shall appear to the said Governor, Lieutenant-Governor or Commander in Chief, or in his absence, to the said Council, to be necessary and expedient for that purpose; and likewise to make such orders as he or they shall see fit for shortening the time of Quarantine to be performed by particular Vessels, or particular Persons, Goods, Wares and Merchandize, or any other articles, or for absolutely or conditionally releasing them or any of them from Quarantine; and all such orders so made by the said Governor, Lieutenant-Governor, or Commander in Chief, or in his absence, by the said Council, shall be as good, valid and effectual, to all intents and purposes, as well with respect to the Commander, Master, or other person having the charge of any Vessel, and all other persons on board the same, as with respect to any other persons

Upon any unforeseen emergency orders as to

Vessels not coming from places declared infected

In case of Infectious Distempers breaking out in Province

Orders and directions of Governor and Council

sons having intercourse or communication with them, and to the penalties, forfeitures and punishments, to which they may respectively become liable as any order or orders made by such Governor, for the time being, by and with the advice of His Majesty's Council, concerning Quarantine, notified by Proclamation, or published in the Royal Gazette.

Masters of infected Vessels to report their state—

and to perform Quarantine

VII. *And be it further enacted,* That if any such highly infectious disease or distemper as aforesaid, shall appear on board any Vessel at Sea, bound to, or arriving at, any port or part of this Province, then the Commander, Master, or other person having charge or command thereof, shall immediately proceed to such place as the said Governor, Lieutenant-Governor or Commander in Chief for the time being, shall, by and with the advice of His Majesty's Council, from time to time, direct and appoint; where, being arrived, he shall make known his case to some Officer of His Majesty's Customs, or Collector of Provincial Duties, Justice of the Peace, or Health-Officer, who shall with all possible speed send intelligence thereof to the local Board of Health, appointed to see Quarantine performed, or the Governor, or, in his absence, His Majesty's Council, to the end that such precautions may be used to prevent the spreading of the infection as the case shall require; and the said Vessel shall there remain until directions shall be given thereto by the Board of Health, or the said Governor, or the Council, in his absence, nor shall any of the crew or passengers on board such Vessel go on shore; and such Master, and every other person on board such Vessel, shall obey such directions as shall be received or given by the Board of Health, or the Governor or Council, and the said Master or Commander, or any other person on board such Vessel as aforesaid, who shall not act conformably to the provisions and regulations herein directed, or shall act in disobedience to such directions as shall be received on board such Vessel from the Board of Health, the Governor or the Council as aforesaid, shall forfeit the sum of One Hundred Pounds.

Vessels with infectious diseases on board to hoist signals

VIII. *And be it further enacted,* That every Master or other person having charge of any Vessel, liable to the performance of Quarantine, or on board whereof the Plague or other infectious disease or distemper, highly dangerous to the health of His Majesty's subjects shall actually be, shall be, and is hereby required at all times when such Vessel shall meet with any other Vessel at Sea, or shall be within two leagues of the coast of this Province, to hoist a signal to denote that his Vessel is liable to the performance of Quarantine, which signal shall in the day time be a large Yellow Flag, of six breadths of bunting, at the main-top-mast-head, and in the night time the Signal shall be a large Signal Lantern, with a light therein, (such as is commonly used on board His Majesty's Ships of War) at the same mast-head; and such Commander, Master, or other person, shall keep such Signals respectively, as the case shall be, hoisted during such time as the said Vessel shall continue in sight of such other Vessel, or within two leagues of the coast of this Province, and while so in sight, or within such distance, until such Vessel, so liable to Quarantine as aforesaid, shall have arrived at the port or place where it is to perform Quarantine, and until it shall have been legally discharged from the performance thereof, on failure whereof, such Commander, Master or other person, having charge of such Ship or Vessel so liable to the performance of Quarantine, shall forfeit and pay for every such offence the sum of One Hundred Pounds.

Information to be given to Pilots by Master of Vessels

Pilots to give notice of Quarantine

XI. *And be it further enacted,* That every Commander, Master or other person, having the charge of any Vessel coming from Foreign parts, or any Country or place out of this Province, shall give to the Pilot who shall go on board of such Vessel and be engaged to Pilot the same, a true account, which shall be in writing if required by such Pilot, of the names of the place and Country at which such Vessel shall have loaded, and also of the places at which any such Vessel shall have touched on the homeward voyage, on pain of forfeiting One Hundred Pounds, for any neglect or refusal to give such account, and in writing if required, or for any false representation, or wilful omission therein; and if by any Proclamation, or order of the Governor in Council, made after the departure of any Vessel from this Province, and then in force, Vessels coming from any place mentioned in such account, or writing, shall be liable to the performance of Quarantine, such Pilot shall immediately give Notice thereof to the Commander, or other

other person aforesaid, of such Vessel, on pain of forfeiting the sum of One Hundred Pounds for any neglect therein, and such Commander, or other person, shall thereupon hoist the proper Signal according to the provisions of this Act, and under the penalties herein contained for any neglect or refusal in respect of hoisting such Signal.

X. *And be it further enacted,* That every Commander, Master, or other person, having the charge of any Vessel coming from Foreign parts, or any Country or place out of this Province, which shall not be liable to Quarantine, in respect of the place from whence such Vessel comes, shall give to the Pilot who shall go on board and take charge of such Vessel, a written paper containing a true account of the different articles composing the cargo of such Vessel, on pain of forfeiting the sum of Fifty Pounds for any neglect or refusal to give such paper, or for any false representation or wilful omission therein; and if by any Proclamation or order of the Governor in Council, then in force, Vessels having on board any of the articles mentioned in such paper shall be liable to the performance of Quarantine, such Pilot shall immediately give Notice thereof to the Commander or other person having the charge of such Vessel, on pain of forfeiting One Hundred Pounds for any neglect therein, and such Commander or other person shall thereupon hoist a Signal according to the provision, and under the respective penalties, in this Act contained, for any neglect or refusal in respect to hoisting such Signal; and in case any Pilot shall bring, or cause to be brought or conducted, any Vessel liable to the performance of Quarantine, into any place which is not or shall not be specially appointed for the reception of Vessels so liable after receiving such paper as aforesaid, whereby it shall have been made appear that such Vessel was liable to the performance of Quarantine, or without requiring and receiving such paper as aforesaid, unless compelled thereto by stress of weather, adverse winds, or accidents of the Seas, such Pilot shall for every such offence forfeit and pay the sum of Two Hundred Pounds.

Cargo of Vessels to be reported to Pilot

and if any articles liable to Quarantine

Pilot to give notice, &c. under penalties

XI. *And be it further enacted,* That if any Pilot being on board, or any Commander, Master, or other person having the charge of any Vessel coming from Foreign parts, or any country or place out of this Province, whether such Vessel shall be liable to Quarantine or not, shall be required by any Health-Officer, Officer of the Customs, or other person authorised to act in the service of Quarantine, to bring to such Vessel, to the end that the Commander, Master or other person, having the charge thereof, may be interrogated according to the provisions of this Act, and shall neglect or refuse to bring to such Vessel as soon as it can be done with safety, in obedience to such requisition, every such Pilot, Commander, Master, or other person having the charge of any such Vessel, shall for every such offence forfeit and pay the sum of One Hundred Pounds.— *And to the end* that it may be better known whether any Vessel be actually infected with the plague, or other highly infectious disease or distemper as aforesaid, or whether such Vessel, or the Mariners or Passengers coming, or the cargo imported, in the same, are liable to any orders touching Quarantine.

Pilots, Masters, &c. disobeying orders of Health Officer, &c.

XII. *Be it further enacted,* That when any Country or place whatsoever shall be known or suspected to be infected with the plague or other such infectious disease or distemper as aforesaid, or when any order or orders shall be made by the Governor in Council concerning Quarantine, and the prevention of infection as aforesaid, then and in such case, as often as any Vessel shall attempt to enter into any port or place in this Province, whether such port shall have been appointed for the performance of Quarantine or not, the Health-Officer or Superintendent of Quarantine, or his assistant, at such port or place, or if not the principal Officer of His Majesty's Customs at such port or place, or such person as shall be authorised to act in that behalf, shall go off to such Vessel, and shall at a convenient distance from such Vessel, or on board thereof, demand of the Master, Commander or other person, having charge of such Vessel, and such Commander, or other person, shall, upon such demand, give a true answer in writing or otherwise, and upon oath, or not upon oath, according as he shall be required by such Health-Officer, Superintendent, or his Assistant, or Officer of the Customs, or other person authorised as aforesaid, be required to, all such questions or interrogatories as shall be put to him by virtue and in pursuance of such regulations and directions, as such Governor, by order in Council, shall be pleased to prescribe. And in case such Commander or Master or other person

Vessels visited by Health Officer

Refusal to answer interrogatories

person, having the charge of such Vessel, shall, upon such demand made as aforesaid, refuse to make a true discovery in any of the particulars concerning which he shall be interrogated in manner aforesaid, or in case he shall not be required to answer such questions or interrogatories upon oath, shall give a false answer to any such question or interrogatory as aforesaid, such Commander, Master or other person, having charge of such Vessel, for every such offence shall forfeit and pay the sum of Two Hundred Pounds.

Vessels to be compelled by force to proceed to Quarantine

XIII. *And be it further enacted,* That in case it shall appear upon such examination, or otherwise, that such Vessel is under such circumstances as shall render it liable to perform Quarantine, and that the port or place where it so arrived, or at which it attempts to enter as aforesaid, is not the port or place where it ought to perform Quarantine, then and in every such case it shall and may be lawful to and for the Officers of any of His Majesty's Ships of War, or of any His Majesty's Forts and Garrisons, and all other His Majesty's Officers, upon notice thereof given to them, or any of them respectively, and to and for any other person or persons whom they shall call to their aid or assistance, and such Officers are hereby required to oblige such Vessel to go and repair to such place as hath been or shall be appointed for the performance of Quarantine, and to use all necessary means for that purpose, either by firing of guns upon such Vessel, or by any other kind of necessary force whatsoever; and in case any such Vessel shall come from, or shall have touched at, any place infected with the plague, or such other infectious disease or distemper as aforesaid, or shall have any person on board actually infected with the plague, or other such infectious disease or distemper as aforesaid, and the Commander, Master, or other person, having charge of such Vessel knowing that the place from whence he came or at which he had touched as aforesaid, was infected with the plague or such other infectious disease or distemper as aforesaid, or knowing some person on board to be actually infected with the plague or such other infectious disease or distemper as aforesaid, shall refuse or omit to disclose the same upon such examination as aforesaid, or shall wilfully omit to hoist the Signal herein before directed, to denote that his Vessel is liable to the performance of Quarantine at the times and on the occasions herein before directed with respect to the same, such Commander, Master, or other person having charge of such Vessel, shall forfeit the sum of Three Hundred Pounds.

Masters, &c. neglecting to disclose information as to infection

Bills of Health Log Books, &c. of Vessels at Quarantine to be given up to the Health Officers, &c.

XIV. *And be it further enacted,* That every Commander, Master, or other person having charge of any Vessel which shall be ordered to perform Quarantine as aforesaid, shall forthwith, after his arrival at the place appointed for the performance of Quarantine, deliver on demand to the Health-Officer, Superintendant of Quarantine, or his assistant, Officer of the Customs or other person authorised to act in that behalf, (who is hereby required to make such demand,) his Bill of Health and Manifest, with his Log Book and Journal, under pain of forfeiting the sum of One Hundred Pounds if he shall wilfully neglect or refuse so to do.

Violation of Quarantine Regulations—

by quitting Vessels, &c.

XV. *And be it further enacted,* That if any Commander, Master, or other person having charge of any Vessel liable to perform Quarantine, and on board of which the plague or other infectious disease or distemper shall not then have appeared, shall himself quit, or knowingly permit or suffer any seaman or passenger, coming in such Vessel, to quit such Vessel, by going on shore, or by going on board any other Vessel or Boat, before such Quarantine shall be fully performed, unless by such Licence as shall be granted by virtue of any order in Council to be made concerning Quarantine as aforesaid, or in case any Commander or other person having charge of such Vessel, shall not within a convenient time, after due notice given for that purpose, cause such Vessel, and the lading thereof, to be conveyed into the place or places appointed for such Vessel and Lading, to perform Quarantine, then and in every such case every such Commander, Master, or other person as aforesaid, for every such offence, shall forfeit and pay the sum of Four Hundred Pounds; and if any such person coming in any such Vessel liable to Quarantine, (or any pilot or other person going on board the same, either before or after the arrival of such Vessel at any port or place in this Province,) shall, either before or after such arrival, quit such Vessel unless by such Licence as aforesaid, (or unless being such

such Health-Officer, Superintendant of Quarantine, his Assistant or Officer of the Customs, or other person authorised to act in that behalf,) by going on shore in any port or place of this Province, or by going on board any other Vessel or Boat with intent to go on shore as aforesaid, before such Vessel, so liable to Quarantine as aforesaid, shall be regularly discharged from the performance thereof, it shall and may be lawful for any person whatsoever, by any kind of necessary force, to compel such pilot or other person so quitting such Vessel, liable to Quarantine, to return on board the same, and every such pilot, or other person so quitting such Vessel, so liable to Quarantine, shall for every such offence suffer imprisonment for the space of six months, and shall forfeit and pay the sum of Three Hundred Pounds.

*And whereas*, disobedience or refractory behaviour in persons under Quarantine or liable to the performance of Quarantine, or in other persons who may have had any intercourse or communication with them, may be attended with very great danger to His Majesty's Subjects :

Preamble

XVI. *Be it further enacted*, That all persons, liable to perform Quarantine, and all persons having had any intercourse or communication with them, whether in Vessels, or in a Lazaret or elsewhere, shall be subject during the said Quarantine, or during the time they shall be liable to Quarantine, to such orders as they shall receive from the Health-Officer, Superintendant of Quarantine, or his Assistant, Officer of His Majesty's Customs, or other person authorised to act in that behalf, and the said Officers are hereby empowered and required to enforce all necessary obedience to the said orders, and in case of necessity, to call in others to their assistance; and all persons so called in are hereby required to assist accordingly, and such Officers shall, and they are hereby required and empowered to compel all persons liable to perform Quarantine as aforesaid, and persons having had any intercourse or communication with them, to repair to such Lazaret, Vessel or place, and to cause all Goods, Wares and Merchandize, and other articles comprized within any such order to be made as last aforesaid, to be conveyed to such Lazaret, Vessel or place, duly appointed in that behalf, in such manner, and according to such directions, as shall be made by order of the Governor in Council as aforesaid, or of the Governor, Lieutenant-Governor or Commander in Chief for the time being, or in his absence of His Majesty's Council; and if any person or persons, liable to perform Quarantine as aforesaid, or any person or persons having had any intercourse or communication with him, her or them, shall wilfully refuse or neglect to repair forthwith, when required and directed so to do, by such Officers as aforesaid, to the said Lazaret, Vessel or place, duly appointed in that behalf, or having been placed in the said Lazaret, Vessel or place, shall escape, or attempt to escape, out of the same, before Quarantine duly performed, it shall and may be lawful to and for the said Quarantine Officers, and also the watchmen and other persons appointed to see Quarantine performed, and each of them, and they are hereby respectively required, by such necessary force as the case shall require, to compel every such person, so refusing or neglecting as aforesaid, and every such person so escaping or attempting to escape as aforesaid, to repair or return to such Lazaret, Vessel or place, so appointed as aforesaid; and every person so refusing or neglecting to repair forthwith as aforesaid to the said Lazaret, Vessel or place, and also every person actually escaping as aforesaid, shall forfeit the penalty of Two Hundred Pounds.

Refractory conduct in persons under Quarantine

XVII. *And be it further enacted*, That it shall be lawful for any Sheriff, Constable or other Peace Officer, or any other person, to seize and apprehend any person that shall, contrary to the provisions of this Act, have quitted or come on shore from any Vessel liable to perform Quarantine, or who shall have escaped from or quitted any Vessel under Quarantine, or from any Lazaret, Vessel or place appointed in that behalf, for the purpose of carrying such person before any Justice of the Peace or Magistrate; and it shall be lawful for any such Justice of the Peace or Magistrate, to grant his Warrant for the apprehending and conveying of any such person to the Vessel from which he or she shall have come on shore, or to any Vessel performing Quarantine, or Lazaret from which he or she shall have escaped, or for the confining of any such person in any such place of safe custody, (not being a public Gaol,) and under such restrictions as to having any communication

Persons breaking Quarantine by leaving Vessels

communication with any other persons as may in the discretion of any Justice of the Peace or Magistrate, (calling to his aid if he shall think fit any Medical person,) appear to be proper until such person can be safely and securely conveyed to some place appointed for the performance of Quarantine, or until directions can be obtained from the Board of Health, or His Majesty's Council, as to the disposal of any such person, and to make any further order or grant any further Warrant that may be necessary in that behalf.

*And whereas*, it may be necessary for the public security to prevent all communication whatever with Vessels performing Quarantine :

Persons enter-  
ing limits of  
Quarantine  
Station

**XVIII.** *Be it therefore further enacted*, That it shall and may be lawful to and for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, by his order or orders in Council, notified by Proclamation or Published in the Royal Gazette, to prohibit all persons, Vessels and Boats whatsoever, from going, under any pretence whatsoever, within the limits of any Station which by any order or orders in Council as aforesaid has been or may be assigned for the performance of Quarantine, and if any person whatsoever, after such notification or publication of any such order or orders in Council, shall presume, under any pretence whatsoever, to go with any Vessel or Boat within the limits of any such Station, he or she shall for every such offence forfeit and pay the sum of Two Hundred Pounds.

Health Officers  
&c. violating  
their duties

**XIX.** *And be it further enacted*, That if any Health Officer, Superintendant of Quarantine, or his Assistant, or Officer of His Majesty's Customs, or any other Officer or person whatsoever, to whom it doth or shall appertain to execute any order or orders made or to be made concerning Quarantine or the prevention of infection, and notified as aforesaid, or to see the same put in execution, shall knowingly and wilfully embezzle any Goods or Articles performing Quarantine, or be guilty of any other breach or neglect of his duty, in respect of the Vessels, Persons, Goods or Articles performing Quarantine, every such Officer or Person so offending shall forfeit such Colonial Office or Employment as he may be possessed of, and shall become from thence incapable to hold or enjoy the same, or to take a new grant thereof, and every such Officer and person shall forfeit and pay the sum of Two Hundred Pounds; and if any such Officer or person shall desert from his duty when employed as aforesaid, or shall knowingly and willingly permit any Person, Vessel, Goods or Merchandize, to depart or be conveyed out of the said Lazaret, Vessel or other place as aforesaid, unless by permission under an order of the Governor, Lieutenant-Governor or Commander in Chief, by and with the advice of His Majesty's Council, or under an order of His Majesty's Council, or of the Board of Health, or if any person hereby authorised and directed to give a certificate of a Vessel having duly performed Quarantine, or airing, shall knowingly give a false certificate thereof, every such person so offending shall be guilty of Felony; and if any such Officer or person shall knowingly or willfully damage any Goods performing Quarantine, under his direction, he shall be liable to pay One Hundred Pounds damages, and full costs of suit, to the owner of the same.

Release of  
Vessels from  
Quarantine

**XX.** *And be it further enacted*, That if any Vessel arriving from the United Kingdom, or any part thereof, or from any port on the Continent of Europe, or from any Country, Colony or place whatsoever, shall have undergone examination by the proper Health-Officer, Superintendant or other Officer of Quarantine, and upon a report of such examination being made to the Board of Health or the Governor, or His Majesty's Council, such Board, or the Governor or Council, shall think proper to direct the release of such Vessel from the performance of Quarantine, it shall be lawful for such Officer, and he is hereby required, to grant to the Master or person having the charge or command of such Vessel, a certificate, in writing, of such examination and release, and, upon the production of such certificate to the Collector or Principal Officer of His Majesty's Customs at any Port in this Province, such Vessel shall be admitted to entry without being liable to any further restraint.

Release of  
Vessels after  
Quarantine  
performed

**XXI.** *And be it further enacted*, That after Quarantine shall have been duly performed by any Vessel, person or persons, obliged to perform Quarantine as aforesaid, according to this Act, and to such order or orders made as aforesaid, and upon proof to be made

made

made by the oaths of the Master or other person, having charge of such Vessel, and of three or more of the persons belonging thereto, or upon proof to be made by the oaths of two or more credible witnesses, before the Health-Officer, or Principal Officer of the Customs, at the port where such Quarantine shall be performed, or at the port nearest thereto, or before the Superintendent of Quarantine, or his Assistant, at the Quarantine Station, or before any Justice of the Peace living near to the port or place, that such Vessel, and all and every such person or persons respectively, have duly performed Quarantine as aforesaid, and that the Vessel and all and every person or persons are free from infection; then, and in the said respective cases, such the Board of Health or the Health-Officer, or the Superintendent of Quarantine, or his Assistant, or such Justice of the Peace respectively, are hereby required to give a certificate thereof, and thereupon, such Vessel, and all and every such person or persons so having performed Quarantine, shall be liable to no further restraint or detention upon the same account, for which such Vessel, person or persons, shall have performed Quarantine as aforesaid.

**XXII.** *And be it further enacted,* That all Goods, Wares and Merchandize, and other articles liable to Quarantine as aforesaid, shall be opened and aired in such place or places, and for such time and in such manner, as shall be directed by the Governor, Lieutenant-Governor or Commander in Chief for the time being, by such order or orders to be made as aforesaid, and after such order shall have been duly complied with, proof thereof shall be made by the oaths of the Master of the Lazaret or Vessel, in which the Goods, Wares and Merchandize, and all other articles, shall have been opened and aired, and of one of the Guardians, or if there be no Guardians, then one of the Officers authorized by the Governor, Council, or Board of Health, to act in the service of Quarantine, in such Lazaret or Vessel, or if there be no such Officer, then by the oaths of two or more credible witnesses, serving in the said Lazaret or Vessel, before the Health-Officer, the Superintendent of Quarantine, or his Assistant, in case such opening and airing shall be had at a port or place where such Health-Officer, Superintendent or Assistant, shall be established; or otherwise before the Principal Officer of the Customs, authorized to act in the service of Quarantine, at such port or place, which oath such Health-Officer, Superintendent, Assistant or Principal Officer, is hereby authorized to administer, and such Health-Officer, Superintendent, Assistant, or Principal Officer, as the case may be, shall grant a certificate of such proof having been made, and upon production of such certificate to the proper Officer of the Customs, such Goods, Wares and Merchandize, and other articles, shall be liable to no further restraint or detention, either at the port or place where such Quarantine shall have been performed, or at any other place whereto they may be afterwards conveyed.

Goods, Wares and Merchandize, released after Quarantine

**XXIII.** *And be it further enacted,* That if any person shall knowingly or wilfully forge or counterfeit, interline, erase or alter, or procure to be forged or counterfeited, interlined, erased or altered, any certificate, directed or required to be granted by any order of the Governor in Council, now in force, or hereafter to be made, touching Quarantine, or shall publish any such forged or counterfeited, interlined, erased or altered certificate, knowing the same to be forged or counterfeited, interlined, erased or altered; or shall knowingly and wilfully utter and publish any such certificate with intent to obtain the effect of a true certificate, to be given thereto, knowing the contents of such certificate to be false, he or she shall be guilty of Felony.

Forging certificates

**XXIV.** *And be it further enacted,* That if any person shall land or unship; or shall move in order to the landing or unshipping thereof, any Goods, Wares or Merchandize, Packets, Packages, Baggage, Wearing Apparel, Books, Letters or other articles from on board any Vessel liable to perform Quarantine as aforesaid, or shall knowingly receive the same after they have been so landed or unshipped, every such person shall forfeit and pay the sum of Five Hundred Pounds; and if any person or persons shall clandestinely convey, or secrete or conceal for the purpose of conveying, any Letters, Goods, Wares or Merchandize, or other articles as aforesaid, from any Vessel actually performing Quarantine, or from the Lazaret, or other place where such Goods, Wares,

Landing Goods from Vessels under Quarantine

Merchandise, or other articles as aforesaid, shall be performing Quarantine, every such person so offending as last aforesaid, shall forfeit the sum of One Hundred Pounds.

Oaths may be administered—

**XXV. And be it further enacted,** That in all cases wherein by virtue of this Act, or any other Act hereafter to be made, touching Quarantine, any examination or answer shall be taken or made upon oath, the person who shall be authorized and required to take such examinations, and answers, shall and may be deemed to have full power and authority to administer such oaths; and if any person who shall be interrogated or examined, shall wilfully swear falsely to any matter concerning which such person shall depose or make oath on such examination, or in such answer, or if any person shall procure any other person so to do, he or she so swearing falsely, or procuring any other person so to do, shall be deemed to have been guilty of, and shall be liable to be prosecuted for, perjury or subornation of perjury, as the case may be, and shall suffer the pains, penalties and punishments, of the Law, in such case respectively made and provided.

Appointment of Health Officers, &c.

**XXVI. And be it further enacted,** That all Health Officers, Superintendants of Quarantine, at the several ports, and their Assistants, shall and may be appointed by any Instrument signed by the Governor for the time being, and every thing required to be done and performed by the Health Officer, Superintendant of Quarantine, or his Assistant, may, in case of the absence or sickness of such Health Officer, Superintendant or Assistant, be done and performed by such Principal Officer of the Customs, or other person as shall be authorized to act in that behalf.

Orders, &c. of Governor and Council how published

**XXVII. And be it further enacted,** That the publication in the Royal Gazette Newspaper, at Halifax, of any order of the Governor and Council, or of His Majesty's Council, made in pursuance of this Act, or the publication of the Governor's Proclamation, made in pursuance of the same, shall be deemed and taken to be sufficient notice, to all persons concerned, of all matters therein respectively contained.

Penalties how recovered

**XXVIII. And be it further enacted,** That all forfeitures and penalties, that shall be incurred by reason of any offence committed against this Act, shall and may be recovered by suit in any of His Majesty's Courts of Record in this Province, and every such forfeiture and penalty shall belong and be given, one moiety to the person who shall inform and sue for the same, and the remainder to His Majesty, His Heirs and Successors.

Prosecutions for penalties to be in name of Attorney or Solicitor General

**XXIX. Provided always, and be it further enacted,** That it shall not be lawful for any person or persons whatsoever to commence, prosecute, enter or file, or cause, or procure to be commenced, prosecuted, entered or filed, any action, bill, plaint, information or prosecution, or actions, bills, plaints, informations or prosecutions, in any of His Majesty's Courts in or before any Justice of the Peace, or of or for any Court in this Province, for the recovery of any fine, penalty or forfeiture, fines, penalties or forfeitures, incurred by reason of any offence committed against this Act, or against any order or orders made by the Governor in Council, or by His Majesty's Council, as aforesaid, unless the same be commenced, prosecuted, entered or filed, in the name of His Majesty's Attorney-General, or, in his absence, the Solicitor-General of this Province, under the direction of the Governor, or the Board of Health respectively; and if any action, bill, plaint, information or prosecution, actions, bills, plaints, informations or prosecutions, or any proceeding or proceedings before any Justice as aforesaid, shall be commenced, prosecuted, entered and filed, in the name or names of any other person or persons than is in that behalf before mentioned, the same shall be, and are hereby declared to be, null and void.

Prosecutions may be stayed

**XXX. Provided also, and be it further enacted,** That in case any prosecution, suit, complaint or other proceeding as aforesaid, shall be commenced or depending by any prosecutor for the recovery of any fine, penalty or forfeiture, fines, penalties or forfeitures, incurred by reason of any offence committed against this Act, or against any order or orders made by the Governor in Council, or by His Majesty's Council, as aforesaid, it shall and may be lawful for His Majesty's Attorney-General, or, in his absence, His Majesty's Solicitor-General, to stop all further proceedings therein, as well with respect to the share of such fine, penalty or forfeitures, fines, penalties or forfeitures, to which any such prosecutor

prosecutor shall or may claim to be entitled, as to the share thereof belonging, to His Majesty, if upon consideration of the circumstances under which any such fine, penalty or forfeiture, fines, penalties or forfeitures, may be incurred, it shall appear to them respectively to be fit and proper so to do.

**XXXI.** *And be it further enacted,* That all offences committed against any of the provisions of this Act, for which no specific penalty, forfeiture or punishment, is provided by this Act, shall and may be tried, heard and determined, before any three Justices of the Peace, of the County or place where such offence or disobedience shall happen, and if any person shall be convicted of any such offence or disobedience, he or she shall be liable to such forfeiture or penalty, not exceeding the sum of One Hundred Pounds for any offence, or to such imprisonment not exceeding Twelve Months for any one offence, as shall, in the discretion of three Justices, who shall have heard and determined the same, be judged proper, and such forfeiture and penalty shall be paid, one moiety to the person suing or prosecuting for the same, and the remainder to His Majesty, to be applied as the proceeds of other penalties and forfeitures are herein before directed to be applied.

Cases where no specific penalties are provided by Law

**XXXII.** *And be it further enacted,* That in any prosecution, suit or other proceedings, against any person or persons whatsoever, for any offence against this Act or any Act which may hereafter be passed concerning Quarantine, or for any breach or disobedience of any order or orders which shall be made by the Governor, with the advice of His Majesty's Council, concerning Quarantine, and the prevention of infection, and notified or published as aforesaid, or of any order or orders made by His Majesty's Council aforesaid, or the Board of Health, whatsoever, the answer or answers of the Commander, Master, or other person having charge of any Vessel, to any question or interrogatory put to him, by virtue and in pursuance of this Act, or of any Act which may hereafter be passed concerning Quarantine, or of any such such order or orders as aforesaid, may and shall be given and received as evidence so far as the same relates or relate to the place from which such Vessel shall come, or to the place or places at which such Vessel touched in the course of the voyage; and where any Vessel shall have been directed to perform Quarantine, by the Health-Officer, Superintendent of Quarantine or his Assistant, or, where there is no Superintendent or Assistant, by the Principal Officer of the Customs, at any port or place, or other Officers of the Customs authorized to act in that behalf, they having been so directed to perform Quarantine, may and shall be given and received as evidence, that such Vessel was liable to Quarantine, unless satisfactory proof shall be produced by the Defendant, in any such prosecution, suit or other proceeding, to show that the Vessel did not come from or touch at any such place or places, as is or are stated in the said answer or answers, or that such Vessel, although directed to perform Quarantine, was not liable to the performance thereof, and where any such vessel shall have in fact been put under Quarantine at any port or place, by the Health-Officer, Superintendent of Quarantine or his Assistant, or other Officer of the Customs, authorized as aforesaid to act in that behalf, and shall actually be performing the same, such Vessel shall, in any prosecution, suit or other proceeding, against any person or persons whatever, for any offence against this Act, or any other Act which may hereafter be passed concerning Quarantine, and the prevention of infection, or any order or orders of the Governor in Council, or His Majesty's Council as aforesaid, be deemed and taken to be liable to Quarantine, without proving in what manner or from what circumstance such Vessel became liable to the performance thereof.

Evidence in Suits

**XXXIII.** *And be it further enacted,* That if any action or suit shall be commenced against any person or persons, for any matter or thing done in pursuance or execution of this present Act, or of any order made by virtue thereof, the Defendant or Defendants in such action or suit may plead the general issue, and give this Act and the special matter in evidence at any Trial to be had thereupon, and that the same was done, in pursuance and in execution of the said Act; and if it shall appear so to have been done, then the Jury shall find for the Defendant or Defendants, and if the Plaintiff shall be nonsuited, or discontinue his action after the Defendant or Defendants shall have appeared, or if Judgment shall have been given upon any verdict or demurrer against the Plaintiff,

Prosecutions against Health Officers, &c.

Plaintiff, the Defendant or Defendants shall and may recover treble costs, and have the like remedy for the same, as the Defendant or Defendants hath or have in other cases by Law, and that no such action or suit shall be brought against any person for any matter or thing done in pursuance or execution of this Act, but within the space of six months after such matter or thing shall have been done.

Continuation  
of Act

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

Continued and  
amended by 3,  
Wm. IV, C.  
37, continued  
by 4, Wm. IV  
C. 20, and a-  
mended and  
continued (ex-  
cept 12 Sec-  
tion) by 5,  
Wm. IV, C. 18

## CAP. XIV.

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

(PASSED THE 14th DAY OF APRIL, 1832.)

Preamble

**WHEREAS**, a malignant and highly dangerous disease, called the Cholera, or Spasmodic or Indian Cholera; has for some time past prevailed on the Continent of Europe, and in Great-Britain, and apprehensions are entertained that the same may be introduced into this Province :

*And whereas*, in the event of the introduction of the said disease, or any other infectious plague, disease or distemper, into this Province, it may be impossible, by the authority of the General Assembly, to establish, with sufficient promptitude to meet the exigencies of any such cases as may occur, such regulations as may be necessary in the several Ports and Places of this Province, for averting, diminishing or preventing, as far as may be possible, the spreading of any such infectious disease therein.

*And whereas also*, it may become necessary to adopt more effectual measures than are now in use, for preventing the introduction of the said disease, called the Cholera, or other infectious or contagious distempers, into this Province :

Governor and  
Council to  
make regula-  
tions

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, and for the said Council in the absence of the Governor, by any order or orders in Council by him, or them, to be from time to time made, to establish, and again from time to time by any such order or orders to revoke, renew, alter or vary, all such rules and regulations, and to substitute any such new rules and regulations as to him or them may appear necessary or expedient for the prevention as far as may be possible of the introduction in this Province, and spreading, of the said disease called the Cholera or Spasmodic or Indian Cholera, or any other highly infectious or contagious disease or distemper within this Province or any part thereof, or for the relief of any persons suffering under, or likely to be afflicted by, any such disease, and for the safe and speedy interment of any person or persons who may die of any such disease.

against intro-  
duction of Cho-  
lera, &c.

Publication of  
regulations

II. *And be it further enacted*. That every such order as aforesaid shall be certified under the hand of the Secretary of the Province or Clerk, for the time being, of His Majesty's Council, and shall be published in the Royal Gazette Newspaper at Halifax, and that the publication therein, of any such order as aforesaid, shall, for all intents and purposes, be taken, admitted and received, in all Courts, and before all Judges, Justices, and Magistrates, and others, as good and sufficient evidence of the making, and of the date and contents, of any such order.

Regulations  
enforced

III. *And be it further enacted*. That every such order as aforesaid, and all rules, regulations, proceedings and measures, thereby established and declared to be such as to the said Governor and Council appear of urgent necessity, and indispensable and proper to be adopted for preserving the public health, or preventing the introduction

or

or arresting of any such disease as aforesaid, shall and may be continued and kept in force so long as the necessity of the case shall appear to the said Governor or Council to require, and shall and may be enforced, and put in execution, in all places, and for and in respect of all Persons, Houses, Buildings, Vessels, Goods, Wares, Merchandize, Matters and Things, whatsoever, and by any kind of necessary force whatsoever which the occasion may require, and obedience to such orders, rules, regulations and directions, may be enjoined and enforced under any penalties, fines or forfeitures, therein to be expressed, but not exceeding Two Hundred Pounds for any one offence; and all and every such rules, regulations, orders and directions, shall be to all intents and purposes good, legal, valid and effective, for all the objects and purposes thereof, notwithstanding the same may exceed or appear to exceed any powers or authorities by the existing Laws vested in the Governor or Council for the preservation of the Public Health throughout the Province, and disobedience to any such orders, rules, regulations or directions respectively, shall be a misdemeanor, and subject the offender to be indicted, fined or imprisoned therefor, or to the penalties, fines and forfeitures, therein to be established.

Penalties

Powers of Governor &amp; Council

IV. *And be it further enacted,* That it shall be lawful for the Governor, for the time being, by the advice of His Majesty's Council, at all times when to him or them it shall appear expedient for preventing the introduction or spreading of any contagious or infectious disease into or in this Province, or necessary to make such appointments, to appoint and commission such competent persons at the several Ports of this Province as may be required to act as Health Officers therefor respectively, and also to establish and appoint in any place or places a Board of Health for carrying into effect and enforcing the rules, regulations and directions, in any such order to be made by the Governor in Council or His Majesty's Council contained; and also to prescribe and direct the particular duties and modes of proceeding to be executed or observed by such Health Officers, Board or Boards of Health, and to authorise and empower them or any of them to make, establish and cause to be observed, any rules and regulations which may be found necessary to preserve the Public Health, and to render effectual all measures of precaution against the introduction or spreading of such infectious disease or diseases as aforesaid; and in case of any vacancy in any such appointments, the same shall and may be supplied as the said Governor in Council or the Council shall from time to time think proper.

Health Officers

Boards of Health

V. *And be it further enacted,* That when and so long as any order or orders of the Governor in Council, or of the Council, shall be in force respecting any Vessels arriving from any place, whence any such infectious or contagious disease may probably be brought, it shall be the duty of the Health Officer appointed for any port or place in this Province, immediately on the arrival of any such Vessel, or upon the entry thereof into the port, to repair alongside or on board thereof, and to make strict search and enquiry into the health of the Officers, Crew and Passengers, and into the state of the Vessel and Cargo, and without delay to report his observations and opinion thereon to the Governor, the Council, or the person or persons appointed to receive such report; and every such Health Officer shall do and perform all other duties, acts and things, by the Governor, the Council, or other person or persons thereto appointed, required or directed to be done in respect thereof, and make an immediate report as aforesaid, of his proceedings and their result as the case may require; and every such Health Officer is hereby authorised and required when necessary to administer an oath to, and on oath to examine, all persons on board of any such Ship or Vessel, and put to them all questions by him deemed proper to enable him to ascertain the state and condition of the Vessel, Cargo, Crew and Passengers, arriving as aforesaid, and such questions shall be truly answered accordingly.

Duty of Health Officer

VI. *And be it further enacted,* That every Ship or Vessel arriving at, or attempting to enter, any port or place of this Province, shall forthwith repair to and anchor at the Quarantine Ground, or place assigned for examination thereof, and there remain until examined by the Health Officer, and there, until permitted to enter or come to her place of destination, shall continue under the orders and directions of the Health Officer; and it shall and may be lawful to and for the Officers of any of His Majesty's Ships of

Vessels to proceed to Quarantine Ground

or to be com-  
pelled by force

War, or hired Vessels, Forts or Garrison, and all other His Majesty's Officers, upon Notice thereof given to them, or any of them respectively, and to and for any other persons whom they or the Health-Officer shall call to their or his aid or assistance, and such Officers and other persons are hereby required to oblige every such Vessel to go and repair to such Quarantine Ground, and there to remain until examined and permitted to proceed into the port of destination, and for that purpose, to use all necessary means, either by firing of Guns upon such Vessel, or by any other kind of necessary force whatsoever; and if the Master, Commander or other person, having charge of any such Vessel shall refuse or neglect to proceed to such Quarantine Ground for examination, or depart therefrom, or shall come, or permit any person to come on shore from such Vessel, before permission given to enter the port of destination, or before Quarantine fully performed, if ordered; or shall refuse to give to the Health-Officer all information required touching the health of the persons on board such Vessel, or the nature of her Cargo, or shall make any false representation or misrepresentation in respect thereof, or shall obstruct the Health-Officer in the performance of his duty, such Master, Commander, or person in charge of such Vessel, shall forfeit a sum not exceeding Two Hundred Pounds.

and Masters to  
be subject to  
penalty

Certificates of  
Health-Officer  
necessary to  
admit Vessels  
to entry

VII. *And be it further enacted,* That no Vessel whatever, subject, under any order or orders of the Governor in Council, or of the Council, to be examined as aforesaid, shall be admitted to entry inwards at any Custom-House, or by any Officers of His Majesty's Customs, in this Province, until a certificate of her examination, signed by the Health-Officer, shall be exhibited to the proper Officers of the Customs.

Health Offi-  
cer's Fees, &c.

VIII. *And be it further enacted,* That every Health Officer shall be entitled, and is hereby authorised to take and receive, for every Vessel arriving from sea, and inspected by him, and reported upon as aforesaid, such fee or fees as by any order of the Governor in Council shall be established in respect of such services, and also all such charges and expenses as may be necessarily incurred in the execution of his duty, according to such rate or table as the Governor in Council shall think fit to establish therefor; and all such fees, charges and expenses, shall be chargeable upon and paid by the Master, owner or consignee, of such Vessel, at the Custom House, before her Entry inwards, or Clearance outwards thereat, and all monies so received at the Custom-House shall, by the Officers thereof, be duly accounted for and paid over to the Health Officer.

Preamble

*And to the end,* that all nuisances and other things, whereby contagious disease may be produced or propagated, may be removed or prevented, and cleanliness maintained in all Towns within the Province.

Health War-  
dens, their du-  
ties prescribed

IX. *Be it further enacted,* That it shall be lawful for the Governor, with the advice of the Council in Halifax, and for the Justices assigned to keep the Peace in any other County or District, to nominate and appoint, from time to time, such and so many Persons as may be necessary to fill the office of Health Wardens within the Town of Halifax, and other Towns within the Province, who shall act gratuitously, and be severally sworn to the due performance of their office pursuant to this Act; and the said Health Wardens, or any of them, shall, and are hereby authorized and required, when and so often as they may deem it necessary so to do, to enter into, and examine, in the day time, all houses, buildings, stores, lots of land, wharves, yards, enclosures, and other places whatsoever, and all vessels and boats lying at any place in this Province, and to ascertain and report to the Governor, or such persons as may be appointed to receive such Reports, the state and condition of all such buildings, places, vessels and boats, as aforesaid, in regard to any substances, articles or animals, there or therein being, or any trade, calling or business, matter or thing, there or therein used, followed or transacted, whereby, or by means whereof, any nuisance may be occasioned, or the public health be endangered or affected; and further, to give all such orders and directions, and to adopt, enforce and put in execution, such ways, means and measures, as in their judgment may be most prompt, effectual or necessary, for removing every nuisance, and cleansing and purifying every such house, building, store, lot of land, wharf, yard, enclosure, or other place whatsoever, ships, vessels or boats, as aforesaid, and all, every, or any part or parts of such Towns as aforesaid, and for the immediate removal and carrying away therefrom, respectively, of all articles, substances and animals, by or by means

means whereof any offensive nuisance may be occasioned, or the public health affected or endangered; and further to do or cause to be done, in relation to each and every such buildings, places, ships and vessels whatsoever, and all parts of the said Towns, and in respect of all such articles, substances, animals and nuisances, therein being, every matter and thing, which, in the opinion of such Health Wardens, or any two of them may be necessary to be done, for preserving the public health, maintaining cleanliness, and preventing contagion or infection.

X. *And be it further enacted*, That it shall and may be lawful for such Health-Wardens, or any two of them, and they are hereby empowered, to order and cause any House, Warehouse, Building, Place, Ship or Boat, whatsoever, to be whitewashed, with Lime, or to be fumigated, washed or purified, by and with proper disinfecting substances, or subjected to the process necessary for disinfecting or cleansing the same; and also to order and cause to be used, Lime, or other disinfecting substances in all places where the same may be necessary, for the removal of offensive nuisances; and likewise to order or cause any article, substance, matter or thing whatsoever, that may be putrid or otherwise dangerous to the Public Health, in any part of any such Town, or on board any Vessel or Boat, to be destroyed or removed, when, and to such place, and in such manner, as they shall direct.

Powers of  
Health Wardens

XI. *And be it further enacted*, That whosoever shall violate, or wilfully and knowingly infringe, the provisions of this Act, or the orders or directions of any Board of Health hereafter to be established, or any Health Officer or Health Wardens to be appointed as aforesaid, or who shall or may refuse, or wilfully neglect or omit to act in obedience to, or in conformity with, the provisions of this Act, or the orders or directions of any such Board of Health, Health Officer or Health Wardens, or shall resist, oppose or obstruct, the lawful execution of this Act, or any such orders or directions as aforesaid, or the said Officers in the execution of their duty, shall for every such offence be deemed guilty of a misdemeanor, and shall also incur and become liable to a penalty not exceeding One Hundred Pounds nor less than Five Pounds, for every such offence, to be recovered in manner hereinafter provided.

Infringement  
of orders of  
Health Officers,  
Wardens, &c.

XII. *And be it further enacted*, That all pecuniary penalties under this Act shall and may be sued for and recovered by Bill, plaint or information, in any of His Majesty's Courts of Record within this Province, in the County or District where the offence was committed, and in the name of the Health Officers or Health Wardens, or any two of them; and all penalties, fines and forfeitures, under this Act, shall be applied as the Governor for the time being shall direct; *Provided*, that no prosecution shall be commenced after six months after the offence committed.

Penalties, how  
recovered

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

Continuation of  
Act

### CAP. XV.

## An Act for granting Duties on Licences for the sale of Spirituous Liquors, and for other purposes, to Persons resident within the Town of Halifax.

Amended by  
3d Wm. 4, c.  
60

[PASSED THE 20th DAY OF MARCH, 1832.]

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, and in every year during the continuance thereof, there shall be raised, levied and collected from, and paid by every person now licenced, or hereafter to be licenced, by any Tavern Licence, Shop Licence, or General Licence, granted or to be granted, for the sale of Rum, or other strong or distilled Spirituous Liquors, Wine, Ale, Beer, Cyder or Perry, within the Town or Peninsula of Halifax, pursuant to the Rules, Regulations and Provisions, of the Act of the present Session of the

Licence Duties

the General Assembly, entitled, "An Act concerning Persons Licenced to keep Public Houses and Shops, and the duties thereon," the several and respective Licence Duties and Taxes following, that is to say :

Tavern Licence

For and upon every Tavern Licence, the sum of Ten Pounds, Halifax currency.

Shop Licence

For and upon every Shop Licence, the sum of ten Pounds ; and, for and upon every

General Licence

General Licence, the sum of Ten Shillings ; all which said several Licence Duties or Taxes shall be paid and payable at such times, and in such proportions, and under and subject to such reductions for any time less than one year, and shall be raised, levied, collected and secured, in and by such bonds or obligations, ways and means, and under such penalties and forfeitures, and shall be applied and disposed of in such manner, and to such persons, and for such purposes, as in and by the said Act of the present Session, entitled as aforesaid, or any other Act in addition, alteration or amendment thereof, to be passed, are or shall be provided, declared, directed or enacted, of and concerning the said Licence Duties or Licences aforesaid, or any of them respectively.

Auction Licence

II. *And be it further enacted*, That, in each and every year, during the continuance of this Act there shall be raised, levied and collected, from, and paid by, every Person who shall be licenced to act as, or follow the business of, an Auctioneer, within the Town or Peninsula of Halifax, a Duty of Twenty Pounds currency, for every such Licence to be granted as hereinafter mentioned.

Auction Licence granted by order of the Justices of the Peace

III. *And be it further enacted*, That every Licence to act as, or carry on the business of an, Auctioneer, shall be called an Auction Licence, and shall be granted to the applicant therefor, by the order of any Justice of the Peace, delivered to the Clerk of the Peace at Halifax, and shall be made out, and issued by the Clerk of the Licences, upon the payment, by the party applying therefor, of the said Duty of Twenty Pounds thereon ; and every such Licence shall continue and endure for the space of one year from the date thereof, and no longer ; and the Clerk of the Peace, and of the Licences, shall each, for the entry and issuing such Licence, and all proceedings connected therewith, be entitled to a fee of Five Shillings and no more.

Fees to Clerks of Peace and Licence

Application of duty on Auction Licences

IV. *And be it further enacted*, That the whole amount of such Duty on Auction Licences shall be forthwith paid over, by the Clerk of the Licences, to the Commissioners of the Streets for the Town and Peninsula of Halifax, who shall apply the same duties, or such part thereof as may be necessary therefor, to the construction and completion of the new line of Road and Bridge leading southwardly over the Fresh Water Run ; *Provided*, the sum so applied do not exceed One Hundred Pounds in the whole, during the continuance of this Act.

Proviso

Penalty on Persons selling at Auction without Licence

V. *And be it further enacted*, That if any person whosoever shall, within the Town or Peninsula of Halifax, use, follow or practice the business or calling of an Auctioneer, or Vendue Master, or act on any occasion as such Auctioneer or Vendue Master, or sell or offer to sell, or expose for sale, at Public Auction, or outcry, or Public Vendue, in the manner of Auctioneers or otherwise, any Goods, Wares, Merchandize or personal Property whatsoever, whether belonging to himself, or to any other Person whomsoever, every such Person so doing, unless Licenced thereto, by such Auction Licence as aforesaid, shall forfeit and pay, for every such offence, the sum of Fifty Pounds, to be sued for and recovered by the Clerk of the Licences, in any Court of Record, with costs of suit, and to be applied as other Penalties for breach of the Law, respecting Licences and Licenced Houses as aforesaid, are, or may be applied or appropriated ; *Provided*, that nothing in this Act contained shall extend, or be construed to extend, to Sheriffs, Constables, or other public Officers, selling under process of Law, or the Decree, order or direction, of any Court whatsoever, or to sales at Auction by the Trustees or Commissioners of Public Property in Halifax.

Proviso

Continuation of Act

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

## CAP. XVI.

**An Act concerning Licences for selling by retail on board Ships or Vessels, in the Ports of this Province.** Expired*(PASSED THE 30th DAY OF MARCH, 1832.)*

## CAP. XVII.

**An Act for granting Duties on Licences for the sale of Spirituous Liquors in Taverns, Public Houses or Shops, and for other purposes.** Expired*(PASSED THE 30th DAY OF MARCH, 1832.)*

## CAP. XVIII.

**An Act relating to Passengers from Great-Britain and Ireland, arriving in this Province.***(PASSED THE 16th DAY OF FEBRUARY, 1832.)*

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the time this Act shall go into operation as hereinafter mentioned, whenever any Ship or Vessel shall arrive or come into any Port or place within this Province, from any Port or place in Great-Britain or Ireland, the Master or Commander of such Ship or Vessel, immediately after the arrival thereof, and before such Ship or Vessel shall be admitted to an entry, shall either make and subscribe a declaration before the Collector, or other principal Officer or Officers of his Majesty's Customs for the port or place where such Ship or Vessel shall arrive as aforesaid, that no passenger or passengers embarked or sailed from Great-Britain or Ireland, or board of such Ship or Vessel, on her said voyage to this Province, or otherwise shall make out and deliver to the said Collector, or other principal Officer or Officers, a Schedule or List in writing, to be signed by him, setting forth the name or names, trade, occupation, profession or employment, of all and every passenger or passengers who shall or may have respectively been embarked, or have sailed, on board of such Ship or Vessel, at or from any port or place in Great-Britain or Ireland, on her said voyage to this Province, and also the name or names, trade, occupation, profession or employment, of all and every passenger or passengers respectively, who shall or may arrive and be landed from such Ship or Vessel in any port or place within this Province.

Declaration to be made by Masters of Vessels arriving with Passengers

II. *And be it further enacted,* That before any such Ship or Vessel, so arriving as aforesaid, having on board any passenger or passengers from Great-Britain or Ireland, to any Port or place within this Province, or who shall or may be landed within this Province, shall be admitted to an entry, there shall be paid by the Owner or Owners, Master or Commander of such Ship or Vessel, to the Collector or other principal Officer or Officers of the Customs for the Port or place in this Province where such Ship or Vessel shall arrive, the sum of Ten Shillings of the current money of this Province, for each and every passenger who shall or may have embarked, or taken passage in such Ship or Vessel from Great-Britain or Ireland, and been landed within this Province; *Provided always,* That if a certificate that all and every the passenger or passengers in

Sum to be paid for each Passenger

Oo

Provide and

and on board of such Ship or Vessel respectively, were embarked by and with the sanction of His Majesty's Government, signed by the principal Officer of the Customs at the Port of Clearance of such Ship or Vessel in Great-Britain or Ireland, shall be produced and shown to the Collector or other principal Officer or Officers of the Customs at the Port or place in this Province, where such Ship or Vessel shall or may arrive as aforesaid, then, and in such case, there shall be paid by the Owner or Owners, Master or Commander, of such Ship or Vessel, for each and every passenger, the sum of Five Shillings of the current money of this Province, and no more.

Clearance to be withheld until sum is paid for Passengers

III. *And be it further enacted,* That it shall not be lawful for the Collector or other principal Officer or Officers of any port or place within this Province, to grant any clearance to any such Ship or Vessel, so bringing any passenger or passengers into this Province as aforesaid, until the said sums of Five Shillings or Ten Shillings, as the case may be, for each and every passenger, shall be paid as herein before directed.

Sum received on account of Passengers to be paid into Treasury

IV. *And be it further enacted,* That all Monies which shall or may be collected and received by the Collector or other Officers of the Customs within this Province, under the directions and provisions of this Act, shall be, from time to time, when, and so soon as, the same shall be collected and received by them respectively, paid into the Treasury of this Province, to be applied as hereinafter directed.

Application of monies

V. *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief, for the time being, by Warrant under his Hand and Seal, to draw from the Treasury, from time to time, all or any such Monies, and to pay and apply the same in such manner, and to such uses and purposes, for the benefit of poor Emigrants arriving in this Province, as he shall deem most expedient; *Provided always,* that an account of the disposal and application of such Monies shall be submitted to the House of Assembly at each Session of the General Assembly.

Neglect of Masters of Vessels to make Lists of Passengers

VI. *And be it further enacted,* That if any Master or Commander of any Ship or Vessel from Great-Britain or Ireland, with any passenger or passengers on board, arriving at any port or place within this Province, shall neglect or refuse to make out, and deliver to the Collector or other principal Officer or Officers, such Schedule or List in writing as is herein before required, or shall fraudulently make and subscribe any such declaration, or make out and deliver any such Schedule or List, which shall be false and untrue in any particular, then, and in either of such cases, such Master or Commander shall forfeit and pay the sum of One Hundred Pounds, to be sued for and recovered in any of His Majesty's Courts of Record within this Province, by bill, plaint or information, at the suit of His Majesty, or of any one of the Officers of His Majesty's Customs within this Province, one half of the said sum to be paid to the person who shall sue for the same, and the other half to be paid into the Treasury of this Province, to be drawn for, and applied, and accounted for, in the same manner as herein before directed with respect to the other Monies to be collected and received under and by virtue of this Act.

Landing of Passengers before Entry

VII. *And be it further enacted,* That any Master or other person in command or charge of any such Ship or Vessel, which shall have cleared out from any port or place in Great-Britain or Ireland, for any port or place in this Province, who not being compelled thereto by absolute necessity, to be adjudged of by the said Officers of His Majesty's Customs, shall land, or shall knowingly suffer to land, any passenger or passengers in any port or place within this Province, or any other of the North American Colonies before making the entry and declaration herein before required, or otherwise contrary to the provisions of this Act, shall forfeit and pay the sum of Ten Pounds for every such passenger so landed, to be recovered by bill, plaint, or information, in any Court of Record in this Province.

Ships of War, &c. exempted from this Act

VIII. *Provided always, and be it further enacted,* That nothing in this Act contained shall extend, or be construed to extend, to any of His Majesty's Ships of War, or His Majesty's Packets, or to any Ship or Vessel actually engaged and employed as a Transport or Storeship, for the transport or conveyance of His Majesty's Troops, or Military Stores, or otherwise in the employment or service of His Majesty's Government.

IX. *And be it further enacted,* That this Act shall not go into operation until after the first day of July next, and shall continue and be in force for three years from the said first day of July next, and from thence to the end of the then next Session of the General Assembly.

Commence-  
ment and con-  
tinuation of Act

## CAP. XIX.

### An Act to authorise the erection of a Public Slaughter-House, for use of the Town of Halifax.

See 5, Win.  
4, c. 17, S. 36

(PASSED THE 14th DAY OF APRIL, 1832.)

**B**E it enacted, by the Lieutenant-Governor, the Council and Assembly, That the Justices assigned to keep the Peace for the District of Halifax, and resident in Halifax, shall, and they are hereby empowered by any order or orders of the said Justices, made at any their General Quarter Sessions of the Peace, or at any Special Sessions thereof, convened for such purpose, to direct and appoint some suitable and convenient lot or parcel of Land within the Town or Peninsula of Halifax, to be purchased or obtained for the site of proper Buildings or Erections for the killing, slaughtering and dressing, all Cattle and other Animals for food, brought for the Markets of the said Town, and for the erecting and completing on such lot of Land a public Slaughter House for those purposes, with all necessary appurtenances thereto, and also for raising, taking up, and borrowing at Interest, on the credit of the Town of Halifax, all such sum and sums of money as may be necessary for the purchase of the proper site and completing such public Slaughter-House as aforesaid, with all appendages necessary for the use thereof; and the Title and Property in the said Land and Buildings shall be vested in such persons, as from time to time shall be, by the said Justices, appointed to be Trustees thereof, or who shall be Trustees of the Public Property of the said Town.

Justices in Ha-  
lifax to provide  
Public Slaugh-  
ter House

and to borrow  
money for that  
purpose

II. *And be it further enacted,* That the Trustees for the time being, in whom the Title of and in the Land and public Slaughter-House aforesaid, shall be vested, shall, and they are hereby required from time to time, as in and by any order or orders of the said Justices, made as aforesaid, may be directed, to make, seal and execute, to any person or persons, all such Deeds, Mortgages, or other Securities of the lot of Land so to be purchased as aforesaid, as shall be approved of by the said Justices, for the amount of any principal monies, which shall or may be advanced under this Act by any persons whomsoever, for the purposes of the purchase or Buildings aforesaid, so as thereby no personal responsibility be imposed on or be incurred by such Trustees or any of them; and all such Deeds, Mortgages or Securities, so executed, conformably to any orders or directions as aforesaid, shall be deemed good and legal Mortgages, charges and incumbrances, upon the lands and premises therein described, and for the full amount of the principal monies advanced, and interest to grow due thereon respectively.

Security to be  
given for mo-  
ney borrowed

III. *And be it further enacted,* That the Land so to be purchased, and the buildings thereon to be erected, shall be and be deemed the Public Property of the said Town of Halifax, and shall be under the control, management and direction of the said Justices for the time being, who are hereby empowered from time to time, by any their orders made as aforesaid, as well to appoint fit and proper persons to be Keepers or Superintendants of, or to take charge of, the said Public Slaughter-House and Premises, as also to establish the rates and payments to be charged upon, and paid by, all Butchers, and other persons who shall use such Slaughter-House; and further to make and establish regulations for the disposal and removal of all offal manure, and other matters accumulated in or about the said buildings, and for the cleansing the same; and especially for the due regulation of the said Slaughter-House; and causing all rules and regulations to be made respecting the same to be punctually observed and obeyed.

Keepers and  
Superintendent  
of Slaughter  
House

Rules and Re-  
gulations

IV. *And be it further enacted,* That all monies from time to time received from or for the

Monies arising  
from Slaughter-  
House

the use of the said Slaughter-House, or by the disposal of any offal manure or other matters there collected, and all the profits of the said Establishment, shall, under the orders and directions of the said Justices, be applied to the payment of the Interest, and the liquidation of the principal monies borrowed, and from time to time payable thereon, and in defraying other the necessary charges of the said Establishment.

Refusal to pay  
Slaughter  
House Rates

V. *And be it further enacted*, That upon refusal to pay the rates or charges, established for the use of the said Public Slaughter-House, the amount of such rates and charges shall and may be recovered before any Court, or Commissioners having Jurisdiction, and by a suit or suits in the name of a Keeper or Superintendant for the time being of the said Establishment, and in the manner as if the said rates or charges constituted a private debt due to him, and such Keeper or Superintendant shall moreover have the ordinary remedy of distress as in case of Rent therefor.

Plan and Esti-  
mate of Slaugh-  
ter House

VI. *And be it further enacted*, That the Plans and Estimates for the purchase of the Ground, and for the Buildings and Erections of the said Establishment shall, before they are acted upon, be approved by the Grand Jury and the said Justices in Sessions, and the erection of the necessary Buildings, and all the works of the said Establishment, shall be carried on, and conducted by, such Persons as the said Justices shall appoint to be Managers or Commissioners therefor, and all accounts connected with the building, providing and conducting the said Establishment, and the receipts and expenditures thereof, shall be annually submitted to, and be audited by, the said Grand Jury.

Opening of  
Slaughter  
House

VII. *And be it further enacted*, That so soon as the said Public Slaughter-House, and the necessary appurtenances thereof, shall have been completed, and made ready to be used for the purposes of the said Establishment, the said Justices, by any their order made as aforesaid, shall fix a day for the opening the same for public use, of which time fifteen days previous notice shall be given, by advertisements inserted in the several Newspapers printed in Halifax, and, from and after the day so appointed, the said Public Slaughter-House shall be used and resorted to by all Butchers and other persons who may require to Kill, Slaughter or Dress for Market, any Cattle, Sheep, Calves or Hogs, within that part of the Town or Peninsula of Halifax, which the Justices in Session shall fix upon and decide as proper limits for the purposes of this Act; and, if any Cattle, Sheep, Calves or Hogs, shall be Killed, Slaughtered or Dressed, for Market, within that part of the said Town or Peninsula, contained within the said Lines and Limits to be fixed as aforesaid, after the day so appointed, or at any place whatsoever, other than, and except in, the said Public Slaughter-House, then every such act of Killing, Slaughtering or Dressing for Market, any such animal as aforesaid, shall be, and be deemed, a Public Nuisance, and be punishable accordingly, and all and every the Cattle or other animals so Slaughtered or Dressed for Market, and every part thereof, shall be forfeited, and shall and may be seized and taken by any the Keepers or Superintendants of the said Establishment, and be sold and disposed of for the benefit thereof; and further for each and every such offence, the offender or offender shall incur, forfeit and pay, a fine of Ten Pounds, for the use and benefit of the said Establishment, and to be recovered by any the Keeper or Superintendant thereof, in like manner as if the amount of such fine was a private debt to him or them due from such offenders respectively.

Violation of  
Act

VIII. *Provided always, and be it further enacted*, That nothing herein contained shall extend, or be construed to extend, to prevent any Butcher whatsoever from erecting a Slaughter-House, or from Slaughtering Cattle, at any place in the Town or Peninsula of Halifax, not being within the limits by the said Justices to be assigned as aforesaid.

Butchers al-  
lowed to erect  
Slaughter  
Houses a cer-  
tain distance  
from Town

Overplus Mo-  
nies—after ex-  
pences paid

IX. *And be it further enacted*, That, after the Debt incurred in borrowing monies for the purchase of the site, and erecting and completing the building and appendages of the said Establishment, shall have been paid off, with all Interest and charges attending the same, all sums whatever arising from the Rates or Charges made for the use of the said Establishment, and from all fines and forfeitures, and from the proceeds of all Meat so seized as aforesaid, shall be applied to the use and benefit of the Inhabitants of the said Town of Halifax, in like manner as other the proceeds of the Public Property thereof are or may be by Law directed to be applied.

X.

X. *Provided always, and be it further enacted,* That, from and after the first day of July next; and until the Public Slaughter-House herein before provided for shall be erected and opened as aforesaid, it shall and may be lawful for the Justices in Session as aforesaid to make and establish such Rules and Regulations, as to them from time to time may appear necessary and expedient, for prohibiting and preventing the Killing, Slaughtering or Dressing for Market, of any Cattle, Sheep, Calves or Hogs, within such parts of the Town and Peninsula of Halifax as by the said Justices shall be limited and established in this behalf, and whosoever, after the publication of such Rules and Regulations, shall, within the limits and boundaries therein prescribed, Kill, Slaughter or dress for Market, any such animal, shall be guilty of a common nuisance, and shall be punished accordingly.

Provide

for rules, &c.  
until Slaughter  
House provided

XI. *And provided also, and be it further enacted,* That no charge, assessment or expense whatsoever, shall be imposed, raised, charged or assessed upon the Town of Halifax, or the Inhabitants thereof, under and by virtue, or in consequence, of the powers and authorities in this Act contained, for purchasing the site for the said Public Slaughter-House, and erecting the same, or for or in any wise in respect thereof, but all such charges and expences shall be raised, obtained and procured, wholly upon the credit and security of the said Lot of Land and Establishment of the Slaughter-House aforesaid.

No assessment  
to be made on  
account of new  
Slaughter  
House

## CAP. XX.

**An Act to continue the Act to provide for the accommodation and billeting of His Majesty's Troops, or of the Militia, when on their march from one part of the Province to another, and also the Acts in amendment thereof.**

Expired

(PASSED THE 16th DAY OF FEBRUARY, 1832.)

## CAP. XXI.

**An Act to continue the Act concerning the Terms of the Supreme Court at Halifax.**

Expired

(PASSED THE 16th DAY OF FEBRUARY, 1832.)

## CAP. XXII.

**An Act to continue the Act in further amendment of an Act to regulate the Jurisdiction of the Inferior Court of Common Pleas within the County of Cape-Breton, and to fix and establish the times and places for holding of the said Inferior Court, and General Sessions of the Peace, in and for the said County.**

Expired

(PASSED THE 16th DAY OF FEBRUARY, 1832.)

## CAP. XXIII.

Amends 8th  
Geo. 4, c. 25

**An Act to amend the Act to extend to Bridgetown, in the County of Annapolis, the provisions of the Act relating to Commissioners of Highways in Halifax, and certain other places.**

(PASSED THE 16th DAY OF FEBRUARY, 1832.)

Preamble

**WHEREAS** the bounds and limits prescribed by the second clause of the Act, passed in the Eighth Year of His late Majesty's Reign, entitled, An Act to extend to Bridgetown, in the County of Annapolis, the provisions of the Act relating to Commissioners of Highways in Halifax, and certain other places, have been found inconvenient:

Limits of  
Bridgetown  
prescribed

**I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That,** from and after the passing of this Act, instead of the bounds and limits so prescribed in the said second clause of the said Act, the Jurisdiction, powers and authorities, of the Commissioners now appointed, or hereafter to be appointed, under and by virtue of the said Act, shall be exercised and confined, and restricted to and within, the bounds and limits following, that is to say: beginning at the western boundary line of William Ruffee, one half a mile to the northward of the Granville Main Road, as now situate, thence westwardly until it meets the eastern boundary line of William Troop, thence southerly until it reaches the Annapolis River, thence the course of the said River to the said western line of said William Ruffee, thence northwardly the course of said line to the bound first mentioned.

## CAP. XXIV.

Expired

**An Act to continue the Act to regulate the weighing of Beef.**

(PASSED THE 16th DAY OF FEBRUARY, 1832.)

## CAP. XXV.

Expired

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

(PASSED THE 16th DAY OF FEBRUARY, 1832.)

## CAP. XXVI.

Repealed by  
4 Wm 4, c.  
25

**An Act to continue the several Acts respecting the Liverpool Light-House.**

[PASSED THE 16th DAY OF FEBRUARY, 1832.]

CAP. XXVII.

An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape-Breton. Expired

(PASSED THE 16th DAY OF FEBRUARY, 1832.)

CAP. XXVIII.

An Act to continue the several Acts relating to the Light-House erected on Cranberry Island, near the entrance of the Gut of Canso. Repealed by 4, Wm. 4, c. 25

(PASSED THE 16th DAY OF FEBRUARY, 1832.)

CAP. XXIX.

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

(PASSED THE 16th DAY OF FEBRUARY, 1832.)

CAP. XXX.

An Act to amend and continue the Acts now in force relating to Trespasses. Continued by 4 Wm. 4, c. 8 For Acts on this subject see 9, Geo. 4, c. 12

(PASSED THE 16th DAY OF FEBRUARY, 1832.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the Third year of His late Majesty's Reign, entitled, An Act for consolidating, and reducing into one Act, all the Acts heretofore made relating to Trespasses, except so far as the same may be hereinafter altered and amended; and also, the Act, made and passed in the Fourth and Fifth Years of His said late Majesty's Reign, to alter, amend and continue the said Acts; and also, the Act, made and passed in the Ninth Year of His said late Majesty's Reign, to alter and continue the said Acts, and every matter, clause and thing, in the said several Acts contained, except as aforesaid, shall be continued, and the same are hereby severally continued for one year, and from thence to the end of the then next Session of the General Assembly. Acts continued

And whereas, it is expedient to remove any doubts, as to the amount of Penalties or Fines, which can or may be imposed by any Justice of the Peace, under the Twentieth Section of the said Act, made and passed in the Third Year of His said late Majesty's Reign.

**II.** Be it therefore enacted, That no Fines or Penalties, exceeding in the whole the sum of Five Pounds, shall be imposed under the said Section of the said Act, by any Justice of the Peace, against any person or persons whomsoever, for any one offence for which he or they shall be convicted. Amount of fines

## CAP. XXXI.

## An Act relating to Marriage Licences.

(PASSED THE 14th DAY OF APRIL, 1832.)

Preamble

**WHEREAS**, it is expedient that the Ministers of various Denominations of Christians within this Province should possess the power of Solemnizing Marriages by Licence, without publication of Banns, according to the Forms of their respective Churches or Religious Persuasions, and it is expedient that such Power should be granted :

Marriage Licences may be directed to Ministers of any Congregations of Christians

**I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That,** upon the application of any persons, desiring to enter into the Marriage State, or of any person or persons authorised to act in their behalf, it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief for the time being, to direct Licences to the duly Ordained and Settled Ministers of any Congregation of Christians in this Province, dissenting from the Church of England, authorizing such Minister to solemnize Marriage between such persons without Publication of Banns, according to the Forms of the Church or Religious Persuasion to which such Minister shall belong, in the same manner as Licences are now granted to Clergymen of the Established Church.

Preamble

**Provided always,** That the Man or Woman so to be married, without Publication of Banns, shall belong to the same Persuasion of Christians to which the Minister, to whom they require such Licence to be directed, shall belong.

Assented to by His Majesty, 14th May, 1834

**Provided always,** That nothing herein contained shall be of any force or effect until His Majesty's pleasure be known herein.

Continuation of Act

**II, And be it further enacted,** That this Act shall continue and be in force for three Years from the time His Majesty's Assent shall be signified thereto, and from thence to the end of the then next Session of the General Assembly.

## CAP. XXXII.

## An Act to regulate certain Landings in the County of Annapolis.

[PASSED THE 14th DAY OF APRIL, 1832.]

Public Landings in Digby, Billiveaux Cove and Wilmot, placed under directions of Magistrates

**BE it enacted, by the Lieutenant-Governor, Council and Assembly, That,** from and after the passing of this Act, the Public Slip and other Landings in the Town Plot of of Digby, in the County of Annapolis, and also the Pier or Wharf at Billiveux Cove, in the Township of Clare, and Gates Pier, in the Township of Wilmot, in the County aforesaid, shall be under the charge, care and custody of the Justices of the Peace for the said County, and it shall and may be lawful for the said Justices from time to time at any General Sessions of the Peace, to be holden at Annapolis and Digby in the said County, to make such orders, rules and regulations, as shall appear to them to be expedient and necessary for the due ordering and keeping of the said Public Slip and Landings in the Town Plot of Digby and the said Piers or Wharves at Billiveux's Cove and Wilmot aforesaid, and to impose any fine or penalty, not exceeding the sum of Three Pounds, for the breach of any of the said orders, rules and regulations, to be made as aforesaid.

Charges for Wharfrage

**II. And be it further enacted,** That it shall and may be lawful for the said Justices, (if to them it shall seem expedient so to do) to impose charges of Wharfrage on all Ships, Vessels and Goods, that shall make use of, or be landed on the said Piers or Wharves at Billiveux's Cove and Wilmot aforesaid, and all such charges to be applied to the support and maintenance of the said Piers or Wharves, and shall order and direct the manner in which the same shall be collected.

III. *And be it further enacted*, That all such charges for Wharfage, and fines or penalties, shall be sued for and recovered in the same manner, and with the same costs, as any Debt or Debts of the like amount are or shall be by Law recoverable, and such fines or penalties shall be paid and applied as follows, that is to say, one half to and for the use of His Majesty, His Heirs and Successors, and the other half to any person or persons who will sue for the same.

Recovery of charges for Wharfage

## CAP. XXXIII.

**An Act to alter the Sittings of the Courts of Common Pleas, and General Sessions of the Peace, for the Districts of Pictou and Colchester.**

Virtually repealed by 4, Wm. 4, c. 63

(PASSED THE 14th DAY OF APRIL, 1832.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the Publication of this Act, the Court of Common Pleas, and General Sessions of the Peace, for the District of Colchester, shall be held at Truro, in that District, on the second Tuesday of January, in every year, instead of the third Tuesday of January, as now by Law required; and that the Courts of Common Pleas and General Sessions of the Peace, for the District of Pictou shall be held at Pictou, in the said District, on the third Tuesday of January, in every year, instead of the fourth Tuesday of January, as now by Law required; and that all Judges, Justices, Sheriffs, Coroners, Constables, and other persons whomsoever, shall take notice hereof and govern themselves accordingly.

Times of holding Courts of Common Pleas in Truro and Pictou

## CAP. XXXIV.

**An Act additional to the Act to regulate the Pilotage of Vessels at the Port of Halifax, and to the Act in amendment thereof,**

Addition to 11, Geo. 4, c. 7

[PASSED THE 14th DAY OF APRIL, 1832.]

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall be lawful for the Commissioners of Pilots, under and by virtue of the Act, passed in the Eleventh year of His late Majesty's Reign, entitled, An Act to regulate the Pilotage of Vessels at the Port of Halifax, appointed, and they are hereby authorised from time to time, to make, alter, change and establish such bye-laws and regulations as in the ninth section of the said Act are mentioned and provided for, either by and with the approbation of any Special Sessions of the Justices assigned to keep the Peace at Halifax, convened or assembled, to consider of; and approve, such bye-laws and regulations at any time or times whatsoever, or by and with the approbation of the said Justices in any their General Quarter Sessions at Halifax, as in and by the said Act is provided.

Alterations, &c. in Bye-Laws

II. *And be it further enacted*, That the rates of Pilotage for taking any Ship or Vessel from and out of the Harbour of Halifax, shall henceforth be the same as those established for the Pilotage of Ships and Vessels into the said Harbour, instead of being one third less than these rates, as by the third section of the Act in amendment of the said Act is provided.

Pilotage of Vessels out of Harbour

III. *And be it further enacted*, That every Licenced Pilot, who shall be detained on board any Ship or Vessel, which he shall have piloted into this Harbour, after the day

Licensed Pilots detained on board of Vessels

of the arrival and anchoring of such Vessel, whether such detention shall be occasioned in consequence of any Quarantine Regulations, or by other cause preventing the departure or landing of such Pilot, shall be allowed and paid for every day of such his detention the like sum of Five Shillings, in addition to his Food on board such Vessel, and to be recovered in manner as aforesaid.

## CAP. XXXV.

Continued by  
4, Wm. 4, c.  
22

## An Act concerning the Inferior Courts of Common Pleas within this Province.

[PASSED THE 14th DAY OF APRIL, 1832.]

Inferior Courts  
may order Spe-  
cial Juries

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for any of His Majesty's Inferior Courts of Common Pleas, within this Province, upon motion made on behalf of any party in any cause therein depending, to order a Special Jury to be struck in such cause, and to be summoned for the Trial thereof, under such rules and regulations, and in the same manner, and with the same fees, and subject to the same fines, penalties, and restrictions, as Special Juries are or may now by Law be granted, ordered or summoned, in the Supreme Court of Judicature of this Province.

Continuation  
of Act

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

## CAP. XXXVI.

Made perpetu-  
al by 5, Wm.  
4, c. 41

## An Act to extend to Falmouth, in the County of Hants, the provisions of the Act relating to Commissioners of Highways in Halifax, and certain other places.

[PASSED THE 14th DAY OF APRIL, 1832.]

Act 7th Geo.  
4, c. 3, extend  
ed to Fal-  
mouth

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the seventh year of His late Majesty's Reign, entitled, An Act relating to Commissioners of Highways in Halifax, and certain other places, and all the regulations and provisions thereof, with every matter, clause and thing, therein contained, shall be extended, and the same are hereby extended, to the Township of Falmouth; in the County of Hants, and it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint five respectable Inhabitants and Freeholders of the Township of Falmouth, aforesaid, to be Commissioners of Highways therein, for the purpose of carrying into effect the provisions and regulations of the said Act; and to proceed to supply any vacancy that may occur amongst such Commissioners; and such appointment to renew when necessary in the same manner as is pointed out and provided by the said Act.

Commissioners  
of Highways  
for Falmouth

Jurisdiction of  
Commissioners

**II.** And be it further enacted, That the jurisdiction, powers and authorities, of the said Commissioners, when appointed, shall be the same as if the said Township of Falmouth had been originally named and mentioned in the said Act, and shall extend over all the Roads and Streets within the said Township.

Powers of Sur-  
veyors of High-  
ways discon-  
tinued

**III.** And be it further enacted, That from and after the first day of July next, the authority, powers and jurisdiction, of the Surveyors of Highways, within the said Township of Falmouth, shall cease and determine, any Law, Usage or Custom, to the contrary notwithstanding.

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

## CAP. XXXVII.

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

[PASSED THE 16th DAY OF FEBRUARY, 1832.]

## CAP. XXXVIII.

**An Act relating to the Lawrence Town River.**

(PASSED THE 14th DAY OF APRIL, 1832.)

**WHEREAS**, about three years since, a Bridge was built, partly with public money and partly by private contributions, over the East branch of the Lawrence Town River, at a place called the Falls, and which Bridge forms a communication by land between Dartmouth and Chizencook and other Settlements to the Eastward, which is of extensive public convenience : Preamble

*And whereas*, the late John Davidson Hawthorn, Esquire, deceased, Henry Green, William Crooks and William Stowell, as Commissioners of Sewers, at the request of divers Proprietors of marsh and sunken Lands lying above the said Bridge, some time since commenced the erection of an Aboiteau or embankment across the said River, at or near the said Falls, and in connexion with the said bridge, and proceeded to considerable extent toward the completion thereof at a large expense :

*And whereas*, certain Inhabitants on or near the said River, were dissatisfied with the said erection, and complained that, by means thereof, the navigation was obstructed and the Fishery injured, while other of the Inhabitants greatly desired the said undertaking to be completed, and allege, that it has been, and will continue to be, the occasion not only of the production of largely increased quantities of Hay and other agricultural produce, to the great benefit of the poor Settlers, but also, if finished upon a right construction, would be of advantage to the navigation and fishery.

*And whereas*, an Indictment in the Supreme Court at Halifax, was preferred against the said John Davidson Hawthorn, Henry Green, William Crooks and William Stowell, for the erection of the said Aboiteau, in which a verdict passed against them, but, in the said action, the Jury, by the Rules of Law laid down for their guidance, were not permitted to consider whether the said Aboiteau might not be formed so as not to injure the Navigation or Fishery of the said River, nor any questions of general benefit resulting from its erection, and no Judgment has yet been given upon the said Verdict :

*And whereas*, it is desirable that the said Aboiteau should not be abated, provided it can be so constructed as not to prejudice the Navigation or Fishery of the said River, inasmuch as it appears that great benefit results to the Proprietors, and also to the poor Settlers by the improvement thereby effected of the said marsh or sunken land, and the increased quantities of Hay, Grain and other produce arising therefrom :

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, immediately after the passing of this Act, to appoint and commission three fit and proper persons to be Commissioners for the purposes hereinafter mentioned, and from time to time to fill up any vacancies occasioned by death, removal, or refusal to act ; which said Commissioners Appointment  
of Commis-  
sioners

sioners shall be sworn before one of the Judges of the Supreme Court, or of the Inferior Court of Common Pleas, for the District of Halifax, impartially and faithfully to discharge to the best of their ability the duties intrusted to them by this Act.

Duty and power of Commissioners

II. *And be it further enacted*, That such Commissioners so appointed and sworn, or any two of them, shall have full power to call before them, at such times and places as they shall think fit and reasonable, the Survivors of the said Commissioners of Sewers, and all or any of the proprietors of Land upon the said River, and all parties directly or indirectly interested in the said River, its Navigation or Fishery, and to examine as well the said several parties as all witnesses who may be produced before them on Oath, which Oath the said Commissioners or any of them are hereby authorised to administer; and the said Commissioners or any two of them shall inquire into the state, character and condition of the Navigation and Fishery of the said River, before the erection of the said Aboiteau, and the effects produced thereon by the said erection and the agricultural advantages consequent upon such erection, and how far the same may conduce to the profit of the proprietors, and likewise to any general benefit to the Settlers in that neighbourhood or elsewhere; and in case they shall be of opinion that the said Aboiteau, as now erected, is, or probably would be, injurious to the Navigation or Fishery aforesaid, then they shall inquire and ascertain whether the said Aboiteau may not be so constructed as not to injure the said Fishery, or in any essential manner obstruct the said Navigation.

Commissioners may allow Aboiteau to be constructed

III. *And be it further enacted, by the authority aforesaid*, That in case the said Commissioners, or any two of them, shall be of opinion that the said Aboiteau may be so constructed or finished as not to injure the said Fishery, or essentially to obstruct the said Navigation, then they shall give directions to the persons interested in the said erection as to the mode of constructing or finishing the same, and the number, size, shape, position and character, of the Sluices and Gates to be used therein; and it shall and may be lawful for the persons interested in the said work, at their own cost, expense and charges, to proceed under the direction and authority of Commissioners of Sewers, or otherwise, to construct and finish the same, in the manner which shall be so directed by the said Commissioners appointed by virtue of this Act, or any two of them.

Report to be made of completion of Aboiteau

IV. *And be it further enacted, by the authority aforesaid*, That it shall and may be lawful for the said Commissioners or any two of them, when the work aforesaid shall be completed, to visit and examine the same, and to inquire into and ascertain the consequences and effects thereof upon the said Fishery and Navigation, and for this purpose if necessary to examine witnesses on oath, which oath they or any one of them are and is authorised to administer; and if the said Commissioners or any two of them shall be satisfied that the said Aboiteau has been so constructed and finished as not to injure the said Fishery or essentially to obstruct the said Navigation, they or any two of them shall certify such their opinion to His Excellency the Governor, or Lieutenant-Governor, in writing, under their hands, whereupon the said Aboiteau shall thenceforth be considered to be and shall be a legal erection, and shall not by any person or persons, or under any Act, Process or Judgment of Law whatsoever, or under colour or pretence thereof, be liable to be abated, prostrated or destroyed or in any manner injured, any law, usage or right, to the contrary notwithstanding.

Proceedings under verdict stayed

V. *And be it further enacted*, That, in the mean time, all proceedings under the said verdict shall be stayed, and it shall not be lawful for any person or persons on any pretence to abate, prostrate, destroy or injure, the said work, now or hereafter to be erected as aforesaid, unless the Commissioners to be appointed by virtue hereof, or any two of them, shall report that the said Aboiteau cannot be constructed in such manner as not to injure the said Fishery or not essentially to obstruct the said Navigation.

Expence.

VI. *And be it further enacted, by the authority aforesaid*, That all expenses and charges incurred not only in and about the said work, but also the reasonable remuneration and charges of the Commissioners who may be appointed by virtue hereof or which may otherwise arise in pursuance of the authority hereby granted, shall be paid and borne by the parties interested in the Land to be benefited by the said erection in just proportion.

*Provided always*, That the said Commission shall not be issued until the persons desirous

desirous that the said Commission shall be issued, shall have filed in the Office of the Secretary of the Province, a Bond, with sufficient Sureties, conditioned to pay every expense whatever, either for the remuneration of the Commissioners, to be appointed under this Act, or for the performance of such works as they may direct, or for any other purpose whatever to be incurred under this Act, and further that the said Commissioners nor any other person shall on no account have any claim or demand upon the Province for any services to be by them performed under this Act.

Security to be given for expenses

## CAP. XXXIX.

**An Act to continue an Act relating to the Court of Commissioners at Halifax.** Expired

(PASSED THE 14th DAY OF APRIL, 1832.)

## CAP. XL.

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

(PASSED THE 14th DAY OF APRIL, 1832.)

## CAP. XLI.

**An Act to amend the Act to facilitate the Establishment of Banks for Savings.** Amends 7, Geo. 4, c. 38

[PASSED THE 14th DAY OF APRIL, 1832.]

**WHEREAS**, it is expedient that the Governor, Lieutenant-Governor or Commander in Chief for the time being, should be authorised to nominate and appoint a Commissioner or Commissioners, to carry into effect the several provisions of the Act, passed in the seventh year of His late Majesty's Reign, entitled, "An Act to facilitate the Establishment of Banks for Savings," instead of incorporating Trustees by Letters Patent under the Great Seal of the Province, as by the said Act is required: Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That*, from and after the passing of this Act, upon the formation or establishment of any Bank or Institution for Savings, and for receiving the deposits of the Poor, or of the Labouring Classes, instead of Incorporating Trustees or Persons appointed to manage the affairs thereof by Letters Patent under the Great Seal of the Province, it shall be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to nominate and appoint one or more Commissioner or Commissioners to manage the affairs of the said Bank for Savings, who shall have all the same and the like powers and privileges, and authorities, and be subject to the same rules, regulations and provisions, as Trustees incorporated under and by virtue of the said Act hereby amended, or as by the said Act are given to, or vested in, the Trustees or persons to be incorporated under that Act. Appointment of Commissioners to manage Bank of Savings

Interest upon  
deposits

II. *And be it further enacted*, That, instead of the interest of four per cent. directed to be paid, in and by the said Act, that there shall be paid the annual interest of five per cent. upon all Monies so deposited, one fifth part of which shall be retained by the said Commissioner or Commissioners, for and towards the expences incurred in and about the management of the said Savings Bank.

Proviso

*Provided always*, That no person shall be allowed to deposit more than the sum of Fifty Pounds in any one year.

## CAP. XLII.

**An Act for appointing Commissioners to enquire into, and report upon, the expediency of reforming the practice and proceedings of Courts of Law and Equity, and the revising and consolidating the Laws of the Province.**

[PASSED THE 14th DAY OF APRIL, 1832.]

Preamble

**WHEREAS**, it has become necessary to revise the Civil and Criminal Codes of this Province, and to render the practice of the Courts of Law and Equity more simple and less expensive:

Appointment  
of Commis-  
sioners

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, immediately after the passing of this Act to appoint and Commission five fit and proper Persons faithfully to discharge the duties imposed on them by this Act.

Power vested  
in Commis-  
sioners

II. *And be it further enacted*, That such Commissioners shall have full power to call before them at such times and places as they shall think fit, after reasonable notice, all Officers connected with the Courts of Law and Equity, and Courts of Probate, Court of Commissioners, Courts of Marriage and Divorce and Error, in this Province, and examine them, as to the system and practice pursued in the said Courts respectively, and to require the production of all or any books, papers or documents, on file or of record, in any such Court, and in custody of, or kept by, any such officers respectively, and shall at all times have access to such books, papers or documents, respectively.

Duty of Com-  
missioners

III. *And be it further enacted*, That the said Commissioners shall, from time to time, as speedily as may be, make and return true and correct statements and reports, respecting the state of the practice and proceedings of any or either of the said Courts of Law and Equity, Courts of Probate, Court of Commissioners, Courts of Marriage and Divorce and Error, and of such alterations and amendments in the said practice and proceedings of the said Courts respectively, as may seem to the said Commissioners advisable and proper to simplify the said practice and proceedings, and to reduce the expense, costs and charges, attending the prosecuting and defending actions or suits, or attending any other proceeding whatsoever, in any of the said Courts respectively.

Revision of  
Laws

IV. *And be it further enacted*, That the said Commissioners shall also examine into and report what alterations and amendments shall seem to the said Commissioners proper or advisable to be made in the Laws or Statutes in force or made within this Province, for the punishment of Treasons, Felonies, and other Criminal offences, and how and in what manner it may be proper and advisable to revise, alter and consolidate, any of the Laws and Statutes of the Province.

Report of  
Commissioners

V. *And be it further enacted*, That all Reports and Statements, with respect to any of the matters herein before mentioned, shall be made and returned by the said Commissioners, under their Hands, to the Secretary of the Province, for the information of the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, and the

the Legislature of the Province: *Provided always*, That the expense of executing the said Commission shall not exceed the sum of Five Hundred Pounds.

Expense of  
Commission

### CAP. XLIII.

## An Act to continue and amend the several Acts for the regulation of the Militia.

Expired

(PASSED THE 14th DAY OF APRIL, 1832.)

### CAP. XLIV.

## An Act to encourage the importation of improved Breeds of Cattle into this Province.

(PASSED THE 14th DAY OF APRIL, 1832.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That, for and towards encouraging and facilitating the introduction and increase of improved Breeds of Neat Cattle within this Province, and for other the purposes in this Act contained, there shall be appropriated, granted and paid, from the Treasury of the Province, in each and every year, during the Term of three years, to commence from the Publication hereof, the sum of Three Hundred Pounds Currency, to be drawn for by Warrants under the Hand and Seal of the Lieutenant-Governor or Commander in Chief for the time being, and to be paid, applied and distributed, in equal proportions amongst the several Counties and Districts of this Province, to such persons and for such purposes as hereinafter expressed.

Appropriation  
of £300 for  
importation of  
improved  
breeds of Cat-  
tle

II. *And be it further enacted*, That when and so often as the Inhabitants of any Township of this Province, represented in General Assembly, or of any Settlement near or adjacent to such Township, shall agree together to procure and bring into this Province one Bull and one Cow, of the superior or improved breeds of British or Irish Neat Cattle, and to keep and maintain the same for the improvement of the Stock of Cattle within the said Township or Settlement, and shall have actually raised, by private Subscription or otherwise, a sum of money sufficient to pay and defray one moiety of the Costs, Charges and Expenses, of purchasing such Bull and Cow, of superior and improved breed, and importing and bringing the same into such Township or Settlement, and shall have actually paid the Monies so raised into the hands of any two Justices of the Peace, nominated by such Inhabitants of the Township or Settlement, and approved by the Custos Rotulorum of the County or District in which the same is situate for the purposes aforesaid, and such payment shall have been certified by such Justices to the Treasurer of the Province, to be actually made to them, they the said Inhabitants shall be entitled to have and receive, out of the annual sum hereby provided, a sum equivalent to the other moiety or half part of the expense of such purchase and importation. *Provided always*, that no greater sum than Twenty-five Pounds shall be allowed towards any one of such purchases or importations out of the said Grant.

Contribution of  
Township in  
aid of object

III. *And be it further enacted*, That upon the production, by such two Justices of the Peace, of a Certificate signed by the Custos Rotulorum of the County or District wherein the Township or Settlement for which such Bull and Cow shall be procured is situate, certifying that these Cattle have actually been brought into the same, and that satisfactory proof has been made to such Justices, that the said Cattle are of superior and improved British or Irish Breeds, and were purchased in the Country mentioned in

Proviso

Provincial al-  
lowance when  
to be drawn

such

such Certificate, and have actually cost the sum specified in such Certificate, for the first purchase and charges of importation, it shall be lawful to and for the said two Justices of the Peace to receive a warrant on the Treasury for the amount of one moiety of the said cost and charges so certified; and they shall forthwith pay and apply the same, with the Monies so as aforesaid deposited in their hands, towards and in discharge of the whole expense of the said purchase and importation.

Agent to procure improved breeds

IV. *And be it further enacted*, That the said two Justices of the Peace, so soon as the said monies raised as aforesaid, are deposited in their hands, shall, and they are hereby required to appoint some proper Agent or Agents to procure, purchase and bring the said Cattle into this Province, and to convey the same to the Township or Settlement for which they are designed.

Cattle where to be purchased

V. *And be it further enacted*, That the said Cattle shall and may be purchased and provided in Great-Britain or Ireland, or in any part of Europe, as the Inhabitants of the Township or Settlement requiring the same shall determine.

Management of Cattle

VI. *And be it further enacted*, That after the importation of any such Cattle into any Township or Settlement, the same shall be managed, used, applied, for and towards the improvement of the breed of Neat Cattle within the same, and be supported and taken care of by such persons, and under such regulations, as the said two Justices of the Peace, by the written request of the majority of the Inhabitants subscribing and paying towards such purchase, shall require or direct for the common and general benefit of all the Inhabitants of such Township or Settlement, and at the expense of such Subscribers.

Payments from Treasury made in order

VII. *And be it further enacted*, That the payments from the Treasury, towards the purchase of such Cattle, shall be made in the order in which the certificates of the raising and payment of the subscriptions shall be received at the Treasury.

Cattle may be sold—proceeds how appropriated

VIII. *And be it further enacted*, That, after the expiration of five years from the bringing any such Bull and Cow into any such Township and Settlement, the same shall and may, at the request of the majority of the original Subscribers, or the survivors of them, be sold and disposed of in such manner as the said two Justices shall direct, and the proceeds of such Sale, after defraying all charges in respect of such Cattle, shall and may be applied for and towards any further purchase and importation of such superior Cattle, or of Sheep of an improved or superior breed, or for and towards any other general and useful purpose for the common benefit and promotion of Agriculture or of Education, within such Township or Settlement, as the majority of the original Subscribers or the Survivors, with the approbation of the said Custos Rotulorum of the County or District, shall agree and determine.

Bounty limited

IX. *Provided always, and be it further enacted*, That nothing herein before contained shall be construed to authorise the Inhabitants of any one County or District to obtain a greater sum than Fifty Pounds in any one year from the Treasury of this Province.

### CAP. XLV.

## An Act to continue the several Acts concerning the Bridewell and Police in Halifax, and to alter and amend the same.

Continued by 4, Wm. IV, C. 31  
See note to 10th Geo. IV, C. 41

(PASSED THE 14th DAY OF APRIL, 1832.)

Acts 55th Geo. III, C. 9, and 10th Geo. IV, C. 41 (with exceptions) and 11th Geo. IV, C. 11. continued

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fifty-fifth year of the Reign of His late Majesty King George the Third, entitled, An Act for Establishing a Bridewell or House of Correction for the County of Halifax, and for the better and more effectual administration of the Office of Justice of the Peace in the Township of Halifax, and for providing a Police Office in said Town, with proper Officers to attend the same, and every matter, clause and thing, therein

therein contained, (save and except the tenth Section of said Act); and also, an Act, passed in the tenth year of His late Majesty's Reign, entitled, An Act to amend and continue the Act concerning the Bridewell and Police in Halifax, and every matter, clause and thing, therein contained, (save and except the fourth Section of the said last mentioned Act); and also, an Act, passed in the eleventh year of His said late Majesty's Reign, entitled, An Act to amend and continue the Act concerning the Bridewell and Police in Halifax, and every matter, clause and thing, therein contained, shall be continued, and the said Acts are hereby respectively continued, for one year, and from thence to the end of the then next Session of the General Assembly.

II. *And be it further enacted*, That the Justices in Sessions, in Halifax, shall have power and authority, and they are hereby required to make and establish Rules and Regulations to prevent Cows and Neat Cattle of every kind from running at large in the Streets of Halifax, to the great obstruction and annoyance of the Inhabitants, and occasioning nuisances in the Streets; and it is hereby declared to be the especial duty of the Police Justices, in Halifax, to enforce such Rules and Regulations, and they shall have full power and authority to punish any offence against such Rules and Regulations as by the said Justices in Sessions shall be prescribed.

Cows, &c. running at large in Halifax

### CAP. XLVI.

## An Act to extend the Acts concerning Firewards to the Town of Chester.

(PASSED THE 14th DAY OF APRIL, 1832.)

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

Acts extended to Chester

### CAP. XLVII.

## An Act for the relief of Daniel Hoard, a Prisoner confined in Gaol for Debt.

(PASSED THE 30th DAY OF MARCH, 1832.)

Executed

### CAP. XLVIII.

## An Act concerning Malicious Injuries to Property.

(PASSED THE 14th DAY OF APRIL, 1832.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That if any person shall hereafter wilfully and maliciously destroy, or commit any damage, injury or spoil, to or upon any Real or Personal Property whatsoever, either of a public or private nature, for which no remedy or punishment (other than a Civil Suit or Action) is provided, or can be inflicted, by the Laws or Statutes of this Province, or in force

Malicious Injuries to Property

To be punishable as a Misdemeanor

By fine or imprisonment

Application of fines

Exceptions as to Trespasses

Accessaries punishable as principals

Offences whether from malice or otherwise

Continuation of Act

therein, every such person shall be guilty of a Misdemeanor, and being duly convicted thereof in His Majesty's Supreme Court, or before any General or Quarter Sessions of the Peace, shall forfeit and pay such fine or penalty not exceeding Twenty Pounds, or shall suffer such punishment by imprisonment in the County Jail or Bridewell, or House of Correction, at Halifax, for such space of time, not exceeding two years, or by fine and imprisonment as aforesaid, as such Court in their discretion shall adjudge.

II. *And be it further enacted*, That all fines to be levied and received under and by virtue of this Act shall, in case of injury to private property, be respectively paid to the party aggrieved (if known) except where such party shall have been examined in proof of the offence, and in such case, or where any public right or property is concerned, such fines shall respectively be paid to His Majesty, His Heirs and Successors.

III. *Provided always, and be it further enacted*, That nothing herein contained shall extend to any case where the party trespassing acted under a fair and reasonable supposition that he had a right to do the act complained of, nor to any Trespass not being wilful and malicious, but every such Trespass shall be punishable in the same manner as before the passing of this Act.

IV. *And be it further enacted*, That every person who shall aid, abet, council or procure, the commission of any offence punishable under this Act, shall be liable to be indicted and punished as a principal offender.

V. *And be it further enacted*, That every punishment by this Act to be imposed or inflicted upon any person maliciously committing any offence, shall equally apply and be enforced whether the offence shall be committed from malice conceived against the owner of the property in respect of which it shall be committed, or otherwise.

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

CAP. XLIX.

An Act to Preserve the Harbour of Cape Forchu, in Yarmouth.

(Continued by 4, Wm. IV, C. 40

(PASSED THE 30th DAY OF MARCH, 1832.)

Preamble

**WHEREAS**, it is found necessary for the preservation of the Harbour of Cape Forchu, in Yarmouth, to prevent Stones or Ballast being taken away from the Bar or Beach commonly called the Fish Point, on the Western side of the said Harbour :

Removal of Ballast, &c. from Fish Point Cape Forchu—

prohibited under penalties

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the publication hereof no Stones or Ballast shall be taken away from the Bar or Beach, commonly called the Fish Point, on the western side of the Harbour of Cape Forchu, and if any person or persons shall take away any Stones or Ballast from the said Bar or Beach, the person or persons convicted thereof shall forfeit and pay a sum not exceeding Five Pounds, nor less than Three Pounds, for each offence ; to be sued for and recovered, on information or complaint, before any two of His Majesty's Justices of the Peace, for the District of Yarmouth and Argyle, one half of which penalty shall be to the use of the person or persons who shall sue for the same, and the other half to the use of the Poor of the Township of Yarmouth, subject to an appeal to the Court of Common Pleas for the District of Yarmouth and Argyle, upon Security given for prosecuting the same to effect.

Continuation of Act

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

## CAP. L.

**An Act to incorporate sundry Persons, by the name of "The President, Directors and Company, of the Bank of Nova-Scotia."**

See 3d Wm. IV, C. 62, 4, Wm. IV, C. 24

[PASSED THE 30th DAY OF MARCH, 1832.]

**WHEREAS** the establishment of a Public Bank at Halifax will be greatly advantageous to trade and commerce, and otherwise advance the interests of the Province, by increasing the circulating medium of business, and promoting a more extensive and beneficial employment of the resources and industry of all classes of its inhabitants. *And whereas*, several Persons have associated themselves for the purpose of forming such an Institution, and have applied for an Act of Incorporation for the same:

Preamble

**I. Be it enacted, by the Lieutenant-Governor, Council and Assembly,** That William Lawson, Andrew Belcher, John Brown, Mather Byles Almon, James William Johnston, James Tremain, John Leander Starr, James Leishman, Joseph Freeman, John Albro, James Boyle Uniacke, Charles Roche, James Kerby, Alexander Murison, William Strachan, George Innes, William Macara, and all and every such other person or persons as shall from time to time become Proprietors of Shares in the said Corporation hereby established, and their successors, executors, administrators and assigns, shall be, and they are hereby, united into a Company, and declared to be one Body Politic and Corporate, by the name of "The President, Directors and Company, of the Bank of Nova-Scotia," and by that name shall have succession and a common Seal, and by that name shall and may sue, and be sued, plead and be impleaded, at law or in equity, and be able and capable in law to have, hold, purchase, get, receive, take, possess and enjoy, houses, lands, tenements, hereditaments and rents, in fee simple or otherwise, and also goods and chattles, and all other things, real, personal or mixt, and also to give, grant, sell, let, assign or convey, the same or any part thereof, and to do and execute all other things in and about the same, as shall and may be thought necessary or proper for the benefit and advantage of the said Corporation. And also, that they, the said President, Directors and Company, shall, from time to time and at all times, during the continuance of this Act and of the said Corporation, have full power, authority and licence, to constitute, make and establish, such Bye Laws and Ordinances, as may be thought necessary for the rule and good government of the said Corporation. *Provided*, such Bye-Laws and Ordinances be not contradictory or repugnant to the Laws and Statutes of the Province, or of those in force within the same.

Shareholders united in one body Politic and Corporate

Their powers

**II. And be it further enacted,** That the Capital or Joint Stock of the said Corporation shall consist of Gold and Silver Coins, or Provincial Treasury Notes, to the amount, in the first instance, and at the commencement of the said Corporation, of One Hundred Thousand Pounds, to be divided into two thousand Shares of Fifty Pounds each, and that fifty per cent. or one half part of the Stock which shall be subscribed for, shall be paid on or before the first day of June next, and that the remaining half part of such Stock so subscribed shall be paid at such time or times, after the said first payment, as shall be agreed on and appointed by the Directors of the said Bank for that purpose, forty days previous notice being first given in the Gazette, and at least two other Newspapers published in Halifax, of the time and place appointed for the payment of such second or future instalments. *Provided*, that no second or other instalment shall be required to be paid until at least forty days after the payment of the said first instalment of fifty per cent. *Provided also*, that if the whole Capital or Joint Stock of One Hundred Thousand Pounds shall not be subscribed for before the said first day of June next, that it shall and may be lawful for the Shareholders of the said Bank, in any bye-law, passed under the authority of this Act, for the time being, to make such orders, rules and regulations, for the payment of any Stock which shall be subscribed for after that period, or for any part thereof, or instalment thereon, and also, all other rules, orders and

Stock of Corporation

and regulations, respecting the Shareholders subscribing after the said first day of June next, as shall be just, reasonable and proper, for putting such Shareholders, so subsequently subscribing, on a fair and equal footing with the Shareholders who shall have subscribed for any Stock before the said first day of June next.

Neglect or refusal of Shareholders to pay in amount of their Shares

III. *And be it further enacted*, That if any Shareholder shall neglect or refuse to pay all or any part of the share or shares subscribed by him and payable as herein directed, it shall and may be lawful for the Directors of the said Bank, for the time being, forthwith, after such neglect or refusal, to sell and dispose of the share or shares, in the payment of which such default shall be made, to the best advantage; and the said Directors shall thereupon, out of the monies arising from the sale thereof, pay over to such Shareholder the amount actually paid in by him on such share or shares, deducting first therefrom ten per cent. on the amount of his said share or shares to be retained by the said Bank, in lieu of all expenses incurred by such default. *Provided always*, That if any loss shall arise on the sale of such share or shares no greater sum shall be paid to the said Shareholder than that at which such share or shares shall be so sold, deducting first therefrom ten per cent. as aforesaid.

Stock may be increased—

IV. *And be it further enacted*, That, whenever the business of the said Bank shall be thought to require a further and additional amount of its Capital or Joint Stock, it shall and may be lawful for the said Shareholders, at any general or special meeting to be called for that purpose, and of which due notice of not less than thirty days shall be first given in at least the Royal Gazette, and two other newspapers, published in the Town of Halifax, to increase the said Capital or Joint Stock of the said Bank, by the further sum of One Hundred Thousand Pounds, making the said Capital or Joint Stock in the whole with such addition of the amount of Two Hundred Thousand Pounds and no more; and which said additional Capital or Joint Stock may be made and added, either in one gross amount and at one time, or at two or more distinct and separate times and periods, and in such amounts severally as shall be resolved and agreed upon at any separate and distinct meetings of the Shareholders as aforesaid, and all which said additional Capital or Joint Stock shall also be divided into shares of Fifty Pounds each, and paid in Gold or Silver Coins, or Provincial Treasury Notes.

by additional Shares

Additional Shares to be sold at Auction

V. *And be it further enacted*, That all the said additional shares, to be so made and added to the said Capital or Joint Stock of the said Bank, shall be sold and disposed of at Public Auction, to the highest bidder and bidders, at such time or times, place or places, and on such terms, as the Directors of the said Bank for the time being shall appoint and direct, and of which said sale or sales, and of the said time and place thereof, public notice shall be first given in at least the Gazette and two other Newspapers published in the Town of Halifax, for at least thirty days previous to such sales, and that the said shares shall not be sold in lots of more than five shares each.

Time of payment of additional Shares

VI. *And be it further enacted*, That the said additional shares, together with any advance or premium at which they may be respectively sold, shall be paid into the said Bank, within thirty days next after such sale, and the whole amount of such advance or premium, if any, first deducting thereout the charges of such sale, shall be divided in equal proportion to and among all the shares in the Capital or Joint Stock of the said Bank, as well the additional as the original shares, and such dividend of the said advance or premium, if any, shall be declared and paid by the said Directors at the next semi-annual dividend, after the payment into the said Bank of the purchase money of the said additional shares.

Default of payment of additional shares

VII. *And be it further enacted*, That in case of default of payment of any of the said shares, and the advance or premium at which they may have been sold, within the said time so fixed for the payment thereof, it shall and may be lawful for the Directors of the said Bank, for the time being, forthwith to sell and dispose of the said shares, in the payment of which default shall be so made at their discretion, to the best advantage, and payment thereof shall be immediately made, and any advance or premium thereon shall be divided in the manner before mentioned.

Corporation may hold land, &c.

VIII. *And be it further enacted*, That the said Corporation shall have full power and authority to take, receive, hold, possess and enjoy, in fee simple, any lands, tenements, and

and real estates, to any amount not exceeding Five Thousand Pounds. *Provided nevertheless*, that nothing herein contained shall prevent or restrain the said 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 said Corporation. *Provided further*, that 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 said Corporation in the course of its dealings. Proviso

**IX.** *And be it further enacted*, That, after the passing of this Act, whenever one thousand shares shall have been subscribed of the said Capital Stock, and ten per cent. on the amount of such subscription have been 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 said Corporation, or the major part of them, shall take place by notice in one or more of the Public Newspapers, ten 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, as the Members and Stockholders of the said Corporation shall deem necessary; and also for the purpose of choosing thirteen Directors, being Stockholders and Members of the said Corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which Directors so chosen shall choose out of their number a President, and shall serve until the first annual meeting for choice of Directors, and shall have full power and authority to manage the concerns of the said 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 the mode of transferring and disposing of the Stock and profits thereof, which being entered on the books of the said Corporation, shall be binding upon the said Stockholders, their successors and assigns, until altered at any other general meeting of the said Stockholders. Organization of Bank

**X.** *And be it further enacted*, That there shall be a general meeting of the Stockholders and Members of the said Corporation, to be annually holden on the first Wednesday in March, in each and every year, at Halifax; at which annual meeting there shall be chosen by a majority of the said Stockholders and Members of the said Corporation thirteen Directors, who shall annually choose one out of their number as President, and which President and Directors shall continue in office for one year, or until others are chosen in their room; in the choice of which Directors, the Stockholders and Members of the said Corporation shall vote according to the rule hereinafter mentioned. *Provided always*, that seven of the Directors in office shall be re-elected at such annual meeting for the next succeeding twelve months, of which the then President shall always be one. Choice of Directors and President

**XI.** *And be it further enacted*, That the Directors for the time being shall have power to appoint such officers, clerks and servants, as they or the major part of them shall think necessary for executing the business of the said Corporation, and shall allow them such compensation for their respective services as to the Directors shall appear reasonable and proper; all which, together with the expences of buildings, house rent, 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 said Corporation as shall be prescribed by the Bye-laws and regulations of the same. Annual Meeting of Shareholders for choice of Directors

**XII.** *And be it further enacted*, That not less than seven Directors shall constitute a Board for the transaction of business, of which the President shall always be one, excepting in case of sickness, or necessary temporary absence, in which case the Directors present may choose one of their Board as Chairman in his stead—that 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. Proviso

**XIII.** *And be it further enacted*, That no Director shall be entitled to any salary or emolument Appointment of Officers, Clerks, &c. of Bank

emolument for his services; but that the Stockholders and Members of the said Corporation may make such compensation to the President as to them shall appear reasonable and proper,

Holders of  
Twenty Shares  
eligible as Di-  
rectors

**XIV.** *And be it further enacted,* That no person shall be eligible as, or continue to be a Director, unless such person is a Stockholder, and holding and owning not less than twenty shares of the Capital Stock of the said Corporation; and that no person shall be eligible as, or continue to be a Director of the said Corporation, who is a partner or member of, or a Director in, any other Bank within this Province, or a Director of any other Bank whatsoever. And if any Director of the said Corporation shall, while he is in office, cease to hold twenty shares in the said Stock, or shall become a partner or member of, or Director in, any other Bank in this Province, or a Director in any other Bank whatsoever, such Director of the said Corporation shall forthwith go out of office and cease to be a Director, and another Director shall be chosen in his stead as hereinafter directed.

Cashier and  
Clerks to give  
Bonds

**XV.** *And be it further enacted,* That every Cashier and Clerk of the said Corporation, before he enters upon the duties of his office, shall give bonds, with two or more Sureties, to be approved of by the said Directors, that is to say, every Cashier in a sum not less than Ten Thousand Pounds, with a condition for his good and faithful behaviour, and every Clerk, with the like condition and Sureties, in such sum as the Directors shall deem adequate to the trust reposed in him.

Votes of Stock-  
holders

**XVI.** *And be it further enacted,* That the number of votes which each Stockholder shall be entitled to on every occasion, when, in conformity to 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 one share and not more than two, one vote; for every two shares above two and not exceeding twelve, one vote, making six votes for twelve shares; for every three shares above twelve, and not exceeding thirty, one vote, making twelve votes for thirty shares; and for every five shares above thirty shares one vote. *Provided,* that the number of fifteen votes shall be the greatest that any Stockholder shall be entitled to have.

Proxies

**XVII.** *And be it further enacted,* That 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.

Shares not  
taken in one  
month

**XVIII.** *And be it further enacted,* That no member of said Corporation during one month, to be accounted from and after the passing of this Act, shall be entitled to hold or subscribe for more than twenty shares of the said Capital Stock; that if the whole of the said Capital Stock shall not have been subscribed within one month, so to be accounted as aforesaid, that then, and in such case, it shall be lawful for any Stockholders to increase his, her or their subscription to such amount as they shall think proper.

Vacancies in  
Direction

**XIX.** *And be it further enacted,* That the Directors be, and they are hereby, authorised to 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 said President, or any of its Members, and the person so chosen by the said Directors shall serve until the next succeeding annual Meeting of the Stockholders.

Shares consi-  
dered personal  
property

**XX.** *And be it further enacted,* That, notwithstanding any real estate which the said Corporation may at any time own or possess, the Shares and Interest of the Stockholders of and in the stock, funds, property and Estate, of the said Corporation shall be, and shall be held, deemed and taken to be, personal property, to all intents and purposes whatsoever.

When Bank  
may com-  
mence business

**XXI.** *And be it further enacted,* That as soon as the sum of Fifty Thousand Pounds shall have been actually paid in on account of the subscriptions to the said Stock, notice thereof shall be given in the Royal Gazette, and two other Newspapers, published in Halifax, and the Directors may commence with the operations and business of the Bank of the said Corporation.—*Provided always,* that no Bank Bills or Bank Notes shall be issued or put in circulation, nor any Bill or Note discounted at the said Bank, until the said

said sum of Fifty Thousand Pounds shall be actually paid in and received, on account of the subscriptions to the Capital Stock of the said Bank.

**XXII.** *And be it further enacted,* That 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 Directors for that purpose, nor until such person or persons, so making the same, shall previously discharge all debts actually due and payable to the said Corporation—that in no case shall any fractional part of a share, or other than a complete share or shares, be assignable or transferable—that whenever any Stockholder shall transfer, in manner aforesaid, all his Stock or Shares in the said Bank, or the same shall be transferred by act of Law, to any person or persons whatever, such Stockholder shall cease to be a member of the said Corporation.

Shares trans-  
ferable

**XXIII.** *And be it further enacted,* That the said Corporation may conduct the business of Banking in all its branches, except as is or may be otherwise prohibited by this Act, 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, or in other the current monies of this Province, or in the sale of goods really and truly pledged for money lent, and not redeemed in due time, or in the sale of Stock pledged for money lent, and not so redeemed; which said goods and stock so pledged shall be sold by the said 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.

Dealings of  
Corporation

**XXIV.** *And be it further enacted,* That the Joint Stock or property of the said Corporation shall alone be responsible for the debts and engagements of the said Corporation, and that no person or persons who shall or may have dealings with the said Corporation shall, on any pretence whatsoever, have recourse against the separate property of any present or future member of the said Corporation, 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 said Corporation.

Joint Stock  
liable to Debts  
of Corporation

**XXV.** *And be it further enacted,* That in case any loss or deficiency of the Capital Stock of the said Corporation shall occur from the official mismanagement of the Directors of the said Bank, the persons who are Stockholders at the time of such mismanagement shall, in their private and individual capacities, be respectively liable to pay the same. *Provided,* however, that in no case shall any one Stockholder be liable to pay a sum exceeding the amount of the Stock actually then held by him in addition to the Stock so held by him.

Loss by mis-  
management of  
Directors

**XXVI.** *And be it further enacted,* That the holders of Shares or Stock in the said 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 said 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 said Corporation at the time of such expiration or repeal.

Liability of  
Shareholders  
at expiration of  
this Act

**XXVII.** *And be it further enacted,* That every Bond, Bank Bill or Bank Note, or other instrument by the terms or effect of which the said Corporation may be charged or held liable for the payment of money, shall specially declare in such form as the Board of Directors shall prescribe that payment shall be made out of the joint fund of the said Corporation.

Form of Bank  
Notes, &c.

**XXVIII.** *And be it further enacted,* That the total amount of the Debts which the said Corporation shall at any time owe, whether by Bond, Bill 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 Stockholders; nor shall there be due to the said Corporation at any one time more than treble the amount of the Capital Stock paid in as aforesaid, and in case of any excess the Directors, under whose administration

Limitation of  
issue of Notes

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 chattles, of the said Corporation, shall also be liable for such excess.

Dividends to  
be made half-  
yearly

**XXIX.** *And be it further enacted*, That the Directors shall make half-yearly dividends of all the profits, rents, premiums and interest, of the said Corporation, payable at such time and place as the Directors shall appoint, of which they shall give thirty days previous notice, in the Royal Gazette, and two other Newspapers, published in the Town of Halifax. *Provided*, that the said 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 and advisable to make and declare a dividend at an earlier period.

Books, &c. of  
Bank liable to  
inspection  
of Directors

**XXX.** *And be it further enacted*, That the books, papers, correspondence and funds, of the said 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 said Corporation.

Notes by  
whom to be  
signed

**XXXI.** *And be it further enacted*, That 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 said Corporation, although not under their seal, which Bills or Notes shall be payable by the said Corporation in gold or silver on demand; *Provided always*, that nothing herein contained shall extend or to be construed to extend to authorise the said Corporation to issue or put in circulation any Bills or Notes for a less sum than Twenty-six Shillings.

Refusing to  
pay Notes in  
Gold or Silver

**XXXII.** *And be it further enacted*, That in case the officers of the said Corporation in the usual Banking hours at the said Bank shall refuse or delay payment in gold or silver of any Note or Bill of the said Corporation there presented for payment, the said 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.

Counterfeited  
Notes

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

Bank to be  
kept in Hal-  
ifax, but may  
be removed

**XXXIV.** *And be it further enacted*, That the said Bank shall be kept and established at Halifax aforesaid, or at such other place as the Board of Directors may think it necessary to remove the said Bank to, on account of any great emergency, for the security thereof.

Statement of  
concerns of  
Bank to be  
submitted at  
Annual Meet-  
ing

**XXXV.** *And be it further enacted*, That the Directors shall, at the General Meeting, to be held on the first Wednesday in March, in every year, lay before the Stockholders, for their information, an exact and particular statement of the amount of debts due to and by the said Corporation, the amount of Bank Notes then in circulation, the amount of gold and silver, and also of Provincial Treasury Notes on hand, specifying the amount of each, and the amount of such debts as are, in their opinion, had or doubtful; also the surplus or profit, if any remaining after deduction of losses and provisions for dividends, which statement shall be signed by the Directors, and attested by the Cashier, and a duplicate statement, so signed and attested, shall be transmitted to the Secretary of the Province, for the information of His Excellency the Lieutenant-Governor or Commander in Chief for the time being. *Provided always*, that the rendering of such statement shall not extend to give any right to the Stockholders, not being Directors; to inspect the account of any individual or individuals with the said Corporation.

Bank concerns  
may be inves-  
tigated by or-  
der of Govern-  
or, &c.

**XXXVI.** *And be it further enacted*, That any person or persons nominated and appointed by the Lieutenant-Governor or Commander in Chief, for the time being, or any Joint Committee hereafter to be appointed by the Honorable the Legislative Council and the House of Assembly, for the purpose of examining into the proceedings of the said Corporation, shall at any time, either during the Session or Prorogation of the General Assembly, have free access to all the Books and Vaults of the same. *Provided*,  
that

that no person shall have such access who is a Member or Partner in, or Director of, any other Bank in the Province, or a Director of any other Bank whatsoever, and that such person or Committee shall not be authorised to inspect or investigate the account of any individual or individuals with the said Corporation; *And provided further*, that no person shall be on the said Joint Committee who is a Member in, or Director of, the said Corporation.

**XXXVII.** *And be it further enacted*, That if upon such examination or upon the exhibition of the yearly account of the debts due to and from the said 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 Lieutenant-Governor, if the Legislature be not in Session, that the Capital of the said Corporation has been diminished by losses and bad debts, to one half of the amount of the Capital or sum subscribed, that then the said Corporation shall be dissolved, if the Legislature be in Session, by an Act of the Legislature of this Province, to be forthwith passed for that purpose, or, if the Legislature be not in Session, by Proclamation to be forthwith issued by the Lieutenant-Governor of this Province, for that purpose.

Capital of Corporation if diminished to one half

**XXXVIII.** *And be it further enacted*, That any number of the Stockholders, not less than fifty, 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 said Corporation, giving at least thirty days previous notice in the Royal Gazette and two other Newspapers, printed and published in Halifax, and specifying in such notice the time and place of such meeting, with the objects thereof, and the Directors, or any seven of them, shall have the like power at any time, upon observing the like formalities, to call a general meeting as aforesaid.

Fifty Shareholders or Seven Directors may call General Meetings

**XXXIX.** *And be it further enacted*, That on any dissolution of the said Corporation immediate and effectual measures shall be taken by the Directors then in office, for closing all the concerns of the said 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 said corporate name, style and capacity, for the purpose of suits, for the final settlement and liquidation of the affairs and accounts of the said Corporation, and for the sale and disposition of the Estate, real, personal and mixed, thereto belonging, but not for any other purpose, or in any other manner whatsoever, nor for a period exceeding four years after such dissolution; and that the Directors in office at the happening thereof, shall, during the said 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.

Dissolution of Corporation

**XL.** *And be it further enacted*, That 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.

Continuation of Act

## CAP. LI.

### An Act for the Registry of Judgments and Attachments and confirming Titles to Lands.

See 4, Wm. 4. C. 70

(PASSED THE 30th DAY OF MARCH, 1832.)

**WHEREAS** it is expedient that all Judgments and Attachments, intended to bind or affect Real Estate within this Province, should be registered, to the end that purchasers may have notice thereof:

Preamble

**I.** *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That henceforth, whenever the party or parties by whom any Judgment of any Court of Record in this Province hath been or hereafter may be obtained or recovered, shall desire

Judgments to bind Lands must be registered

to render such Judgment chargeable and binding upon any the Lands, Hereditaments, or Chattles Real, whatsoever, of the Defendant or Defendants or any of them, against whom such Judgment is or may be entered, or shall desire or intend to levy any execution of and upon such Judgment on, and to levy and take in execution, any such Lands, Hereditaments or Chattles Real, or the rents, issues and profits thereof, then and in every such case the said Judgment shall be first registered in the Office of the Registrar of Deeds, for the County or District, wherein the Lands, Hereditaments or Chattles Real, do lie, which it is intended to charge and bind by the said Judgment, or which, or the rents, issues and profits whereof it is intended to seize, and take in Execution as aforesaid.

Copy of Docket—

**II. And be it further enacted,** That in order to the Registration of any such Judgment as aforesaid, a Copy of the Docket of such Judgment shall be produced and exhibited to the Registrar of Deeds for the County or District wherein all or any the Lands, Hereditaments and Real Estate, intended to be charged or bound by the said Judgment, or which, or whereof, the rents, issues and profits, are intended to be taken in Execution as aforesaid do lie; and such Copy of the said Docket shall express and contain the names of the Parties, Plaintiffs and Defendants, the sums recovered and the time of the signing of such Judgment, and shall be certified as and for a true copy of the original Docket of such Judgment, by a Certificate signed by the Prothonotary or Clerk of the Court wherein the Judgment was recovered, and under the Seal of the said Court; and upon the production of such certified Copy of the original Docket, the said Registrar shall mark thereon the day and precise time thereof on which the same was presented to him for Registry, and shall enter and register the said Copy in the Book of Registry, and mark therein the time the said Copy was produced, and indorse a Certificate of the Registry on the said Copy, and deliver the same to the party, and the said Judgment shall be deemed to be registered only from the day and time when such certified Copy was so produced for Registry as aforesaid.

Certified under Seal of Court—

To be registered

Judgment to be binding only from time of registration

**III. And be it further enacted,** That no Judgment obtained or recovered in any Court of Record, in this Province, after the passing of this Act, shall affect or bind any Lands, Hereditaments or Chattles Real, whatsoever, or the rents, issues or profits thereof, in any County or District of this Province, but only from the time of the Registration of such Judgment in the said County or District, in the manner herein before prescribed.

Proviso if registered within ninety days

**IV. Provided always, and be it further enacted,** That if any Judgment obtained after the passing of this Act, shall be registered as aforesaid within Ninety days from the signing of such Judgment, then the said Judgment shall charge, bind and affect, in the County or District wherein it is registered, all the Lands, Hereditaments and Chattles Real, of the Defendant or Defendants or any of them against whom such Judgment may be entered, and from the day and time when the Docket thereof was signed, and all such Lands, Hereditaments and Chattles Real, and the rents and profits thereof, shall be charged and chargeable with the amount of Principal Monies, Interests and Costs, payable under the said Judgment, and may be levied on, seized, and taken in Execution therefor.

Judgments heretofore recovered

Lien in Lands

Proviso

**V. And be it further enacted,** That every Judgment of any Court of Record, recovered or to be recovered before the passing of this Act, and whereof Execution remains or may remain to be done, shall be and be deemed a lien upon, and shall charge and bind, the Lands, Hereditaments and Chattles Real, of the Defendant or Defendants, against whom the same has been or may be entered, and the rents and profits thereof, and the same shall be charged thereby, and may be levied upon, and taken in Execution, under the same; *Provided,* the said Judgment be registered as aforesaid, in the County or District where such Real Estate doth lie, and within or before the expiration of One Year, from the time of the signing of the original Docket of such Judgment. But if such Judgment be not so registered within One Year from the signing the same, then the said Judgment shall be a lien upon, and charge and bind, the said Lands, Hereditaments and Chattles Real, and the rents and profits thereof, only from the time when such Judgment shall be actually registered in the County or District wherein the same are situate.

VI. *Provided always, and be it further enacted,* That nothing herein before contained shall extend or be construed to extend, to defeat, affect or vary, the lien or charge upon any Lands, Hereditaments or Chattles Real, whatsoever, existing or created by any Judgment heretofore recovered, and under which any Execution hath at any time been issued and levied upon such Lands, Hereditaments and Chattles, or under which the same or any part thereof have been seized, taken in Execution, or sold, for satisfaction thereof.

Executions under Judgments heretofore recovered

VIII. *And be it further enacted,* That in order to the Registration of Writs of Attachment designed to be levied on Real Estate, a Copy of every such Writ, certified by the Sheriff or his Deputy, as a true Copy of the original, shall be delivered to the Registrar of Deeds for the County or District wherein the Real Estate intended to be attached doth lie, who shall mark thereon the day and hour of receiving such Copy, and enter the same in the Books of Registry; and when, and so soon, as the description and appraisement of the Real Estate attached shall be made, a Copy thereof shall be delivered by the Sheriff or his Deputy to the Registrar, and shall be also entered in the said Books, and the said Attachment shall bind the Real Estate contained in the description and appraisement, only from the delivery of the said Copy of the description of the Lands levied on, and only until Thirty days after final Judgment signed in the cause.

Writs of Attachment to be registered

VIII. *And be it further enacted,* That a double Index to the Registry of every such Judgment and Attachment shall be made and kept in every such Office of Registry, and in the names both of the Plaintiffs and Defendants.

Index to Registry

*And whereas,* It is expedient to remove all doubts touching the validity and effect of Judgments whereof, or of, the time of signing the Docket of the same Entries have not been made in the margin of the Roll or Record, and touching the validity and sufficiency of Executions issued after a year from the recovery thereof, but without Process of Scire Facias for reviving the Judgment or entry of the continuances on the Roll or Record of the said Judgment:

Preamble

IX. *Be it therefore enacted,* That every Judgment heretofore obtained and docketed shall be good, valid and effectual, to charge the Lands of the Defendant or Defendants against whom the same hath been recovered from the time of the signing the Docket of such Judgment, notwithstanding that the day of the month and year of the signing such Judgment, or the Docket thereof, shall not have been entered upon the margin of the Record where the said Judgment shall have been entered.

Judgments made valid although record not marked

X. *And be it further enacted,* That every Writ of Execution or Writ of Possession, at any time heretofore issued out of any Court of Record, before or after the expiration of One Year, from the signing of the Docket of the Judgment on which it hath issued, shall be, and the same is hereby declared a good, valid and sufficient Writ and Process of Execution, to all intents and purposes whatsoever; and all proceedings of the Sheriff or other persons under the same, shall be and are hereby confirmed, notwithstanding any error or defect in suing out or executing any such Writ, or in obtaining the same without a previous Writ of Execution actually issued and returned, or continuances of the award of Execution on the Roll or Record being first entered thereon, or without Process of Scire Facias, to revive such Judgment or obtain Execution thereof, being first sued out and prosecuted with effect. *Provided always,* That the time of issuing such Execution be duly entered, and marked on the Docket of the Judgment, and the said Execution duly returned in the said Court.

Writs of Execution or Possession valid though issued out after a year from Judgment

PROVISION

## CAP. LII.

## An Act to authorise the Congregation of the Meeting-House at Onslow, to raise Money from the Pews of the said Meeting-House, for the repairing and ornamenting thereof.

(PASSED THE 30th DAY OF MARCH, 1832.)

Preamble

**WHEREAS** the Meeting-House at Onslow, in the District of Colchester, wherein the Reverend James Monroe and the Reverend John Baxter at present officiate, was originally built by a number of Persons who were mutually interested therein, and were the Owners of the Pews in such Meeting-House, many of which persons are since dead, and the property in the said Pews in such Meeting-House has now become vested in the Heirs and Families of such deceased original Proprietors. *And whereas*, the interest of the several present Owners of the said Pews has now become so inconsiderable that great difficulties are experienced in procuring Funds to keep the said Meeting-House in repair, owing to the neglect of many of the Owners of the said Pews to pay their proportion of the necessary and unavoidable expence of repairing and ornamenting the said Meeting-House, in consequence of which the said Meeting-House is in great danger of going to decay:

Congregation to appoint persons to assess Monies for repairs

**I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,** That from time to time, and at any time after the publication of this Act, whenever it shall be necessary to procure or raise any sum of Money for the repairing or ornamenting the said Meeting-House, it shall and may be lawful for the Congregation attending at such Meeting-House, at any Public Meeting of such Congregation, whereof due Notice shall be given to such Congregation in said Meeting-House, during the time that the said Meeting-House shall be open for Divine Service, on the Sunday previous to such Meeting, to nominate and appoint by vote of the majority of the Members of the said Congregation present at such Meeting, three or more fit and proper persons to assess and apportion the sum of Money necessary and required to be raised for the purpose aforesaid, on the said Pews respectively, according to the relative size and value of such Pews, at a just and equitable rate, of which assessment and apportionment due Notice shall be publicly given by reading the same in the said Meeting House on the Sunday after the same shall be made by the said Committee, and also by putting up a true and correct Copy of such assessment and apportionment on the door of the said Meeting House, for three successive weeks after the same shall have been made by the said Committee.

Pews may be let to pay assessments for ten years

**II. And be it further enacted,** That, if after due Notice of such assessment and apportionment shall have so publicly given as aforesaid, some such person or persons, so interested in any of the said Pews, shall not come forward to pay the sum which may have been assessed by the said Committee on such Pew, within three weeks after such Notice so given as aforesaid, then, and in such case, it shall and may be lawful for the said Committee, after having given on the previous Sunday, due and public Notice of the time of letting the same, to proceed to let at Public Sale or Auction, for Ten Years and no longer, any Pew or Pews whereon the sum assessed shall remain unpaid, for such period of time as may be sufficient to pay the rate or sum assessed on such Pew or Pews respectively.

Lessees of Pews considered sole owners

**III. And be it further enacted,** That the person or persons who shall or may have become the lessee or lessees of the said Pew or Pews respectively at the said Sale, shall be put into possession thereof, by the said Committee, and shall be taken and held to be the sole and exclusive Owner or Owners of the said Pew or Pews for such period of time as the same may be leased or let to the said person or persons at such Sale; and such lessee or lessees shall be liable to pay such Rent or Rents as he or they shall or may have agreed to pay for the same at the said Sale; and if the Rent or Rents aforesaid, or any part thereof, shall be behind and unpaid after the time or times which shall or may have been agreed on for payment thereof, it shall and may be lawful for the said Committee, so to be appointed as aforesaid, to sue for and recover such Rent or Rents, or such

such part thereof, as may so remain behind and unpaid, in the same manner as debts of the like amount may or can be ordinarily sued for and recovered.

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

## CAP. LIII.

**An Act for reducing the Expenses of Suits at Law, in certain Cases.** Expired

(PASSED THE 30th DAY OF MARCH, 1832.)

## CAP. LIV.

**An Act to enable the Inhabitants of Windsor to provide Monies for procuring a Fire-Engine for the said Town.**

[PASSED THE 30th DAY OF MARCH, 1832.]

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, it shall and may be lawful for the Justices of the Peace, in and for the County of Hants, at any General Sessions of the Peace, to be hereafter held for the said County, to appoint and assess such sum or sums of money as may be necessary and adequate for providing, procuring and purchasing, for the use and benefit of the Inhabitants of the Town of Windsor, and keeping in good, proper, and sufficient repair, a Fire-Engine, of such quality and description as may be approved of by the said Justices, together with such quantities of hose, fire buckets, and other things necessarily appurtenant to the said Engine, as to the said Justices may seem proper. Justices may assess expense of Engine. &c

II. *And be it further enacted*, That all or any monies so presented and assessed shall be assessed, levied, collected and raised, in the same manner, and by the same means, and under the same regulations, as Poor and County Rates are now by Law assessed, levied, collected and raised, in such proportions and at such times as the said Justices in Session as aforesaid shall and may from time to time limit, direct and appoint, from and upon such of the Inhabitants of the said Township of Windsor as or may be resident within the same limits and bounds wherein the Commissioners of Streets, in and for the said Township, by Law, now have jurisdiction and authority, and shall be paid to the Firewards of the said Town, to be by them applied for the purposes of this Act. Assessment how collected

## CAP. LV.

**An Act to continue and amend the Act to authorise the Congregation of the Presbyterian Meeting-House at Cornwallis to raise Money from the Pews of the said Meeting House for the repairing and ornamenting thereof.**

Amends 11, Geo. IV, C. 8.

(PASSED THE 30th DAY OF MARCH, 1832.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the Eleventh year of His late Majesty's Reign, entitled, An Act to authorise Act 11th Geo. IV, C. 8, continued

thorise the Congregation of the Presbyterian Meeting-House at Cornwallis to raise money from the Pews of the said Meeting-House for the repairing and ornamenting thereof, and every matter, clause and thing, therein contained, except as the same may be hereinafter altered and amended, shall be continued, and the same are hereby continued for ten years, and from thence to the end of the then next Session of the General Assembly.

Term for Let-  
ting Pews ex-  
tended

II. *And be it further enacted,* That instead of the time of two years, limited in and by the second clause or section of the said Act as the term for which the Committee therein mentioned are authorised to let the Pews at Public Auction, the said Committee shall and may be fully authorised to let the said Pews in manner mentioned in the said Act for any term not exceeding ten years.

## CAP. LVI.

### An Act to establish the Limits of the Town and Peninsula of Halifax.

(PASSED THE 30th DAY OF MARCH, 1832.)

Line of divisi-  
on of Town &  
Peninsula of  
Halifax

**BE** it enacted by the Lieutenant-Governor, Council and Assembly, That the Lands composing and comprehended within the Town and Peninsula of Halifax shall henceforth be divided from the remaining portion of the Township of Halifax, by a line of division, beginning at the head of the North West Arm, of the said Harbour so called, at the Point where the stream or brook over which the Bridge on the Main Road round the said Arm is erected, falls into the same, thence to follow the middle of the said stream to the centre of the said Bridge, thence to run in a straight course Northeastwardly to the Main Road round Bedford Basin, at the centre of the Bridge thereon erected over the stream or brook which flows into the said Basin, a short distance to the Southward of M'Dougall's or Shaw's Inn, so called, and then from the Bridge to follow the course of the stream last mentioned, down the centre thereof, to the waters of the said Basin, which said division or Boundary Line the Commissioners of Streets for Halifax shall, and are hereby empowered to cause to be run out, measured and determined.

Boundaries of  
Town and Pe-  
ninsula

II. *And be it further enacted,* That all and singular the Lands and Hereditaments whatsoever of the said Town and Peninsula, which are comprehended within the following Boundaries and description, that is to say: bounded Northwestwardly by the said division line above described; on the North, the East and the South, by the waters of Bedford Basin and of the Harbour of Halifax; and on the West by the waters of the said North West Arm, shall hereafter be known as and designated the Town and Peninsula of Halifax.

Acts respecting  
Town or Town  
and Peninsula  
confined to  
Limits prescri-  
bed

III. *And be it further enacted,* That for all and every the objects and purposes of each and every Act of the General Assembly now in force, or hereafter to be enacted, touching or concerning the Town and Peninsula of Halifax, or the Town of Halifax, or the Inhabitants thereof respectively, or wherein the said Town, Peninsula, or Inhabitants, are or hereafter may be mentioned and referred to, the Limits and Boundaries herein before fixed and established for the Town and Peninsula of Halifax shall be deemed and taken to be, for all intents and purposes, the Limits and Boundaries of the Town and Peninsula of Halifax, mentioned and referred to in the said Acts respectively; and it shall and may be lawful to and for all and singular the Courts, Judges, Justices, or Officers, now or hereafter to be empowered to hear and determine any Suits or Actions, Cause or Causes whatsoever, or to do or perform any Acts, Deeds or Proceedings, whatsoever, within, or for the Town or Peninsula of Halifax, and to and for all and every the Commissioners of the Poor, or of the Streets and Highways, or other Commissioners, or Trustees appointed, or to be appointed for public purposes for or within the said Town or Peninsula, severally and respectively, and they, and every of them, are hereby author-  
rized

rized and empowered to perform and execute their several and respective Offices, Duties and Trusts, within the Limits and Boundaries herein before prescribed for the said Town and Peninsula of Halifax; and all Rates, Duties, Taxes, and Assessments, charged or chargeable upon the Inhabitants of the Town and Peninsula of Halifax, or the Town of Halifax, shall, according to the several and respective natures thereof, be charged and chargeable, and be assessed, raised, levied, collected and paid, upon and by the persons, properties or estates, inhabiting or being within the said Limits and Boundaries hereby established for the Town and Peninsula of Halifax.

## CAP. LVII.

## An Act concerning the Property of the Methodist Society at Halifax.

[PASSED THE 14th DAY OF APRIL, 1832.]

**WHEREAS**, a very extensive Society or Congregation of the People called Methodists, professing the doctrines taught by the late Mr. John Wesley, has long been established in Halifax, under the spiritual care of Ministers appointed at the yearly Conference of the people called Methodists, as established by a Deed Poll of the said John Wesley, under his Hand and Seal, bearing date the 28th day of February, in the year One Thousand Seven Hundred and Eighty-four, and enrolled in His Majesty's High Court of Chancery at London; for the use and benefit of which said Society or Congregation divers Lands have heretofore been purchased in Halifax, and conveyed to Trustees to and for the use and benefit of the said Society, of all which said Lands and Tenements a description together with the dates of, and the parties to, the respective Deeds whereby the same are conveyed, is contained in the Schedule A. to this Act annexed, as by reference thereto will at large appear.

Preamble.

*And whereas*, The said several Lands and Premises in the annexed Schedule A. described, are now under the care and management of nine persons as Trustees of and for the said Society, that is to say, Alexander Anderson, Gentleman, Samuel Sellon, Shipwright, the Rev. Wm. Black, John Jost, Shoemaker, Hugh Bell, Brewer, Martin Gay Black, Merchant, John M'Neil, Hatter, and James Noble Shannon and John H. Anderson, both Merchants, all of Halifax, who either are the survivors of the Trustees named in the said Deeds, or have been from time to time nominated to be Trustees for the said Society; but by reason that no conveyances of the said Lands, or of their Interest therein, have been made by the Trustees or Heirs of the Trustees who are deceased, or have left the Society, to the new Trustees, and from other causes, the Title to the said Lands has become uncertain: and the said present Trustees cannot sell, mortgage or dispose of the said Lands, or occupy the same for the purposes of the said Society, in so beneficial a manner as is desired; wherefore the said Trustees have applied for such powers, authorities and remedies, as in and by this Act are provided in respect to the premises:

**I. Be it therefore enacted, by the Lieutenant-Governor, the Council and Assembly,** That, from and after the passing of this Act, the said Alexander Anderson, Samuel Sellon, William Black, John Jost, Hugh Bell, Martin Gay Black, John M'Neil, James Noble Shannon and John H. Anderson, and each and every of them, so long as they respectively continue members of the said Society or Congregation of People called Methodists, as aforesaid, at Halifax, and all and every person and persons who, at any time or times hereafter, shall be chosen upon any vacancy in the said Trust, and in the manner hereafter mentioned to supply the same, shall be and be deemed to all intents and purposes whatsoever, the Trustees of and for all and singular the Estate Real or Personal of the said Society, or for the use and benefit thereof; now obtained or possessed by or belonging to the said Society, or any in Trust therefor, under the descriptions and

Trust established

by

by the Deeds in the said Schedule A, contained or referred to, or hereafter to be obtained by, or conveyed to, the said Trustees or their Successors, for the benefit and purposes of the said Society, and the said Persons and their Successors in office shall constitute and form one continuing Trust or Board of nine Members, to be called the Trustees of the Methodist Society at Halifax.

President of  
Trustees

II. *And be it further enacted*, That the Superintendent Preacher, of the Halifax Circuit, for the time being, shall, by virtue of such Office, be entitled to preside at all Meetings of the said Board of Trustees, and sign the minutes of their proceedings, and shall have, with the several Trustees for the time being, a vote upon all questions, and in all resolutions and decisions of the said Board.

Reduction of  
number of  
Trustees

III. *And be it further enacted*, That the said Board of Trustees may at any time hereafter be reduced to any number not below Five Trustees, therein not including the Superintendent Preacher for the time being.

Vacancies in  
Trust

IV. *And be it further enacted*, That as vacancies in the said Trust shall arise by death, resignation of Office, or by any of the Trustees ceasing to be a Member of such Society, every such vacancy shall be supplied by the choice of a new Trustee, to be made by the continuing and surviving Trustees or the major part of them, and to be entered in the minutes of the proceedings of the said Trust, to be kept in proper Books to be provided for that purpose; and when and so often as a choice of a new Trustee shall be made, the said continuing or surviving Trustees, or the majority of them, shall make, sign and seal, an Instrument declaring such choice, and the party chosen shall also execute the same, in proof of his acceptance of the Office of Trustee; and such Instrument shall be in the form set forth in the Schedule B to this Act annexed, and shall be registered on the oath of the subscribing witness thereto, in the Books of Registry at Halifax, and upon such Registry being made the new Trustee shall become a Member of the Trust, as fully and effectually as if he were named in this Act to that Office.

Property vest-  
ed in Trustees  
under this Act

V. *And be it further enacted*, That, from and immediately after the passing of this Act, all and singular the Lands, Hereditaments and Premises, described in the said Schedule A to this Act annexed, and their respective appurtenances, and the rents, issues, profits and benefits thereof, and all the estate, right, title, interest, use, trust, inheritance, property, claim and demand whatsoever, both in Law and in Equity, of the said several persons or Trustees, named in the said several Indentures in the said Schedule A mentioned, and of the survivors of any of the said persons or Trustees, and of the several or respective Heirs or Assigns of the said persons or Trustees respectively, who are since deceased, whomsoever and wheresoever; and also all Monies, Goods, Chattles and Personal Estate whatsoever, held by the Trustees in the said several Indentures named, or the Survivors of them, or by the present Trustees of the said Society; and further, all Securities for Money, or other obligatory instruments, evidences or muniments, and all rights or claims belonging to or had by the said Congregation or Society, or any Trustee thereof or therefor, shall be and become absolutely the property of the said Trustees in and by this Act appointed: and shall be and become vested in them as and for the same Estate and Interest as the Trustees named in the said Indentures, or the survivors of them, or the Heirs or Assigns of the Trustees, who have died or ceased to be Trustees, or the present Trustees of the said Society, had or have, or were, or now are entitled to have therein, and without any assignments, deeds or conveyances, whatsoever, to be made thereof; and after the death of any of the Trustees by this Act appointed, or any other vacancy occurring in the said Board of Trustees hereby established, shall vest in the succeeding Trustees for the time being, respectively, chosen to fill such vacancies, in conjunction with the continuing Trustees, without any deed, conveyance or assignment, made or required to be made by the Heirs of any Trustees so dying, or by any Trustee so resigning, or by the continuing Trustees, or any of them, on any or either of the occasions aforesaid.

Conveyance of  
property to  
Trustees

VI. *And be it further enacted*, That the surviving Trustees named in the before recited Indentures; shall and they are hereby authorised, at the request of the Board of Trustees, to release and convey all and singular the Lands in the said Indentures described unto the Trustees hereby appointed, with their appurtenances, in fee simple. VII.

VII. *And be it further enacted*, That the said Trustees hereby appointed, and their successors, shall and are hereby authorised and empowered, in their name of Office, to bring or defend, or cause to be brought or defended, any action, suit or prosecution, criminal as well as civil, in Law or Equity, touching or concerning the Lands, real or personal Estate, debts, claims, rights and property, of the said Trustees, or of the said Society at Halifax; and the same Estate and property shall, when necessary, in every such proceeding, be stated to be the property of the said Trustees, by their name of Office, herein given and established, and the said Trustees, by their said name of Office, shall and may in all cases concerning the respective Lands in the Schedule A described, or other real or personal Estate, to be vested in them, debts, claims, rights and property, of the said Board of Trustees, or of the said Society whatsoever, sue and be sued, implead and be impleaded, as Trustees, by their said official designation. And no such suit, action or prosecution, shall be discontinued or abate by the death of any such Trustee, or his ceasing to be such Trustee, but shall and may be proceeded in by the Board of Trustees, for the time being, any law, usage or custom, to the contrary notwithstanding; and the Trustees for the time being shall pay or receive the like Monies, costs and expenses, as if the action or suit had been prosecuted by Individuals, and for the benefit of, or to be reimbursed from, the Trust Funds of the said Society.

Trustees may  
sue and be sued

VIII. *And be it further enacted*, That it shall and may be lawful for the Trustees for the time being, appointed by or in pursuance of this Act, or the major part of them, and they are hereby empowered, in their several names, and under their designation of "the Trustees for the Society of Methodists in Halifax," to contract for and purchase, or in any mode acquire or obtain, either in fee simple, or for any life or lives, or term or terms of years, for the benefit or purposes of the said Society, any Messuages, Lands, Tenements, Buildings or Hereditaments, whatsoever, in this Province, and to take and receive the necessary and legal Conveyances, Leases, Deeds, Assignments, or other transfers thereof respectively, to hold for, upon, under and subject, to the uses and purposes in this Act mentioned.

Trustees may  
purchase Pro-  
perty

IX. *And be it further enacted*, That it shall and may be lawful for the said Trustees for the time being, or the major part of them, and they are hereby authorised and empowered, to grant, sell, exchange, mortgage, lease, convey or dispose of, to such person or persons as they may think proper, and for such prices, sums, rents or terms, as shall be agreed upon, as well all or any part of the said Lands, Hereditaments and Premises, described in the several Indentures or any of them in the Schedule A mentioned, as also all or any part of any other Lands and Hereditaments hereafter to be conveyed to, or held by the said Trustees for the time being, and all or any of the Personal Estate and Property of the said Trustees or Society for the time being, and to such extent and in such proportions, and at such times as the Trustees for the time being shall think proper to exchange, sell, mortgage, lease, convey or dispose of the same: and every such Deed, Mortgage, Lease or Conveyance thereof, executed by the Trustees for the time being, in their name of office aforesaid, and signed by them respectively, or by the major part of them, shall be sufficient and valid in Law to convey to the Grantee, Mortgagee, Lessee or Purchaser, or Grantees, Mortgagees, Lessees or Purchasers respectively, either in perpetuity or by way of Mortgage or of Lease for years or otherwise, as the case may be, all such Estate, Title and Interest therein, as the said Trustees or the said Society now have or are entitled to or hereafter may have, hold, or be entitled unto, into or out, any such Real Estate or Property whatsoever, (now held or hereafter to be obtained) so granted, mortgaged, leased or disposed of: or as the said Trustees for the time being, on behalf of the Society, may desire or design by such Deeds, Mortgage, Lease or Conveyance respectively, to vest in the Grantee, Mortgagee or Lessee, named therein.

Trustees may  
sell or Mort-  
gage Property

X. *And be it further enacted*, That all and singular the Lands, Hereditaments and Premises, which are in the annexed Schedule A described, and in the Deeds there referred to contained, or which shall or may hereafter be purchased and conveyed to the said Trustees for the use of the said Society, and every part and parcel thereof, with the several and respective appurtenances thereto belonging, and all personal Estate, Monies and Effects aforesaid, shall at all times hereafter be taken, held, possessed and

Declaration of  
Trust estab-  
lished by this  
Act

For use of So-  
ciety of Metho-  
dists at Halifax

enjoyed, by the Trustees for the time being, under this Act, upon special trust and confidence, and to the intent that they and the survivors of them and the Trustees for the time being, do and shall take, hold, possess, apply and dispose of, the same and every part thereof, for the use, benefit and advantage, of the said Society of Methodists at Halifax, and for the Sites of the Chapels or Meeting-Houses, Dwellings of the Ministers for the time being of the said Society, Burial Places, School Houses, or other purposes whatsoever, to which it may, for the advantage, support and well being of the said Society, and the Ministers, Members or Poor thereof, be at any time or times, by the Trustees for the time being, found expedient or desirable to appropriate, apply or dispose of, the same: But subject nevertheless to such powers of Mortgaging, Leasing, Selling, conveying and disposing of the said Real and Personal Estate as are herein before vested in the said Trustees, and subject also to all such Sales, Exchanges, Deeds, Mortgages, Leases or other dispositions as may be thereof made as aforesaid—and upon this further special trust and confidence, and to the intent that the said Trustees for the time being do and shall from time to time, and at all times forever, permit such persons as shall be appointed at the yearly Conference of the people called Methodists, as established by a Deed Poll of the before mentioned John Wesley, under his Hand and Seal, bearing date the twenty-eighth day of February, in the year One Thousand Seven Hundred and Eighty-four, and enrolled in His Majesty's High Court of Chancery in London, and no others (except with the consent of the Superintendant Preacher for the time being of the Halifax Circuit) to have and enjoy the free use and benefit of the present Meeting House and Chapel or of any future Meeting House or Chapel, which may be erected in lieu thereof, to the end that such persons may therein preach and expound God's HOLY WORD; and upon this further trust and confidence, that the said Real and Personal Estate, and every part thereof, shall (subject as aforesaid) at all times hereafter, be held in Trust for the benefit of the several persons belonging to the Society or Congregation in Halifax, connected with, and under the direction of the Preachers or Ministers appointed by the said Conference for ever.

Receipts of  
Trustees

**XI. And be it further enacted,** That the Receipts of the said Trustees shall be good and sufficient discharges for all monies paid to them, for, or on account of any the trust funds or property aforesaid, and the party paying shall in no case be obliged to see to the application thereof, nor shall the Trustees be answerable for each other, but each of them shall be answerable for his own acts and receipts; nor shall any Trustee be in any wise answerable or liable for any loss or deficiency of the trust funds or property, or profits to arise therefrom, unless the same arise from his own wilful misconduct or neglect, and each and every of the Trustees shall retain, be paid and allowed, all costs, charges and expences, incurred in and about the trust aforesaid.

*SCHEDULE A. REFERRED TO IN THE FOREGOING ACT.*

Containing a description of the Lands in Halifax, conveyed in trust for the Methodist Society, and the dates of the respective Deeds, and of the Parties thereto.

Description of  
Property be-  
longing to Me-  
thodist Society

First.—Certain Lots of Land situate in the Town of Halifax, being Lots numbers eleven, twelve, and part of number six, in the division Letter C. situate, lying and being in Forman's new division of said Town, bounded on the north by Mr. Belcher's Estate, and there measuring Seventy-one feet and a half, on the west by part of number six, and there measuring thirty-nine feet three inches, on the south by Lot number five, and there measuring thirteen feet, on the west by Lot number five, and there measuring Forty feet, on the south by Lot number ten, and there measuring Fifty-eight feet and a half, and measuring in front on Argyle Street Seventy-nine feet three inches; which Land and Premises, by Deed dated the Eighth day of May, One Thousand Seven Hundred and Ninety-two, was conveyed by Richard Cunningham, Esquire, to Alexander Anderson, John Wisdom, Joseph Anderson, Peter Smith and Samuel Sellon, their Heirs and Assigns, in Trust for the benefit of the Society of People called Methodists, at Halifax, as by the said Deed, duly registered at Halifax on the Twenty-sixth day of June, in the said year One Thousand Seven Hundred and Ninety two, will appear.

Secondly.

Secondly.—A certain Lot of Land, situate near Cornwallis Fort, now the South Barracks, in Halifax, said part being bounded on the north by the Street, on the south by the old Burying Ground, on the west by Richard Cleary's Lot, and on the east by the Street at the Shed Barracks, measuring one hundred and sixteen feet in front, and two Hundred and twenty feet in depth, which Land was, by Deed dated the fifth day of May, One Thousand Seven Hundred and Ninety-eight, conveyed by William Gorkum and Mary his Wife, to Alexander Anderson, Samuel Sellon, Burrows Davis, Thomas Cowdell and George Leizer, their Heirs and Assigns, and by another deed, dated the Twenty-seventh day of February, 1816, was confirmed by the said William Gorkum and Wife, in Trust for the benefit of the Society of People called Methodists, at Halifax, and to be occupied as a Burial Ground for them, as by the said Deeds, duly registered at Halifax on the Tenth day of May, One Thousand Seven Hundred and Ninety-eight, and on the thirteenth day of March 1816, will appear.

Third.—All that certain Lot or Piece of Land, situate in Halifax aforesaid, known and described as Lot number four, in Forman's new Division, Letter C. which, by Deed dated the fourth day of May, One Thousand Eight Hundred and Four, was conveyed by William End to Alexander Anderson, Burrows Davis, Samuel Sellon, Peter Smith and George Leizer, their Heirs and Assigns, in trust, for the use and benefit of the Society of the People called Methodists at Halifax, as by the said Deed, duly registered at Halifax on the third day of September, One Thousand Eight Hundred and Four, will appear.

Fourth.—All that certain piece or parcel of Land fronting on Grafton Street, in the Town of Halifax, measuring thirty-six feet in front, and thirty-six feet in depth, being the southern part of Lot number five, Letter C. in Forman's new division of the Town of Halifax, formerly purchased by Robert Chisholm from Philip Kubn, the said piece or parcel of Land being the whole of said Lot excepting four feet in front, and running the whole depth of the northern part thereof, reserved by the said David Chisholm for his own use, which said lot of Land was, by Deed dated the fifteenth day of April, One Thousand Eight Hundred and Eighteen, conveyed by David Chisholm and Margaret Ann his Wife to Alexander Anderson, Samuel Sellon, the Reverend William Black, John Jost, George Nock, Hugh Bell, Charles Loveland and Martia Gay Black, their Heirs and Assigns, in trust for the benefit of the Society of People called Methodists, at Halifax, as by the said Deed, duly registered at Halifax on the sixteenth day of April, One Thousand Eight Hundred and Eighteen, will appear.

**SCHEDULE B. REFERRED TO IN THE PRECEDING ACT.**

Know all Men by these Presents that We, (*names of continuing Trustees*) all of Halifax, the present Members of the Board of Trustees of the Methodist Society at Halifax, constituted by the Act of the General Assembly of Nova-Scotia, passed in the second year of the Reign of His Majesty King William the Fourth, and entitled, An Act concerning the Property of the Methodist Society at Halifax, having this day met together in Halifax, for the choice of a new Trustee, in the room of (*name of Trustee whose seat is vacant*) whose (*death, resignation or other cause*) has occasioned a vacancy in the said Trust, did, pursuant to the powers and directions by the said Act given, duly, by a majority of votes of us the present Trustees, choose and elect (*name of party chosen, his residence and designation*) being a Member of the Society of Methodists at Halifax, to be one of the Board of nine Trustees in and by the said Act established, and the said (*name of new Trustee*) having accepted the Office and consented to act as one of the said Board, as by his hand and seal to these presents subscribed and set is signified, we, the said continuing Trustees, do hereby elect, nominate, constitute and appoint, him the said (*name*) so long as he shall continue a Member of the said Society at Halifax, to be a Member of the Trust aforesaid, and one of the Statute Trustees of the Methodist Society at Halifax, with full power and authority to have, use and exercise, in conjunction with the other Trustees for the time being, all the Trusts, powers, rights, privileges and authorities, and to fulfil and discharge all the duties which in and by the said Act are, may be discharged, used or exercised, by the said Board of Trustees, pursuant to the said

Certificate of  
appointment of  
new Trustees

said Statute. In witness whereof, we, and the said newly elected Trustee, have hereto our hands and seals subscribed and set at Halifax, this                    day of                    in the Year of Our Lord One Thousand Eight Hundred and

Signed and Sealed in }  
the presence of us }

## CAP. LVIII.

## An Act for the further relief of Insolvent Debtors.

[PASSED THE 14th DAY OF APRIL, 1832.]

Amends 3 and  
4, Geo. 3d, c.  
5 and 57, Geo.  
3d, c. 1  
See 5, Wm. 4,  
c. 51

Preamble

**WHEREAS**, by the Laws now in force for the relief of Insolvent Debtors, the Creditor or Creditors at whose suit such Debtor may have been taken in execution, are empowered to detain such Debtors in Gaol, after they have complied with all the requisites of the Acts passed for the relief of such Debtors, upon making to such Debtors the weekly allowance of Bread prescribed by the said Acts; *And whereas*, Persons who have fully and fairly assigned all their Property for the benefit of their Creditors, are frequently so detained in custody by their Creditors, with a view of extorting the amount of the Debts due to them from the friends or relatives of such Debtors, who have had no control over such Debtors, nor have been parties in any way to the contracting of the debt, nor have had any means of preventing the same from having been contracted:

Insolvent Debtors to be discharged unless good cause shewn upon Affidavit

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That where any Person detained in Prison, under execution issued, on any judgment obtained against him or her for any debt contracted, shall apply for his or her discharge, and shall in all respects comply with the directions of the Acts now in force for the relief of Insolvent Debtors, such Person shall be forthwith discharged from his or her imprisonment, unless good and sufficient cause for the further detention of such Prisoner shall be shewn by Affidavit to the Court or Justices to which or to whom the application for the discharge of such Prisoner shall have been made.

Proviso against fraud in Debtor, &c.

II. *Provided always, and be it further enacted*, That if it shall appear to the Justices or Court before whom any such Prisoner shall be brought that such debt was fraudulently contracted, or that there have occurred any circumstances in respect of such Debt, or the delay of payment thereof, which, in the opinion of such Justices or Court, render it proper that the person should be longer detained in Prison; then, and in every such case, it shall be lawful for the said Justices or Court to remand the Prisoner for such longer period or periods as the said Justices or Court shall consider proper under all the circumstances of the case; and also, from time to time, to make such further order or orders as the said Justices or Court may judge equitable and proper.

Act to extend to Prisoners now under Execution

III. *And be it further enacted*, That such Prisoners as are now in execution for Debt, shall be entitled to take the benefit of this Act; *Provided*, that, within sixty days from and after the publication hereof, they make application for that purpose in the manner directed by the Acts now in force for the relief of Insolvent Debtors.

Proviso This Act only to deprive Creditor of right to give Bread to Debtors

*Provided always*, That nothing in this Act contained shall deprive or be construed to deprive any Creditor or Creditors of any Debtor or Debtors, discharged by virtue of this Act, of all the rights and powers of proceeding against the Property or person of such Debtors, which are secured to them by the Laws now in force for the relief of Insolvent Debtors, save and except the right and power of having such Debtors remanded to Gaol, at the option of such Creditors, upon making such allowance of Bread.

Assignment of Property of Debtors

IV. *And be it further enacted*, That in every case where a person shall be ordered to be discharged upon assigning any Real or Personal Estate, it shall be lawful and for the Court or Justices, before whom the person is brought, to order all such Deeds and Instruments of Assignment to be executed, as shall or may be, by the said Court or Justices, deemed necessary for the better and more perfect and satisfactory transfer and assignment,

assignment, to the Creditor or Creditors, of all the Real and Personal Property so ordered to be assigned as aforesaid.

V. *And be it further enacted*, That the said Court or Justices, before whom any prisoner shall or may be brought, may and are hereby empowered to refuse to discharge any such Prisoner, if such Prisoner shall decline or refuse to comply with such terms and conditions as the Court or Justices may deem reasonable to be entered into by or on the part of the Prisoner, towards the payment in whole or in part of the Debt or Costs, for which he or she may be confined in Jail as aforesaid.

Reasonable  
terms may be  
imposed on  
Debtors

*And whereas*, in cases where any Person may be committed to Prison under any Execution by any Justice or Justices of the Peace, it may be inconvenient that the same Justice or Justices who shall have made the commitment, should be required to attend at the examination of such Prisoner, under the Acts for the relief of Insolvent Debtors.

Preamble

VI. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the publication of this Act, it shall and may be lawful in any case where any Person shall have been committed to Prison, under any Execution, by any Justice or Justices of the Peace, in any cause tried and determined before such Justice or Justices, for any two of His Majesty's Justices of the Peace for the County wherein such Person shall be imprisoned, without fee or reward, to extend the benefit of the Act, passed in the third and fourth years of the Reign of His late Majesty King George the Third, entitled, An Act for the relief of Insolvent Debtors, and the Acts in amendment thereof, to every such Person who may have been committed to Prison as aforesaid, although neither of the said Justices last mentioned may have been one of the Justices by whom the said Person may have been committed.

Act 3d and 4th  
Geo. III. c. 5,  
extended

VII. *And be it further enacted*, That an Act, passed in the Forty-fourth year of the Reign of His late Majesty King George the Third, entitled, An Act in addition to, and amendment of, an Act, made and passed in the third and fourth year of His present Majesty's Reign, entitled, An Act for the relief of Insolvent Debtors; and also, an Act, passed in the fifty-first year of the Reign of His late Majesty King George the Third, entitled, An Act in further addition to, and in amendment of, an Act, made and passed in the third and fourth year of His present Majesty's Reign, entitled, An Act for the relief of Insolvent Debtors, and every matter, clause and thing, in the said several Acts contained, shall be, and the same are hereby respectively repealed.

Act 44, Geo.  
3d, c. 51st,  
Geo. 3. c. 26,  
repeated

## CAP. LIX.

### An Act for regulating the Alewives Fishery on Barrington River.

(PASSED THE 30th DAY OF MARCH, 1832.)

**WHEREAS** the Alewives Fishery, on the River at Barrington, in this Province, is a Public Fishery open to all the Inhabitants of that Township. *And whereas*, from the increase of the Inhabitants, and the limited number of Fishing Stations, but few persons can receive any benefit from said Fishery, and from the general resort of the Inhabitants thereto, much riot and confusion has been and is continually produced, insomuch that at present the said Fishery is of little or no advantage to the Inhabitants generally:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*; That, from and after the passing of this Act, the right and privilege of the said Fishery for Alewives, in the said River at Barrington, for the then ensuing Season, shall be sold or leased by Public Sale or Auction, annually on the first Tuesday of January, in each and every year, by the Commissioners hereinafter mentioned, and to be appointed by, or by virtue of, this Act, to the highest and best bidder or bidders for the same at such sale.

Right of Fish-  
ery may be  
Sold or Leased

Association  
formed

II. *And be it further enacted*, That the purchaser or purchasers at such Sale shall immediately thereafter associate with themselves, as partners in the said Fishery, so many persons, inhabitants of Barrington aforesaid, to be approved of by the said Commissioners, as together with the said purchaser or purchasers shall make up the number of twelve persons, to which twelve persons, the said Commissioners shall, by a Lease or Instrument in writing, under their hands and seals, lease, assign and convey, the said right and privilege of Fishing for the then next ensuing year, to hold to them as Lessees thereof, upon payment of the rent or rents, sum or sums of Money, agreed upon and bid for the same at the said Sale, and upon the terms and conditions hereinafter mentioned.

Conditions im-  
posed on Les-  
sees

III. *Provided always, and be it further enacted*, That the said Lessees shall in all cases, before they shall receive any such Lease, Assignment or Conveyance, as herein before mentioned, become bound with two good and sufficient Sureties, to be approved of by the said Commissioners, in a bond to the said Commissioners, in the penal sum of Fifty Pounds of Lawful Money of this Province, conditioned that the said Lessees shall well and sufficiently fish the said River during the Season, and shall and will sell and supply to the Inhabitants of Barrington, when and as they shall or may require the same during the fishing Season, such quantity of Alewives (if sufficient be taken or caught) as may be required by any of the said Inhabitants, for the use and consumption of themselves or their families respectively, at the prices following, that is to say:—For fresh Alewives, eight pence for each and every one hundred thereof; for salted Alewives fit for smoking, one shilling for each and every one hundred thereof; and for salted Alewives fit for packing for family use, one shilling and two pence for each and every one hundred thereof.

Supply of In-  
habitants of  
Barrington  
with Fish se-  
cured

IV. *And be it further enacted*, That until and after the Inhabitants of the said Township of Barrington shall be fully supplied, and until and after such time as no further quantity of Alewives shall be required by the said Inhabitants, for the use and consumption of themselves and families, it shall not be lawful for the said Lessees or any or either of them, to sell or cause to be sold to any person or persons other than to the said Inhabitants, any quantity or quantities of Alewives whatsoever, the produce of the said Fishery:—*Provided always*, that nothing in this Act contained shall prevent or be construed to prevent the said Lessees or any or either of them after the fifteenth day of June, in each and every year, from selling Alewives to any person or persons whomsoever; *And provided further*, that any Fisherman or Fishermen, being an Inhabitant or Inhabitants of the said Township of Barrington, who shall or may require to purchase or procure fresh Alewives for bait, shall at all times be entitled to be, and shall be, first supplied, before and in preference to any other person or persons whomsoever.

Privileges of  
Lessees

V. *And be it further enacted*, That when and so soon as the said Sale, Lease, Assignment and Conveyance, shall be completed as aforesaid, the said twelve Lessees, to whom the same shall be made by the said Commissioners, shall be, and shall be taken to be, the only persons entitled to fish for and take Alewives in the said River at Barrington aforesaid, for and during the year for which they shall have received such Lease, Assignment and Conveyance, herein before mentioned, and directed to be made, and it shall not be lawful for any other person or persons, without the consent and permission of the said Lessees, or the majority of them, to fish for and take Alewives in the said River, during the said year, any law, usage or custom, to the contrary notwithstanding.

Interference  
with Lessees

VI. *And be it further enacted*, That if any other person, save and except the said Twelve Lessees, shall, without the permission and consent of the said Lessees, take or fish for, and catch, more than fifty Alewives in the said River at Barrington aforesaid, on or at any one time or day, such person shall for the first offence forfeit the whole of the fish so caught and pay a fine of five shillings, and for the second offence a fine of ten shillings, and so on in the like proportion for each succeeding offence, so as the penalties for offences committed on any one day do not exceed in the whole the sum of forty shillings, which fines shall be respectively sued for and recovered before any Justice or Justices of the Peace within and for the County of Shelburne, as debts of the like amount

are

are or may be by Law sued for and recovered, and shall be paid to the said Commissioners, to be by them applied as hereinafter directed.

VII. *Provided always, and be it further enacted,* That nothing in this Act contained shall be construed to prevent Indians from catching Fish in the said River. Indians exempted

VIII. *And be it further enacted,* That all the said Lessees shall be jointly and severally liable for, and shall pay to the said Commissioners, the annual rent or rents, sum or sums of Money, payable under and by virtue of such lease, assignment or conveyance, as may be made to them by the said Commissioners; and in case of default of payment, the said Commissioners shall and may have, use and take, all lawful ways and means for the recovery thereof, by suit or otherwise. Liability of Lessees

IX. *And be it further enacted,* That the said Fishery shall be under the control of the Overseers appointed by the Sessions of the Peace, and shall be subject to the like regulations, with respect to the time and manner of Fishing, (except as the same are or may be altered by this Act) as heretofore; and that all Nets set above the range of Blackberry Island and the South end of Kerby Island, shall extend, and be set so as to extend North and South, or as nearly so as may be. Control of fishery

X. *And be it further enacted,* That all monies to be received by the said Commissioners under and by virtue of the provisions of this Act shall be paid and applied to and for the repairs and improvement of the Roads in the said Township of Barrington, in such manner and under such rules, regulations, provisions and restrictions, as by the Justices of the Peace resident in the said Township of Barrington, or the majority of them, shall or may be from time to time ordered, made, provided and directed: *Provided always,* that an account of the Monies so received and expended, and the mode in which the same have been expended, shall be rendered to the Justices of the Peace in their General Sessions of the Peace in the County of Shelburne. Application of monies received under this Act

XI. *And be it further enacted,* That Obadiah Wilson, Ebenezer Crowell, John Homer, and William B. Sargeant, Esquires, and John Benson, and Samuel O. Doane, Gentlemen, all of Barrington aforesaid, shall be, and they are hereby, authorised and empowered to be, and to act as, the Commissioners for carrying into effect the several provisions of this Act; and in case of any vacancy arising among the said Commissioners, by the death, continued absence from the Province, or refusal to act, of any or either of the said Commissioners, then it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to nominate and appoint some other fit and proper person or persons to act as a Commissioner or Commissioners in the place and stead of the Commissioner or Commissioners so dying, absent, or refusing to act as aforesaid. Commissioners for carrying this Act into effect

*And whereas,* the said right and privilege of Fishing has been sold and leased at Public Sale for the ensuing Season, conditionally, that if an Act of the General Assembly authorising such Sale should pass, the said Sale and Lease should be confirmed: Preamble

XII. *Be it therefore enacted,* That such Sale and Lease shall be in all things confirmed, and shall be, and be deemed, and taken to be, as good, valid and effectual, to all intents and purposes, as if this Act had been in force at the time the same was made; and the said Commissioners shall lease, assign, and convey, the said right and privilege of Fishery, and otherwise proceed and act therein in the same way and manner to all intents and purposes as by this Act is provided and described. Sale and Lease heretofore made confirmed

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

## CAP. LX.

Expired

**An Act to continue an Act, entitled, An Act in further addition to the Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates.**

[PASSED THE 30th DAY OF MARCH, 1832.]

## CAP. LXI.

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

(PASSED THE 30th DAY OF MARCH, 1832.)

Act 51st. Geo.  
3, c. 1. continued

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

## CAP. LXII.

Amends 10,  
Geo. 4, c. 27.  
continued by  
4, Wm. 4,  
c. 34

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

(PASSED THE 30th DAY OF MARCH, 1832.)

Preamble

**WHEREAS**, the provisions contained in the seventh clause or section of the Act, passed in the last Session of the General Assembly, entitled, An Act in further addition to, and in amendment of, the Act for the choice of Town Officers, and regulating of Townships, have been found inconvenient, inasmuch as it frequently happens, that although due notice may have been given to the Proprietors of the Common Fields, mentioned in such Act, of the intended meeting of such Proprietors, yet such a number of Proprietors do not attend the said meeting, whose rights and shares amount together to one half of the land contained in the said Common Field, in consequence of which such meeting cannot legally make or pass such regulations, affecting the said Common Field, as will be binding and conclusive on the said Proprietors:

Regulations to be made by proprietors of one half the land owned by those present

**I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That** at any meeting of the Proprietors of any such Common Field, upon due notice given thereof, as is required by the said Act, all regulations made by such meeting respecting the said Common Field shall be binding and conclusive upon the Proprietors thereof, if the said regulations shall be made and passed with the assent, and by the determination, of such number of the Proprietors present at such meeting, whose rights and shares in such Common Field, when added together, shall amount to more than one half of the Land owned in such Common Field, by the Proprietors then present at such meeting, notwithstanding such rights and shares may not amount to one half of the Land contained in such Common Field.

II.

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

## CAP. LXIII.

**An Act to continue an Act in amendment of certain Acts relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates.** Expired

(PASSED THE 30th DAY OF MARCH, 1832.)

## CAP. LXIV.

**An Act to authorise an additional issue of Treasury Notes.** For Acts on this subject see 9, Geo. 4, c. 3

(PASSED THE 30th DAY OF MARCH, 1832.)

**WHEREAS**, under an Act, passed in the Ninth year of His late Majesty's Reign, entitled, An Act for issuing Treasury Notes, and cancelling those now in circulation, and also, an Act, passed in the Tenth year of His said late Majesty's Reign, entitled, An Act to authorise an additional issue of Treasury Notes, an issue of Treasury Notes to the extent of Fifty-five Thousand Pounds is authorised and allowed. *And whereas*, it has become necessary to make a further issue of Treasury Notes: Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the Commissioners, appointed or to be appointed under the said Act, passed in the Ninth year of His said late Majesty's Reign, to issue Treasury Notes to a further amount, not exceeding Twenty-five Thousand Pounds, so that the whole amount of Treasury Notes, at any one time in circulation, under the said several Acts hereinbefore mentioned, and the present Act, shall not exceed in the whole Eighty Thousand Pounds. Further issue of Treasury Notes

II. *And be it further enacted*, That of the Notes hereby authorised to be issued, the sum of Twenty-three Thousand Pounds shall be in Notes of Twenty Shillings each, and the sum of Two Thousand Pounds in Notes of Ten Shillings each: and all the said Notes shall be made, indented, signed, countersigned, dated and delivered, and be in such and the like form, figures and words, as near as may be, as in and by the said Act, passed in the Ninth year of His said late Majesty's Reign is directed, with respect to Notes to be issued under the said last mentioned Act. Description of Notes

III. *And be it further enacted*, That the Treasurer of the Province shall be accountable for the Notes delivered to him under this Act, and the same Notes shall be redeemable, and be paid or cancelled, in such and the like manner as by the said Act of the Ninth year of His said late Majesty's Reign is directed, with respect to the Notes to be issued under the same, and all the clauses, sections, provisions, penalties and forfeitures, contained in the said Act, passed in the Ninth year of His said late Majesty's Reign, and also, an Act, passed in the Eleventh year of His said late Majesty's Reign, entitled, An Act in amendment of the several Acts now in force relating to Treasury Notes, shall extend to all Notes to be issued under the authority of the present Act. Provisions of Acts in force to extend to Notes

At the **GENERAL ASSEMBLY** of the Province of Nova-Scotia, begun and holden at Halifax, on Thursday, the Seventh day of February, 1833, in the Third Year of the Reign of our Sovereign Lord **WILLIAM** the Fourth, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, **KING**, Defender of the Faith, &c. &c. &c. being the Third Session of the Fifteenth General Assembly, convened in the said Province.\*

\* In the time of **THOMAS N. JEFFERY**, President ; **Brenton Halliburton**, Chief-Justice, and President of the Council ; **Samuel George William Archibald**, Speaker of the Assembly ; **Sir Rupert D. George, Bart.** Secretary of the Council ; and **John Whidden**, Clerk of the Assembly.

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CAP. I.

Executed except as to clauses printed below

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

Whale Fishery Bounty

**III. And be it further enacted,** That, for encouraging the prosecution of the Fishery for Whales and other Animals, living in the Sea, in the Southern and Pacific Oceans, by Vessels from this Province, and to induce its Inhabitants to engage in, and acquire a practical knowledge of, and experience in, the business of that Fishing, so as to qualify themselves to become Officers of Whale Ships, there be granted a sum of money not exceeding in the whole Two Thousand Pounds, to be paid as Bounties to the first six Vessels which shall hereafter fit out for the said Fishery, and to be paid under the following conditions, that is to say:—

The Vessel to be of the Registered Burthen of at least Two Hundred Tons, to be fitted out and owned in this Province, to cross the Equator, in the prosecution of such Whaling Voyage, and to be actually engaged therein for a period not less than two years, unless previously full.

The Bounty to be paid to the Owner of such Ship or Vessel, on satisfactory proof made of her being so engaged during two years, or upon her return to this Province.

The first Vessel to be fitted out within one year, and the Bounty to attach in the order in which the Vessels sail.

The Bounty to be Two Pounds per Ton of the Registered Tonnage.

Out of the said Bounty of Two Pounds per Ton, a sufficient sum to be reserved to pay for the encouragement of such Individuals, being natives of this Province, as shall proceed as Seamen on board of such Vessel, the sum of Seven Pounds and Ten Shillings to be paid on returning from the first Voyage, and Fifteen Pounds on returning from the second Voyage performed by them respectively. Provided each Seaman, claiming such Bounty, shall produce satisfactory Certificates and Evidence of good conduct during such Voyage, and of having diligently exerted himself to acquire a competent knowledge of seamanship, and the business of the said Fishery, towards qualifying him to serve as an officer on board a whale-ship, and provided that the bounty be only paid to the ten best seamen in the ship.

If

If the several Vessels first fitted out shall so far exhaust the full amount of Bounty hereby allowed, as to leave for the succeeding Ship a sum less than 2l. per Ton, then only the balance remaining of the said 2000l. shall be paid to the Owners thereof.

IV. *And be it further enacted*, That the present annual Grant to the Western Stage Coach Company shall be further continued for three years, from the expiration of the present allowance, under the restrictions and provisions, and upon the same terms, as at present.

*And whereas*, the Eastern Stage Coach Company, by the terms of the Provincial Grant of the year 1829, to become entitled thereto, are bound to run their Carriages with three Horses each, and it sometimes happens that it is extremely difficult or impossible to run with three or four Horses the whole time:

V. *Be it therefore enacted*, That at such times as may be necessary in the Winter Season, on account of the state of the Roads, the said Company shall be at liberty to run their Carriages on such line or such part thereof, as may be requisite, with two or more Horses, without prejudice to their right to receive any Grant from the Treasury, in the same manner as if they had run their said Carriages with three or four Horses,

Grant to Western Stage Coach  
See 10, Geo. IV, C. 1. 1 Wm. IV, C. 16, S. 6. 2, Wm. IV, C. 1, S. 17

Relief afforded Eastern Stage Company  
See 1, Wm. IV, C. 1, S. 5

## CAP. II.

### An Act to continue the Act to provide for the regulation and management of the Grammar School or Academy at Annapolis.

Expired

[PASSED THE 30th DAY OF MARCH, 1833.]

## CAP. III.

### An Act in further amendment of the Acts relating to Trespasses.

Amends 3, Geo. 4, c. 32. Continued by 4, Wm. 4, c. 8, See 4. Geo. 4, 3. 12

(PASSED THE 30th DAY OF MARCH, 1833.)

**WHEREAS**, the provisions for punishing Persons guilty of Pound Breach or Rescue, contained in the fifth Section of the Act, made and passed in the Third year of His late Majesty's Reign, entitled, An Act for consolidating, and reducing into one Act, all the Acts heretofore made relating to Trespasses, have been found insufficient for the adequate punishment of offences, for remedy whereof:

Preamble

I. *Be it enacted*, That, upon any conviction, under the said fifth clause or section of said Act, before any Justice or Justices of the Peace, of any person or persons, for rescuing any Swine, Horses, Sheep, Goats or Neat Cattle, from any Hogleave, or other person driving the same to Pound, or for any breach of Pound or delivery of any Animal or Animals aforesaid out of the same, upon and under the Warrant or Execution issuing upon such conviction, the offender or offenders, for want of Goods or Chattles, of him, or them, to be found to satisfy the amount specified in such Warrant or Execution, with the Fees thereon, shall be committed to Gaol, there to remain until he or they shall pay such amount and Fees, or otherwise be discharged by the order of such Justice or Justices before whom the conviction shall have taken place, and such Warrant or Execution shall specify to that effect.

Persons convicted of rescuing Swine, Horses, &c.

II. *And be it further enacted*, That it shall and may be lawful for such Justice or Justices to discharge such offender or offenders from Gaol, upon its being made to appear to him or them that such offender or offenders is or are wholly unable to pay such amount and Fees, and hath not been guilty of any Fraud to escape payment thereof.

Relief afforded Offenders

III.

Continuation of Act

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

## CAP. IV.

Assent of His Majesty not yet signified to this Act

**An Act for continuing the General Assembly in case of the Death or Demise of His Majesty, His Heirs and Successors.**

(PASSED THE 30th DAY OF MARCH, 1833.)

Preamble

**WHEREAS**, the peace, welfare and security, of this Province, might be exposed to great dangers if the General Assembly of this Province should be dissolved by the Death or Demise of the King our Sovereign Lord, (whom God long preserve,) or by the Death or Demise of any of His Majesty's Heirs and Successors, for remedy thereof:

General Assembly continued after Death or Demise of His Majesty

**I. Be it enacted, by the President, Council and Assembly**, That the General Assembly, or any other General Assembly of this Province, which shall have been summoned and called by our present Sovereign Lord King William the Fourth, or His Heirs and Successors, shall not determine or be dissolved by the Death or Demise of His said Majesty, His Heirs and Successors, but such General Assembly shall, and it is hereby enacted to, continue and may meet, convene and sit, proceed and act, notwithstanding such Death or Demise, in the same manner, as if such Death or Demise had not happened. *Provided, always, and it is hereby enacted*, that nothing in this Act contained shall extend, or be construed to extend, to alter or abridge the power of the King, His Heirs and Successors, to prorogue or dissolve the General Assembly of this Province. *Provided*, that nothing in this Act contained shall be of any force or effect until His Majesty's Pleasure therein shall be known.

Proviso

## CAP. V.

1st Clause of this Act repealed by 5, Wm. 4. c. 15

**An Act to alter the time of Sitting of the Inferior Court and General Sessions for the Northern or North-Eastern District of the County of Cape-Breton, and to ascertain and establish the designation of said District.**

(PASSED THE 30th DAY OF MARCH, 1833.)

Time of holding Inferior Court in the Northern District of Cape-Breton

**BE it enacted, by the President, Council and Assembly**, That, from and after the passing of this Act, the Inferior Court of Common Pleas and General Sessions of the Peace for the Northern or North-Eastern District of the County of Cape-Breton, shall be held at Sydney, on the first Tuesday of May, in each and every year, instead of the second Tuesday of March, as now by Law required.

*And whereas*, doubts are entertained whether the legal and proper designation of the said District is the Northern or North-Eastern District of the County of Cape-Breton:

Designation of District

**II. Be it therefore declared and enacted**, That the said District is, and hereafter shall be called, designated and described, as the North-Eastern District of the County of Cape-Breton, and shall be so named, called and known, in all Writs, Process, Pleadings, Acts, Records, or Proceedings, whatsoever, and wheresoever had or made, whether in any Court or otherwise.

III.

III. *Provided always, and be it further enacted*, That no Writ, Process, Pleadings, Act, Record, or other Proceeding whatsoever, heretofore had or made, shall be, or shall be held or taken to be, erroneous, defective, void, or insufficient, by reason of the said District being therein called and described as the Northern District of the County of Cape-Breton, but such description shall be held and taken to be in any such Writ, Process, Pleading, Record, or other proceeding, heretofore had or made, as a good, valid and legal description of the said District, any thing herein contained to the contrary notwithstanding.

Writs and Process not to be held void on account of District

### CAP. VI.

## An Act to extend the Provisions of the Act relating to Commissioners of Highways in Halifax, and certain other Places, to the Town of Chester.

(PASSED THE 30th DAY OF MARCH, 1833.)

**B**E it enacted, by the President, Council and Assembly, That an Act, passed in the seventh year of His late Majesty's Reign, entitled, An Act relating to Commissioners of Highways in Halifax, and certain other Places, and all the regulations and provisions thereof, with every matter, clause and thing, therein contained, shall be extended, and the same are hereby extended, to the Town of Chester, in the County of Lunenburg; and it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint three respectable Inhabitants and Freeholders of the Township of Chester, aforesaid, to be Commissioners of Highways therein, for the purpose of carrying into effect the provisions and regulations of the said Act, and to proceed to supply any vacancy that may occur amongst such Commissioners, and such appointment to renew when necessary, in the same manner as is pointed out and provided by the said Act.

Act 7, Geo. IV, C. 3, extended to Chester

Appointment of Commissioners of Highways

II. *And be it further enacted*, That the powers, jurisdiction and authority, of the said Commissioners, when appointed, shall be the same as if the said Township of Chester had been originally named and mentioned in the said Act, and shall extend over all the Roads and Streets within that part of the said Township called the Townplot of Chester.

Powers of Commissioners

III. *And be it further enacted*, That, from and after the first day of May next, the authority, powers and jurisdiction, of the Surveyors of Highways within that part of the said Township of Chester called the Townplot, shall cease and determine, any Law, usage or custom, to the contrary notwithstanding.

Powers of Surveyors to cease

### CAP. VII.

## An Act to preserve and regulate the Navigation of the Harbour of Pugwash.

(PASSED THE 30th DAY OF MARCH, 1833.)

**WHEREAS**, it is found necessary to regulate the Pilots, employed in conducting Vessels into and out of the Harbour of Pugwash, to regulate the anchorage of Ships and Vessels in that Port, and to provide against the injuries done to the Navigation by Ships discharging Ballast in improper situations in that Harbour:

Preamble

I. *Be it enacted, by the President, Council and Assembly*; That, it shall and may be lawful for the Justices in their General Sessions of the Peace for the County of Cumberland

Licensing Pilots for Pugwash

Regulations  
for Pilots

berland, from time to time, as occasion may require, to licence so many fit and proper persons as may be deemed necessary to act as Pilots for the Harbour of Pugwash, and to regulate the Pilotage to be demanded and taken by such Pilots, for their services; and, from time to time, to make and publish such orders and regulations, for the government and good conduct of such Pilots, and to prevent unqualified persons from acting in that capacity, and to enable such Pilots to receive such pay for their services as may be fixed and established by Order of Sessions as aforesaid; and it shall be lawful for the said Justices to annex penalties for the breach of any of the orders and regulations so to be by them made, which penalties shall not exceed, for any one offence, the sum of Five Pounds, and may be sued for and recovered before any two of His Majesty's Justices of the Peace for the County of Cumberland.

Appointment  
of Harbour  
Master for  
Pugwash

II. *And be it further enacted*, That it shall and may be lawful for the said Justices in their General Sessions, from time to time, to appoint and licence a fit and proper person to act and serve as Harbour Master for the said Harbour of Pugwash, and to describe the several duties which he shall be bound to perform; and also to place the Pilots of said Harbour under the superintendance and direction of the said Harbour Master, and to fix the rate of pay which such Harbour Master shall be entitled to receive from each Vessel; and also, from time to time, to make rules and regulations for the anchorage of Ships and Vessels in said Harbour, and to authorise the said Harbour Master to carry such rules, orders and regulations into effect, and the said Justices shall also have power to annex penalties for the breach of any such orders and regulations, such penalties not to exceed in any one case the sum of Forty Shillings, and may be sued for and recovered as aforesaid.

Regulations for  
Harbour Master

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

Allowances to  
Harbour Master to be  
established

Vessels dis-  
charging Bal-  
last at Pugwash

IV. *And be it further enacted*, That it shall and may be lawful for the said Justices in their General Sessions to establish and fix such places in the said Harbour of Pugwash as shall be most convenient and proper for such Ships and Vessels to discharge their ballast, and to make such agreement as may be needful and necessary with persons for erecting and building wharves and other conveniencies for such Ships and Vessels to discharge their ballast upon; and from time to time to make orders and regulations to compel Ships and Vessels to discharge their ballast on such wharves and at such places as the said Justices shall appoint, and shall establish penalties, to be paid by persons transgressing such orders and regulations, and to be recovered as aforesaid, and shall and may establish and fix the rates of wharfage to be paid by Vessels and Ships using such Wharves, for the discharge of their ballast, and such rate or rates of wharfage may be sued for and recovered before any one of His Majesty's Justices for the said County of Cumberland; and the said Justices shall also make such rules and regulations for the disposal of the ballast so deposited on such wharves, and may also annex penalties to be paid by persons transgressing such rules and regulations, to be recovered as aforesaid; *Provided always*, that no rule or regulation respecting such ballast shall be made so as to prevent the master, owner or owners, of such Ships or Vessels, from selling or disposing of the ballast, so by them landed on such wharves, within a reasonable time, if they shall think proper, and the said Justices, in General Sessions, shall make such rules and regulations from time to time as may be useful and necessary, to allow the Master of any Vessel landing and depositing ballast at any of the places so to be appointed, a reasonable time to sell and dispose of such ballast; and the said Justices, in their General Sessions, may fix and establish penalties, not exceeding in any one case Ten Pounds, to be recovered as aforesaid, against any person or persons refusing to obey or transgressing any of the rules or orders made by the said Justices.

Persons think-  
ing themselves  
aggrieved

V. *And be it further enacted*, That it shall and may be lawful for any person or persons, who shall think himself or herself aggrieved by all or any of the rules and regulations

tions which the said Justices in their General Sessions shall from time to time make under the authority of this Act, to complain of the same by Affidavit to the Supreme Court, at any of the fixed or stated terms, at Amherst, in the said County of Cumberland; and it shall be lawful for the said Supreme Court to receive and hear such complaint, and if it shall appear to the said Court that all or any of such rules, orders or regulations, complained of, are contrary to Law, or grievous or oppressive, it shall and may be lawful for the said Court to abrogate and annul any of such rules and regulations, which may be adjudged by the said Court to be illegal, grievous and oppressive, and it shall not be lawful for the said Justices afterwards to execute or carry into effect the order or orders so annulled or abrogated by the said Court, or afterwards to establish any new order or regulation to operate with the like or same effect as any such rule or regulation so annulled or abrogated.

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

Continuation  
of Act

### CAP. VIII.

**An Act to continue an Act for the further increase of the Revenue, by imposing a Duty upon Articles imported from Foreign Countries.**

Expired

[PASSED THE 30th DAY OF MARCH, 1833.]

### CAP. IX.

**An Act for making the setting Fire to Coal Mines Felony.**

(PASSED THE 30th DAY OF MARCH, 1833.)

**B**E it enacted, by the President, Council and Assembly, That, if any person or persons shall hereafter unlawfully and maliciously set fire to any Mine of Coal or Cannel Coal, within this Province, and shall be thereof legally convicted, such person or persons shall be deemed guilty of Felony, and suffer death as a Felon or Felons, without benefit of Clergy.

Maliciously  
setting Fire to  
Coal Mines

Felony

II. *And be it further enacted*, That all or any Accessary or Accessaries to any such offence, before the offence committed, shall be deemed and taken to be a principal or principals in the said offence, and shall be liable to be indicted, convicted and punished, as principal or principals therein.

Accessaries

### CAP. X.

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

Expired

(PASSED THE 30th DAY OF MARCH, 1833.)

## CAP. XI.

Expired

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

(PASSED THE 30th DAY OF MARCH, 1833.)

## CAP. XII.

Repealed by  
5, Wm. IV, C.  
27

**An Act concerning Suits against Foreign Bodies, Politic or Corporate.**

(PASSED THE 30th DAY OF MARCH, 1833.)

## CAP. XIII.

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

(PASSED THE 30th DAY OF MARCH, 1833.)

Preamble

**WHEREAS**, the present mode of proving Written Documents, by the attendance of Witnesses at the Trials of Causes to prove the same in a formal manner, is, in many cases, expensive and burdensome upon Suitors and Witnesses : and, it is expedient the expense thereof should be lessened as far as practicable, consistent with the due administration of Justice, by altering the present system of proving Written Documents :

Admission of  
Deeds, Bills,  
Notes, or other  
Instruments of  
Writing

**I. Be it therefore enacted, by the President, Council and Assembly, That**, in all Actions whatsoever, now pending or hereafter to be prosecuted in any of His Majesty's Courts within this Province, either of the Parties or Attornies in the Suit may exhibit to the Party or Parties on the opposite side, or to his, her or their Attorney or Attornies, any Deed, Bill or Note, or other Instrument, in writing, or any Notice or Notices, to be proved on the Trial of any such Suit, by the Party or Parties so exhibiting the same, and may require the Party or Parties, or his, her or their Attorney or Attornies, to whom any such Deed, Bill, Note or other Instrument, in writing, or any Notice or Notices, shall have been exhibited, to inform them, on or before the expiration of ten days from the date of such exhibition, whether he, she or they, will or will not admit such Deed, Bill, Note or other Instrument in writing, or such Notice or Notices to be given in evidence on the Trial of the Issue in such Actions, without producing any Witness or Witnesses to prove the same; and in case the Party or Parties, his, her, or their Attorney or Attornies, shall neglect or refuse to give any answer to such application within ten days from the time of such exhibition, or shall refuse to enter into a rule to admit such Deed, Bill, Note, or other Instrument in writing, or such Notice or Notices to be given in evidence on the Trial of any such Issue, whereby the Party or Parties exhibiting such Deed, Bill, Note, or other Instrument in writing, or such Notice or Notices, shall be put to the expense of producing a Witness or Witnesses to prove the same, and the Court before whom such Issue shall be filed shall be of opinion, that the production of any

any such Deed, Bill, Note, or other Instrument in writing, or such Notice or Notices, was necessary to support the case of the Plaintiff or Plaintiffs, or the Defendant or Defendants, as the case may be, and that such Deed, Bill, Note, or other Instrument in writing, or such Notice or Notices, was or were proved, then and in such case the costs of proving such Deed, Bill, Note, or other Instrument in writing, or such Notice or Notices, shall be taxed against the Party from whom the admission was required, whatsoever may be the event of the Cause, and in such cases, when required, the Court in which the Action is depending is authorised to afford to the Party paying or incurring such Costs, upon the party against whom such Costs shall be taxed as aforesaid, a remedy for recovering the same, either by an Execution in the common form, upon a Judgment to be signed for that purpose, in the Cause, or by Attachment, or by Distringas, in the nature of an Execution, against the Property, or otherwise by deduction from the Costs or Damages and Costs of the adverse Party taxed or allowed in the Cause, as the case may require.

II. *And be it further enacted*, That no Costs, incurred after passing this Act, for proving at the Trial or inquiry, any written Document, shall be allowed on taxation to any party, who shall have adduced the same in evidence at any Trial in support of any Issue of which it was incumbent on him to prove the affirmative, unless the same shall have been exhibited to the opposite Party or Parties, or to his, her, or their Attorney or Attornies, as herein before provided, a reasonable time before such Trial or enquiry, or some reasonable cause shall be shown on taxation, why such Notice could not have been given, nor shall any Costs be allowed of preparing to prove any such Document, which shall have been incurred before the service of such Notice, or after an offer by the adverse Party to admit such Document or Documents, except such Costs only as shall have been necessarily incurred by some act done after such service of Notice, and before such offer of admission.

Costs incurred  
for proving  
Written Do-  
cuments

III. *And be it further enacted*, That any person or persons wilfully making a false Affidavit under this Act, shall be held guilty of perjury, and subject to the punishment provided by Law therefor.

False Affid-  
avits

IV. *Provided always, and be it further enacted*, That saving and excepting the charges of the travel and attendance of Witnesses at such Trial or enquiry, which are not to be allowed, nothing in this Act contained shall extend, or be construed to extend, to prevent the allowance or taxation of all other reasonable and necessary charges and expenses incurred for, and in respect of, any original Records, Deeds, Instruments, Writings, or Proceedings whatsoever, which by Law are now receivable as legal Evidence, without proof of their execution or signature, but on the production thereof, or for, or in respect of, any certified Copies of any Records, Deeds, Instruments, Writings, or Proceedings, which Copies can or ought to be received in evidence, upon proof made of the Seal of the Court, or Officer under which, or of the signature of the Officer by whom, such Copies are certified.

Certain reason-  
able charges  
to be allowed

V. *And be it further enacted*, That all Copies of any Records, Orders, Rules, Depositions, Affidavits, Writings or Proceedings, in any Court of Law or Equity in this Province, remaining and there filed in any Suit in such Court, such Copies being certified under the Seal of such Court, or by the proper Officer thereof, under Oath, as true and exact Copies and Transcripts of their respective originals remaining in his Custody as such Officer, and also certified by him to have been carefully examined and compared with their respective Originals, and therewith found to agree in every particular, shall be received and admitted in any Court of Law or of Equity in this Province, as good and legal evidence, to the same extent as if the respective originals were actually produced and proved by such Officer having the same in charge.

Certified Co-  
pies of Records  
&c. admitted  
as evidence

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

Continuation  
of Act

## CAP. XIV.

Expired

**An Act to continue an Act in amendment of certain Acts relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates.**

[PASSED THE 5th DAY OF MARCH, 1833.]

## CAP. XV.

**An Act for the Inspection of Flour and Meal.**

(PASSED THE 30th DAY OF MARCH, 1833.)

Continued and amended by 4. Wm. IV, C. 15

Preamble

**WHEREAS** it is necessary, in order to prevent Frauds in regard to the quantity and quality of Flour and Meal consumed in this Province, that the same should be weighed and inspected before being offered for sale in barrels or half barrels :

Appointment of Inspector and Weigher of Flour, &amp;c.

**I.** *Be it therefore enacted, by the President, Council and Assembly,* That, for the purpose of carrying into effect the provisions and regulations hereinafter contained, it shall and may be lawful to and for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint and commission at and for each and every of the ports of Entry of this Province, one fit and proper person to be Inspector and Weigher of Flour and Meal, which Inspector and Weigher shall have power to appoint a Deputy or Deputies under him, as he may think expedient, and which Deputy or Deputies shall act under the direction of the Inspector by whom he or they may be appointed, and shall be removeable at his will and pleasure, and each and every Inspector shall be chargeable with, and liable for, the acts, conduct and defaults, of the Deputy or Deputies so by him appointed, and may take such security as he may think proper for the good conduct and faithful discharge of the duties of such his Deputy or Deputies.

Deputies

Inspectors to give Bonds &amp; to be sworn

**II.** *And be it further enacted,* That each and every such Inspector and Weigher shall hold office during the pleasure of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and, before entering upon the duties of such office, shall give good and sufficient security by Bond, with two sureties, to our Lord the King, for the true and faithful performance of the duties of such office, by himself, or his Deputy or Deputies, and for making good any loss or damage sustained by any person or persons whomsoever, by, or in consequence of, the neglect, misconduct or default, of such Inspector, his Deputy or Deputies; and shall also take the following Oath before some one of His Majesty's Justices of the Peace for the County or District wherein he may reside: **I, A, B,** do swear that **I** will faithfully, truly and impartially, according to the best of my skill and understanding, execute and perform the office of an Inspector and Weigher of Flour and Meal, according to the true intent and meaning of the Law concerning the same; and each and every of such Deputies, before acting as such, shall be in like manner sworn to do their duty as such Deputy-Inspectors and Weighers.

Inspector's Oath

Flour, &amp;c. to be inspected and weighed

**III.** *And be it further enacted,* That, from and after the passing of this Act, and the appointment of such Inspectors and Weighers as aforesaid, all Wheat Flour, Rye Flour, Corn Meal, and Buckwheat Meal, imported into this Province, in barrels and half barrels, shall immediately, upon being discharged or landed, and before being sold or offered for sale or re-shipped, or taken out of Warehouse for consumption in this Province, or sent from the port or place where the same shall have been so discharged or landed, be inspected and weighed by the Inspector and Weigher for such port or place, or some one of his lawful Deputies; and each barrel shall contain not less than One Hundred and Ninety-six Pounds net weight, and each half barrel not less than Ninety-eight Pounds net weight of Flour or Meal, which, if not good, sweet and wholesome, shall be marked and denominated "*Bad,*" as hereinafter provided.

IV. *And be it further enacted*, That it shall be the duty of such Inspectors and Weighers, or their Deputies, upon the landing of any Flour or Meal in barrels or half barrels as aforesaid, to inspect and weigh the same, and to see that the same shall be of at least the quantity aforesaid, and thereupon to brand and mark each and every barrel and half barrel thereof, being at least of such quantity, with the initials of his Christian and Sirname, with a branding iron, with the net weight of such barrel or half barrel, not less than aforesaid, and following the same, the letter S. for Superfine, F. for Fine, and M. for Middlings, as the case may be, and “Bad” for bad, if the same shall not be good, sweet and wholesome, with a branding or marking Iron, and each and every barrel or half barrel of Flour and Meal, of any of the descriptions aforesaid, imported into this Province, which, after landing, shall be sold or offered for sale, removed or re-shipped for consumption in this Province, without having been previously so inspected, weighed and marked as aforesaid, or which shall have been repacked or found deficient in the weight or quality denoted by such marks, shall be liable to seizure, by any one or more of the said Inspectors and Weighers, or their Deputy or Deputies so appointed as aforesaid, or any one or more of His Majesty’s seizing or preventive Officers, Officers of the Customs or of Impost and Excise, within this Province; and may, if not of higher value than Five Pounds, be declared forfeited to His Majesty, by and before any two of the Justices of the Peace for the County or District in which the same may have been so seized, or, if of higher value than Five Pounds, may be prosecuted to condemnation in the usual manner in any of His Majesty’s Courts of Record within this Province; and the person or persons so having sold, or offered for sale, re-shipped or re-packed, or sold of deficient quality or quantity as aforesaid, any such Flour or Meal, shall be liable to forfeit and pay the sum of Ten Shillings for each and every such barrel thereof, and the sum of Five Shillings for each and every such half barrel thereof, and the sum of Sixpence per pound weight for each and every pound weight so deficient, to be recovered in manner hereinafter provided; one half of the net proceeds of such seizures and penalties respectively to be paid to the person or persons who shall seize or inform, or sue for the same, and the residue to the Commissioners or Overseers of the Poor, for the use of the Poor of the Parish, Township or Settlement, wherein the offence shall have been committed, and such offender or offenders, person or persons, so selling the same before such inspection as aforesaid, or having repacked or caused a deficiency in the same, shall be liable to, and shall pay and make good to the buyer or buyers, person or persons, from whom the same may have been so seized, or in whose possession the same may have been found, all monies, loss or damage, by him or them paid, incurred or sustained, in consequence of such seizure, to be recovered either by action or debt, of as for so much money had and received by such seller or sellers, to the use of such buyer or buyers, or person or persons sustaining such loss or damage as aforesaid.

Brands

Violation of Act

Penalties

Application of penalties

V. *And be it further enacted*, That the Inspectors and Weighers, or their Deputies, shall receive and be paid for inspecting, weighing and marking, at and after the rates following, that is to say:—For inspecting, weighing and marking, each barrel of Flour or Meal, three-pence, and each half barrel of Flour or Meal, one penny half-penny, to be paid by the Owner, Seller, Importer or Consignee thereof.

Allowance to Inspectors

VI. *And be it further enacted*, That if any Inspector and Weigher, hereafter to be appointed under this Act, or any Deputy or Deputies of any such Inspector and Weigher, shall inspect, weigh, brand or mark, any barrel or half barrel of Flour or Meal, in any manner, form or way, contrary to the true intent and meaning of this Act, such Inspector or Deputy shall forfeit and pay the sum of Forty Shillings per barrel, and the sum of Twenty Shillings per half barrel, for each and every barrel and half-barrel thereof; and any Inspector and Weigher, or Deputy-Inspector and Weigher, in any other manner offending against the true intent and meaning of this Act, shall forfeit and pay for each and every offence the sum of Twenty Pounds; such forfeitures and penalties to be respectively recovered and levied in manner hereafter mentioned, and the proceeds thereof applied, one half to the person or persons who shall inform, sue or prosecute for the same, and the other half to the Commissioners or Overseers of the Poor of the Township, Parish or Settlement, wherein the offence shall have been committed

Inspectors of-fending against this Act

mitted

mitted. *Provided always*, that nothing in this Act contained shall prevent or be construed to prevent any person or persons from having or maintaining any Action or Suit against any such Inspector or Deputy, on account of any Fraud or Neglect by him committed, done or suffered, in regard to any such Flour or Meal, or the inspecting, weighing or branding thereof.

Forfeitures, &c.  
recoverable  
with costs as  
debts

VII. *And be it further enacted*, That all and every the forfeitures, penalties and sums of Money, by this Act imposed or declared and made payable, shall and may be recovered with Costs of Suit, in the name or names of the person or persons suing or prosecuting for the same, in like manner as debts, either in any of His Majesty's Courts of Record in this Province, or before any one or more of His Majesty's Justices of the Peace, according to the amount of such penalties, forfeitures or sums, with reference to the Jurisdiction of such Courts and Justices in cases of Debts, and shall be levied in like manner as in cases of debts, to be applied as hereinbefore provided.

Flour, &c. when  
exempted from  
inspection

VIII. *Provided always, and be it further enacted*, That all Flour and Meal, imported into this Province, and landed and deposited within any Bonded Warehouse, and therefrom directly shipped on board of any Vessel for exportation out of the Province, shall be exempt and altogether free from the regulations and operation of this Act.

Flour manu-  
factured in  
Province sub-  
jected to this  
Act

IX. *And be it further enacted*, That all Flour and Meal, of every description which shall be manufactured within this Province, and brought to Market, and offered or exposed to sale in barrels, half barrels, or casks of any kind, shall be, and is hereby declared, subject and made liable to the operation of this Act, and shall immediately on being brought to Market, and before being offered for sale, or sold, be weighed and inspected by the persons, and in the manner and under the penalties in this Act before prescribed, and the casks wherein the same shall be contained shall be marked as hereinbefore directed; and all and singular the clauses, regulations and provisions, herein before contained and applicable to the inspection, weighing and marking, of Flour and Meal imported into this Province, shall extend and be applied to Flour and Meal of all kinds, manufactured in this Province, and offered for sale in casks as aforesaid.

Tare for Bar-  
rels

X. *And be it further enacted*, In order to prevent damage or loss which may be sustained in unpacking the said Flour or Meal, to ascertain the tare of said barrels, or half barrels, it shall and may be lawful for the said Inspector or Inspectors, or their Deputies, to affix a tare for the said barrels or half barrels, to the best of his or their judgment, without unpacking or weighing the same—which judgment shall be final, unless disputed by the buyer or seller of said Flour, in which case, the barrel may be unpacked, but the expense attending the said unpacking and repacking shall be paid by the party complaining.

Act limited to  
Halifax, and  
Cape-Breton

XI. *Provided always, and be it further enacted*, That this Act shall not go into operation in any County or District in this Province, except in the District of Halifax and County of Cape-Breton, without the Special Order of the President or Commander in Chief therefor, to be made upon the application of the Court of General Sessions of the Peace, for any such County or District.

Continuation  
of Act

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

## CAP. XVI.

**An Act to alter and continue the Act for granting to His Majesty certain Duties of Impost on Wine, Brandy, Gin, Rum and other distilled Spirituous Liquors, and Brown Sugar, for the support of His Majesty's Government, and for promoting the Agriculture, Commerce and Fisheries, of this Province.** Expired

(PASSED THE 30th DAY OF MARCH, 1833.)

## CAP. XVII.

**An Act for the further increase of the Revenue of this Province, by continuing the several Acts of the General Assembly for raising a duty of Excise.** Expired

(PASSED THE 30th DAY OF MARCH, 1833.)

## CAP. XVIII.

**An Act to continue the Act for granting Duties on Licenses for the sale of Spirituous Liquors in Taverns, Public Houses or Shops, and for other purposes.** Expired

(PASSED THE 30th DAY OF MARCH, 1833.)

## CAP. XIX.

**An Act for the more Easy Redemption and Foreclosure of Mortgages.**

(PASSED THE 30th DAY OF MARCH, 1833.)

**B**E it enacted, by the President, Council and Assembly, That, from and after the publication hereof, when any action shall be brought in His Majesty's Supreme Court or either of the Inferior Courts of Common Pleas, on a Bond or Note, secured by Mortgage, or for non-performance of Covenants therein contained, or where any Action of Ejectment shall be brought by any Mortgagee or Mortgagees, his, her or their Heirs, Executors, Administrators or Assigns, for the recovery of possession of any Mortgaged Lands, Tenements or Hereditaments, within this Province, and no Suit shall be then pending in His Majesty's Court of Chancery in this Province, for or touching the Foreclosing or Redeeming of such Mortgaged Lands, Tenements or Hereditaments, if the person or persons having right to redeem such Mortgaged Lands, Tenements or Hereditaments, and who shall appear and become Defendant or Defendants in such Action, shall

Payment of principal interest and Costs to be a full discharge

and Mortgagee may be compelled to reconvey

Upon neglect or refusal to pay Mortgage Monies & costs Mortgaged Lands may be sold by order of Court

Proceeds of Sales

Titles to property so sold

Provide that that there is no other Mortgage

nor any controversy as to redemption

shall, at any time pending such Action, pay unto such Mortgagee or Mortgagees, or shall bring into Court where such Action shall be depending, all the principal Monies and Interest due on such Mortgage, and all such costs as have been expended in any Suit or Suits at Law or in Equity, upon such Mortgage, Bond or Note, (such Money, for Principal, Interest and Costs, to be ascertained and computed by the Court or by the proper Officer to be appointed by the Court for that purpose,) the Monies so paid or brought into Court shall be deemed, and taken to be, in full satisfaction and discharge of such Mortgage, and the Court shall and may discharge every such Mortgagor or Defendant, of and from the same accordingly, and shall and may, by Rule and Rules of the same Court, compel such Mortgagee or Mortgagees to assign, surrender and re-convey, such Mortgaged Lands, Tenements and Hereditaments, and such Estate and Interest, as such Mortgagee or Mortgagees have or hath therein, and to deliver up all Deeds, Evidences and Writings, in his, her or their Custody, relating to the Title of such Mortgaged Lands, Tenements or Hereditaments, unto such Mortgagor or Mortgagors, who shall have paid or brought such Monies into Court, his, her or their Heirs, Executors or Administrators, or to such other person or persons as he, she or they, shall, for that purpose, nominate and appoint.

II. *And be it further enacted, by the authority aforesaid,* That if such Mortgagor or Mortgagors, his, her or their Heirs, Executors or Administrators, being Defendant or Defendants in such Action, shall refuse or neglect, by reason of inability or otherwise, to pay or discharge the said Principal Monies with interest and Costs due as aforesaid, it shall and may be lawful for the said Court, by Rule or Rules for that purpose made, to order and direct a Sale of such Mortgaged Lands, Tenements and Hereditaments, or of so much or of such part thereof as may be sufficient to pay and discharge the principal sum with the Interest and Costs due on such Mortgage, the same to be Sold by the Sheriff of the County wherein the Lands lie, or by his Deputy or Deputies, under the direction of the Court, at Public Vendue to the highest bidder, reasonable notice of the time and place of such Sale being given in the Royal Gazette at Halifax, or otherwise, as the Court may order; and due return to be made of such Sale; and out of the proceeds thereof, the Sheriff shall pay to the Plaintiff or Plaintiffs the sum due to them for Principal, Interest and Costs, if the said Lands shall sell for sufficient to satisfy the same; and in case the same shall be more than sufficient to pay and discharge the Principal Sum with the Interest and Costs, the surplus to be paid over by the said Sheriff to the Mortgagor or Mortgagors, his, her or their Heirs, Executors, Administrators or Assigns, or to such person or persons as shall appear to the Court to be legally entitled thereto, and the Mortgagor or Mortgagors, his, her or their Executors, Administrators or Assigns, shall from thenceforth be wholly barred and foreclosed of, and from, any right in Law and Equity to redeem the same; and a Deed or Deeds of Bargain and Sale of such Lands, Tenements and Hereditaments, shall be made and delivered by such Sheriff or his Deputy or Deputies to the purchaser or purchasers thereof, under such Sale, which, being recorded in the Registry of Deeds for the same County, shall be sufficient to transfer and vest the right, title and interest, of the Mortgagor or Mortgagors, and Mortgagee or Mortgagees, his, her or their Heirs, Executors, Administrators and Assigns, and of all persons claiming by, from or under them, or any or either of them, in the Purchaser or Purchasers, their Heirs and Assigns, as fully and effectually to all intents and purposes as the same were held by the Mortgagor or Mortgagors, and Mortgagee or Mortgagees, any Law or usage to the contrary notwithstanding; *Provided always,* that no proceedings shall take place under this Act in the Supreme or Inferior Courts in this Province, until the Plaintiff or Plaintiffs shall file a Certificate in the Prothonotary's Office, from the Registrar or Deputy Registrar of Deeds in the County or District in which such Lands do lie, stating and certifying that there is no Mortgage registered in his Office upon the Lands or Tenements to be proceeded against under this Act, to any other person or persons than the Plaintiff or Plaintiffs, nor shall any such proceedings take place in any case where the right of redemption to the Mortgaged premises in question in any cause or suit shall be controverted, by or between different Defendants in the same cause or suit, nor shall be any prejudice to any subsequent Mortgage or Mortgagees,

Repts  
128  
C1

gages, or subsequent Incumbrances, any thing in this Act to the contrary thereof notwithstanding.

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

## CAP. XX.

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

(PASSED THE 30th DAY OF MARCH, 1833.)

## CAP. XXI.

**An Act to continue the Act more effectually to secure the payment of the Provincial Duties of Excise, and to prevent Frauds in the collection of the Provincial Revenue.** Expired

[PASSED THE 30th DAY OF MARCH, 1833.]

## CAP. XXII.

**An Act to continue the Act concerning the Terms of the Supreme Court at Halifax.** Expired

(PASSED THE 5th DAY OF MARCH, 1833.)

## CAP. XXIII.

**An Act to continue the several Acts concerning the Bridewell and Police in Halifax.** Exp

(PASSED THE 5th DAY OF MARCH, 1833.)

## CAP. XXIV.

**An Act to continue the Act in further amendment of an Act to regulate the Jurisdiction of the Inferior Court of Common Pleas within the County of Cape-Breton, and to fix and establish the Times and Places for holding of the said Inferior Court and General Sessions of the Peace, in and for the said County.** Expired

(PASSED THE 5th DAY OF MARCH, 1833.)

## CAP. XXV.

Expired

**An Act to continue the Act in amendment of an Act, made and passed in the first and second years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton.**

(PASSED THE 5th DAY OF MARCH, 1833.)

## CAP. XXVI.

**An Act to continue the Act to enable those interested in La Have Common to make Regulations for the management thereof.**

(PASSED THE 5th DAY OF MARCH, 1833.)

Act 1, Wm.  
IV. Cap. 20,  
continued

**B**E it enacted, by the President, Council and Assembly, That the Act, made and passed in the First Year of His present Majesty's Reign, entitled, An Act to enable those interested in La Have Common to make Regulations for the Management thereof, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for three years, and from thence to the end of the then next Session of the General Assembly.

## CAP. XXVII.

Expired

**An Act to continue the Act concerning the Inferior Courts of Common Pleas within this Province.**

(PASSED THE 5th DAY OF MARCH, 1833.)

## CAP. XXVIII.

Expired

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

(PASSED THE 5th DAY OF MARCH, 1833.)

## CAP. XXIX.

Expired

**An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts in amendment thereof and additional thereto.**

(PASSED THE 5th DAY OF MARCH, 1833.)

CAP. XXX.

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

(PASSED THE 5th DAY OF MARCH, 1833.)

CAP. XXXI.

An Act to continue the Act, entitled, An Act in further addition to the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates.

(PASSED THE 5th DAY OF MARCH, 1833.)

CAP. XXXII.

An Act concerning Cemeteries or Burial Grounds for the Town of Halifax.

(PASSED THE 20th DAY OF APRIL, 1833.)

WHEREAS the several Grounds now appropriated within the Town and Suburbs of Halifax, for the Burial of the Dead, are become altogether inadequate for that purpose, and the continued use thereof for interments will be of great public inconvenience to the Inhabitants, and injurious to the said Town.

And whereas, it has become necessary that the practice of interment within the Town or Suburbs of Halifax should be discontinued, and that a Common Public Cemetery or Cemeteries should be provided at a convenient distance therefrom, suitable for that solemn use, and in lieu of the places of interment now appropriated thereto.

And whereas, by an Act, passed in the Tenth Year of His late Majesty's Reign, entitled, An Act concerning the Common of Halifax, it was provided that part of the said Common should be appropriated for the purposes of such Public Cemeteries:

1. Be it therefore enacted, by the President, Council and Assembly, That, the hereinafter described piece of Land, part and parcel of the said Common, shall be appropriated for the purpose of such Public Cemetery, that is to say:—All that Lot or Piece of Land, situate on the Wind-Mill Hill, so called, on the said Common, and on the East side of the Highway sixty-six feet wide, running along the West side of the said Common, and is bounded and described as follows, that is to say:—Beginning at a point in the East side line of the said Highway, which point is distant seven hundred and seventy feet to the Northward of the South-West corner of the Northern range of Half Acre Lots, leased on the said Common, thence from the said point of beginning to be bounded by a line measuring Eastwardly on a course corresponding with the North side of the street leading from the Town by the Artillery Barracks five hundred and fifty feet, thence at right angles with the last course, and on a line parallel with the Highway first mentioned, until the line intersects the Road leading from the Town to the Property called St. Andrew's Cross, thence to follow Westwardly by the Southern line of the said Road, until it intersects the Highway first mentioned, and thence to run on the East

Ddd

Alotment of portion of Common for Public Cemetery

6 Ann. V. C. 83 Roman Catholic Consecration of St. Andrew's Cross

Victoria 1836  
General Government  
Public Cemetery  
Military Cemetery  
New City Cemetery  
Windmill Hill

side of the Highway first mentioned Southwardly to the place of beginning, comprehending within this description about Twenty Acres of Land, more or less, with the appurtenances thereof.

Appointment  
of Commission-  
ers for Public  
Cemeteries—  
their duty and  
powers

**II. And be it further enacted,** That it shall and may be lawful for the Lieutenant-Governor or Commander in Chief for the time being, to nominate and appoint five or more Commissioners for Public Cemeteries in Halifax, and upon the Death, Resignation or other removal from that office of any such Commissioners, to nominate and appoint one or more as the case may be, in the place and stead of such Commissioner so dying, resigning or being otherwise removed from that Office, in whom shall be vested the care, custody, management and control, of the said Cemetery or Cemeteries hereby established, and who shall have full authority to make and establish all necessary orders, rules and regulations, touching and concerning the same, and the Burial of the Dead within the same, subject however to this Act and the Provisions and Enactments thereof; *And provided also,* that such orders, rules and regulations, shall not interfere with, obstruct or oppose, the Religious Rites, Ceremonies or Observances, of any person or persons in the Burial of the Dead, and shall be approved by the Governor, Lieutenant-Governor or Commander in Chief for the time being.

Cemetery to be  
enclosed and  
embellished

**III. And be it further enacted,** That the said Commissioners of Cemeteries may, and they are hereby authorised and empowered to enclose the hereinbefore described Twenty Acres of Land on the said Common for a Cemetery, by a Wall, or Iron, or other Railing or Fence, as they shall approve of, and deem necessary for the preservation and protection thereof, and to prepare, design, lay out and plant with trees, or otherwise to adorn and embellish the said Ground or Grounds, and to preserve, uphold, repair, and maintain the same, and the said Wall, Railing or Fence, from time to time as they shall deem proper.

Cemetery may  
be divided  
among the dif-  
ferent Churches

**IV. And be it further enacted,** That the said Commissioners shall allot and set apart, certain divisions and portions of the said Common Cemetery or Cemeteries, as to the said Commissioners may appear suitable and convenient for the separate use of such Churches and Congregations within the said Town as shall request the same, and which said separate divisions or portions may be enclosed and surrounded by any interval Wall, Fence or Railing, at the expense however of such Church or Congregation to which it shall be so allotted, and subject to the approbation and consent of the said Commissioners. *Provided however,* that the general management, regulation and control, of such divisions or portions so allotted shall still be and remain vested in the said Commissioners, so far as the same may be necessary for preserving uniformity and ornamenting the whole.

Proviso

Clergyman al-  
lowed to offi-  
ciate in Ceme-  
tery

**V. And provided also, and be it also enacted,** That in the Burial Grounds so set apart, no other than the Clergyman of the Congregation to which they are respectively allotted, or some person authorised by him, shall officiate therein, but if any Burial Ground shall be set apart for two or more Congregations, then any person authorised by the Clergyman of either of the said Congregations may officiate therein.

Appointment  
of Keeper of  
Cemetery

**VI. And be it further enacted,** That there shall be a Keeper of the said Cemetery or Cemeteries to be appointed by the said Commissioners thereof, and who shall be in all respects under their Orders, Directions and Control, and that the said Keeper shall in the manner and form to be prescribed by the said Commissioners, and after being sworn to the performance of such duty, duly and faithfully keep a Register of every Burial, and of the names and ages and causes of death, as correctly as may be of every person so interred within the said Cemetery or Cemeteries, and which Book of Registry of such Burials shall be thenceforth held and deemed a Public Record, and good and sufficient and legal evidence in any Court of Law or Equity within this Province, of the fact of any such Burial, and the entries therein shall be proved in the same manner as other Public Records now are or are by Law required to be.

Keeper to be  
sworn—his  
duties, &c.

Portions of  
Common re-  
quired for  
Vaults

**VII. And be it further enacted,** That it shall and may be lawful for the Commissioners of the said Cemetery or Cemeteries to lease or dispose of, for any number of years or in perpetuity, any reasonable part or space or spaces of Ground or Vaults within the said Cemetery or Cemeteries, to any person or persons desirous of obtaining the same, at such

sum

sum or sums or prices per foot therefor, as the said Commissioners shall think just and proper, and that all such leases or dispositions of the said Ground shall be recorded by the said Keeper of the said Cemetery or Cemeteries, in a Book to be kept by him for that purpose, and that the Ground so leased or disposed of may be separately enclosed by any Wall, Fence or Railing, to be approved of by the said Commissioners, at the expense of the persons purchasing such Ground or the right thereto, or who are or may become entitled thereto, or interested therein. *Provided always*, that the said Commissioners shall not so dispose of any portion of Land in any part of the said Burial Ground, which shall have been appropriated and set apart to any Church or Congregation without the consent of the Church Wardens or Deacons, or Committee of Management, of such Church or Congregation.

Proviso

.VIII. *And be it further enacted*, That all such leases and dispositions of the said Vaults and Grounds for Families or Individuals shall be registered in proper Books and marked on the plans of the said Cemeteries to be respectively provided, preserved and kept, under the direction of the said Commissioners, and that all and every the sums of money, rents and payments, to arise or be derived under and by means of any such leases or dispositions as aforesaid, shall be applied and appropriated by the said Commissioners towards and in aid of the Fund by this Act provided, for establishing and maintaining the said Public Cemeteries and the expenses thereof.

Record to be kept of Leases or Sales of Land for Vault

IX. *And be it further enacted*, That so soon as the said Public Cemetery or Cemeteries hereby established, shall be enclosed and ready for the reception and interment of the Dead, the said Commissioners shall give public notice thereof in the Royal Gazette and other Newspapers of Halifax, and therein fix and appoint some day for the opening thereof, and from and after the day so to be fixed and notified, it shall not be lawful to bury any Dead in or under any Church, Chapel, Meeting-House or place of Public Worship, nor in any Burial Ground or place wheresoever within the Town of Halifax, other than and except the Public Cemetery or Cemeteries to be established as aforesaid, and all persons offending against this Enactment shall be deemed guilty of a misdemeanor, and be subject to punishment by Fine or Imprisonment therefor, after conviction on any prosecution for such offence.

Notice to be given when Cemetery is ready for reception of Dead

X. *And be it further enacted*, That the said Public Cemetery or Cemeteries shall be open and free for the interment of the Dead of all classes and denominations of the Inhabitants of, or persons coming to, or being within the Town and Peninsula of Halifax, and according to such Rites and Ceremonies as the friends of the deceased shall think proper, and without any Charge or Fee to be paid therefor, to or for the use of such Public Cemetery, save and except for making and covering the grave, and save and except such Fee to be fixed by the said Commissioners not exceeding five shillings for each interment as may be established for the Registry of each interment as hereinbefore provided. *Provided always*, That no Fee whatever shall be charged or claimed on the interment of Paupers, whomsoever. *Provided always*, That nothing herein contained shall extend or interfere with, or have the effect of preventing any Claim, Charge or Fee, being made or received by any Minister, Clergyman, or other person performing any Funeral Rite or Ceremony, or rendering and discharging any service or duty at such Burial of the Dead, and payable in respect thereof. *And provided also*, That nothing herein contained shall extend to interfere with the appointment of Sextons or Grave Diggers in and for the separate division or portion of the said Cemetery or Cemeteries allotted for any separate Church or Congregation as aforesaid, nor to authorise the claim of any Fee to and for the use of the Commissioners of the said Public Cemeteries, within the said separate division or portion of the said Burial Grounds respectively.

Cemetery to be free for the interment of all Persons

Proviso

XI. *And be it further enacted*, That the Burial Grounds now used shall either be and remain under the care, management and disposition, of the Church Wardens, Trustees or Committees of the Congregations to which they belong, and be used and appropriated to such objects and purposes, other than for the interment of the dead, as the said Congregations or the Church Wardens, Trustees or Committees, for the time being thereof, shall decide or think proper, or else the said Burial Grounds, or such parts thereof,

Disposition of the present Burial Grounds

thereof, as the respective Congregations, Church Wardens, Trustees or Committees, may appoint, may be by them or any of them placed under the order, control and direction of the said Commissioners, and shall then be taken charge of, and managed, fenced, protected and planted, by the said Commissioners, in such ways and manner, and during such times and under other such regulations and restrictions, as the Congregations, Church Wardens, Trustees or Committee, to whom each of the said Burial Grounds appertains may think proper to order, and agree to establish, from time to time concerning the same, or any parts or portions of such Burial Grounds respectively, and the same shall remain under the management and direction either of the said Commissioners or of any Committee of any such Congregation from time to time appointed therefor.

Money to be  
borrowed by  
Commissioners  
upon Security

**XII.** *And be it further enacted,* That, for the more speedily and effectually enabling the said Commissioners to execute the purposes of this Act, and to lay out and enclose the Ground for such Cemetery or Cemeteries, it shall and may be lawful for the said Commissioners, or for any three or more of them, and they are hereby empowered to borrow and take up at Interest any sum or sums of money not exceeding in the whole Three Thousand Five Hundred Pounds, to be raised for the purposes of this Act, upon the credit of the Rates and Assessments hereinafter authorised to be made, and by any writing or writings under their Hands and Seals to Mortgage, Demise, Grant or Assign over, the said Rates or Assessments, or any part or parts thereof to the person or persons who shall advance or lend any part of such money, as a Security or Securities for the money so to be borrowed together with Interest for the same, not exceeding Six per cent. per annum, which said sum or sums so borrowed shall be payable and re-paid to the Lenders thereof, by annual Instalments as may be agreed on, of the amount so borrowed, together with interest as aforesaid on the amount which shall from time to time remain due of the sum so borrowed, and every such Mortgage or Assignment shall be in the words or to the effect following:

Form of Security

By virtue of an Act, passed in the third year of the Reign of His Majesty King William the Fourth, entitled, An Act concerning Cemeteries or Burial Grounds for the Town of Halifax, we of the Commissioners of such Cemeteries or Burial Grounds, duly appointed under and by virtue of the said Act, in pursuance thereof and in consideration of the sum of advanced and lent by upon the credit and for the purposes of the said Act, do Grant, Bargain, Sell and Demise, unto the said his Executors, Administrators and Assigns, such proportion of the Rates or Assessments to be made under and by virtue of the said Act as shall be sufficient to discharge and repay the said sum of together with interest thereon, after the rate of per cent. per annum, (and which said sum so advanced and lent as aforesaid, shall be paid and received back in years in Annual Instalments of per cent. on the sum so advanced and lent with Annual Interest after the rate aforesaid on the whole sum remaining due,) to have and to hold the said Rates or Assessments, hereby granted from this day of in the year until the said sum of with the said interest thereon, shall be repaid and satisfied. In witness whereof we have hereunto set our Hands and Seals the day of in the Year of Our Lord

Securities transferable

And every such Mortgage shall be good and sufficient in Law, and shall and may be made or transferred, shall be entitled to the fullest benefit of such Mortgage, Security and Payment thereon, and the said Rates or Assessment hereinafter authorised to be made, shall be held, and the same are hereby declared to be, liable to the repayment of the Money so borrowed on the credit thereof, with interest thereon, not exceeding six per cent. and shall be faithfully and without Fraud, Delay or Deduction, applied to and for such repayment of the Money so borrowed with interest thereon as aforesaid.

Assessment of Inhabitants

**XIII.** *And be it further enacted,* That in order to defray the expenses to be incurred under this Act, and to provide Funds for carrying the same into execution, it shall and may be lawful to and for the Grand Jurors for the County of Halifax, and they are hereby required, at any Sitting of the Supreme Court, or at any Quarter Sessions of the Peace, at Halifax, to present during the present year, and the five next succeeding years

years, such amount not exceeding the sum of Two Hundred Pounds yearly, over and above the charges of collection, as will suffice for the payment as well of the interest of such Monies as shall be from time to time borrowed, and taken upon interest, by the said Commissioners under this Act as is herein before provided, as for the discharge of other expenses to be incurred in the execution hereof, and also, in each and every year afterwards, the sum of Four Hundred Pounds, over and above the charges of collection for the payment of the interest, and towards the reduction of the Principal Monies so to be borrowed, until the whole, principal and interest, shall be fully paid off and discharged, *Provided always*, that no greater sum than Two Hundred Pounds shall be presented towards and for the payment of interest in any one year, on the Monies to be borrowed as aforesaid.

Provide

XIV. *And be it further enacted*, That every such presentment hereby required to be made, when confirmed by the Court in which the same is made, shall be assessed and collected, with and in such and the like manner as the Poor or County Rates now are, and when and as the said Monies are collected shall be from time to time paid over to the said Commissioners, to be by them applied and expended in and about the several objects and purposes in this Act expressed with respect to the same.

Collection of  
Assessment

XV. *And be it further enacted*, That all Surplus Funds, Payments and Receipts, by the said Commissioners held or received after the objects and purposes in this Act provided for and mentioned shall be fully accomplished and secured, and the expenses attendant fully defrayed, shall be and be deemed the Public Property of the Town of Halifax, and be, by the said Commissioners, from time to time paid over and appropriated accordingly.

Surplus fund

XVI. *And be it further enacted*, That the Justices of the Peace, in their General or Special Sessions for the said County, shall and may examine the Accounts of the said Commissioners of the said Cemetery or Cemeteries, who are hereby directed to submit the same to the said Justices once in every year at least and oftener if required thereto, and the said Justices shall allow such Accounts if they appear just and correct, and may refuse to allow any monies charged in the said Accounts which the said Justices shall have reasonable grounds to believe unduly or improperly charged or expended.

Accounts of  
Commissioners  
to be audited

XVII. *And be it further enacted*, That nothing in this Act contained shall extend or be construed to extend to the Military and Naval Burial Grounds, in the South and North Suburbs of the Town of Halifax.

Military and  
Naval Burial  
Grounds  
excepted

XVIII. *And be it further enacted*, That this Act may be added to, altered or amended, by any other Act or Acts that may pass the General Assembly in the present Session, any usage or custom to the contrary notwithstanding.

Act may be  
amended in  
present Session

### CAP. XXXIII.

## An Act to establish the Boundary Lines of the Township of Barrington.

See Cap. 47

(PASSED THE 30th DAY OF MARCH, 1833.)

**WHEREAS**, difficulties have arisen between the Inhabitants of Barrington and Argyle, within the County of Shelburne, respecting the Boundaries between these places, *And whereas*, it is expedient and necessary for the convenience of the Inhabitants of Oak Park and Wood's Harbor, that these places should be annexed to the Township of Barrington :

Preamble

I. *Be it therefore enacted, by the President, Council and Assembly*, That, for the accommodation of all parties, and for avoiding difficulties, the line of division between the said Townships of Barrington and Argyle shall hereafter be as follows, that is to say : beginning on Pubnico beach, at a Rock between the North-west Boundary of a Tract of Land granted to the late John Nickerson, Jun, and the South-east Boundary

Division Line  
between Bar-  
rington and  
Argyle esta-  
blished

Eee

of

of a Tract of Land granted to the late Walter Larkin, and to run South Eighty degrees East along the line of said Larkin, to the South-east corner thereof; from thence a North-Easterly course to the North-West angle of a Tract of Land lying on both sides of Barrington River, and bounded on the North by the Lake Sabimm, granted to James Doane and others; thence along the North-West line of said Grant, until it strike the Sabimm, thence a North-Easterly course across said Lake, until it strike the South-East angle of a Tract of Land granted to David Larkin and others; thence a North-East course until it comes to the North-East angle of Barrington Township.

Eastern Bound-  
ary of Barring-  
ton

II. *And be it further enacted*, That the Eastern Boundary of Barrington Township shall hereafter be as follows—to begin at the Southern head of Cape Negro Island, and include said Island, and from thence up the Western side of said Harbour by the several courses thereof, to the head of the Tide, from thence along the Western side of the River Clyde till it comes near the House of William Watt, according to a plan of a Grant of Fifty-two Thousand Acres of Land or thereabout, made to the People of Barrington, in or about the Year 1768, from thence North two hundred and sixty degrees West until it comes to the North-West Boundary line of said Township.

Islands includ-  
ed in Township  
of Barrington

III. *And be it further enacted*, That the said Township of Barrington shall also hereafter include, as part thereof, all the Islands lying and being within four miles of the Sea Coast thereof, on the Southern and Western sides of the said Township.

Inhabitants of  
Barrington

IV. *And be it further enacted*, That, after the date of the passing of this Act, all the People, settled within the described Lines, or on said Islands, shall, to all intents and purposes, belong to the Township of Barrington.

#### CAP. XXXIV.

### An Act to extend to the Town of Guysborough the Provisions of the Act relating to Commissioners of Highways in Halifax, and certain other Places.

(PASSED THE 30th DAY OF MARCH, 1833.)

Act 7th, Geo.  
IV, C. 3,  
extended to  
Guysborough

**BE** it enacted, by the President, Council and Assembly, That an Act, passed in the seventh year of His late Majesty's Reign, entitled, An Act relating to Commissioners of Highways in Halifax, and certain other places, and all the regulations and provisions thereof, with every matter, clause and thing, therein contained, shall be extended, and the same are hereby extended to the Town of Guysborough, in the County of Sydney; and it shall be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to appoint three respectable Inhabitants and Freeholders of Guysborough aforesaid, to be Commissioners of Highways therein, for the purpose of carrying into effect the provisions and regulations of the said Act, and to proceed to supply any vacancy that may occur amongst such Commissioners, and such appointment to renew when necessary in the same manner as is pointed out and provided by the said Act.

Appointment  
of Commission-  
ers

Jurisdiction  
and powers

II. *And be it further enacted*, That the jurisdiction, powers and authority, of the said Commissioners, when appointed, shall be the same as if the said Town of Guysborough had been originally named and mentioned in the said Act, and shall be confined within the bounds and limits following, that is to say: to all the roads, streets, lanes and alleys, which are opened, laid off, and pass through, or cross and intersect, the several Town and Water Lots laid off as and for the Town Plot of Guysborough.

Powers of Sur-  
veyors to cease

III. *And be it further enacted*, That, from and after the first day of May next, the authority, powers and jurisdiction, of the Surveyors of Highways within the limits above described in the Township of Guysborough, shall cease and determine, any law, usage or custom, to the contrary notwithstanding.

CAP. XXXV.

An Act to continue the Act respecting Aliens coming into this Province or residing therein. Expired

(PASSED THE 5th DAY OF MARCH, 1833.)

CAP. XXXVI.

An Act to continue the Acts now in force relating to Trespasses. Expired

(PASSED THE 5th DAY OF MARCH, 1833.)

CAP. XXXVII.

An Act to alter and continue the Act more effectually to provide against the Introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province. Continued by 4, Wm. IV, C. 37, see 2 Wm. IV, c. 14 also 5, Wm. IV. c. 18

(PASSED THE 20th DAY OF APRIL, 1833.)

**B**E it enacted, by the President, Council and Assembly, That the Act, made and passed in the last Session of the General Assembly, entitled, An Act more effectually to provide against the Introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued, for one year, and from thence to the end of the then next Session of the General Assembly. Act 2d Wm IV. c. 14 continued

II. *And be it further enacted,* That, instead of the proceedings and mode of punishment directed and provided by the Eleventh and Twelfth Sections of the said Act, it shall and may be lawful to and for any Health-Warden or Health-Wardens, under the said Act appointed or to be appointed, to prosecute summarily, if he or they shall think proper, any offenders against the said Act, before any two or more Justices of the Peace of the County wherein the offence shall have been committed. Additional powers given to Health Wardens

III. *And be it further enacted,* That whosoever, upon such prosecution by any Health-Warden or Health Wardens, before any such Justices, shall, upon the oath of any one credible Witness, be convicted of violating or wilfully or knowingly infringing the provisions of the said Act, or the orders and directions of any Board of Health or of any Health-Officer or Health-Wardens, or of refusing or wilfully neglecting or omitting to act in obedience to, or in conformity with, the provisions of the said Act, or the orders and directions of any such Board of Health, Health-Officer, or Health-Wardens, or of resisting or opposing or obstructing the lawful execution of the said Act, or any such orders or directions as thereby are authorised to be given, or the said Officers or any of them in the execution of their duty, shall, for every such offence forfeit and pay a sum not exceeding Five Pounds, nor less than Five Shillings, as the said two or more Justices shall adjudge, and for the amount of the penalty so to be adjudged, together with the costs of the prosecution, an Execution shall, by the said Justices, be granted and awarded against the offender or offenders convicted, to and in favour of the Health-Warden or Health-Wardens prosecuting, in the like manner as if such penalty were a debt due to him or them, and the application of such penalty shall be as by the said Act is provided. Violation of Act, or orders of Board of Health, or Health-Wardens

## CAP. XXXVIII.

## An Act concerning Treasury Notes.

(PASSED THE 20th DAY OF APRIL, 1833.)

Amended by 5  
Wm. 4, c. 22.  
See 9. Geo. 4.  
c. 3

Preamble

**WHEREAS**, under an Act of the General Assembly of this Province, passed in the ninth year of His late Majesty's Reign, entitled, An Act for Issuing Treasury Notes, and cancelling those now in circulation; and under another Act, passed in the tenth year of the same reign, entitled, An Act to authorise an additional Issue of Treasury Notes; and under another Act, passed in the second year of His present Majesty's Reign, entitled, An Act to authorise an additional Issue of Treasury Notes, it has been enacted and provided, that Treasury Notes, to the extent of Seventy-seven Thousand Pounds, Halifax Currency, in Notes of twenty shillings each, and to the extent of Three Thousand Pounds in Notes of ten shillings each, should be issued and put in circulation, which said Notes have accordingly been issued by the Commissioners appointed for signing Treasury Notes, and do respectively entitle the bearer thereof to receive at the Treasury of this Province the sum in each of the said Notes expressed.

*And whereas*, towards remedying the present defective state of the Currency and Monies circulating in this Province, it has become necessary to provide for the redemption and payment with gold and silver of the said Treasury Notes on presentment thereof at the Provincial Treasury, and also gradually to reduce the amount of the said Notes in circulation:

Customs Duties  
to be paid to  
Treasurer in  
Gold or Silver

**I. Be it therefore enacted, by the President, Council and Assembly**, That henceforth it shall not be lawful for the Treasurer of the Province to accept or receive from the Officers of His Majesty's Customs, for any sums of money by them collected for duties imposed by Acts of the Imperial Parliament, and thereby required to be paid into the Colonial Treasury, payment otherwise than in gold or silver coins; or to accept or receive from any other officers or persons whomsoever, for any other duties or monies whatsoever by Law required to be paid into the Treasury, payment otherwise than in gold or silver coins, or in Treasury Notes issued or to be issued under the authority of some Act of the General Assembly.

Other Duties or  
Monies in  
Treasury Notes

Treasury Notes  
payable in Gold  
or Silver

**II. And be it further enacted**, That when and so often as any Treasury Note shall be presented for payment at the Provincial Treasury, in any sum not less than ten pounds, the said Treasurer shall, and is hereby strictly enjoined to, pay the amount in such Notes expressed with gold or silver coins, if so much there be at the time in the Treasury.

Certificates on  
Interest to be  
granted for  
Treasury Notes

**III. And be it further enacted**, That when and so often as any Treasury Notes of twenty shillings, or of any higher denomination allowed to be issued, shall be presented at the Treasury to the amount in value of One Hundred Pounds at any one time, and there shall not be in the Treasury sufficient gold or silver coins to pay the same, then the holder, demanding payment of such Notes, shall be, and is hereby declared, entitled to receive therefor a certificate to the like amount, bearing interest, and to be issued in the manner hereinafter provided; and upon delivering such Certificate, the Treasurer shall enclose and seal up in a parcel the Notes so received, or the like amount of torn or defaced Notes, and deliver the same to the said Commissioners, or other persons appointed to keep the same, in order to their being examined and destroyed by the joint Committee of His Majesty's Council and the House of Assembly appointed to examine the Public Accounts.

Commissioners  
for issuing  
Treasury Notes  
to grant Certi-  
ficates

**IV. And be it further enacted**, That the Commissioners, now or hereafter to be appointed, for signing Treasury Notes, shall, and they are hereby required to, cause to be printed and prepared such and so many Certificates of Funded Debt, as it shall be necessary to grant and issue in lieu of the Treasury Notes so to be tendered, and which the Treasurer shall be unable to pay in gold or silver on presentment as aforesaid, and every such Certificate shall be for the sum of One Hundred Pounds, and shall bear interest at the rate of four pounds per annum, and shall be respectively numbered, in the order

order of its being issued, and be payable to the person or persons therein named, or the assignee or assignees to whom it may be transferred by indorsement made thereon, and entered on a duplicate or copy thereof, to be kept at the Treasury, and shall be in such form and words as the said Commissioners shall direct, and be signed by any two of them, and countersigned by the Treasurer, and shall bear date on the day of the presentment of the said Notes, and such date shall be inserted by the Treasurer upon the issuing such Certificates respectively; and the whole number of Certificates so to be issued, and to be at any one time out-standing and bearing Interest, shall not exceed the sum of Twenty Thousand Pounds, and the Interest thereof respectively shall be due and be receivable Quarterly, on the first days of January, April, July and October, in every year, at the Treasury, and shall be paid by the Treasurer then or subsequently to the holder of every such Certificate.

V. *And be it further enacted*, That for every sum of One Hundred Pounds of Notes so tendered, and not paid in Specie, or the like amount of torn or defaced Notes, the said Commissioners shall deliver to the Treasurer one of the said Certificates to be by him delivered to the party entitled thereto; and the amount of the principal money and Interest mentioned in, and payable upon, every such Certificate so to be issued, shall be, and be deemed, part of the funded debt of the Province, and be a charge upon the general Revenue thereof.

Certificates to be given in lieu of Notes

VI. *And be it further enacted*, That the Treasurer of the Province, in the last week of every quarterly period, and as often at other times as the Governor for the time being orders the same, shall make and deliver into the office of the Provincial Secretary a return and statement of the actual and true amount of Gold and Silver Coins remaining in the Treasury, with their respective denominations; and also of the dates and amounts of the respective receipts of Gold and Silver into, and payment thereof from, the Treasury, and likewise a List of the several Certificates issued under this Act and remaining unpaid; and the said Treasurer shall not in any manner, or for any purpose, issue, deliver, exchange or pay from the Treasury, any Gold or Silver Coins from time to time received therein, otherwise than for, or in payment of, the Treasury Notes from time to time exhibited for payment in Coin, or of the Certificates to be issued under this Act.

Returns of Gold and Silver Coins in Treasury to be made Quarterly.

VII. *And be it further enacted*, That when and so often as, upon any Quarter day as aforesaid, there shall be in the Treasury sufficient Gold and Silver Coins, by which, without prejudice to the regulation hereby made for the payment of Treasury Notes in Gold or Silver, any Certificate granted under this Act may be paid off, it shall be the duty of the said Treasurer, and he is hereby required upon the order of the Governor for the time being, for that purpose to be issued, and within the first ten days of such Quarter, to tender and pay in Gold or Silver Coins unto the person or persons named in, or entitled to receive payment of any such Certificate, or his or their known agent, the sum therein expressed, together with the interest thereon due, until the day of payment, and to receive and take up such Certificate; and if the person or persons to whom such tender is made shall refuse to accept such payment, or deliver up the Certificate, then the same shall thenceforth cease to bear any interest thereupon. *Provided always*, That the said Certificates shall be paid off and discharged in the order in which they shall be issued.

Payment of Certificates

VIII. *And be it further enacted*, That if at any time after payment of any such Certificates, the Governor for the time being shall, for the payment of demands on the Treasury, deem it expedient to permit the re-issue of Notes to the amount for which such Certificates were originally issued, then it shall and may be lawful to and for the Governor for the time being, by his warrant to the said Commissioners to be directed, to authorise and permit them to receive from the Treasurer such and so many of the said Certificates as shall have been so by him taken up and paid, and to pay and deliver into the hands of the Treasurer, New Notes to the like extent and amount as in the said Certificates shall be expressed.

New Notes may be issued for Notes cancelled by Certificates

IX. *And be it further enacted*, That whenever any warrant for any sum payable at the Treasury shall be there presented for payment, the said Treasurer shall, and he is hereby

Warrants on Treasury to bear interest if payment is deferred

hereby required to, pay and satisfy the amount of such warrant on demand, to the person or persons entitled to receive the same, with the Treasury Notes issued, or to be issued, under the authority of some Act of the General Assembly, and then in the Treasury. And if it shall happen that a sufficient amount of such Treasury Notes shall not be in the Treasury when payment of any such warrant shall be required to pay the same in full, or if the Commissioners for signing Treasury Notes shall certify that the public service renders it necessary to forbear immediate payment, then, and in every such case an indorsement shall be made on such warrant of the day when it was so presented for payment; and the party or parties named therein, or to whom it may be transferred, by his or their indorsement, shall be entitled, from the date so indorsed, to receive interest on the same or balance of the sum expressed in such warrant at the rate of six pounds per cent. per annum, until the principal sum shall be paid. And the said Treasurer is hereby authorised to take up and pay such warrant when and so soon as the Notes in the Treasury shall enable him so to do, or when thereto directed by order of the Governor for the time being.

## CAP. XXXIX.

Continues and amends 9, Geo. 4, C. 20. & 10, Geo. 4, C. 30

**An Act to continue, alter and amend, the several Acts now in force relative to the Inspection of Pickled Fish.**

[PASSED THE 20th DAY OF APRIL, 1833.]

Acts 9, Geo. 4, C. 20 & 10, Geo. 4, C. 30, (save and except alterations and amendments) continued

**BE** it enacted, by the President, Council and Assembly, That an Act, passed in the ninth year of His late Majesty's reign, entitled, An Act for the more effectually enforcing the Inspection and encouraging the Exportation of Pickled Fish, and every matter, clause and thing, therein contained, save and except so far as the same is or may be altered or amended by this Act, or the Act hereinafter mentioned; and also the Act, passed in the tenth year of His said late Majesty's reign, in amendment of the said Act, and every matter, clause and thing, therein contained, save and except as the same is or may be hereinafter altered or amended, shall be continued; and the said Acts, except as aforesaid, are hereby severally continued for three years, and from thence to the end of the then next Session of the General Assembly.

Chief Inspectors of Pickled Fish appointed in Counties and Districts--to be sworn, and give Bonds

**II.** And be it further enacted, That, instead of one Chief Inspector of Pickled Fish, as mentioned and prescribed in the second section of the said Act herein first mentioned, and hereby continued and amended, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to nominate and appoint, in each and every County and District in this Province, wherein there is any Sea-port Town or place in which Pickled Fish are or may be caught, packed or prepared for exportation or otherwise, one fit and proper person to be the Chief Inspector of Pickled Fish in and for such County or District, who shall give security and be sworn to and for the faithful discharge and performance of the duties of his office, in like manner as is prescribed with respect to the Chief Inspector in and by the said Act herein first mentioned and hereby continued, altered and amended. *Provided always,* That the sum in which any such Chief County or District Inspector of Pickled Fish shall be required to give security shall be One Hundred Pounds instead of Five Hundred Pounds as now required to be given by the Chief Inspector.

Proviso as to amount of Security

Powers, duties and liabilities of Chief Inspectors

**III.** And be it further enacted, That the several Chief Inspectors, to be appointed under and by virtue of this Act, shall, within their respective Counties and Districts, have, use and exercise, and take and receive, and shall be subject and liable to the same powers, authority, privileges, duties, fees and emoluments, pains and penalties, rules, regulations, liabilities and forfeitures, as the Chief Inspector of Pickled Fish can or may have, use, and exercise, take and receive, or is or may be subject and liable to, under and by virtue of the said several Acts hereby continued, altered and amended.

IV.

IV. *And be it further enacted*, That the several Chief Inspectors to be appointed under and by virtue of this Act, shall, within their respective Counties and Districts, nominate and appoint Deputy Inspectors of Pickled Fish as in and by the said Acts the Chief Inspector therein mentioned is authorised and required to do, which said Deputies shall be severally sworn to the faithful discharge of their duty, and shall give security in the same manner as in and by the said Act herein first mentioned and continued is prescribed and mentioned. *Provided always*, That instead of the amount now required, the amount in which any such Deputy shall be required to give security shall be the sum of Fifty Pounds and no more.

Deputy Inspectors appointed — to be sworn, and give Bonds

V. *And be it further enacted*, That such Deputy-Inspectors shall have, use and exercise, all and every the like powers, authority and privileges, and do and perform the same duties, and take and receive the same fees and emoluments, and be subject and liable to the same rules, regulations, penalties and forfeitures, and incur the same liability, as Deputy-Inspectors appointed under and by virtue of the said Acts hereby continued and amended.

Powers, duties and liabilities, of Deputy Inspectors

VI. *And be it further enacted*, That the several Chief Inspectors to be appointed under and by virtue of this Act, shall be liable and responsible for their Deputies, and for the due and faithful execution and performance of the several duties of their said Deputies, and for any default or neglect of such Deputies, in the same way and manner to the same extent, and in the like cases, as the Chief Inspector under and by virtue of the several Acts hereby continued and amended, is made liable and responsible.

Chief Inspectors responsible for their Deputies

VII. *And be it further enacted*, That all Mackarel of the quality of Number Three, Mackarel which shall be caught and taken in the months of October, November and December, shall be marked and branded *No. 3. F.*; and all such Mackarel caught and taken at any time between the last day of December and the first day of October, shall be marked and branded *No. 3. S.*

Mackarel — how to be branded

VIII. *And be it further enacted*, That the Certificate to be produced to the principal Officers of His Majesty's Customs, as required by the eighteenth section of the said Act herein last mentioned and continued, in addition to the statements already required to be made therein, shall state the name of the Inspector by whom, and the place where, the Pickled Fish therein mentioned have been inspected; and that, instead of the oath required by the tenth section of the Act herein first mentioned and continued, to be taken by the Master, Owner or Shipper, on the production of such Certificate, the said Master, Owner or Shipper, shall make and subscribe the following declaration before some one of the said Principal Officers of His Majesty's Customs.

Inspector's Certificate on Exportation at Custom-House

I. *A. B.* do solemnly declare, according to the best of my knowledge and belief, that the Certificate hereunto annexed contains the whole quantity of Pickled Fish shipped on board the \_\_\_\_\_ whereof \_\_\_\_\_ is Master, and that no Pickled Fish is shipped on board said ship or vessel for the ship's company, or as cargo or freight or otherwise, but what is inspected and branded according to the Laws of this Province :

Master's, Owners or Shipper's Declaration at Custom-House

And any person wilfully making any such declaration which shall be false and untrue, and being thereof convicted, shall be subject and liable to the same pains, penalties and forfeitures, as if such person had committed and been convicted of the crime of perjury.

False Declaration

IX. *And be it further enacted*, That all Pickled Fish, which shall be brought or imported into this Province from any other British Province or Colony in casks or barrels, and shall not be inspected and branded, in such Province or Colony, shall be subject and liable to be inspected and branded before the same shall be sold in, or exported from, this Province, in the same manner and under and subject and liable to the same pains, penalties and forfeitures, for want of such inspection and branding, as if the same had been caught and taken within this Province.

Pickled Fish brought from other Colonies liable to Inspection

X. *And be it further enacted*, That when any Pickled Fish shall have been once inspected, marked and branded, in any town or place within this Province, the same shall not be subject or liable to be again inspected in any other town or place within this Province, before the sale or exportation thereof.

Inspected Pickled Fish not liable to re-inspection

No travelling  
Fees allowed  
Inspector

XI. *And be it further enacted,* That no travelling fees shall be allowed to any Inspector or Deputy Inspector, under the twenty-fifth section of the said Act of the tenth year of the Reign of King George the Fourth; but every such Inspector, or Deputy Inspector, shall be bound to perform the duties required in and by the said twenty-fifth section of the said Act, without any allowance for travelling fees.

Inspectors not  
allowed to in-  
spect their own  
Fish

XII. *And be it further enacted,* That it shall not be lawful hereafter for any Inspector or Deputy-Inspector to inspect his own Fish, either for exportation or home consumption; and every such Inspector, or Deputy-Inspector, so inspecting his own Fish, shall be subject and liable to the same fines, penalties and forfeitures, on the sale or exportation thereof, as if such Fish had not been inspected.

Continuation  
of Act

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

### CAP. XL.

## An Act concerning Nuisances.

Amended by  
5, Wm 4. C.  
17

(PASSED THE 20th DAY OF APRIL, 1833.)

Preamble

**WHEREAS**, by the sixteenth section of an Act of the General Assembly of this Province, passed in the third year of His late Majesty's Reign, entitled, An Act for consolidating and reducing into one Act all the Acts heretofore made relating to Trespasses, it is, among other things, enacted, that it shall and may be lawful for the Justices of the Peace in the General or Special Sessions of the Peace at Halifax, when five Justices at the least shall be attending, to make and publish, from time to time, as they may judge necessary, such regulations respecting the places and manner of slaughtering Cattle as they may think best calculated to cleanliness and prevent risk or injury to the health of the Inhabitants in the Town and Suburbs of Halifax, and also for the cleansing of the Streets, and for disposing of and removing heaps of dung, ashes, or offals, which may be laid therein and suffered to remain to the annoyance of the neighbourhood or passengers, or to the incumbrance of the streets thereof.

*And whereas*, by the sixteenth Section of the same Act, the penalties and mode of recovering the same for offences against the said regulations are established.

*And whereas*, it is expedient to extend to the Justices in Session in the several Counties and Districts of the Province, with respect to nuisances in towns or places therein, the powers in the said sixteenth section provided, and also to enlarge the same, and to provide more effectually for enforcing such regulations:

Powers given  
to Justices to  
prevent all  
Nuisances be-  
ing placed in  
Streets, &c.

**I. Be it therefore enacted, by the President, Council and Assembly,** That His Majesty's Justices assigned to keep the Peace, in each and every County and District of the Province, at any their General or Special Sessions of the Peace, when five Justices at the least shall be attending, shall be, and they are hereby, authorised and required, from time to time, and when and so often as they shall judge it necessary so to do, to make, ordain, publish and put in execution, all such orders and regulations of the Sessions for such Counties and Districts respectively, as from time to time shall appear proper and expedient to be made, as well for the objects and purposes in the said sixteenth section provided, as also to prevent the placing or exposing the body of any dead animal, or any part thereof, or decayed fish, or the offal of any animal or fish, or any other offensive animal matter, or substance, in, upon or near, to any public street, highway, wharf, or common, or in any dwelling house, building, boat or vessel, or in any place where the same animal, bodies, fish, or substance aforesaid respectively, may be, or be likely to become, offensive, or nuisances; and likewise for the prevention, abatement and removal, of all nuisances whatsoever, whereby the public health may be affected; and further, for the cleaning and purifying the streets, lanes, wharves, and other places within the several towns and settlements in any such County or District. And more-

over

over, for the removal, burial or destruction, of all animal or other substances, whereby offensive nuisances may be occasioned, or the public highways, or the streets, lanes, wharves, or other parts of any such town, may be incumbered; and likewise for the preservation and cleansing of the public wells and reservoirs of water in any such town or place, and preventing injury to the pumps therein placed, and otherwise preserving the same.

II. *And be it further enacted*, That it shall be lawful to and for the said Justices in any such County or District in any such Session, whether general or special assembled, to repeal, amend or alter any such orders or regulations made, or to be made, touching the matters aforesaid, or any of them, and to make other and different regulations as from time to time may appear expedient, and also to impose and declare any penalties for the violation of, or neglect or refusal to obey, any such regulations respectively, as to the said Justices may appear expedient, so as the penalty for any one offence be not greater than five pounds, nor less than ten shillings.

Orders of Justices may be repealed or amended

III. *And be it further enacted*, That it shall be lawful for the said Justices, in Sessions, to nominate and appoint, if they shall think it expedient so to do, from time to time, such number of competent persons as they shall consider proper or necessary to be Inspectors under this Act, whose duty it shall be to carry into effect all such rules and regulations as from time to time shall be established under this Act, for or concerning the objects and purposes respectively herein before mentioned, or otherwise for preserving cleanliness and preventing nuisances in the several towns and settlements, or in or upon any highways, streets, wharves, boats and vessels, or other places whatsoever, and every such Inspector shall be sworn to the true and faithful performance of his duty.

Inspectors may be appointed—to be sworn

IV. *And be it further enacted*, That it shall and may be lawful for any one Justice of the Peace in any County or District, upon his own view or the oath of any one credible witness, to make an order in writing for the removal, burial or destruction, as to him may appear necessary, of any animal body, or parts thereof, decayed fish, offal of any animal or fish, or other offensive substances, occasioning or creating nuisances in or near, or encumbering the highways, streets, wharves, or places in any town or settlement, or being in any boat or vessel; and also to order and direct the same to be done by the party or parties by whom or whose directions such nuisances may have been occasioned, or by any other person whom the said Justice shall appoint to remove, bury or destroy, such substances; and all expences thereby incurred, shall be borne and be paid by, and recovered against, the party or parties so occasioning such nuisances, or otherwise in such manner as in and by the aforesaid orders and regulations shall have been provided.

Order for removal of Nuisances

Expense of removal, &c

V. *And be it further enacted*, That the said Inspectors so appointed shall be, and they are hereby severally authorised and empowered to enter into and examine in the day time, at such times as such Inspectors respectively shall think fit, as well all vessels and boats, lying at, or near to, as all buildings, lots, yards, wharves, and places of every description, in any town or settlement wherein such Inspectors or any of them may have reason to believe that any offensive substances, injurious to the health of the inhabitants, are or may be deposited; and to ascertain and report to the Police Office in such town, if any, or to any two Justices of the Peace, the condition of such vessels, boats, buildings, lots, yards, wharves and places aforesaid, so far as the public health may be affected thereby; and to give all such directions, and to adopt and enforce all such measures, as in the judgment of such Inspectors, or by the order of the said two Justices respectively, may be necessary for the cleansing and purifying all such vessels, boats, buildings, lots, yards, wharves and places; and to do, or cause to be done, every thing in relation thereto which in their opinion may be necessary to preserve the health of the inhabitants.

Powers and Duties of Inspectors

VI. *And be it further enacted*, That, every penalty, by any such orders or regulations to be imposed for offences against the same, shall and may be sued for and recovered by any such Inspector or Inspectors appointed for the place where the offence shall be committed; or if there be no Inspector, then by any person who shall sue for the same, be-

Penalties how recovered

fore any two Justices of the Peace of the County or District, and in the same manner as if the same penalty were a debt due to the prosecutor; and upon conviction of the offender, by the oath of one credible witness, the amount of the penalty, with costs of suit, shall be adjudged against him, and execution therefor shall be awarded and issued as in case of debts recovered before Magistrates.

Expenses  
incurred in  
removal of  
Nuisances

VII. *And be it further enacted*, That all charges or expenses, not exceeding Ten Pounds, incurred by the said Inspectors, or by any other person under the order of a Magistrate, for the removal, burial, or destruction, of any such substances as aforesaid, shall and may be sued for and recovered, from the party liable thereto, in the same manner as is provided for the recovery of the penalties aforesaid; and if the said charges and expenses shall not be so recovered, then the amount thereof shall and may be presented and assessed as other County charges.

### CAP. XLI.

## An Act to authorize the Congregation of the Meeting-House at Upper Stewiacke to raise Money from the Pews of the said Meeting-House, for the repairing and ornamenting thereof.

(PASSED THE 20th DAY OF APRIL, 1833.)

Preamble

**WHEREAS**, the Meeting-House at Upper Stewiacke, in the District of Colchester, wherein the Reverend James Smith at present officiates, was originally built by a number of persons, who were mutually interested therein, and were the Owners of the Pews in such Meeting-House, many of which persons are since dead, and the Property in the said Pews in such Meeting-House has now become vested in the Heirs or other Representatives of such deceased Original Proprietors; *And whereas*, the interest of the several present Owners of the said Pews has now become so inconsiderable, that great difficulties are experienced in procuring Funds to keep the said Meeting-House in repair, owing to the neglect of many of the Owners of the said Pews to pay their proportion of the necessary and unavoidable expense of repairing and ornamenting the said Meeting-House, in consequence of which the said Meeting-House is in great danger of going to decay.

Assessment of  
Monies for re-  
pair of Meeting  
House

I. *BE it therefore enacted, by the President, Council and Assembly*, That from time to time, and at any time after the publication of this Act, whenever it shall be necessary to procure or raise any sum of money for the repairing or ornamenting the said Meeting-House, it shall and may be lawful, for the Congregation attending at such Meeting-House, at any Public Meeting of such Congregation, whereof due notice shall be given to such Congregation in said Meeting-House, during the time that the said Meeting-House shall be open for Divine Service, on the Sunday previous to such Meeting, to nominate and appoint, by vote of the majority of the Members of the said Congregation present at such Meeting, three or more fit and proper persons to assess and apportion the sum of Money necessary and required to be raised for the purpose aforesaid, on the said Pews respectively, according to the relative size and value of such Pews, at a just and equitable rate, of which assessment and apportionment, due notice shall be publicly given, by reading the same in the said Meeting-House on the Sunday after the same shall be made by the said Committee, and also, by putting up a true and correct copy of such assessment and apportionment on the door of the said Meeting-House, for three successive weeks after the same shall have been made by the said Committee.

Pews may be  
let for payment  
of Assessment

II. *And be it further enacted*, That if, after due notice of such assessment and apportionment shall have been so publicly given as aforesaid, some such person or persons, so interested in any of the said Pews, shall not come forward to pay the sum, which may have been assessed by the said Committee on such Pew, within three weeks after such

such notice so given as aforesaid, then, and in such case, it shall and may be lawful for the said Committee, after having given on the previous Sunday due and public notice of the time of letting the same, to proceed to let at Public Sale or Auction, for such period of time, (not exceeding ten years,) as may be sufficient to pay the rate or sum assessed thereon respectively, any Pew or Pews whereon the sum assessed shall remain unpaid as aforesaid.

III. *And be it further enacted,* That the person or persons who shall or may become the Lessee or Lessees of the said Pew or Pews respectively, at the said Sale, shall be put into possession thereof, by the said Committee, and shall be taken and held to be the sole and exclusive Owner or Owners of the said Pew or Pews, for such period of time as the same may be leased or let to the said person or persons, at such Sale, and such Lessee or Lessees shall be liable to pay such rent or rents as he or they shall or may have agreed to pay for the same at the said Sale; and if the rent or rents aforesaid or any part thereof, shall be behind and unpaid after the time or times which shall or may have been agreed on for payment thereof, it shall and may be lawful for the said Committee, so to be appointed as aforesaid, to sue for and recover such rent or rents, or such part thereof, as may so remain behind and unpaid in the same manner as debts of the like amount may or can be ordinarily sued for and recovered.

Lessees of  
Pews sold, put  
in possession  
and to be taken  
as owners

Recovery of  
arrears of Rents

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

Continuation of  
Act

## CAP. XLII.

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

See 5, Wm. 4.  
C. 30

[PASSED THE 20th DAY OF APRIL, 1833.]

**WHEREAS**, it is expedient to discourage vexatious removals of Paupers, and to enable the General Sessions of the Peace to take measures to discourage frivolous appeals from the Orders of Justices of the Peace, in respect to the Settlement of Paupers, and also, that the said Sessions should have power to grant to the party or parties succeeding in any such appeal, such reasonable costs, to be paid by the party or parties against whom the said appeal may be determined, as the party or parties so succeeding in such appeal, would otherwise be compelled to pay and expend from and out of their own funds.

Preamble

I. *Be it therefore enacted, by the President, Council and Assembly,* That, for preventing vexatious removals, if the Justices at their General Quarter Sessions of the Peace, upon an appeal before them had, concerning the Settlement of any poor person determine in favour of the appellant, that such poor person was unduly removed, the said Justices shall, at their same or other General Quarter Sessions, order and award to the party or parties appellant so much money as shall appear to the said Justices to have been reasonably paid or to be due by and from the Township or place on whose behalf such appeal was made, towards the relief of such poor person, between the time of such undue removal and the determination of such appeal, the said money so awarded to be sued for and recovered as hereinafter mentioned.

Appeals concern-  
ing Settlement  
of Poor Persons

II. *And be it further enacted,* That the Justices in Sessions upon any appeal concerning the Settlement of any poor person or persons, or upon any proof before them made of notice of any such appeal, to have been given by the proper Officer to the Overseers of the Poor of any Town or place (though such appeal was not afterwards prosecuted) shall, at the same or other Sessions, order to the party in whose behalf such appeal shall be determined, or to whom such Notice did appear to have been given, such costs and charges in the Law as by the said Justices in their discretion shall be thought most reasonable and just, and to be taxed and allowed at and according to the rates now fixed by

Costs & Char-  
ges of Appeal

Law

Law for Costs in the Supreme Court, to be paid by the Overseers of the Poor, or any other person or persons against whom such appeal shall be determined, or by the person or persons who gave such Notice of the appeal.

Refusal to pay  
Money or costs

III. *And be it further enacted*, That if the said Overseers or other person or persons ordered to pay any such sum of money or costs, shall, after service of the order made by the said Court in respect thereto, neglect or refuse to pay the said money or costs so awarded and ordered to be paid, it shall and may be lawful for the party or parties in whose favor such money or costs shall be awarded and ordered, to sue for and recover the same in the Supreme Court or Inferior Court of Common Pleas, or before any Justice or Justices of the Peace, as for any Debt of the like amount, and the production and proof of a true Copy of the order of the said Court of General Sessions of the Peace, and of the service thereof on the said Defendant or Defendants, or other person or persons against or upon whom such order shall have been made, shall be sufficient proof of the said Debt.

Continuation of  
Act

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

### CAP. XLIII.

Amends 1,  
Wm. 4, C. 5,  
see also 2,  
Wm. 4, C. 6,  
and 5, Wm. 4,  
C. 46

**An Act in addition to the Act to regulate the opening and holding a Poll for the Election of Representatives to serve in General Assembly for the County of Cape-Breton, and for the removal or adjournment of the same.**

(PASSED THE 20th DAY OF APRIL, 1833.)

Preamble

**WHEREAS**, it is expedient that the Poll for electing Members to serve in the General Assembly for the County of Cape-Breton, should be in addition to the places where the said Poll is already now directed to be opened and held, also opened and held at Little Bedeque, in the said County :

Poll to be held  
at Little  
Bedeque

I. *Be it therefore enacted, by the President, Council and Assembly*, That, from and after the passing of this Act, at any Election for a Member to serve in General Assembly to represent the County of Cape-Breton, in addition to the places at which the Poll for such Elections is now required to be opened and held, the Sheriff, or other proper officer, holding such Poll, shall, if thereto legally required, giving due notice thereof, as prescribed by law, on the eighth day inclusive after the day of opening the Poll at Cheticamp, adjourn and remove the Poll to some convenient and central place in Little Bedeque, in the said County of Cape-Breton, and the said Poll shall be then and there held for the space of four days, or until all the Electors then and there present be polled.

### CAP. XLIV.

See 5, Wm. 4,  
C. 21

**An Act relating to the Halifax Fire Insurance Company.**

(PASSED THE 20th DAY OF APRIL, 1833.)

Preamble

**WHEREAS**, by an Act, passed in the Fifty-ninth Year of the Reign of His late Majesty King George the Third, entitled, An Act for incorporating certain Persons therein mentioned, for Insuring Houses, Buildings, Goods, Wares and Merchandizes, from loss and damage by Fire, the Governor, Lieutenant-Governor or Commander in Chief for the time being, by Letters Patent, under the Great Seal of the Province,

is authorised to incorporate certain Persons in the said Act named, as well as others their Associates, to be a Body, Politic and Corporate, by the name of the Halifax Fire Insurance Company, to continue for the term of Twenty-One Years and no longer, with certain powers, rights and privileges, in the said Act particularly set forth; *And whereas*, in pursuance of such Act, the said Halifax Fire Insurance Company hath been incorporated and hath now a large Capital Stock invested in the business of Insurance from loss or damage by Fire, and its operations have been highly beneficial to this Province, by preventing large sums of money from being sent out of this Province, to other Countries, for the purpose of effecting Insurances, and it is therefore expedient to extend the term for which the said Company is now incorporated:

I. *Be it therefore enacted, by the President, Council and Assembly*, That the said Halifax Fire Insurance Company, and all the rights, privileges, powers and authorities therein vested, subsisting and being, and now held and enjoyed by the said Company, under and by virtue of the said recited Act, and of the Letters Patent aforesaid, shall remain, continue and endure, from and after the expiration of the said term of Twenty-One Years, in the said Act mentioned, for and during, and unto the full end and term of Twenty-One Years, in as full and ample a manner, and to all intents and purposes as effectually, as if the term of Forty-two Years had been originally inserted in the said Act herein before recited and mentioned, and the Letters Patent granted under and by virtue thereof.

Term of Incorporation of Company extended

II. *Provided always, and be it further enacted*, That, from and after the passing of this Act, it shall and may be lawful for any other Company or Corporation as such within this Province, to make or effect any Insurances upon Houses, Buildings, Stores, Goods, Wares and Merchandize, any clause, matter or thing, either in the said recited Act or in the Letters Patent granted by virtue thereof, contained to the contrary notwithstanding.

Exclusive right of Company abrogated

#### CAP. XLV.

### An Act for granting Patents for useful Inventions.

(PASSED THE 20th DAY OF APRIL, 1833.)

Amended by 4. Wm. 4. C. 25

**B**E it enacted, by the President, Council and Assembly, That, from and after the Publication of this Act, whenever any person or persons, who shall then be an Inhabitant or Inhabitants of this Province, and shall have resided therein for one year previous thereto, shall apply to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and shall allege that he, she or they, have invented and discovered any new and useful Art, Machine, Manufacture or Composition of Matter, or any new and useful improvement on any Art, Machine, Manufacture or Composition of Matter, not theretofore known or used, and shall, by Petition to the said Governor, Lieutenant-Governor, or Commander in Chief for the time being, signify his, her or their desire to obtain an exclusive property in such new invention and discovery, and shall pray that a Patent be granted for the same, it shall and may be lawful for the said Governor, Lieutenant-Governor, or Commander in Chief for the time being, to cause and direct Letters Patent, under the Great Seal of this Province, to be issued, which said Letters Patent shall recite the allegations and suggestions of the said Petition so to be preferred as aforesaid, and shall therein give a short description of the said invention and discovery, and thereupon shall grant, to the said person or persons so applying for the same, his, her or their Heirs, Executors, Administrators or Assigns, for a term not exceeding Fourteen years, the full and exclusive right and liberty of making, constructing and using, and vending to others to be used, the said new invention or discovery; which Letters Patent shall be good and available to the Grantee or Grantees therein named by force of this Act, and shall be recorded in the Office of the Secretary of the Province, in a Book to be kept for that purpose, and shall be delivered to the Patentee or Patentees.

Application for Patent

Mode of granting Patents

Hhh

Provided

Proviso

Patents to be certified by Attorney-General

*Provided always*, that, before the Great Seal of this Province shall be affixed to any such Letters Patent, or the same shall be issued and signed as aforesaid, such Letters Patent shall be delivered to His Majesty's Attorney-General of this Province, who shall examine the same, and shall, if he finds the same conformable to this Act, certify accordingly, and return the same within Fifteen Days into the Office of the Secretary of the Province, to be issued and signed.

Patentees protected

II. *And be it further enacted*, That where any Letters Patent shall be obtained by any person or persons in manner aforesaid, for any new and useful invention and discovery in any Art, Machine or Composition of Matter, and thereafter any other person or persons shall discover any improvement in the principle or process of any such Art, Machine or Composition of Matter, for which such Patent hath been granted, and shall make application for, and obtain, Letters Patent under this Act, for the exclusive right of such improvement, it shall not be lawful for the person or persons who shall obtain and procure Letters Patent for any such improvement, to make, use or vend, the original invention or discovery, nor for the person or persons who shall have procured Letters Patent for the original invention or discovery, to make, use or vend, any such improvement.

What not a new discovery, &c.

III. *Provided always, and it is hereby declared and enacted*, That simply changing the form or the proportions of any Machine or Composition of Matter in any degree shall not be deemed a discovery or improvement within the meaning of this Act.

Fees on Letters Patent

IV. *And be it further enacted*, That any person or persons making application for any Letters Patent as aforesaid, shall, at the same time he, she or they, shall deliver in their Petition for the same, pay into the Office of the Secretary of the Province the sum of Seven Pounds in full of all fees to be charged on the said Letters Patent, whereof there shall be paid to the Attorney-General of the Province, for examining and certifying the said Letters Patent as herein before described, the sum of Three Pounds Ten Shillings, and the remainder shall be applied as other fees now payable into the Office of the Secretary of the Province, as fees of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and of the Secretary of the Province, are now applied.

Copies of Letters Patent may be obtained

V. *And be it further enacted*, That it shall and may be lawful for any person or persons to obtain and receive from the Office of the Secretary of the Province, any Copy or Copies of any such Letters Patent, or of the Petition whereon the same were granted and issued, or of any paper connected therewith, or any Drawing relating to the same, on payment for such Copy at the rate of Six-pence for every Ninety words thereof, and for every Copy of such Drawing the sum of Fifteen Shillings.

Oath or Affirmation of applicant for Patents

VI. *And be it further enacted*, That before any person or persons shall obtain or receive any Letters Patent under this Act, such person or persons, or some or one of them, shall make Oath, or, if a Quaker, shall make solema affirmation in Writing before some one of the Justices of His Majesty's Supreme Court of Judicature in this Province, that he, she or they, do verily believe that he, she or they, is or are the true inventor or inventors, discoverer or discoverers of the Art, Machine, Composition of Matter, or improvement, for which, he, she or they, solicit Letters Patent, and that such invention or discovery hath not to the best of his, her or their knowledge or belief, been known or used in this Province, or in any other Country, which Oath or Affirmation shall be delivered in with the Petition for such Letters Patent.

Description of inventions to be lodged in Secretary's Office

VII. *And be it further enacted*, That, together with such Petition and Oath or Affirmation, before any person or persons shall receive or obtain any Letters Patent as aforesaid, such person or persons shall also deliver into the Office of the Secretary of the Province a written description of his invention, and of the manner of using, or process of compounding the same, in such full, clear and exact terms as to distinguish the same from all other things before known; and to enable any person skilled in the Art or Science of which it is a branch, or with which it is most nearly connected, to make, compound and use the same, and, in case of any Machine, shall deliver a model thereof into the Office of the Secretary of the Province, and shall explain the principle and the several modes in which such person or persons have or hath contemplated the application of that principle or character, by which it may be distinguished from other inventions, and shall

With a Model thereof

shall accompany the whole with Drawings and Written references, where the nature of the case admits of Drawings, or with specimens of the ingredients, and of the composition of Matter, sufficient in quantity for the purpose of experiment, where the invention is of a composition of Matter, which description, signed by such person or persons so applying for such Letters Patent, and attested by two Witnesses, shall be filed in the Office of the Secretary of the Province, and copies thereof certified under the hand of the Secretary or Deputy-Secretary of the Province, shall be competent evidence in all Courts where any matter or thing, touching or concerning the said Letters Patent, shall or may come in question.

VIII. *And be it further enacted,* That any Patentee, his Executors or Administrators, may assign and transfer all his right, title and interest, in the said invention and discovery in the Letters Patent to him granted, to any person or persons whomsoever, and the Assignee or Assignees thereof, having recorded the said Assignment in the Office of the Secretary of the Province, shall thereafter stand in the place and stead of the original Patentee, as well as to all right, privilege and advantage, as also in respect of all liability and responsibility as to the said Letters Patent, and the invention and discovery thereby secured, and in like manner shall the Assignee or Assignees of any such Assignee or Assignees, stand, and be considered to be, in the place and stead of the original Patentee or Inventor.

Assignment of Patents

IX. *And be it further enacted,* That whenever in any case any Letters Patent shall be, or shall or may have been, granted to any person or persons, under and by virtue of this Act, and any person or persons without the consent of the Patentee or Patentees, his, her or their Executors, Administrators or Assigns, first had and obtained in writing, shall make, devise, use or sell the thing, invention or discovery, whereof the exclusive right is secured to the said Patentee or Patentees, by such Letters Patent, such person or persons so offending shall forfeit and pay to the said Patentee or Patentees, his, her or their Executors, Administrators or Assigns, a sum equal to three times the actual damage sustained by such Patentee or Patentees, his, her or their Executors, Administrators or Assigns, from or by reason of such offence, which sum shall and may be recoverable, together with costs of Suit, by Action on the case founded on this Act, in the Supreme Court of this Province.

Action for violation of Rights of Patentees

X. *Provided always, and be it further enacted,* That the Defendant or Defendants, in such Action shall be permitted to plead the General Issue, and give this Act and any special matter in evidence tending to prove that the specification filed by the plaintiff or plaintiffs does not contain the whole truth relative to the invention or discovery therein alleged to have been made by the said plaintiff or plaintiffs, or that it contains more than is necessary to produce the described effect, (which concealment or addition shall fully appear to have been made for the purpose of deceiving the public) or that the thing, invention or discovery, thus secured by Letters Patent as aforesaid, was not originally discovered by the Patentee or Patentees, but had been in use or had been described in some Public Work anterior to the supposed invention or discovery of the said Patentee or Patentees, or that the said Patentee or Patentees had surreptitiously obtained Letters Patent as aforesaid for the invention or discovery of some other person or persons, in either of which cases, upon sufficient and legal proof thereof, a verdict shall be returned and judgment shall be entered for the said Defendant or Defendants with costs, and the said Letters Patent shall thereupon be, and become, and shall by the said Court be adjudged, void and of no effect.

Defendants may plead general issue and give Special matter in evidence

## CAP. XLVI.

**An Act to authorise the Sessions of the Peace for the County of Queen's County, to make Regulations for the gathering of Sea Manure in the said County.**

(PASSED THE 20th DAY OF APRIL, 1833.)

Justices to  
make regula-  
tions respecting  
Sea Manure

**BE** it enacted, by the President, Council and Assembly, That, from and after the passing of this Act, it shall and may be lawful for the Justices of the Peace for the said County of Queen's County, at their General Sessions of the Peace, from time to time, to make such rules and regulations as they may deem necessary and expedient to be observed and followed by the Inhabitants of the said County in collecting and taking away Eel Grass, or other Sea Manure, which may from time to time be driven by the sea and lodged upon the shores and beaches of the said County.

Individual  
Rights protect-  
ed

*Provided always,* That nothing herein contained shall extend, or be construed to extend, to take away or diminish any right, title, or interest, which is now vested in individuals to any of the said shores or beaches in the said County.

Violation of  
Regulations

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

Continuation of  
Act

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

## CAP. XLVII.

See Cap. 33

**An Act to establish the Township of Argyle, and define the Limits thereof.**

(PASSED THE 20th DAY OF APRIL, 1833.)

Preamble

**WHEREAS,** it is expedient that that part of the County of Shelburne, usually denominated Argyle, should regularly and legally be created a Township, and that the boundaries thereof should be defined and established :

Argyle Town-  
ship formed &  
limits estab-  
lished

Boundaries

**I.** *Be it therefore enacted, by the President, Council and Assembly,* That hereafter, all that part of the County of Shelburne comprehended within the boundaries herein after particularly set forth and contained, shall be formed, created and established into and as a separate and distinct Township in the said County, by the name of the Township of Argyle, and the said Township of Argyle shall be bounded as follows—that is to say, on the south by the sea coast, on the western side thereof by the Township of Yarmouth, to begin at the mouth or entrance of Little River, and to be bounded by the said River as far as high water flows, then to run north sixty-six degrees east until it meets lands laid out to Robert Wilmot and others, commonly called Burnet's Grant, thence to include the lands laid out to the said Robert Wilmot and others, running along the western and northern lines of the said lands until it comes to the Great Tuskent River, and thence northwardly by the Great Tuskent River up through Gaville's Falls to the mouth of the Little Branch at Kemptville, thence up the Little Branch northwardly until it comes to the eastern line of the Township of Yarmouth where that line strikes the Little Branch near Nathaniel Churchill's and Cunard's Saw Mill, thence north twenty-one degrees west by the line aforesaid to the north-east angle of the

the Township of Yarmouth; and on the north the said Township of Argyle shall be bounded by the County of Annapolis; and on the east the said Township of Argyle shall be bounded as follows—that is to say, to commence on the east side of Pubnico, at a rock on the south line of a grant made to Walter Larkins at or near Pubnico Beach, thence on that line south eighty degrees east two hundred and eighteen chains, or until it comes to the rear of the said grant to Walter Larkins, thence north-eastwardly in a direct line to the north-west angle of a tract of land granted to James Doane and others, of Barrington, on Barrington River, thence by the said land granted to Doane and others, northwardly and westwardly to Lake Sabimm, or the Great Pubnico Lake, thence eastwardly across the said lake in a straight line to the south-east angle of a grant of land made to David Larkins and others, of Pubnico, thence to the north-east angle of Larkins's grant, and thence north by east to the Boundary of the County of Annapolis.

II. *And be it further enacted*, That the said Township of Argyle shall also include and comprehend all the Islands south by west of the southern boundary lines of the said Township as far south as the extreme southern part of the outer Seal Island, being the whole groupe of Tusket Islands, Mud Islands, and Seal Islands, situate and lying in and about the Bay called Lobster, Townshend, or Argyle Bay, excepting such Islands as may belong either to the Townships of Barrington or Yarmouth.

Islands includ-  
ed within  
Township

### CAP. XLVIII.

## An Act for the appointment of Trustees for the Public Property of the Town of Halifax, and for other purposes.

(PASSED THE 20th DAY OF APRIL, 1833.)

**WHEREAS**, divers parcels of Land, within the Town and Peninsula of Halifax, and of Land covered with water in front of the said Town, have heretofore been, by His Majesty or other Persons, granted or conveyed to certain Official Persons and their Successors in Office, as well as to private individuals, in Trust, and to and for the common and public use and benefit of the Town of Halifax, or of the Inhabitants of the Town and Peninsula thereof, *And whereas*, doubts are entertained of the sufficiency of the Titles to such of the Lands aforesaid as are held by the Successors of such Official Trustees, and it is expedient, for removing such doubts, and to enable the Inhabitants of Halifax to hold Lands for various public purposes, to establish one public and permanent Trust, for and in respect of all Lands, Hereditaments and Real Estate, which now are or hereafter may be held, used or obtained, for the common benefit of the said Inhabitants, as the Public Property of the said Town, or for any other general or useful purpose within the same:

Preamble

I. *Be it therefore enacted, by the President, Council and Assembly*, That, upon the application, and by the consent and request of the majority of the Justices resident in Halifax, and assigned to keep the Peace in and for the District of Halifax, with the concurrence of the Grand Jury, at any their General Quarter Sessions of the Peace at Halifax, or at any Special Sessions there convened, duly entered of record, and certified to the Lieutenant-Governor or Commander in Chief for the time being, it shall and may be lawful for the said Lieutenant-Governor or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, to nominate and appoint Five Persons, Inhabitants of the said Town, to be *Trustees of Public Property in Halifax*, and, by Letters Patent, under the Great Seal of the Province, to be issued, to make, erect and incorporate, the said Five Persons so appointed, and the several and respective Persons who, from time to time, may be chosen to succeed them in the said Office, into one Body, Politic and Corporate, in Deed and in Name, under the said name and title of "the Trustees of Public Property in Halifax," and by that name to have succession, to sue and be sued, to have a Common Seal, and such Officers, and to possess and enjoy such powers and authorities, and to be under and subject to such rules, regu-

Appointment  
of Trustees—  
their Incorporation

lations and restrictions, as in this Act, and in the said Letters Patent, are or shall be given to or expressed concerning the said Corporation.

Power of Trustees

II. *And be it further enacted*, That the said Trustees when so incorporated shall be, and they are hereby, declared and made capable in Law to have, hold, purchase, receive, possess, enjoy and retain, any Lands, Lands covered with water, Tenements, Hereditaments and Chattles Real, whatsoever, as well for Public purposes as for the objects and purposes of this Act, and also the Rents, Issues and Profits thereof, and likewise any Monies, Goods, Chattles, Effects, Property and Estate, of any nature or kind whatsoever.

Town Property vested in the Trustees

III. *And be it further enacted*, That, from and immediately after the passing of such Letters Patent, all and singular the Lands, Tenements, Hereditaments and Real Estate, and property whatsoever, which shall be described and contained in such Letters Patent, and being the same which at any time heretofore have been granted, assigned or conveyed to any person or persons whomsoever, in Trust for the use and benefit of the Town of Halifax, or of the Inhabitants of the Town or Peninsula, or for public uses and purposes within the same, and all Houses, Buildings and Erections, whatsoever thereon respectively now being, or used and appropriated for such public purposes, and all Lots and parcels of Land originally laid out or allotted and now held for public purposes, (whether such Real Estate and Property was designed or is now used for, and as, the sites or purposes of the County Court-House, Public Markets, Poor House, Bridewell or House of Correction, Jail, Public Landing Places or Slips, the Public Burial Grounds, the Common on the Peninsula, or other public objects and purposes whatsoever, for the general benefit of the said Inhabitants) together with all and singular the rights, members, privileges and appurtenances thereof, to the said Lands, Hereditaments, Real Estate and Property whatsoever belonging, and all the rents, issues, profits and advantages thereof, shall be, and the same are hereby declared to be, absolutely vested in and transferred to the said Trustees so incorporated, and shall be by them held, used and occupied, from the date of the said Letters Patent, in fee simple, and to and for the public and common benefit and uses of the said Town of Halifax, according to the true intent and meaning of the original grant, conveyance or assignment, of the said Real Estates and Properties whatsoever. *Provided*, that nothing in this Act contained shall extend, or be construed to extend, to deprive any corporate body, or private person or persons, of any interest, property, possession or right, which may have been acquired by him, them or any of them, under and by virtue of the several Statutes of Limitations in force in this Province, or any of them, previous to the passing of this Act.

Proviso

Preamble

*And for the more effectually vesting such Real Estates and Properties in the said Trustees, when so incorporated:*

Deeds to be executed to Trustees.

IV. *Be it further enacted*, That, upon the request of the said Trustees, it shall and may be lawful to and for the several persons named in any grant, deed or conveyance, of any such Real Estate or Property, in trust for public purposes, or for the benefit of the Inhabitants, whether such Grantees be official or private persons, and for the Survivors or Survivor of such Grantees, or the Heirs of such Survivor, and also for any other the persons holding at the date of such Letters Patent the official appointments in such grants or deeds respectively mentioned, and for each and every of them, and they are hereby severally and respectively authorised and empowered, by good and sufficient deeds and conveyances in that behalf to be executed, to release and assign their several and respective Trusts of and in all such Real Estate and Property, and to grant, convey and assure the same unto, and to the use of, the said Trustees so incorporated, to hold the same, with all the appurtenances thereof, respectively, unto such Trustees in fee, and to and for the benefit of the public as aforesaid.

Vacancies in Trust

V. *And be it further enacted*, That every vacancy occasioned in the said Trust, so to be constituted, whether arising from the death, resignation, removal from office, or continued absence from the Province for two years, of any one of the present or future Trustees, shall be supplied by the nomination of a Trustee to be made by the Governor, Lieutenant-Governor or Commander in Chief for the time being, and entered of Record in the said Court of Sessions, and, upon such nomination being accepted by the party named

named and recorded as aforesaid, he shall be, and be deemed to be, one of the said Incorporated Trustees, and have and exercise, for all purposes, the same power and authority as if named in the said Letters Patent.

VI. *And be it further enacted*, That all charges and expenses by the said Trustees so incorporated, incurred in or about the said Trust, or the affairs, business, proceedings or management thereof, or in the prosecution or defence of any Actions or Suits touching the public objects of the Trust, shall, when examined and allowed by the said Grand Jury, be presented, assessed, levied and paid, in like manner, as other public Town charges and expenses. Expenses of Trust

*And forasmuch* as it is the object and purpose of this Act to provide for the support and protection of the Title of the Public Property, and not to alter or interfere with the disposal, possession or management of the same, or its rents or produce: Preamble

VII. *Be it further enacted*, That as to and concerning all and every part of the said Real Estate and Public Property whatsoever, whether now obtained or hereafter to be acquired, and as to and concerning all the rents, income, produce and benefit thereof, whatsoever, and also, as to and concerning all public Monies, Chattles and Personal Property of the said Town, the same and every part and parcel thereof shall be, and are hereby, to all intents and for all purposes whatsoever, placed under the care and committed to the charge, order, control, management and disposition of the said Justices assigned to keep the Peace for the District of Halifax, and resident in the said Town, who are hereby empowered, from time to time, either in their General Quarter Sessions or at a Special Sessions, to appoint three Commissioners to be called "*Commissioners of Town Property*," to have the care of, and manage, and Lease, such Town Property or any part thereof, in such manner and upon such terms as the said Justices in their General or Special Sessions may direct. Appointment of Commissioners of Town Property

VIII. *Provided always, and be it further enacted*, That nothing herein contained shall give or be construed to give to the said Trustees or to the Justices of the Peace for the District of Halifax, or to the Commissioners of Town Property, any control, management, superintendance or power, over the Poor House, the Common on the Peninsula, Public Burial Grounds, Places of Public Worship, National, Acadian, Catholic or Halifax Schools, or over any piece, parcel or lot of Land or Property belonging to any Parish or Parishes, Religious Congregation or Congregations, within the said Town, but all such places in this clause named, and such pieces, parcels and lots of Land shall be, and continue to be, under the control, management, superintendance and power, of the same person or persons that they were at and before the time of passing this Act, any thing in this Act to the contrary thereof notwithstanding. Powers of Trustees limited

## CAP. XLIX.

### An Act concerning County Treasurers.

(PASSED THE 20th DAY OF APRIL, 1833.)

See 5. Wm. IV  
C. 12. Se. 1,  
and 21

**WHEREAS**, in and by the first section of the Act, made and passed in the fifth year of the Reign of His late Majesty King George the Third, entitled, An Act for the raising money by presentment in the several Counties in this Province, for the defraying certain County Charges therein mentioned, the several Grand Juries are required to present only one fit and proper person, being a Freeholder, to serve as County Treasurer, which person, if approved of by the Court, shall be sworn to the due execution of his office: which method has been found inconvenient: Preamble

I. *Be it therefore enacted, by the President, Council and Assembly*, That henceforth the several Grand Juries in each County and District of the Province, shall, at the first General Session of the year in such County or District, nominate three fit and proper persons, being Freeholders of such County or District, instead of one person, Grand Juries to return three Persons for Office of County or District Treasurer

as

as directed by the above mentioned Act; and present the names of such three persons to the Justices in their said Sessions, who, from those three names presented, shall select and name one person to fill the office of Treasurer for such County or District, and the person so named shall be sworn to the due execution of his office, and shall give security for the faithful performance of his duty as by Law required.

## CAP. L.

## An Act to encourage the Seal Fisheries of this Province.

(PASSED THE 20th DAY OF APRIL, 1833.)

£750 appropriated to the encouragement of Seal Fishery

**BE** it enacted, by the President, Council and Assembly, That, from and after the passing of this Act, and for this present year, and the two years next ensuing, there shall be annually granted and paid, from and out of the Treasury of this Province, to encourage the Seal Fishery of the same, the yearly sum of Seven Hundred and Fifty Pounds, to be paid, applied and distributed, to the Owner or Owners, Charterer or Hirer, of every Registered Vessel owned in this Province, and fitted out from any Port or Ports within the same, for the purpose of Fishing for, catching and killing, Seals, in Bounties of Fifteen Shillings for each and every Ton of the Registered Burthen of every such Ship or Vessel, if above Fifty Tons Registered Burthen, and in Bounties of Ten Shillings, for each and every Ton of the Registered Burthen of every such Ship or Vessel under Fifty Tons, Registered Burthen. *Provided*, such Ship or Vessel, being properly and sufficiently provisioned, manned and equipped, for the prosecution of such Fishery, shall pursue the same on the High Seas, on the Coast of Nova-Scotia, or Newfoundland, or in the Gulf of St. Lawrence, or the Labrador, or elsewhere upon the Ocean, for the space of twenty days, between the first day of March, and the first day of June, then following, in some year during the continuance of the Bounties hereby granted, or until the lading of such Ship or Vessel be made and completed.

PROVISION

Vessels compelled to abandon the Seal Fishery

**II.** *And be it further enacted*, That, when any Ship or Vessel fitted out, equipped and provisioned as aforesaid, shall have undertaken and proceeded on a voyage, for the purposes set forth in this Act, and in consequence of accident to said Ship or Vessel, or the crew thereof, shall be compelled to abandon the same, it shall and may be lawful for the Commissioners hereinafter mentioned, on satisfactory proof thereof, to give and grant a Certificate to the Owner or Owners, Charterer or Charterers, Hirer or Hirers, of the said Ship or Vessel, for the Bounty allowed by this Act, according to the form herein prescribed.

Appointment of Commissioners

**III.** *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint and Commission, in each and every port and place in this Province, where he shall deem such appointment to be necessary, two or more proper persons to be Commissioners for enquiring into, ascertaining and settling, all claims to be made for such Bounties, and to allow the same, and to grant Certificates for the same to the parties entitled thereto.

Commissioners to be sworn—empowered to administer Oaths

**IV.** *And be it further enacted*, That every such Commissioner, before entering on the duties of his Office, shall be sworn to the true and faithful performance of the several duties thereof, before a Judge of some Court of Record, and when so sworn shall have power and authority to administer all Oaths, which shall or may be necessary to be administered, in order to ascertain, settle and substantiate, any claim for Bounties hereby granted, or necessary and requisite in the investigation of any such claim.

Claim for Bounty

**V.** *And be it further enacted*, That whenever any claim, for the Bounties granted under this Act, shall be allowed by any Commissioners, to be appointed as aforesaid, the said Commissioners shall grant to the party or parties entitled thereto a Certificate thereof, and immediately transmit a duplicate thereof, with the proofs and vouchers on which the same was allowed, to the Treasurer's Office, at Halifax, before the first day of September, in each and every year, and no Certificate, which shall be forwarded after that day, shall be allowed or paid.

VI.

**VI.** *And be it further enacted,* That no Bounties, for which Certificates shall be granted, shall be paid to any of the parties entitled thereto, before the first day of November, in each year, and after the said first day of November, if the whole amount of the Bounties, for which Certificates shall be so granted and returned, shall not exceed in any one year the said Sum of Seven Hundred and Fifty Pounds hereby granted, the Treasurer of the Province shall, and he is hereby authorised to, pay to the party or parties entitled to the same the full amount of all such Bounties for which any Certificates shall have been so granted and returned as aforesaid; but if the amount of Bounties payable under the said Certificates so granted and returned as aforesaid, shall exceed the said Sum of Seven Hundred and Fifty Pounds, in any one year, then, and in such case, the Treasurer of the Province shall, and he is hereby directed to, pay and allow to the party or parties, holding any such Certificate, only such rateable share and proportion of the said sum of Seven Hundred and Fifty Pounds, as the said party or parties shall be entitled to receive, on a just and fair division of the said sum of Seven Hundred and Fifty Pounds among the several parties holding such Certificates, according to the several and respective amounts thereof.

Payment of  
Bounty

**VII.** *Provided always, and be it further enacted,* That, before the Treasurer shall pay the amount payable under any such Certificate, he shall deduct and retain an allowance of Three per Cent. from and out of the sum so payable, which allowance shall be paid over to the Commissioners signing the said Certificate.

Allowance to  
Commissioners

## CAP. LI.

### An Act relating to Grand Jurors.

See 8, Geo  
IV, C. 32

(PASSED THE 20th DAY OF APRIL, 1833.)

**BE** it enacted, by the President, Council and Assembly, That hereafter every person who shall be returned and summoned as a Grand Juror, in any Court within this Province, shall have been resident in the County or District for which such person shall be summoned or returned as a Grand Juror, for at least twelve months previous to his being so returned and summoned as aforesaid, and shall, in the opinion of the Sheriff, own and be possessed of a freehold estate in such County or District of the clear yearly value of fifteen pounds, or a personal estate of the value of three hundred pounds.

Eligibility of  
Persons return-  
ed as Grand  
Jurors

**II.** *And be it further enacted,* That hereafter the Sheriff of each County and District shall make up lists of persons qualified and proper to serve as Grand Jurors in each Township and Settlement respectively, and shall make return to the Court of General Sessions of the Peace of the number of persons so qualified and proper to serve as Grand Jurors in and from each of such Townships or Settlements respectively, within the County or District for which he shall be Sheriff; and such Court shall, from time to time, as they may think requisite, fix and determine what number of such Grand Jurors from each of such Townships and Settlements respectively shall be annually summoned to serve as such; and the said Sheriff shall keep the names of the said Jurors for each of the Townships and Settlements in separate boxes; and shall, at each time of drawing a Jury to serve, draw from such boxes respectively the number so fixed and determined by such Court, and shall summon those so drawn in the usual manner. *Provided always,* That nothing herein contained shall interfere or be construed to interfere with the power and authority of the Court, on the non-attendance of Grand Jurors, to direct others to be drawn, as now allowed by Law.

Returns of  
Grand Juries  
to be made  
from Town-  
ships and Set-  
tlements res-  
pectively

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

Continuation  
of Act

## CAP. LII.

## An Act for amending the Practice of the Court of Chancery, and diminishing the Expences thereof.

(PASSED THE 20th DAY OF APRIL, 1833.)

Power vested  
in Court of  
Chancery  
to establish  
rules of prac-  
tice

**B**E it enacted, by the President, Council and Assembly, That it shall and may be lawful for the said Court of Chancery, and the Judges thereof are hereby required, by any orders thereof from time to time to be made or established, to make, ordain and enforce, such rules and course of practice for the proceedings and business of the said Court, and for the pleadings in causes therein now or hereafter to be depending, as will reduce the great prolixity, expence and delays, of such proceedings, business and pleadings, under the present practice thereof, and such orders and rules from time to time to change and alter, as to the said Court shall seem most expedient and effectual for the ease of suitors therein, and the right and just decision of all causes before the said Court.

Practice of  
High Court of  
Chancery in  
England

**II.** *And be it further enacted,* That in all matters of practice and proceedings in the said Court, not regulated by the present practice thereof, or by the Rules and Orders hereafter to be made, the course and practice of the High Court of Chancery in England shall be observed and followed, until the same shall be changed by rules made under this Act.

Process of con-  
tempt

**III.** *And be it further enacted,* That no Writ of Attachment, or other process of Contempt, shall be hereafter necessary in order to have any Bill filed in the said Court taken *pro confesso*: but the issuing of such process shall be restrained to the cases wherein an actual service thereof, or arrest thereupon, shall be necessary and intended to be made, in order to compel obedience to the order or decree of the said Court.

Execution of  
Decrees

**IV.** *And be it further enacted,* That for the levying and enforcing payment of any sum of money decreed or awarded to be paid by any person whomsoever, in the said Court, such or the like Process or Writs of Execution as are now used in, and issued from, His Majesty's Supreme Court; and the same arrest of the person, taking of the goods, and levy upon the real estate, and subsequent sale thereof, shall and may be had and taken on such Executions issued out of Chancery for the sum therein mentioned, and charges of executing the Writ, as if the same sums were recovered by a Judgment of the Supreme Court and Execution there issued thereupon; and every person arrested and imprisoned under any such Execution, shall have and be entitled to all benefit and relief granted by any present or future Statutes for relief of Insolvent Debtors.

Seal

**V.** *And be it further enacted,* That it shall be lawful for the Chancellor, if he shall think proper so to do, to establish a proper Seal for the said Court wherewith all Decrees and Process of the said Court shall be sealed and certified.

Responsibility  
of Master of  
Rolls

**VI.** *And be it further enacted,* That the Master of the Rolls, for the time being, in all cases, except on Appeals from his decisions, and hearings thereon before the Chancellor, shall be, and be deemed, the responsible Adviser and Judge of the said Chancery, and shall sign all rules, orders and decrees, made by him therein, and the signature of the Chancellor, except in the cases aforesaid, shall not be necessary to the validity of any such rules and orders in any cause, or to any decree made in the absence of the Chancellor from Halifax. *Provided always,* that the enrolment of all Decrees shall be signed by the Chancellor, to whom the same shall be presented to be signed for enrolment.

Province

Appointment  
of Masters Ex-  
traordinary

**VII.** *And be it further enacted,* That a Master Extraordinary of the said Court shall be commissioned and appointed in each County and District of the Province, and in such Townships as it shall appear requisite to appoint such Officer, and every such Master Extraordinary shall have power and authority to administer Oaths to all persons answering or making Affidavits, to be used in the said Court, and shall also act as an Examiner of the said Court.

Validity of  
Sales under  
Decrees of  
Chancery

**VIII.** *And be it further declared and enacted,* That all Sales and Conveyances of any Lands and Real Estate, heretofore by any Master of the said Court duly made, or here-  
after

after to be made, under and pursuant to the directions of any Order or Decree of the said Court heretofore made or hereafter to be passed in any Cause, shall, if or when confirmed by the said Court, be and be taken to be good, valid and effectual, for conveying and transferring to the respective purchaser all the Estate, Right and Interest, by such Order and Decree directed to be Sold, of the Mortgagors or other the Parties, or the Representatives of the Mortgagors or other Parties, whether Plaintiffs or Defendants in the Cause wherein such Decree or Order hath passed or may hereafter be given, without the said Mortgagors or Parties respectively, or their respective Heirs or Representatives, or persons claiming under them, being made parties to such Deeds or Conveyances.

**IX.** *And be it further enacted,* That whenever any party to any Cause before the said Court depending, shall be, by any final Order or Decree thereof, directed to sign, execute or acknowledge, any Deed, Release, Instrument or Writing whatsoever, by the said Court deemed requisite to be signed or acknowledged, in order fully to carry into effect the Decree, Orders and directions of the said Court, then, and in every such case, upon such refusal or neglect being made to appear to the said Court, either by the personal examination of the party by whom such Act is required to be done, or in any other manner, it shall and may be lawful for the said Court, by any order thereof, to direct and authorise any Master of the said Court to sign and execute for, and in the name of, the person refusing or neglecting so to do, such Deed, Release, Instrument or Writing, as aforesaid, and the same, when so executed by the Master, shall be and be taken to be, for all intents and purposes, the Act, Deed and Writing, of the person who ought to have done, signed, executed or acknowledged the same, and the said Court shall and may take all measures necessary for rendering the same effectual.

Deeds, Releases, &c. to be signed by Master—

in case of refusal by party

**X.** *And be it further enacted,* That it shall be lawful for the said Chancery, in Suits depending therein, where the Parties, Defendants, are sued as Co-partners, Trustees, Executors or Administrators, and some of them are out of the Jurisdiction of the Court, to proceed against the Defendants who are within the Province, and have been served with Process in such and the like way as is directed by the Act of the General Assembly, passed in the Seventh Year of His late Majesty's Reign, entitled, An Act for the more easy recovery of Debts against Co-partners and Joint Debtors, and all and singular the proceedings and remedies given by the said Act shall and may be observed, decreed and obtained, in the said Chancery, pursuant to the practice to be established therefor.

Absence of certain Defendants from Province

**XI.** *And be it further enacted,* That the benefits, privileges and proceedings, now obtained or taken in the Supreme Court, under the Act, passed in the Fourteenth and Fifteenth Years of His late Majesty's Reign, entitled, An Act for admitting Depositions *de bene esse* of Witnesses, aged, infirm, or otherwise unable to travel, and of Witnesses departing from the Province, shall be extended to the said Court of Chancery, and to the Parties to suits depending therein, as fully as if the Court of Chancery had been named in the said Act; but nevertheless under and subject to such conditions and rules as the said Court shall think fit to establish for regulating such practice, or in the respective Causes wherein the benefit of the Act is sought for shall prescribe.

Act 14 and 15, Geo. III, C. 4. tended to Court of Chancery.

**XII.** *And be it further enacted,* That it shall be lawful for the said Chancery, to authorise and allow the *Viva Voce* examination of Witnesses, when and as the said Court shall think proper.

*Viva voce* examinations allowed

*And whereas,* by Law, no allowance is made to the Officers of the said Court for the proceedings in matters of Account, or for the attendance of them or any of them, or of the Witnesses necessary in any Cause, or for the travel or examination of Witnesses:

Preamble

**XIII.** *Be it therefore enacted,* That for all necessary services, travel and examinations, connected with the matters or of the nature aforesaid, it shall and may be lawful for the said Court to tax and allow to such Officers and Witnesses such and the like proportionable fees as by the Acts heretofore passed to regulate and establish Fees in the Court of Chancery, or for the general establishment of Fees, can or may be allowed for proceedings and services of the like or a similar nature, to or with those necessary to be performed as aforesaid, in taking Accounts, or for Witnesses, or upon examinations as aforesaid.

Allowance to Officers of Court of Chancery and Witnesses

Copies of Decrees or Decretal Orders of Court allowed in evidence

XIV. *And be it further enacted*, That in all Actions now or hereafter to be depending, in any of the Courts of this Province, wherein it may be requisite to give in evidence any Decree or Decretal Order of the said Court of Chancery, it shall not be necessary to produce in evidence an exemplification thereof, but a Copy of such Decree or Decretal Order certified under seal of the said Court, or examined or proved to be a true Copy of such Decree or Decretal Order, shall be received as legal evidence thereof.

### CAP. LIII.

## An Act for regulating the Exportation of Red or Smoked Herrings.

(PASSED THE 20th DAY OF APRIL, 1833.)

Red or Smoked Herrings to be packed in Boxes

**B**E it enacted, by the President, Council and Assembly, That, from and after the passing of this Act, Red or Smoked Herrings, for exportation, shall not be put into any other package but Boxes of the dimensions and kind herein after described, and that the said Red or Smoked Herrings shall be sweet, well saved and smoked, and all that are in the said package shall be, as near as may be, of the same size, close packed and so stowed as completely to fill the package.

Appointment of Inspectors of Red or Smoked Herrings

II. *And be it further enacted*, That the Grand Juries of the several Counties in this Province, at the Court of General Sessions of the Peace for each County, shall annually, at the time of nominating other Town Officers, nominate out of every Township in the said County, where smoking and preserving Herrings is carried on, two or more fit persons, out of whom the said Court shall appoint one or more to be Inspector or Inspectors of Red or Smoked Herrings, for each respective Township; which said person or persons, so appointed, shall be sworn to the faithful discharge of his or their duty in manner as is prescribed by the Laws of this Province, in the nomination and appointment of other Town Officers; and in case of his or their refusal to serve, or neglect or misbehaviour in the execution of his or their office, he or they shall be punished in like manner as is provided in the like case for other Town Officers, in and by an Act, passed in the fifth year of the reign of His late Majesty King George the Third, entitled, "An Act for the choice of Town Officers and regulating of Townships;" and in case of a vacancy or vacancies in the said Office of Inspector of Red or Smoked Herrings, between the times of the sittings of the said Courts of General Sessions of the Peace, for the County where such vacancy shall happen, the same may and shall be filled up by two Justices of the Peace, of the said County, in like manner as other vacancies in the Town Offices are filled up by virtue of the said Act.

Inspectors to be sworn

Act 5, Geo. III, C. 1, extended to Persons appointed Inspectors refusing to serve, &c.

Red or Smoked Herrings shipped or sold before inspection

III. *And be it further enacted*, That if any Red or Smoked Herrings shall be shipped for exportation before the same shall have been inspected, approved and marked, by the Inspector of Red or Smoked Herrings, or if any Red or Smoked Herrings shall be sold and delivered in any Boxes before the same shall have been inspected, approved and marked, in like manner, such Red or Smoked Herrings shall, on information and due proof thereof, before any one of His Majesty's Justices of the Peace, be seized, and sold by warrant under the hand and seal of the said Justice, and the net proceeds arising from the sale shall be paid to the Overseers of the Poor for the use of the Township where such seizure shall be made.

Masters of Vessels receiving Herrings before inspection

IV. *And be it further enacted*, That if any Master or Commander of any Ship or Vessel shall receive any Red or Smoked Herrings to be carried or exported without the Township wherein such Herrings shall have been smoked or preserved, on board his ship or vessel at any port or place within this Province, before the same shall have been marked as hereinafter directed, by an Inspector of Red or Smoked Herrings the said Master or Commander shall forfeit and pay the value of such Herrings not marked as aforesaid, according to the price of Merchantable Herrings; and in case the value of the said

said Herrings shall exceed the sum of Fifty Pounds, such Master or Commander shall forfeit and pay the sum of Fifty Pounds and no more, to be recovered by Bill, Plaint or Information, before any of His Majesty's Courts of Record within this Province, or before any one of His Majesty's Justices of the Peace, in case the sum sued for shall not exceed the sum of Three Pounds, one half for the use of His Majesty, and the other for the benefit of the person who shall sue for the same.

V. *And be it further enacted*, That the Inspector of Red or Smoked Herrings shall mark each and every box of Red or Smoked Herrings, as he shall have inspected and approved, with a brand, containing the Initial letter of his Christian Name and his Sirname in full, and also the word Inspector, and the name of the Town at full length for which he is Inspector, and shall also be marked with the quality of the Herrings, which, if of the fattest, best and most superior fish, shall be marked No. 1, and of the poorer, thinner, small and inferior fish, No. 2; and if any person or persons shall counterfeit or be concerned in counterfeiting the said brand or mark of the said Inspector, or shall, without the licence of the said Inspector, make use of his said brand in marking any box, or shall by shifting put other fish into any box previously marked by the said Inspector, in order to evade the intent and meaning of this Act, such person or persons so offending shall be prosecuted as and for a common Cheat, and be punished as such by fine or imprisonment, at the discretion of the Court before whom he or they shall be convicted as aforesaid.

Boxes of Herrings to be branded

VI. *And be it further enacted*, That the said Inspector or Inspectors of Red or Smoked Herrings shall not mark any box but such as shall measure on the inside eighteen inches in length, twelve inches in breadth, and six inches in depth, or eighteen inches in length, nine inches in breadth, and eight inches in depth, nor unless the same shall be sufficiently seasoned, strong and well made, the covers to be well planed or shaved, and the box close packed with good Red or Smoked Herrings of one size, and previously marked with the Initial of the Christian and the Sirname in full of the Owner or Packer of the said Red or Smoked Herrings.

Description and dimension of Boxes

VII. *And be it further enacted*, That the Inspector who shall inspect and mark any box of Red or Smoked Herrings shall receive from the Owner thereof one penny half-penny for each and every box so inspected and marked, the said Inspector to open and sufficiently reclose the same; and, when it shall be found necessary to cull and repack, he shall receive, in like manner, for culling and repacking each box, the sum of two pence half-penny, making in the whole for inspecting, opening, culling, repacking, reclosing and marking one box, the sum of four pence.

Allowance to Inspectors

VIII. *And be it further enacted*, That all Red or Smoked Herrings which shall be culled out and rejected by the Inspector as not Merchantable shall be publicly destroyed by the said Inspector.

Herrings rejected

IX. *And be it further enacted*, That in such Counties where the nomination of Town Officers has already taken place for the present year, it shall and may be lawful for any two of His Majesty's Justices of the Peace to nominate and appoint Inspectors as aforesaid, for and during the remainder of the year, or until the Inspectors shall be appointed as herein before is directed, any thing herein contained to the contrary notwithstanding.

Justices may nominate Inspectors

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

Continuation of Act

### CAP. LIV.

## An Act to continue the several Acts for the Regulation of the Militia.

Expired

(PASSED THE 20th DAY OF APRIL, 1833.)

## CAP. LV.

Expired

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

(PASSED THE 20th DAY OF APRIL, 1833.)

## CAP. LVI.

**An Act to extend the Acts concerning Fire-wards to the Town of Sydney, in the Island of Cape-Breton.**

(PASSED THE 20th DAY OF APRIL, 1833.)

Act 2d. Geo.  
3d, C. 5, ex-  
tended to Syd-  
ney

**BE** it enacted, by the President, Council and Assembly, That the Act of the General Assembly, made and passed in the Second Year of the Reign of His late Majesty King George the Third, entitled, An Act for appointing Fire-Wards, ascertaining their duty, and for punishing Thefts and Disorders at the time of Fire; and also all the several Acts since made, in addition to, or in amendment of, the said Act, and now in force, and every matter, clause and thing in the said Acts contained, shall be extended, and the same are hereby extended, to the Town of Sydney, in the Island of Cape-Breton.

## CAP. LVII.

Expired

**An Act to continue an Act relating to the Court of Commissioners at Halifax,**

[PASSED THE 20th DAY OF APRIL, 1833.]

## CAP. LVIII.

**An Act for preventing the multiplicity of Law Suits.**

(PASSED THE 20th DAY OF APRIL, 1833.)

Preamble

**WHEREAS**, the provisions of the former Act of this Province, relative to set off, have been found insufficient to prevent unnecessary cross Actions, and to promote the other objects of the said Act:

Defendants al-  
lowed to set  
off debts due  
by Plaintiffs

**I. Be it therefore enacted, by the President, Council and Assembly,** That where there are mutual debts between the Plaintiff and Defendant, in any action commenced in any Court, or brought before any Justice of the Peace within the Province, or if either party sue or be sued as Executor or Administrator, where there are mutual debts between the Testator or Intestate, and either party, one debt may be set against the other, and such matter may be given in evidence upon the general issue, or pleaded in bar, as the nature of the case shall require, so as at the time of pleading the general issue, where any such debt of the Plaintiff, his Testator or Intestate, is intended to be insisted on in evidence,  
notice

notice shall be given of the particular sum or debt so intended to be insisted on, and upon what account it became due, or otherwise such matter shall not be allowed in evidence upon such general issue.

II. *And be it further enacted*, That, by virtue of this Act, mutual debts may be set against each other, either by being pleaded in bar or given in evidence on the general issue in the manner herein before mentioned, notwithstanding that such debts are deemed in Law to be of a different nature, unless in cases where either of the said debts shall accrue by reason of a penalty contained in any Bond, or specialty, and in all cases where either the debt for which the action hath been or shall be brought, or the debt intended to be set against the same, hath accrued or shall accrue, by reason of any such penalty, the debt intended to be set off shall be pleaded in bar, in which plea shall be shown how much is truly and justly due on either side; and in case the Plaintiff shall recover in any such Action or Suit, judgment shall be entered for no more than shall appear to be truly and justly due to the Plaintiff, after one debt being set against another as aforesaid.

Mutual debts may be set off although not of same nature—

to be pleaded in bar in certain cases

III. *And be it further enacted*, That, if upon Trial of the issue between the Parties before any Court or Justice of the Peace, the said Court, or the Jury, or such Justice of the Peace, shall not assess damage to the Plaintiff, over and above or beyond the debt or sum which shall have been so pleaded, or of which notice of set off shall have been given as aforesaid, then the Plaintiff shall have no costs, but shall pay to the Defendant costs to be taxed as in other cases; and if upon such Trial it shall appear that the debt or sum due by the Plaintiff to the Defendant exceeds the debt or sum due by the Defendant to the Plaintiff, a verdict in cases of Trial before a Jury shall be found, and in all cases Judgment shall be given for the said Defendant for such sum as the Plaintiff shall be found to be indebted to the Defendant, over and above or beyond the sum due by the Defendant to the Plaintiff; and that in all such cases where a verdict shall be so found by any Jury, or a Judgment shall be so given by any Court or Justice of the Peace, it shall and may be lawful for such Defendant to file his record, where such record shall be necessary, and cause Judgment to be entered up, and to sue out Execution for the amount of the Judgment so found or given, together with costs of the said action, in the same manner as he might or could have heretofore proceeded in such cases where a Verdict or Judgment was found or given for him for costs only, any law, usage or custom to the contrary in any wise notwithstanding.

Costs of Trial

If sum be found due Defendants Judgment to be entered

IV. *And be it further enacted*, That in all Actions which shall be commenced and prosecuted in any Court in this Province, wherein it shall be made to appear to the Court that the Plaintiff or Plaintiffs in any such Action hath or have had an opportunity in some former Suit or Action brought against such Plaintiff or Plaintiffs by the said Defendant or Defendants, of pleading or giving notice, and receiving the benefit of his, her or their demand, by way of set off, by virtue of this Act, that then, and in such case, the Plaintiff or Plaintiffs, although a Verdict shall be found, or Judgment given, shall not be entitled to recover any costs against the Defendant or Defendants, but shall pay the said Defendant or Defendants his, her or their, costs, to be taxed and allowed according to Law.

Plaintiffs in certain cases liable for costs

V. *Provided always, and be it further enacted*, That in case, on the Trial of any such Cause, the Plaintiff or Plaintiffs therein shall make it appear satisfactorily to the Court in which the same is tried, that the said Plaintiff or Plaintiffs was or were deprived of any opportunity of obtaining the benefit of his, her or their, demand, in any former action brought against such Plaintiff or Plaintiffs by the Defendant or Defendants, either from want of evidence or other legal and sufficient cause, then, and in such case, the Plaintiff or Plaintiffs shall, at the discretion of the Court, be entitled to, and shall recover, his, her or their costs, as in ordinary cases.

Proviso Plaintiffs allowed costs

VI. *And be it further enacted*, That the Act of this Province, made and passed in the twenty-eighth year of the reign of His late Majesty King George the Third, entitled, An Act for the more effectually carrying into execution the provisions of an Act, made in the sixth year of His Majesty's reign, entitled, An Act to prevent the multiplicity of

Act 28th Geo III. C. 5, repealed

Law Suits, and every matter, clause and thing, therein contained, be, and the same are hereby repealed.

### CAP. LIX.

## An Act in addition to, and in explanation of, the Acts now in force relative to the extension of the Terms of the Supreme Court at Halifax.

(PASSED THE 20th DAY OF APRIL, 1833.)

Preamble

**WHEREAS**, doubts have arisen whether the laws now in force relative to the extension of the Terms of the Supreme Court enable the Judges of the said Court to extend the Term of Saint Hilary, held on the second Tuesday of January in each year; *And whereas*, the said Term has frequently been extended: therefore, for removing such doubts,—

Hilary Term may be extended

**I. Be it enacted, by the President, Council and Assembly,** That the Judges of the Supreme Court have, and shall continue to have, the same power to extend the said Term of Saint Hilary, heretofore held at Halifax, on the second Tuesday of January in each year, that they have to extend other Terms of the said Court, whenever the multiplicity of business renders it necessary for them so to do.

Proceedings of Hilary Terms confirmed

**II. And be it further enacted,** That all the proceedings of the said Court which have taken place, either in Criminal or Civil cases, during the days on which the said Term of Saint Hilary has heretofore been extended, are and shall be as good and valid, to all intents and purposes, as if such proceedings had taken place during the Term as by Law appointed to be held.

Preamble

*And whereas*, the Justices of the Supreme Court cannot, under the Laws now in force, extend the Terms of the said Court at Halifax for more than six days, which restriction hath been found inconvenient:

Hilary, Easter, and Michaelmas Terms may be extended

**III. Be it therefore enacted,** That it shall and may be lawful for the said Justices to continue the Terms of Hilary, Easter and Michaelmas, at Halifax, for as many days as they shall in their discretion think fit, and during the same to enforce the attendance of the Petit Jury as convenience shall require; and also of any Special Jury which shall have been struck for the Trial of any Cause pending in the said Court.

Commencement of Hilary Term

**IV. And be it further enacted,** That the Hilary Term of the Supreme Court shall hereafter commence on the first instead of the second Tuesday of January in each year, any Law, usage or custom, to the contrary notwithstanding.

### CAP. LX.

Amends 2, Wm. 4, C. 18

## An Act in amendment of the Act for granting Duties on Licenses for the sale of Spirituous Liquors, and for other purposes, to Persons resident within the Town of Halifax.

(PASSED THE 20th DAY OF APRIL, 1833.)

Preamble

**WHEREAS**, in and by the fourth Section of the Act, passed in last Session of the General Assembly, entitled, An Act for granting Duties on Licenses for the sale of Spirituous Liquors and for other purposes, to Persons resident within the Town of Halifax, it is provided and enacted, that the whole duty on Auction Licenses should be paid over to the Commissioners of Streets, for the Town and Peninsula of Halifax, to be

be applied to the construction and completion of the new line of Road and Bridge leading Southwardly over Fresh Water River; *Provided*, the sum so applied should not exceed One Hundred Pounds.

*And whereas*, the Auction License Duties, collected and received under the said Act, will much exceed the said sum of One Hundred Pounds, and the said Bridge over Fresh Water River, having been built and completed, has cost considerably more than One Hundred Pounds:

1. *Be it therefore enacted, by the President, Council and Assembly*, That it shall and may be lawful for the said Commissioners of Streets for Halifax, out of the Monies to be received by them under the said Act, as the amount of Duty on Auction Licenses, to pay the whole amount of the price or expence of constructing and completing the said Bridge, whether the same shall or shall not exceed the said sum of One Hundred Pounds, and the balance and residue of such Duty on Auction Licenses shall be paid and applied by the Commissioners of Streets for and towards the same purposes as other License Duties received by them are payable and applicable under the Statutes of this Province.

Application of  
Auction Li-  
cence Duty

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CAP. LXI.

**An Act relative to the Allowance to Collectors of Town, County and Poor Rates at Halifax.**

See 5, Wm. 4,  
C. 13

(PASSED THE 20th DAY OF APRIL, 1833.)

**WHEREAS**, since the passing of an Act, made and passed in the Fifty-seventh year of the Reign of His late Majesty King George the Third, entitled, An Act to alter and amend the several Acts of this Province, relative to Town, County and Poor Rates, the Population of the Town and Peninsula of Halifax has very considerably increased, and the duties of the Collector of Town, County and Poor Rates, have thereby become more arduous and laborious :

Preamble

1. *Be it therefore enacted, by the President, Council and Assembly*, That the Court or General Sessions of the Peace in and for the District of Halifax, upon the recommendation of the Grand Jury, shall, and they are hereby authorised to, establish the rate of Commission to be allowed the Collector of the said Rates at Halifax, the same however not to exceed Seven Pounds Ten Shillings for every Hundred Pounds by him collected and paid.

Allowance to  
Collectors in-  
creased

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CAP. LXII.

**An Act to restrain the Issue of certain Promissory Notes, and for other purposes.**

Repealed by  
4, Wm. 4, C.  
24

(PASSED THE 20th DAY OF APRIL, 1833.)

## CAP. LXIII.

**An Act relating to Compensation to Collectors of Poor Rates.**

(PASSED THE 20th DAY OF APRIL, 1833.)

Preamble

**WHEREAS**, doubts are entertained whether Collectors of Poor Rates of the several Townships within this Province are entitled to Commission on the sums by them collected for the Support of the Poor: to remove such doubts—

Justices to establish Commission to Collectors

**I. Be it therefore enacted, by the President, Council and Assembly,** That the Court of General Sessions of the Peace shall, and they are hereby authorised to, establish the rate of Commission to be allowed to the Collector of the said Poor Rates, the sum, however, not to exceed five Pounds for every Hundred Pounds by him collected.

## CAP. LXIV.

**An Act in further amendment of the Act for making further Provision for the equal Administration of Justice in the Province of Nova-Scotia.**

(PASSED THE 20th DAY OF APRIL, 1833.)

W. Q. Sawers, Esq. allowed to reside in District of Halifax

**BE it enacted, by the President, Council and Assembly,** That it shall and may be lawful for William Q. Sawers, Esquire, the present First Justice of the Inferior Court of Common Pleas, for the Eastern Division of the Province, at all times hereafter, or during such time as the Governor, Lieutenant-Governor, and Commander in Chief for the time being, shall appoint, to reside and dwell in any part of the District of Halifax, any law, usage or custom, to the contrary notwithstanding.

## CAP. LXV.

**An Act for appointing Trustees for the Lands granted for the Dissenting Minister in the Township of Annapolis.**

(PASSED THE 20th DAY OF APRIL, 1833.)

Preamble

**WHEREAS**, in and by a certain Grant, under the Great Seal of this Province, bearing date the Thirtieth day of October, in the Year of Our Lord One Thousand Seven Hundred and Sixty-five, made to Edward Whitman and others, of the Township of Annapolis, there is granted for the first Dissenting Minister one right or share of Five Hundred Acres of Land. *And whereas*, there are no Trustees appointed by the said Grant, for the said Lands:

Appointment of Trustees

**I. Be it therefore enacted, by the President, Council and Assembly,** That, from and after the passing of this Act, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to nominate and appoint three fit and proper persons, being freeholders, and resident within the limits of the said Grant, who shall be Trustees for the said Lands, so granted by the said Grant for the Dissenting Minister, as hereinbefore mentioned, and, on the Death or Resignation of any or either of the said Trustees, to fill up the vacancy thereby occasioned.

Power of Trustees

**II. And be it further enacted,** That such Trustees, when so appointed, shall be invested with the Legal Estate and interest in the said Lands herein before mentioned, in and upon the Trusts, and for and upon the uses and purposes, for which the same may have

have been granted in and by the said Grant, and such Trustees shall have power to sue and be sued for, and in respect of, any matter or thing touching or concerning the Lands or any part thereof so granted as aforesaid, in their own names, as the Legal Owners of such Lands.

III. *And be it further enacted*, That the said Trustees shall have power and authority to lease and manage all or any of the said granted Lands, as shall be most beneficial and advantageous for promoting the uses and purposes respectively, for which the said Lands have been granted by the said Grant, and shall apply the Rents and Profits of such Lands for the uses and purposes aforesaid. *Provided*, that the said Trustees shall not have power to make any Lease of the said Lands, or any part thereof, for a longer term than ten years from the date thereof.

Trustees em-  
powered to  
lease Lands

Proviso

CAP. LXVI.

**An Act to encourage the Manufacture of Tobacco in this Province, and for granting a Drawback of the Provincial Duty on Leaf Tobacco, used in the Manufacture thereof.**

Expired

(PASSED THE 20th DAY OF APRIL, 1833.)

CAP. LXVII.

**An Act to continue and amend the Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine**

Continues and  
amends 2, Wm.  
4, C. 13  
Continued by  
4, Wm. 4, C.  
21

(PASSED THE 20th DAY OF APRIL, 1833.)

**BE it enacted, by the President, Council and Assembly**, That the Act, passed in the last Session of the General Assembly, entitled, An Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act of last  
Session con-  
tinued

II. *Provided always, and be it further enacted*, That all fines, penalties and forfeitures, imposed or incurred by or under said Act, or any of the clauses, provisions, or regulations thereof, when the whole amount of such fine, penalty, or forfeiture, shall not exceed Five Pounds in the whole, shall and may be prosecuted, recovered, levied and paid, before and by order of any two of His Majesty's Justices of the Peace, in and for the County or District where the offence shall have been committed.

Prosecution of  
Fines, &c.

CAP. LXVIII.

**An Act respecting Stray Horses and Cattle, in the County of King's County, and for enabling the Owners thereof to discover the same.**

(PASSED THE 20th DAY OF APRIL, 1833.)

**BE it enacted, by the President, Council and Assembly**, That, from and after the passing of this Act, whenever any Horse or Horses, Cow, Ox or Cattle, of any description,

Detention of  
Stray Horses,  
&c. in King's  
County

cription, or any Hog or Sheep, shall stray into any Barn-yard, Field, Pasture or enclosed place, of any person or persons whomsoever, within the County of King's County, and the Owner or Owners of such Barn-yard, Field, Pasture or enclosed place, shall not turn such Horse or Horses, Cow, Ox or Cattle, of any description, or any Hog or Sheep, out of such Barn-yard, Field, Pasture or enclosed place, but shall detain any such Horse or Horses, Cow, Ox or Cattle, of any description, or any Hog or Sheep, in his or their possession, for twenty-four hours, such person or persons shall, after the expiration of twenty-four hours, forthwith transmit to the Office of the Town Clerk, in the Township where he may reside, or if the place of residence of such person or persons shall not be within the Limits of any Township in the said County, then to the Town Clerk of the Township in the said County next adjoining to the place of residence of such person or persons, a description of each Horse, Ox, Cow or other Head of Neat Cattle, or Hogs, or Sheep, with the colour, size, ear-mark, (if any,) age and particular marks thereof, as near as may be, so that the Owner or Owners thereof may be enabled to recognize such description, and shall also, at the foot thereof, write a notice of the time when, and the place where, the said Stray Animal has been found, and also the place where the same can be obtained by the Owner.

Notice and description to be given

II. *And be it further enacted,* That such description shall be carefully kept and filed by the said Town Clerk, and a Copy thereof be posted up in some place in his Office together with the said notice of the time and place when and where the said Stray or Lost Animal has been found, and the place where the same can or may be obtained, for at least ten days after the same has been forwarded to, and left with, the said Town Clerk, and the said Town Clerk shall be entitled to demand, and shall be paid, a fee of One Shilling, for each and every Horse, Ox, Cow or other head of Neat Cattle, Hog or Sheep, mentioned in any such description and notice as aforesaid.

Notice and description to be filed in Office of Town Clerk

III. *And be it further enacted,* That if no person shall come forward to claim such Stray or Lost Animal, within the said ten days, it shall and may be lawful for the person or persons so finding the said Stray or Lost Animal to apply to any Justice of the Peace of the said County of King's County, who, upon proof of the due exhibition of the said description and notice in the Office of the said Town Clerk, shall, by an order under his Hand and Seal, direct any Constable of the Town or place where he shall reside, to sell such Lost or Stray Animal at Public Auction, and the same shall be sold by such Constable, in pursuance of such Order, after public notice given of such Sale, by placing notices thereof in three of the most public places within the Town or place where such Sale shall be made, for six days before the day of Sale.

Stray Cattle unclaimed may be sold

IV. *And be it further enacted,* That, after deducting from the proceeds for such Sale Five per Cent. upon the amount thereof, for the allowance of the said Constable, for his trouble in such advertising and Sale, and also, the just and reasonable expenses of keeping such Stray or Lost Animal, and the Fee herein before directed to be paid to the Town Clerk, the balance or residue of the proceeds of such Sale shall be paid into the hands of the Overseers of the Poor for the use of the Poor in the Town or place where such Stray or Lost Animal shall or may be found, unless the Owner or Owners of such Stray or Lost Animal shall apply for such balance or residue within twelve months after such Sale, when the said Owner or Owners shall be entitled to receive the said balance or residue.

Proceeds of Sale of Stray Cattle

V. *And be it further enacted,* That if the Owner or Owners of any such Lost or Stray Animal shall make application to obtain the same before the Sale thereof, such Owner or Owners, before receiving the same, shall be bound to pay to the person or persons who shall or may have found the same, the reasonable expenses for keeping the same, together with the Fee herein before directed to be paid to the Town Clerk for advertising the description thereof.

Cattle claimed before sale

VI. *And be it further enacted,* That if any question shall arise between the Owner or Owners, or Overseers of the Poor, and the person or persons who shall have found any such Stray or Lost Animal, either respecting the ownership of such Lost or Stray Animal, or the amount of expense incurred for keeping the same, it shall and may be lawful for the parties or either of them to apply to two Justices of the Peace in and for said County,

Questions respecting Stray Cattle how determined

County, which Justices are hereby authorised and empowered to determine the matter in question, and to make such order thereon as may appear to them just and proper.

VII. *And be it further enacted*, That if any person or persons who shall or may have found and detained in their Custody for twenty-four hours any such Lost or Stray Animal, shall not, within a reasonable time thereafter, forward and transmit the description and notice herein before mentioned to the Town Clerk, such person or persons shall be liable to, and shall pay, if the Animal found shall be a Horse, Ox, Cow or other Head of Neat Cattle, a penalty of two pounds, and if a Hog or Sheep, a penalty of one pound, such penalty to be recovered by any person who shall sue for the same, in the same manner and by the same means as debts of the same amount are or may be legally recoverable, and shall be paid, one half to the person who will sue for the same, and the other half for the use of the Poor. *Provided always*, that nothing herein contained shall deprive the Owner or Owners of such Stray or Lost Animal in any case where the provisions of this Act shall not be complied with, of any remedy by Civil Suit or Action against the person or persons who shall or may have found such Lost or Stray Animal, and shall have neglected to comply with the requisites of this Act.

Liability of Persons detaining Stray Cattle without giving notice

Proviso, as to remedies of Owners

CAP. LXIX.

An Act to enable the Proprietors of the adjoining Lands to shut up and enclose a certain Road in the Township of Horton.

(PASSED THE 20th DAY OF APRIL, 1833.)

WHEREAS, a certain old line of Road in the Township of Horton, being the old road from the foot of the Hill near John Westcott's, up the Bishop Hill to the Allen road, so called, towards Falmouth, has been, in consequence of the opening of a new and more convenient line of road within a short distance, nearly parrallel thereto, rendered useless; and the keeping open of the said old road is attended with great expense to the Proprietors of the Lands adjoining to the said road, by reason of the Fences required on the said road, without producing any benefit to the public:

Preamble

I. *Be it therefore enacted, by the President, Council and Assembly*, That it shall and may be lawful for the Proprietors of Land adjoining the said old line of Road from the foot of the Hill near John Westcott's, up the Bishop Hill to the Allen Road, so called, towards Falmouth, to shut up and enclose the said old road; and the Property therein shall be vested in the Proprietors of the Lands adjoining thereto; and where the Lands on the two sides of the said road shall be owned by different Proprietors, then, and in every such case, the line of division between such Proprietors shall be the centre of the said road.

Authority to enclose a certain Road

CAP. LXX.

An Act to encourage the killing of Bears, Loup Cerviers and Wild Cats.

[PASSED THE 20th DAY OF APRIL, 1833]

WHEREAS, great damage hath been done of late years by Bears, Loup Cerviers and Wild Cats, killing and destroying Sheep and Cattle in this Province:

Preamble

I. *Be it therefore enacted, by the President, Council and Assembly*, That, from and after the publication hereof, the Courts of General Sessions, in the several Counties and Districts of this Province, with the approval and assent of the respective Grand Juries therein, shall and may establish rules and orders for encouraging the killing of Bears, Loup Cerviers and Wild Cats, and appoint such rewards to be paid therefor as they shall think proper.

Sessions with consent of Grand Juries may encourage killing of Bears &c.

Nnn

II.

Rewards how provided

**II. And be it further enacted,** That it shall and may be lawful for the Justices in Sessions and the Grand Juries to raise by assessment, and to collect in the same manner as County Rates are assessed and collected, such sum or sums as shall be necessary in the respective Counties and Districts, for paying the rewards which may be appointed, and shall from time to time become due, under and by virtue of this Act.

Continuation of Act

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

### CAP. LXXI.

Continued by  
4. Wm. IV. C.  
29

## An Act to provide against the occurrence of Diseases from the bite of Animals.

[PASSED THE 5th DAY OF MARCH, 1833.]

Preamble

**WHEREAS,** there is reason to apprehend that the very dangerous disease arising from the bite of Dogs, or other Animals, in a rabid state, has, in several recent instances, occurred in this Province, and is likely to extend, to the imminent danger of His Majesty's Subjects:

Justices empowered to make regulations respecting Dogs afflicted with Canine Madness

**I. Be it therefore enacted, by the President, Council and Assembly,** That, immediately after the passing of this Act, or at any time hereafter, it shall and may be lawful for the Justices assigned to keep the Peace within the several Counties and Districts of this Province, at any of their General or Special Sessions of the Peace, or for any two of such Justices, whereof one shall be a Judge of the Court of Common Pleas, to meet together for the purposes of this Act, and to make, ordain, and put in execution, all such rules, orders and regulations, as they shall deem necessary or expedient to adopt, as well for preventing the going at large of Dogs or other Animals, by whose bite the disease called "Canine Madness" may be occasioned, as for preventing the occurrence or progress of the disease aforesaid; and also, to order and ordain that all Dogs, or other Animals, affected by, or labouring under, the said disease, or exhibiting any of the symptoms attending Canine Madness, or by whose bite the same may probably be communicated to any Persons, or Animals whomsoever, shall be forthwith destroyed, whenever they shall be found running at large; and further, to give such orders and directions as to such Justices shall seem necessary or prudent against the happening of accidents from the bite of any such diseased Animal, and to prohibit sale of the flesh of any Animal which shall have died in consequence of having been bitten by any Dog or Animal labouring under, or affected by, the symptoms attending Canine Madness.

Justices authorised to alter regulations

**II. And be it further enacted,** That it shall be lawful to and for such Justices as aforesaid, by whom any such orders or regulations shall be made, or other the Justices in General or Special Session, to change, alter, or revoke the same, or any part thereof, and to make other or different orders and regulations, under and for the purposes of this Act, and to enforce obedience thereto respectively, by any penalty or penalties not exceeding the sum of Ten Pounds for any one offence, as in such orders or regulations respectively shall be expressed and directed.

Constables or other Persons authorised to kill mad Dogs

**III. And be it further enacted,** That it shall be lawful for any Constable or other Person either to kill or destroy any Dogs, or other Animals, in a rabid state, or otherwise liable to communicate, by their bite, the said disease, which shall be found at large, contrary to the provisions of any such orders or regulations, or to secure and place in safe confinement all Dogs or other Animals which shall appear to be labouring under the disease aforesaid, or exhibiting any symptoms thereof.

Penalties how recovered

**IV. And be it further enacted,** That all penalties, in and by the said orders or regulations to be imposed, shall and may be sued for and recovered before any two of His Majesty's Justices of the Peace, having jurisdiction in the County or District where the offence was committed, and in the name of any Person who will sue for the same, to be recovered and levied as Debts, and to be applied to the benefit of the Poor therein.

Continuation of Act

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

At the **GENERAL ASSEMBLY** of the Province of Nova-Scotia, begun and holden at Halifax, on Wednesday, the Twenty-second day of January, 1834, in the Fourth Year of the Reign of our Sovereign Lord **WILLIAM** the Fourth, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, **KING**, Defender of the Faith, &c. &c. &c. being the Fourth Session of the Fifteenth General Assembly, convened in the said Province.\*

\* In the time of **THOMAS N. JEFFERY**, President ; **Brenton Halliburton**, Chief-Justice, and President of the Council ; **Samuel George William Archibald**, Speaker of the Assembly ; **Sir Rupert D. George**, Bart. Secretary of the Council ; and **John Whidden**, Clerk of the Assembly.

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**CAP. I.**

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

Continued and amended by 5. Wm. IV. C.50

(PASSED THE 31<sup>st</sup> DAY OF MARCH, 1834.)

**WHEREAS**, divers Acts of the General Assembly of this Province have been passed for granting Colonial Duties of Impost and Excise for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce and Fisheries thereof ; and it will be of advantage to the Trade and Commerce of this Province, that the said Acts, and the system of Duties heretofore in force within the same, should be revised and consolidated into one Act, in order that the various articles subject to Duties or exempt therefrom, and the amount of such Duties respectively, may appear in a plain and distinct manner. Preamble

*And whereas*, under an Act of the Imperial Parliament of the United Kingdom of Great-Britain and Ireland, passed in the Third and Fourth Years of the Reign of His Majesty King William the Fourth, and entitled, "An Act to regulate the Trade of the British Possessions Abroad," certain Imperial Duties are imposed and made payable upon Goods, Wares and Merchandize, not being of the growth, production or manufacture, of the said United Kingdom, or of any of the British Possessions in America, imported or brought into this Province, by Sea or by Inland Carriage, or Navigation ; which said Imperial Duties, together with certain exemptions from Duty, and Prohibitions against importing certain Articles, are respectively set forth and specified opposite to and against the several Articles to which such Duties, Exemptions and Prohibitions, have reference, and in the first column of the Table of Duties, hereinafter contained, denominated Table of Colonial Impost Duties, and exemptions from Duty, and it is expedient to declare how far the Goods, Wares and Merchandize, in the second Column of the said Table enumerated, are subject to, and chargeable with, the said Imperial Duties of Customs and Colonial Impost Duties :

**I. Be it therefore enacted, by the President, Council and Assembly**, That upon, from and after, the first day of April, in the year of our Lord One Thousand Eight Hundred and Thirty-four, this Act shall come into and be in operation, for granting Colonial Duties of Impost, and shall remain and continue in operation until the Thirty-first day of March, which will be in the Year of Our Lord One Thousand Eight Hundred and Thirty-five. When Act is operation

II.

Duties estab-  
lished

II. *And be it further enacted*, That upon, from and after, the day appointed for this Act to come into and be in operation, and during the continuance thereof, and instead and in lieu of all other Colonial Duties whatsoever and however denominated, there shall be raised, levied, collected and paid, unto His Majesty, His Heirs and Successors, for the use of this Province, and the support of the Government thereof, and other Public purposes within the same, for and upon Goods, Wares and Merchandize, imported or brought into this Province by Sea or Inland Carriage or Navigation, on or after the said first day of April, One Thousand Eight Hundred and Thirty-four, and during the continuance of this Act,

The several and-respective Impost Duties, Rates and Impositions inserted, described, and set forth in Figures in the said Table of Duties opposite to, and against, the respective Articles in the second Column thereof described and enumerated, and according to the value, number or quality, of such articles therein specified, that is to say :

On Goods,  
Wares & Mer-  
chandize of  
British Pro-  
duction

For and upon Goods, Wares and Merchandize, of the Growth, Production or Manufacture, of the United Kingdom, or of any of the British Possessions in America, imported or brought as aforesaid, the several Colonial Impost Duties respectively set forth in Figures in the third Column of the said Table of Duties, and opposite to and against the respective Articles in the second Column thereof enumerated.

Foreign Goods

And for and upon Goods, Wares and Merchandize, not being of the Growth, Production or Manufacture, of the United Kingdom, or any of the British Possessions in America, imported or brought as aforesaid, the several Colonial Duties respectively set forth in Figures in the fourth Column of the said Table of Duties, and opposite to and against the respective Articles in the second Column thereof enumerated, and which said Duties, in the said fourth Column contained, shall comprehend and include, and shall be deemed and taken to comprehend and include, the several Imperial Duties of Customs in the first Column inserted, and wherewith the said Articles in the Table of Duties enumerated, when not being of the Growth, Production or Manufacture, of the United Kingdom, or of any of the British Possessions in America, are respectively charged under the said Act of the Imperial Parliament.

On Liquors dis-  
tilled in Pro-  
vince

III. *And be it further enacted*, That there shall be raised, levied, collected, and paid unto His Majesty, His Heirs and Successors, for the purposes aforesaid, for and upon all Brandy, Gin, Rum or other Spirituous Liquors, which shall be by any way or method whatsoever manufactured, compounded, extracted, distilled or made, in this Province, and which in the said Table are specially enumerated and described, the several Impost Duties opposite to or against the same respectively in the third Column of the said Table inserted and contained.

Goods free of  
Duty

IV. *And be it further enacted*, That the several and respective Goods, Wares and Merchandize, mentioned in the said Table, and against or opposite to which in the third Column of Duties, the words "Duty Free" are inserted, shall respectively be held free of any Duties by this Act imposed, on Goods of British Growth, Production or Manufacture, as aforesaid : and the several and respective Goods, Wares and Merchandize, mentioned in the said Table, and against or opposite to which, in the fourth Column of Duties, the words "Duty Free" are inserted, shall respectively be held free of any Duties by this Act imposed, on Goods not being of British Growth, Production or Manufacture, as aforesaid.

Goods Ware-  
housed in  
United King-  
dom imported  
into this Pro-  
vince

V. *And be it further enacted*, That Goods imported into this Province, direct from the Warehouse in the United Kingdom, not being of British Growth, Production or Manufacture, as aforesaid, and against or opposite to which, in the fifth Column of the said Table, the word "Free" is inserted, and also all Goods imported from the United Kingdom, after having there paid the Duties of Consumption, and being exported from thence without Drawback ; and further any sort of Craft, Food and Victuals, except Spirits, and any sort of Clothing and Implements, and Materials fit and necessary for the British Fisheries in America, imported into the Place at or from whence such Fishery is carried on, and which, by the said Act of Parliament, are declared to be Duty Free, shall severally and respectively be Free and exempt from so much of the Colonial Duties in the fourth Column of the said Table contained, as the Imperial Duties, if any there be,

in

in the first Column thereof, would amount to on such Goods, Wares and Merchandize, if the same were not imported direct from the Warehouse in the United Kingdom, or had not there paid the Duties of Consumption, or had been thence exported with Drawbacks.

VI. *And be it further enacted,* That if any of the Goods in the said Table mentioned, shall be imported through the United Kingdom (having been Warehoused therein, and Exported from the Warehouse, or the Duties thereon if there paid having been drawn back) then the said Goods shall be free and exempt from so much of the Colonial Duties in the fourth Column of the said Table contained as will be equal to one tenth part of the Imperial Duties, to which the said Goods would otherwise be subject. Goods partially exempted from Duty.

VII. *And be it further enacted,* That all Goods, derelict, flotsam, jetsam and wreck, brought or coming into this Province, shall at all times be subject to the same Duty as Goods of the like kind, imported into this Province, are respectively subject unto. Wrecked Goods

*Provided always,* That if, for ascertaining the proper amount of Duty so payable, any question shall arise as to the origin of any such Goods, the same shall be deemed to be of the Growth, Produce or Manufacture, of such Country or Place, as the Board of Revenue shall, upon investigation by them, determine; *and provided also,* that if any such Goods be of such sorts as are entitled to allowance for damage, such allowance shall be made under such regulations and conditions as the Board of Revenue shall from time to time direct; *and provided further,* that all such Goods as cannot be sold for the amount of Duty due thereon shall be delivered over to the person entitled to receive the same, and shall be deemed to be unenumerated Goods, and shall be liable to, and shall be charged with, Duty accordingly. Province

VIII. *And be it further enacted,* That all Wheat, Flour, Salted Beef and Salted Pork, being of Foreign Production, imported or brought by Land or Inland Navigation, into the Province of Upper or Lower Canada, and thence Imported into this Province direct, shall be deemed to be of the Production of a British Possession, and be charged with Colonial Duty accordingly, unless exempt from such Duty. Wheat Flour, &c. imported from Canada

IX. *And be it further enacted,* That all Sums of Money granted or imposed as Colonial Duties, or by any other Act of the present or any future Session of the General Assembly, as Penalties or Forfeitures, shall be deemed, and are hereby declared to be, British Sterling, and shall be recovered, collected and paid, to the amount of the value which such nominal sums bear in Monies of the United Kingdom, and that all the said Colonial Duties shall be paid and received according to the British Weights and Measures now in use in this Province; and that in all cases where the said Colonial Impost Duties are in the said Table of Duties imposed, according to any specific quantity, or any specific value or number, the same shall be deemed to apply in the same proportion to any greater or less quantity, value or number. Duties payable in British Sterling

X. *And be it further enacted,* That the said Colonial Duties by this Act imposed, shall be ascertained, secured, paid, levied, collected, recovered and applied, under and according to the Directions, Provisions, Regulations and Penalties, and by the ways and means respectively prescribed and contained in the several Acts of the General Assembly, passed or to be passed, and from time to time in force, concerning the securing, paying, levying, collecting, recovering and applying, the said Duties. Duties secured, &c.

XI. *And be it further enacted,* That wherever Payment shall be made or Security be given of or for any Colonial Duties, in the fourth column of the said Table specified, and hereby imposed on any Goods subject to the said Imperial Duties of Customs, then, and in every such case, the Officers charged with the collection or management respectively of the Colonial Duties on such Goods, shall, and they are hereby required to, deduct from the Colonial Duties chargeable or payable thereon under this Act, or to give credit for, or indorse on the Security given therefor, and unto the Party charged with, or who hath secured such Duties, the whole amount of such Imperial Duties, which such Party, by proof to the satisfaction of such Officers, or as directed by the Board of Revenue, shall shew to have been paid to the Principal Officers of His Majesty's Customs, pursuant to the said Act of Parliament. Credit for Imperial Duties

Goods may be  
Warehoused

**XII. And be it further enacted,** That it shall be lawful for the Importer of any Goods, subject to the Duties hereby imposed, to Warehouse such Goods upon the first entry thereof, under and according to the Rules, Regulations and Conditions, from time to time in force, or to be enacted, concerning the Warehousing of Goods, and without payment of Duty upon such first entry thereof.

Goods now in  
Warehouse

**XIII. And be it further enacted,** That all Goods which shall have been Warehoused in this Province, before this Act goes into operation, and which shall remain so Warehoused after the operation thereof commences, and on which the Colonial Duties, heretofore imposed, have not been paid or secured by a subsisting and continuing security, shall, in lieu of all former Duties, become liable to, and be charged with, the Colonial Duties hereby imposed on the like Goods and Merchandize.

Drawback al-  
lowed

**XIV. And be it further enacted,** That upon the Exportation from this Province of any Goods, by this Act charged with Colonial Duty, there shall be allowed and granted a drawback of the whole amount of the Imperial Duty actually paid, and of the Colonial Duty paid or secured thereon; *Provided*, such Exportation shall be made in all respects conformably to the Rules and Regulations from time to time in force, or to be enacted, touching the allowance of Drawbacks on Exportation; *And provided also*, that all the requisites for obtaining such Drawbacks be observed in respect of the Goods Exported.

Drawback un-  
der former  
Acts allowed

**XV. And be it further enacted,** That the amount of all Drawbacks granted, allowed, or made payable, under or by virtue of any Act of the General Assembly, in force, on, or immediately before, the day when this Act is limited to take effect, for and upon any Goods charged with Duty under any prior Act or Acts, shall remain and continue payable, and be allowed, with respect to such Goods, in the same manner as if the Act or Acts, whereby such Drawbacks were allowed, had continued in force after the commencement hereof.

Drawbacks  
placed under  
management of  
Board of Reve-  
nuo

**XVI. And be it further enacted,** That all Duties imposed by this Act, and all Drawbacks allowed by this, or any former Act or Acts, shall be under the management of the Board of Revenue, who shall, in respect of such Duties and Drawbacks, manage and allow the same as hath been, is, or shall be, by Law prescribed.

Payment of  
Duties into  
Treasury

**XVII. And be it further enacted,** That all the Monies arising from the duties by this Act imposed, after deduction made of the legal allowances in respect of the collection thereof, shall be remitted and paid into the Public Treasury of the Province in Halifax, by quarterly payments, on, or as near as may be practicable to, the first day of every quarter, and shall be carried to the Account of the Provincial Revenue, and be and be deemed part of the Public Funds of this Province, and shall be paid, applied and appropriated to such purposes, and no others, as are or may be expressed or contained in the several Acts of the General Assembly of this Province from time to time in force.

Payments from  
Treasury

**XVIII. And be it further enacted,** That all Monies arising from the said Colonial Duties, and paid into the Treasury, shall from time to time be drawn for by the Governor, Lieutenant-Governor, or Commander in Chief of this Province for the time being, by Warrant under his Hand and Seal, pursuant to the Instructions and Directions of His Majesty, and in payment and discharge of any Monies appropriated, or to be appropriated, by any Act or Acts of the General Assembly.

Duty on Goods  
under former  
Acts

**XIX. And be it further enacted,** That all Duties on Goods imported, or to be imported before the coming of this Act into operation, and imposed by any Act or Acts of the General Assembly of this Province, passed for raising a Revenue, and which have expired, or shall expire, at or after the coming of this Act into operation, and all Penalties and Forfeitures inflicted or incurred under the provisions of such former Act or Acts, shall be collected, raised, paid, levied, recovered and enforced, according to the several and respective provisions of such former Act or Acts, whereby such Duties, Penalties and Forfeitures, were imposed, the expiration or repeal of such former Act or Acts, or any thing therein contained, to the contrary notwithstanding.

Act may be a-  
mended in pre-  
sent Session

**XX. And be it further enacted,** That this present Act shall and may be altered or amended by any Act or Acts of the present Session of the General Assembly.

**XXI. And be it further enacted,** That in payment of all the said Colonial Impost Duties

Duties the British Sovereign shall be received at Twenty Shillings sterling, and the British Silver Shilling shall be received and taken as and for One Shilling sterling, instead of at the rate of One Shilling and Three-pence as hitherto computed in the existing Currency of this Province, and other British Gold and Silver Coins in the same relative proportion to the British Sovereign and Shilling; and also, that the Provincial Treasury Note of Twenty Shillings shall be received and taken at the rate of Sixteen Shillings sterling, and the Republican Doubloon at Sixty-four Shillings sterling, and its parts in the like proportion, in payment of the said duties.

Rates at which the British Sovereign and Shilling, &c. shall be received in payment of Duties

TABLE OF COLONIAL IMPOST DUTIES AND EXEMPTIONS FROM DUTY.

IMPERIAL DUTIES.			ARTICLES SUBJECT TO DUTIES IN NOVA-SCOTIA.	COLONIAL IMPOST DUTIES.		
On Foreign Produce, &c.				On British Produce.	On Foreign Produce, including Imperial Duty.	
1st Column.	2d Column.		3d Column.	4th Column.	5th Column.	
£ s. d.			£ s. d.	£ s. d.		
7 10	—	Alabaster	for every 100l of the value	5 0	17 10	
15 0		Ale, in Bottles	for every 100l of the value	7 10	22 10	
15 0		In Barrels or Casks	for every 100l of the value	5 0	20 0	
7 10		Almonds	for every 100l of the value	5 0	17 10	
7 10		Amber	for every 100l of the value	5 0	17 10	
Prohibited		Arms	for every 100l of the value	5 0	5 0	
Prohibited		Ammunition or utensils of War	for every 100l of the value	5 0	5 0	
15 0		Anchors and Grapnels	for every 100l of the value	2 10	17 10	
7 10		Anchovies	for every 100l of the value	5 0	17 10	
7 10		Ariseed	for every 100l of the value	5 0	12 10	
7 10		Argol	for every 100l of the value	5 0	12 10	
Duty free		Apples, fresh or dried	the Barrel	0 4	0 4	
Duty free		Ashes, to-wit: Pot or Pearl Ashes,	for every 100l of the value	5 0	5 0	
0 12		Bacon	the Cwt.	0 6	0 12	
Duty free		Baggage and apparel accompanied by the owner, worn and in use, and not made up or brought as Merchandize or for sale		duty free	duty free	
Duty free		Do. not accompanied by the Proprietor, but proved to be as aforesaid		duty free	duty free	
Duty free		Barley, unground		duty free	duty free	
15 0		Hulled or Pearl Barley		7 10	22 10	
Duty free		Beans, Kidney or French		duty free	duty free	
0 12		Beef, salted, of all sorts	the cwt.	0 9	0 12	
Duty free		Fresh, brought by Land or Inland navigation,	the cwt.	duty free	0 9	
Duty free		Fresh, otherwise brought	the cwt.	duty free	0 9	
Duty free		Biscuit or Bread	the cwt.	0 0 9	0 1 8	
Duty free		Fine, called crackers or cakes	the cwt.	0 0 9	0 3 4	
		Bonnets, see Hats				
Prohibited		Books, prohibited to be imported into the United Kingdom		duty free	duty free	
30 0		not so prohibited	for every 100l value	duty free	30 0	
10 0		Boots, Shoes, and Galoshes, not of Leather or Gum				
		Elastic or Indian Rubber	for every 100l value	5 0	15 0	
15 0		Bottles, empty, of Earth or Stone	for every 100l value	5 0	20 0	
7 10		Botargo	for every 100l of the value	5 0	12 10	
7 10		Box-wood	for every 100l of the value	5 0	12 10	
		Brandy, see Spirits			free	
15 0		Bristles	for every 100l of the value	5 0	20 0	
7 10		Brimstone	for every 100l of the value	5 0	12 10	
15 0		Bricks, Clinkers or Tiles	for every 100l of the value	5 0	20 0	
Duty free		Bullion, Gold and Silver		duty free	duty free	
15 0		Butter	for every 100l of the value	5 0	20 0	
15 0		Burr Stones,	for every 100l of the value	duty free	15 0	
15 0		Cables, of Hemp or other vegetable substances			free	
		Of Iron	for every 100l of the value	2 10	17 10	
15 0		Candles, of Spermaceti or Wax,	for every 100l of the value	2 10	17 10	
15 0		Of Tallow	for every 100l of the value	7 10	22 10	
		Canvas [see Sail Cloth]	for every 100l of the value	5 0	20 0	
7 10		Capers	for every 100l of the value	10 0	17 10	
7 10		Cascasoo	for every 100l of the value	5 0	12 10	
30 0		Cards, for playing	for every 100l of the value	50 0	65 0	
30 0		Of Wire, for carding	for every 100l of the value	5 0	35 0	
Duty free		Carriages of Travellers, not for Merchandize, or intended to be sold		duty free	duty free	

IMPERIAL DUTIES.		ARTICLES SUBJECT TO DUTIES IN NOVA-SCOTIA.	COLONIAL IMPOST DUTIES.		
On Foreign Produce, &c.			On British Produce.	On Foreign Produce, including Imperial Duty.	
1st Column.		2d Column.	3d Column.	4th Column.	5th Column.
£	s.	D.	£	s.	D.
Duty free		Cattle, viz: Asses and Mules	duty free	duty free	
Duty free		Horse, Mare or Gelding, each	duty free	3 4	
Duty free		Neat Cattle, viz: Ox, or other Neat Cattle, three years old or upwards each	duty free	2 0	
Duty free		Cow and Cattle under three years old each	duty free	1 0	
Duty free		Sheep each	duty free	0 3	
Duty free		Hog each	duty free	1 12	
7 10		Cheese, viz: Parmesan for every 100l of the value	5 0	12 10	free
15 0		Of other kinds	5 0	20 0	
15 0		Cider for every 100l of the value	5 0	20 0	free
7 10		Cinnabar for every 100l of the value	5 0	12 10	
15 0		Chocolate or Cocoa Paste for every 100l of the value	5 0	25 0	
0 5		Cocoa, used in the Manufacture of Chocolate the cwt.	duty free	0 5	
0 5		Coffee the cwt.	— 9 4	0 14 4	
30 0		Clocks, of all kinds for every 100l of the value	5 0	50 0	
15 0		All Wheels, Machinery and materials for Manufacturing Clocks	5 0	35 0	
15 0		Coal for every 100l of the value	duty free	15 0	
7 10		Coral for every 100l of the value	7 10	15 0	
7 10		Cork-wood for every 100l of the value	duty free	7 10	free
7 10		Manufactured	5 0	12 10	free
Prohibited		Coin, viz: Base or Counterfeit	Prohibited	Prohibited	
Duty free		Gold and Silver Coins and British Copper Coin	duty free	duty free	
15 0		Copper of all kinds not coined or current in England (Medals excepted) for every 100l of the value	5 0	20 0	
Duty free		Copper, viz: Copper Ore, or in Pigs or Bricks	duty free	duty free	
15 0		In plates, sheets, bars or bolts, for Ship Building, for every 100 of the value	2 10	17 10	
15 0		Wrought or cast for Machinery, pure or with other metal	2 10	17 10	
15 0		Wrought or cast not for Machinery	5 0	20 0	
15 0		Old or worn, or fit only to be re-manufactured	duty free	15 0	
		Cordial Waters, see Spirits			
Duty free		Corn, viz: Wheat, Rye, Indian Corn, and Buck Wheat, unground	duty free	duty free	
Duty free		Wheat Flour imported from the Canadas	duty free	duty free	
0 5		Otherwise imported, the Barrel	duty free	— 5	free
Duty free		Barley Meal and Rye Meal	duty free	duty free	
Duty free		Oat Meal	duty free	duty free	
Duty free		Indian Meal and Buck Wheat Meal	duty free	duty free	
Duty free		Peas, Beans and Calavances	duty free	duty free	
Duty free		Cotton, viz: Cotton Wool for every 100l of the value	5 0	5 0	
20 0		Manufactures of Cotton	5 0	25 0	
15 0		Cordage, tarred and untarred, for every 100l of the value	2 10	17 10	
7 10		Cummin Seed for every 100l of the value	5 0	12 10	
7 10		Currants for every 100l of the value	5 0	12 10	free
7 10		Dates for every 100l of the value	7 10	15 0	free
Duty free		Diamonds	duty free	duty free	
15 0		Dogstones for every 100l of the value	duty free	15 0	free
Duty free		Drugs	10	10 0	
Duty free		Dye Wood and Hard Wood	duty free	duty free	free
		East India Goods, viz: Goods the produce of places within the limits of the East India Company's Charter, as established by the Act of Parliament, imported from those places or from the United Kingdom, or from some place in the British Dominions, (the same being not herein particularly charged with Duty) for every 100l of the value	10 0	10 0	
Duty free		Essences, viz: Bergamot, Lemon, Roses, Citron, Oranges, Lavender or Rosemary for every 100l of the value	10 0	17 10	
7 10		Of all other kinds for every 100l of the value	5 0	20 0	
15 0		Emery Stone for every 100l of the value	5 0	12 10	
7 10		Figs for every 100l of the value	5 0	12 10	free
Duty free		Fish, viz: Fresh	duty free	duty free	
Prohibited		Salted, dried, or in pickle for every 100l of the value	duty free	5 0	
Duty free		Herrings taken by the Inhabitants of the Isle of Man and imported from thence	duty free	duty free	

IMPERIAL DUTIES. On Foreign Produce, &c.	ARTICLES SUBJECT TO DUTIES IN NOVA-SCOTIA.	COLONIAL IMPOST DUTIES.		
		On British Produce.	On Foreign Produce, including Imperial Duty-	
1st Column.	2d Column.	3d Column.	4th Column.	5th Column.
£ s. d.		£ s. d.	£ s. d.	
Duty free	Fish Hooks	duty free	duty free	
Duty free	Fish Oils, viz : Train Oil, Spermaceti Oil, Head Matter, Blubber, Fins and Skins, the produce of Fish or Creatures living in the Sea, taken or caught by the crews of British Ships	duty free	duty free	
Prohibited	Not taken or caught by British Subjects or the crews of British Ships, or imported otherwise than from the United Kingdom or a British Possession, for every 100l val.	duty free	5 0	
Duty free	Flour, (see Corn)	duty free	duty free	
15 0	Flax	10 0	25 0	
Duty free	Flowers, Artificial, of all kinds, for every 100l of the value	duty free	duty free	free
7 10	Fruit, fresh, (not otherwise charged with Duty) preserved in Sugar or Brandy for every 100l value	10 0	17 10	free
	Furs, (see Skins)			
20 0	Geneva or Gin (see Spirits)			
20 0	Glass Manufactures for every 100l of the value	5 0	25 0	
	Crown or Window Glass for every 100l of the value	5 0	25 0	
Duty free	Grain unground, (see Corn)			
Duty free	Grapes for every 100l of the value	5 0	5 0	free
Prohibited	Gums or Resins for every 100l of the value	10 0	10 0	
15 0	Gunpowder for every 100l of the value	5 0	5 0	
0 12	Hair of Horses or Cattle for every 100l of the value	5 0	20 0	
15 0	Hams the cwt.	0 6	0 12	
	Hats or Bonnets, viz : of Leghorn Platt or make (so called) for every 100l of the value	10 0	25 0	
15 0	Hats of all other kinds for every 100l of the value	5 0	20 0	
Duty free	Hay and Straw for every 100l of the value	5 0	20 0	
Duty free	Hemp	duty free	duty free	
Duty free	Hides or pieces of hide, raw, not tanned, curried or dressed for every 100l of the value	2 10	2 10	
	Horses, Hogs (see Cattle)			
15 0	Horns for every 100l of the value	2 10	17 10	
	Hoops and heading (see Wood)			
15 0	Hops for every 100l of the value	5 0	20 0	free
7 10	Incense of Frankincense for every 100l of the value	5 0	12 10	
7 10	Iron, viz: in Bars or Bolts unwrought, and Pig Iron for every 100l of the value	duty free	7 10	
Duty free	Ores of Iron of all kinds	duty free	duty free	
15 0	In Plates or Sheets hammered or rolled every 100l val.	2 10	17 10	
15 0	Chains or Cables or parts thereof	2 10	17 10	
15 0	Castings for Machinery for Mills, for Steam Engines, and for other purposes, and cast or wrought pipes or tubes	duty free	15 0	
15 0	Cast Iron Pots, Kettles Stoves or Grates	5 0	20 0	
15 0	Nails, Spikes, Tacks, Brads or Sprigs, cast, cut or wrought	5 0	20 0	
15 0	All other Manufactured Iron Wares	5 0	20 0	
	Indian Rubber or Gum Elastic, (see Gums)			
15 0	Indigo for every 100l of the value	5 0	20 0	
7 10	Juniper Berries for every 100l of the value	5 0	12 10	
15 0	Lace, viz: Thread Lace of Silk, Cotton or Linen for every 100l of the value	10 0	25 0	
15 0	Lard for every 100l of the value	5 0	20 0	
7 10	Lava and Malta Stone for Building, for every 100l of the val.	duty free	7 10	
30 0	Leather, viz: Manufactures of for every 100l of the value	5 0	35 0	
30 0	Boots, Shoes and Galoshes (Leather or partly of Leather for every 100l of the value	5 0	35 0	
15 0	Not Manufactured	5 0	20 0	
7 10	Lentils for every 100l of the value	duty free	7 10	
Duty free	Lemons and Limes for every 100l of the value	5 0	5 0	free
15 0	Lime Juice for every 100l of the value	5 0	20 0	
30 0	Linen for every 100l of the value	5 0	35 0	
Duty free	Live Stock, (see cattle)			
	Lines for the Fisheries	duty free	duty free	
	Lignum Vitæ (see Dye Wood)			
	Lumber (see Wood)			

IMPERIAL DUTIES. On Foreign Produce, &c.	ARTICLES SUBJECT TO DUTIES IN NOVA-SCOTIA.			COLONIAL IMPOST DUTIES.				
				On British Produce.		On Foreign Produce, including Imperial Duty.		
1st Column.	2d Column.			3d Column.	4th Column.	5th Column.		
£ s. D.				£ s. D.	£ s. D.			
30 0	Maps and Charts	for every 100l of the value	duty free	30 0				
7 10	Macaroni	for every 100l of the value	5 0	12 10				
15 0	Machinery or parts of Machinery for Steam Engines, Carding Machines or Agricultural purposes,	every 100l val.	2 10	17 10				
7 10	Marble rough and worked	for every 100l of the value	5 0	12 10				
Duty free	Meat, Fresh	for every 100l of the value	duty free	10 0				
15 0	Medicines	for every 100l of the value	10 0	25 0				
7 10	Medals	for every 100l of the value	5 0	12 10				
20 0	Mirrors or Looking Glasses	for every 100l of the value	5 0	25 0				
7 10	Mosaic Work	for every 100l of the value	5 0	12 10				
— 3	Molasses, (old Crown Duty under 6, Geo. III, Chap. 62, 1d per Gallon)	the cwt.	duty free	— 3				
30 0	Musical Instruments	for every 100l of the value	5 0	35 0				
7 10	Musk	for every 100l of the value	5 0	12 10				
Duty free	Nets, viz : Fishing Nets and Seines of all kinds		duty free	duty free				
7 10	Nuts of all kinds, not otherwise charged with duty	for every 100l of the value	5 0	12 10				
Duty free	Oats unground	for every 100l of the value	duty free	10 0				
15 0	Oakum	for every 100l of the value	2 10	17 10			free	
7 10	Ochres	for every 100l of the value	5 0	12 10			free	
	Oil, viz. Train Oil, (see Fish Oil)							
7 10	Of Almonds	for every 100l of the value	5 0	12 10				
7 10	Of Olives	for every 100l of the value	5 0	12 10				
15 0	Of Turpentine, called Spirits of Turpentine		5 0	20 0				
15 0	Of Flax, Rape, or other Vegetable Substances		5 0	20 0			free	
7 10	Olives	for every 100l of the value	5 0	17 10			free	
15 0	Onions	the cwt.	— 2 6	— 2 6				
		for every 100l of the value }		15 0				
Duty free	Oranges	for every 100l of the value	5 0	5 0			free	
7 10	Orange Buds and Peels	for every 100l of the value	5 0	12 10				
Duty free	Ores of all kinds		duty free	duty free				
7 10	Orris Root	for every 100l of the value	5 0	12 10				
7 10	Ostrich Feathers	for every 100l of the value	10 0	17 10				
7 10	Paintings	for every 100l of the value	duty free	7 10				
30 0	Papers	for every 100l of the value	5 0	35 0				
Duty free	Pears, fresh or dried	the Barrel	— 4	— 4			free	
7 10	Pearls	for every 100l of the value	10 0	17 10				
7 10	Precious Stones, (except Diamonds)		10 0	17 10				
7 10	Pickles in Jars or Bottles	for every 100l of the value	10 0	17 10			free	
7 10	Not in Jars or Bottles		10 0	17 10			free	
15 0	Pimento or Jamaica Pepper (old Crown Duty under 6, Geo. III, Cap. 52, one half-penny the lb.)	for every 100l of the value	5 0	20 0				
7 10	Pitch	for every 100l of the value	duty free	7 10			free	
15 0	Plate of Gold or Silver	for every 100l of the value	10 0	25 0				
Duty free	Old and fit only to be re-manufactured		duty free	duty free				
15 0	Plants, Shrubs and Trees	for every 100l of the value	duty free	15 0				
— 12 0	Pork, salted of all sorts	the cwt.	— 1 3	— 12				
Duty free	Fresh, brought by Land or Inland Navigation	the cwt.	duty free	— 9				
Duty free	Fresh, otherwise brought or imported	the cwt.	duty free	— 9				
7 10	Pozzalana	for every 100l of the value	duty free	7 10				
15 0	Porter in Bottles	for every 100l of the value	7 10	22 10				
15 0	In Barrels or Casks		5 0	20 0				
Duty free	Poultry of all sorts, dead	for every 100l of the value	duty free	10 0				
7 10	Prints	for every 100l of the value	5 0	12 10				
7 10	Pumice Stone	for every 100l of the value	5 0	12 10				
7 10	Punk	for every 100l of the value	5 0	12 10				
7 10	Quicksilver	for every 100l of the value	5 0	12 10				
7 10	Raisins	for every 100l of the value	5 0	12 10			free	
15 0	Rags, viz : old Rags, old Rope or Junk and old Fishing Nets,	for every 100l of the value	duty free	15 0				
Duty free	Rice unground		duty free	duty free				
Duty free	Meal or ground Rice	for every 100l of the value	5 0	5 0				
15 0	Resins or Gums (see Gums)							
	Rosin, so called	for every 100l of the value	2 10	17 10				
	Rum, see Spirits							

IMPERIAL DUTIES. On Foreign Produce, &c.			ARTICLES SUBJECT TO DUTIES IN NOVA-SCOTIA.					COLONIAL IMPOST DUTIES.				
1st Column.			2d Column.					On British Produce.		On Foreign Produce, including Imperial Duty.		
£	s.	D.	£	s.	D.	£	s.	D.	£	s.	D.	
15	0		Sago	for every 100 <i>l</i> of the value	2	10		17	10			free
30	0		Sails, of Linen	for every 100 <i>l</i> of the value	5	0		35	0			
			And Rigging saved from Vessels wrecked on the Coasts of the Province		duty free			15	0			
			Sail Cloth of all kinds (Canvas included) for every 100 <i>l</i> of the value		2	10		32	10			
30	0		Salt		duty free			duty free				free
Duty free			Sausages	for every 100 <i>l</i> of the value	5	0		12	10			free
7	10		Seeds, viz : Flax Seed, Hemp Seed, and Grass Seed, for Agricultural purposes, and all Garden Seeds, for every 100 <i>l</i> of the value		duty free			15	0			free
15	0		Other Seeds not otherwise charged with duty		duty free			15	0			free
			Sheep, [see Cattle]									
			Shoes, Boots and Galoshes, not of Leather or Gum Elastic [see Boots]									
30	0		Silk Manufactures	for every 100 <i>l</i> of the value	5	0		35	0			
15	0		Skins, Furs, Pelts or Tails undressed, for every 100 <i>l</i> of the value		duty free			15	0			
15	0		Dressed or Manufactured		5	0		20	0			
20	0		Soap	for every 100 <i>l</i> of the value	5	0		25	0			
15	0		Spices of all kinds	for every 100 <i>l</i> of the value	5	0		20	0			free
—	—		Spirits, viz : Brandy, Gin or other Spirituous Liquors, [save and except Rum or Spirits distilled from Molasses, Grain or Fruit] which shall be by any way or method whatsoever manufactured, compounded or extracted, distilled or made, in this Province,	the Gallon	—	1	1					
—	—		Rum or Spirits, distilled in this Province, from Molasses, Grain or Fruit	the Gallon	—	—	6					
—	—		Spirits and Whiskey, the Manufacture of the United Kingdom	the Gallon	—	1	1					
—	—		Brandy, Geneva, Whisky, Cordials and other Spirits, except Rum	the Gallon	—	1	1		—	2	1	
—	1		Rum	the Gallon	—	1	0		—	1	6	
—	—		<i>N. B. Rum, although British, if imported into any of the British Possessions in America, into which such Rum, being of Foreign Production cannot be legally imported, or into the United Kingdom from any British Possession in which Foreign Rum is not prohibited, is treated as Foreign, unless it had been Warehoused and exported from the Warehouse.</i>									
—	—		Shrub or Santee	the Gallon	—	—	10		—	1	4	
7	10		Sponge	for every 100 <i>l</i> of the value	5	0		12	10			free
15	0		Stone unmanufactured not otherwise charged with duty, for every 100 <i>l</i> of the value		duty free			15	0			
15	0		Sugar, viz. Sugar of the Maple		duty free			15	0			
20	0		Sugar Candy	for every 100 <i>l</i> of the value	5	0		25	0			
20	0		Refined Sugar	the cwt.	—	8		—	3			
			Brown or Muscavado or clayed Sugar	and for every 100 <i>l</i> of the value	—	2		—	7			
—	5		not refined	the cwt.	—	2		—	7			
15	0		Slates, viz: roofing and other Slates	for every 100 <i>l</i> of the value	5	0		20	0			
7	10		Sulphur	for every 100 <i>l</i> of the value	5	0		12	10			free
Duty free			Tallow	for every 100 <i>l</i> of the value	2	10		2	10			free
15	0		Tapioca	for every 100 <i>l</i> of the value	2	10		17	10			free
7	10		Tar	for every 100 <i>l</i> of the value	duty free			7	10			free
Duty free			Tea of all kinds	for every 100 <i>l</i> of the value	10	0		10	0			
Duty free			Twines and Lines used in the Fisheries		duty free			duty free				
15	0		Tin, manufactures of	for every 100 <i>l</i> of the value	5	0		20	0			
15	0		Plate	do	5	0		20	0			
20	0		Tobacco manufactured [except Snuff and Segars]	for every 100 <i>l</i> of the value	15	0		35	0			
20	0		Segars and Snuff	do	15	0		50	0			
15	0		Unmanufactured	do	2	10		15	0			
—	12		Tongues of Cattle dried or pickled	the cwt.	—	—	9		—	12		
Duty free			Tow		duty free			duty free				
15	0		Toys of all kinds	for every 100 <i>l</i> of the value	10	0		25	0			
7	10		Turpentine	for every 100 <i>l</i> of the value	duty free			7	10			free
15	0		Oil or Spirits of	for every 100 <i>l</i> of the value	5	0		20	0			
Duty free			Tortoise Shell	for every 100 <i>l</i> of the value	5	0		5	0			
15	0		Manufactures of	for every 100 <i>l</i> of the value	5	0		25	0			

IMPERIAL DUTIES.		ARTICLES SUBJECT TO DUTIES IN NOVA-SCOTIA.	COLONIAL IMPOST DUTIES.		
On Foreign Produce, &c.			On British Produce.	On Foreign Produce, including Imperial Duty.	
1st Column.	2d Column.		3d Column.	4th Column.	5th Column.
£ s. d.			£ s. d.	£ s. d.	£ s. d.
Duty free		Vegetables, fresh for every 100l of the value	duty free	15 0	
		Vegetable Oils, [see Oils]			
7 10		Vermillion for every 100l of the value	5 0	12 10	
7 10		Vermicelli for every 100l of the value	5 0	12 10	
15 0		Vinegar for every 100l of the value	5 0	20 0	
30 0		Watches for every 100l of the value	10 0	40 0	
Duty free		Whale Fin or Bone taken or caught by crews of British ships	duty free	duty free	
		Wheat and Wheaten Flour, see Corn			
7 10		Whetstones for every 100l of the value	5 0	12 10	
7 7		Wines in Bottles the Tun			
7 10		and for every 100l of the value			
— 1		the Bottles the dozen			
7 10		Bottled in the United Kingdom and thence imported, } for every 100l of the value }			
Duty free		The Bottles			
7 10		Not in Bottles for every 100l of the value			
— — —		Wines, viz. Hock, Constantia, Malmsey or Tokay, the Gallon	— 2 3	— 2 3	
		Champagne, Burgundy, Hermitage, the Gallon	— 2 0	— 2 0	
		Claret called Lafitte, Latour, Margaux Hautbrion the Gallon	— 1 10	— 1 10	
		Madeira and Port, the Gallon	— 1 8	— 1 8	
		Sherry Wine of which the first cost per Pipe is 20l sterling or above, the Gallon	— 1 5	— 1 5	
		Other Claret Wines, Barsac, Sauterne, Vin de Grave, Moselle, and other French Wines, and Lisbon Wines, and German Wines, the Gallon	— 1 3	— 1 3	
		All other Sherry Wines, Teneriffe, Marsala, Sicilian Malaga, Fayal and all other Wines, the Gallon	— 1 0	— 1 0	
		All Wines, the produce of the Cape of Good Hope [except Constantia] the Gallon	— — 0	— — 0	
		<i>Wines, imported into the British Possessions in North America, from Gibraltar or Malta, subject to no higher duty than if imported from the United Kingdom, viz: one-tenth of the Imperial Duty remitted. The old Crown Duty, under Statute 4, Geo. 3, Cap. 15, on Wine of the growth of the Madeiras, or of any other Island or place, whence such Wine may be lawfully imported, and which shall be so imported from such Island or place, in the Tun £7; and on Portugal, Spanish or any other Wine, (except French Wine,) imported from Great-Britain, the Tun, Ten Shillings.</i>			
30 0		Wires of all sorts for every 100l of the value	5 0	35 0	
Duty free		Wood, viz: Masts, Spars, Boards, Plank, Deals, Staves, Headings, Shingles, Clapboards, Timber, Laths, Hoops, and wood of all sorts: Lumber, the produce of, and imported from, any British Possessions on the west Coast of Africa, Wood and Lumber otherwise imported; Cabinet-Makers Wood; Hard Wood.	duty free	duty free	
15 0		Wood, manufactures of, viz: Chairs, Tables, and other Household Furniture and Utensils, Carriages of all sorts, Carts, Waggons, Cabinet Makers work, Carpenters work and Wheelwrights work, of all kinds, not being for Agricultural purposes for every 100l of the value	5 0	30 0	
15 0		Agricultural Implements and Machinery	2 10	17 10	
Duty free		Wool, viz. Cotton Wool for every 100l of the value	5 0	5 0	
15 0		Sheeps Wool	5 0	20 0	
15 0		Wax for every 100l of the value	5 0	20 0	
15 0		Whisky, see Spirits			
15 0		Yarn, viz. Cotton Yarn for every 100l of the value	5 0	20 0	
15 0		Worsted Yarn	5 0	20 0	
30 0		Raw Linen Yarn	5 0	35 0	
15 0		Goods, Wares and Merchandize not otherwise charged with duty, and not herein declared to be free of duty, for every 100l of the value	5 0	20 0	
Duty free		Any sort of Craft, Food and Victuals [except Spirits and any sort of Clothing and Implements and materials fit and necessary for the British Fisheries in America, imported into the place at or from whence such Fishery is carried on.]	— — —	— — —	
Duty free		All Goods imported from the United Kingdom after having there paid the duties of consumption, and being imported from thence without Drawback,	— — —	— — —	

CAP. II.

An Act concerning Duties on Liquors Distilled within this Province.

[PASSED THE 31st DAY OF MARCH, 1834.]

WHEREAS, all Brandy, Gin, Rum, or other Spirituous Liquors, which shall be, by any way or method whatsoever, Manufactured, Compounded, Extracted, Distilled or made in this Province, are made subject to, and charged with, certain Colonial Impost Duties, and it is expedient to provide for the Collection of such Duties: Preamble

I. Be it therefore enacted, by the President, Council and Assembly, That upon, from and after, the first day of April in this year of Our Lord One Thousand Eight Hundred and Thirty-four, this Act shall come into and be in operation. When Act in operation

II. And be it further enacted, That the owner or owners of any Distillery or Distilleries, Manufactory or Manufactories, or other person or persons, who shall, by any way or method whatsoever, manufacture, compound, extract, distil, or make in this Province, any Brandy, Gin, Rum, or other Spirituous Liquors in this Province, and in case such Distillery or Distilleries, Manufactory or Manufactories, shall be carried on by any servant or servants, having the care or management of the same, then such Owner, Master, or servant or servants respectively, shall, on the Saturday of every week, after the coming of this Act into operation, render a true and faithful account to the Collector of Impost, nearest to the place where such Manufacture is carried on, or Distillery situate, of the quantity of Brandy, Gin, Rum, or other Spirituous Liquors, that have been manufactured or distilled in his, her or their Distillery or Distilleries, Manufactory or Manufactories, and shall make and subscribe before the said Collector the Oath following: I Distillers to make Weekly Return of Liquors distilled On Oath

do solemnly swear, that the Account which I have now rendered and subscribed of the Brandy, Gin, Rum, and other Spirituous Liquors, manufactured or distilled at the Distillery or Manufactory of is a true and faithful Account of all the Brandy, Gin, Rum, and other Spirituous Liquors, manufactured, compounded, extracted, distilled, or made by any way or method whatsoever, at the said Distillery or Manufactory, since the day of last, and that no Brandy, Gin, Rum, and other Spirituous Liquors, have been so manufactured, compounded, extracted, made or distilled, at the said Distillery or Manufactory, since the day of last, except what the said Account contains, and I further swear, that no Brandy, Gin, Rum, or other Spirituous Liquors, to my knowledge or belief, have been removed from the said Distillery or Manufactory, without being duly gauged by the Guager for the District of or without a Permit to remove the same from the Collector of Impost and Excise for the said District. So help me God. Form of Oath

III. And be it further enacted, That, upon such Account and Report being rendered and verified as aforesaid, due Entry shall be made of the full quantity of Brandy, Gin, Rum and other Spirituous Liquors in the said Account stated, and of the amount of the Colonial Duties due thereon, and if such Duties do not exceed the sum of Two Pounds, then the same shall be paid down by the Owner thereof, and if the Duties exceed the sum of Two Pounds, then Security shall be given for the payment of such Duties by Bond to be made and executed with such Sureties, and in the like manner as is by Law prescribed with respect to Duties charged on Goods imported into this Province, and thereupon the Collector of Impost shall grant to the said Distiller or Manufacturer a Removal Permit therefor, which shall be in the words following: Entry to be made and duties secured Removal of Liquors

Permit A. B. to receive from the Stock of C. D. the following Liquors, distilled, made or compounded, by him, that is to say: and to carry the same from the Distillery or Manufactory of the said C. D. to the Duties thereon having been paid or secured in the Impost Office. Given under my Hand at this day of A. D. 183

Qqq

IV.

Investigation  
of Returns

IV. *And be it further enacted*, That for investigating into the exactness of every such Account or Report so to be rendered, and for ascertaining the true quantity of Liquors so from time to time manufactured, compounded, extracted, distilled or made, in any such Distillery or Manufactory by any person whomsoever, it shall and may be lawful for the Collector of Impost, and any Officer of the Colonial Revenue, to have and exercise all such and the like powers and authorities, ways and means, as by Law may be provided with respect to Goods subject to Duties imported into this Province, and the same powers, authorities, ways and means, are hereby expressly made applicable to the Distiller or Manufacturer, the Distillery or Manufactory, and Liquors there made or manufactured, severally and respectively as the case may require.

Seizures under  
this Act

V. *And be it further enacted*, That if any such Brandy, Gin, Rum, or other Spirituous Liquors, as in this Act are mentioned, shall be found in any Distillery, Manufactory or Place, after the day on which the same ought to have been reported, without having been duly entered and reported as aforesaid, then such unreported dutiable articles shall be forfeited, and may be seized accordingly, and if, after any such Account rendered, and Entry made, of any such Brandy, Gin, Rum or other Spirituous Liquors, the Duties payable on the quantity thereof, in such Entry mentioned, shall not be paid or secured as aforesaid, within twenty-four hours after such report and Entry made, then it shall be lawful for the Collector of Impost, or other Officer of the Colonial Revenue, to take the said Dutiable Articles into his custody, and to store the same, and he shall, within five days after receiving the same into his possession, give notice for the space of ten days of the sale thereof, and, at the day and place fixed, shall proceed to sell at Public Auction, so much of the said dutiable Articles as shall be necessary to pay the Duties thereon, with the reasonable costs and charges attending the storing and selling such Articles, and shall pay any surplus money arising from such sale, or the residue remaining of such Articles, after payment of the Duties, Costs and Charges aforesaid, unto any person lawfully authorised to receive the same.

Removal of  
Liquors with-  
out Permit

VI. *And be it further enacted*, That no Brandy, Gin, Rum, or other Spirituous Liquors, as aforesaid, of the value of Five Pounds or above, shall be transferred by, or removed from the Store or Stock of any Distiller, Manufacturer or Owner of the same, to any other person or persons whatsoever, without such Removal Permit as aforesaid, from the Collector of the District wherein such Distillery or Manufactory shall be.

Permits for  
vehicles under  
this Act

VII. *And be it further enacted*, That in case any of the above enumerated dutiable Articles shall be found in the possession of any person or persons whomsoever, or shall be found for the purpose of being carried or removed, laden on any Cart, Truck, Waggon, Sled, Horse or Horses, or on board any Boat or Vessel, the Colonial Impost Duties to which the said articles may be subject not being paid or secured, or without the respective Permits, by this Act required, the person or persons in whose possession they shall be so found shall forfeit Fifty Pounds, and all and every such dutiable Article, Cart, Truck, Waggon, Sled, Horse, Boat and Vessel, used in removing the same article, shall be forfeit, and if any question shall arise whether the aforesaid Duties have been paid or secured, the proof of the payment or securing of the same shall lie on the possessor or claimer of such articles.

Proof of pay-  
ment of duties

Board of Re-  
venue autho-  
rised to make  
regulations

VIII. *And be it further enacted*, That it shall be lawful for the Board of Revenue to make such regulations as to them shall seem expedient for the more effectually securing and collecting the Duties from time to time payable on Brandy, Gin, Rum, or other Spirituous Liquors as aforesaid, and for preventing Frauds, with respect to the paying, securing or enforcing, the collection of the said Duties.

Act may be a-  
mended in  
present Session

IX. *And be it further enacted*, That this present Act may be altered or amended by any Act or Acts of the present Session of the General Assembly.

## CAP. III.

**An Act for granting Duties on Licences for the sale of Spirituous Liquors in Taverns, Public Houses or Shops, and for other purposes.**

Continued and amended by 5. Wm. IV. C. 19.

(PASSED THE 31st DAY OF MARCH, 1834.)

**B**E it enacted, by the President, Council and Assembly, That, from and after the passing of this Act, and in every year during the continuance thereof, there shall be raised, levied and collected from, and paid by, every person now Licenced, or hereafter to be Licenced, by any Tavern Licence or Shop Licence granted, or to be granted, for the sale of Rum, or other strong or Distilled Spirituous Liquors, and Wine, Ale, Beer, Cider or Perry, at any Town or place within this Province, (save and except only the Town and Peninsula of Halifax,) pursuant to the rules, regulations and provisions of the Act, passed in the Second Year of His present Majesty's Reign, entitled, An Act concerning Persons Licenced to keep Public Houses and Shops, and the Duties thereon, the several and respective Licence Duties and Taxes following, that is to say:—

Duties on Licences

For and upon every Tavern Licence, the sum of Seven Pounds and Ten Shillings Halifax Currency.

Tavern Licence

For and upon every Shop Licence, the sum of Five Pounds—which said several Licence Duties or Taxes shall be paid and payable at such times, and in such proportions, and under and subject to such reductions for any time less than One Year, and shall be raised, levied, collected and secured, in and by such Bonds or Obligations, ways and means, and under such penalties and forfeitures, and shall be applied and disposed of in such manner, and to such persons, and for such purposes, as in and by the said Act of the second year of His present Majesty's Reign, or any other Act in addition, alteration or amendment thereof, to be passed, are or shall be provided, declared, directed or enacted, of and concerning the said Licence duties, or Licences aforesaid, or any of them respectively.

Shop Licence

Duties to be collected, &c. under 2d, Wm IV. C. 3.

II. *And be it further enacted,* That no General Licence whatever shall be granted, made or issued, to any person or persons whomsoever, residing in any part of this Province, save and except only to persons residing in the Town or Peninsula of Halifax.

General Licence in Halifax only

III. *And be it further enacted,* That no person holding a Shop Licence (save and except in the Town or Peninsula of Halifax,) shall sell any Rum or other Strong or Distilled Spirituous Liquors in any quantity less than one Gallon, to be delivered at one and the same time, and not to be drunk in the House or Shop of the party holding such Shop Licence, and any person or persons holding such Shop Licence, (save and except in the Town and Peninsula of Halifax,) who shall sell or cause to be sold any quantity of Rum or other strong or Distilled Spirituous Liquors, less than one Gallon, contrary to the provisions herein before contained, being thereof convicted, shall be subject and liable to the same pains, penalties and forfeitures, as persons convicted of selling Spirituous Liquors without Licence, and the same shall and may be prosecuted for, paid, levied and disposed of, in like manner as is directed and prescribed by Law, with respect to penalties, pains and forfeitures, in cases of persons selling Liquor without Licence.

Restriction as to Shop Licence

IV. *And be it further enacted,* That there shall be hereafter granted, (save and except in the Town and Peninsula of Halifax,) a Tavern Licence or Shop Licence, for the Sale of Wine, Beer, Cider, Ale, Perry or other Liquors, not being Rum or other strong or distilled Spirituous Liquors, to be called a Wine and Beer Licence, to be in force for one year, or such shorter time, not less than six calendar months, as may be therein mentioned and specified, and to be granted in like manner, and under the same regulations, as other Licences are directed to be granted, either by this Act or the said Act of the second year of His present Majesty's Reign, and any person or persons holding such

Wine and Beer Tavern Licence

such Wine and Beer Licence, who shall sell, or cause or procure to be sold, any Rum, or other strong or distilled Spirituous Liquors, mixed or unmixed, by whatsoever name or names the same may be called, shall, being thereof convicted, be subject and liable to the same pains, penalties and forfeitures, as persons convicted of selling Liquors without Licence, to be prosecuted for, paid, levied and disposed of, in like manner as is directed with respect to pains, penalties and forfeitures, in cases of selling Liquors without Licence.

Duty on Wine  
and Beer Ta-  
vern Licence:—

V. *And be it further enacted*, That for every such Wine and Beer Tavern Licence, there shall be paid by the person or persons obtaining the same, at the time the said Licence shall be granted and taken out, a Duty or Tax of Two Pounds and Ten Shillings for one year, or any less sum in proportion to any shorter time for which such Licence shall be granted, and for every such Shop, Wine and Beer Licence, a Duty or Tax of Two Pounds for one year or any less sum in proportion to any shorter time, for which such Shop, Wine and Beer Licence, shall be granted.

On Shop, Wine  
and Beer Li-  
cence.

Grand Jury to  
Recommend  
persons apply-  
ing for Licences

VI. *And be it further enacted*, That hereafter no Tavern or Shop Licence, of any description, shall be granted to any person in this Province, (except in the Town and Peninsula of Halifax,) unless the person to whom such Tavern or Shop Licence shall or may be granted, shall be first recommended to the Justices in Session, by the Grand Jury of the County or District wherein such Licence is to be taken out and granted, as a fit and proper person to have and receive such Licence.

Wine & Beer  
Licence Signs  
to be hang out

VII. *And be it further enacted*, That every person to whom any such Tavern, Wine and Beer Licence, shall or may be granted, shall hang out and have publicly exhibited a Sign or Inscription, with the name of such person, and the words "*Wine and Beer Licence*" thereon, in legible characters, and any person holding such Wine and Beer Licence, and not hanging out or exhibiting publicly such Sign or Inscription, shall be subject and liable to the like penalty as is imposed on persons holding Licences, and not hanging out any Signs, by the sixteenth Clause or Section of the said Act hereinbefore referred to, passed in the second year of His present Majesty's Reign, to be prosecuted for, recovered, paid and applied, in like manner, as is directed with respect to the said penalty in the said sixteenth Clause of the said Act mentioned.

Licences may  
be granted  
gratis

VIII. *And be it further enacted*, That it shall be in the power of the said Justices, in any their General Sessions of the Peace, from time to time, at the discretion of the said Justices, to grant a Licence or Licences gratis, or upon payment of such less duty as may seem to them proper, to any person or persons living on roads which are little frequented, for the encouragement of such persons keeping Houses of Entertainment on such public roads for the accommodation of Travellers.

Continuation of  
Act

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

#### CAP. IV.

Amended by 5.  
Wm. IV. C. 52.

### An Act respecting the Trial of Issues in the Supreme Court, and for regulating the Times of Holding the Circuits of the said Court in the several Counties and Districts of this Province.

(PASSED THE 31st DAY OF MARCH, 1834.)

Preamble

**WHEREAS**, by the Laws now in force, it is made necessary that all Causes shall be tried before two or more Judges of the Supreme Court, which has been found difficult and inconvenient in practice, for remedy thereof:

Supreme  
Courts may be  
held by one  
Judge

I. *Be it enacted, by the President, Council and Assembly*, That, from and after the passing of this Act, it shall and may be lawful for any one Judge of the Supreme Court to

to preside at the Trial of and to try all Issues, as well in Criminal as in Civil Causes, in the said Court, any Law, usage or custom, to the contrary thereof, notwithstanding.

*And whereas*, when Issues are tried before one Judge, it will not be necessary for two Judges to travel the same Circuit.

II. *Be it enacted*, That the Supreme Court shall hereafter be held in the several Counties and Districts of this Province before one Judge of the said Court, in the same manner as the same has been heretofore held before two Judges of the said Court. Circuits to be held by one Judge

III. *And be it further enacted*, That the Supreme Court shall hereafter be held by one Judge as aforesaid, in the several Counties and Districts in this Province, at the several times and places hereinafter named, that is to say:

IN THE SPRING.

At Windsor, in the County of Hants, at Pictou, in the District of Pictou, and at Dorchester, in the County of Sydney, on the last Tuesday of May.—At Horton, in King's County, at Amherst, in the County of Cumberland, and at Guysborough, in the County of Sydney, on the first Tuesday of June.—At Annapolis, in the County of Annapolis, at Truro, in the District of Colchester, and at Arichat, in the County of Cape-Breton, on the second Tuesday of June.—At Yarmouth, in the County of Shelburne, and at Sydney, in the County of Cape-Breton, on the third Tuesday of June.—At Lunenburg, in the County of Lunenburg, at Liverpool, in Queen's County, and at Shelburne, in the County of Shelburne, on the days and at the times prescribed by the Laws now in force. Times of sitting of Supreme Court

IN THE AUTUMN.

At Annapolis, in the County of Annapolis, at Pictou, in the District of Pictou, and at Guysborough, in the County of Sydney, on the second Tuesday of September.—At Horton, in King's County, at Amherst, in the County of Cumberland, and at Port Hood, in the County of Cape-Breton, on the the third Tuesday of September.—At Windsor, in the County of Hants, at Truro, in the District of Colchester, and at Dorchester, in the County of Sydney, on the fourth Tuesday of September.

IV. *And be it further enacted*, That all Writs, Process, Recognizances and Complaints, which are or shall be made returnable to the Supreme Court at its next sittings in the Counties or Districts wherein the sittings of the said Court are hereby altered, shall be returned on the days herein appointed for such respective sittings of the said Court, and all parties and persons who are bound or summoned, or who ought to appear at the said Courts, or any of them, at the next sittings thereof, in any of the said Counties or Districts, shall be held and obliged to appear at such Court, at the days and times on which such sittings respectively are hereby directed to be held. Returns of Writs, Process, &c.

V. *And be it further enacted*, That the Grand and Petit Juries, drawn in and for the next Inferior Courts of Common Pleas and General Sessions of the Peace at Port Hood, in the County of Cape Breton, at Guysborough, in the County of Sydney, and at Yarmouth, in the County of Shelburne, shall, and are hereby declared to be the Grand and Petit Juries for, and be bound to attend, being duly summoned, at the first sittings of the Supreme Court, to be held under and by virtue of this Act, at the said places respectively. Juries drawn in Port Hood, Guysborough, and Yarmouth

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

CAP. V.

An Act respecting Actions for the escape of Prisoners in certain Cases.

(PASSED THE 31st DAY OF MARCH, 1834.)

**WHEREAS**, it sometimes happens that Defendants, confined under Execution, escape through the insufficiency of the Jail, and from other causes, without any default or negligence on the part of the Sheriff, Gaoler or other Officer, in whose Custody they Preamble

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they may be, and it is just and expedient that, in such cases, the Sheriff, Gaoler or other Officer, shall be liable in an action for such damages only as the Creditor or Plaintiff at whose suit such Defendant may be confined hath actually sustained, in consequence of such escape:

In actions of  
debt for escape  
Jury may find  
sum less than  
debt

I. *Be it therefore enacted, by the President, Council and Assembly,* That hereafter, in any Cause or Action brought or commenced against any Sheriff, Gaoler or other Officer, for the escape of any Prisoner confined or imprisoned under Execution in any Civil Case, it shall not be imperative on the Jury, impannelled to try the cause, to find a verdict for the whole amount of the Debt and Costs for which such escaped Prisoner shall have been taken in Execution, but they shall find a verdict for the Plaintiff, for such sum only as they shall deem right and proper, under all the circumstances of the case; *Provided,* the same shall not exceed the amount of the Debt, or Damages and Costs, in the original Cause or Action in which such Execution issued, any law, usage or custom, to the contrary notwithstanding.

Proviso

Liability of  
Sheriff, Gaoler  
&c.

II. *Provided always, and be it further enacted,* That where it shall appear, on the Trial of any such Cause or Action, that the Sheriff, Gaoler or other Officer, hath been or was guilty of gross negligence, whereby such escape was effected or connived at, or been party to such escape, then, and in either of such cases, the liability of the said Sheriff, Gaoler or other Officer, shall be the same as heretofore.

### CAP. VI.

## An Act to increase the number of Fire-men in the Town of Halifax.

See 5, Wm. 4,  
C. 12

(PASSED THE 31st DAY OF MARCH, 1834.)

Preamble

**WHEREAS**, the number of Fire-men which the Justices of the Peace in the Town of Halifax are authorized to appoint under the second clause of the Act, passed in the Fifty-second Year of the Reign of His late Majesty King George the Third, entitled, An Act in addition to an Act, made in the Second Year of His present Majesty's Reign, entitled, An Act for appointing Firewards, ascertaining their duty, and for punishing thefts and disorders at the time of Fire, has been, from the increase of the said Town, found to be too small, and it is expedient to make an addition to the number of such Fire-men:

Additional  
number of Fire-  
men allowed

I. *Be it therefore enacted, by the President, Council and Assembly,* That, it shall and may be lawful for the Justices of the Peace in their General Sessions of the Peace in the Town of Halifax, from time to time, to nominate and choose, in addition to the number which by the said recited Act the said Justices are now authorised to appoint, such number of discreet and prudent men, not exceeding Ten, as may be necessary to be Fire-men in and for the said Town of Halifax, which additional Fire-men, when so appointed, shall be subject and liable to the same Rules, Regulations, Duties, Penalties and Forfeitures, and entitled to the same privileges and exemptions, to which other Fire-men in and for the said Town are by Law now subject, liable and entitled.

### CAP. VII.

## An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts in amendment thereof, and additional thereto.

Continues 11,  
Geo. 4, C. 7,  
1, Wm. 4, C.  
12, 2, Wm. 4,  
C. 34

(PASSED THE 31st DAY OF MARCH, 1834.)

**BE** it enacted, by the President, Council and Assembly, That, an Act, made and passed in the Eleventh year of His late Majesty's Reign, entitled, An Act to regulate

late

late the Pilotage of Vessels at the Port of Halifax, and the several Acts, passed in the first and second years of His present Majesty's Reign, in amendment of, and additional to, the said Act, shall be continued, and the said Acts, and every matter, clause and thing, therein contained, are hereby severally and respectively continued, for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. VIII.

**An Act to continue the Acts now in force relating to Trespasses.**

(PASSED THE 31st DAY OF MARCH, 1834.)

Continues 3d  
Geo. 4, C. 32,  
4 & 5, Geo. 4,  
C. 8. 9, Geo. 4  
C. 12. 2, Wm.  
4, C. 30, 3,  
Wm. 4, C. 3

**B**E it enacted, by the President, Council and Assembly, That, an Act, made and passed in the Third Year of His late Majesty's Reign, entitled, An Act for consolidating and reducing into one Act all the Acts heretofore made relating to Trespasses, except so far as the same is or may be altered or amended by the several Acts hereinafter mentioned; and also, the Act, made and passed in the Fourth and Fifth Years of His said late Majesty's Reign, to alter, amend and continue, the said Act; also, the Act, made and passed in the ninth year of His said late Majesty's Reign, to alter and continue the said Acts; also, the Act, passed in the second year of His present Majesty's Reign, to amend and continue the said Acts; and also, the Act, made and passed in the last Session of the General Assembly, entitled, An Act in further amendment of the Acts relating to Trespasses, and every matter, clause and thing, in the said several Acts contained, except as aforesaid, shall be continued, and the same are hereby severally continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. IX.

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

(PASSED THE 31st DAY OF MARCH, 1834.)

Continues 48.  
Geo. III. C. 2:  
51. Geo. 3. C.  
5. 53. Geo. 3.  
C. 17

**B**E it enacted, by the President, Council and Assembly, That an Act, made and passed in the forty-eighth year of the Reign of His late Majesty King George the Third, entitled, An Act to provide for the Accommodation and Billeting of His Majesty's Troops or of the Militia, when on their march from one part of the Province to another; and also, the Acts, passed in the fifty-first and fifty-third years of His said late Majesty's Reign, in amendment thereof, and every matter, clause and thing, in the said Acts contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. X.

Expired

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

[PASSED THE 31st DAY OF MARCH, 1834.]

## CAP. XI.

Executed except as to clauses printed below

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

[PASSED THE 16th DAY OF APRIL, 1834.]

700l. Inspecting Field Officers

Grants to Eastern &amp; Western Stages

See 10, Geo. 4 C. 1, 1, Wm. 4, C. 1, S. 5 &amp; 6, 2, Wm. 4, C. 1, S. 17,

Appointment of Commissioners of Revenue &amp;c.

Continued by 5 Wm. 4. C. 9

And a further sum of 700l. at the disposal of His Honor the President, or Commander in Chief for the time being, to enable him to provide for the Inspecting Field Officers of Militia, for one year, from the Thirty-first day of December next, as heretofore.

V. *And be it further enacted*, That the annual sum of 250l. heretofore paid to the Eastern Stage Coach Company, be continued for two years from the expiration of the present Grant, upon the same terms and conditions, and subject to the same regulations and provisions, as at present, which will continue the Grant until the thirty-first day of December, in the year One Thousand Eight Hundred and Thirty-six; and also, that the present Annual Grant to the Western Stage Coach Company be continued and paid to them up to the same date.

XI. *And be it further enacted*, That, to facilitate the collection of the Revenue, and the arrangement and liquidation of the Public Accounts, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to nominate and appoint fit and proper persons, not exceeding five in number, to act as Commissioners of the Revenue, to serve without fee or reward, and who shall be sworn to the faithful and punctual discharge of their Office before they enter upon the execution thereof, which Commissioners, or any three of them, shall constitute the Board of Revenue, and shall have power and authority to do and transact all such matters and things as by any Act or Acts of this Province shall or may appertain to, or be directed to be done by, the said Board of Revenue; and shall, and they are hereby empowered to, examine, and, on just cause shewn to, approve of the claim or claims of all persons demanding Drawback of Duties upon such dutiable articles as may have been imported, and the duties thereon paid or secured, and afterwards exported out of this Province, under and in conformity to the provisions of any Act or Acts passed in the present Session of the General Assembly, and to grant Debentures, Certificate or Certificates, to such Claimants, as by any such Act or Acts is directed, and it shall not be lawful for any Collector of Impost to grant any Drawback of the Duties on Goods exported, until the same shall have been allowed and passed by the said Board of Revenue; *Provided always*, that the Commissioners of the Revenue now appointed and in Office shall, until a new appointment be made, constitute, and be deemed to be, the said Board of Revenue, and shall have and exercise all the same powers, privileges and authorities, as if such Commissioners had been commissioned and appointed under this Act.

XII.

XII. *And be it further enacted,* That the Treasurer shall, and he is hereby empowered to, direct and order all Public Accountants within the Province, quarterly, to make up regular and correct Returns of their Receipts, Payments and other Official Proceedings, agreeably to such forms as shall be prescribed to them, and which Returns the said Public Accountants are hereby directed to transmit, to the Treasurer's Office at Halifax, by the earliest conveyance after the end of each and every quarter as aforesaid, and the said Treasurer shall examine, correct and credit all such Accounts so sent to his Office as aforesaid, and from time to time report thereon to the said Board of Revenue, and shall also prepare and deliver into the Committee of Public Accounts of the General Assembly, at the next Session, a Report and General Statement of the Revenue and Accounts of the Province.

Duty imposed upon Public Accountants

XIII. *And be it further enacted,* That it shall and may be lawful for the said Board of Revenue to direct and carry on prosecutions against all delinquent Officers and Provincial Debtors, and also prosecutions for seizures, forfeitures, and other breaches of the Revenue Laws.

Prosecution by Comrs. of Revenue

## CAP. XII.

### An Act for appointing Supervisors to take charge of Public Grounds, and for other purposes.

Amended by 5. Wm. IV. C. 42

(PASSED THE 31st DAY OF MARCH, 1834.)

**B**E it enacted, by the President, Council and Assembly, That it shall and may be lawful for the Justices of the Peace for any County or District in this Province, at their General Sessions of the Peace, to nominate and appoint three fit and proper persons to be Supervisors within each Township in such County or District, for the purposes of this Act, and on the death, removal from Office, resignation or continued absence of any such Supervisor, the said Justices in their General Sessions shall, and they are hereby empowered and required to, fill up any vacancy or vacancies so occasioned.

Appointment of Supervisors

II. *And be it further enacted,* That the said Supervisors shall have power and authority to take charge of, and preserve, every Public Parade Ground and Public Land, and all other Public Grounds, within the Township, which shall or may be granted or reserved for the use of the Public, and for the regulation whereof provision has not already been made by some Act of this Province, and to remove, and to cause to be removed, all Buildings, Erections, Obstructions or Incumbrances, which shall or may be put upon any such Public Parade Ground, and to prosecute any person or persons who shall obstruct, encumber, or otherwise injure the same, as and for a public nuisance. *Provided always,* that nothing herein contained shall extend to any place of Public Worship which may have been erected upon any Public Ground within this Province.

Powers vested in Supervisors

*And whereas,* in cases of encroachment on roads, it frequently happens that disputes arise as to the person who is or may be guilty of any such encroachment, in consequence of the Lands on each side of the road being owned by different proprietors, and from difficulty existing in ascertaining the true line of such road, which often occasions litigation and expense :

Preamble

III. *Be it therefore further enacted,* That hereafter, in any case where there shall be an encroachment on any road within a Township where such Supervisors shall or may be appointed, and it shall so happen that the Lands on the opposite sides of such Road are owned by different proprietors, and any doubt or dispute shall exist or arise, as to the true line of the road upon which such encroachment shall appear to have been made or as to which of the two sides of the said road is or may be encroached upon, it shall and may be lawful for the said Supervisors or the major part of them, after due notice given to all parties interested in the said dispute, of the time and place of holding such investigation and enquiry, to repair to the place where such encroachment may be alledged to

Encroachments on roads—how determined

exist, and there to enquire into the facts relating to such encroachment, and, by survey or otherwise, upon evidence of witnesses, to be sworn and examined by such Supervisors, or the major part of them, who are hereby authorised to administer oath to the said Witnesses, to ascertain and settle the true and correct line of the road in question, and to decide and determine upon which side thereof the said encroachment may have been made, and to order, direct and cause, the fences, walls and enclosures, or other encroachments, of any person or persons, who may have encroached upon such road, to be moved or altered accordingly.

Resisting the orders of the Supervisors

IV. *And be it further enacted*, That if any person or persons shall neglect or refuse to remove or alter his, her or their, fence or enclosure, or other encroachment, within the time he, she or they, may be required so to do by the order and direction of the said Supervisors, or the major part of them, such person or persons shall forfeit and pay a fine or penalty of Twenty Shillings, to be sued for and recovered by the said Supervisors, or by any person who will sue for the same, in the same manner as debts of the like amount are by law recoverable, and to be paid and applied, one half to the person who shall sue for the same, and the other half to the Surveyors or Commissioners of Highways in and for such Township, to be applied for the improvement of the roads therein; and if such encroachment shall be suffered to remain and continue for the space of twenty days, after such fine or penalty imposed and sued for, such continuance shall be deemed and taken to be a new offence, and shall subject the party or parties, continuing the said encroachment, or suffering the same to continue, to the like fine or penalty as aforesaid, and so in like manner shall every further continuance of such encroachment, for the further space of twenty days, be deemed and taken to be a new encroachment.

Costs, charges and expences

V. *And be it further enacted*, That the said Supervisors, or the major part of them, shall have power and authority to apportion, and order the payment of, all costs, charges and expenses, attending and incident upon the said proceedings, upon such persons and in such manner and proportions, as to the said Supervisors, or the major part of them, shall appear expedient and advisable, and the same shall be recoverable, and recovered, by Suit or Action, as for debts of the like amount, as such Costs, or the respective apportionments thereof, may be.

Order of Supervisors evidence in Actions or Suits

VI. *And be it further enacted*, That in any Action or Suit, either for the penalty or costs aforesaid, the production of a Copy of any such Order made in writing, under the hands of the said Supervisors, or the major part of them, and due proof made of their hand-writing, shall be good and sufficient evidence of such order, and shall be sufficient to establish the claim of any person or persons to the amount of costs awarded to him or them.

Appeal allowed from order of Supervisors

VII. *And be it further enacted*, That if any person or persons shall be dissatisfied with the order of the said Supervisors, it shall and may be lawful for such person or persons to appeal from such order to the next Session of the Supreme Court or General Sessions of the Peace, at the option of the party so appealing, where the matters in dispute shall be tried and determined by the verdict of a Jury; *Provided always*, that pending any such appeal, the Fence or other Encroachment shall not, until the determination of such appeal, be removed or altered as ordered by the said Supervisors.

Record of proceedings to be made and returned by Supervisors

VIII. *And be it further enacted*, That the said Supervisors shall make a record of every enquiry and investigation of and into any such encroachment, to be made as aforesaid, and of the order thereupon made by them, setting out therein the line or lines of road established by them the said Supervisors, which Record and Order shall be signed by such Supervisors or the major part of them, and shall be returned to the Clerk of the Peace for the County or District wherein such road shall be situate, to be carefully kept and filed by such Clerk, among the Papers and Records in his Office.

Continuation of Act

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

## CAP. XIII.

**An Act in addition to, and in amendment of, the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates.**

Amends 32.  
Geo. C. 11

(PASSED THE 31st DAY OF MARCH, 1834.)

**WHEREAS**, doubts are entertained under the Provisions of an Act, made and passed in the thirty-second year of the Reign of His Majesty George the Second, relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates, whether Probate of any last Will and Testament or Letters of Administration, may or can be made or granted by any Judges of Probate, other than of the County or District in which the deceased Testator or Intestate dwelt—for remedy whereof;

Preamble

**I.** *Be it enacted and declared, by the President, Council and Assembly,* That the power of granting Probate of Wills and Letters of Administration of the Goods of Persons dying Intestate, is, and shall be in all cases, in the Judge of Probates for the County or District, or in such other Person to whom the ordinary power of Probate of Wills, or granting Letters of Administration, does belong, where such deceased Person last dwelt, and in none other; and that no debts due and owing such deceased Person in any other County or District of this Province shall be taken to be *Bona Notabilia*, nor shall, or be construed to, have any other power or effect whereon to found or establish any right or jurisdiction in any other Person or Judge or Surrogate within the same, or in any way whatever to withdraw the right to grant Probates or Administration in such case as aforesaid from the Judge of Probates of such County, where the Testator or Intestate last dwelt.

Probate of  
Wills where  
granted

**II.** *And be it further enacted and declared,* That all and every such Probate and Administration, which are and is or shall be granted by such Judge of Probate for any County as aforesaid, may and shall be used, pleaded and exhibited, and given in evidence, in any Court in this Province, in as full, ample and effective a manner, to all intents and purposes, as any Probate or Administration in England can or may be used, pleaded, exhibited, or given in evidence in any Court in England; and that no other Probate or Administration hereafter granted by any Judge of Probate, other than the Judge of Probate for such County, can, may or shall be used, pleaded, or given in evidence, in any Action, in any Court in and throughout the Province.

Probate may  
be pleaded

*And whereas,* Probate of Wills and Letters of Administration of the Goods of Persons dying Intestate, have in some cases been made and granted out of those Counties or Districts in which the Testator or Intestate last dwelt, upon the supposition, that a Prerogative Jurisdiction, or other Jurisdiction than that of the Judge of the County where the Testator or Intestate last dwelt, did exist and prevail in the said Province.

Preamble

*And whereas,* Settlements and Distributions of Estates have been made under Probate and Letters of Administration so granted under such supposed Jurisdiction as aforesaid, and much mischief and inconvenience would arise to Heirs and others interested therein were the same rendered void and of none effect—for remedy whereof:

**III.** *Be it enacted,* That all Probate of Wills, and Letters of Administration, together with all Settlement and Distribution of Estates heretofore made under and by virtue of such supposed Jurisdiction as aforesaid, (the same being in all other respects legal) are hereby declared to be good and valid, notwithstanding such want of Jurisdiction aforesaid.

Probate of  
Wills hereto-  
fore granted  
made valid

**IV.** *And be it further enacted,* That no Executor or Executors of the Will of any Person deceased, who may have heretofore obtained such Probate from any other than the Judge of Probate of the said County where the said Testator last dwelt, shall be in any respect liable to the penalty imposed on such Executor or Executors by the seventh Section of the aforesaid Act, passed in the thirty-second year of His late Majesty George the Second, for not having presented and proved such Will as aforesaid in the

Executors. not  
liable to penal-  
ty when

Register's

Register's Office of the Probate Court for the County or District where such deceased Testator last dwelt.

Preamble

*And whereas*, it often happens that persons dying Intestate are seized and possessed of Real Estate, lying and being in several Counties and Districts of this Province; and it has been doubted whether the next of kin and Heirs at Law ought not to apply to the Judges of Probate in their respective Counties and Districts where such Real Estate lies, for distribution and division of the same—for remedy whereof;

Real Estate to be divided by Judge where Intestate last dwelt

V. *Be it enacted*, That when it shall so happen that any Person shall die Intestate, seized of Real Estate, lying in several Counties or Districts in this Province, the Judge of Probate for the County or District where the deceased last dwelt shall have full power and authority to make a division and distribution of the whole of such Real Estate of such Intestate, in whatever County or District of the Province lying and being, in the same manner, and by the same rules, as are already by Law prescribed, and the like power and authority is hereby granted to the several Judges of Probate in this Province, with respect to any Estate not already settled.

52d Geo. 3d, C. 3, S. 3, repealed

VI. *And be it further enacted*, That the third Section of an Act, entitled, An Act in further addition to the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates, shall be, and the same is hereby repealed.

Certificate on sale of Real Estate from Judge where deceased last dwelt

VII. *And be it further enacted*, That it shall not be lawful to grant Licence to any Executor or Administrator, for the sale of Real Estate, until such Executor or Administrator shall file in the Secretary's Office the certificate of the Judge of Probate for the County or District in which the deceased last dwelt, that full and ample security has been given to account for the proceeds of the sale of such Real Estate, according to Law.

Persons appointed Executors refusing to act

VIII. *And be it further enacted*, That where two or more Persons are named Executors in a Will, and any of them shall neglect or refuse to act as Executor, Probate shall be granted as heretofore to such as shall consent, and it shall not be necessary to name the person or persons so refusing, in any action or suit relating to the Estate of the Testator; but all proceedings relating to the Estate shall go on, and the Estate shall be settled, as if such person or persons so refusing or neglecting to act had not been named in such Will, any Law, usage or custom, to the contrary notwithstanding.

Continuation of Act

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

#### CAP. XIV.

### An Act in amendment of the several Acts relating to the Registry of Deeds, and the Conveyances of Real Estates.

[PASSED THE 31st DAY, MARCH, 1834.]

Preamble

*WHEREAS*, it has been found expedient to make further provision for taking the acknowledgment or proof of Deeds and Conveyances of Land within this Province, in order to facilitate the Registering of the same:

Registry of Deeds or Conveyances may be made on acknowledgment of Bargainers or Grantors

I. *Be it therefore enacted, by the President, Council and Assembly*, That, if the Grantor or Grantors, Bargainor or Bargainors, or any other party or parties, making any Deed or Conveyance of Lands within this Province, shall personally appear before the Registrar of Deeds and Conveyances, or any one of his Deputies, or any one of His Majesty's Justices of the Supreme or Inferior Courts of Common Pleas, or Justices of the Peace within this Province, and acknowledge upon Oath his, her, or their signing, sealing and delivering, such Deed or Conveyance, it shall and may be lawful for such Registrar or his Deputy, or such Justice of the Supreme or Inferior Courts of Common Pleas,

Pleas, or Justice of the Peace, to take such acknowledgment, and administer such oath, and the said Registrar or his Deputy, or such Justice, shall make and set down in writing a Memorandum, signed with their hands respectively, upon the said Deed or Conveyance, with the day and year when the said acknowledgment and oath were taken, and it shall and may be lawful for the said Registrar, or any one of his Deputies, for the County or place where such Deed or Conveyance is by Law required to be registered, thereupon to register any Deed or Conveyance so acknowledged and sworn to, together with the said Memorandum of such acknowledgment on oath, in the same manner as Deeds and Conveyances are or may be now registered under and in pursuance of any former or other Act of this Province.

Certified by Registrar, Dep. Regr., Justices, &c.

II. *And be it further enacted*, That it shall and may be lawful for the said Registrar of Deeds and Conveyances, or any one of his Deputies, for the County or place where such Deed or Conveyance is by Law required to be registered, to register the same as heretofore, on the Oath of one of the subscribing witnesses to such Deed or Conveyance, or upon a Certificate on the said Deed or Conveyance written, signed by the said Registrar, or any one of his Deputies, or by any one of His Majesty's Justices of the Supreme or Inferior Courts of Common Pleas, or Justices of the Peace within this Province, that one of the subscribing witnesses to the said Deed and Conveyance had personally appeared before the said Registrar or Deputy Registrar, or the said Justice of the Supreme or Inferior Courts of Common Pleas, or Justices of the Peace, making such Certificate, and had made Oath that the said Deed or Conveyance had been duly executed by the party or parties by whom the same purported to be executed, in the presence of such subscribing witness, and such Certificate shall express therein the day and year when such subscribing witness appeared and made Oath to the Execution of such Deed or Conveyance, and shall also be registered together with such Deed or Conveyance in the County where the Lands lie.

Registry may be made on Certificate of Registrar, Dep. Regr., Justices, &c.

III. *And be it further enacted*, That there shall be paid to the person taking the aforesaid acknowledgment, and making the said memorandum thereof, or granting the said Certificate, the fee of one Shilling and no more.

Allowance for granting Certificates

IV. *And be it further enacted*, That in case the subscribing witnesses to any Deed or Conveyance heretofore made of Land within this Province shall be dead, or shall be absent from and out of this Province, before such Deed or Conveyance shall have been registered, that it shall and may be lawful for the said Registrar of Deeds and Conveyances, or any one of his Deputies for the County or place where such Deed or Conveyance is by Law required to be registered, upon due and legal proof made before them, upon the Oath of at least one credible witness, that all the subscribing witnesses to any such Deed or Conveyance are dead, or absent from and out of this Province, to register such Deed or Conveyance upon the further legal and sufficient proof made before them of the hand-writing of any one of such subscribing witnesses, together with proof of the hand-writing of the party or parties to such Deed or Conveyance.

Death or absence from Province of subscribing Witnesses

V. *And be it further enacted*, That if the Grantor or Grantors, Bargainor or Bargainors, or other party or parties making or executing any Deeds or Conveyances of Lands, lying within this Province, heretofore executed, or hereafter to be executed, shall reside or be in any Foreign State or Kingdom, the acknowledgement or proof of such Deeds or Conveyances having been executed by such Grantor or Grantors, Bargainor or Bargainors, or other party or parties, may be had and taken by and before any Public Minister, Ambassador or Consul, from the Court of Great-Britain, resident in any such State or Kingdom, and certified on such Deeds or Conveyances, by and under the hand and seal of such Minister, Ambassador or Consul, so taking the acknowledgment or proof thereof as aforesaid, or by and before any Judge of any Court of Record, in or near to the place where such Deed or Conveyance shall be executed and certified on such Deed or Conveyance, and under the hand of such Judge; such certificate being also authenticated by the certificate of some Notary Public residing there, that the Signature of such Judge is his actual and proper hand-writing, and entitled to full faith and credit, and that all such acknowledgments and proofs which have been or shall be so taken as aforesaid, shall be registered with the respective Deeds and Conveyances so ac-

Proof of execution by Grantors, &c. in Foreign States or Kingdoms

knowledged in the respective Offices of the Registrar of Deeds, established in this Province.

Acknowledgment to Deeds of Femmes Covert out of Province—how taken

**VI. And be it further enacted,** That if any Feme Covert, who shall have any present or future Estate or Interest in her own right, or in right of dower, or in any right, way or manner whatsoever, in or to any Lands, Tenements, or Hereditaments, in this Province, shall reside or be in parts beyond the Seas, or out of the limits of this Province, the acknowledgment of all Deeds or Conveyances by such Feme Covert, as by Law required, shall be made as follows, that is to say:—if such Feme Covert live within the Kingdom of Great-Britain and Ireland, or in any part of the British Dominions, the acknowledgment of such Deed or Conveyance may be had and taken by and before any Mayor or Judge of any Court of Record in or near to the place where such Feme Covert shall reside, and certified on the said Deed or Conveyance by and under the hand of such Mayor or Judge, so taking the acknowledgment thereof as aforesaid, such certificate being also authenticated, if in the British Plantations, under the hand and seal of the Governor, Lieutenant-Governor or Commander in Chief of the Province where the same shall be made, or of a Notary Public there residing, and if in Great-Britain or Ireland, by affidavit in writing, made and certified under the seal of some Corporation there, or by the attestation and certificate of some Notary Public there residing, that the Signature of the person taking such acknowledgment is the actual and proper handwriting of such person so taking such acknowledgment, and is entitled to full faith and credit, and if such Feme Covert live in any Foreign State or Kingdom, the acknowledgment of such Deed or Conveyance may be had and taken by and before any Mayor or Judge of any Court of Record in such State or Kingdom, or by and before any Public Minister, Ambassador or Consul, from the Court of Great-Britain, resident in any such State or Kingdom, and certified on such Deed or Conveyance by and under the hand and seal of such Minister, Ambassador or Consul, so taking the acknowledgment thereof as aforesaid, or by and under the hand of such Mayor or Judge so taking the acknowledgment thereof as aforesaid, such certificate of such Mayor or Judge being also authenticated as aforesaid by the attestation and certificate of some Notary Public there residing; and all such acknowledgments of such Femmes Coverts, which have been or shall be so taken as aforesaid, shall be registered with the respective Deeds and Conveyances so acknowledged, and shall be good and valid in Law, and effectual to all intents and purposes, for the granting, passing and conveying, of all such Estate or interest which such Feme Covert may have in her own right, or in right of Dower, or otherwise, and for barring such right of Dower in and to the Premises mentioned in such Deed or Conveyance, any thing in any former Act to the contrary notwithstanding.

Validity of Deeds and Registry executed Femmes Covert out of Province

**VII. And be it further enacted,** That all Deeds or Conveyances, so proved, acknowledged, certified and registered, as herein before directed, shall be subject to the same rules of construction, and shall have the same operation, force and effect, and the certificate of the Registry thereof shall be entitled to the same credit in every respect as any other Deed or Conveyance, acknowledged or proved, and registered agreeably to the provisions of any other or former Act of this Province, now in force, respecting the Registry of Deeds or Conveyances.

Date of Registry

**VIII. And be it further enacted and declared,** That in all cases where the proof of any Deed or Conveyance shall be made on Oath before the Registrar or his Deputy, in the County where the Lands lie, for the purpose of Registering such Deed or Conveyance, the time of such proving shall be deemed and taken to be the date of Registry of such Deed or Conveyance, and shall be so certified, and in all cases where any Deed or Conveyance shall be lodged in the Office of the Registrar or Deputy Registrar, for and entitled to Registry, having been properly authenticated under the provisions of this Act, then, and in such case, such time of so lodging such Deed or Conveyance shall be deemed and taken to be the date of such Registry, and shall be so certified, notwithstanding in either case the same may not be immediately written in the Books of Registry.

Index to Registry

**IX. And be it further enacted,** That when and so soon as any Deed or Conveyance shall be lodged in the Office of the Registrar or Deputy Registrar for Registry, the same shall be immediately entered by such Registrar or Deputy Registrar in a separate Book

Book of Index to be kept for that purpose, and shall also in the usual manner be entered in the usual and common Indexes to the Books of Registry, when duly entered at length in such Books of Registry.

## CAP. XV.

**An Act to amend and continue the Act for the Inspection of Flour and Meal.**

Continues and amends 3d, Wm. 4, C. 15

(PASSED THE 31st DAY OF MARCH, 1834.)

**B**E it enacted, by the President, Council and Assembly, That an Act, passed in the last Session of the General Assembly, entitled, An Act for the Inspection of Flour and Meal, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act continued

II. *And be it further enacted*, That each and every Barrel of Corn Meal, not Kiln-dried, shall contain not less than One Hundred and Sixty-eight Pounds net weight, and shall be so branded.

Contents of Barrel of Meal

III. *And be it further enacted*, That, when any Flour or Meal, intended for exportation, shall be brought into this Province, the Owner or Importer thereof may immediately tranship and export the same out of this Province, without such Flour or Meal being liable to the operation or regulations of the said Act hereby continued, or if it shall be found necessary to store such Flour or Meal until an opportunity is found to re-ship the same, it shall and may be lawful for the Owner or Importer of said Meal to store the same (without the same being liable to the operation of the said Act) for re-shipment. *Provided always*, that notice be given to the Inspector of such re-shipment.

Flour or Meal for exportation when not liable to inspection

## CAP. XVI.

**An Act in addition to, and in amendment of, an Act, made and passed in the thirty-second year of the Reign of His late Majesty King George the Second, entitled, An Act for Limitation of Actions, and for avoiding Suits at Law.**

Amends 32, Geo. 2, C. 24

[PASSED THE 31st DAY OF MARCH, 1834.]

**WHEREAS** it is enacted, by the first and second Sections of the said Act, that all Actions or Suits, either in Law or Equity, at any time thereafter to be sued or brought, of or for any Lands, Tenements or Hereditaments, within this Province, whereunto any person or persons then had any title, or cause to have, or pursue any such Actions or Suits, should be sued and taken within twenty years next after the end of that Session of the General Assembly; and after the said twenty years expired, no person or persons, or any of their heirs, should have or maintain any such Action or Suit, of or for any of the said Lands, Tenements or Hereditaments, and that all Actions or Suits, either in Law or Equity, of or for any Lands, Tenements or other Hereditaments whatsoever, at any time thereafter to be sued or brought by occasion or means of any title or cause thereafter happening, should be sued and be taken within twenty years next after the title and cause of Action first descended or fallen, and at no time after the said twenty years, and that no person or persons that then had any right or title of entry in-

Preambles

to

to any Lands, Tenements or Hereditaments, then held from him or them, should thereunto enter, but within twenty years next after the end of that Session of the General Assembly, or within twenty years next after any other title of entry accrued; and that no person or persons should, at any time thereafter, make any entry into any Lands, Tenements or Hereditaments, but within twenty years next after his or their right or title, which should thereafter first descend or accrue to the same, and in default thereof, such person so not entering, and their heirs, should be utterly excluded and disabled from such entry after to be made: *And whereas*, it is provided by the third Section of the said Act, that if any person or persons who then was or were, or should be, entitled to such Actions or Suits, or that had or should have such right or title of entry, should be at the time the said right or title first descended, accrued, come or fallen, within the age of twenty-one years, feme covert, non compos mentis, imprisoned, or beyond the seas, that then such person or persons, and his or their Heirs, should and might, notwithstanding the said twenty years be expired, bring his Action or Suit, or make his entry, as he might have done before the said Act; so as such person and persons, or his or their heirs, should, within ten years next after his and their full age, discoverure, coming of sound mind, enlargement out of Prison, or coming into this Province, or death, take benefit of, and sue for the same, and at no time alter the said ten years. *And whereas*, it is expedient for the quieting of Titles, to limit some period beyond which the several persons named in the said Proviso should be excluded from availing themselves of the same:

Entry or Actions on or for Lands, &c. when barred notwithstanding disability of party

I. *Be it therefore enacted, by the President, Council and Assembly*, That no Entry, Action or Suit, for, or in respect of, any Lands, Tenements or Hereditaments, shall be made or brought, sued or prosecuted, in any Court of Law or Equity in this Province, by any person or persons who at the time at which his, her or their, right to make an entry or to bring an Action or Suit to recover shall have first descended, accrued or fallen, shall be under any of the disabilities hereinbefore mentioned, or by any person or persons claiming through him, her or them, but within forty years next after the time at which such right or title shall have first descended, accrued or fallen: although the person or persons under disability at such time may have remained under one or more of such disabilities during the whole of such forty years, or although the term of ten years from the time at which he, she or they, shall have ceased to be under any such disability, or have died, shall not have expired.

## CAP. XVII.

### An Act to repeal certain Acts relating to the Meeting-House and Burying Place at Truro, and for substituting other Provisions in lieu thereof.

[PASSED THE 31st DAY OF MARCH, 1834.]

Preamble

**WHEREAS**, the provisions of the Acts now in force, to enable the Proprietors to repair the Meeting-House at Truro, and to enclose the Burying Place belonging to the same, and also to assess Money for defraying the expences thereof, have been found to be inconvenient, and in consequence of the death of many of the first Proprietors, and the change in Ownership of the rights in the said Meeting-House, it is impracticable to give the notices required by the said Act, and for these and other reasons it is expedient materially to alter the provisions of the said Acts:

54, Geo. 3. C. 48 and 66, Geo. 3 C. 5, repealed

I. *Be it therefore enacted, by the President, Council and Assembly*, That the Act, passed in the fifty-fourth year of the Reign of His late Majesty King George the Third, entitled, An Act to enable the Proprietors to repair the Meeting-House at Truro, and to enclose the Burying Place belonging to the same, and also to assess monies for defraying

fraying the expenses thereof, and also, the Act, passed in the fifty-fifth year of His said late Majesty's Reign, in amendment of the said first mentioned Act, shall be, and the said Acts, and every matter, clause and thing, therein contained, are hereby severally and respectively repealed; save and except as to any matter, act or thing, already done, under and by virtue of the said Acts, or either of them.

II. *And be it further enacted*, That whensoever hereafter it shall or may be expedient or necessary to repair the said Meeting-House at Truro, or to make or repair any wall, fence or enclosure, around the Burying Place thereto appertaining, it shall and may be lawful for the Proprietors of the said Meeting-House to meet and consult about the making of such repairs or enclosure, and the votes or determination of the major part in number and interest of such proprietors at such meeting, shall bind the whole. *Provided always*, that before any such Meeting of such Proprietors, for the purposes aforesaid, notice of such Meeting shall be given on the Sunday previous to the said intended Meeting, by putting up a written notice of the time and place of holding the same, on the door of the said Meeting-House, and also by giving the like notice to the Congregation in the said Meeting-House, during the time the said Congregation shall be therein assembled for Divine Worship.

Expense of repairs of Meeting House or Burying Place at Truro—how defrayed

III. *And be it further enacted*, That it shall and may be lawful for the said Proprietors, or the major part of them, to appoint three or more fit and proper persons to act as Trustees for directing and completing such repairs or enclosures as shall be determined and agreed on at any Meeting to be held as aforesaid.

Appointment of Trustees

IV. *And be it further enacted*, That such Trustees shall and may enter into any agreements or contracts for making such repairs or enclosures, and when and so soon as the expenses of making any repairs of the said Meeting-House shall be ascertained, the said Trustees shall apportion the same by a just and equal Assessment on the several Pews of the said Meeting-House, according to the relative size and value of the said Pews, and such Assessment shall be made in writing, and be submitted to the inspection of any of the Proprietors who may require to inspect and examine the same.

Contracts may be entered into for repairs of Meeting House—assessment of expense

V. *And be it further enacted*, That, after the said Assessment shall be made, due notice thereof shall be given, by putting up, and continuing, a true and correct copy of such Assessment on the door of the said Meeting-House, for three successive weeks after the same shall have been made as aforesaid.

Assessment to be posted on door of Meeting House

VI. *And be it further enacted*, That if after such public notice so given and continued, of such Assessment as herein before mentioned, any proprietor or proprietors shall refuse or neglect for the space of twenty days to pay the sum rated and assessed upon the Pew or Pews, in or to which such proprietor or proprietors shall or may be interested or entitled, it shall and may be lawful for the said Trustees, by notice given, by putting up and continuing a written notice on the door of the said Meeting-House two weeks, to advertise the said Pew or Pews, whereon such Assessment shall remain unpaid, to be let, and to lease the same for such period of time as may be sufficient to raise the amount of the Assessment remaining unpaid; and if the said Trustees shall not be enabled to let the Pew or Pews, whereon such assessment may remain unpaid, within thirty days from the time the same shall be so advertised to be let as aforesaid, then it shall and may be lawful for the said Trustees to sell the said Pew or Pews absolutely to the highest and best bidder, due notice of such sale being given to the Congregation, when assembled in the said Meeting-House for Divine Worship, on the two Sundays immediately preceding the day of such Sale, and the said Trustees, shall, and they are hereby empowered to, make a good and sufficient Deed of such Pew or Pews, and to deliver possession thereof to the purchaser or purchasers, and if, after the payment of the sum or sums rated and assessed upon such pew or pews, there shall remain any surplus or residue of the purchase money, the same shall be paid over to the proprietor or proprietors thereof respectively.

Refusal or neglect to pay assessment

VII. *And be it further enacted*, That the expense which may be incurred by enclosing the Burying Place at Truro aforesaid, or keeping the enclosures thereof in repair, shall be assessed, collected and levied, in the same manner and by the same rules as Poor Rates are assessed collected and levied on all the Inhabitants of Truro, who claim privilege in the said Burying Ground.

Expense of enclosing Burying place—how defrayed

In actions general issue may be pleaded &c

VIII. *And be it further enacted,* That if any Trustees or Purchasers, under this Act, or the Acts hereby repealed, or other person or persons, shall be sued or prosecuted for any thing done or to be done by them, or any of them, in pursuance of this Act or the said Acts hereby repealed, it shall be lawful for such Trustees or purchasers, or other person or persons, to plead the general issue, and to give this Act or the Acts hereby repealed, or either of the said Acts, as the case may require, and the special matter in evidence.

Proprietors of Meeting House

IX. *And be it further enacted,* That all purchasers and lessees, under the provisions of this Act, or the Acts hereby repealed, or either of them, shall be deemed and taken to be the proprietor or proprietors in the said Meeting-House, of and for the several rights or Pews respectively sold or leased to such purchasers or lessees, during such period of time as the said rights or pews may be or may have been severally sold or let, and such purchasers or lessees shall be, for such rights or pews respectively sold or leased to them, entitled to all the privileges of proprietors of such Meeting-House.

### CAP. XVIII.

An Act to continue the Act in amendment of an Act, made and passed in the first and second years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton.

Continues 1. Wm. IV. C. 25

(PASSED THE 31st DAY OF MARCH, 1834.)

Act continued

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

### CAP. XIX.

Continues and amends 9. Geo. IV. C. 11

An Act to continue and amend the Act to provide for the regulation and management of the Grammar School or Academy at Annapolis.

(PASSED THE 31st DAY OF MARCH, 1834.)

Act 9th Geo. IV. C. 11 continued

**B**E it enacted, by the President, Council and Assembly, That an Act, made and passed in the ninth year of His late Majesty's Reign, entitled, An Act to provide for the regulation and management of the Grammar School or Academy at Annapolis, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Annual Returns to be made of Receipts and Expenditures

II. *And be it further enacted,* That the Trustees of the said Academy, shall, and they are hereby required to, make up and return annually, at the end of each year, or as soon thereafter as may be, or to the Secretary of the Province, for the information of the Governor, Lieutenant-Governor or Commander in Chief, for the time being, and of the Legislature,

Legislature, a full and accurate account of all sums of money received by them, whether from Grants of the Legislature or otherwise howsoever, with a full and detailed account of the expenditure of the same.

III. *And be it further enacted*, That the said Trustees shall, and they are hereby required, twice in each year, on some day between the first and fifteenth days of June, and on some day between the first and fifteenth days of December, to hold public Examinations of the Pupils or Scholars in the said Academy, of which said Examinations, public notice shall be given, so that the same may be attended by all persons desirous of being present thereat.

Public Examinations of Academy to be held

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### CAP. XX.

**An Act to continue the Act more effectually to provide against the Introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and also the Act in alteration thereof.**

Continues 2d Wm. IV. C. 14. 3d. Wm. IV. C. 37. See 5. Wm. IV. C. 18

[PASSED THE 31st DAY OF MARCH, 1834.]

**BE it enacted, by the President, Council and Assembly**, That the Act, made and passed in the second year of His present Majesty's Reign, entitled, An Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and every matter, clause and thing, therein contained; and also, the Act, passed in the last Session of the General Assembly, to alter and continue the said Act, and every matter, clause and thing, in the said last mentioned Act contained, shall be continued, and the said Acts are hereby severally continued for one year, and from thence to the end of the then next Session of the General Assembly.

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### CAP. XXI.

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

Continues 2d Wm. IV. C. 13. 3d. Wm. IV. C. 67

(PASSED THE 31st DAY OF MARCH, 1834.)

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

## CAP. XXII.

Continues 2d  
Wm. IV. C.  
33.

### An Act to continue the Act concerning the Inferior Courts of Common Pleas within this Province.

(PASSED THE 31st DAY OF MARCH, 1834.)

Act continued

**BE** it enacted, by the President, Council and Assembly, That the Act, made and passed in the second year of His present Majesty's Reign, entitled, An Act concerning the Inferior Courts of Common Pleas within this Province, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. XXIII.

Alters and con-  
tinues 10. Geo.  
IV. C. 28

### An Act to alter and continue the Act for affording relief to Co-partners in certain Cases.

(PASSED THE 31st DAY OF MARCH, 1834.)

Act 10th Geo.  
IV. C. 28. con-  
tinued

**BE** it enacted, by the President, Council and Assembly, That the Act, made and passed in the tenth year of His late Majesty's Reign, entitled, An Act for affording relief to Co-partners in certain cases, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for five years, and from thence to the end of the then next Session of the General Assembly.

Act limited to  
Co-partnership  
Dealings to a  
certain amount

**II.** And be it further enacted, That the Act hereby continued, and the several provisions therein contained, shall extend to all cases wherein the whole amount of the Co-partnership Dealings shall not exceed the sum of Two Thousand Pounds, any thing in the said Act contained to the contrary notwithstanding.

## CAP. XXIV.

### An Act concerning certain Notes purporting to be Bank Notes, for restraining the circulation thereof, and for other purposes.

(PASSED THE 31st DAY OF MARCH, 1834.)

Preamble

**WHEREAS**, the Trade and Commerce of this Province have been injuriously affected, and the Paper Money or Currency thereof greatly depreciated, by the issue and putting in circulation by Divers Banking Companies, Partnerships and Individuals, of certain Undertakings in writing to a large amount, and purporting to be Bank Notes, but not expressed to be nor made payable absolutely to the Bearer thereof in Gold or Silver Money, and which said Undertakings have been extensively circulated under the authority of the Act hereinafter mentioned :

Act 3d. Wm.  
IV. C. 62. re-  
pealed

**I.** Be it therefore enacted, by the President, Council and Assembly, That the Act, made and passed in the third year of His present Majesty's Reign, entitled, An Act to restrain the issue of certain Promissory Notes, and for other purposes, and every matter, clause and thing, in the said Act contained, shall be, and the same are hereby, absolutely repealed.

Notes to be  
in Gold or Sil-  
ver—

**II.** And be it further enacted, That whensoever, on or after the first day of June next, it shall happen that any one or more of such Undertakings now issued, or hereaf-  
ter

ter to be issued, and whether made, designed, or purporting to be Promissory Notes or Bank Notes or Bills, or issued, or purporting to be issued, as and for and to serve the like purposes as Notes or Bills of Bankers, or of a Banking Company, or as and for Paper Money, or circulating Currency, and whether the same be payable to a real or fictitious Person, or to the Bearer thereof, or be, purport or be designed to be negotiable or transferable by indorsement or delivery, or whether the same be, or purport to be, payable absolutely in Gold or Silver, or either in Specie, Gold or Silver, or in Notes of the Provincial Treasury, or other Body Corporate or Politic, Company, Partnership, Person or Persons whomsoever, or in any other mode, and whatsoever be the sum for which such Writings respectively shall be made, shall be presented or tendered by the Holder or Bearer thereof to the Body Corporate or Politic, Company, Partnership, Person or Persons, by whom the same was, were, or may be originally made or issued, and payment thereof shall be demanded in Gold or Silver, then, and in every such case, every such Undertaking in Writing shall, to the full sum of Money or amount therein respectively mentioned or set forth, be forthwith paid and satisfied in and with Gold and Silver Money, to the party being the Bearer or Holder of such Undertakings respectively, and demanding such payment, and in default thereof, then, for and upon, each and every such Undertaking in Writing so presented and tendered, the Body Politic or Corporate, Company, Partnership, Person or Persons, by whom the same was or shall be originally made or issued, shall be subject and liable to pay to the party demanding such payment interest on the sum demanded, after the rate of twelve per Cent. by the hundred by the year, from the day of such demand and refusal as aforesaid.

payable forthwith on demand

or to bear 12 per cent. interest

III. *And be further enacted*, That henceforth every such Undertaking in Writing as in the second Section of this Act is described or referred to, shall be, and the same is hereby made and declared to be, negotiable and transferable by delivery only, and no Indorsement or Assignment in Writing shall be necessary to transfer the same, or to vest the Money therein mentioned in the Holder or Bearer thereof, and every such Holder or Bearer of any such Undertaking in Writing, shall and may sue for and recover the amount therein expressed, in like manner as if the same were a Promissory Note, and made absolutely payable in Gold or Silver Money, any Law or usage to the contrary notwithstanding.

Undertaking transferable by delivery

IV. *And be it further enacted*, That, from and after the publication hereof, it shall and may be lawful to and for any person or persons whomsoever, indebted to any Body, Corporate or Politic, Company, Partnership, Person or Persons, by whom any such Undertaking in Writing as in the second Section of this Act is mentioned or referred to, have been or shall be issued, to tender and offer in or towards payment of any such debt, any such Undertaking in Writing made, signed, issued or put in circulation by the same Body Corporate or Politic, Company, Partnership, Person or Persons respectively, to whom such debt is or may be payable as and for and to the full amount in Money in such Undertakings respectively expressed or mentioned and made payable thereby.

Notes made legal tenders

V. *And be it further enacted*, That if any Body, Politic or Corporate, Company, Partnership, Person or Persons whomsoever, shall, from and after the first day of June next, make, sign, issue or re-issue, any Promissory Note, or Bank Note, or Bill, as and for Paper Money or Circulating Currency, which shall, on the face thereof, purport and be expressed to be payable in any manner, at the option of the maker thereof, or which shall purport or be expressed to be payable otherwise than in Gold or Silver, or shall make, sign, issue or re-issue, any Promissory Note in writing, payable on demand or at sight, or at a future day, to any real or fictitious Person, or to the Holder or Bearer thereof, for any sum of money less than Five Pounds, or shall publish, utter or negotiate, any Bill of Exchange, Draft, Check or Undertaking in writing, for the payment of any sum less than Five Pounds, the same being negotiable or transferable, and not being a Treasury Note of this Province, nor such Promissory Note or Undertaking in writing as in this Section before described or mentioned, then, and in every such case, the Directors of such Body, Corporate or Politic, or such Company, Partnership, person

Prohibition of circulation of Notes under £5

son or persons so offending, shall be adjudged guilty of a misdemeanor, and for every such Undertaking in writing, so made, signed, issued or re-issued, as aforesaid, and for every such Bill of Exchange, Draft, Check, or Undertaking in writing, published, uttered or negotiated as last aforesaid, shall severally and respectively forfeit and pay a penalty of Ten Pounds.

Proviso  
Provincial  
Notes exempt-  
ed

VI. *Provided always, and be it further enacted,* That nothing herein before contained shall extend or be construed to extend to any Treasury Notes issued or to be issued under any Act of the General Assembly, or to any Bill of Exchange, Draft, Check or Order, not designed to be circulated as Paper Money or Currency, but *bona fide* drawn by any person or persons, on his or their Banker, or any other person or persons. *And provided also,* that nothing herein contained shall extend or be construed to extend, to prevent any person or persons actually indebted in any sum of Money less than Five Pounds, from making and signing to such Creditor a Promissory Note or Undertaking for the amount of such debt, but such Note or Undertaking in writing, while held by the Creditors to whom the same is made, or by any person to whom the same shall have been duly indorsed or transferred, shall be good and valid in Law.

Penalties how  
recovered

VII. *And be it further enacted,* That the several penalties hereby imposed and made payable shall and may be sued for and recovered by any person who will prosecute therefor, and in the same manner as if the same were a debt due to himself, and shall be adjudged to him with costs of Suit, and one moiety of such penalties shall be to the use of the party prosecutor, and the other moiety to the use of His Majesty, His Heirs and Successors.

Forgery of  
Undertakings

VIII. *And be it further enacted,* That if any person or persons shall make, forge or counterfeit, or cause or procure to be made, forged or counterfeited, any such Undertaking as is mentioned in the second clause of this Act, or alter, or cause or procure to be altered, any such Undertaking, so that it shall appear to be of greater value than when originally issued, or shall knowingly offer or pass or give in payment any such Undertaking so forged, counterfeited or altered, every person convicted of such offence shall be adjudged guilty of a misdemeanor, and shall be imprisoned for a term not exceeding Seven Years in the Bridewell, and there kept at hard labour, and shall pay all charges of prosecution.

Stealing  
Undertakings

IX. *And be it further enacted,* That if any person or persons shall feloniously steal, take and carry away, or attempt or intend to steal, take and carry away, any such Undertaking mentioned in the said second clause of this Act, such person or persons shall be adjudged, deemed and taken to be, guilty of the same offence as if such person or persons had stolen, taken or carried away, or had attempted or intended to steal, take and carry away, so much money as the value, sum or amount, expressed on the face of such Undertaking shall or may be.

## CAP. XXV.

### An Act for the Support and Regulation of Light-Houses.

(PASSED THE 31st DAY OF MARCH, 1834.)

Light Duties  
imposed

**B**E it enacted, by the President, Council and Assembly, That hereafter every ship or vessel, coming into any port or place in this Province, from any port or place out of this Province (save and except such ships and vessels as may be hereinafter particularly exempted, or such ships and vessels as are hereinafter mentioned, and upon which other specific Duties are imposed,) shall pay a duty of four pence per Ton for each and every Ton of the Registered Burthen of such ship or vessel.

Proviso

II. *Provided always, and be it further enacted,* That no such ship or vessel shall be required or liable to pay such duty more than once, and but at one port or place in this Province in the course of one and the same voyage; but if such duty be demanded a second

cond time in any other port or place, having been already paid, the Master or other person having charge of such the said ship or vessel, shall produce to the person demanding the same, the Certificate from the Collector or other person entitled to receive the same, that such duty has already been paid at some port or place in this Province, during the same voyage in which the said ship or vessel may then be engaged.

III. *And be it further enacted,* That all Coasting Vessels and Fishing Vessels shall pay annually as follows, that is to say—if not over Twenty Tons, registered burthen, Ten Shillings; if over Twenty Tons and not more than Fifty Tons, registered burthen, Twenty Shillings; and if over Fifty Tons and not above Seventy-five Tons, registered burthen, Thirty Shillings; and if over Seventy-five Tons, and not above one Hundred Tons registered burthen, Forty Shillings; and if over One Hundred Tons, and not more than One Hundred and Fifty Tons, registered burthen, Fifty Shillings; and if over One Hundred and Fifty Tons, registered burthen, Sixty Shillings, to be paid in each and every year as hereinafter directed.

Annual Light  
Duty payable  
by Coasting  
Vessels

IV. *And be it further enacted,* That no ship or vessel shall be deemed or taken to be a Coasting or Fishing Vessel, unless such ship or vessel shall be actually and wholly engaged and employed in the Fisheries, or in the Coasting Trade of this Province, or partly in the Fisheries, and partly in the Coasting Trade, and not otherwise.

What Vessels  
are considered  
Coasting Ves-  
sels

V. *And be it further enacted,* That all vessels constantly engaged in the Trade from any port or place in the Bay of Fundy, to any port or place in the said Bay, to the northward of Mount Desert, shall pay the same Duties as Coasting or Fishing Vessels, and no more.

Vessels trading  
in Bay of  
Fundy

VI. *And be it further enacted,* That all ships or vessels owned by any person or persons, resident in the Island of Prince Edward, or in this Province, and engaged and employed as regular Trading or Coasting Vessels, between this Province and the said Island of Prince Edward, shall pay the like Duties as Coasting or Fishing Vessels, and no more.

Prince Edward  
Island Coast-  
ing Vessels

VII. *And be it further enacted,* That all ships or vessels, owned by any person or persons resident in the Province of New-Brunswick, or in this Province, and actually engaged as regular Trading or Coasting Vessels, between any port or ports in New-Brunswick aforesaid, and any port or ports in this Province, in the Bay of Fundy or Basin of Mines, shall pay the like Duties as Coasting or Fishing Vessels, and no more.

New Brun-  
swick Coasting  
Vessels

VIII. *And be it further enacted,* That the Duty of Four Pence per Ton hereby imposed, shall be paid by every ship or vessel liable to pay the same forthwith after the arrival of such ship or vessel into any port or place within this Province.

Time of Pay-  
ment of Light  
Duty

IX. *And be it further enacted,* That all Duties upon Coasting or Fishing Vessels, or such ships or vessels trading in the Bay of Fundy, to any port or place in the said Bay to the Northward of Mount Desert, or trading between the Island of Prince Edward and this Province, and between the Province of New-Brunswick and the ports of this Province, in the Bay of Fundy, as are herein before mentioned and made liable to the like Duties as Coasting or Fishing Vessels, shall be annually paid on the first voyage of such Coasting or Fishing Vessels, or such other ships or vessels, in each and every year respectively: and if any such Duty be demanded from any such Coasting or Fishing Vessels, or any other of the ships or vessels herein before mentioned and made liable to the like Duties as Coasting or Fishing Vessels, by the Collector or other person entitled to demand and receive such Duty, it shall be incumbent upon the Master or other person having charge of any such vessel, either to pay such Duty forthwith, or to show, by the production of the Certificate of some Collector or person entitled to receive such Duty, that the same has been paid in some port or place within this Province, at some time within the then current year.

Time of Pay-  
ment of annual  
Light Duty by  
Coasting  
Vessels

X. *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief, for the time being, from time to time and so often as he shall think proper, to appoint fit and proper persons Collectors of the Duties by this Act imposed, in the several Ports, Harbours, Creeks and Rivers, in this Province, and to describe the particular limits of each Collector's authority and jurisdiction, in the Commission or Commissions to be granted for that purpose.

Appointment  
of Collectors  
of Light Duty

*Provided*

Collectors at present in Office

*Provided always,* That it shall not be, or be deemed or adjudged to be, necessary to make any new appointment in or for any port, place or harbour, where there shall be at the time of the passing of this Act, a Collector already appointed and in office under the Acts or any of the Acts hereby repealed, but every such Collector shall continue and remain in Office, and exercise the power, authority and duties, of Collector under this Act, and receive and collect the Duties hereby imposed, unless a new appointment shall be recommended to be made by the Commissioners of the Revenue.

Light Duties may be paid to Collectors of Impost

XI. *And be it further enacted,* That the Duties by this Act imposed shall be, and the same are hereby declared to be payable, and shall be paid respectively, to the Collector of the Duty under this Act appointed, or now in Office as aforesaid, or in any port, place or district, where no such Collector is or may be appointed, then to the Collector of Impost and Excise for the said port, place or district, who is hereby authorised, empowered and directed to demand and receive the same.

Refusal to pay Light Duties

XII. *And be it further enacted,* That if any Master or Commander, or other person having charge or command of any ship or vessel, coming or being in any port, harbour or place in this Province, which shall be liable to pay any Duty or Duties under this Act, shall, upon the same being demanded, refuse to pay the said Duty or Duties, or shall depart or attempt to depart from such port, harbour or place in this Province, without first paying the said Duty or Duties, such Master, Commander, or other person having charge or command of any such ship or vessel, shall forfeit and pay, over and above the said Duty or Duties, the Penalty or sum of Five Pounds; to be recovered, together with the said Duty or Duties, by bill, plaint or information, at the Suit of the Collector of such Duties, or in case of there being no such Collector, at the Suit of the Collector of Impost and Excise, in any Court of Record in this Province, one half of such Penalty to be paid to the Collector who shall sue for the same, and the other half to be by him paid and applied in the like manner as the Duties hereby imposed are directed to be paid and applied.

Vessels may be seized on non-payment of Duties

XIII. *And be it further enacted,* That if any Master or Commander, or other person having charge or command of any ship or vessel, liable to pay any Duty or Duties under this Act, shall neglect or refuse to pay such Duty or Duties after the same shall have been duly demanded, it shall and may be lawful for the Collector of such Duties or if there be no such Collector, for the Collector of Impost and Excise to seize and take possession of, and detain in his custody, such ship or vessel, until the said Duty or Duties, together with the said Penalty of Five Pounds, shall be fully paid and discharged.

Certificate of payment of Light Duties to be required by Collectors of Customs before clearance

XIV. *And be it further enacted,* That no ship or vessel shall be permitted or suffered to clear out at the Custom-House, from any port, harbor, out-port or place in this Province, until the Master or Commander, or other person having charge or command of such ship or vessel, shall produce and exhibit to the Collector or other Officer of His Majesty's Customs, at the said port, harbor, out-port or place, a Certificate signed by the Collector authorized to collect the same, that the Duty or Duties hereby imposed on such ship or vessel have been fully paid and discharged.

Power vested in Collectors of Light Duties

XV. *And be it further enacted,* That it shall and may be lawful for any Collector under this Act appointed, or authorized to collect and receive the Duties hereby imposed, to call to his aid, in the execution of this Act, all Magistrates, Constables and Peace Officers, and all other His Majesty's Subjects, who are hereby required, when called upon, to afford such Collector every aid and assistance in their power, for the purpose of carrying into effect the several provisions of this Act.

Collectors may plead general issue, &c

XVI. *And be it further enacted,* That if any Collector or other person shall be sued or prosecuted for or by reason of any thing by such Collector or other person done or committed under and in pursuance of this Act, it shall and may be lawful for such Collector or other person to plead the General Issue, and to give this Act and the special matter in evidence.

Ships of War Packets and Transports exempted from Duty

XVII. *Provided always, and be it further enacted,* That nothing in this Act shall extend or be construed to extend to any of His Majesty's Ships of War, or His Majesty's Packets, or to any ship or vessel actually engaged and employed as a Transport

or

or Store Ship, for the transport or conveyance of His Majesty's Troops or Military Stores, or otherwise in the employment or service of His Majesty's Government,

XVIII. *And be it further enacted,* That all monies collected and received under and by virtue of this Act shall be paid by the several Collectors collecting and receiving the same, after deducting thereout Seven Pounds and Ten Shillings per Cent. on the amount received, to be retained by the said Collectors respectively, as and for their Commission for receiving the same, into the Treasury of this Province, to be applied as hereinafter mentioned.

Monies received under this Act to be paid into Treasury Allowance to Collectors

XIX. *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, to appoint three Commissioners for superintending and taking charge of the several Light-Houses now erected, or which may be hereafter erected on the Coasts of this Province; which said Commissioners shall have power and authority to purchase Oil, Candles, Wick, Casks, and all other materials, things and utensils, which shall or may be necessary for the lighting of the said Light-Houses, in the most beneficial and useful manner, and to contract for the necessary repair of the said Light-Houses, and to keep the same, and the Lanterns and appurtenances thereof, at all times in good repair, order and condition, and properly and sufficiently supplied. *Provided always,* that the Commissioners of Light-Houses now appointed and in Office shall remain and continue in Office, and execute the like powers, duties and authorities, hereby vested in or given to, or imposed upon, such Commissioners, in the same manner as if the said Commissioners now in Office had been and were appointed and commissioned under this Act.

Appointment of Commissioners of Light Houses — their powers and duties

XX. *And be it further enacted,* That the said Commissioners shall have power to appoint, and also at their pleasure to remove, the Keepers of the said several Light-Houses respectively, and also to make, ordain, establish and enforce, rules and regulations for the proper and orderly lighting and keeping such Light-Houses; *Provided always,* that the said Commissioners shall, as often as may be required by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, make up and return to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, a report in writing of the state and condition of the several Light-Houses under their charge, and of the Lanterns and Appurtenances thereof, which report shall also contain and set forth the names and ages of the Keepers of the said Light-Houses respectively, the amount of their several Salaries, and an accurate account of the Stores and Materials belonging to the said Light-Houses severally, which may then be on hand.

Appointment of Keepers of Light Houses

XXI. *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to draw Warrants from time to time, as may be requisite and necessary, on the Treasury of this Province, in favour of said Commissioners, to defray the necessary expenses of lighting, repairing, supporting and supplying, the said Light-Houses respectively, and for paying the Salaries of the several Keepers thereof, which Warrants shall be paid out of the Monies collected and paid in, under and by virtue of this Act, if such Monies shall be sufficient for that purpose, but if such Monies shall not be sufficient for the payment of such Warrants then the same shall be paid out of any other Monies which, from time to time, shall, or may be in the Treasury, and if the Monies to be received under and by virtue of this Act shall, at any time, be more than sufficient to pay the necessary expenses to be incurred by the said Commissioners for the purpose aforesaid, any surplus or residue of such Monies shall be applied and paid for such general purposes as other Monies paid into the Treasury are or shall be applicable.

Expenses of Light Houses how defrayed

XXII. *And be it further enacted,* That the said Commissioners shall be entitled to receive a Commission of Five per Cent. on all Monies by them expended under and by virtue of the provisions of this Act.

Allowance to Commissioners

XXIII. *And be it further enacted,* That the said Commissioners shall annually render an accurate account of the receipt and expenditure of all Monies expended by them for the purposes of this Act, to the Auditor of Public Accounts, to be by him audited and laid before the Joint Committee of the Council and House of Assembly, appointed for the consideration of the Public Accounts.

Account to be rendered by Commissioners

Acts repealed

33. Geo. II. c. 2  
 28. Geo. III. c. 3.  
 33d Geo. III. c. 16. 34. Geo. III. c. 3. 43. Geo. III. c. 4. 50. Geo. III. c. 9. 52. Geo. III. c. 4. 56. Geo. III. c. 13. 59. Geo. III. c. 26. 3. Geo. IV. c. 25. 4 Geo. IV. c. 21. 6. Geo. IV. c. 26. 7. Geo. IV. c. 12.

**XXIV.** *And be it further enacted,* That an Act, passed in the Thirty-third Year of the Reign of His late Majesty King George the Second, entitled, An Act for regulating and maintaining a Light-House on Sambro Island; also, an Act, passed in the Twenty-eighth Year of the Reign of His late Majesty King George the Third, entitled, An Act for regulating and maintaining a Light-House at the entrance of the Harbour of Shelburne; also, the Acts passed in the Thirty-third and Thirty-fourth Years of the reign of His said late Majesty King George the Third, in amendment of, and in addition to, the said two several Acts; also, an Act, passed in the Forty-third Year of the Reign of His said late Majesty King George the Third, entitled, An Act to provide for the support of a Light-House at the entrance of Annapolis Bason, and for amending the Act, passed in the Twenty-eighth Year of His present Majesty's Reign, entitled, An Act for regulating and maintaining a Light-House at the entrance of the Harbour of Shelburne, and for making perpetual the several Laws herein mentioned; also, the Act, passed in the Fiftieth Year of the Reign of His said late Majesty King George the Third, entitled, An Act to provide for the support of a Light-House on Brier Island; at the entrance of the Bay of Fundy; also, the Act, passed in the Fifty-second Year of the Reign of His late Majesty King George the Third, entitled, An Act to provide for the support of a Light-House on the South end of Coffin's Island, on the Eastern side of the entrance of Liverpool Harbour; also, the Act, passed in the Fifty-sixth Year of the Reign of His said late Majesty King George the Third, entitled, An Act to authorise the appointing of Commissioners for Light-Houses; also, an Act, passed in the Fifty-ninth Year of the Reign of His said late Majesty King George the Third, entitled, An Act to revive, continue and amend, an Act to provide for the support of a Light-House at the South end of Coffin's Island, on the Eastern side of the entrance of Liverpool Harbour; also, an Act, passed in the Third Year of the Reign of His late Majesty King George the Fourth, entitled, An Act to provide for the support of a Light House erected on Cranberry Island, near the entrance of the Gut of Canso; also, the Acts passed in the Fourth and Sixth Years of the Reign of His said late Majesty King George the Fourth, to continue, alter and amend, the said last mentioned Act; also, the Act, passed in the Seventh Year of the Reign of His said late Majesty King George the Fourth, entitled, An Act to provide for the erection and support of a Light-House on Mauger's Beach, and to regulate the Light Duties hereafter to be paid; and also, the several Acts now in force for continuing, altering or amending, the said several Acts hereinbefore mentioned, any or either of them, shall be repealed, and the said several Acts, and every matter, clause or thing, therein contained, are hereby respectively repealed, save and except as regards any Act, matter, contract, agreement or thing, whatsoever, heretofore done, made or had, or now existing, under and by virtue, or in pursuance of the said Acts, or any or either of them respectively.

Continuation of Act

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

This Act may be altered, &amp;c

**XXVI.** *And be it further enacted,* That this Act may be altered or amended by any Act or Acts to be passed in this present Session of the General Assembly, any Law, usage or custom, to the contrary notwithstanding.

## CAP. XXVI.

Amends 3d Wm. IV. c. 45

## An Act in amendment of the Act for granting Patents for useful Inventions.

[PASSED THE 31st DAY OF MARCH, 1834.]

Preamble

**WHEREAS,** in many Inventions, for which it may be desirable to obtain Patents under the said Act, passed in the last Session of the General Assembly, the Machinery

ery being complicated, the cost of a model thereof, to be lodged in the Office of the Secretary of the Province, according to the seventh clause of the said Act, may be so great as to prevent many ingenious but poor Persons from obtaining such Patents for their useful discoveries—for remedy thereof:

*I. Be it enacted, by the President, Council and Assembly,* That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, if he shall see fit and proper under all the circumstances so to do, to dispense with the necessity for delivering such model into the Office of the Secretary of the Province, previous to the granting of any such Patent, and in such case, the requisitions of said Act being in all other respects complied with, the Person or Persons applying for any Patent shall be entitled thereto, in the same manner as if such model had been so lodged as aforesaid.

Governor may dispense with requisition respecting model

**CAP. XXVII.**

**An Act to continue the Act concerning the Terms of the Supreme Court at Halifax.**

Continues 10. Geo. IV. c. 2

(PASSED THE 31st DAY OF MARCH, 1834.)

**B**e it enacted, by the President, Council and Assembly, That an Act, made and passed in the Tenth Year of His late Majesty's Reign, entitled, An Act concerning the Terms of the Supreme Court at Halifax, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act continued

**CAP. XXVIII.**

**An Act to repeal the last Clause or Section of the Act for the better Regulating the manner of holding the Inferior Court of Common Pleas and General Sessions of the Peace in the County of Annapolis.**

Repeals last clause 40. Geo. III. c. 5

(PASSED THE 31st DAY OF MARCH, 1834.)

**WHEREAS**, the Presentation of Money to be assessed within the County of Annapolis, at the Supreme Court, has been found to be inconvenient, and it is expedient that such Presentation should be made in the ordinary manner, at the General Sessions of the Peace for the said County:

Preamble

*I. Be it therefore enacted, by the President, Council and Assembly,* That the last Clause or Section of the Act, passed in the Fortieth Year of the Reign of His late Majesty King George the Third, entitled, An Act for the better regulating the manner of holding the Inferior Court of Common Pleas and General Sessions of the Peace in the County of Annapolis, be, and the said Clause or Section of the said Act, and every matter and thing therein contained, are hereby repealed.

Last Clause of Act 40. Geo. III. c. 5. repealed

## CAP. XXIX.

Continues 3d  
Wm. IV. c. 71

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

[PASSED THE 31st DAY OF MARCH, 1834.]

Act continued

**BE** it enacted, by the President, Council and Assembly, That the Act, passed in the last Session of the General Assembly, entitled, An Act to provide against the occurrence of Diseases from the bite of Animals, and every matter, clause and thing therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. XXX.

Amends 3d  
Geo. IV. c. 4.

## An Act to amend the Act for extending several Acts relating to Firewards to the Town of Yarmouth.

(PASSED THE 31st DAY OF MARCH, 1834.)

Preamble

**WHEREAS** the Acts relating to Firewards, extended to the Town of Yarmouth by the Act, passed in the third year of His late Majesty's Reign, entitled, An Act to extend several Acts relating to Firewards to the Town of Yarmouth, do not contain certain Provisions hereinafter enacted, which it is expedient should be extended to the said Town:

Additional  
powers vested  
in Firewards

**I.** *Be it therefore enacted, by the President, Council and Assembly,* That it shall and may be lawful, for any three of the Firewards, in and for the said Town of Yarmouth, on view of any Chimney, Stove Pipe or Smoke-Funnel, in the said Town, which they may deem to be imperfectly and insufficiently built or secured, to prevent the risk of fire, to order the same to be removed, altered, secured or repaired, as they may direct, within twenty-four hours, or such reasonable time, whether shorter or longer, as the said Firewards may think proper to allow, and if the Occupant or Occupants of the House or Building, wherein such Chimney, Stove Pipe or Smoke-funnel, shall be placed, shall refuse or neglect to remove, repair, alter or secure the same as directed, it shall and may be lawful for such Firewards to apply to any one of His Majesty's Justices of the Peace within said Town, and three or more Freeholders there, to view and examine the same, and in case such Justice and any three of such Freeholders shall agree in opinion with the said Firewards, that such Chimney, Stove Pipe or Funnel, is likely to endanger the said Town, or any Building in it, and the Owner or Occupant of the House or Building where the same is or shall be placed shall not then give to such Firewards good and sufficient security to alter, repair, secure or remove, the said Chimney, Stove Pipe or Funnel, as they shall direct, it shall and may be lawful for such Justice to order the same to be immediately removed or prostrated as a Common Nuisance, and to issue a Warrant of Distress, to seize and sell at public auction so much of the Goods and Chattels of such Owner or Occupant as shall be sufficient to defray the expenses of the removal or prostration of such Nuisance.

Gunpowder—  
quantity allow-  
ed to be kept  
in Town

**II.** *And be it further enacted,* That not more than twenty-five pounds of Gunpowder shall be kept at any one time in any one house, shop or building, in said Town of Yarmouth, which Gunpowder shall be kept in a Tin Cannister with a close cover, and it shall and may be lawful for any three Firewards for said Town to seize as forfeit, and to sell at public auction, any greater quantity of Gunpowder found by them or either of them in the said Town, contrary to this Act, and to apply the proceeds of such sale for the use and benefit of the Poor of the said Town.

Combustible  
materials, &c

**III.** *And be it further enacted,* That it shall and may be lawful for any three of the  
Firewards

Firewards for the said Town of Yarmouth to order and direct any person or persons, Inhabitants of said Town, to remove from his, her or their house, shop or building, any hay, shavings or other combustible materials whatsoever, which they the said Firewards shall find so kept, placed or stored, as in their opinion may occasion risk or danger of fire to any house, shop or building, in said Town; and if any owner or owners, occupant or occupants, of such house, shop or building, his, her or their agent or factor, shall refuse or neglect, for twenty-four hours after notice given, to remove such hay, shavings or combustible materials, the said Firewards are hereby empowered to seize and apply the same to the use of the Poor of the said Town, as in case of a seizure of Gunpowder.

IV. *And be further enacted*, That the Boundaries and Limits of the said Town of Yarmouth, for the purposes of this Act and the said Act hereinbefore mentioned and hereby amended, shall be as follows, that is to say—Beginning one quarter of a mile to the eastward of Cape Forchu River, on the line upon the north side of land belonging to the Heirs of Joseph Walker, thence westwardly on that line to the River aforesaid, thence southwardly by the River to Samuel Rust's House, thence west, crossing the River, to the line between Lands of David Landers and Stayley Browns, thence southwardly by that line to the road leading to Jegoggin, thence westwardly by that road to John Killam's land, thence south-eastwardly by John Killam's land to the head of Cape Forchu Harbour, thence eastwardly across the head of the harbour to the point of Marsh in front of Miner Huntington's land, thence southwardly by the harbour to the line on the north side of Amason Durkee's Farm, thence eastwardly on that line one mile, and thence northwardly in a straight line to the place of beginning.

Boundaries of Yarmouth as respects the operation of this Act

### CAP. XXXI.

## An Act to continue the several Acts concerning the Bridewell and Police in Halifax.

(PASSED THE 31st DAY OF MARCH, 1834.)

**B**E it enacted, by the President, Council and Assembly, That an Act, passed in the Fifty-fifth year of the Reign of His late Majesty King George the Third, entitled, An Act for establishing a Bridewell or House of Correction for the County of Halifax, and for the better and more effectual administration of the Office of Justice of the Peace in the Township of Halifax, and for providing a Police Office in said Town, with proper Officers to attend the same, and every matter, clause and thing therein contained, (save and except the Tenth Section of the said Act,) and also, an Act, passed in the Tenth year of the Reign of His late Majesty King George the Fourth, entitled, An Act to amend and continue the Act concerning the Bridewell and Police in Halifax, and every matter, clause and thing, therein contained, (save and except the Fourth Section of the said Act); and also, an Act, passed in the Eleventh year of the Reign of His late Majesty King George the Fourth, entitled, An Act to amend and continue the Act concerning the Bridewell and Police in Halifax, and every matter, clause and thing, therein contained; also, the Act, passed in the second year of His present Majesty's Reign, to continue the said Acts, and to alter and amend the same, and every matter, clause and thing, therein contained, shall be continued, and the said Acts are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

Continues 55, Geo. III, c. 9, 10, Geo. IV, c. 41, 11, Geo. IV, c. 11, 2, Wm. IV, c. 45

Acts continued

## CAP. XXXII.

Continues 38,  
Geo. III. c. 1**An Act to continue the Act respecting Aliens coming into this Province, or residing therein**

(PASSED THE 31st DAY OF MARCH, 1834.)

Acts continued

**BE** it enacted, by the President, Council and Assembly, That an Act, passed in the Thirty-eighth Year of the Reign of His late Majesty King George the Third, entitled, An Act respecting Aliens coming into this Province, or residing therein, and every matter, clause and thing, in the said Act contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. XXXIII.

Continues 4 &  
5, Geo. IV, c.  
14. 9, Geo.  
IV. c. 14.  
See 8, Geo.  
IV. c. 29**An Act to continue the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and the Act in amendment thereof.**

(PASSED THE 31st DAY OF MARCH, 1834.)

Acts continued

**BE** it enacted, by the President, Council and Assembly, That an Act, passed in the Fourth and Fifth Years of His late Majesty's Reign, entitled, An Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges; and also, the Act, made and passed in the Ninth Year of His said late Majesty's Reign, to continue, alter and amend the said Act, and every matter, clause and thing, in the said Acts contained, shall be continued, and the same are hereby severally continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. XXXIV.

Continues 10,  
Geo. IV, c. 27.  
2, Wm. IV,  
c. 62**An Act to continue the Act in further addition to, and in amendment of, the Act for the choice of Town Officers, and regulating of Townships, and the Act to alter and amend the same.**

(PASSED THE 31st DAY OF MARCH, 1834.)

Acts continued

**BE** it enacted, by the President, Council and Assembly, That an Act, made and passed in the Tenth Year of His late Majesty's Reign, entitled, An Act in further addition to, and in amendment of, the Act for the choice of Town Officers, and regulating of Townships; and the Act, passed in the second year of His present Majesty's Reign, entitled, An Act to alter and amend the Act in further addition to, and in amendment of, the Act for the choice of Town Officers, and regulating of Townships, and every matter, clause and thing, in the said several Acts contained, shall be continued, and the same are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. XXXV.

**An Act to continue the Act, entitled, An Act in further addition to the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates.**Continues 52,  
Geo. III, c. 3

(PASSED THE 31st DAY OF MARCH, 1834.)

**B**E it enacted, by the President, Council and Assembly, That an Act, passed in the Fifty-second Year of the Reign of His late Majesty King George the Third, entitled, An Act in further addition to the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act continued

## CAP. XXXVI.

**An Act to prohibit the Sale of Spirituous Liquors in Jails or Jail Yards and Prisons, or within the Limits thereof.**

(PASSED THE 31st DAY OF MARCH, 1834.)

**B**E it enacted, by the President, Council and Assembly, That, if any Jailer, or the Keeper of any Prison, or other person or persons within this Province, shall, after the passing of this Act, either by themselves or their Wives, or any of their Children, or their Servants, Substitutes or Agents, directly or indirectly, sell, barter, exchange or deliver, or willingly or knowingly suffer or permit, or cause to be sold, bartered, exchanged or delivered, to any Prisoner or Prisoners, or other person or persons whomsoever, any Rum, Brandy, Gin, or any other Distilled Spirituous Liquors, mixed or unmixed, by whatever name or names the same are or may be called, known or distinguished, in any Jail or Prison or Jail Yard, or within the limits of any Jail or Prison, or in any Room or Apartment, or other part of any House or Building, wherein any Jail or Prison is or may be kept or situate, or if any person or persons shall bring, convey or introduce, into any Jail or Prison, or Jail-Yard, or limits of any Jail or Prison, to be used, drunk, or consumed therein, by any Prisoner or Prisoners, person or persons, confined, imprisoned or detained, within such Jail or Prison, or Jail Yard, or the limits of any such Jail or Prison, such Jailer or Keeper, or other person or persons so offending, in either of the said cases, being thereof convicted before any two of His Majesty's Justices of the Peace, for the County or District wherein such Jail or Prison may be situate, upon the Oath of any one or more credible witness or witnesses, shall forfeit and pay a fine or penalty of Three Pounds, to be levied by Warrant of Distress, under the hands and seals of the said two Justices, before whom such conviction shall be had, of and upon the Goods and Chattles of the offender or offenders so convicted, and shall be paid and applied, one half to the person who will give information for the same, and the other half to the Clerk of the Licences for the County or District wherein such offence shall have been committed, to be by him applied in like manner as the funds receivable by him for Licenced Houses are directed to be applied; and in case the said offender or offenders shall not have sufficient Goods and Chattles, whereon to levy the distress aforesaid, and to satisfy the said fine or penalty, then, and in such case, such offender or offenders shall be committed to Jail, to be there kept and detained in close confinement for Two months, or until such fine or penalty be paid.

Sale of Liquors  
in Jails, &c.  
prohibited

Penalty

II. And be it further enacted, That any Jailer or Keeper of a Prison, who shall be convicted

Jailers violat-  
ing Act

convicted as aforesaid a second time, shall, upon such second conviction, in addition to paying the fine or penalty, or undergoing the confinement herein before mentioned, be thereafter absolutely disqualified from holding such situation of Jailer or Keeper of a Prison as aforesaid, and shall be therefrom forthwith removed and dismissed.

Prosecutions

III. *And be it further enacted*, That all prosecutions under this Act shall be in the name of the Clerk of the Licences for the County or District wherein the offence shall be committed, and it shall be imperative upon the said Clerk of the Licences, upon information given to him of any offence against this Act, forthwith to sue and prosecute for the fine or penalty hereby imposed.

Exemption in favor of sick Prisoners

IV. *Provided always, and be it further enacted*, That nothing in this Act contained shall extend, or be construed to extend, to prevent the bringing, introducing and conveying, into any Jail or Prison, such limited and restricted quantity of Rum, Brandy, Gin or other distilled Spirituous Liquors, for any sick Prisoner or other sick Person, who may be confined or resident in such Jail or Prison as may by the Physician or Medical Attendant of such sick Prisoner or other sick Person, be particularly mentioned, allowed and prescribed in writing, as necessary for the use of such sick Prisoner or other sick Person.

Operation of Act beyond Jail Yard

V. *And provided also, and be it further enacted*, That in any case when the limits of any Jail or Prison shall extend beyond the Jail Yard, and include within the same any House or Building, other than the said Jail or Prison, nothing in this Act contained shall extend, or be construed to extend, to such limits, unless so far as respects the selling or delivering, or bringing, introducing or conveying, of any Rum, Brandy, Gin or other distilled Spirituous Liquors, to any Prisoner or Prisoners confined within such Jail or Prison or the limits thereof.

## CAP. XXXVII.

Continues 4 &amp; 5, Geo. IV, c. 7

### An Act to continue the Act to restrain the Issuing Writs of Attachment in certain Cases.

(PASSED THE 31st DAY OF MARCH, 1834.)

Act continued

**B**E it enacted, by the President, Council and Assembly, That the Act, made and passed in the Fourth and Fifth Years of His late Majesty's Reign, entitled, An Act to restrain the Issuing Writs of Attachment in certain Cases, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for three years, and from thence to the end of the then next Session of the General Assembly.

## CAP. XXXVIII.

Act continued by this Act Repealed by 5, Wm. IV. c. 15

**A**n Act to continue the Act, in further amendment of an Act to regulate the Jurisdiction of the Inferior Court of Common Pleas, within the County of Cape-Breton, and to fix and establish the times and places for holding of the said Inferior Court and General Sessions of the Peace, in and for the said County.

(PASSED THE 31st DAY OF MARCH, 1834.)

## CAP. XXXIX.

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

Continues 58,  
Geo. 3d, C. 12

[PASSED THE 31st DAY OF MARCH, 1834.]

**BE** it enacted, by the President, Council and Assembly, That an Act, made and passed in the Fifty-eighth year of the Reign of His late Majesty King George the Third, entitled, An Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night, and every matter, clause and thing therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act continued.

## CAP. XL.

**An Act to continue the Act to preserve the Harbour of Cape Forchu in Yarmouth.**

Continues 2,  
Wm. 4, C. 49

[PASSED THE 31st DAY OF MARCH, 1834.]

**BE** it enacted, by the President, Council and Assembly, That the Act, made and passed in the Second year of His present Majesty's Reign, entitled, An Act to preserve the Harbour of Cape Forchu, in Yarmouth, and every matter, clause and thing therein contained, shall be continued, and the same are hereby continued for two years, and from thence to the end of the then next Session of the General Assembly.

Act continued

## CAP. XLI.

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

Continues 3d,  
Geo. 4, C. 30.  
6, Geo. 4, C.  
10

(PASSED THE 31st DAY OF MARCH, 1834.)

**BE** it enacted, by the President, Council and Assembly, That the Act, made and passed in the Third year of His late Majesty's reign, entitled, An Act for the Summary Trial of Actions; and also, the Act in amendment thereof, passed in the Sixth year of His said late Majesty's reign, and every matter, clause and thing, in the said Acts contained, shall be continued; and the same are hereby severally continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts continued

## CAP. XLII.

Continues 10th  
Geo. 4, C. 42

**An Act to continue an Act in amendment of certain Acts relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates.**

(PASSED THE 31st DAY OF MARCH, 1834.)

Act continued

**BE** it enacted, by the President, Council and Assembly, That an Act, passed in the Tenth Year of His late Majesty's Reign, entitled, An Act in amendment of an Act, made and passed in the Thirty-second Year of the Reign of His late Majesty King George the Second, entitled, An Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates, and the Act, passed in the Thirty-fourth Year of His said late Majesty's Reign, in amendment of the said Act, and every matter, clause and thing, in the said Act contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. XLIII.

Continued by  
5, Wm. 4, C.  
4

**An Act to continue, alter and amend, the several Acts for the regulation of the Militia.**

(PASSED THE 31st DAY OF MARCH, 1834.)

Acts continued  
with excep-  
tions 1. Geo.  
4, C. 2, 4,  
Geo. 4, C. 4,  
7. Geo. 4, C.  
16, 9, Geo. 4.  
C. 26, 10,  
Geo. 4, C. 39,

**BE** it enacted, by the President, Council and Assembly, That an Act, made and passed in the first year of the reign of His late Majesty King George the Fourth, entitled, An Act to provide for the greater Security of this Province by the better regulation of the Militia, and to repeal the Militia Laws now in force, and every matter, clause and thing, therein contained, except the Twenty-second, Twenty-seventh, Thirty-second, Forty-seventh, Eighty-third, and Eighty-fourth Clauses or Sections of the said Act, which are hereby respectively repealed, and also save and except so far as the same is or may be hereinafter altered or amended; and also, the Act, passed in the Fourth year of His said late Majesty's reign, to alter and continue the said Act; and every matter, clause and thing, therein contained, except the Seventh Clause or Section of the said last mentioned Act, which is hereby also repealed; and also, the Act, passed in the Seventh year of His said late Majesty's reign, in alteration and continuation of the said Acts, and every matter, clause and thing, contained in the said last mentioned Act, except the second clause or section thereof, which is also hereby repealed; and also, the Act, passed in the Ninth year of His said late Majesty's reign, to alter, continue and amend, the said several Acts, and every matter, clause and thing, therein contained, save and except so far as the same is or may be hereinafter altered or amended; and also, the Acts, passed in the Tenth year of His said late Majesty's reign, to continue and amend the said several Acts, and every matter, clause and thing, therein contained, shall be continued, and the said several Acts, except as herein before excepted, are hereby respectively continued for one year from the passing of this Act.

Allowance to  
Adjutants

**II.** And be it further enacted, That, instead of the sum of Fifteen Pounds allowed to the Adjutant of each Regiment or Battalion of Militia, under and by virtue of the Forty-second Clause or Section of the said Act, passed in the First year of His said late Majesty's Reign, and hereby continued, every such Adjutant shall be allowed for each and every day on which he shall be engaged in performing the services required by the said Act, and the said several other Acts hereby continued, the sum of Fifteen Shillings—*Provided*, that no greater sum than Ten Pounds for any one Adjutant shall be drawn from the Treasury of the Province, in the manner, and upon the Certificate of the number of days on which the Adjutants were actually employed, and under the several regu-  
lations

tations, and upon the terms mentioned, required and prescribed, in and by the said Forty-second Clause or Section of the said Act, passed in the said first year of His said late Majesty's Reign, any thing in the said Clause or Section to the contrary notwithstanding.

III. *And be it further enacted*, That instead of the sum of Twenty Pounds, mentioned and limited as the amount to be drawn from the Treasury, for or towards the cleaning and repairing of the Arms of each Battalion of Militia, under and by virtue of the Eleventh Clause or Section of the said Act, passed in the Ninth year of His said late Majesty's Reign, and hereby also continued, there shall not be drawn from the Treasury, in any one year, under the said Eleventh Clause or Section of the said last mentioned Act, and for the purposes therein mentioned, for any one Regiment or Battalion of Militia, a larger or greater sum than Seven Pounds and Ten Shillings, any thing in the said Eleventh Clause or Section of the said last mentioned Act to the contrary notwithstanding.

Expense of  
cleaning and  
repairing Arms

IV. *And be it further enacted*, That once in every Year, viz. on or before the last day of November, the Colonels or other Officers commanding Regiments or Battalions, shall make out and transmit to the Adjutant-General of the Militia, for the information of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, Returns of the strength of their Regiments, Battalions or Companies, and also Returns of Arms, and an Account of all fines collected or paid to them, and of the expenditure thereof, with certified copies of the vouchers for each expenditure; and all Captains or Officers Commanding Companies are hereby required to make out and transmit to the Officer Commanding the Regiment or Battalion, to which such Companies belong, once in every Year, viz. on or before the Fifteenth day of November annually, and as often further as required by the Commanding Officer of the Regiment, Returns of the strength of their respective Companies, with fair Rolls thereof, and also Returns of Arms; all forms of Returns prescribed by the Adjutant-General to be uniformly adopted; and any Officer guilty of wilfully making any false Returns shall be cashiered by the sentence of a General Court Martial; to be appointed as is, in and by the said Acts hereby continued, directed, and shall moreover be liable to a fine not exceeding Twenty Pounds; and if any Colonel or other Officer commanding a Regiment or Battalion, shall neglect to make the Returns required of him as aforesaid, he shall for every such neglect forfeit and pay a fine of Twenty Pounds; and if any Captain or other Officer commanding a Company, shall neglect to make the Returns required of him as aforesaid he shall forfeit and pay a fine of Five Pounds for every such neglect.

Returns of Mi-  
litia

Officers ma-  
king false re-  
turns to be  
cashiered

V. *And be it further enacted*, That hereafter no Regiment, Battalion or Company of Militia, shall be called out or required to assemble for the purpose of training or discipline more than once in each and every year, instead of twice as heretofore, any thing in any of the said Acts contained to the contrary notwithstanding.

Training

### CAP. XLIV.

## An Act to dissolve the Marriage of Anne Kidston with Richard Kidston.

(PASSED THE 31st DAY OF MARCH, 1834.)

**WHEREAS**, in the Month of November, in the year of our Lord One Thousand Eight Hundred and Eleven, lawful Marriage was contracted, and duly solemnized at Halifax, in this Province, according to the rites of the Established Church of England, between Richard Kidston and Anne Sawyer, and she thereby became, and was, and since then has been known as Anne Kidston, the lawful wife of the said Richard Kidston:

Preamble

*And*

*And whereas*, it appears that, after the said Marriage, the said Richard Kidston, unmindful of his conjugal vow, did, from time to time, and without any apparent provocation, cause, or fault, of or on the part of his said wife, frequently ill use and maltreat her with great severity, harshness and cruelty, using towards her at various times, violent, threatening and abusive language, and inflicting blows and other personal violence upon her; and did continue such his evil conduct until and up to the Month of July, in the year of our Lord One Thousand Eight Hundred and Nineteen, at which time the said Richard Kidston did, in further violation of his conjugal vow, wilfully leave, desert, and abandon his said wife, and did also then and there quit and leave this Province, carrying with him certain sums of Money for his own use, and leaving his said wife without any maintenance, provision or support whatsoever, of, from, or by him, the said Richard Kidston, and altogether dependent upon her own exertions and the generosity of her friends for support and maintenance, and hath ever since then remained and continued so wilfully absent from and out of this Province, she, his said wife, having, during all that time, remained and continued in this Province, so in manner aforesaid deserted and abandoned by him the said Richard Kidston, without receiving any support or maintenance from him and entirely dependent as aforesaid; and the said Richard Kidston, so now being and remaining out of this Province, cannot be cited and compelled to answer in any Suit or Proceeding for Divorce on account of such cruelty as aforesaid; *And whereas*, there hath not been any issue of the said Marriage; *And whereas* the said Anne Kidston hath prayed that the said Marriage should be dissolved, and declared null and void; *And whereas*, by an Act, made and passed in the first year of the reign of His late Majesty King George the Third, entitled, An Act for the amendment of an Act, entitled, An Act concerning Marriages and Divorce, and for punishing Incest and Adultery, and declaring Polygamy to be Felony, *It is enacted*, that Marriages shall be declared null and void for cruelty.

Declaration of  
Divorce be-  
tween Richard  
Kidston and  
Ann Kidston

I. *Be it therefore enacted, by the President, Council and Assembly*, That the said Anne Kidston be, and hereby is, divorced from the said Richard Kidston, and that the Bonds of Matrimony between them, the said Richard Kidston and Anne Kidston, be, and hereby are declared to be, wholly dissolved, and that the said Marriage be null and void, to all intents and purposes whatsoever.

#### CAP. XLV.

Amended by  
5, Wm. 4, C.  
5

### An Act to establish the Toll to be taken at the several Grist Mills in this Province.

(PASSED THE 31st DAY OF MARCH, 1834.)

Toll for Grind-  
ing

**BE** it enacted, by the President, Council and Assembly, That the Tolls, hereafter to be taken and received by every Miller for the grinding of any Grain or Corn, hereinafter mentioned, shall be as follows, that is to say—for grinding Wheat, Rye, Barley, Buck Wheat or Indian Corn, one sixteenth part of the whole quantity brought to the Mill to be ground, and no more, to be ascertained by a sealed measure; and for grinding Oats, where the same shall not be kiln-dried, shelled and sifted, one sixteenth part of the whole quantity brought to the Mill to be ground, and no more, to be ascertained as aforesaid; and for kiln-drying, shelling, grinding and sifting of Oats, one eighth part of the whole quantity brought to the Mill to be ground, and no more, to be ascertained as aforesaid.

Toll for Hul-  
ling

**II.** *And be it further enacted*, That every Miller keeping in his Mill suitable Machinery for the hulling of Barley, shall receive and have, as and for the Toll for hulling the same, one sixth part of the whole quantity brought to the Mill to be hulled, and no more, to be ascertained as herein before mentioned.

Toll for Bolt-  
ing

**III.** *And be it further enacted*, That every Miller, who shall have or keep in his Mill a good and sufficient Bolting Machine, shall be obliged, if required so to do, to bolt the  
Flour

Flour or Meal of all Wheat, Rye, Buck Wheat or Barley, or bolt or sift all Flour or Meal of Indian Corn ground at his Mill, and shall be allowed to receive and take at the rate of one quart out of each bushel of Grain or Corn brought to the Mill to be so ground and bolted or sifted, and no more, as and for the Toll for bolting or sifting the same, in addition to the Toll hereby allowed for grinding such Wheat, Rye, Buck Wheat, Barley or Indian Corn.

IV. *And be it further enacted*, That if any Miller shall, in any case, demand and take any larger or greater Toll for grinding, hulling or bolting, any Grain, Corn, Meal or Flour, than is hereinbefore allowed and prescribed, such Miller, being thereof legally convicted before any two Justices of the Peace for the County or District wherein such offence shall be committed, on the oath of any one or more credible witness or witnesses, shall forfeit and pay a fine or penalty of Two Pounds, to be levied by Warrant of Distress, under the hands and seals of the said two Justices before whom such conviction shall be had.

Penalty for taking excessive Toll

V. *And be it further enacted*, That if any Miller shall refuse to grind any Grain or Corn for which his Mill is prepared, the said Grain or Corn being clean, dry and in good order, or, if his Mill be provided with bolting machinery, shall refuse to bolt any Meal or Flour hereby required to be bolted, when he is requested so to do, or shall refuse to hull any Barley when required, the same being clean, dry and in good order, and his Mill having proper and suitable machinery for the hulling of Barley, then, and in either of such cases, any such Miller so refusing, and not having some good and sufficient excuse for such refusal, being thereof legally convicted, in manner as hereinbefore mentioned, shall forfeit and pay a fine or penalty of Two Pounds, to be levied as aforesaid.

Refusal of Millers to grind

VI. *And be it further enacted*, That each and every Miller in this Province shall at all times keep and have in his Mill, properly fitted and erected in a convenient place, a good and sufficient beam and scales, with proper and legal weights, for the use of persons requiring Grain or Corn to be ground at such Mill, and any Miller neglecting to keep and have in his Mill such beam and scales and weights, so fitted and erected in manner aforesaid, being thereof legally convicted as hereinbefore mentioned, shall forfeit and pay a fine or penalty of Five Pounds, to be levied as aforesaid.

Beams & Scales to be provided by Millers

VII. *And be it further enacted*, That all penalties recovered and levied under this Act shall be paid and applied for the use of the poor of the town or place where the offence, for which any such penalty is imposed, shall be committed, and if no sufficient distress shall be found to satisfy any such penalty, then, and in such case, the Offender upon whom such Penalty shall or may be imposed, shall be committed to Jail, there to be confined for a space of time not exceeding Thirty days, or until the said fine or penalty be paid.

Application of Penalties

VIII. *And be it further enacted*, That each and every Miller, who shall be convicted as herein before mentioned, of demanding and taking any greater or larger Toll for the grinding, hulling or bolting, of any Grain, Corn, Meal or Flour in any case, shall, in addition to the penalties hereby imposed for any such offence, forfeit the full value of the Grain, Corn, Meal or Flour, which shall or may be demanded and taken by any such Miller as aforesaid, over and above the Toll herein before mentioned, allowed and prescribed, to be levied, together with the said penalty hereby imposed, and in the same manner, and to be paid to the Owner or Owners of the Grain, Corn, Meal or Flour, whereon such excessive Toll shall or may be demanded and taken.

Additional forfeiture for excessive Toll

IX. *And be it further enacted*, That the Act, passed in the Tenth year of the reign of His late Majesty King George the Third, entitled, An Act for establishing the Toll to be taken at the several Grist Mills in this Province, and the Acts passed in the Twenty-first and Twenty-eighth years of His said late Majesty's Reign, in addition to, and in amendment of, the said Act first mentioned, shall be, and the said several Acts, and every matter, clause and thing, therein contained, are hereby respectively repealed.

Acts repealed  
10, Geo. 3, C. 8, 21, Geo. 3, C. 5, 23, Geo. 3, C. 2,

X. *Provided always, and be it further enacted*, That this Act shall not extend, or be

Proviso as to particular Mills

construed to extend, to any other Mills than such as are propelled or worked by wind or water.

## CAP. XLVI.

## An Act for the Warehousing of Goods.

(PASSED THE 16th DAY OF APRIL, 1834.)

Continued and amended by 5, Wm. 4, C. 28

Preamble

**WHEREAS**, under the Act of the Imperial Parliament of the United Kingdom of Great-Britain and Ireland, passed in the third and fourth year of the Reign of His Majesty King William the Fourth, and entitled, "An Act to regulate the Trade of the British Possessions abroad," certain Ports of this Province are appointed to be *Free Warehousing Ports*, or to be *Warehousing Ports* for all or any of the Goods which may be legally imported into the said Ports respectively; and authority is also given, to appoint other Ports to be in like manner *Warehousing Ports*; and accordingly, at certain of the said Ports, *Warehouses* have been appointed for the free *Warehousing* and securing of Goods therein, for the purposes of the said Act, which are denominated the *King's Warehouses*.

*And whereas*, it is expedient to extend the facilities afforded by the privilege of *Warehousing* in the *King's Warehouses* under the said Act, without payment of *Duty* on the first *Entry* of Goods imported, to all Goods subject to *Colonial Impost Duties*; and to provide for the *Warehousing* thereof in those Ports of this Province where *King's Warehouses* are not established, or other *Warehouses* are or may be required; and also, to assimilate the regulations for *warehousing Goods* subject to *Colonial Impost Duties*, to the regulations established under the said Act:

When Act in operation

I. *Be it therefore enacted, by the President, Council and Assembly*, That this Act shall commence and come into operation on the first day of April, in this present year of Our Lord One Thousand Eight Hundred and Thirty-four.

Warehouses established

II. *And be it further enacted*, That in every port and place in this Province, where a *King's Warehouse* is or shall be appointed, every such *Warehouse* so established shall be and be deemed a *Warehouse* for the free *warehousing* and securing all Goods subject to *Colonial Impost Duties*; and that at every such port or place where such *King's Warehouse* is appointed, and also at every port or place where there is no such *Warehouse*, it shall be lawful for the *Board of Revenue*, upon any application made to them for that purpose, by notice in writing under their hands, and under and subject to such regulation as the *Board of Revenue* may prescribe, to appoint from time to time such *Special Warehouse* as shall be approved of by such *Board* for the free *warehousing* and securing of Goods therein, for the purposes of this Act; and also, in such notice to declare what sort of Goods may be so *warehoused* in any such *King's* or *Special Warehouse* under this Act; and also, by like notice, to revoke or alter any such appointment or declaration.

On Importation of Goods Duties to be paid on Goods Warehoused

III. *And be it further enacted*, That it shall be lawful for the *Importer* of any Goods, subject to *Colonial Impost Duties*, into any port or place within this Province, and for the *Distiller* or *Manufacturer* of any *Brandy, Gin, Rum*, or other *Spirituous Liquors*, *Manufactured, Compounded, Extracted, Distilled* or made within this Province, at his option, either to pay or secure the *Duties* on the said Goods, or *Spirituous Liquors*, or to *Warehouse* the same in any *King's* or *Special Warehouse*, without payment of any *Duty* on the first *Entry* thereof, and before such Goods or *Spirituous Liquors* are delivered from such *Warehouse* to pay the *Duties* thereon, from time to time, as the same may be sold or entered for home *Consumption*, or otherwise to export the same Goods or *Spirituous Liquors*, but subject nevertheless to the *Rules, Regulations, Conditions* and *Restrictions*, hereinafter contained.

IV. *And be it further enacted*, That all Goods so warehoused in any *Special Warehouse* shall be stowed in such parts or divisions of the same, and in such manner as the Collector of Impost shall direct: and that every *Special Warehouse* shall be locked and secured in such manner, and shall be opened and visited only at such times, and in the presence of such Officers, and under such rules and regulations, as the Collector of Impost, under the authority of the Board of Revenue, shall direct; and that all such Goods shall, after being landed upon importation, be carried direct to the Warehouse, or shall, after being taken out of the Warehouse for Exportation, be carried to be shipped under such rules and regulations, as, under the authority aforesaid, the Collector shall direct, or as by Law shall be established.

Goods in  
Warehouse

V. *And be it further enacted*, That all Goods warehoused in any *King's Warehouse*, shall be stowed and secured, and visited under, and shall in all respects be subject to, the like rules and regulations as Goods liable to Imperial Duties, and therein warehoused, are or may be under and subject unto.

Goods ware-  
housed subject  
to Regulations

VI. *And be it further enacted*, That upon the Entry of any Goods to be warehoused, the Importer of such Goods, instead of paying down or giving Security for the Colonial Impost Duties due thereon, shall give Bond in such form as the Board of Revenue shall prescribe, with two sufficient Sureties, to be approved of by the Collector of Impost, in treble the Duties payable on such Goods, with condition for the safe depositing of such Goods in the Warehouse mentioned in such Entry, and for the payment of all Colonial Impost Duties due upon such Goods, or for the Exportation thereof according to the first account taken of such Goods upon the landing of the same, and with further condition, that no part thereof shall be taken out of such Warehouse until cleared from thence upon due Entry and payment of Duty, or upon due Entry for Exportation; and with further condition, that the whole of such Goods shall be so cleared from such Warehouse, and the Duties upon any deficiency of the quantity according to such first account shall be paid, within two years from the date of the first Entry thereof, and it, after such Bond shall have been given, the Goods or any part thereof shall be sold or disposed of, so that the original Bondholder shall be no longer interested in, or have any control over, the same, it shall be lawful for the Collector of Impost to admit fresh Security to be given by the Bond of the new Proprietor, or other person having control over such Goods, with his sufficient Sureties, and to cancel the Bond given by the original Bondholder of such Goods, or to exonerate him to the extent of the fresh Security so given; *Provided*, that such fresh Security shall not be given for a less sum than one *fifth* part of the Duties mentioned in the condition of the Bond.

Entry of Goods  
to be ware-  
housed

VII. *And be it further enacted*, That if any Goods which have been entered to be warehoused, shall not be duly carried and deposited in the Warehouse, within the times or in the manner directed by the proper Officer, or shall afterwards be taken out of the Warehouse, without due Entry and Clearance, or having been Entered and Cleared for Exportation from the Warehouse, shall not be duly carried and shipped, as by Law prescribed with respect to Goods Exported, or shall afterwards be relanded, except with the permission of the Collector or other proper Officer, such Goods shall be forfeited.

Goods for  
Warehouse not  
deposited  
therein

VIII. *And be it further enacted*, That upon the Entry and Landing of any Goods to be warehoused, the proper Officer of the Colonial Revenue, charged with such Duty, shall take a particular account of such Goods, and shall mark the contents on each package, and shall enter the same in a Book to be kept for that purpose, and no Goods which have been so warehoused shall be taken or delivered from the Warehouse, except upon due Entry, and under care of the proper Officers for *Exportation*, or upon due Entry, payment or security of Duty, for *Home use*; and whenever the whole of the Goods warehoused under any Entry shall be cleared from the Warehouse, or whenever further time shall be granted for any such Goods to remain warehoused, an account shall be made out of the quantity upon which the Duties have been paid, and of the quantity exported, and of the quantity (to be then ascertained) of the Goods still remaining in the Warehouse, as the case may be, deducting from the whole the quantity contained in any whole packages, (if any) which may have been abandoned for the Duties: and if on such account there shall in either case appear to be any deficiency of the original quantity,

Account to be  
taken of Goods  
to be ware-  
housed

the

the Duty, except as is hereinafter excepted, payable upon the amount of such deficiency, shall then be paid.

Proviso

**IX. *Provided always, and be it further enacted,*** That whenever the Goods so warehoused shall be subject to Imperial Duties, and be deposited in any *King's* Warehouse, then the taking by the proper Officer of the Customs, of the account in the next preceding Section mentioned, and the marking the contents on each Package, and the entering the same by him in his Book, and the taking and delivery of such Goods under care of the proper Officers of the Customs for Exportation, shall be equivalent to the like acts done, and be deemed and taken to be done, by the proper Officer of the Colonial Revenue.

Samples of Goods in warehouse

**X. *And be it further enacted,*** That it shall be lawful for the Collector of Impost at any Port, under such regulations as the Board of Revenue shall prescribe, or he shall see fit, to permit moderate samples to be taken of any Goods so warehoused, but without Entry; and without payment of Duty, except as the same shall eventually become payable, as on a deficiency of the original quantity.

Goods may be packed and re-packed in Warehouse

**XI. *And be it further enacted,*** That it shall be lawful for the Collector of Impost at any Port, under such regulations as the Board of Revenue or he shall see fit, to permit the proprietor or other person having control over any Goods so warehoused, at the expense of the proprietor of such Goods, to sort, separate and pack, and re-pack, any such Goods, and to make such lawful alterations therein, or arrangements and assortments thereof, as may be necessary for the preservation of such Goods, or in order to the sale, shipment or legal disposal of the same; and also, in the Warehouse, to draw off any Wine, Spirits or other Liquors, into Bottles or Casks, and to mix Brandy with any Wine, and to fill up any Casks of Wine, Spirits or other Liquors, from any other Casks of the same respectively secured in the same Warehouse, and to rack off any Wine from the lees or to mix any Wines, under such regulations as the Board of Revenue shall establish, and also to permit any parts of such Goods so separated to be destroyed, but without prejudice to the claim for Duty upon the whole original quantity of such Goods; *Provided always,* that it shall be lawful for any person to abandon any *whole* packages to the Collector of Impost for the Colonial Duties, without being liable to any Duty upon the same; *and provided also,* that no portion of any Goods be taken out of the Warehouse, at any one time, less than a whole package.

Removal of Goods from one Warehouse to another

**XII. *And be it further enacted,*** That, unless prohibited by the provisions of the Imperial Act, Goods warehoused at any port in this Province, being first duly entered, may be delivered under the authority of the Collector of Impost, without payment of Duty, except for any deficiency thereof, for the purpose of removal to another Warehouse in the same port, or to a Warehouse in some other port of this Province, under Bond to the satisfaction of such Collector, or other regulation as the Board of Revenue may make, for the due arrival and re-warehousing of such Goods in such other Warehouse or at such other port, or for the paying or securing the Duties on such Goods thereat.

Clearing of Goods from Warehouse

**XIII. *And be it further enacted,*** That all Goods which have been so warehoused, or re-warehoused in this Province, shall be duly cleared, either for Exportation or for Home Consumption, within two years from the day of the first Entry for the warehousing thereof; and if any such Goods be not so cleared, it shall be lawful for the Collector of Impost, unless otherwise directed by the Board of Revenue, to cause the same Goods to be sold, and the produce shall be applied, first to the payment of Duties, next of Warehouse Rent and other charges, and the surplus, if any, shall be paid to the Proprietor.

Entry outwards of Goods to be exported

**XIV. *And be it further enacted,*** That, upon the Entry outwards of any Goods, to be Exported from the Warehouse, the person entering the same shall give security by Bond, in such form as shall be appointed, in treble the Colonial Duties of Impost on the quantity of such Goods, with two sufficient sureties, to be approved of by the Collector of Impost, that the same shall be landed at the place for which they shall be entered outwards, or be otherwise accounted for, to the satisfaction of the Board of Revenue, or as shall be prescribed by the Act relating to Goods exported.

**XV. *And be it further enacted,*** That if any Goods lodged in any Warehouse, shall be

be *bona fide* sold, and upon such sale there shall have been a written agreement, signed by the parties, or a written contract of sale made, and executed and delivered, by some person legally authorised for and on behalf of the parties respectively, and the amount of the price therein stipulated shall have been actually paid, or secured to be paid, by the purchaser, every such sale shall be valid, although such Goods shall remain in such Warehouse; provided that a transfer of such Goods, according to such sale, shall have been entered in a Book, to be kept for that purpose, by the Officer of the King's or Special Warehouse, who is hereby required to keep such Book, and to enter such transfers, with the dates thereof, upon the application of the Owners of the Goods, and to produce such Book upon demand made.

Sales and  
transfers of  
warehoused  
Goods

XVI. *And be it further enacted,* That all Goods warehoused, shall, by or at the charge of the Owner thereof, be stowed in such manner as that easy access may be had thereto, under the penalty on such Owner of Five Pounds for every omission.

Stowage of  
Goods in  
Warehouses

XVII. *And be it further enacted,* That if any Goods warehoused shall, by or with the sanction or authority of the Proprietor thereof, be fraudulently concealed in, or removed from, the Warehouse, the same shall be forfeited; and if any Proprietor or Importer of any Goods warehoused, or any person in his employ, shall, by or with the sanction, authority or knowledge, of such Proprietor or Importer, by any contrivance, fraudulently open the Warehouse, or gain access to any Goods Warehoused, except in the presence of the proper Officer acting in the execution of his duty, or shall fraudulently adulterate any such Goods, or, by water or otherwise, reduce the strength, or increase the quantity, of any Spirits or other Liquors warehoused and subject to Colonial Impost Duties, such Importer or Proprietor shall forfeit for every such offence the sum of One Hundred Pounds.

Frauds

XVIII. *And be it further enacted,* That if any Goods entered to be Warehoused, or entered to be delivered from the Warehouse, shall be lost or destroyed, by an unavoidable accident, either on ship board, or in the landing or shipping of the same, or in the receiving into or delivering from the Warehouse, or if any such Goods shall be destroyed, or, being Liquids, shall leak or evaporate while deposited in any Warehouse, it shall be lawful for the Board of Revenue, on due proof thereof, to remit or return the Colonial Duties payable or paid on the quantity of such Goods so lost or destroyed; *Provided always,* that no abatement shall be made in respect of any deficiency in quantity of any Spirits or Liquors, occasioned either by leakage, accident or natural evaporation, in any Warehouse, or in respect of deficiency by wastage of any article whatsoever, unless the said Goods shall have been deposited in the Warehouse during six Calendar Months, nor shall such abatement be made in cases where suspicion shall arise that part of such Goods have been clandestinely conveyed away.

Dutiable Goods  
lost or destroy-  
ed

XIX. *And be it further enacted,* That if after any Goods shall have been duly entered and landed to be warehoused, and before the same shall have been actually deposited in the Warehouse, the Importer shall further enter the same or any part thereof for Home use, or for exportation, as from the Warehouse, the Goods so entered shall be considered as *virtually* and *constructively* warehoused, although not actually deposited in the Warehouse; and shall and may be taken and delivered for Home use or for Exportation as the case may be.

Goods for  
Warehouse  
may without  
warehousing  
be entered for  
Home use or  
Exportation

XX. *And be it further enacted,* That all Goods, landed and warehoused under this Act, shall when so landed and warehoused, continue and be subject and liable to such and the like claim for freight, in favor of the Master or Owner of the respective Ships or Vessels, or of any other person or persons interested in the freight of the same, from and out of which such Goods shall be so landed, as such Goods respectively were subject and liable to, whilst the same were on board such ship or vessel, and before the landing thereof.

Liability of  
Goods ware-  
housed for  
Freights

XXI. *And be it further enacted,* That in every case where Goods, charged with Colonial Impost Duties, and also with Imperial Duties, shall be warehoused in a King's Warehouse, under or in pursuance of the regulations prescribed by the said Act of the Imperial Parliament, and the Owner or Importer of such Goods shall give to the Collector of Impost Security, in treble the amount of such Colonial Impost Duties, by a Bond

Goods charged  
with Colonial  
Impost Duties  
warehoused in  
a King's  
Warehouse

with two sufficient Sureties by him to be approved, and of the like tenor in other respects with the Bond entered into at the Custom-House on warehousing the same Goods, then, and in every such case, the warehousing of such Goods in the King's Warehouse shall be, to all intents and purposes, a warehousing of the same under this Act, and such and the like Entries, Certificates and Proceedings, shall, with respect to the Colonial Impost Duties, be admitted by the Collector of Impost for the cancelling the warehousing Bond by him taken, as under the said Imperial Act are required and prescribed, for the cancelling of the Bond for the due warehousing of the same Goods at the Custom-House.

Goods entered from Warehouse liable to Duties then in force for Home use

XXII. *And be it further enacted*, That, upon Entry made for Home use of any Goods warehoused in any King's or Special Warehouse in this Province, the same Goods shall be liable to, and chargeable with, the Colonial Impost Duties in force and payable upon Goods of the like nature imported from abroad at the date of such Entry, and in the same manner as if such warehoused Goods had been then first imported into the Province, at the date of such Entry from the Warehouse for Home use.

Act may be altered or amended

XXIII. *And be it further enacted*, That this present Act shall and may be altered or amended by any other Act or Acts of the present Session of the General Assembly.

Continuation

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

## CAP. XLVII.

### An Act for regulating the Importation of Goods.

(PASSED THE 16th DAY OF APRIL, 1834.)

Preamble

**WHEREAS**, it is expedient to revise and amend the several Regulations relating to the Importation of Goods, and the collection of the Colonial Impost Duties, and to assimilate, as far as may be practicable, such Regulations with the proceedings established for the collection of Imperial Duties, under the Act of the Parliament of the United Kingdom of Great-Britain and Ireland, passed in the Third and Fourth Year of the Reign of His Majesty King William the Fourth, and entitled, An Act to regulate the Trade of the British Possessions abroad.—*And whereas*, It is necessary that the Officers of the Colonial Revenue should not only have full cognizance of all Ships coming into any port of this Province, or approaching the coasts thereof, and of all Goods on board or which may have been on board such Ships, and of all Goods unladen from any Ship in any part of this Province; but also, that the regulations, respecting the Manifests, Reports, Entries, Permits and Securities, required with regard to such Ships or Goods, and the payment of Duties, should be set forth in a plain and distinct manner:

Act in operation

I. *Be it therefore enacted, by the President, Council and Assembly*, That upon, from and after the first day of April, in this Year of Our Lord One Thousand Eight Hundred and Thirty-four, this Act shall come into and be in operation.

Goods Imported liable to provisions hereof

II. *And be it further enacted*, That all Goods subject to Colonial Impost Duties, and which have been, or shall be, imported or brought by Sea or Inland Navigation or Carriage into this Province, from any port or place abroad, beyond the Seas, or out of this Province, or which, being so subject to Colonial Impost Duties, shall be carried and transported, by Sea or by Land, from one port or place within this Province to any other port or place within this Province, shall be and the same are hereby made liable and subject to the several rules, restrictions, conditions, regulations, penalties and forfeitures, in this Act contained, in respect to such Importation, and the payment or security of the Duties thereon, or the Warehousing the same Goods.

Entry of Goods

III. *And be it further enacted*, That it shall be lawful for the Importer of any such Goods, subject to Colonial Duties, at his option, on the Importation and first entry thereof,

thereof, either to enter the said Goods for Home use, and then pay or secure the Duties thereon, or otherwise to warehouse such Goods *without* payment of any Duty on the first entry, and from the Warehouse to enter such Goods, or any part thereof, from time to time, for Home use or for Exportation, as to the Importer shall seem fit, but subject nevertheless to the several rules, regulations, restrictions and conditions, in those respects prescribed.

IV. *And be it further enacted*, That, if on the *first* entry of any such Goods, or on the *entry* thereof from the Warehouse for Home use, the Colonial Impost Duties thereon, to be ascertained as hereinafter is provided, shall *not* exceed the sum of Ten Pounds, then the said Duties shall be paid down by the Importer or person making the entry thereof, before any permit shall be granted for the Goods contained in such entry, but if the amount of such Colonial Duties shall *exceed* the sum of Ten Pounds then the Importer shall give Bond, with two sufficient Sureties, to be approved of by the Collector of Impost, in treble the Duties payable on such Goods, with a condition for payment of the said Duties by instalments, and in manner following, that is to say:—One *fourth* part of said Duties in *six* months, another *fourth* part in nine months, and the remaining *half* part in twelve months, from the date of such Bond, respectively, and such Bond shall be given in the manner and form prescribed therefor by the Board of Revenue, and a Warrant of Attorney shall also then and there be executed by the same parties, and in the form by the said Bond to be directed, for the confession of a Judgment for the amount of the said Bond, in case default should happen to be made in payment of any instalment thereof; *Provided always*, nevertheless, that if the said Goods mentioned in such entry shall be subject to, and charged with, any Imperial Duties, and it shall, by writing under the hand of the proper Officer of His Majesty's Customs, in any Port of this Province, be certified that the said Imperial Duties have been paid at the Custom-House in this Province, then the Collector of Impost shall retain such Certificate, and the amount so certified to be paid shall deduct from the sum of Colonial Impost Duties charged on the Goods in such entry contained, and require and take Bond with Sureties *only* for the residue of such Duties, unless such residue amount to Ten Pounds and no more, in which case the same is to be paid *down* as aforesaid; *Provided also*, that where Goods have been warehoused above one year, then the Colonial Duties, if exceeding Ten Pounds, shall be payable, one *half* in three months, and the other *half* in six months, from the date of the entry from Warehouse, and the Bond shall be made accordingly.

Duties not exceeding 10l. to be paid down

V. *And be it further enacted*, That if the Importer of any such Goods shall think proper to make entry thereof for Warehouse, then, and without deduction from the amount of the Colonial Duties on the Goods in such entry contained of any Imperial Duties to which the same may be subject, the Importer of such Goods, instead of paying down or securing the Colonial Duties, shall give Bond with *two* sufficient Sureties to be approved of by the Collector of Impost, in treble the Colonial Impost Duties payable on such Goods, with a condition for the safe depositing the said Goods in the Warehouse mentioned in the said entry, and with such further conditions and stipulations as in respect to such Bond is prescribed in the Act for Warehousing Goods, and such Bond shall otherwise be made and executed as by the Board of Revenue shall be ordained.

Entry of Goods for Warehouse

VI. *And be it further enacted*, That no Goods shall be unladen from any Ship, arriving from parts beyond the Seas in any port or place within this Province, or from any Ship having on board articles chargeable with Colonial Impost Duties and arriving in any port in this Province, from any other port or place therein; nor shall bulk be broken, after the arrival of such Ship within three leagues of the coasts of this Province, before due report of such Ship and due entry of such Goods shall have been made, and permit granted in manner hereinafter directed; and that no goods shall be so unladen, except at such times and places, and in such manner, and by such persons, and under the care of such Officers, as is and are hereinafter directed, and that all Goods not duly reported, or which shall be unladen contrary hereto, shall be forfeited: and if bulk be broken contrary hereto the Master of such Ship shall forfeit the sum of Fifty Pounds; and if, after the arrival of any such Ship within three leagues of the coast of this Province, any alteration be made in the stowage of the Cargo of such Ship, so as to facilitate the unloading *unlaw-*

Breaking bulk before Entry

*fully*

fully of any part of such cargo, or if any part be *fraudulently* or *unnecessarily* staved, destroyed or thrown overboard, or any package be opened, such Ship shall be deemed to have broken bulk. *Provided always*, that fresh Fish, Coin and Bullion, may be landed without Report, Entry or Permit; and that Goods, imported in any Ship stranded or wrecked, and Goods in danger of being lost or spoiled, may be landed without Report, Entry or Permit, until such Goods are safely deposited on shore.

Manifest of  
Cargo required

VII. *And be it further enacted*, That no Goods shall be imported, into any part of this Province from parts beyond the Seas, in any British Ship, unless the Master shall have on board a Manifest of such Goods, made out and dated and signed by him at the place or respective places where the same, or the different parts of the same, was or were taken on board; and every such Manifest shall set forth the name and tonnage of the Ship, the name of the Master, and of the place to which the Ship belongs, and of the place or places where the Goods were taken on board respectively, and of the place or places to which they are destined respectively; and shall contain a particular account and description of all the packages on board, with the marks and numbers thereon, and the sorts of Goods and different kinds of each sort contained therein, to the best of the Master's knowledge, and of the particulars of such Goods as are stowed loose, and the names of the respective Shippers and Consignees, as far as the same can be known to the Master, and to such particular account shall be subjoined a *general* account or recapitulation of the total number of the packages of each sort, describing the same by their usual names, or by such descriptions as the same can best be known by, and the different Goods, and also, the total quantities of the different Goods *stowed loose*. *Provided always*, that it shall be lawful for the Board of Revenue, or for any Collector of Impost under their directions, to excuse the production of such Manifest in particular cases; and until a sufficient time in the opinion of the said Board shall have elapsed, after the publication of this Act, for making generally known the necessity for producing such Manifest: And if any Goods shall be imported into this Province in any British Ship, without such Manifest, (except in cases within the foregoing proviso)—or if any Goods contained in such Manifest be *not* on board, the Master of such Ship shall forfeit the sum of Fifty Pounds; unless any deficiency in the Goods mentioned in such Manifest or any omission to insert any Goods therein, be satisfactorily explained and accounted for by the said Master.

Manifest to be  
produced to  
Officers of Co-  
lonial Revenue

VIII. *And be it further enacted*, That the Master of every Ship, required to have a Manifest on board, shall (except in cases within the foregoing proviso) produce such Manifest to any Officer of the Colonial Revenue, who shall come on board his Ship, after her arrival within three leagues of the Coasts of this Province, and who shall demand the same for his Inspection; and such Master shall also deliver, to any such Officer who shall be the *first* to demand it, a true copy of such Manifest signed by the Master; and thereupon, such Officer respectively shall notify, on such Manifest, and on such Copy, the date of the production of such Manifest, and of the receipt of such Copy, and shall transmit such Copy to the Collector of Impost of the Port to which such Vessel is *first* bound; and shall return such Manifest to the Master: And if such Master shall not in any case produce such Manifest, or deliver such Copy, he shall forfeit the sum of Fifty Pounds:

Masters of Vessels  
to report  
their arrival

IX. *And be it further enacted*, That the Master of any Ship, arriving from parts beyond the Seas, in any part of this Province, whether laden or in ballast, and the Master of every Ship, having on board articles chargeable with Colonial Impost Duties, and arriving at any port of this Province from any other port within the same, shall come directly, and before bulk be broken, to the Office of the Collector of Impost for the port where he arrives, and there make a report in writing to the Collector of Impost or other proper Officer of the arrival and voyage of such Ship, stating her name, Country and Tonnage, and if British, the port of Registry, the Name and Country of the Master, and the number of the crew, and whether she be laden or in ballast, and if laden, the marks, numbers and contents, of every package and parcel of Goods on board, and the particulars of such Goods as are stowed loose, and where the same were laden, and where, and to whom consigned, and where any, and what Goods, if any, had been un-  
laden

laden during the voyage, as far as any of such particulars can be known to him, and in such report it shall be further declared where, and in what cases, such Ship has broken bulk in the course of her voyage, and what part of her cargo, if any, is intended for importation at such port, and what is intended for importation at another port in this Province, and what part, if any, is intended for exportation in such Ship to parts beyond the Seas, and what surplus stores or stock remain on board such Ship. And the Master shall further answer all such questions, concerning the Ship and the Cargo, and the Crew and the Voyage, as shall be demanded of him by such Officer; and if any Goods be unladen from any Ship before such report be made, or if the Master fail to make such report, or make an untrue report, or do not truly answer the questions demanded of him, he shall forfeit the sum of Fifty Pounds, and if any Goods be *not* reported such Goods shall be forfeited.

X. *And be it further enacted*, That if the contents of any Package, so intended as aforesaid for exportation in the same Ship to parts beyond the Seas, or to any other port in this Province, shall be reported by the Master as being *unknown* to him, it shall be lawful for the Officer of the Colonial Revenue to open and examine such package on board, or to bring the same on shore, or to the Warehouse for that purpose; and if there be found in such package any Goods, prohibited to be imported under the Imperial Act, such Goods shall be forfeited; or if the Goods be such as may be entered for Home use the same shall be chargeable with the Colonial Impost Duties, unless in either case the Board of Revenue, in consideration of the sort or quality of the Goods, or the small rate of Duty payable thereon, shall see fit to order the same to be delivered for exportation.

Contents of Packages not known

XI. *And be it further enacted*, That the Master of every Ship, arriving from parts beyond the Seas, in any part of this Province, or arriving with Goods on board chargeable with Colonial Impost Duties at any Port of this Province from another port or place thereof, shall, at the time of making such report, deliver to the Collector of Impost the Manifest of the Cargo of such Ship, where a Manifest is required. And if required by such Collector, shall produce to him any Bill or Bills of Lading, or a true Copy thereof, for any and every part of the Cargo laden on board, and shall answer all such questions relating to the Ship, Cargo and Crew, and Voyage, as shall be put to him by such Collector. And in case of failure or refusal to produce such manifest or to answer such questions, or to answer them truly, or to produce such Bill of Lading or Copy, or if such Manifest or Bill of Lading or Copy be false, or if any Bill of Lading be uttered by any Master, and the Goods expressed therein shall not have been *bona fide* shipped on board such Ship, or if any Bill of Lading uttered or produced by any Master shall not have been signed by him, or by his authority, or any such Copy shall not have been received or made by him, previously to his leaving the place where the Goods expressed in such Bill of Lading or Copy were shipped, then, and in every such case, such Master shall forfeit the sum of Fifty Pounds.

Masters of Vessels to procure Manifest and Bills of Lading, &c.

Under penalty

XII. *And be it further enacted*, That if any part of the Cargo of any Ship, for which a Manifest is required, be reported for importation at some other port in this Province, the Collector of Impost, for the port at which some part of the Cargo has been delivered, shall notify such delivery on the Manifest, and return the same to the Master of such Ship.

Portion of Cargo to be landed in other Ports of Province

XIII. *And be it further enacted*, That in case any Ship shall arrive at any port of this Province, having Live Stock or other perishable articles on the *deck* of such vessel, after the hours of transacting business at the Office of Impost there are passed, it shall and may be lawful for the Collector of Impost, the Guager or either of the Tide-waiters, to permit and suffer the Master thereof to unlade the Live Stock and other perishable articles before rendering the account or report hereinbefore required to be made and rendered, and such report shall be made as soon as may be after the next opening of the Office, under the same penalty as if no report were made.

Live Stock or perishable Articles

XIV. *And be it further enacted*, That it shall be lawful for the proper Officers of the Colonial Revenue to board any Ship arriving at any port or place in this Province, and freely to stay on board until all the Goods laden therein shall have been duly delivered from the same; and such Officers shall have free access to every part of the Ship, with

Powers of Officers of Colonial Revenue

power to fasten down Hatch-ways (the fore-castle excepted) and to mark any Goods before landing, and to lock up, seal, mark or otherwise to secure, any Goods on board such Ship, and if any place, or any Box or Chest be locked, and the keys be withheld, such Officers, if they be of the degree of Collector of Impost, Guager or Weigher, may open any such place, Box or Chest, in the best manner in their power, and if such Officers be *under* that degree, they shall send for their Superior Officer who may open or cause to be opened any such place, box or chest, in the best manner in his power, and if any Goods be found concealed on board any such ship they shall be forfeited. And if the Officers shall place any lock, mark or seal upon any Goods on board, and such lock, mark or seal be wilfully opened, altered or broken, before due delivery of such Goods, or if any such Goods be secretly conveyed away, or if the Hatch-ways, after being fastened down by the Officer, be opened or broken by the Master, or by any person with his assent or by his authority, the said Master of such Ship shall forfeit Fifty Pounds.

Entry of Goods  
which are to  
be landed

XV. *And be it further enacted*, That whenever report shall be made in manner aforesaid, that part of the Goods reported are intended to be landed in the place where such report is made, and another part thereof to be carried in the same Ship to some other port or ports *within* this Province, or to be exported from the same into parts beyond the Seas, then entry inwards shall, at such first port of arrival, be made of those Goods *only* which are designed to be there landed; and such proceedings shall be had and taken with and in respect of the Goods so landed at such first port of arrival, as are hereinafter prescribed, for ascertaining and securing the Duties payable thereon, and for warehousing such Goods; and entry outwards coastwise shall also be made of such Goods as are intended to be carried in the same Vessel to some other port or ports in the Province: and, on arrival at such second or other ports, such and the like proceedings shall be adopted, with respect to the Goods there to be landed, and the Duties thereon as are herein before directed to be had in respect of the Goods landed at the first port and the Duties thereon. But if, at the first, second or other port of arrival, the residue of the Goods on board shall be designed to be shipped out of the Province to parts beyond the Seas, then Entry *outwards* for Exportation shall be made of such Goods; and the Regulations with respect to the Exportation of Dutiable Articles shall respectively attach thereto.

No Goods to  
be landed  
without Entry  
and Permit, &c

XVI. *And be it further enacted*, That no Goods shall be unladen, or water-borne to be unladen, from any Ship in any part of this Province, until due entry (except in the case of Goods charged with duty according to the weight, tale, gauge or measure thereof,) shall have been made of such Goods, and Permit granted for the unloading of the same, and that no Goods shall be so unladen or water-borne to be unladen, except at some place at which an Officer of the Colonial Revenue is appointed to attend the unloading of Goods, or at some place for which a Permit shall be granted by the Collector of Impost for the unloading of such Goods, and that no Goods shall be so unladen, except in the presence or with the permission in writing of the proper Officer; *Provided always*, that it shall be lawful for the Board of Revenue to make and appoint such other regulations, for the carrying coastwise of any Goods, as to them shall appear expedient. And that all Goods unladen, or water-borne to be unladen, contrary to the regulations of this Act, or contrary to any regulations so made and appointed, shall be forfeited.

Account to be  
taken of Goods  
landed

XVII. *And be it further enacted*, That in all cases where Impost Duties, imposed by any Act for granting Colonial Duties, upon Goods brought into this Province, are charged according to the weight, tale, gauge or measure thereof, then immediately upon the Report of the Ship and Cargo being made as herein before prescribed, the Collector of Impost for the Port, into which such Goods are imported shall grant to the Importer or Master a Permit to break bulk and to unlade the same Goods, or such part thereof as are designed to be unladen in such Port, and to land the same at such wharf or place as shall be most convenient to such Importer for the landing thereof, and, as soon as the said Goods have been landed, shall forthwith cause the same to be weighed, counted, gauged, or measured according as the Duties are charged thereon, respectively, and shall also cause to be marked, on the heads of all Casks or Packages containing Spirituous Liquors, the name of the Country, Island or place, whence the same shall have been brought, together

gether with the contents of such Casks, and the Guager's Sir-name, or such other names or marks as the Board of Revenue shall direct, and shall cause a Return in writing, of the contents of each Cask or Package, so weighed, counted, guaged or measured, with proper references to the number and marks thereof respectively, to be made out in duplicate to be signed by the Guager and Weigher of the Port, or other person executing the duties of that Office, and filed in the Office of the said Collector, and thereupon, the Importer of the said Goods shall make entry thereof as in this Act is directed. And if any such Goods, so chargeable with Duty according to the weight, tale, guage or measure thereof, shall be removed or carried away from the place named in the *landing* Permit, without a *removal* Permit having been first granted for such removal, or before such Goods shall have been duly guaged, weighed or counted, under the directions of the proper Officer of the Colonial Revenue, and due entry made thereof, and the Duties thereon paid or secured, or entry made for Warehousing the same as hereinafter mentioned, such Goods shall be forfeited and the Master of such Vessel shall forfeit and pay a penalty of Fifty Pounds.

Removal Permit

XVIII. *And be it further enacted*, That the person entering any Goods inwards (whether for payment or security of Duty—or to be warehoused upon the first perfect entry thereof, or for the payment of Duty upon the taking out of the Warehouse, or whether such Goods be free of Duty)—shall deliver to the Collector of Impost or other proper Officer a bill of the entry of such Goods, fairly written in words at length, containing the name of the Importer and of the Ship, and of the Master, and of the place from which the Goods were brought, and of the place within the Port where the Goods are to be unladen; and the description and situation of the Warehouse if the Goods are to be warehoused; and the name of the person in whose name the Goods are to be entered; with the particulars of the quality and quantity of the Goods; and the Packages containing the same, and the marks and numbers on the Packages; and setting forth whether such Goods be the produce of the British Possessions in America or not: and such person shall at the same time, at his option, either pay *down* all Duties due upon the said Goods if the same shall not exceed the sum of Ten Pounds, or give such Security for the payment of the said Duties as is herein before described, or shall enter such Goods to be warehoused according to the regulations from time to time in force for the warehousing of Goods: and the Collector or other proper Officer shall thereupon grant his Permit for the unloading such Goods; unless the same, being Goods chargeable with Duties according to the weight, tale, guage or measure thereof, have been previously landed.

Bills of Entry to be furnished

XIX. *And be it further enacted*, That the person making such Entry shall also deliver, at the same time, two or more duplicates, as the case may require of such entry, in which all sums and numbers may be expressed in figures; and the particulars to be contained in such Bill shall be written and arranged in such form and manner, and the number of such duplicates shall be such as the Collector of Impost shall require:—and such Bill of Entry, being duly signed by the Collector of Impost, and transmitted to the Landing Tide Waiter, shall be the Warrant to him for the landing or delivery of such Goods.

Duplicate Bill of Entry

XX. *And be it further enacted*, That every person, not being the Master of the importing Ship, who shall fraudulently make, or cause to be made, any such entry inwards of any Goods, not being duly authorised thereto by the Proprietor or Consignee of such Goods, shall for every such offence forfeit the sum of Fifty Pounds.

Fraud in Entry

XXI. *And be it further enacted*, That it shall be lawful for any person to abandon any whole package of Goods, charged with Colonial Duties, to the Collector of Impost for the Colonial Duties charged upon and payable in respect of such whole package, without being liable for any Duty upon the same, and every package so abandoned shall be described in a written notice to be given to the Collector of Impost of such abandonment;—and thereupon at such time and in such manner and under such regulations, as the Board of Revenue shall prescribe, shall be sold by public auction;—and, after payment of the attendant charges, the Duties shall be paid out of the proceeds, and the residue be paid into the Treasury.

Goods may be abandoned for Duties

XXII. *And be it further enacted*, That no entry, nor any permit for the landing of any Goods, or for the taking of any Goods out of any Warehouse, shall be deemed valid, unless

Entries to correspond with Manifest

less the particulars of the Goods and Packages in such entry shall correspond with the particulars of the Goods and Packages, purporting to be the same in the Report of the Ship and in the Manifest, where a Manifest, is required, and in the Certificate or other Document, where any is required, by which the Importation or Entry of such Goods is authorised; nor unless the Goods shall have been properly described in such entry by the denominations, and with the characters and circumstances according to which such Goods are charged with Duty or may be imported; and any Goods taken or delivered out of any Ship, or out of any Warehouse, by virtue of any Entry or Permit, not corresponding; or agreeing in all such respects, or not properly describing the same, shall be deemed to be Goods landed or taken without due entry thereof and shall be forfeited.

**XXIII.** *And be it further enacted,* That if the Goods in such entry be charged to pay duty according to the number, measure or weight thereof, such number, measure or weight shall be stated in the entry, and if the Goods in such entry be charged to pay duty according to the value thereof, such value shall be stated in the entry, and shall be affirmed by the declaration of the Importer or his known Agent, written upon the entry and attested by his signature as hereinafter mentioned, and if any person make such declaration, not being the Importer or Proprietor of such Goods, nor his Agent duly authorised by him, nor the Master, such person shall forfeit the sum of Fifty Pounds.

Goods charged  
by measure or  
weight

**XXIV.** *And be it further enacted,* That if the Importer of any Goods, or his Agent, after full conferences with him, shall make and subscribe a declaration before the Collector of Impost or other proper Officer, that he cannot, for want of full information, make perfect entry thereof, it shall be lawful for the Collector to receive an entry by Bill of Sight, for the packages or parcels of such Goods, by the best description which can be given, and to grant a permit thereupon, in order that the same may be landed and secured to the satisfaction of the Officer of the Colonial Revenue, and at the expense of the Importer, and may be seen and examined by such Importer in the presence of the proper Officers, and within three days after the Goods shall have been so landed, the Importer shall make a perfect entry thereof, and pay down all Duties due thereon, or secure the same as before prescribed, or enter the same to be warehoused; and in default of such entry, such Goods shall be taken to the King's or Special Warehouse, and if the Importer shall not, within one month after such landing, make perfect entry of such Goods, or give the Bond for warehousing the same, or pay or secure the Duties due thereon, together with charges of removal and Warehouse rent, such Goods shall be sold for the payment thereof; and the overplus, if any, shall be paid to the Proprietor of the Goods.

Cases where  
perfect entry  
cannot be made

**XXV.** *And be it further enacted,* That in all cases where Impost Duties, imposed by any Act for granting Colonial Duties upon the Importation of Goods into this Province, are charged, not according to the weight, tale, guage or measure, but according to the value thereof, such value shall be ascertained by the Declaration of the Importer of such Articles, or his known Agent, in manner and form following, that is to say:

Declaration of  
Importer as to  
value of Goods  
imported

“ I A. B. do hereby declare, that the Articles mentioned in the entry and contained in the Packages, (*here specifying the several Packages, and describing the several marks and numbers, as the case may be,*) are of the value of  
Witness my hand the \_\_\_\_\_ day of \_\_\_\_\_

A. B.

The above Declaration signed the \_\_\_\_\_ day of \_\_\_\_\_ in the presence of C. D. Collector, (*or other principal Officer*): which Declaration shall be written on the Bill of Entry of such Articles, and shall be subscribed with the hand of the Importer thereof, or his known Agent, in the presence of the Collector, or other principal Officer of the Colonial Revenue, at the port of Importation: *Provided*, that if, upon view and examination of such Articles by the proper Officer of the Colonial Revenue, it shall appear to him that the said Articles are *not* valued according to the true price or value thereof, and according to the true intent and meaning of this Act, then, and in such case, the Importer or his known Agent shall be required to declare on oath, before the Collector of Impost, what is the Invoice price of such Articles, and that he verily believes such Invoice price is the current value of the Articles at the place from whence the said Articles were imported, and such Invoice price shall be deemed to be the value of the  
Articles,

Articles, in lieu of the value so declared by the Importer or his known Agent, and upon which the Colonial Impost Duties shall be charged and paid; *Provided also*, that if it shall appear to the Collector of Impost or other proper Officer that such Articles have been Invoiced below the real and true value thereof, at the place from whence the same were imported, or if the Invoice price is not known, the Articles shall, in such case, be examined by two competent persons, to be nominated and appointed by the Board of Revenue, or Collector of Impost, and such persons shall declare, on Oath, before the Collector or other proper Officer, what is the true and real value of such Articles; and the value so declared on the Oaths of such persons shall be deemed to be the true and real value of such Articles, and upon which the Colonial Impost Duties imposed shall be charged and paid; *Provided always*, that if such articles be charged with Imperial Duties, and have been valued according to the provisions of the Imperial Act, such valuation shall be accepted as the true value for paying or securing the Colonial Impost Duties thereon.

**XXVI.** *And be it further enacted*, That if the Importer of such Articles shall refuse to pay or secure the Colonial Impost Duties thereon, it shall and may be lawful for the Collector or other Officer of the Colonial Revenue, where such Articles shall be imported, and he is hereby required to take and secure the same, with the casks or other pack-  
Importers refusing to pay Duties  
 age thereof, and to cause the same to be publicly sold, within the space of twenty days at the most, after such refusal made; and at such time and place as such Officer shall, by four or more days public notice, appoint for that purpose, which articles shall be sold to the best bidder; and the money arising from the sale thereof shall be applied, in the first place in payment of the said Duties, together with the charges that shall have been occasioned by the said sale, and the overplus, if any, shall be paid to such Importer or Proprietor, or any other person authorised to receive the same.

**XXVII.** *And be it further enacted*, That every Importer of any Goods shall, within twenty days after the arrival of the Importing Ship—(the same Goods not being intended for Exportation in the same Ship to parts beyond the Seas,) make due entry inwards of such Goods and land the same; and in default of such entry and landing, it shall be lawful for the Officers of the Colonial Duties to convey such Goods to the King's or some Special Warehouse;—and if the Duties due upon such Goods be not paid or secured within *three* months after such twenty days shall have expired, together with all charges of removal and warehouse rent, or if the said Goods be not duly entered and warehoused, the same shall be sold, and the produce thereof shall be applied, first to the payment of freight and charges, next of Duties, and the overplus, if any, shall be paid to the proprietor of the Goods.  
Time limited for entry of Goods  
68 days

**XXVIII.** *And be it further enacted*, That the value of Goods, not chargeable with Colonial Duties according to the number, measure or weight thereof, which have been or shall be brought into this Province, under the denomination of Prize Goods, or which shall be sold therein, by order of any Court of Vice Admiralty, or Instance Court, or which have or shall hereafter become forfeit to His Majesty, on account of illegal importation, or of other causes whatsoever; and also the value of all such Goods which shall be derelict, jetsam, flotsam or wreck, or landed or saved from any ship wrecked, stranded or lost, not having been first landed in any other place beyond the seas; shall, if the value thereof cannot be ascertained by the means aforesaid, be ascertained by the gross price at which the same shall have been sold at Public Auction; and that all such Goods, whether so charged to pay Duty according to the value to be produced as aforesaid, or charged according to the number, measure or weight thereof, shall be fairly and openly exposed to sale, and sold by way of Public Auction within two years from the Importation thereof, and after due notice of the time and place of such Sale, given by the person charged with such Sale, to the Collector of Impost for the Port where the same shall be held; and the respective purchasers of all such Articles shall be considered the *bona fide* Importers thereof, for the payment or security of the Colonial Duties thereon, and shall make payment of, or give security for, the Colonial Duties thereon.

**XXIX.** *And be it further enacted*, That when any package or parcel shall have been landed by Bill of Sight, and any Goods or other things shall be found in such package or  
Goods concealed in Packages landed under Bill of Sight  
 parcel

parcel, concealed in any way, or packed with intent to deceive the Officers of the Colonial Revenue, as well all such Goods and other things as the package or parcel in which they are found, and all other things contained in such parcel shall be forfeited.

Damaged  
Goods

**XXX.** *And be it further enacted,* That if any Goods which are charged with Colonial Duties according to the number, measure, weight or tale thereof, (except certain Goods hereinafter mentioned,) shall receive damage during the voyage, an abatement of such Duties shall be allowed in proportion to the damage so received: Provided proof be made to the satisfaction of the Board of Revenue, or of any Officer of the Colonial Revenue acting therein, under their direction, that such damage was received after the Goods were shipped abroad in the Ship importing the same, and before they were landed; and provided, claim to such abatement of Duties be made at the time of the first examination of such Goods.

Abatement  
claimed on da-  
maged Goods  
now deter-  
mined

**XXXI.** *And be it further enacted,* That the Officers of the Colonial Revenue shall thereupon examine such Goods with reference to such damage, and may state the proportion of damage which, in their opinion, such Goods have so received, and may make a proportionate abatement of Duties:—but, if such Officers be incompetent to estimate such damage, or if the Importer be not satisfied with the abatement made by them, the Collector of Impost shall choose two indifferent Merchants, experienced in the nature and value of such Goods, who shall examine the same, and shall make and subscribe a declaration, stating in what proportion, according to their judgment, such Goods are lessened in their value by reason of such damage: and thereon the Collector of Impost may make an abatement of the Duties, according to the proportion of damage so declared by such Merchants.

Proviso

**XXXII.** *Provided always, and be it further enacted,* That no abatement of Duties shall be made on account of any damage received by any sorts of Goods charged with Duty according to the weight, measure, gauge or tale thereof, respectively.

Surplus Stores

**XXXIII.** *And be it further enacted,* That the surplus Stores of every Ship, arriving from parts beyond the Seas in this Province, shall be subject to the same Duties, and the same prohibitions, restrictions and regulations, as the like sorts of Goods shall be subject to when imported by way of Merchandize. But, if it shall appear to the Collector of Impost that the quantity or description of such Stores is not excessive or unsuitable, under all the circumstances of the voyage, it shall be lawful for him to permit such surplus Stores to be entered for the private use of the Master or owner of such Ship, or any Passenger therein, to whom such surplus Stores may belong, on payment of the proper Duties, or to be warehoused for the future use of such Ship, although the same could not be legally Imported by way of Merchandize.

Goods must be  
stated in Cock-  
ets

**XXXIV.** *And be it further enacted,* That no Goods shall be imported into this Province, as being imported from the United Kingdom, or from any other British Possession, (if any advantage attach to such distinction,) unless such Goods appear, upon the Cockets, or other proper documents for the same, to have been duly cleared outwards at the Port of Exportation in the United Kingdom, or in such other British Possession; nor unless the ground upon which such advantage be claimed be stated in such Cocket or Document.

Proof that  
Goods are Bri-  
tish

**XXXV.** *And be it further enacted,* That no Goods shall, upon the Importation into this Province, be deemed to be of the Growth, Production or Manufacture of the United Kingdom, or of any British Possession in America, unless imported from the United Kingdom, or from some British Possession in America, or unless satisfactory proof be given that such Goods are of British Growth, Production or Manufacture.

Cape of Good  
Hope

**XXXVI.** *And be it further enacted,* That, in all Trade with this Province, the Cape of Good Hope and the Territories and Dependencies thereof, shall be deemed to be within the limits of the East India Company's Charter.

Goods import-  
ed from Mau-  
ritius

**XXXVII.** *And be it further enacted,* That all Goods, Wares and Merchandize, the Growth, Produce or Manufacture of the Island of Mauritius, and all Goods, Wares and Merchandize, which, having been imported into the said Island of Mauritius, shall be imported from thence into this Province, shall be liable, upon such Importation, to the like Colonial Impost Duties, and no others, as Goods, Wares and Merchandize, of the Growth,

Growth, Production, or Manufacture of the British Possessions in America, will be subject to when imported into this Province.

**XXXVIII.** *And be it further enacted,* That no Goods, Wares and Merchandize, of the Growth, Production or Manufacture, of any British Possession *not* in America, nor within the limits of the East India Company's Charter, shall, on Importation into this Province, be charged with the Colonial Impost Duties, applicable to Goods *not* of the British Possessions in America, and in the fourth column of the Table of Duties contained, unless the same Goods, Wares and Merchandize, shall be subject to, and charged with, the Imperial Duties.

Goods imported from British Possessions

**XXXIX.** *And be it further enacted,* That in all cases where Goods are manufactured, or composed of two or more different kinds of materials, and the rate of Colonial Duty wherewith such Goods are charged according to the value, would be higher, if the same were rated on *one* material rather than the *other*, then, and in every such case, and with respect to all articles or things so formed of substances differently charged with duty, the same Goods and articles shall be rated and charged with the *highest* Duty, which any or either of such component parts or materials is subject to, or chargeable with; and if any doubt should occur, with respect to the mode of charging or computing such duty on articles of that nature, the Collector of Impost shall, and he is hereby required to, charge the duty thereon, in the same manner as the same Goods, if liable to any Imperial Duties, would be therewith charged at the Custom-House.

Goods composed of different kinds of Materials

**XL.** *And be it further enacted,* That it shall be lawful to bring or Import, by Land or Inland Navigation, into this Province from any adjacent British Colony, any Goods which might be imported by Sea, and so to bring or Import such Goods in the Vessels, Boats or Carriages of such Colony; and that the Colonial Duties imposed thereon shall be ascertained, levied and recovered, for and upon all Goods so brought or imported, in the same manner, and by the same means, and under the same rules, regulations, penalties, restrictions and forfeitures, as the Duties on the like Goods Imported by Sea may and can be ascertained, levied or recovered, as far as the same are applicable; and, if any Goods shall be brought or imported contrary hereto, or if any Goods so brought or imported shall be removed from the station or place appointed for the examination of such Goods, by the Officers of the Colonial Revenue, before all Duties payable thereon shall have been paid or secured, such Goods shall be forfeited, together with the Vessel, Boat or Carriage, and the Horses or other Cattle, in or by which such Goods shall have been so Imported or brought, or so removed.

Goods imported from an adjacent British Colony

**XLI.** *And for preventing frauds on the Revenue, be it enacted,* That no Ship, entering the Gut of Annapolis, shall pass the Town Plot of Digby to unlade at Bear River, or Moose River, or the creeks in the lower part of the Township of Granville, or any other place or places between the Town Plot of Digby aforesaid and the Town Plot of Annapolis, until the Master of such Vessel and Importer of the Goods on board respectively shall have made a Report and Entry, with the Collector of Impost in the Town of Digby, in the manner hereinbefore directed, of the whole Dutiable Articles on board such Ship, and shall have paid or secured the Colonial Impost Duties on such Goods, nor shall any Ship, entering the Gut of Annapolis aforesaid, pass the Town Plot of Annapolis to unlade at any place or places, further up the said River, or to the Northward or Eastward of the said Town Plot of Annapolis, until such Report and Entry as aforesaid shall have been made as aforesaid, with the Collector of Impost in the Town of Annapolis, of the whole Dutiable Articles on board such Ship, and until all the Colonial Impost Duties on such Goods shall have been paid or secured according to the Provisions of this Act, under the Penalty of Fifty Pounds for every such offence, to be paid by the Master of such Ship or Vessel.

Vessels entering Gut of Annapolis

*And whereas,* Ships bound to this Province, are oftentimes obliged by stress of weather, or other sufficient causes, to enter some one of its Ports, and such Ships may have on board Goods subject to Colonial Duties, which Goods it may be necessary to unlade, in order to repair such Ships, and enable them afterwards to proceed on their intended voyage:

Preamble

**XLII.** *Be it therefore enacted,* That it shall and may be lawful for the Collector of Impost

Vessels in distress

Impost, for the Port in which any such Ship may arrive, from the causes aforesaid, upon application to him by the Master or Agent thereof, to permit such Master or Agent to unlade all such Dutiable Articles, and to deposit and store the same in the Custody of the said Collector, and in some suitable Warehouse; and such Collector shall cause to be taken an exact account of the packages in which such Goods are contained, and of the contents of each package—and a correct entry of such cargo shall be duly made by such Master or Agent in manner before mentioned. And all the said Goods shall remain in the custody of the Collector, until such Ship shall have been put in a condition to receive the same on board again, and be ready for Sea: and upon payment of Store-rent, and all other reasonable charges that may have been incurred by the unloading and storing the whole or any part of such Goods, the said Collector is hereby required to deliver up the same to the said Master or Agent, to be exported from the Province, but under the same security, regulations, restrictions and conditions, as if such Goods had originally been duly imported into this Province: and the same Goods shall not be subject to any Colonial Impost Duties. *Provided always*, that no such person as aforesaid shall be entitled to the benefit of the exemption contained in this Clause who shall be proved to have sold any of the said Goods, other than and except such part thereof as may be necessary for defraying the expense of the repairs and charges incurred in respect of such Ship, and except also, such parts of such cargo as have been permitted to be sold for that purpose by the Board of Revenue; *And provided always*, that if any part of the said Goods shall be sold for the payment of the repairs and other necessary charges that may arise, in refitting any such Ship for the prosecution of her intended voyage, the Goods sold shall be subject to, and pay, the Colonial Duties chargeable thereon, and the same Goods shall either be entered to be Warehoused, or the Duties shall be paid or secured in the manner herein before provided, and by the purchaser thereof.

Salvage allowed and paid by sale of goods

**XLIII.** *And be it further enacted*, That it shall be lawful for the Owner or Salvor, of any property saved from Sea, and liable to the payment of Colonial Impost Duties, and in respect of which Property any sum shall have been awarded under any Law in force at the time, or in respect of which any sum shall have been paid, or agreed to have been paid, by the owner thereof or his Agent, to the Salvors, to defray the Salvage of the same, to sell so much of the property so saved as will be sufficient to defray the expense of the Salvage so awarded, or such other sum so paid or agreed to be paid, and that upon the production of an award made in execution of any such Law to the Board of Revenue, or upon proof to the satisfaction of the Board, that such sum of money has been paid or has been agreed to be paid, the said Board are hereby empowered and required to allow the Sale of such Property as aforesaid, free from the payment of all Duties, to the amount of such Sum so awarded, paid or agreed to be paid, or to the amount of such other sum as to the said Board shall seem just and reasonable.

Persons in possession of ship-wrecked Goods

**XLIV.** *And be it further enacted*, That if any person shall have possession of any Goods, derelict, flotsam, jetsam or wreck, brought or coming into any part of this Province, and which shall be subject to any Colonial Duties, and either on land or within any port of this Province, and shall not give notice thereof to the nearest Officer of the Colonial Revenue, immediately after such Possession, or without unnecessary delay, or shall not, on demand, pay or secure the Duties thereon, or deliver the same to the proper Officer of the Colonial Revenue, such person shall forfeit the sum of Fifty Pounds. And if any person shall remove or alter, in quality or quantity, any such Goods, or shall *unnecessarily* open or alter any package containing any such Goods, or shall cause any such act to be done, or assist therein, before such Goods shall be deposited in some Warehouse, in the Custody of the Officers of the Colonial Revenue, every such person shall forfeit the sum of Fifty Pounds, and in default of the payment of the Colonial Duties on such Goods, within eighteen months from the time when the same were so deposited; the same may be sold in like manner, and for the like purposes, as Goods imported may in such default be sold; *Provided always*, that any person, having by law just claim to such Goods, or having possession of the same, shall be at liberty to retain the same in his own Custody, giving Bond, with two sufficient Sureties to be approved by the Collector of Impost, in treble the value of such Goods, for the payment of the Duties thereon, at the

the end of one year and one day, or to deliver such Goods to the proper Officer of the Colonial Revenue, in the same state and condition as the same were in at the time of taking possession thereof.

**XLV.** *Provided always, and be it further enacted,* That nothing in the next preceding Section contained shall extend to Goods derelict, jetsam, flotsam or wreck, in the custody or under the management of any Commissioner for the time being of the Isle of Sable. Proviso

*And whereas,* Goods, not being of the Growth, Production, or Manufacture of the United Kingdom, or of the British Possessions in America, are subject to certain Imperial Duties, payable at His Majesty's Custom House :

**XLVI.** *Be it therefore enacted,* That no Goods, which are subject to such Imperial Duties, shall be entered *inwards* or *outwards*, with any Collector of Impost, until such Goods shall have first been duly entered with the proper Officers of His Majesty's Customs, and a warrant by them granted for the delivery thereof, absolutely on payment of Duties, or to be Warehoused, or for exportation, as the case may be ; nor until a duplicate copy of the entry *inwards*, either for warehouse, or for home use, or *outwards* for exportation, made of such Goods at the Custom House, and also the warrant for the same Goods, under the hands of the proper Officer of the Customs, shall be produced to the Collector of Excise ; nor unless the Bill of Entry, made for such Goods at the Office of Impost, shall correspond in all particulars with the Bill of Entry made thereof at the Custom House ; nor unless such Bill of Entry shall be made in duplicate, and exhibit, in separate columns, the amount of Imperial Duties and of Colonial Duties, where-with such Goods are chargeable ; nor unless, where the Imperial Duties have been paid, the payment thereof shall be certified on such duplicate Bills of Entry by the proper Officers of the Customs. And in all cases Goods subject to Imperial Duties, in the Custody or care of the Officers of the Customs, shall be deemed and taken to be in the Custody of the Officers of the Colonial Revenue, for the purposes of such Revenue, and the Acts relating thereto, and shall not be taken out of the Custody of the Officers of the Customs ; but if not in their Custody shall be delivered to such Officers of the Customs. Foreign Goods subject to Imperial Duties to be entered first at Custom House

**XLVII.** *And be it further enacted,* That no Goods whatever, (except articles here-in before allowed to be landed without permit) shall be unshipped, from any Ship arriving from parts beyond the Seas, or arriving coastwise with Goods subject to Colonial Duties, or be landed or put on shore, but only on days not being Sundays or Holidays, and in the day time, and between such hours as the Board of Revenue shall appoint ; nor shall any Goods, except as aforesaid, be so unshipped or landed, unless in the presence or with the authority of the proper Officer of the Revenue, and at the place expressed in the permit for landing, and that no Goods, except as aforesaid, after having been unshipped, shall be transhipped ; or after having been put into any Boat or Craft to be landed, shall be removed into any other Boat or Craft previously to their being duly landed, without the permission or authority of the proper Officer of the Colonial Revenue. Goods to be landed in day time

**XLVIII.** *And be it further enacted,* That the unshipping, carrying and landing of all Goods, and the bringing the same to the proper place after landing for examination, or for weighing or guaging, and the putting the same into the Scales, and the taking the same out of and from the Scales after weighing, shall be performed by or at the expense of the Importer. Expenses attending examination of Goods

**XLIX.** *And be it further enacted,* That this present Act may be altered or amended by any Act or Acts of the present Session of the General Assembly. Act may be altered, &c.

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

## CAP. XLVIII.

## An Act concerning Goods Exported, and for granting Drawbacks.

Continued by  
5. Wm. IV, c.  
33

(PASSED THE 16th DAY OF APRIL, 1834.)

Preamble

**WHEREAS**, it is expedient to revise and amend the regulations heretofore in force relating to the Exportation of Goods from this Province, and to the Drawback or Allowance of Colonial Impost Duties on Articles exported, or otherwise freed or exempted from Duty—and, as far as may be practicable, such regulations, so far as they relate to Goods exported, to assimilate to the provisions for exportation, contained in the Act of the Imperial Parliament, passed in the Third and Fourth Year of the Reign of His Majesty King William the Fourth, entitled, An Act to regulate the Trade of the British Possessions Abroad:

Act in operation

**I. Be it therefore enacted, by the President, Council and Assembly,** That upon, from and after the first day of April, in this present Year of Our Lord One Thousand Eight Hundred and Thirty-four, this Act shall come into and be in operation.

Entries outwards

**II. And be it further enacted,** That the Master of every Ship bound from any port of this Province shall, before any Goods be laden therein, deliver to the Collector of Impost, or other proper Officer, an Entry Outwards, under his hand, of the destination of such Ship, stating her name, country and tonnage, and, if British, the port of registry, the name and country of the Master, and the number of the Crew; and if any Goods be laden on board any such ship before such entry be made, the Master of such ship shall forfeit the sum of Fifty Pounds; and, before such ship depart, the Master shall bring and deliver to the Collector or other proper Officer a Content, in writing under his hand, of the Goods laden, and the names of the respective Shippers and Consignees of the Goods, with the marks and numbers of the packages or parcels of the same; and shall make and subscribe a declaration to the truth of such Content, as far as any of such particulars can be known to him. And thereupon, the Collector or other proper Officer, if such ship be laden, shall make out and give to the Master a Certificate of the Clearance of such ship for her intended voyage, containing an account of the total quantities of the several sorts of Goods laden therein, or a Certificate of her Clearance in ballast, as the case may be.— And if the ship shall depart without such Clearance, or if the Master shall deliver a false Content, or shall not truly answer the questions demanded of him, he shall forfeit the sum of Fifty Pounds.

Drawbacks

**III. And be it further enacted,** That whosoever shall export or carry out of this Province, by sea, any Goods chargeable with Colonial Impost Duties, upon which on their entry inwards for home use the duties shall have been duly paid or secured, shall be entitled to, and shall be allowed, a drawback or allowance of the *whole* amount of such duties: *Provided*, the Goods shall be of the quantity or value for which a drawback of duty is hereinafter allowed; *and provided also*, that the regulations hereinafter contained shall be in all things observed in respect thereof.

Goods warehoused may be exported without payment of Duties

**IV. And be it further enacted,** That all Goods, charged with Colonial Impost Duties and entered to be warehoused on or as of the first importation thereof, shall and may be exported and carried out of this Province by Sea, from any *King's or Special Warehouse*, without payment of Duty; *Provided*, the regulations hereinafter contained shall be observed in respect thereof.

Exportation of Goods on which Drawback is to be claimed

**V. And be it further enacted,** That no Goods, on which upon Exportation any Drawback of Duties is intended to be claimed; and no Goods, which having been warehoused without payment of Duty, are intended to be exported from the Warehouse, shall be laden, or waterborne to be laden, on board of any ship, in any port or place of this Province, until due entry outward shall have been made of such Goods, and Permit granted for the lading of the same; and that no Goods shall be so unladen or waterborne, except at some place at which an Officer of the Colonial Revenue is appointed to attend the lading of such Goods; and that no Goods shall be so unladen except in the presence, or with.

with the permission in writing, of the proper Officer. *Provided always*, that it shall be lawful for the Board of Revenue to make and appoint such other regulations for the carrying coastwise of any Goods as to them shall appear expedient. And that all Goods laden, or waterborne to be laden, contrary to any regulations of this Act, or contrary to any regulations so made and appointed, shall be forfeited.

VI. *And be it further enacted*, That the Person entering any such Goods outwards for Drawback, or for Exportation, or from the Warehouse, shall deliver to the Collector or other proper Officer a bill of the entry thereof outwards, fairly written in words at length, containing the name of the Exporter, and of the ship, and of the Master, and of the place to which bound, and of the particular place within the port where the Goods are to be laden, and the particulars of the quality and quantity of the Goods, and the packages containing the same, and the marks and numbers on the packages; and the Collector or other proper Officer shall thereupon grant his Shipping Permit for the lading of such Goods, which permit shall be written upon, or annexed to, a copy or copies of such entry to be made by the Exporter.

Bills of Entry  
of Goods out-  
wards

VII. *And be it further enacted*, That upon the Entry Outwards of any Goods to be exported for Drawback, or to be exported from the Warehouse, the person entering the same shall give security by Bond in treble the duties of Importation on the quantity of such Goods, with two sufficient Sureties to be approved of by the Collector, that the same shall be landed at the place for which they may be entered, or be otherwise accounted for to the satisfaction of the Board of Revenue.

Bond to be  
given for Goods  
exported

VIII. *And be it further enacted*, That every person who shall make or cause to be made any Entry outwards of Goods for Drawback, or for Exportation from the Warehouse, not being the Master of the Exporting Ship, or not being duly authorised thereto by the Proprietor, or Agent of the Proprietor of such Goods, shall for every such offence forfeit the sum of Fifty Pounds.

Unauthorised  
Entry of Goods  
for exportation

IX. *And be it further enacted*, That no Entry outwards, nor any Shipping Permit, or for the taking of any Goods out of any Warehouse for Exportation, shall be deemed valid unless the particulars of the Goods and Packages in such Entry shall correspond with the particulars of the Goods and Packages purporting to be the same in the Entry inwards for home use, or in the Entry for Warehousing; nor unless such Goods shall have been properly described, in the Entry outwards, by the denomination, and with the characters and circumstances, according to which such Goods were originally charged with duty. And any Goods, laden on board any ship, or taken out of any Warehouse, by virtue of any Entry outwards or shipping permit, not corresponding or agreeing substantially in such respects, or not properly describing the same, shall be deemed Goods taken without due Entry thereof, and shall be forfeited.

Particulars of  
Goods to be  
expressed in  
Entries

X. *And be it further enacted*, That a Drawback as aforesaid of the whole Colonial Duties, upon Goods not Warehoused, or upon Goods on which those Duties shall have been paid or secured, shall be allowed, upon any quantity of Wine not less than Twenty-five gallons, or upon any quantity of Spirits or other Liquors, not less than One Hundred gallons, re-shipped or exported in the original Casks or Packages; and upon any quantity not less than Three Hundred weight of Coffee, or any quantity not less than Ten Hundred weight of Sugar, or other articles charged with Duty, according to the weight thereof; and upon any amount, not less than Fifty Pounds of the original or declared value of any articles charged with Duty according to the value thereof.

Quantity of  
Wines, &c. en-  
titled to Draw-  
back

XI. *And be it further enacted*, That before any Goods—not exported from the Warehouse, and being charged with duty according to the weight, tale, gauge or measure thereof—shall be laden for exportation, the Shipping Permit granted therefor shall be exhibited to the Guager and Weigher for the port, who shall thereupon, without fee, gauge or weigh the same Goods, or ascertain the tale or measure thereof, before the shipment of such Goods; and certify on the permit that the Goods therein mentioned are of the gauge, tale, weight or measure, by him ascertained.

Permit to be  
exhibited to  
Guager

XII. *And be it further enacted*, That as soon as any Goods so entered outwards for Drawback, not being Goods exported from the Warehouse, shall have been actually laden and put on board the ship mentioned in the Permit, the Master of such ship and the Exporter of the Goods shall, before the Collector, respectively make and subscribe

Shipmasters'  
Affidavit as to  
Goods export-  
ed

an.

an Affidavit in writing—to the said Entry to be annexed or thereon written, whereby they shall severally declare, on oath, that the Goods in such Entry for Exportation mentioned are actually shipped and laden on board the ship therein specified, for the purpose of being therein exported out of the Province, and are not intended to be reloaded, sold or exchanged, in any part thereof. And the Exporter shall therein further on oath declare that the Goods so specified, were really part of the Stock of the Person by whom the same were entered for Home use; and shall specify the Office of the Collector where the same were so entered, and the date of such Entry; and declare that the Goods are of the same quality, proof and description, as when first imported, or as described in the Entry Outwards.

Drawback to  
be endorsed on  
Bond for duties

XIII. *And be it further enacted,* That as soon as such Bond for Exportation shall have been given, and Affidavit made as aforesaid, in respect of Goods not exported from the Warehouse, then—if the duties thereon have not been fully paid—the Collector shall indorse on the Bond a credit or satisfaction for so much money as the Duties on the Goods shipped for Exportation shall amount to, and the Bond for Exportation shall to that extent stand in lieu of the Bond for Duties. But if the whole or any part of the duties on the Goods Exported have been paid, then the Exporter, or party-entitled to the Drawback shall, within three months, be entitled to receive from the Treasurer of the Province the whole amount or balance of the duties so actually paid as aforesaid. *Provided* that the Board of Revenue shall be satisfied that the said Goods were exported from the Province, and not reloaded, sold or consumed therein, or shall receive from the Exporter such proof of the fact as to them may seem necessary.

Certificates to  
be procured by  
Claimants of  
Drawbacks

XIV. *And be it further enacted,* That if at any time within one year from the date of such Entry Outwards, there shall be produced to the Collector of the Port whence such Goods were exported, a Certificate, annexed to or containing a copy of such Shipping Permit for any Goods exported, either for Drawback or from the Warehouse, and signed by or under the seal and signature of some principal Officer of His Majesty's Customs at the place to which such Goods shall be exported, or signed by or under the seal and signature of any Consul or Vice-Consul in any Foreign State or Country to which such Goods shall be exported, or, otherwise, an Affidavit in writing, annexed to, or containing a copy of, such Permit, and signed and sworn to, by any credible person resident at the place to which such Goods shall be exported, and certified by a Notary Public, Judge or Chief Magistrate, or any two Justices of the Peace of such place, and under his or their seal of office if any: and in which Certificate or Affidavit it shall be stated that the Goods therein referred to, being the same stated in the Shipping Permit, were, to the knowledge of the party certifying or deposing, actually and truly landed at some port or place out of the Province, or were lost or destroyed by the perils of the Seas, or that the vessel in which the Goods were shipped had never arrived at the Port of destination, and was supposed to be lost, then, and in every such case, the Bond for Exportation shall be cancelled and the Exportation be deemed actually made.

Drawbacks al-  
lowed

XV. *And be it further enacted,* That upon the production of the like Certificate or Affidavit, Drawbacks for Duties shall be allowed by the Board of Revenue, and ordered to be credited, or paid as the case may be, to the respective parties by whom *heretofore* any Goods charged with Colonial Duties have been exported conformably with the provisions of any Acts heretofore in force concerning Drawbacks or Allowances of such Duties, and who have not yet received or been allowed the same, on account of non-compliance with such provisions of former Acts.

XVI. *And be it further enacted,* That whenever any Goods, imported into any port of this Province, and there duly entered, and upon which Goods the Colonial Impost Duties shall have been there duly paid or secured, shall be sent or consigned coastwise to any person at any other Port of this Province, it shall and may be lawful for the person, to whom such Goods are so sent or consigned, as the Agent of or for the original Importer, to export the same beyond the seas from such *second* Port, and to receive the Drawback of Duty thereon in the name of the original Importer; *Provided,* such Goods have been at the *first* Port duly entered as aforesaid for Exportation to the *second* Port coastwise: *And provided,* such and the like shipping Permit as before mentioned has been

Dutiable Goods  
consigned;  
coastwise

been granted for the Goods so exported coastwise ; in which Permit it shall be stated that the Colonial Impost Duties thereon have been duly paid or secured at the first Port of Entry ; and therein also shall be stated the Importing Ship's name, and the place from whence, and the time when such Goods were imported, and the marks or numbers of the Casks or Packages :—*And Provided further*, That all Wines, Spirits and Liquors, be in the original Casks or Packages.

XVII. *And be it further enacted*, That whenever Goods, subject to Colonial Impost Duties, shall be imported into this Province, and part thereof shall, without being unladen, be designed to be exported in the *Importing* ship to parts beyond the Seas, such Report, Entry, and other Proceedings, as are directed and prescribed by the Act for Regulating the Importation of Goods, shall be had and taken for, and in respect of, all such Goods as shall be intended to be landed in this Province ;—and all the Regulations and Enactments of that Act shall apply thereto ; and all the Goods intended to be exported in the Importing ship, shall be reported and entered outwards for Exportation in the same ship, in the manner by the present Act before prescribed, but without landing or putting on shore the Goods so designed to be exported, unless in cases hereinafter mentioned ; and the duties to which such Goods, if entered inwards and landed, would be subject to, shall, without landing such Goods or gauging or weighing the same, be ascertained by means of, and according to, the quantities and values in the original Manifest or Invoice of the Cargo specified, after deducting therefrom the quantity and value of the Goods entered inwards and landed from such ship, and thereupon such Shipping Permit as aforesaid shall be granted, and such Bond for Exportation shall be given, by the Exporter, with two Sureties in such sum ; and with such conditions, as is hereinbefore directed, in respect to Goods exported after having been landed in this Province, and such Bond shall be cancelled on production of the like Certificate or Affidavit with respect to the Goods exported, as is before directed for cancelling Bonds for Exportation and obtaining allowance of Drawback.

Portions of  
Cargoes in-  
tended for ex-  
portation

XVIII. *And be it further enacted*, That, upon such Entry outwards for Exportation in the Importing ship, the person making such Entry shall produce and deliver, to the Collector or other proper Officer, the original Invoice of all the Goods so entered outwards for Exportation, and shall answer all such questions as shall be put to him, and shall further answer all such questions concerning the ship, cargo and voyage, as shall be demanded of him by such Officer ; and shall also verify such Invoice by an Affidavit, to be made in writing, and signed by the party making such Entry, and the same shall be in the following words :

Original In-  
voice to be  
produced of  
Goods intend-  
ed for export-  
ation

I. (*Name and Designation of Party*.) do solemnly Swear, that the Invoice to this Affidavit annexed, and now by me produced, is the original Invoice of the Goods now by me entered outwards for Exportation, in the Ship called the (*Ship's name*) whereof (*Master's name*.) is Master, bound to (*Port of Destination*.) and that such Invoice was actually and truly made at the Port out of the Province, where such Goods were originally shipped, and does contain, to the best of my knowledge and belief, a true and just account of the quantities and value of each and every part of the Goods so by me now entered for Exportation in the said Ship.

Affidavit to be  
made

XIX. *And be it further enacted*, That if on examination it shall be discovered that the Report and Entry made of such Goods for Exportation shall be false, and that there was a greater quantity of Dutiable Goods laden on board the ship than was reported and entered as aforesaid, all the Surplus Goods shall be forfeited ; and the party making such false Entry shall be subject to all the Penalties and Forfeitures imposed in and by this Act, or any other Act relating to the Colonial Revenue, on persons making false Report or Entry ; and if any part of the Goods so permitted to be exported as aforesaid shall be *fraudulently or clandestinely* discharged or unladen within this Province, from on board the ship in which the same were imported, such ship, and all the Goods so landed, together with the Boats, Carts and Carriages employed in landing or removing the same, shall be forfeited ; and all and every person or persons, who shall be aiding and assisting in such fraudulent or clandestine landing of any such Goods, shall forfeit and pay the sum of Fifty Pounds.

Examination  
of Reports and  
Entries

Refusal to pro-  
duce original  
Invoice

**XX.** *And be it further enacted,* That in case the party, making such Report and Entry for Exportation, shall neglect or refuse to produce such original Invoice, and to verify the same as aforesaid, or to answer such questions, or to give such Bond for Exportation as aforesaid, then the Collector or other proper Officer shall cause the Goods so entered for Exportation to be landed, at the expense of the Importer, and the Duties to be ascertained and secured in the manner directed by the Act for regulating the Importation of Goods.

Doubts as to  
the truth of  
Reports or  
Entries

**XXI.** *And be it further enacted,* That in case the Collector shall have any just cause to doubt the truth or authenticity of any Report or Entry of Goods for Exportation, or of the Invoice produced, he shall and may search and examine into the contents of the cargo so reported and entered; and may remove or cause to be removed the packages from one part of the ship to the other, so as to ascertain, as far as possible, the true contents of each package; and the Master, Officers and Crew of such Vessel, shall aid and assist the Revenue Officer or Officers in making such search and examination; and in case such assistance shall be refused, then, and in such case, the Goods shall be landed, and the truth of such Report and Invoice ascertained. And it shall and may be lawful for the Officer making such search to call to his aid three respectable Merchants to assist therein; and if in the opinion of such Merchants there shall be any reasonable cause for further suspicion, they shall certify the same; which certificate shall be sufficient to authorise the proper Officer to order the cargo to be discharged, and the truth or falsity of the Report and Invoice actually ascertained, by weighing and guaging such Goods as are chargeable with Duty according to the weight, number, guage or measure thereof, or by appraisement and valuation of the Goods subject to Duty, according to the value thereof, and in like manner as prescribed by the Act for regulating the Importation of Goods.

Proviso

**XXII.** *Provided always, and be it further enacted,* That if the difference, between the Invoice and the Return of the Guager and Weigher, shall, in the opinion of three Merchants, not exceed the difference which frequently occurs between the guage and weight of two different ports and places, in such case no penalty or forfeiture shall attach to the person making such Report or Entry.

Delay in  
unlading

**XXIII.** *And be it further enacted,* That if the Master or Owner of the ship in which Goods are entered for Exportation as aforesaid, shall unnecessarily delay unlading the part or parts of her cargo entered to be landed, or shall, after the unlading thereof, delay, for a space longer than ten days, proceeding on her voyage, and departing from the Province with the Goods so to be exported, the said Master or Owner shall pay, each and every day, to the Tide Waiter employed to attend such vessel during such delay, the daily pay established for a Tide Waiter to receive from the Province when on Duty; and on refusal, it shall be lawful for such Tide Waiter to recover the same, in a summary way, before one of His Majesty's Justices of the Peace, for the County or place within which such Tide Waiter shall have been so employed.

Exemption  
from Duty of  
articles requir-  
ed by Army or  
Navy

**XXIV.** *And be it further enacted,* That all Wines, and all Brandy, Gin, Rum or other distilled Spirituous Liquors, and Brown Sugars, and all Flour, Bread, Cheese, Oatmeal, Peas, Salted Suet, Vinegar, Oil, Raisins and Currants, and all Salted Beef, Salted Pork, Butter and Cocoa, imported into this Province, for the use of His Majesty's Army or Navy or the Naval Yard, by any Commissary, actually in His Majesty's Service, or by any Contractor for the supply of such articles for the use aforesaid; and all such articles being prize Goods, purchased for the use aforesaid, at any Sale thereof made by the authority of a Court of Admiralty; and all such distilled Spirituous Liquors, manufactured or distilled within this Province, and supplied for the use aforesaid, shall severally and respectively be exempted and freed from all Colonial Impost Duties with which the same may be charged or chargeable: *Provided* the said respective Goods, upon the first importation thereof, or being prize Goods, immediately after the purchase thereof, or being Spirituous Liquors, distilled within this Province, immediately after the manufacture thereof, shall be duly entered to be warehoused, and deposited in any King's or Special Warehouse, according to the regulations in force with respect to the Warehousing of Goods: *and provided* that, when any such enumerated Goods are intended to

be

be delivered from the Warehouse, such entry inwards thereof shall be made as by Law prescribed with respect to Goods entered for *home* use; and in such entry the party making the same shall state and declare, that the Goods therein mentioned are *solely* for the use of His Majesty's Army or Navy, or the Naval Yard, and for no other use or purpose whatsoever; and thereupon the person entering the same for the use aforesaid shall give Security by Bond, in treble the Duties of Importation on the quantity of such Goods, with two sufficient Sureties, to be approved by the Collector of Impost, that the said Goods shall be delivered to the proper person or persons authorised to receive the same for the use of His Majesty's Army, Navy, or Naval Yard, or be otherwise accounted for to the satisfaction of the Board of Revenue.

**XXV.** *And be it further enacted,* That, upon such Security being given, a permit for delivering from the Warehouse the Goods so entered for the use aforesaid shall be granted; and the same Goods shall be delivered out of the Warehouse, in the presence of the proper Officer of the Colonial Revenue; and in his presence shall be immediately conveyed and delivered over to the Commissary, or other proper Officer appointed to receive the same, for the use of His Majesty's Army; or to, or on board of, some one of His Majesty's Ships of War, or into the Naval Yard; and a receipt for the Goods so delivered shall be signed on the Permit; and the same being returned to the Collector of Impost, and verified on Oath, if required, shall be sufficient for the cancelling of the said Security; unless the Goods shall be fraudulently applied, or used otherwise than for His Majesty's said Service.

Delivery of  
Goods from  
Warehouse for  
Army or Navy

**XXVI.** *And be it further enacted,* That if any of the Goods above enumerated shall be supplied or delivered, for the use of His Majesty's Army, Navy or Naval Yard, after the Colonial Duties thereon have been paid or secured, a Drawback of the *whole* Duties thereon shall be allowed; provided a permit for the delivery thereof, for the use aforesaid, and specifying the quantities thereof respectively, with the marks and numbers of the casks or packages containing the same, shall have been first obtained from the Collector of impost; *And provided,* the said Goods be conveyed and delivered, in the presence of the proper Officer of the Colonial Revenue, in the like manner as is before directed with respect to Goods taken for the use aforesaid out of Warehouse, and the like receipts on the Permit, and verification thereof; shall be made as aforesaid. And thereupon, credit, on the Bond of the Importer or party supplying such Goods, shall be given for the amount of Duty on the Goods so applied, or the like amount shall, if such Bond be satisfied, be paid to him, from the Provincial Treasury, unless the Goods shall be *fraudulently* applied, or used otherwise than for His Majesty's Service.

Drawback al-  
lowed on arti-  
cles supplied  
Army or Navy

**XXVII.** *And be it further enacted,* That if any such Goods so entered, or for which Permit shall be granted for the delivery thereof, for the use of His Majesty's Army, Navy or Naval Yard, shall be charged with Duty according to the Weight, Tale, Gauge or Measure thereof, the same shall be first Guaged or Weighed, and the quantity contained in each cask shall be marked by the Guager on the head thereof; and on that quantity, and no more, the person supplying such Goods shall be allowed credit, or repaid the Duties by him secured or paid thereon.

Guaging, &c.  
of Goods for  
Army or Navy

**XXVIII.** *And be it further enacted,* That if any such Goods so entered, or for which Permit shall be granted for the use of His Majesty's Army, Navy or Naval Yard, shall afterwards be fraudulently relanded in this Province, from any of His Majesty's Ships, or be sold within the Province, or be fraudulently applied, otherwise than for the use aforesaid, the same shall be forfeited, and every person, party to, or concerned in, such fraudulent relanding, sale, removal or fraudulent application of any such Goods, otherwise than for the use aforesaid, shall forfeit the sum of Fifty Pounds.

Fraudulent  
relanding of  
Goods for  
Army, &c.

**XXIX.** *And be it further enacted,* That it shall and may be lawful for the Governor for the time being, on the application of the Captain or Officer commanding any of His Majesty's Ships of War, about to leave the Province, to grant a Licence to purchase, for the use of the Officers of such Ships respectively, so many Gallons of Wine as shall be recommended, by the Board of Revenue, as a reasonable allowance for the use of the Officers of such Ships; so as the same be calculated to supply such Officers for a period of at least three months: and the name or names of the person or persons, from whom such Wines are intended to be purchased, shall be inserted in such Licence. **XXX.**

License to pur-  
chase Wine  
for H. M. Ships

Permit to be  
obtained to  
ship Wines for  
use of Navy

**XXX.** *And be it further enacted,* That the person, so selling Wines in such licence allowed, shall obtain the necessary Permit, and ship the said Wines according to the provisions, and under all the regulations hereinbefore prescribed, in cases of Exportation of Dutiable Articles from the Warehouse, or if entered for home use, according to the regulations on Exportation for Drawback, and shall also take the Exporter's Oath required in the latter case, and the Officers, for whose use such Wines shall have been so purchased and shipped, shall certify that such Wines are actually on board one or more of His Majesty's Ships then ready for sea, and that no part thereof shall with their consent, privity or knowledge, be relanded in this Province: which certificate, together with the Licence for such Purchases, shall be delivered to the Collector of Impost, and thereupon the person from whom such Wines shall have been purchased shall have his Bond on Export from the Warehouse cancelled; or otherwise shall be entitled to a Drawback of the Duties which shall have been paid or secured thereon, in the same manner as is allowed by this Act on Wines exported out of this Province.

*And whereas,* The Fisheries of this Province, and the Trade arising therefrom, require encouragement. *And whereas,* certain Foreign Goods are charged with Duty, under the said Act of the Imperial Parliament, and are also subject, under the Act of the present Session for granting Colonial Impost Duties, to a Duty including and exceeding the said Imperial Duty, which excess of Duty it is expedient in certain cases to relinquish:

Goods pur-  
chased with  
proceeds of  
Fish or Fish  
Oil

**XXXI.** *Be it therefore enacted,* That the Board of Revenue shall be and is hereby authorised, by any order of the Board, to free and exempt, from the difference or excess of the said Colonial over the Imperial Duty, and to the extent only of such excess, all such Foreign Goods, liable to the Colonial Impost Duties, as, by satisfactory proof on Oath, shall, to the said Board, appear to have been actually and *bona fide* purchased or procured with the proceeds of Fish and Fish Oil, caught, cured and made, by the Inhabitants of this Province, and others employed in the Fisheries thereof; and which shall have been exported in vessels owned and registered in this Province, or belonging to British Merchants engaged and carrying on the Fisheries of the same; all which proof shall be taken in writing, in such way as that the same may be submitted to the inspection of the General Assembly, when required.

Agents may be  
appointed to  
enter Goods  
&c

**XXXII.** *And be it further enacted,* That if any Owner or Merchant shall be resident in some part of the Province, being more than ten miles from the Office of the Collector at the port of shipment, he may appoint any person to be his Agent, to make and pass his entry, and to clear and ship his Goods, and to receive for him the Drawback or Bounty payable on his Debenture or Certificate of Drawback if payable to him; provided the name of such Agent, and the residence of such Owner or Merchant, be subjoined to the name of such Owner or Merchant in the Entry, and in the shipping permit for such Goods; and such Agent, being duly informed, shall make declaration upon the entry, if any be necessary, and also upon the Debenture, in behalf of such Owner or Merchant, to the effect before required of such Owner or Merchant; and shall answer such questions touching his knowledge of the Exportation of such Goods, and the property therein, and of the right to the Drawback or Bounty, as shall be demanded of him by the Collector; and if any such Goods be exported, by any Corporation or Company trading by a joint Stock, it shall be lawful for them to appoint any person to be their Agent for the like purposes, and with the like powers, to act in their behalf.

Limitation of  
claim for  
Drawbacks

**XXXIII.** *And be it further enacted,* That no Drawback shall be allowed, upon the Exportation of any Goods, unless such Goods be shipped within three years after the payment of the Duties inwards thereon.

Agency in the  
export of Goods

**XXXIV.** *And be it further enacted,* That if any Goods, which are to be exported for Drawback, be the property of any person residing abroad, having been consigned by the Owner thereof to some person, or his Agent, residing in this Province, to be exported from the same to parts beyond the Sea, by such Agent, upon account of such Owner, it shall be lawful for such person (being the Consignee by whom, or in whose name, the Duties inwards on such Goods had been paid, or his legal Representative,) in like manner, as Agent for such Owner, to enter, clear and ship, such Goods for him, and upon like Condition to receive for him the Drawback payable thereon.

**XXXV.**

**XXXV.** *And be it further enacted,* That the exemption contained in the said Act of the present Session of the General Assembly, for granting Colonial Impost Duties, whereby Foreign Goods, otherwise charged with Duty, are in certain cases declared *free* from such Colonial Duties, to the extent of the Imperial Duties chargeable thereon, in case the said Goods were otherwise imported, shall not extend, or be construed to extend, to any Foreign Flour, or Salted Beef, or Salted Pork, imported, entered or supplied, for the use of the British Fisheries.

Articles not included in the exemptions

**XXXVI.** *And be it further enacted,* That, upon the representation of the Board of Revenue, it shall be lawful for the Governor for the time being, with the advice and consent of His Majesty's Council, to suspend the operation of any regulation or restriction in this Act contained, which may be found in practice attended with injury or inconvenience to the Trade of the Province, and such suspension to continue during the whole or such part of the duration of this Act as shall be found expedient.

Operation of the Act may be suspended

**XXXVII.** *And be it further enacted,* That this Act shall continue and be in operation until the Thirty-first day of March, in the year One Thousand Eight Hundred and Thirty-five, and no longer,

Continuation of Act

## CAP. XLIX.

### An Act for the General Regulation of the Colonial Duties.

Continued by 5, Wm. 4, c 34

(PASSED THE 15th DAY OF APRIL, 1834.)

**WHEREAS,** it is expedient to provide effectual regulations in respect to the Colonial Impost Duties, and to assimilate as far as possible the modes of receiving, collecting, paying, and securing the same, to those prescribed by the Act of Parliament, passed in the Third and Fourth Year of the Reign of His Majesty King William the Fourth, entitled, An Act to regulate the Trade of the British Possessions Abroad:

Preamble

**I.** *Be it therefore enacted, by the President, Council and Assembly,* That this Act shall commence and come into operation upon, from, and after the first day of April, in this present Year of Our Lord One Thousand Eight Hundred and Thirty-four.

Time Act comes into operation

**II.** *And be it further enacted,* That all Reports, Entries, Clearances, Bonds, Proceedings, Matters and Things whatsoever, which, under or in pursuance of the provisions of the said Imperial Act, or of any Act in addition to, or amendment thereof, shall be made, done or performed, by, to or before, any Officers of His Majesty's Customs, if the same also by any Act relating to the Colonial Revenue be required to be done before any Officer of the Colonial Revenue, shall be made, done or performed, by delivering to such Officer a duplicate original of the same Entry, Paper, Document, Bond or Writing, and signed by the same parties as shall have been made, done or signed, before such Officer of the Customs.

Reports, Entries, &c.

**III.** *And be it further enacted,* That all Duties, Drawbacks and Bounties, and all sums of money, penalties and forfeitures, mentioned in any Act concerning the Colonial Revenue, shall be deemed and taken to be British Sterling.

Duties, &c. taken to be British Sterling

*And in order* to avoid the frequent use of numerous terms and expressions in any Act relating to the Colonial Revenue, and to prevent any misconstruction of the terms used therein:

Preamble

**IV.** *Be it further enacted,* That whenever the several terms or expressions following shall occur in any Act relating to the Colonial Revenue, the same shall be construed respectively in the manner hereinafter directed, that is to say, that the term "*Ship*" shall be construed to mean Ship or Vessel generally, unless such term shall be used to distinguish a Ship from Sloops, Brigantines, and other classes of Vessels; that the term "*Master*" of any Ship, shall be construed to mean the person having or taking the command of such Ship; that the term "*Owners*" and the term "*Owner*" of any Ship, shall be construed alike to mean one Owner, if there be one only, and any or all the Owners, if there be more than one; that the term "*Mate*" of any Ship, shall be construed

Definitions of certain Terms used in Acts

to mean the person next in Command of such Ship to the Master thereof; that the term "*Seaman*" shall be construed alike to mean Seaman, Mariner, Sailor or Landsman, being one of the Crew of any Ship; that the term "*His Majesty*" shall be construed to mean His Majesty, His Heirs and Successors; that the term "*Governor*" shall be construed to mean the Governor, Lieutenant-Governor, President, or Commander in Chief of this Province, for the time being; that the term "*parts beyond the Seas*" shall be construed to mean any Port or place not being within this Province, or the limits thereof; that the term "*East India Company*" shall be construed to mean the United Company of Merchants of England, trading to the East-Indies; that the term "*Limits of the East-India Company's Charter*" shall be construed to mean all Places and Seas Eastward of the Cape of Good Hope, to the Straits of Magellan; that the term "*Collector*" shall be construed to mean the Collector of Impost of the Port intended in the sentence; that the term "*proper Officers*" or "*proper Officer*" of the "*Colonial Revenue*" shall be construed to mean the person appointed or directed to do the Act referred to; that whenever mention is made of any Public Officer, the Officer mentioned shall be deemed to be such Officer for the time being; that the term "*Warehouse*" shall be construed to mean any place, whether House, Shed, Yard, Timber-pond, or other place in which Goods entered to be Warehoused upon Importation may be lodged, kept and secured, without payment of Duty, or although prohibited; that the term "*King's Warehouse*" shall be construed to mean any place provided by the Crown for lodging Goods therein for security of the Duties under the Act of the Imperial Parliament; and that the term "*Special Warehouse*" shall be construed to mean any other Warehouse where Goods liable to the Colonial Duties are permitted to be warehoused.

Bonds—how  
taken—cancel-  
led

V. *And be it further enacted*, That all Bonds relating to Colonial Duties, required to be given in respect of Goods or Ships, shall be taken by the Collector, and in the name of His Majesty, for the use of the Province, and after the expiration of three years from the date thereof, or from the time, if any limited therein, for the performance of the condition thereof, every such Bond, upon which no prosecution or suit shall have been commenced, shall be void and may be cancelled.

Warrants of  
Attorney to  
confess Judg-  
ments

VI. *And be it further enacted*, That when any Bond for securing the payment of any Colonial Impost Duties shall be given, as provided by the Act for regulating the Importation of Goods, the principal and sureties named in such Bond shall at the same time execute under their hands and seals, a Warrant of Attorney, to His Majesty's Attorney-General and Solicitor-General of this Province, authorizing them or either of them, when any sum or sums of Money shall become payable on such Bond which shall be referred to in the Warrant, to appear in the Supreme Court in Term time, or before any of the Judges thereof in vacation, in the names and on the behalf of the parties to such Bond, and at the suit of His Majesty, and to file and enter an appearance for the parties, in the proper Office, and to confess the said suit, and to sign and file a plea of confession for the obligors, jointly and severally, and on their part and behalf to consent and suffer Judgment on such confession to be entered against them or either of them upon such Bond, for the full amount of the sum thereby secured and conditioned to be paid to His Majesty; and thereupon, such Bond, Warrant of Attorney, and plea of Confession, so signed by the Attorney or Solicitor-General, shall be filed by the Prothonotary of the said Court, and thereon a Judgment of the said Supreme Court shall be entered and docketted, and signed by the Chief-Justice, or in his absence the Senior Assistant-Justice thereof present, in the Books, and in the usual manner, in which Judgments of that Court are usually signed or entered, and for the full amount of the Debt secured by such Bond, together with costs of suit, and Execution on such Judgment, shall and may be sued out, and levied on behalf of His Majesty, for the amount of the Debt and Costs specified in such Judgment.

Persons not  
to be taken  
as Sureties

VII. *And be it further enacted*, That it shall not be lawful for any Collector to receive as Surety in any Bond, for the payment of Duties, any person against whom a Suit shall have been commenced or unsatisfied, Judgment remain in force, for or in respect of any Bond for Duties to which he shall have become party as principal.

Samples of  
Goods

VIII. *And be it further enacted*, That it shall be lawful for the Officers of the Colonial

ial

nial Revenue, to take such samples of any Goods as shall be necessary for ascertaining the amount of any Duties payable on the same, and all such samples shall be disposed of and accounted for in such manner as the Board of Revenue shall direct.

**IX. And be it further enacted,** That if, upon the first levying or repealing of any Duty, or upon the first granting or repealing of any Drawback or Bounty, or upon the first permitting or prohibiting of any Importation or Exportation, whether Inwards, Outwards or Coastwise, it shall become necessary to determine the precise time at which an Importation or Exportation of any Goods made and completed shall be deemed to have had effect, such time, in respect of Importation, shall be deemed to be the time at which the Ship importing such Goods had actually come within the limits of the Port at which such Ship shall in due course be reported, and such Goods be discharged, and that such time, in respect of Exportation, shall be deemed to be the time at which the Goods had been shipped on board the Ship in which they had been exported. And that if any question shall arise upon the arrival or departure of any Ship, in respect of any charge or allowance upon such Ship, exclusive of any Cargo, the time of such arrival shall be deemed to be the time at which the report of such Ship shall have been or ought to have been made, and the time of such departure shall be deemed to be the time of the last Clearance of such Ship with the Collector of Impost, for the voyage upon which she had departed.

Times of Importation and Exportation of Goods determined

**X. And be it further enacted,** That although any Duty of Impost shall have been overpaid, or although after any such Duty shall have been charged and paid it shall appear or be judicially established, that the same had been charged under an erroneous construction of the Law, it shall not be lawful to return any such overcharge after the expiration of three years from the date of such payment, but the same may be granted at the discretion of the General Assembly.

Duties overpaid

**XI. And be it further enacted,** That if any person shall counterfeit or falsify, or wilfully use when counterfeited or falsified, any Entry, Permit, Certificate or other Document, for the unlading, lading, entering, reporting or clearing, any Ship or Vessel, or for the landing or shipping of any Goods or article whatever, or shall by any false statement procure any writing or document to be made for any of such purposes, every person so offending shall for every such offence forfeit the sum of Two Hundred Pounds; *Provided always,* that this penalty shall not attach to any particular offence for which any other penalty shall be expressly imposed by any Law in force for the time being.

Counterfeiting or falsifying Entries

**XII. And be it further enacted,** That wherever any person shall make application to any Officer of the Colonial Revenue to transact any business on behalf of any other person, it shall be lawful for such Officer to require of the person so applying to produce a written authority from the person on whose behalf such application shall be made, and in default of the production of such authority to refuse to transact such business with the applicant.

Agency

**XIII. And be it further enacted,** That if any declaration required to be made by this Act, or by any other Act relating to the Colonial Revenue, (except declarations to the value of Goods,) be untrue in any particular, or if any person required by any Act relating to the Colonial Revenue to answer any questions put to him by the Officers of the Colonial Revenue, touching certain matters, shall not truly answer such questions, the person making such declaration or answering such question, shall, over and above any other penalty to which he may become subject, forfeit the sum of Fifty Pounds.

False declarations

**XIV. And be it further enacted,** That all Goods, and all Ships, Vessels and Boats, which by any Act at any time in force relating to the Colonial Revenue shall be declared to be forfeited, shall and may be seized by any Officer of the Colonial Revenue, or by any person authorised to make seizures; and such forfeiture of any Ship, Vessel or Boat, shall be deemed to include the Guns, Tackle, Apparel and Furniture of the same, and such forfeiture of any Goods shall be deemed to include the proper package in which the same are contained.

Seizures

**XV. And be it further enacted,** That in case any Goods, Ships, Vessels or Boats shall be seized as forfeited, or detained as under-valued, by virtue of any Act relating to the Colonial Revenue, it shall be lawful for the Board of Revenue to order the same

Property seized may be restored upon certain terms

to

to be restored, in such manner and on such terms and conditions as they shall think fit to direct; and if the Proprietor of the same shall accept the terms and conditions, he shall not have or maintain any actions for recompense or damage, on account of such seizure or detention, and the person making such seizure shall not proceed in any manner for condemnation.

Forfeitures  
may be remit-  
ted

**XVI.** *And be it further enacted,* That if any Ship shall have become liable to forfeiture, on account of any Goods laden therein, or unladen therefrom, or if the Master of any Ship shall have become liable to any penalty on account of any Goods laden in such Ship or unladen therefrom, and such Goods shall be small in quantity or of trifling value, and it shall be made appear to the satisfaction of the Board of Revenue that such Goods had been laden or unladen contrary to the intention of the Owner of such Ship, or without the privity of the Master thereof, as the case may be, it shall be lawful for the said Board to remit such forfeiture; and also, to remit or mitigate such penalty as they shall see reason, to acquit such Master of all blame in respect of such offence, or more or less to attribute the commission of such offence to neglect of duty on his part as Master of such Ship, and every forfeiture and every penalty or part thereof so remitted shall be null and void, and no suit or Action shall be brought or maintained by any person whatever on account thereof.

Officers may  
be stationed on  
board Vessels

**XVII.** *And be it further enacted,* That it shall be lawful for the Board of Revenue, and for the Collector of any port under their directions, to station Officers on board any Ship, while within the limits of any port in this Province, and the Master of every Ship, on board of which any Officer is so stationed, shall provide every such Officer sufficient room under deck, in some part of the Forecastle or Steerage, for his Bed or Hammock, and in case of neglect or refusal so to do shall forfeit the sum of Fifty Pounds.

Goods taken to  
Warehouse for  
security of  
Duties

**XVIII.** *And be it further enacted,* That whenever any Goods, not duly entered to be Warehoused or for Home use, shall be taken to, and secured in, any of the Warehouses of the Province, for security of the Duties thereon or to prevent the same from coming into Home use, it shall and may be lawful for the Board of Revenue to charge and demand and receive Warehouse Rent for such Goods, for all such time as the same shall remain in such Warehouse, at the same rate as may be payable for the like Goods when warehoused in any Warehouse in which such Goods may be warehoused without payment of Duties; *Provided always,* that it shall be lawful for the Board of Revenue, by order of such Board respectively, from time to time to fix the amount of Rent which shall be payable for any Goods secured in any of the Warehouses as aforesaid.

Goods in  
Warehouse  
may be sold

**XIX.** *And be it further enacted,* That, in case such Goods shall not be duly cleared from the Warehouse within three calendar months (or sooner, if they be of a perishable nature), it shall be lawful for the Board of Revenue to cause such Goods to be publicly sold by Auction, for home use or for Exportation, as the case may be, and the produce of such sale shall be applied towards the payment of the Duties, if sold for home use, and of the Warehouse rent and all other charges; and the overplus, if any, shall be paid to the person authorised to receive the same; *Provided always,* that it shall be lawful for the said Board to cause any of such Goods to be destroyed as cannot be sold for a sum sufficient to pay such Duties and charges, if sold for home use, or sufficient to pay such charges if sold for Exportation; *Provided also,* that if such Goods shall have been landed by the Officers of the Colonial Revenue and the Freight of the same shall not have been paid, the produce of such sale shall be first applied to the payment of such Freight.

Informations

**XX.** *And be it further enacted,* That in any information or other proceeding for any offence against any Act made or to be made, relating to the Colonial Revenue, the averment that such offence was committed within the limits of any port shall be sufficient, without proof of such limits, unless the contrary be proved.

Goods reloaded  
after shipment

**XXI.** *And be it further enacted,* That if any Goods which have been taken from the Warehouse, to be exported from the same, or any Goods which have been entered or cleared to be exported for any Drawback or Bounty, shall not be duly exported to parts beyond the Seas, or shall be reloaded in any part of this Province, (such Goods not having been duly reloaded or discharged, as short shipped, or for some just cause, and not fraudulently, and under the care of the proper Officers,) or shall be carried to any port of the

the Province of New-Brunswick, or Prince Edward's Island, not having been duly entered, cleared and shipped, to be exported directly to those Provinces respectively, the same shall be forfeited, together with the Ship, Vessel, Boat or Craft, which may have been used in so relanding, landing or carrying, such Goods, and any Person by whom, or whose orders or means, such Goods shall have been so taken or cleared, or so re-landed, landed or carried, shall forfeit a sum equal to treble the value of such Goods.

**XXII.** *And be it further enacted,* That, upon the representation of the Board of Revenue, it shall be lawful for the Governor for the time being, with the advice and consent of His Majesty's Council, to suspend the operation of any regulation or restriction in this Act contained, which may be found in practice attended with injury or inconvenience to the Trade of the Province, and such suspension to continue during the whole or such part of the duration of this Act as shall be found expedient.

Operation of Act may be suspended

**XXIII.** *And be it further enacted,* That this Act shall continue and be in operation until the Thirty-first day of March, which will be in the Year of Our Lord One Thousand Eight Hundred and Thirty-five, and no longer.

Continuation of Act

### CAP. L.

## An Act for the Prevention of Smuggling.

(PASSED THE 16th DAY OF APRIL, 1834.)

Continued and amended by 5, Wm. 4, c. 38

**WHEREAS**, it is expedient to revise and consolidate the Provisions for securing the payment of the Colonial Impost Duties, and preventing Frauds on the Revenue, and to assimilate the same as far as may be practicable with the Regulations contained in the Act of the Parliament of the United Kingdom, passed in the third and fourth year of the reign of King William the Fourth, entitled, An Act to regulate the Trade of the British Possessions Abroad:

Preamble

**I.** *Be it therefore enacted, by the President, Council and Assembly,* That this Act shall commence and come into operation, upon from and after, the first day of April, in this year One Thousand Eight Hundred and thirty-four.

Time Act comes into operation

**II.** *And be it further enacted,* That it shall be lawful for the Officers of the Colonial Revenue to go on board any Ship in any Port in any part of this Province, and either before or after such Ship comes to anchor, and to rummage and search all parts of such Ship for prohibited and uncustomed Goods; and also to go on board any Ship sailing, hovering or being within one league of any of the Coasts thereof, and in either case freely to stay on board such Ship so long as she shall remain in such Port or within such distance; and if any such Ship be bound elsewhere, and shall continue so hovering for the space of twenty-four hours after the Master shall have been required to depart, it shall be lawful for the Officer of the Colonial Revenue to bring such Ship into Port, and to search and examine her Cargo, and to examine the Master upon Oath touching the Cargo and Voyage; and if there be any Goods on board prohibited under any Act of Parliament, or relating to the Colonial Revenue, to be imported, such Ship and Cargo shall be forfeited; and if the Master shall not truly answer the questions to be demanded of him in such examination he shall forfeit the sum of One Hundred Pounds.

Powers vested in Officers of Colonial Revenue to search Vessels for uncustomed Goods

**III.** *And be it further enacted,* That all Boats, Carriages and Cattle, made use of in the removal of any Goods liable to forfeiture under any Act relating to the Colonial Revenue, shall be forfeited, and every person who shall assist or be otherwise concerned in the unshipping, landing or removal, or in the harbouring of such Goods, or into whose hands or possession the same shall knowingly come, shall forfeit the treble value thereof, or the penalty of One Hundred Pounds, at the election of the Officers of the Colonial Revenue or person prosecuting, and the Averment in any Information or Libel to be exhibited for the recovery of such Penalty, that the Officer or person proceeding has elected to sue for the sum mentioned in the Information, shall be deemed sufficient proof of such election without any other or further evidence of such fact.

Boats, &c. used in conveyance of Goods liable to Forfeiture

Property liable  
to Seizure and  
by whom

IV. *And be it further enacted*, That all Goods and all Ships, Vessels and Boats, and all Carriages and all Cattle, liable to Forfeiture under any Act relating to the Colonial Revenue, shall and may be seized and secured by any Officer of the Colonial Revenue, or by any person employed for that purpose, by or with the concurrence of the Board of Revenue, whether previously or subsequently expressed; and also, by any Sheriff or Deputy-Sheriff of any County or District within this Province, or by any Justice assigned to keep the Peace therein, or by any person who in any place, distant more than ten miles from any Office of a Collector of Impost, shall by the Warrant of any Justice of the Peace, granted upon information made on Oath before him of any such forfeiture, be appointed to seize and secure any Boats, Carriages or Cattle, liable to Forfeiture as aforesaid, and every person who shall in any way hinder, oppose, molest or obstruct, any Officer of the Colonial Revenue, or any person so employed as aforesaid, in the exercise of his Office, or any person acting in his aid or assistance, or any such Sheriff, Deputy-Sheriff, Justice of the Peace, or other person appointed by any Justice of the Peace in manner aforesaid, or any person or persons acting in the aid or assistance of any such persons as last aforesaid, shall, for every such offence, forfeit the sum of One Hundred Pounds.

Houses, Shops,  
&c. may be  
searched

V. *And be it further enacted*, That it shall be lawful for any Officer of the Colonial Revenue to enter in the day time into any House, Shop, Cellar or other building whatsoever, wherein such Officer shall have reasonable cause to suspect or believe any Goods to be, or to be concealed or deposited, which are liable to Forfeiture under any Act relating to the Colonial Revenue, provided, that before such Entry made, information on Oath shall be given to some one of His Majesty's Justices of the Peace for the place where such House, Shop, Cellar or other Building is situate, that such Officer has reasonable cause to suspect and believe that Goods liable to Forfeiture as aforesaid are deposited or concealed therein, and immediately on such information being laid or given, such Justice shall and he is hereby enjoined and authorised forthwith, but at some time between Sun-rising and Sun-setting, to go with such Officer to such House, Shop, Cellar or other Building, and then and there to enter with such Officer, or to authorise him to enter and search for such Goods, if the doors be open, but if the doors be fastened and admission denied, then, after first demanding to be admitted, and declaring the purpose for which such entry is demanded, it shall be lawful for such Justice, and he is hereby required to direct and order such Officer forcibly to enter into such House, Shop, Cellar or other Building, and to search therein for any Goods Forfeited, and to seize all Goods liable to Forfeiture under any Act relating to the Colonial Revenue.

Writs of Assist-  
ance may be  
granted

VI. *And be it further enacted*, That under the authority of a Writ of Assistance granted by the Supreme Court of this Province, or of the Chief Justice thereof, who are hereby authorised and required to grant such Writ of Assistance, upon application made to them or him in Term time, or vacation, for that purpose, by the Board of Revenue, and due cause shewn therefor, it shall be lawful for any Officer of the Colonial Revenue, taking with him a Peace Officer, to enter any building or other place in the day time, and to search for and seize and secure any Goods liable to forfeiture under any Act relating to the Colonial Revenue, and in case of necessity to break open any Doors and Chests or other Packages for that purpose, and such Writ of Assistance when issued shall be deemed to be in force during the space of three months.

Account of  
Stocks may be  
taken

VII. *And be it further enacted*, That every Collector in his respective District shall, once in every three Months or oftener, if he shall think proper, and at any time between Sun-rising and Sun-setting, and with or without the other Officers of the Revenue; enter into any Houses, Shop, Store-House or Cellar, possessed by any person trading or dealing in any Goods subject to, or charged with, Colonial Impost Duties, and take an account of all such Goods composing the Stock, or in possession of such Trader or Dealer, and if such Trader or Dealer shall refuse to open the door of such House, Shop, Store-House or Cellar, or prevent the Collector or his Officers from entering into the same for the purpose, or obstruct or prevent the taking of any such account of Stock, every such person shall forfeit the Sum of One Hundred Pounds.

VIII. *And be it further enacted*, That if any person shall by force or violence as-  
sault,

sault, resist, oppose, molest, hinder or obstruct, any Officer of the Colonial Revenue, or other person employed as aforesaid, in the exercise of his Office, or any person acting in his said aid or assistance, such person, being thereof convicted, shall be adjudged guilty of a Misdemeanor, and shall be proceeded against as such, and punished at the discretion of the Court before whom such person shall be tried.

Assaulting or resisting Officers of the Revenue

**IX.** *And be it further enacted,* That all things which shall be seized as being liable to forfeiture, under any Act relating to the Colonial Revenue, shall be taken forthwith and delivered into the Custody of the Collector of Impost, at the Colonial Office, next to the place where the same were seized, who shall secure the same by such means and in such manner as shall be provided and directed by the Board of Revenue; and, after condemnation thereof, the Collector shall cause the same to be sold at Public Auction to the best bidder: *Provided always,* That, except in cases particularly provided for, it shall be lawful for the Board of Revenue to direct in what manner the Produce of such Sale or any Residue of such Produce shall be applied, or in lieu of such Sale to direct that any of such things shall be destroyed, or shall be reserved for the public service; *And provided also,* That the Board of Revenue shall have power to direct by whom and to what extent any person rendering Service or giving Information, under which any seizure shall be made, shall be recompensed out of the proceeds of the seizure, and also to allow such remuneration out of the Provincial share of such seizures.

Seizures placed in possession of Collector of Impost

**X.** *And be it further enacted,* That all penalties and forfeitures, which may have been heretofore, or may be hereafter incurred, under this or any other Act relating to the Colonial Revenue, shall and may be prosecuted, sued for and recovered, in any Court of Record in this Province; *Provided always, and be it further enacted,* that, subject nevertheless, in all respects, to the control and order of the Board of Revenue, when and so soon as any Ship, Goods or other thing, seized or taken as forfeited under any such Act, shall be delivered into the Possession of the Collector for the District in which the seizure is made, the said Collector shall forthwith cause the same to be appraised on Oath by three competent and respectable Persons, to be named by him, and if, on such appraisement made and signed by the Appraisers, it shall appear that any Goods, or any Cattle or Carriages, used in the removal thereof, have been seized, is or are not of the full and reasonable value of Forty Pounds, then, and in every such case, but not otherwise, nor for any ship seized, an Information in writing may, if the party who made the seizure thinks proper so to proceed, be exhibited, in the name of such Collector, before any two of His Majesty's Justices of the Peace, resident in the District of such Collector, charging the said Goods or other thing as aforesaid seized to be forfeited, under some particular Section or Sections in the Information to be referred to of the Act under which the seizure is made, and praying the condemnation thereof, and upon such Information being exhibited to the said Justices they shall, under their hands and seals, grant a Summons, requiring all persons, claiming or having any interest in the Goods or things seized, to appear at the place, day and hour, in such Summons to be specified, there to claim such Goods, and answer the Information, otherwise the Goods will be condemned; and a Copy of such Summons shall, at least eight clear days before the time of appearance, be served upon the person from whose possession the Goods were taken, or shall be left at, or affixed openly to the House, Building or Place, or the Ship, Vessel or Boat, if there remaining, from which the Goods were taken, or at two or more public places nearest to the place of seizure; and if any party shall appear to answer such Information, the said Justices shall hear and determine the same, and acquit or condemn the Goods or things as the right may be, but if no person appear, Judgment of condemnation shall be given, and the Justices shall issue a Warrant to the Collector, requiring and authorising him to sell the Goods seized by Public Auction, after such notice of sale as shall be appointed by the Warrant, and, after paying the expense of proceedings, to pay over one third part of the nett proceeds of the seizure to the party who seized the Goods condemned, another third part to the Overseers of the Poor of the Town or place where the Goods or things condemned shall be seized, for the benefit of the Poor of such Town or place, and the remainder as the Board of Revenue shall appoint.

Penalties and Forfeitures

Appeals

XI. *And be it further enacted,* That if either the party prosecuting or claimant be dissatisfied with the Judgment given on such information, he shall be entitled to appeal therefrom to the Supreme Court, at its next sitting in the County or District for which the Collector is appointed, and such appeal shall be allowed, upon sufficient security being given, to the satisfaction of the said Justices, by Bond, to abide the decision of the said Supreme Court, and if the appeal be by the Claimant the security shall be given in treble the appraised value of the Goods, and the proceedings shall be sent to such Supreme Court, and the said Court shall upon such appeal hear and determine the same in a summary manner, and confirm or reverse the Judgment of the Magistrates, and with or without costs as to such Court shall seem fit, and, if there be Judgment of Condemnation, shall order the sale as aforesaid.

Goods seized may be restored upon security being given

XII. *And be it further enacted,* That if any Goods, or any Ship or Vessel, shall be seized as forfeited, under any Act relating to the Colonial Revenue, it shall be lawful for the Judge or Judges, of any Court, having jurisdiction to try and determine such seizures, with the consent of the Collector of Impost, to order the delivery thereof on Security by Bond, with two sufficient Sureties to be first approved of by such Collector, to answer double the value of the same in case of condemnation; and such Bond shall be taken to the use of His Majesty, in the name of the Collector of Impost in whose custody the Goods, or the Ship or Vessel, may be lodged, and such Bond shall be delivered and kept in the custody of such Collector; and in case the Goods, or the Ship or Vessel, shall be condemned, the value thereof shall be paid into the hands of such Collector, who shall, thereupon, cancel such Bond, and all the provisions of this clause shall extend to Prosecutions, before two Magistrates as aforesaid.

Suits—how brought

XIII. *And be it further enacted,* That, except in cases hereinbefore provided for, no Suit shall be commenced for the recovery of any penalty or forfeiture, under any Act relating to the Colonial Revenue, except in the name of some Collector of Impost, or other Person employed as hereinbefore mentioned, or of His Majesty's Attorney-General, or, in his absence, of the Solicitor-General, of the Province; and if any question shall arise, whether any person is an Officer of the Colonial Revenue, or such other person as aforesaid, *viva voce* evidence may be given of such fact; and shall be deemed legal and sufficient evidence.

Special Jury allowed

XIV. *And be it further enacted,* That in all Suits or Prosecutions, in any Court of Record, in respect of any seizure, penalty or forfeiture, under any Act relating to the Colonial Revenue, the party prosecuting or defending shall be entitled to a Special Jury for the trial thereof, and shall and may take the Depositions *de bene esse* of any Witnesses, aged, infirm, or about to leave the Province, or have a Commission for taking the Depositions of any Witnesses out of the Province, in such and the like manner as in Suits between party and party is authorised by Law, and such Depositions, duly taken and returned, shall be read in evidence on the trial.

Proof on owner, &amp;c.

XV. *And be it further enacted,* That if any Goods shall be seized for non-payment of Duties, or any other cause of forfeiture, and any dispute shall arise whether the Duties have been paid for the same, or the same have been lawfully imported, or lawfully laden or exported, the proof thereof shall be on the Owner or Claimer of such Goods, and not on the Officer who shall seize and stop the same,

Claims to property seized

XVI. *And be it further enacted,* That no claim to any thing seized under any Act relating to the Colonial Revenue, and returned into any of His Majesty's Courts of Record for Adjudication, shall be admitted, unless such claim shall be entered in the name of the Owner, with his residence and occupation, nor unless oath to the property in such thing be made by the owner, or by his Attorney or Agent by whom such claim shall be entered, to the best of his knowledge and belief, and every person making a false Oath thereto shall be deemed guilty of a misdemeanour, and shall be liable to the pains and penalties to which persons are liable for a misdemeanour.

Security to be given in prosecution of Claims

XVII. *And be it further enacted,* That no person shall be admitted to enter a claim to any thing seized in pursuance of any Act relating to the Colonial Revenue, and prosecuted in any Court of the Province, until sufficient security shall have been given in the Court, where such seizure is prosecuted, in a penalty not exceeding Forty Pounds,

to

to answer and pay the costs occasioned by such claim, and in default of giving such security such thing shall be adjudged to be forfeited, and shall be condemned.

**XVIII.** *And be it further enacted,* That all Certificates and Copies of Official Papers, being duly certified under the hand and seal of any of the principal Officers of His Majesty's Customs, or of any Collector of the Colonial or Provincial Revenues or Duties, in any of the British Possessions in America or the West Indies, or under the hand and seal of the principal Officers of His Majesty's Customs in the United Kingdom, or other the British Possessions, or under the hand and seal of any British Consul or Vice Consul in a Foreign Country, and all Certificates and Copies of Official Papers, made or required to be made, pursuant to any Act relating to the Colonial Revenue, shall be received as evidence on the trial of any Suit or Prosecution carried on under the authority of, or with respect to any matter contained in any Act relating to the Colonial Revenue.

Certificates and  
Official Papers  
received as  
evidence

**XIX.** *And be it further enacted,* That no Writ shall be sued out against, nor a copy of any Process served upon, any Officer of the Colonial Revenue, or other person as aforesaid, for any thing done in the exercise of his Office, until one calendar month after notice in writing shall have been delivered to him, or left at his usual place of abode, by the Attorney or Agent of the Party who intends to sue out such Writ or Process; in which Notice shall be clearly and explicitly contained the cause of the Action, the name and place of abode of the person who is to bring such Action, and the name and place of abode of the Attorney or Agent, and no evidence of the cause of such Action shall be produced except of such as shall be contained in such Notice, and no Verdict shall be given for the Plaintiff unless he shall prove on the Trial that such Notice was given, and, in default of such proof, the Defendant shall receive in such Action a Verdict and Costs.

Notice of Pro-  
secution of Re-  
venue Officer

**XX.** *And be it further enacted,* That every such Action shall be brought within three calendar months after the cause thereof, and shall be laid and tried in the Place or District where the facts were committed, and the Defendant may plead the general issue, and give the special matter in evidence; and if the Plaintiff shall become non-suited, or shall discontinue the Action, or if, upon a Verdict or Demurrer, Judgment shall be given against the Plaintiff, the Defendant shall receive treble costs, and have such remedy for the same as any Defendant can have in any other cases where Costs are given by Law.

Actions to be  
brought within  
Three Months

**XXI.** *And be it further enacted,* That in case any Information or Suit shall be brought to Trial, on account of any seizure made under this Act, and a Verdict shall be found for the Claimant thereof, and the Judge or Court before whom the Cause shall have been tried shall certify on the Record that there was probable cause of seizure, the Claimant shall not be entitled to any Costs of Suit, nor shall the person who made such seizure be liable to any Action, Indictment or other Suit or Prosecution, on account of such seizure; and if any Action, Indictment or other Suit or Prosecution, shall be brought to Trial against any person, on account of such seizure, wherein a Verdict shall be given against the Defendant, the Plaintiff, besides the thing seized or the value thereof, shall not be entitled to more than two-pence damages, nor to any costs of Suit, nor shall the Defendant in such Prosecution be fined more than One Shilling.

Claimants not  
entitled to  
costs where  
there was prob-  
able cause of  
seizure

**XXII.** *And be it further enacted,* That it shall be lawful for such Officer, within one Calendar Month after such Notice, to tender amends to the party complaining or his agent, and to plead such tender in bar to any Action, together with other pleas; and if the Jury shall find the amends sufficient they shall give a verdict for the Defendant; and in such case, or in case the Plaintiff shall become nonsuited, or shall discontinue his Action, or Judgment shall be given for the Defendant upon demurrer, then such Defendant shall be entitled to the like costs as he would have been in case he had pleaded the general issue only: *Provided always,* that it shall be lawful for such Defendant, by leave of the Court where such Action shall be brought, at any time, before issue joined, to pay money into Court as in other Actions.

Tender of a-  
mends

**XXIII.** *And be it further enacted,* That in any such Action, if the Judge or Court before whom such Action shall be tried, shall certify upon the Record, that the Defend-

Damages in  
cases where  
there was prob-  
able cause for  
seizure

ant or Defendants in such Action acted upon probable cause, then the Plaintiff in such Action shall not be entitled to more than two-pence damages nor to any Costs of Suit.

Penalties and forfeitures to be paid into hands of Collector

**XXIV.** *And be it further enacted,* That, except in the case hereinbefore provided for, all penalties and forfeitures recovered under any Act relating to the Colonial Revenue, or to Trade or Navigation, shall be paid into the hands of the Collector of Impost of the Port where the same shall have been recovered, and shall be divided, paid and applied as follows, (that is to say):—after deducting the charges of prosecution from the produce thereof, one half part of the nett produce shall be paid into the hands of the Collector of Impost at the port or place where such penalties or forfeitures shall be recovered, for the use of His Majesty's Government in this Province, and be paid under the order, and in such manner as the Board of Revenue direct, and the other half part to the person who shall seize, inform and sue for the same; subject nevertheless, to such distribution of the produce of the seizures so made, as well with regard to the moiety hereinbefore granted to His Majesty, as with regard to the other moiety given to the Seizor or Prosecutor, as the Board of Revenue shall think fit to order and direct by any order or orders to be made for that purpose. *Provided always,* that no Officer of the Colonial Revenue, save and except the Officer who shall have actually made any seizure, or been the means of recovering any penalty or forfeiture, shall be entitled to any part thereof.

Time limited for bringing Actions

**XXV.** *And be it further enacted,* That all Actions or Suits, for the recovery of any of the penalties or forfeitures imposed by this Act, or any other Act relating to the Colonial Revenue, may be commenced or prosecuted at any time within three years after the offence committed, by reason whereof such penalty or forfeiture shall be incurred, but not afterwards, any law, usage or custom to the contrary notwithstanding.

Appeals

**XXVI.** *And be it further enacted,* That no appeal shall be prosecuted from any Judgment of any of His Majesty's Courts of Record in this Province, touching any penalty or forfeiture imposed by any Act relating to the Colonial Revenue, unless such appeal shall be entered, and security therefor filed, within twelve months from the time when such Judgment was pronounced; *Provided always, and be it further enacted,* that in any case in which proceedings shall have been, or shall hereafter be, instituted in any Court of Record of this Province, against any Ship, Vessel, Boat, Goods or Effects, for the recovery of any penalty or forfeiture under any Act relating to the Colonial Revenue, the execution of any Judgment restoring such Ship, Vessel, Boat or Effects, to the claimant thereof, which shall be pronounced by the Court in which such proceedings shall have been had, shall not be suspended by reason of any appeal which shall be prayed and allowed from such Judgment, provided that the party or parties appellate shall give sufficient security, to be approved of by the Court, to render and deliver the Ship, Vessel, Boat, Goods or Effects, concerning which such Judgment shall be pronounced, or the full value thereof to be ascertained, either by agreement between the parties, or in case the said parties cannot agree, then by appraisement, under the authority of the said Court, to the Appellant or Appellants, in case the Judgment so appealed from shall be reversed, and such Ship, Vessel, Boat, Goods or Effects, be ultimately condemned.

Persons discovered to have been on board of Vessels liable to forfeiture

**XXVII.** *And be it further enacted,* That every person who shall be found or discovered to have been on board any Vessel or Boat liable to forfeiture, under any Act relating to the Revenue, for being found within one league of any part of this Province, having on board, or in any manner attached thereto, or conveying, or having conveyed in any manner such Goods or other things as subject such Vessel or Boat to forfeiture, or who shall be found or discovered to have been on board any Vessel or Boat, from which any part of the Cargo shall have been thrown overboard, or staved or destroyed, shall forfeit the sum of Twenty Pounds; *provided* such person, so found on board, shall have been knowingly and wilfully concerned in such Acts.

Preamble

*And to put a stop to Smuggling* into this Province from any of the British Colonies in, or Provinces in North America, any Goods subject to the Provincial Duties of Impost :

Additional Penalties imposed upon Illicit Traders

**XXVIII.** *Be it enacted,* That the Master and Owner or Owners of any ship or vessel

sel, on board of which any Goods subject to a Duty of Impost, shall have been imported and brought into this Province, from any of the said British Colonies in North America, and on which the Duties due as aforesaid shall not have been duly paid or secured as aforesaid, according to Law, such Master, Owner or Owners, over and above the penalties and forfeitures to which they are at present liable, shall each severally forfeit and pay to His Majesty for each and every such offence a penalty not less than Ten Pounds, nor exceeding One Hundred Pounds, over and above being bound jointly and severally to pay to His Majesty the full amount of the Duties due on the Goods clandestinely landed from such Vessel or Vessels, and all and every person or persons concerned in exporting to this Province, from any of the said British Colonies or Provinces, or in bringing in, importing, landing, receiving or helping to land or receive into this Province, or in any shape having in his or their possession any Goods whatsoever, whereon the Duties of Impost shall not have been paid or secured as the Law directs, each and every such person, for each and every such offence, over and above the penalties and forfeitures to which they may be at present liable, shall each severally pay to His Majesty a penalty not to exceed as aforesaid One Hundred Pounds, nor less than Ten Pounds, besides being each jointly and severally liable to pay to His Majesty the full amount of the Duties of Impost payable on all or any of the said Goods so by them or either of them imported, brought, landed and received, from any place whatsoever, or helped to be landed or received, or who may have the same in possession, if such Duties shall not have been previously paid or secured as the Law directs.

XXIX. *And be it further enacted,* That if any person or persons in this Province shall hereafter grant or give any Certificate or Document in Writing, stating therein that any Goods whatsoever have been landed or put on Shore in this Province, for the purpose of enabling any person to obtain the Drawback allowed in the United States, or any of the Provinces or Colonies of North-America, such person or persons, if unable to prove that the Goods, Wares and Merchandize, so specified in any such Certificate, have duly paid or secured in this Province, the Duties of Impost due thereon, shall, for each and every such offence, severally pay a like penalty not exceeding One Hundred Pounds nor less than Ten Pounds, over and above being either jointly or severally liable to pay the full amount of the Duties due on the Goods specified in such Certificate or Certificates, Document or Documents: and every person or persons convicted of granting any such false Certificate shall, after such conviction, be forever rendered incapable to serve His Majesty in any office of trust or confidence within this Province, notwithstanding any Commission or Appointment given to, or made in favor of, such person or persons so convicted as aforesaid.

False Certificates in respect of Drawbacks

XXX. *And be it further enacted,* That, upon the representation of the Board of Revenue, it shall be lawful for the Governor for the time being, with the advice and consent of His Majesty's Council, to suspend the operation of any Regulation or Restriction in this Act contained, which may be found in practice attended with injury or inconvenience to the Trade of the Province, and such suspension to continue during the whole or such part of the duration of this Act as shall be found expedient.

Operation of this Act may be suspended

XXXI. *And be it further enacted,* That this Act shall continue and be in operation until the Thirty-first day of March, in the Year of Our Lord One Thousand Eight Hundred and Thirty-five, and no longer.

Continuation of Act

### CAP. LI.

## An Act to encourage the Manufacture of Tobacco in this Province, by granting a Bounty thereon.

Continued by 5, Wm. IV. c. 39

(PASSED THE 16th DAY OF APRIL, 1834.)

**WHEREAS** the manufacture of Tobacco from the Leaf employs a vast number of hands, and tends to the employment of Labourers and Children, and is otherwise beneficial to the interests of this Province:

Preamble

I.

Bounty

I. *Be it therefore enacted, by the President, Council and Assembly,* That any person or persons who shall carry on the manufacturing of Twist and Fig Tobacco, Cigars and Snuff, within this Province, shall be entitled to receive a Bounty of Twelve Pounds and Ten Shillings for every Hundred Pounds of the original cost of all Leaf Tobacco by him manufactured within the same, from the first day of April, in this present year of Our Lord One Thousand Eight Hundred and Thirty-four.

Proviso

II. *Provided always, and be it further enacted,* That previous to removing any Leaf Tobacco to the place where the same shall be manufactured as aforesaid, such person or persons shall procure a permit for the removal of the same, from the Collector of Impost; *And provided also,* that such person or persons shall make a particular Account in writing of the Leaf Tobacco which shall have been used, in the manufacture of the above enumerated articles, previous to the time of demanding such Bounty, and deliver the same, together with the Permits granted for the removal of the said Leaf Tobacco, to the Collector of Impost, and that the person or persons concerned in such manufacture shall make oath before such Collector of the truth of such Account, and that all the Tobacco in such Account has been manufactured by him or them.

Bounty paid upon certificate of Board of Revenue

III. *And be it further enacted,* That as soon as such Accounts and Permits shall have been rendered to the said Collector, and the said oath made, the same shall be transmitted to the Board of Revenue, who shall thereupon, by such ways and means as they deem necessary, ascertain the first cost of the Tobacco actually manufactured as aforesaid, and settle the amount of such Bounty, and therefor grant a Certificate in the name of the Manufacturer, which shall entitle him to receive at the Treasury the sum specified in the Certificate, within three months from the date thereof.

Continuation of Act

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

## CAP. LII.

## An Act for the relief of Debtors to the Crown in certain Cases.

(PASSED THE 16th DAY OF APRIL, 1834.)

Preamble

**WHEREAS,** in the present embarrassed and distressed state of the Mercantile Community, it is desirable that as much indulgence, as may be consistent with the Public Interests, should be extended to such persons laboring under present difficulties, as may be Debtors to the Crown, in respect of Provincial Duties of Impost and Excise:

Relief may be afforded for the space of six months after the passing of this Act

I. *Be it therefore enacted, by the President, Council and Assembly,* That whenever application shall be made in writing to the Commissioners of the Provincial Revenue, signed by any person or persons indebted to His Majesty, under any Bond or Bonds given according to Law, to secure the payment of any Duties of Impost and Excise, and by his or their Sureties, representing to the said Commissioners that the immediate sale of the respective Properties of the said Debtor or Debtors, (in the event of a Judgment or Judgments being taken against him or them, and Execution issued thereon,) will, from the present depressed state of Commercial affairs, be attended with a great sacrifice of the value thereof, and praying that further time may be allowed for the payment of the sum or sums therein secured, but without in any manner discharging them, the said Sureties or any of them, from their respective liabilities; and if it shall at the same time be made to appear to the said Commissioners, that the said Debtor or Debtors or their Sureties respectively, are abundantly sufficient to secure and satisfy the said sum or sums so due or to become due in and by the said Bond or Bonds, and that the prayer of the said application may be granted without risk of detriment to the Public Interest, then, and in every

every such case or cases, hereafter happening, the said Commissioners shall and may at any time or times within the period hereinafter mentioned, if they shall deem it expedient so to do, and upon such terms as they shall deem proper, direct His Majesty's Crown Officers to defer proceeding upon the said Bond or Bonds against such Debtor or Debtors, or their Sureties from time to time as they, the said Commissioners, shall think proper and shall direct, provided that the period of indulgence so given to the said Debtor or Debtors, and their Sureties respectively, shall not in any one case in the whole exceed the space of six months from the time of the passing of this Act.

## CAP. LIII.

**An Act to amend the Act concerning Suits against Foreign Bodies, Politic or Corporate.**

Repealed by 5,  
Wm. 4. c. 27

[PASSED THE 16th DAY OF APRIL, 1834.]

## CAP. LIV.

**An Act to continue an Act relating to the Court of Commissioners at Halifax.**

Continues 4,  
Geo. 4. c. 36

[PASSED THE 16th DAY OF APRIL, 1834.]

**B**E it enacted, by the President, Council and Assembly, That an Act, made and passed in the Fourth Year of His late Majesty's Reign, entitled, An Act relating to the Court of Commissioners at Halifax, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Continuation  
of Act

## CAP. LV.

**An Act to Incorporate a Company for Erecting a Bridge across the Cornwallis River.**

(PASSED THE 16th DAY OF APRIL, 1834.)

**WHEREAS**, it would be of great advantage if a Bridge were well and substantially built and erected across the Cornwallis River, at or below the scite of the former Bridge; and in order to procure Funds for building such Bridge, in addition to the amount already granted by the Legislature, it is expedient to Incorporate such Persons as may be willing to advance Monies for the purpose of building such Bridge, into a Company, for the purpose of building the same, and to authorise them to collect a Toll from Passengers, after such Bridge may be built and erected:

Preamble

**I.** Be it therefore enacted, by the President, Council and Assembly, That all such persons as shall from time to time become Proprietors of Shares in the Corporation hereinafter mentioned, and hereby established, and their Successors, Executors, Administrators and Assigns, shall, so soon as this Act shall come into operation and thereafter, be, and they are hereby, united into a Company, and declared to be one Body, Politic and Corporate, by the name of the "Cornwallis Bridge Company," and by that name shall have succession, and a Common Seal, with power the same to change, alter, and make

Incorporation  
of Shareholders—their  
powers and  
liabilities

Kkkk

anew,

anew, as they shall see fit, and by that name shall and may sue and be sued, plead and be impleaded, at Law, or in Equity, and be able and capable in Law to have, hold, purchase, get, receive, take, possess and enjoy, Houses, Lands, Tenements, Hereditaments and Rents, in fee simple or otherwise, and also Goods and Chatties, and all other things real, personal or mixed, to any amount not exceeding Fifteen Thousand Pounds, including the cost or value of the Bridge, and also to give, grant, mortgage, demise, sell, let, assign, or convey the same, or any part thereof, and to do, manage, transact and execute, all other things, in and about the same, which shall and may be thought necessary or proper for the benefit and advantage of the said Company.

Proviso

II. *Provided always, and be it further enacted,* That until forty Shares of and in the Capital Stock of the said Company, or One Thousand Pounds, shall be taken and subscribed, this Act shall not come into operation, or be of any force or effect.

Amount of Joint Stock

III. *And be it further enacted,* That the Capital and Joint Stock of the said Company shall consist of, and be, and shall be restricted to, a sum not exceeding the sum of Five Thousand Pounds, to be divided into Shares of Twenty-five Pounds each.

Shares transferable

IV. *And be it further enacted,* That the said Shares shall and may be transferable, and transferred, in such manner and under such conditions as may hereafter be prescribed by any Bye-law, Rule or Ordinance, of the said Company, to be made and ordained as hereinafter mentioned.

Appointment of President and Directors

V. *And be it further enacted,* That when and so soon as Forty Shares, or One Thousand Pounds, of the said Capital or Joint Stock of the said Company shall be subscribed, and this Act shall come into operation as aforesaid, and not before, it shall and may be lawful for the Subscribers and Shareholders in and to the said Company to meet and assemble together, and to nominate, choose and appoint, Five Directors for the said Company, of whom one shall be chosen and elected by the said Directors to be President, which said President and Directors shall be and remain in Office for such period of time, not less than one Year, as may be provided for and directed by any Bye-Law or Bye-Laws, Rules or Ordinances, hereafter to be made or ordained by the said Company, and until other Directors are substituted and elected in their stead.

Bye-Laws Rules, &amp;c.

VI. *And be it further enacted,* That, when and so soon as the said President and Directors shall be chosen and appointed, it shall and may be lawful for the Members and Shareholders of the said Company, at any Meeting or Meetings to be held by them, when, and as the same shall be considered necessary, to make, ordain and establish, all or any such Bye-Laws, Rules, Ordinances and Regulations, as shall or may be requisite and necessary for the Rule, Order, Direction and good Government of the said Company, for the management of the affairs and Servants thereof, for the appointment, change and re-election of the President, Directors and Officers, and Servants of the said Company, and for the building of the said Bridge, and effecting the objects of the said Company, and such Bye-Laws, Rules, Ordinances and Regulations, from time to time to abrogate, alter, change and vary, as may be deemed expedient; *Provided,* such Bye-Laws, Rules, Ordinances and Regulations, be not contradictory or repugnant to this Act, or any of the Laws and Statutes of the Province, or of those in force within the same.

Meeting of Stockholders

VII. *And be it further enacted,* That Annual or other Meetings of the Stockholders or Members of the said Company shall be held at the time, in the manner, at the place, and under such Regulations, as shall or may from time to time be appointed and prescribed therefor, in and by any of the Bye-Laws, Rules, Ordinances and Regulations, of the said Company, to be made as aforesaid,

Building of Bridge when to be commenced

VIII. *And be it further enacted,* That when and so soon as the said Sum of One Thousand Pounds, or Forty Shares, of the Capital or Joint Stock of the said Company shall be subscribed as aforesaid, and actually paid in, it shall and may be lawful for the said Company to commence building the said Bridge, and to proceed to erect and build over and across the said Cornwallis River, on some scite at or below the scite of the former Bridge, a good and sufficient Bridge of such size and dimensions, and of such Materials, and with such and so many Piers and Abutments, and in such way and manner as shall be

be proper, safe and convenient, for the Passage and Conveyance of Passengers, Horses, Cattle and Carriages of all descriptions, and at all times across and over the same, and according to such plan and method as the said Company shall think proper or expedient, and the same Bridge to alter, change, renew, amend, repair and sustain, as the said Company shall think fit.

**IX.** *And be it further enacted,* That the said Bridge, when erected as aforesaid, and all the Piers, Abutments, Approaches, Outlets, Entrances and Appurtenances thereof, and all Lands and other Property purchased or obtained for the said Bridge, or as appurtenant thereto, shall be, and the same are hereby vested in, and declared and made the sole and exclusive Property of the said Company forever.

Bridge, &c  
vested in Com-  
pany

**X.** *And be it further enacted,* That a way and passage in, upon and over, the said Bridge, and the Approaches, Outlets and Entrances thereof, shall be, at all times and Seasons, (except when obstructed or closed from absolute necessity,) free and open to all His Majesty's Subjects, with their Horses, Cattle, Carts and Carriages, upon payment of such Toll or Pass Money as shall from time to time be fixed and established by the President and Directors of the said Company, by and with the consent and approbation of the Justices of the Peace for the County of King's County, in any their General Sessions of the Peace, such Toll or Pass Money to be applied in keeping up and repairing the said Bridge, and paying the Salary of the Toll Gatherer, and the expense of collecting such Toll or Pass Money, and also in paying to the Shareholders, or Members of the said Company, a fair, just, and reasonable Dividend and Interest, on the Capital advanced and expended by them in building such Bridge; *Provided always,* that no Toll or Pass Money shall be demanded, taken or received, of and from any of His Majesty's Troops, or any Body of Militia, with their Munitions of War and Baggage, when on their March from place to place in this Province, or of and from any such Troops and Militia when actually employed on Military duty or service, or of and from, or for any person or persons, Horse, Coach or Carriage, carrying or conveying any of His Majesty's Mails from place to place within this Province, but His Majesty's Troops and Militia when on their March, or when employed as aforesaid, and all His Majesty's Mails, shall at all times and seasons, when such Bridge shall not be closed or obstructed from absolute necessity as aforesaid, pass and be conveyed, and be suffered and permitted freely to pass over and upon the said Bridge, free from any such Toll or Pass Money as aforesaid.

Toll or Pass  
Money

His Majesty's  
Troops, Militia  
and Mail Car-  
riers exempted  
from Toll

**XI.** *And be it further enacted,* That the Joint Stock and all Real and Personal Estate of the said Company shall at all times be subject and liable to and for all and every Contract or Contracts, and Engagements of every description, of or made, or entered into, by the said Company, and no person or persons having any claim or demand against the said Company shall, on any pretence whatsoever, have recourse against the separate and individual property of any Member thereof, or against their Persons, for any debt, contract or engagement, of the said Company, but the Members of such Company shall be liable only for the Shares or Stock held by them respectively, and no more.

Liability of  
Company

**XII.** *And be it further enacted,* That notwithstanding any Real Estate which the said Company may at any time own or possess, the Shares and Interests of the Stockholders of and in the Stock, Funds, Property and Estate of the said Company, shall be, and shall be held, deemed and taken to be, Personal Property, to all intents and purposes whatsoever.

Shares in the  
Stock person-  
al property

**XIII.** *And be it further enacted,* That if any Subscriber for any Share or Shares in the said Capital or Joint Stock of the said Company shall not pay into the hands of the person or persons appointed to receive the same, the said Share or Shares, or such portion thereof as may be required, within thirty days after notice shall be given, in any one or more of the Public Newspapers, printed and published at Halifax, requiring the same to be paid in, it shall and may be lawful for the President and Directors of the said Company, in the name of the said Company, to commence and prosecute a Suit or Action at Law for the amount of the Share or Shares so remaining unpaid, against the Subscriber or Subscribers for the same.

Payment of  
Shares

Monies granted  
in aid of bridge

XIV. *And be it further enacted,* That when and so soon as the said Company shall have erected and finished the said Bridge, and have the same open and ready for the Passage and Coveyance of Passengers, Horses, Cattle, Carts and Carriages, across the said River, the several sums of Seven Hundred and Fifty Pounds, and One Thousand One Hundred and Fifty Pounds already granted and appropriated for the purpose of building such Bridge, shall be and become payable to the said Company, and it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to draw any Warrant or Warrants on the Treasury of this Province, in favor of the said Company, for the payment of the said sums of Money already granted and appropriated as aforesaid.

Bridge to be  
built within six  
years

XV. *Provided always, and be it further enacted,* That the said Bridge shall be fully built and completed, ready for the Transport, Conveyance and Passage, of all Persons whatsoever, with their Horses, Cattle, Carts and Carriages, within six years from the passing of this Act.

Act 6, Geo. IV  
c. 21, repealed

XVI. *And be it further enacted,* That the Act, passed in the Sixth Year of the Reign of His late Majesty King George the Fourth, entitled, An Act to authorise the Incorporation of a Company for erecting a Bridge across Cornwallis River, and every matter, clause and thing, therein contained, shall be, and the same are hereby repealed.

Company may  
plead general  
issue, &c.

XVII. *And be it further enacted,* That if the said Company, or any other person or persons, shall be sued or prosecuted for any matter or thing by such Company, or other person or persons, done under or in pursuance of this Act, the said Company or other person or persons may be at liberty to plead the general issue, and give this Act and special matter in evidence.

## CAP. LVI.

### An Act for Regulating the Fishery in the River Shubenacadie.

(PASSED THE 16th DAY OF APRIL, 1834.)

Preamble

**WHEREAS,** great part of the River Shubenacadie constitutes the boundary between the County of Hants and the County of Halifax, the line of division between the said Counties being the centre of the said River, in consequence whereof, the whole of said River being in neither of the said Counties, it is found impracticable to make or enforce such Regulations for the Fishery in such River as are authorised and required by Law to be made for River Fisheries:

*And whereas,* Persons are in the habit of erecting, setting up and placing Wears, Nets, Fish-garths and other incumbrances, in the said River, which impede and obstruct the course or passage of the Fish to the great injury of the said Fishery and to the detriment of the Inhabitants and Settlers on said River—for remedy whereof:

Extent of Fish-  
ing Privilege

I. *Be it enacted, by the President, Council and Assembly,* That, from and after the publication hereof, no person or persons shall presume to erect, set up or place, any Wear, Net, Hedge, Fish-garth or other incumbrance, in the said River, which shall hinder or obstruct the course or passage of the Salmon, Gaspereau or other Fish, but that all Nets, Hedges, Wears or Fish-garths, set or placed in the said River, shall not extend more than two thirds over the Middle Channel of said River.

Encroachments

II. *And be it further enacted,* That no person or persons shall set or place any Wear, Net, Hedge, or Fish-garth, within Fifty Rods of any other Net, Wear, Hedge or Fish-garth, which shall have been placed in said River.

Decayed Fish  
and Fish Offal

III. *And be it further enacted,* That all Fish and Offal of Fish shall be buried or taken away from the Banks of the said River, so as not to be prejudicial to the Fishery, and no Fish or Offal of Fish shall be thrown into said River.

IV. *And be it further enacted,* That if any person or persons shall offend against any of the foregoing enactments, he, she or they, shall forfeit and pay for each and every offence as follows, that is to say—For erecting or placing any Wear, Net, Hedge, or Fish-garth, more than two-thirds over the middle channel of the River, or for setting or placing any other incumbrance which shall impede the course or passage of the Fish in the said River, the sum of Five Pounds ;—For erecting or placing any Wear, Net, Hedge or Fish-garth, nearer than fifty rods to any other Wear, Net, Hedge, or Fish-garth, which had been placed in said River, Five Pounds ;—For throwing any Fish or Offal of Fish into the said River, the sum of Two Pounds, and for leaving any Fish or Offal of Fish on the Bank of the said River, unburied, the sum of Two Pounds.

Penalties

V. *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, by and with the advice of His Majesty's Council, annually to appoint two or more fit persons to be Overseers of the said River Fishery, who shall be sworn to the faithful discharge of their duty ; and any person so appointed as aforesaid shall be subject to a fine of Five Pounds for neglecting or refusing to serve or act as Overseers as aforesaid.

Overseers

VI. *And be it further enacted,* That the said Overseers shall have power to remove any wear, net, fish-garth, or other incumbrance that shall be found in the said River contrary to this Act ; and if no owner appear to claim the same in ten days after notice shall have been given of the taking thereof, by putting up such notice publicly for that space of time, the said wear, net, fish-garth or other incumbrance, shall, together with the Fish found therein, be forfeited, and sold to satisfy the penalties aforesaid.

Powers vested in Overseers

VII. *And be it further enacted,* That all fines and forfeitures under this Act shall be sued for and recovered with costs by the said Overseers, or any other person who will sue for the same, in the same manner as if such fines and forfeitures were a private debt or debts, and shall be applied for the use of the Poor of the town or place where any such offence shall be committed.

Recovery of Penalties

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

Continuation of Act

## CAP. LVII.

## An Act to Limit the Income of the Collector of Impost and Excise for the District of Halifax.

(PASSED THE 16th DAY OF APRIL, 1834.)

**B**E it enacted, by the President, Council and Assembly, That, out of the Monies which shall be secured, collected and paid in cash into the Treasury of the Province, by the Collector of Impost and Excise, for the District of Halifax, by virtue of any Act of the General Assembly, passed or to be passed, there shall be allowed and paid to the said Collector the sum of Three Pounds Ten Shillings for every Hundred Pounds so by him collected and paid into the Treasury. *Provided always,* that if the amount of the Commissions granted by this Act, or any other Act of the General Assembly, to the said Collector, shall exceed in the whole the sum of Seven Hundred Pounds for any one year, during the continuance of this Act, the surplus shall be accounted for, and paid by the said Collector into the Treasury of the Province.

Income limited to £700 per annum

## CAP. LVIII.

## An Act for the relief of Robert Hill and William Hill, Insolvent Debtors.

(PASSED THE 16th DAY OF APRIL, 1834.)

Preamble

**WHEREAS**, Robert Hill is now confined in Jail at Windsor, in this Province, under a Writ of Execution, at the Suit of James Murison, of Glasgow, in that part of the United Kingdom called Scotland, Merchant, issued upon a Judgment recovered for the sum of Four Hundred and Nine Pounds Nineteen Shillings and Six Pence, Debt and Costs, by the said James Murison, against the said Robert Hill, and his former partner, William Hill, for a debt contracted with, and due to, the said James Murison, who is resident in Glasgow aforesaid, and the said Robert Hill and William Hill being unable to pay the said debt, for which the said Robert Hill is so confined, are both willing and desirous to assign and make over, for the benefit of their said Creditor, all their Estate, property, effects and credits, whatsoever, either joint or individual, and to have and take the benefit of the several Acts of this Province made for the relief of Insolvent Debtors, but are unable so to do owing to the operation of some of the provisions of the said Acts. *And whereas*, it appears that the said James Murison, by his Attorney, Alexander Primrose, hath consented that a Bill shall pass to extend the benefit of the Acts for the relief of Insolvent Debtors to the said Robert Hill and William Hill, notwithstanding that the said James Murison, the Creditor, resides in Great-Britain :

Robert Hill &amp; William Hill allowed benefit of Insolvent Acts

**I. Be it therefore enacted, by the President, Council and Assembly**, That it shall and may be lawful, when and so soon as the said William Hill shall have rendered himself a prisoner to the custody of the Sheriff of the County of Hants, under the Judgment aforesaid, for any one of the Justices of the Supreme Court, upon the application and petition of the said Robert Hill and William Hill, to make an order under his hand for bringing before him the said Robert Hill and William Hill, in order to afford them an opportunity of taking the benefit of the several Acts of this Province made for the relief of Insolvent Debtors, and to proceed thereon in like manner as in ordinary cases, and, upon the said Robert Hill and William Hill taking the oath prescribed by the said Acts and making the Assignment hereinafter mentioned, it shall and may be lawful for the said Justice to proceed to discharge the said Robert Hill and William Hill in manner as is prescribed and directed by the said Acts, and to make an order for that purpose, and such proceedings, order and discharge, shall, to all intents and purposes, be as valid, good and effectual, and shall be of the like force and effect, and have the same operation in Law, as any proceeding, order and discharge, made under and by virtue of the said Acts now in force for the relief of Insolvent Debtors ; and the said Robert Hill and William Hill shall be forthwith discharged from Custody under the said Judgment and Execution of the said James Murison. *Provided always*, that before the said Robert Hill and William Hill shall be so discharged as aforesaid, if no person shall attend before the said Justice on behalf of the said James Murison, it shall be proved by affidavit in writing to the satisfaction of the said Justice, that a Copy of the order of the said Justice, made for bringing the said Robert Hill and William Hill before him, hath been and was served upon the Attorney or Agent of the said James Murison, at least six days previous to the day in such order specified and appointed for the consideration of the petition and application of the said Robert Hill and William Hill.

Proviso

Assignment to be made of Property, &amp;c.

**II. And be it further enacted**, That the said Robert Hill and William Hill, before obtaining or becoming entitled to their discharge as aforesaid, shall make and execute a good, legal and sufficient Assignment, transfer and conveyance, in such manner as by the said Justice shall be deemed proper, and to such person or persons as by the said James Murison, his Attorney or Agent, may be named as Assignee or Assignees, or in default of such nomination to the said James Murison, of all Estate, Lands, Tenements, and Hereditaments, Goods, Chattles, Effects and Credits, Debts, Dues, Claims and Demands, which they the said Robert Hill and William Hill jointly, or either of them severally have,

have, or can or ought to have, either in possession, remainder or reversion, or by way of expectancy or otherwise, or to which they or either of them are or may be entitled in any way or manner howsoever, and the said Assignee or Assignees, his or their Executors or Administrators, shall thereof stand and be possessed, and be entitled to, and interested in, the same in Trust, in the first place to pay and reimburse to himself and themselves all or any Costs, Charges and Expences, attendant upon or incident to the executing and carrying into effect the several trusts and purposes of the said assignment, transfer and conveyance, and in the next place to pay off and discharge the sum of Money due; or to become due, to the said James Murison, on and by virtue of the said Judgment, for principal and interest thereon, and in the next place to pay and discharge any other Judgment or Judgments with which the said Robert Hill and William Hill or either of them, may stand charged in Execution for or in respect of any debt or debts by them jointly contracted, or which shall or may be subsisting or obtained against the said Robert Hill and William Hill or either of them, jointly or severally, for or in respect of any such joint debt as aforesaid, according to the respective dates and priority of such Judgments, and then in Trust for the benefit of the other Creditors of the said Robert Hill and William Hill, in equal proportion, share and share alike, and if there shall afterwards remain any surplus, then lastly, as to such surplus in Trust, to pay and dispose of the same to the said Robert Hill and William Hill, their Executors, Administrators, or Assigns.

Trusts, &amp;c.

III. *And be it further enacted*, That the Assignee or Assignees named in the said assignment, transfer and conveyance, his or their Executors or Administrators, shall be entitled to, and shall be at liberty to prosecute and sue, in his or their own name or names, any action or suit at Law or in equity for the recovery of, or for and in respect of any debt, property, effects, matter or thing whatsoever, which in and by the said assignment, transfer and conveyance, to the said Assignee or Assignees, is or shall be conveyed, transferred and assigned, under and by the means aforesaid.

Power vested  
in Assignees

## CAP. LIX.

### An Act for the relief of James Thomson, an Insolvent Debtor.

Executed

[PASSED THE 16th DAY OF APRIL, 1834.]

## CAP. LX.

### An Act for the relief of James Beach, an Insolvent Debtor.

Executed

[PASSED THE 16th DAY OF APRIL, 1834.]

## CAP. LXI.

### An Act for regulating the Currency of this Province.

(PASSED THE 16th DAY OF APRIL, 1834.)

**WHEREAS** the adoption of British Sterling Money as the Currency and Monies of Account of and throughout all His Majesty's Dominions would be highly useful, and

Preambl.

and tend to unite more closely the interests of the Colonies with those of the Mother Country, but to make such alteration in the Currency of this Province at present would be inconvenient and inexpedient, unless the same were adopted in the adjoining Colonies :—*And whereas*, in the meantime, until such change shall be made in the Currency of the other Colonies, it is requisite and necessary to establish a standard of value and an equivalent for property which may be obtained by affixing a value upon Foreign Gold and certain British Silver Coins :

Value of British Shillings and Six Pence in this Province established

Province

I. *Be it therefore enacted, by the President, Council and Assembly, That*, from and after the passing of this Act, the several British Silver Coins hereinafter mentioned and specified, shall and may be offered and received, paid, and legally tendered, by or to the Provincial Treasurer or other Public Officers, or by or to any Body, Politic or Corporate, person or persons whomsoever, in payment, satisfaction or discharge, of any debt, sums of Money, Duties, Contracts, Obligations, Liabilities, or Demands whatsoever, at the several and respective rates of value following, that is to say ;—The English Shilling at the rate of One Shilling and Three Pence Currency, and the English Six Pence at the rate of Seven Pence Half-penny Currency : *Provided always*, that no person shall be obliged to receive at one time payment of more than Fifty Pounds of Halifax Currency in British Silver Money at the rate or rates aforesaid.

*And whereas*, Spanish American Doubloons are brought into this Province in the course of Trade, and in payment of the Exports therefrom, and have been, since the year One Thousand Eight Hundred and Nineteen, received and paid at and after the rate of Four Pounds Currency, and four Treasury Notes of One Pound each have since that time been deemed equivalent to One Doubloon, and the difficulty of procuring British Coins in the ordinary course of Trade still continuing, it is necessary that the said Doubloon should become and be made a legal Tender at the rate aforesaid.

Doubloons established at 4l. Currency

II. *Be it therefore enacted, That*, from and after the passing of this Act, the said Doubloon, being of full weight and fineness, shall and may be offered and received, paid and legally tendered to the Provincial Treasurer, or other Public Officers, or by or to any Body, Politic or Corporate, person or persons whomsoever, in payment, satisfaction or discharge, of any Debts, sums of Money, Duties, Obligations, Liabilities or Demands whatsoever, contracted since the Nineteenth day of April, in the Year of Our Lord One Thousand Eight Hundred and Nineteen, at and after the rate of Four Pounds Currency for one Doubloon.

Contracts made in Sterling

III. *And be it further enacted, That* the Pound Sterling, as represented by the Gold Coin of the United Kingdom of Great-Britain and Ireland, called the Sovereign, shall henceforth be deemed and taken to be the Unit or Standard or Measure of Money or value, whereby, or with reference to which, all Contracts which shall hereafter be entered into, for the payment of British Sterling Money, shall be regulated and ascertained within this Province.

Copper Money

IV. *And be it further enacted, That* the Copper Money legally current in the United Kingdom, and the Copper Coins procured by the authority of the Legislature, for the use of, and issued from, the Treasury of the Province, shall be current, paid and received, at the same rates as British Penny and Half-penny Pieces in the United Kingdom, when the payment is to be made in Sterling, but if made in existing Currency then in the like proportion as such Currency bears as herein adjusted to Sterling Money. *Provided always*, that no person shall be obliged to receive at one time payment of more than Twelve Pence Sterling of Copper Money ; *And provided also*, that in payment no account shall be taken of, or payment be required for, any fractional part remaining due less than one Half-penny.

Continuation of Act

V. *And be it further enacted, That* this Act shall be in force until the Thirty-first day of December, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-five, and no longer.

## CAP. LXII.

## An Act for borrowing Money for the use of the Province.

(PASSED THE 16th DAY OF APRIL, 1834.)

**WHEREAS**, the state of the Provincial Funds may render it necessary and expedient to provide Monies by way of Loan for payment of the demands upon the Treasury: Preamble

**I.** *Be it therefore enacted, by the President, Council and Assembly,* That whenever, after the passing of this Act, upon and from any representation of the state of the Provincial Funds made by the Treasurer, it shall appear to be necessary to raise Money by way of Loan, for the payment of demands upon the Treasury, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, from time to time, as he shall deem it expedient so to do, by and with the advice of His Majesty's Council, to authorise and direct the Treasurer to negotiate and procure a Loan for such sum of Money as may be requisite to meet the exigencies of the Province; *Provided always*, that any Monies to be so borrowed, under and by virtue of this Act, shall not in the whole exceed the sum of Six Thousand Pounds. £6000 may be borrowed.

**II.** *And be it further enacted,* That at any time, and from time to time, when the said Treasurer shall be so directed and authorised to procure and negotiate a Loan as aforesaid, the said Treasurer shall give notice by Public Advertisement in the Royal Gazette and other Public Newspapers at Halifax, that a Loan is required for the sum which the said Treasurer shall or may be authorised and empowered to borrow as aforesaid, and that a subscription for such Loan will be opened at the Treasury on a certain day to be specified in the said Notice, and not to be less than three days after the date of such Notice; and on the day so specified such subscription shall be opened, and the Treasurer shall receive the subscriptions of any person or persons willing to furnish such Loan, in sums not less than One Hundred Pounds nor more than Five Hundred Pounds, until after such subscription shall be open for eight days, when it shall and may be lawful for any person or persons to take and subscribe any sum or amount of such Loan remaining unsubscribed for, notwithstanding the same may exceed the sum of Five Hundred Pounds. Loan to be advertised  
to be in limited Sums

**III.** *And be it further enacted,* That the Monies so subscribed for as aforesaid shall be received and paid into the Treasury, either in Provincial Treasury Notes, or in Doubloons of full weight, at and after the rate of Four Pounds Currency each, or in British Gold and Silver Coins, at and after the rate of Twenty-five Shillings for every Twenty Shillings thereof; and for every sum paid in by any person or persons, there shall be made and granted to such person or persons a Loan Certificate or Certificates, signed by the Treasurer of the Province, and any two of the Commissioners for issuing Treasury Notes, to be dated on the day on which the Monies therein specified shall have been paid into the Treasury, and shall express that the sum for which any such Certificate shall be granted, shall bear interest from the date thereof, at and after the rate of five per centum per annum. Payment of Loan into Treasury

**IV.** *And be it further enacted,* That the amount to be borrowed under this Act shall bear interest from the date of such Loan Certificates as aforesaid, at and after the rate of Five Pounds per centum per annum, which interest shall be payable and shall be paid at the Treasury of the Province half yearly, on the thirtieth day of June and the thirty-first day of December in each and every year, and it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, from time to time, to draw Warrants upon the Treasury for payment of such Interest out of any Monies then in the Treasury. Interest

**V.** *And be it further enacted,* That the Certificates to be made and granted under this Act shall be made in duplicate; and one part thereof shall be delivered to the person or persons to whom the same shall be made and granted, and the duplicate thereof shall be retained in the Treasurer's Office, and such Certificates shall be assignable by Loan Certificates  
Mmmm indorsement

indorsement thereon, made by the persons from time to time holding the same, and entitled to the Monies thereby made payable; *Provided*, a memorandum of such indorsement be entered on the duplicate of such Certificate retained in the Treasurer's Office.

Re-payment of  
Loan—and

VI. *And be it further enacted*, That the amount to be borrowed and received on Loan as aforesaid under this Act, shall be repaid and be payable at the Treasury of the Province, from and out of the Public Revenues of this Province, at the end and expiration of two years from the dates of the said Certificates respectively, to the several persons then holding the said Certificates and entitled to receive the amounts thereby made payable.

In what Monies

VII. *And be it further enacted*, That the said Loan shall be repaid to the said lenders in Doubloons at Four Pounds each, in British Gold and Silver Coins at Twenty-five Shillings for every Twenty Shillings thereof, or in Provincial Treasury Notes, at the option of the said lenders.

### CAP. LXIII.

## An Act establishing the Times and Days for holding the Sitting of the Inferior Courts of Common Pleas and General Sessions of the Peace in the several Counties and Districts within the Eastern Division of the Province.

(PASSED THE 16th DAY OF APRIL, 1834.)

Preamble

**WHEREAS**, the days and times of holding the Sittings of the Inferior Courts of Common Pleas and General Sessions of the Peace in the several Counties and Districts within the Eastern Division of the Province, have been found inconvenient for the Suitors and other Parties who have business therein, or are bound to attend the same—for remedy whereof:

Times of Sitting of Courts in County of Sydney, District of Pictou and Colchester

I. *Be it enacted, by the President, Council and Assembly*, That, from and after the passing of this Act, the Inferior Courts of Common Pleas and General Sessions of the Peace in the several Counties and Districts within the Eastern Division of the Province, shall be held and commence in the said Counties and Districts severally and respectively as follows, that is to say: at Guysborough, in the Lower District of the County of Sydney, on the Tuesday next preceding the last Tuesday of June, and on the Tuesday next preceding the last Tuesday of December, in each and every year; at Dorchester, in the Upper District of the said County, on the last Tuesday of June, and on the last Tuesday of December, in each and every year; at Pictou, in the District of Pictou, on the first Tuesday of July, and on the first Tuesday of January, in each and every year; at Truro, in the District of Colchester, on the second Tuesday of July, and on the third Tuesday of January, in each and every year; and at Amherst, in the County of Cumberland, on the third Tuesday of July, and on the second Tuesday of January, in each and every year.

Return of Writs, &c.

II. *And be it further enacted*, That all Writs, Bail Bonds, Recognizances, Rules, Orders, Bills, Declarations, Process or other Paper or Papers whatsoever, which now are or hereafter shall be depending, issued from, or made returnable into, the said Inferior Courts of Common Pleas and General Sessions of the Peace in the said several Counties and Districts respectively, at or upon the several days and times now appointed by Law for holding the same, shall be, and are hereby declared to be, returnable into and depending in, the said Courts respectively, on the days and times hereinbefore respectively fixed and appointed for the Sittings of such Courts, and all persons and parties who are summoned or bound to appear, or who ought to appear, by virtue of any such Process or Proceeding, so depending in, issued from, or returnable into, the said Courts on the days and times heretofore fixed and appointed for holding the same, shall be held and obliged

obliged to appear and answer thereto in the said Courts respectively, on the respective days and times fixed and appointed by this Act for holding the same, and all Judges, Justices, Sheriffs, Coroners, Constables, Jurors and other Officers, or Persons whatsoever, are required to take notice thereof and govern themselves accordingly.

### CAP. LXIV.

## An Act to extend to North Sydney, in the County of Cape-Breton, the provisions of the Act relating to Commissioners of Highways in Halifax and certain other places.

(PASSED THE 16th DAY OF APRIL, 1834.)

**B**E it enacted, by the President, Council and Assembly, That an Act, passed in the Seventh year of His late Majesty's Reign, entitled, An Act relating to Commissioners of Highways in Halifax and certain other places, and all the regulations and provisions thereof, with every matter, clause and thing, therein contained, shall be extended, and the same are hereby extended, to the Town or Village of North Sydney, in the County of Cape-Breton, and it shall be lawful for the Governor, Lieutenant-Governor or Commander in Chief, for the time being, to appoint five respectable Inhabitants and Freeholders of North Sydney aforesaid, to be Commissioners of Highways therein, for the purpose of carrying into effect the provisions and regulations of the said Act, and to proceed to supply any vacancy that may occur amongst such Commissioners and such appointment to renew, when necessary, in the manner prescribed in the said Act, so as the number of the said Commissioners may be at all times five.

Act 7, Geo. 4,  
c. 3, extended  
to North Syd-  
ney

II. *And be it further enacted*, That the jurisdiction, powers and authorities, of the said Commissioners, when appointed, shall be the same as if the said Town or Village of North Sydney had been originally named and mentioned in the said Act, and shall extend and be restricted to and within the limits following, that is to say:—Commencing at the north-east corner of a Lot of Land belonging to Mr. Samuel Plant, at the north bar of Sydney River, and following the course of said River, to the south-east corner of John Flahaven's Lot of Land, thence along the Public Road leading to the east corner of Mr. John Ross's Lot of Land, including said Road, thence along the shore of said River to Stewart's Creek, thence along the shore of said Creek till it cuts the west boundary of the said Stewart's Lot of Land, thence along the west boundary line of said Stewart's Lot north thirty-three degrees west for the distance of eight hundred yards, thence back in a direct line as nearly parallel as possible with the road and shore of the River so described as aforesaid, till it cuts Mr. Samuel Plant's north-eastern boundary line, at the same distance of eight hundred yards from the place of beginning, and thence along the said boundary line of the said Samuel Plant to the place of beginning, and shall also extend to, and be exercised over, all Roads, Streets or Lanes, within the Boundaries aforesaid, either now made or hereafter to be made; and also, to all Roads, Streets and Highways, now made or hereafter to be made, extending or running in any direction from the said limits before described, or any part thereof, to within ten miles of the Boundaries aforesaid.

Limits of North  
Sydney

III. *And be it further enacted*, That, from and after the first day of June next, the Authority, Powers and Jurisdiction, of the Surveyors of Highways, within the limits and upon the Roads, Streets and Highways, herein before mentioned, shall cease and determine, any Law, usage or custom, to the contrary notwithstanding.

Powers of Sur-  
veyors of High-  
ways to cease

## CAP. LXV.

## An Act concerning the Real Estate of Lunatics and Ideots.

(PASSED THE 16th DAY OF APRIL, 1834.)

Estates of Lunatics may be sold or mortgaged for

their support and costs of Inquiry, &c.

**B**E it enacted, by the President, Council and Assembly, That it shall and may be lawful for the Chancellor of the Province, by and with the advice of the Master of the Rolls, upon the application of any Person or Persons, being legally intrusted with the care and commitment of the Custody of the Persons and Estates of Persons, Lunatic or Ideot, or of unsound mind, and incapable of managing their affairs, to order the Freehold and Leasehold Estate of such Persons respectively to be sold, or charged and incumbered by way of Mortgage or otherwise, as shall be deemed most expedient, for the purpose of raising such sum and sums of money as shall be necessary for the payment of the Debts of such Lunatic, Ideot, or Person of unsound mind, or contracted for the support and maintenance of such persons respectively, or for the expences incurred in suing out a *Writ de Lunatico Inquirendo*, and the costs and charges attending the same, and attending such Sale, Mortgage, Incumbrance, respectively, as also any costs and expences that have been or may be incurred in executing any Commission of Lunacy, or other proceeding of and concerning such Lunatics, Ideots, or persons of unsound mind, their Persons or Estate, and to direct the Committee or Committees of the Estate of such Persons respectively, to execute in the name and on the behalf of such Persons respectively, conveyances of the Estates so to be sold, mortgaged or incumbered, and to do all such acts as may be necessary to effectuate the same, in such manner as such Chancellor, by the advice aforesaid, shall direct, which conveyances, so to be made in pursuance of any such order aforesaid, shall be as good and effectual in the Law as if the same had been executed by every such person so found Lunatic, Ideot, or of unsound mind respectively, when in his or her sound mind.

Surplus Monies

**II.** *And be it further enacted*, That in case there shall be any surplus of money to be raised by any such Sale as aforesaid, after answering the purposes aforesaid, the same shall be applied and disposed of in the same manner as the Estate sold would have been applied if this Act had not been made.

Validity of Acts done under authority of the Chancellor

**III.** *And be it further enacted*, That all and every act to be done by such Committee or Committees of the Estate of such Lunatic, Ideot, or Person of unsound mind, under and by virtue of this Act, and the order of the Chancellor, by the advice aforesaid, shall be as valid and binding against the said Persons so found Lunatic, Ideot and of unsound mind respectively, and all Persons claiming by, through or under, him or her respectively, as if the person so found Lunatic, Ideot or of unsound mind, respectively, had been in his or her sound mind, and had personally done such act or acts respectively.

Proviso.

**IV.** *Provided always, and be it further enacted*, That nothing in this Act contained shall extend, or be construed to extend, to subject any part of the Freehold or Leasehold Estates of any Person found Lunatic, Ideot or of unsound mind, to the Debts or Demands of his or her Creditors, otherwise than the same are now subject or liable by due course of Law.

## CAP. LXVI.

## An Act to authorise the Incorporation of a Company for erecting a Bridge across Avon River.

(PASSED THE 16th DAY OF APRIL, 1834.)

Preamble

**WHEREAS**, the erection of a substantial Bridge across the River Avon, between Windsor and Falmouth, in the County of Hants, at or near the Point of Rocks or Narrows, will be of great public advantage; *And whereas*, it has been found impracticable.

ble to procure sufficient funds for building the same, otherwise than by the formation of a Joint Stock Company, and by vesting the property of the said Bridge when so built in the said Company :

I. *Be it therefore enacted, by the President, Council and Assembly,* That William Blowers Bliss, Benjamin Dewolf, Thomas Chandler Halliburton, William Henry Shey, Lewis Morris Wilkins, and all and every such other person and persons as shall from time to time become Proprietors of Shares in the Corporation hereinafter mentioned and hereby established, and their Successors, Executors, Administrators and Assigns, shall be and they are hereby united into a Company, and declared to be one Body Politic and Corporate, by the name of the "Avon Bridge Company," and by that name shall have succession and a common Seal, with power the same to change, alter and make anew, as they shall see fit, and by that name shall and may sue and be sued, plead and be impleaded, at Law or in Equity, and be able and capable in Law to have, hold, purchase, get, receive, take, possess and enjoy, Houses, Lands, Tenements, Hereditaments, and Rents, in fee simple or otherwise ; and also, Goods and Chattles, and all other things, real, personal or mixed, to any amount not exceeding Thirty Thousand Pounds, including the cost or value of the said Bridge ; and also, to give, grant, mortgage, demise, sell, let, assign or convey the same or any part thereof, and to do, manage, transact, and execute, all other things in and about the same, as shall and may be thought necessary or proper for the benefit and advantage of the said Company.

Incorporation  
of Avon Bridge  
Company—

their powers

II. *And be it further enacted,* That the Capital and Joint Stock of the said Company shall consist of and be, and shall be restricted to, the sum of Fifteen Thousand Pounds, to be divided into Six Hundred Shares of Twenty-five Pounds each.

Amount of  
Capital

III. *And be it further enacted,* That the said Shares shall and may be transferable and transferred, in such manner and under such conditions, as may hereafter be prescribed by any Bye-Law, Rule or Ordinance, of the said Company, to be made and ordained as hereinafter mentioned.

Shares trans-  
ferable

IV. *And be it further enacted,* That when and so soon as One Hundred and Sixty Shares, or Four Thousand Pounds, of the said Capital or Joint Stock of the said Company shall be subscribed, and not before, it shall and may be lawful for the Subscribers and Shareholders to and in the said Company to meet and assemble together, and to nominate, choose and appoint Five Directors for the said Company, of whom one shall be chosen and elected by the said Directors to be President, which said President and Directors shall be and remain in office for such period of time, not less than one year, as may be provided for and directed by any Bye-Law or Bye-Laws, Rules or Ordinances hereafter to be made or ordained by the said Company, and until other Directors are substituted and elected in their stead.

Choice of Di-  
rectors

V. *And be it further enacted,* That when and so soon as the said President and Directors shall be chosen and appointed, it shall and may be lawful for the Members and Shareholders of the said Corporation, at any Meeting or Meetings to be held by them, when and as the same shall be considered necessary, to make, ordain and establish, all or any such Bye Laws, Rules, Ordinances and Regulations, as shall or may be requisite and necessary for the rule, order, direction and good government of the said Company, for the management of the affairs and Servants thereof, for the appointment, change and re-election of the President, Directors and Officers and Servants of the said Company, and for the building of the said Bridge and effecting the objects of the said Company, and such Bye-Laws, Rules, Ordinances and Regulations from time to time to abrogate, alter, change and vary, as may be deemed expedient ; *Provided,* such Bye-Laws, Rules, Ordinances and Regulations, be not contradictory or repugnant to this Act or any of the Laws and Statutes of the Province or those in force within the same.

Bye-Laws,  
Rules, &c.

VI. *And be it further enacted,* That annual or other Meetings of the Stockholders or Members of the said Company shall be held at the time, in the manner, at the place, and under such regulations, as shall or may from time to time be appointed and prescribed therefor, in and by any of the Bye-Laws, Rules, Ordinances and Regulations, of the said Company to be made as aforesaid.

Meetings of  
Stockholders

VII. *And be it further enacted,* That when and so soon as the said Sum of Four  
Nnnn  
Thousand

Building of  
Bridge

Thousand Pounds, or One Hundred and Sixty Shares of the Capital or Joint Stock of the said Company shall be subscribed as aforesaid and actually paid in, it shall and may be lawful for the said Company to commence building the said Bridge, and to proceed to build and erect over and across the said River Avon, between Windsor and Falmouth aforesaid, on some site at or near the Point of Rocks or Narrows, a good and sufficient Bridge, of such size and dimensions, and of such materials, and with such and so many Piers and Abutments, and in such way and manner as shall be proper, safe and convenient for the passage and conveyance of Passengers, Horses, Cattle and Carriages of all descriptions, and at all times across and over the same, and according to such plan and method as the said Company shall think proper or expedient, and the same Bridge to alter, change, renew, amend, repair and sustain, as the said Company shall think fit.

Bridge vested  
in Company

VIII. *And be it further enacted*, That the said Bridge when erected as aforesaid, and all the Piers, Abutments, Approaches, Outlets, Entrances and Appurtenances thereof, and all Lands and other Property purchased or obtained for the said Bridge, or as appurtenant thereto, shall be, and the same are hereby, vested in and declared and made the sole and exclusive Property of the said Company forever.

Toll for Passage  
of Bridge

IX. *And be it further enacted*, That a way and passage in, upon and over the said Bridge, and the Approaches, Outlets and Entrances thereof, shall be at all times and seasons, (except when obstructed or closed from absolute necessity,) free and open to all His Majesty's Subjects, with their Horses, Cattle, Carts and Carriages, upon payment of such Toll or Pass-money as shall from time to time be fixed and established by the President and Directors of the said Company. *Provided always*, that no Toll or Pass-money shall be demanded, taken or received, of and from any of His Majesty's Troops, or any Body of Militia, with their Munitions of War and Baggage, when on their march from place to place in this Province, or of and from any such Troops or Militia, when actually employed on Military Duty or Service, or of, from or for any person or persons, Horse, Coach or Carriage, carrying or conveying any of His Majesty's Mails from place to place within this Province, but His Majesty's Troops and Militia, when on their March or when employed as aforesaid, and all His Majesty's Mails, shall at all times and seasons, when such Bridge shall not be closed or obstructed from absolute necessity as aforesaid, pass and be conveyed, and be suffered and permitted freely to pass over and upon the said Bridge, free from any such Toll or Pass-money as aforesaid.

Proviso

Liability of  
Joint Stock

X. *And be it further enacted*, That the Joint Stock, and all Real and Personal Estate of the said Company, shall at all times be subject and liable to and for all and every Contract or Contracts, and Engagements of every description of, or made or entered into by, the said Company, and no person or persons having any claim or demand against the said Company shall, on any pretence whatsoever, have recourse against the separate and individual Property of any individual Member thereof, or against their persons, for any Debt, Contract or Engagement of the said Company, but the Members of such Company shall be liable only for the Shares or Stock held by them respectively, and no more.

Stock considered  
personal  
property

XI. *And be it further enacted*, That, notwithstanding any Real Estate which the said Company may at any time own and possess, the Shares and Interest of the Stockholders of and in the Stock, Funds, Property and Estate, of the said Company, shall be and shall be held, deemed and taken to be, Personal Property, to all intents and purposes whatsoever.

Failure in pay-  
ing Shares

XII. *And be it further enacted*, That if any Subscriber for any Share or Shares in the said Capital or Joint Stock of the said Company shall not pay into the hands of the person or persons appointed to receive the same, the said Share or Shares or such portion thereof, as may be required within Thirty Days, after notice shall be given in any one or more of the Public Newspapers, printed and published at Halifax, requiring the same to be paid in, it shall and may be lawful for the President and Directors of the said Company, in the name of the said Company, to commence and prosecute a Suit or Action at Law, for the amount of the Share or Shares so remaining unpaid against the Subscriber or Subscribers for the same.

XIII. *And be it further enacted*, That the Piers, Abutments and Materials, lately erected.

erected or purchased, prepared or procured for the purpose of erecting a Bridge, and now remaining at or near the said intended site of the said Bridge, shall be, and the same are hereby declared to be assigned to, and vested in, the said Company, from and after the same shall be formed as and for their Property.

XIV. *And be it further enacted,* That the said Company shall have a right of way or passage from the Main Road in Windsor aforesaid, along the Shore of the said River for all Persons, Horses, Cattle and Carriages, and at all times and seasons, and shall have liberty to make, keep, uphold and sustain, a Public Road or Highway along the said Shore, free and open for all persons whatsoever, with their Horses, Cattle, Carts and Carriages to pass and repass, over and upon the same. *Provided always,* that no such right of way or passage, or the liberty of making such Road, shall extend or be construed to extend to any Land already granted to any person or persons whomsoever, but shall be limited and restricted to Lands ungranted.

Abutments  
now erected  
vested in Com-  
pany

XV. *Provided always, and be it further enacted,* That the said intended Bridge shall be erected and completed within six years from the passing of this Act, and be kept and maintained at all times in good and sufficient repair, after the same shall be so built and erected.

Proviso, Bridge  
to be built in  
Six Years

XVI. *Provided always, and be it further enacted,* That if the said Company shall think proper, and find it expedient so to do, it shall and may be lawful for the said Company, instead of building a Bridge upon Piers or Abutments in the usual manner, to build and erect across the said River, a solid Bridge, Dam or Aboiteau, and all the privileges, advantages and authorities, hereby given to, and vested in, the said Company, for building a Bridge, shall be deemed and taken to be applicable to the building and erecting of the said solid Dam, Bridge or Aboiteau, across any part of the said River. *Provided always,* that a sufficient Lock or Water Way shall be made and kept in and through said solid Bridge, Dam or Aboiteau, for the passage of all Ships and Vessels to the parts of the said River, above the said solid Bridge, Dam or Aboiteau, to be erected as aforesaid.

A solid Bridge  
may be built

Proviso

## CAP. LXVII.

### An Act to authorize the Congregation of the Presbyterian Meeting-House at Douglas, to raise Money from the Pews of the said Meeting-House, for the Repairing and Ornamenting thereof.

(PASSED THE 16th DAY OF APRIL, 1834.)

**WHEREAS**, the Presbyterian Meeting-House at the mouth of the Shubenacadie, in the Township of Douglas, wherein the Reverend Thomas S. Crowe, at present officiates, was originally built by a number of Persons who were mutually interested therein, and were Owners of the Pews in the said Meeting-House, many of which persons are since dead, and the property in the said Pews has now become vested in the Heirs or other Representatives of such deceased original Proprietors; *And whereas*, the interest of the several Owners of the said Pews has now become so inconsiderable that great difficulties are experienced in procuring Funds to keep the said Meeting-House in repair, owing to the neglect of many of the Owners of the said Pews to pay their proportion of the necessary and unavoidable expense of Repairing and Ornamenting the said Meeting-House, in consequence of which the said Meeting-House is in great danger of going to decay:

Preamble

1. *Be it therefore enacted, by the President, Council and Assembly,* That, from time to time, and at any time after the publication of this Act, whenever it shall be necessary to procure or raise any Money for the Repairing and Ornamenting the said Meeting-House

Committee  
may be ap-  
pointed to  
make assess-  
ments to defray  
expense of  
repairs

House, it shall and may be lawful for the Congregation attending at such Meeting-House, at any Public Meeting of such Congregation, whereof due notice shall be given to such Congregation in said Meeting-House, when therein assembled for Divine Service, on the Sunday previous to such Meeting, to nominate and appoint, by vote of the majority of the Members of the said Congregation present at such Meeting, three or more fit and proper persons to be a Committee to assess and apportion the Sum of Money necessary and required to be raised for the purposes aforesaid, on the said Pews respectively, according to the relative size and value of such Pews, at a just and equitable rate, of which assessment and apportionment, due notice shall be given by publicly reading the same in the said Meeting-House, to the Congregation when assembled therein for Divine Service, on some one Sunday, after the same shall be made by the said Committee; and also, by putting up and continuing a true and correct Copy of such assessment and apportionment on the door of the said Meeting-House, for three successive weeks after the same shall be so made as aforesaid.

Pews of Persons neglecting or refusing to pay assessments

II. *And be it further enacted*, That if, after due notice of such assessment and apportionment shall have been so publicly given as aforesaid, some such person or persons so interested in any of the said Pews shall not come forward to pay the sum which may have been assessed by the said Committee on such Pew, within three weeks after such Notice so given as aforesaid, then, and in such case, it shall and may be lawful for the said Committee, after having given due Notice on the previous Sunday publicly to the said Congregation when assembled in the said Meeting-House for Divine Worship, of the time of letting the same, to proceed to let at Public Sale or Auction, for such period of time, (not exceeding Ten Years) as may be sufficient to pay the rate or sum assessed thereon respectively, any Pew or Pews whereon the sum assessed shall remain unpaid as aforesaid.

Lessees put it in possession Pews

III. *And be it further enacted*, That the Person or Persons who shall or may become the Lessee or Lessees of the said Pew or Pews respectively, at the said Sale shall be put in possession thereof by the said Committee, and shall be taken and held to be the sole and exclusive Owner or Owners of the said Pew or Pews, for such period of time as the same may be leased or let to the said person or persons at such sale, and such Lessee or Leasees shall be liable to pay such rent or rents as he or they shall or may have agreed to pay for the same; and if the rent or rents aforesaid or any part thereof shall be behind and unpaid after the time or times which shall or may have been agreed on for the payment thereof, it shall and may be lawful for the said Committee, so to be appointed as aforesaid, to sue for and recover such rent or rents or such part thereof, as may so remain behind and unpaid, in the same manner as Debts of the like amount may or can be ordinarily sued for and recovered.

Continuation of Act

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

### CAP. LXVIII.

## An Act to prevent the Clandestine Landing of Liberated Slaves, and other Persons therein mentioned, from Vessels arriving in this Province.

(PASSED THE 16th DAY OF APRIL, 1834.)

Preamble

**WHEREAS**, from the recent Emancipation of the Slaves in the West-Indies, Bermuda and the Bahama Islands, it is apprehended that many of the sick, infirm, idle and dissolute of them, may be transported to this Province, and there is also reason to fear that Felons and Convicts, and others who may have undergone sentence of transportation and been pardoned or liberated, may be also hither, and that thereby burthen-  
some

some expense may be occasioned to the Inhabitants of this Province, and Contagious Diseases be introduced among them:

I. *Be it therefore enacted, by the President, Council and Assembly, That, on the arrival of any Vessel, in any place within this Province, containing or having on board Slaves, liberated Slaves, Felons or Convicts, or Persons having been Felons or Convicts who may have been transported under the Sentence or Judgment of any Court, or by other Legal Authority whatsoever, and who may have been pardoned or liberated before or after the expiration of the Term for which they may have been so respectively transported, it shall be lawful for any two Justices of the Peace, if they shall think fit, to station one or more Constables, who are hereby required to obey their directions in that behalf, on board of or near to such Vessel, to prevent the clandestine landing of the said Slaves, liberated Slaves, Felons or Convicts, or Persons having been so transported as herein before mentioned, and that a reasonable allowance, to be fixed by the said Justices, shall be paid by the Master or Owner of such Vessel to the Constable or Constables or other Persons so stationed, for their services in attending until security shall have been given as is hereinafter prescribed, or until the said Vessel shall depart from such place, and the amount of such reasonable allowance, so to be fixed as aforesaid, shall and may be recovered with costs in an action of debt to be brought in any Court of Record within the Province, at the suit of the said persons to whom the said allowance shall be made as aforesaid.*

Constables may be stationed on board Vessels bringing Liberated Slaves, &c.

II. *And be it further enacted, That the Master or other Person having charge of any Ship or Vessel so arriving in this Province with Slaves, liberated Slaves, Felons or Convicts, or Persons who may have been so transported as aforesaid on board, shall enter into a Bond or Bonds to His Majesty, His Heirs and Successors, in the form prescribed in the Schedule hereto annexed, and marked A, with sufficient Sureties, to be approved of by the Collector of Impost and Excise nearest to the port or place where the Vessel may be, in a penalty of Fifteen Pounds for each Slave, liberated Slave, Felon or Convict, or Person who may have been so transported, pardoned or liberated as aforesaid, who may be on board of such Vessel, and who is to be landed.*

Bonds to be given by Masters, &c.

III. *And be it further enacted, That if any Master or Commander of any such Vessel shall wilfully, and in violation of this Act, land any one or more of the said Slaves, liberated Slaves, Felons or Convicts, or Persons who may have been transported and pardoned or liberated as aforesaid, before such Bond or Bonds shall have been duly executed, and the Security approved as aforesaid, such Master or Commander shall forfeit and pay to His Majesty, His Heirs and Successors, the sum of One Hundred Pounds, to be recovered by the Attorney-General, or in his absence by the Solicitor-General, in the name of His said Majesty, to his use, in any Court of Record within this Province, and also all costs, damages and expenses; and in case any attempt shall be made to land any of such Slaves, liberated Slaves, Felons or Convicts, or Persons so transported and liberated or pardoned as aforesaid, before such Bond shall be duly executed as aforesaid; or any such Slave, liberated Slave, Felon or Convict, or Person transported and pardoned or liberated as aforesaid, shall be actually landed, then it shall be lawful for any two Justices of the Peace, upon complaint on oath duly made before them, to issue a Warrant directed to any Constable or Constables, under their hands and seals, whereby the said Master or Commander shall be arrested and holden to bail to answer the said suit of His Majesty, to be prosecuted as aforesaid, in double the said sum of One Hundred Pounds.*

Violation of this Act

IV. *And be it further enacted, That in case any of the said Slaves, liberated Slaves, Felons or Convicts, or Persons so having been transported and pardoned or liberated as aforesaid, landed under the security hereby prescribed, shall become chargeable to any Township or Townships, place or places, within this Province, by reason of disease, bodily infirmity, age, childhood or poverty, or shall become Paupers or Common Beggars, within one year after he, she or they, shall so land, the said Bond or Bonds shall be sued in the name of His said Majesty in any Court of Record in this Province, by the said Collector, who shall have approved of the said security as aforesaid, and Judgment shall be given therein for a sum equal to Fifteen Pounds for each Slave, liberated Slave, Felon*

Liberated Slaves, &c. becoming chargeable

*[Handwritten signature]*

or Convict, or Person so having been transported and pardoned or liberated as aforesaid, who shall have become chargeable, or become Paupers or Common Beggars as aforesaid, together with costs of suit; and the amount for which Judgment shall be so given shall be paid over to the Overseers of the Poor of the Township or Place in which the said Slave, liberated Slave, Felon or Convict, or Person having been so transported and liberated or pardoned as aforesaid shall have become chargeable, or Paupers or Beggars as aforesaid.

Operation of Act may be suspended

V. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, from time to time to suspend the operation of this Act by proclamation for such period as he shall deem necessary, or to limit the operation thereof to vessels arriving from particular Places or Countries, or under particular circumstances. *Provided always*, that this Act shall not extend to any of His Majesty's Ships or Vessels of War, or other Vessels employed in the Transport or Packet Service, or in the service of the Government of this Province.

Prosecutions

VI. *And be it further enacted*, That if any Action or Suit is brought against any Person or Persons for any act, matter or thing, by him or them done or caused to be done, by virtue of this Act, he and they may, if he or they think fit, plead the general issue, and upon the trial give this Act and the special matter in evidence, any Law, usage or practice, to the contrary notwithstanding.

Continuation of Act

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

SCHEDULE A.

FORM OF BOND.

Bond

KNOW ALL MEN by these Presents, that We are held and firmly bound to our Sovereign Lord the King, His Heirs and Successors, in the sum of to be paid to Our said Lord the now King, His Heirs and Successors, to which payment well and truly to be made, We bind ourselves, and each and every of us by himself, Our and each and every of Our Heirs, Executors and Administrators, jointly, severally and firmly, by these Presents, sealed with Our Seals, and dated this day of in the Year of Our Lord One Thousand Eight Hundred and Thirty

The Condition of the foregoing Obligation is such: that, if the following persons or any of them, that is to say:—

(Names of Passengers.)

Who are about to land from the Ship or Vessel, called the shall not in any way become chargeable to any Township or Townships, Settlement or Settlements, in this Province, by reason of Disease, Bodily Infirmity, Age, Childhood or Indigence, nor shall become Paupers or Common Beggars within one year from the date hereof, then these Presents shall be null and void, otherwise to be and remain in full force.

Signed, Sealed and Delivered, }  
in the Presence of }

CAP. LXIX.

An Act in amendment of the Act relating to Highways, Roads and Bridges.

Amends 7, Geo. 4, c. 2 See 8, Geo. 4, c. 23, 5, Wm. 4, c. 31

[PASSED THE 16th DAY OF APRIL, 1834.]

Preamble

WHEREAS, the method at present prescribed by Law for laying out new or altering old Roads or Highways in this Province is found to be tedious, troublesome and expensive:

I.

*[Handwritten notes and signatures]*

I. *Be it therefore enacted, by the President, Council and Assembly,* That hereafter whenever a New Road or Highway within any Town, Township or Place, or from Town to Town, or place to place, in any County or District in this Province, or an alteration of an old one is wanting, the same shall and may be applied for to the Court of General Sessions of the Peace for such County or District, by Petition, signed by at least Twenty Freeholders of such County or District, and the Court to whom such Petition shall be made, if fully satisfied of the propriety and necessity thereof, is hereby authorized and required forthwith to order a Precept to be directed to three Persons, resident within such County or District, being Freeholders, not being interested in the business referred to them, directing them within some convenient time to repair to, and view and examine into the propriety and necessity of, such proposed New Road or Highway, or alteration of an old one, as the case may be, and if in their opinion the same shall be proper and necessary then to proceed to lay out and mark off such New Road or Highway, or alteration of an old one, in such way as may be most for the public good, and of the least possible damage to the person or persons through whose Property it may be necessary to run the same, and thereupon having ascertained the extent of such New Road or Highway, or alteration of an Old one, and being made acquainted with the distance the same shall or may run through any Person's Property, the nature of the Soil and Improvements, as also the extent of Fencing necessary to be done by reason thereof, the said three Freeholders shall proceed to make a just and equitable valuation and appraisement, according to the circumstances of the case, of the damages to be paid each person through whose land such New Road or Highway, or alteration of an Old one, shall run, specifying particularly and separately, what is to be paid to each Proprietor for damage to Soil, for Improvements and for fencing, and shall make return of their proceedings therein to the Clerk of the Peace for such County or District, at least fifty days before the then next Sittings of the said Court for such County or District, to be filed in his Office, who thereupon shall forthwith post Notices, containing the substance of such return, and continue such Notice, in at least six different places of public resort in the said County or District, and also near to such New Road or Highway, or alteration of an Old one, for the space of Thirty days, to the intent, that any person or persons thinking himself or themselves aggrieved or injured thereby, may appear at the then next General Sessions of the Peace for such County or District to make his exceptions thereto, at which time and place the said Court shall and may proceed to take into consideration the objections made to all or any of such proceedings, and confirm or disallow the same, according to the justice and expediency of the case.

Application for new road or alteration of old one to be made to Court General Sessions of the Peace

Precept to be issued to three Freeholders

Compensation to owners of Lands through which roads shall pass

II. *And be it further enacted,* That in case any person or persons so objecting to all or any of the proceedings to be had under this Act, for the purpose of laying out new or altering old Roads or Highways, shall be so minded, he or they may appeal from any decision which shall be thereupon made by the said Court before whom such proceedings shall be had, in which case such Court shall forthwith order a Precept or Warrant to the Sheriff of such County or District, or his Deputy, who shall thereupon proceed to summon a Jury, and lay out or alter such Highway or Road, and all such further and the like proceedings shall be thereupon had and taken for laying out or altering such Highway or Road, as is prescribed in and by the said Act of which this is an amendment:—*Provided* always, that before any such appeal shall be entertained or allowed of by the Court before whom it is taken, or any proceedings shall be thereupon had, the person or persons so appealing shall give Bond to Our Sovereign Lord the King and his Successors, with two sufficient Sureties, in such sum as shall be ordered by the Court, upon condition, that if the Jury who shall or may be summoned to lay out or alter such Highway or Road shall confirm the Return of the proceedings of the said three Freeholders, or shall expressly return it as their unanimous opinion that the appeal so entered was frivolous or vexatious, or shall not give greater damages to the person or persons so appealing by one sixth more than was respectively allowed him or them by the return of the said three Freeholders, of all which circumstances the Jury are hereby empowered to enquire, then the said person or persons so appealing shall pay all such costs and charges as by and from such appeal being made shall and may happen and accrue, and as shall be taxed and allowed by the said Court.

Appeal allowed

Proviso

Damages and Expenses

III. *And be it further enacted*, That the damages assessed or appraised, and the expences incurred under this Act, shall be assessed and levied in such and the like manner as is prescribed in and by the Fifteenth Section of the said Act, of which this is an amendment.

Proviso

IV. *Provided always, and be it further enacted*, That nothing herein contained shall extend or be construed to extend to stay any proceedings now pending in any Court of General Sessions of the Peace, relative to laying out new or altering old Roads or Highways, unless the same shall be abandoned by the Persons applying for the same, in which case such Persons are at liberty to do so and proceed *de novo* under the several Clauses of this Act relating thereto.

*And whereas*, Frauds have in many instances been practised under the Eighteenth Section of the said Act, of which this an amendment.

7, Geo. IV. c. 2. s. 18 repealed

V. *Be it therefore further enacted*, That from and after the passing of this Act, the Eighteenth Section of the said Act, of which this is an amendment, shall be and the same is hereby repealed.

Compensation for Fencing

VI. *And be it further enacted*, That in all cases where compensation has been or may hereafter be adjudged to the Owners of Lands, to enable them to Fence the sides of such Highways, payment of such compensation shall not in any case be made to such Owner or Owners until he or they shall have made Oath before one of His Majesty's Justices of the Peace, that such Fence or Fences has or have been actually put up in a proper manner, and that the same incloses in whole, or in part, some of his or their lands, and that the same shall not be removed by him or them, or with his or their assent.

Sec. 5, Wm. IV. c. 31

VII. *Provided always, and be it further enacted*, That nothing in this Act contained shall extend to the County of Cape-Breton.

Continuation of Act

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

## CAP. LXX.

### An Act respecting Judgments and Executions obtained and levied against Lands.

(PASSED THE 16th DAY OF APRIL, 1834.)

Last section of Act 3, Geo. IV, c. 1 repealed

**B**E it enacted, by the President, Council and Assembly, That the last clause or section of the Act, passed in the Third Year of His late Majesty's Reign, entitled, An Act to amend the several Acts, passed in the Thirty-second and Thirty-fourth Years of the Reign of His late Majesty King George the Second, for confirming Titles to Land, and quieting Possessions, and an Act, passed in the Twenty-ninth Year of the Reign of His Majesty King George the Third, entitled, An Act to amend the several Acts, passed in the Thirty-second and Thirty-fourth Years of His late Majesty George the Second, and in the First, Fifth and Twelfth Years of His present Majesty's Reign, relative to the Registering of Deeds and Conveyances, made of, or which may affect, Lands, Tenements and Hereditaments, and every matter and thing, in such clause contained, shall be and the same are hereby repealed.

*And whereas*, in many cases Judgments obtained against parties in the Supreme Court and Inferior Courts of Common Pleas in this Province, have been duly Registered whereby, a lien has been obtained on the lands of the parties against whom such Judgments have been obtained, but no levy of any Execution or first Deed by the Sheriff has been made, and it is expedient to permit the party having such lien upon lands under any such Judgment to render the said lands available for payment thereof, with as little delay and expense as possible:

Sales under Execution without Sheriffs first deed

II. *Be it therefore enacted*, That in any case where a Judgment shall have been registered, and the amount or a part thereof shall remain unpaid, it shall and may be lawful for

for any plaintiff or plaintiffs or other person or persons holding such Judgment as aforesaid, to issue an Execution on such Judgment, and to cause the same to be levied on any Real Estate, Lands, Tenements or Hereditaments, upon which such plaintiff or plaintiffs, or other person or persons, by means of such Judgment and the Registry thereof as aforesaid, may have obtained a lien, and forthwith thereafter, and without executing or causing to be executed any first deed, and after giving notice by Advertisement in the Royal Gazette Newspaper for the space of three months, to cause the Sheriff to make sale of any such Real Estate, Lands, Tenements, or Hereditaments, or of any part thereof, and to proceed on such sale in like manner as if a first deed had been made, notwithstanding, there may not have been any such first deed executed, *Provided always*, that before such sale be made the Judgment whereon the said sale shall be founded, and the said proceedings had, shall be at the time of such sale actually signed and docketted for two years at the least, and not longer than ten years.

Proviso

III. *And be it further enacted*, That it shall and may be lawful for any Defendant or Defendants, whose real estate, lands, tenements or hereditaments, shall or may hereafter be taken in Execution, by himself or themselves, or by his or their Attorney, or his or their Heirs, Executors or Administrators, at any time within the space of twenty days before the sale thereof is to be made, to signify in writing to the Officer who is to make such sale what part or portion of such real estate, lands, tenements or hereditaments, shall be sold, if a part or portion thereof may be sufficient to satisfy the monies on such Execution due and payable, which part, if that shall be sufficient, and no other, the Sheriff or other Officer shall, under such Writ of Execution, sell and dispose of; but if the same shall prove insufficient, then, and in such case, it shall and may be lawful for the Sheriff or other Officer to proceed to make sale of the residue of the said real estate of any such Defendant or Defendants, or such part thereof as may be sufficient for the payment of such debt.

Estates may be sold to satisfy Debts

IV. *And be it further enacted*, That the Sheriff shall in his own name make and execute to the purchaser or purchasers at such sale, a deed in fee simple of the real estate, lands, tenements or hereditaments, purchased at such sale, which Deed shall be good and sufficient to convey and assure to the said purchaser or purchasers all estate, title and interest, of the defendant, or party against whom such Judgment may have been obtained, of and in the said real estate, lands, tenements or hereditaments, so levied on, sold and conveyed; subject only to such mortgage or mortgages or other legal incumbrances, conveyances and charges, as may be legally chargeable on such real estate, lands, tenements or hereditaments, in preference to the said Judgment and Execution under which such sale and conveyance shall or may be made.

Sheriff to give Deeds

V. *And be it further enacted*, That whenever any person or persons shall have recovered a Judgment and registered the same, whereby such person or persons may have obtained a lien on any real estate, lands, tenements or hereditaments, and the person or persons obtaining such Judgment shall not, within one year from the day of signing the same, levy or cause to be levied an Execution on the said real estate, lands, tenements or hereditaments, and any Judgment or Judgments against the same party or parties shall be subsequently to such first Judgment, recovered at the suit of other person or persons, and shall be duly registered, it shall and may be lawful for the person or persons who shall have recovered any such subsequent Judgment to give notice to the Creditor or Creditors holding any prior Judgment or Judgments, that unless Execution be levied under the said prior Judgment or Judgments, that the person or persons giving the said notice, will proceed to levy an Execution or Executions under his or their Judgment upon the real estate, lands, tenements or hereditaments, of the debtor or debtors against whom such Judgment shall have been recovered: and if the Creditor or Creditors, holding such prior Judgment or Judgments, shall not, within three calendar months after such notice, proceed to levy an Execution on the said real estate, lands, tenements or hereditaments, the party or parties giving such notice shall and may proceed to levy or cause to be levied an Execution on the real estate, lands, tenements or hereditaments, of the debtor or debtors, and shall thereby be, and become entitled to, and shall obtain, priority and preference over any former Judgment, Creditor or Creditors,

Judgments on which Executions are not issued in one year after they are obtained

tors, to whom such notice shall have been given, and who shall neglect to levy or cause to be levied an Execution as aforesaid.

Executions may be issued on Judgments subsequently obtained

And whereas, by an Act made and passed in the Second Year of His present Majesty's Reign, entitled, An Act for the Registry of Judgments and Attachments, and confirming Titles to Lands, it is, among other things, enacted, that all Judgments intended to form a lien on lands shall be Registered in the Office of the Registrar or Deputy Registrar of Deeds, in the District or County where the lands lie, but no provision is made for entering or registering a discharge of such Judgment or lien under the same:

Satisfaction of Judgments may be registered

VI. Be it therefore enacted, That where any such Judgment shall be registered in the Office of any Registrar or Deputy Registrar of Deeds in this Province, pursuant to the said last mentioned Act, if at any time afterwards a Certificate in writing signed by the party having the beneficial interest in such Judgment, and attested by one or more subscribing witness or witnesses present at the signing of the said Certificate, shall be proved as by Law required, on the oath of one of the said witnesses, and be deposited in the Office of the said Registrar or Deputy Registrar, whereby it shall appear that the Monies due upon, or by virtue of, such Judgment, have been paid or satisfied in discharge thereof, or if a Certificate is produced to such Registrar or Deputy Registrar, signed by the proper Officer or his Deputy, under the seal of the Court in which such Judgment has been obtained, that satisfaction of such Judgment has been entered of record, then, and in every such case, the said Registrar or Deputy Registrar shall make an entry in the margin of the Books of Registry against the Registry of said Judgment, that the same has been satisfied and discharged, according to such Certificate, to which the said entry shall refer, and such Certificate shall be filed and remain of record in the Office of such Registrar or Deputy Registrar, and the fee to be taken by such Registrar or Deputy Registrar for such entry shall be Two Shillings and no more, and the fee to be taken by the Officer of the Court granting any such Certificate of satisfaction as aforesaid shall be also Two Shillings and no more.

Fees to Prothonotaries and Registrars

VII. And be it further enacted, That the fee to be taken by the Prothonotary or Deputy Prothonotary, or other Officer, for the Copy of any Docket of Judgment with his Certificate and the Seal thereon for Registry, shall be Five Shillings and no more, and the fee to be taken by the Registrar or Deputy Registrar for the Registry thereof shall also be Five Shillings and no more.

CAP. LXXI.

An Act in further amendment of the Act concerning the Common of Halifax.

(PASSED THE 16th DAY OF APRIL, 1834.)

Preamble

WHEREAS, it is expedient and desirable that the whole control and regulation of the Common of Halifax should be vested in the Commissioners of such Common:

10, Geo. IV. c. 32, Sec. 11. 12 & last repealed

I. Be it therefore enacted, by the President, Council and Assembly, That the eleventh, twelfth and last clauses or sections of the Act, passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, entitled, An Act concerning the Common of Halifax, save and except so much of the said last clause or section of the said Act as requires His Majesty's Assent to the said Act, shall be and the same are hereby repealed.

Commissioners to make rules and regulations for Common

II. And be it further enacted, That it shall and may be lawful for the Commissioners for the Common of Halifax, for the time being, to make such Rules, Orders and Regulations for the said Common, as may be deemed necessary, and from time to time to alter and change the same, and to annex such penalties as may be thought necessary to compel obedience to such Orders, Rules and Regulations, as effectually to prevent persons

sons

sons from trespassing on the said Common, by digging or breaking up the soil thereof, or from taking away the earth, soil or stones thereof, and for forfeiting and removing all manure, stones, rubbish, ashes, earth, or any incumbrance which may be laid thereon, and for punishing by fines or otherwise the person or persons who shall place the same thereon, or by whose order and direction the same may have been so done, and for regulating the number of Cows, Sheep or Oxen, which the respective Inhabitants of the Town of Halifax may be entitled to pasture on the said Common, and for taking up and impounding all Horses or Pigs, found at large on said Common, as also for impounding all Cattle, Cows, Oxen and Sheep, which may be found on said Common, beyond the number entitled to be depastured thereon, and also to fix the penalty which the owner of such Horses, Pigs, Cattle, Oxen, Cows or Sheep, shall pay to obtain the release of the same when lawfully impounded, and also for preserving ornamental trees now planted, or from time to time to be planted on such Common, and also for punishing persons injuring the same.

III. *Provided always, and be it further enacted,* That no fine or penalty exceeding Forty Shillings shall be imposed, adjudged or affixed, by or to any such Rule, Order or Regulation, for the breach thereof, and that all fines thereby affixed shall be recovered with costs before any one of His Majesty's Justices of the Peace for the County or District of Halifax, one half to go to the informer who shall sue and prosecute for the same, and the other half to be paid to the said Commissioners to be by them applied for the purposes of the said Act hereby amended, and in case of the person convicted of the breach of any such rule, order or regulation, being unable or refusing to pay the fine or penalty thereby imposed, such person shall be forthwith committed to the House of Correction or Jail at Halifax, as may be by the said rule, order or regulation directed, for such space of time, not exceeding in any case Three Calendar Months, as may be thereby prescribed.

Fines and Penalties

IV. *And be it further enacted,* That the rules, orders and regulations, of the said Commissioners, so to be made and established as aforesaid, shall extend to, and include the whole of the said Common; *Provided always,* that no such rule, order or regulation, shall interfere with, or in any wise prevent or impede, the free and uninterrupted use at all times, and in such way, and for such purposes, as may be requisite by His Majesty's Troops, of the north part of the said Common now known and used as an Exercising Ground for the said Troops, but the same shall continue to be used as such Exercising Ground as heretofore.

Rules of Commissioners extend to whole Common

*of City of Halifax Dec 1851. c. 1 v. 5*

*Provided always,* That no rule, order or regulation, so to be made by the Commissioners, shall be carried into effect until the same shall have been approved of by the Lieutenant-Governor or Commander in Chief, by and with the advice of His Majesty's Council.

Rules to be approved by Governor and Council

CAP. LXXII.

An Act to extend to the Town of New-Glasgow, in the District of Pictou, the Provisions of the Act relating to Commissioners of Highways in Halifax, and certain other places.

[PASSED THE 16th DAY OF APRIL, 1834.]

**B**E it enacted, by the President, Council and Assembly, That, from and after the passing of this Act, the Act, passed in the Seventh year of His late Majesty's reign, entitled, An Act relating to Commissioners of Highways in Halifax and certain other places, and every matter, clause and thing, therein contained, shall be extended, and the same are hereby extended to the Town of New-Glasgow, in the District of Pictou.

7, Geo. IV, c. 3, extended to New Glasgow

Appointment of Commissioners of Highways

II. *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, by and with the advice of His Majesty's Council, to appoint and commission during pleasure three fit and proper persons, Inhabitants and Freeholders of the said Town, to be Commissioners for repairing, keeping in repair and paving, the Streets and Highways in the said Town of New Glasgow, to carry into effect the provisions of the said Act, and upon the death, continued absence, removal from Office, or refusal to act, of any one or more of the said Commissioners, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, by and with the advice of His Majesty's Council, to appoint and Commission some fit and proper person or persons, being an Inhabitant and Freeholder, or severally Inhabitants and Freeholders, of the said Town, to supply such vacancy, and such appointment to renew whenever necessary, so that the said Commissioners may always continue to be three in number.

Jurisdiction of Commissioners

III. *And be it further enacted,* That the Jurisdiction, Powers and Authority, of the said Commissioners so to be appointed, shall be the same as if the said Town of New Glasgow had been originally mentioned and named in the said Act, and shall be confined and restricted to and within such part of the said Town as is or may be comprehended within the several limits, and be bounded by the lines hereinafter mentioned, that is to say: to be bounded on the West by the East side of the East river of Pictou, to be bounded on the East by a line running along the East side or front of St. Andrew's Church, so called, in the said Town of New Glasgow, and extending North and South on a line parallel to the shore of the said East River to the North and South lines or bounds hereinafter mentioned, to be bounded on the South by a straight line running from the East River aforesaid Eastwardly on the North line of the property of William McDonald, Merchant, until it comes to the East line or boundary aforesaid, and to be bounded on the South by a straight line running in an Eastern direction from the river aforesaid, in a line with the North line of Alexander McKay's stone House, to the East line or boundary herein before mentioned.

Powers of Surveyors of Highways to cease

IV. *And be it further enacted,* That, from and after the first day of July next, after the passing of this Act, the Authority, Powers and Jurisdiction, of the Surveyors of Highways, within that part of the said Town of New Glasgow herein before described, shall cease and determine, any law or custom to the contrary notwithstanding.

CAP. LXXIII.

An Act for protecting the Eastern side of the Road leading round the Western bank of Bedford Basin.

(PASSED THE 16th DAY OF APRIL, 1834.)

Trespasses on Western Road of Bedford Basin

**B**E it enacted, by the President, Council and Assembly, That if any person or persons shall cut, break down, or otherwise injure or destroy, any Trees or Underwood, growing between the road leading round Bedford Basin and the Waters of said Basin at any place on the said Eastern side of said Road, where the said Bank shall not be of greater width than Twenty Feet from the Eastern line of said Road, or shall at any place, above high water mark, where the said Bank shall not be of greater width than before mentioned, unless for Agricultural purposes, in some cultivated place or part thereof, dig out, take and carry away, from and out of the said Eastern side of the said Road, any Soil, Earth, Gravel or Stones, or shall dig or take from and out of the said Bank, or from the side of the said Road, where the said Bank shall not be of greater width than aforesaid, any Earth, Soil or Stones, below or near the roots of any Trees or Underwood there growing, whereby said Trees or Underwood shall be destroyed or injured, any such person, being thereof legally convicted, on the Oath of one or more credible witness or witnesses, before any Justice of the Peace for the District of Halifax, shall forfeit and

pay

pay a fine or penalty of Forty Shillings, one half thereof to be paid to the person who will sue or prosecute for the same, and the other half to be paid to the Commissioners of Highways for the Town of Halifax, to be applied by them as other Funds received by them are directed to be applied, and upon the neglect, refusal or inability of the said person to pay such Penalty, such person shall be committed to Jail, for such time not less than ten days, nor more than thirty days, as the said Justice shall direct and ad-  
 Judge.

At the **GENERAL ASSEMBLY** of the Province of Nova-Scotia, begun and holden at Halifax, on Thursday, the **Twenty-seventh day of November, 1834**, in the **Fifth Year** of the **Reign** of our **Sovereign Lord WILLIAM the Fourth**, by the **Grace of God**, of the **United Kingdom of Great-Britain and Ireland, KING, Defender of the Faith, &c. &c. &c.** being the **Fifth Session** of the **Fifteenth General Assembly**, convened in the said **Province**.\*

\*In the time of Sir COLIN CAMPBELL, Lieutenant-Governor; Brenton Halliburton, Chief-Justice, and President of the Council; Samuel George William Archibald, Speaker of the Assembly; Sir Rupert D. George, Bart. Secretary of the Council; and John Whidden, Clerk of the Assembly.



### CAP. I.

See 10, Geo.  
4, c. 2.

## An Act to alter the Sitting of the next ensuing Term of the Supreme Court at Halifax.

(PASSED THE 29th DAY OF DECEMBER, 1834.)

Preamble

**WHEREAS** the time now appointed for the Sitting of the Supreme Court at Halifax, in Hilary Term, is the first Tuesday of January, which time, owing to the present Session of the General Assembly, will be, for the next ensuing Term, inconvenient:

Postponement  
of Hilary Term

**I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That** the next ensuing Hilary Term of the Supreme Court at Halifax shall be held on the second Tuesday of February, instead of the first Tuesday of January, any law, usage or custom, to the contrary notwithstanding.

Return of  
Writs, &c.

**II. And be it further enacted, That** all writs, process, recognizances and proceedings whatsoever, returnable or to be made returnable in the said Court, on the first Tuesday of January, or on any other day or days during the said Hilary Term, shall be, and shall be deemed and adjudged to be, returnable, and shall be returned to the said Court, on the said second Tuesday of February; and all Jurors, Constables, Officers, Parties, Witnesses, or other Persons whomsoever, summoned, bound, ordered or required and held, to be and appear at the said Term of the said Supreme Court, shall appear, and shall be deemed, adjudged and held, bound and required, to appear in the said Court, on the said second Tuesday of February—whereof, all Sheriffs, Justices, Jurors, Constables, Coroners, Officers, Witnesses, Parties and Persons, whosoever, are hereby required to take notice and govern themselves accordingly.

General Return  
Days

**III. And be it further enacted, That**, from and after the passing of this Act, it shall and may be lawful for any person or persons to make all or any writs, process, or proceedings whatsoever, returnable in and to the said Court for the said Hilary Term, returnable on the second and third Tuesdays of February, in this same year, which said days are hereby constituted the general return days of the said ensuing Hilary Term, instead of the first and second Tuesdays of January. *Provided always*, that no writ, process, or proceeding whatsoever, hereafter issued for the said Term, shall be adjudged, held or taken to be void or defective, for or by reason of the same being made returnable on the first or second Tuesday of January—but the same shall be held and adjudged as returnable on the second Tuesday of February.

Proviso

IV. *And provided further, and be it further enacted,* That nothing in this Act contained shall extend, or be construed to extend, to change, alter or vary, the time of the Sitting of the said Supreme Court at Halifax, in any Hilary Term, after the next ensuing Hilary Term, but only to the next ensuing Hilary Term.

CAP. II.

An Act to facilitate Summary Proceedings before Justices of the Peace and others.

(PASSED THE 29th DAY OF DECEMBER, 1834.)

WHEREAS, great inconveniences often arise in Summary Proceedings before Justices of the Peace and others, from the want of a general form of conviction :

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That, from and after the passing of this Act, in all cases wherein a conviction shall have taken place, and no particular form of the Record thereof shall have been directed, the Justice or Justices, or other person or persons duly authorized to proceed summarily therein, and before whom the offender or offenders shall have been convicted, shall and may cause the Record of such conviction to be drawn up in the manner and form following, or in any words to the same effect, *mutatis mutandis*, that is to say—County [or as the case may be.]

Form of Record of Conviction established

Be it remembered that, on the \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our Lord \_\_\_\_\_ at \_\_\_\_\_ in the County of \_\_\_\_\_ A, B, of \_\_\_\_\_ in the County of \_\_\_\_\_ Labourer, [or as the case may be] personally came before me [or before us, &c.] C, D, one [or more as the case may be] of His Majesty's Justices of the Peace for the said \_\_\_\_\_ and informed me [or us, &c.] that E, F, of \_\_\_\_\_ in the County of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ in the said \_\_\_\_\_ did [here set forth the fact for which the information is laid] contrary to the form of the Statute in such case made and provided, whereupon the said E, F, after being duly summoned to answer the said charge, appeared before me, [or us, &c.] on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ in the said \_\_\_\_\_ and having heard the charge contained in the said information, declared he was not guilty of the said offence [or as the case may happen to be] did not appear before me [or us, &c.] pursuant to the said Summons, [or did neglect and refuse to make any defence against the said charge] whereupon I [or we, &c.] or nevertheless I, or we, &c.] the said Justice [or Justices] did proceed to examine into the truth of the charge contained in the said information, and on the \_\_\_\_\_ day of \_\_\_\_\_ aforesaid, at \_\_\_\_\_ aforesaid, one credible witness, to-wit: A, W, of \_\_\_\_\_ in the County of \_\_\_\_\_ upon his oath, deposes and saith [if E, F, be present, say in the presence of the said E, F,] that within \_\_\_\_\_ Months [or as the case may be] next, before the said information was made before me [or us, &c.] the said Justice, by the said A, B, to-wit: \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ in the year \_\_\_\_\_ the said E, F, at \_\_\_\_\_ in the said County of \_\_\_\_\_ [here state the evidence and as nearly as possible in the words used by the witness, and if more than one witness be examined, state the evidence given by each] [or if the defendant confess, instead of stating the evidence, say] and the said E, F, acknowledged and voluntarily confessed the same to be true: therefore it manifestly appearing to me [or us, &c.] that the said E, F, is guilty of the offence charged upon him in the said information, I [or we, &c.] do hereby convict him of the offence aforesaid, and do declare and adjudge, that the said E, F, hath forfeited the sum of \_\_\_\_\_ of lawful money of Nova Scotia, for the offence aforesaid, [with the sum of \_\_\_\_\_] Costs, in this behalf [if any allowed] to be levied, collected and distributed, [or paid] [as the case may be] according to the form of the Statute in that case made and provided.— Given under my hand [or our hands] and Seal [or Seals] the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_

And whereas, further regulations are required in regard to appeals and writs of Certiorari: II. *Be it further enacted,* That hereafter in all cases where any Justice or Justices

Appeal allowed from decisions of Justices

or

or others, shall, under or by virtue of any Statute or Statutes, fix, impose, or order payment of any fine, penalty or sum of money, upon or against any person or persons whomsoever, it shall and may be lawful for such person or persons to appeal against the decision to the then next Supreme Court or Court of Common Pleas, to be holden in the County or District where such decision shall have taken place; and such appeal shall be granted by such Justice or Justices, or other person so imposing or ordering payment of such fine, penalty or sum of money, upon the party appealing entering into a Bond, with sufficient Surety, in treble the amount of such fine, penalty, or sum of Money, (including the costs attending the conviction or order for payment thereof, if any there be) in the name or names of, and payable to, the party or parties prosecuting and conditional for the due prosecution of such appeal, and the abiding of the Judgment thereupon, by the party or parties so appealing, (for which Bond the Justice or Justices, or other persons granting such appeal, and whose duty it shall be to prepare such Bond, upon the demanding of such appeal, shall receive and take the sum of Two Shillings and Sixpence and no more) and such Justice or Justices or other persons shall, thereupon, on or before the first day of the Term of the Court to which such appeal shall be had, send to the said Court such Bond and his Minutes of Judgment and Proceedings, and other Papers in the matter of such appeal, without its being necessary in such stage of the Cause to make up a formal Record of such conviction, and such further Proceedings and Judgment shall be thereupon had and given as is or are now used, had or given, in and upon appeals from the Judgments of Justices of the Peace in civil cases, and with the like costs as are allowed in such cases, and the Judgment thereupon given shall be final and conclusive, and Execution thereupon may issue in the same manner and to the same effect as in civil cases; and when an appeal shall have been had against any judgment or conviction in either a civil or criminal case, and no proceeding therein be had during the next ensuing term of the Court appealed to, either by entry of the Cause there or otherwise, it shall and may be lawful for the Justice or Justices having given such judgment, or ordered such conviction, to issue his or their Execution or Warrant against the party so having appealed, in the same manner as if no such appeal had been taken.

Bond and proceedings on appeal

Executions by Justices after appeal in Civil and Criminal Cases

Certiorari shall not be allowed when

III. *And be it further enacted*, That in any case where any conviction or order of any Justice or Justices or other persons shall be, or shall have been, removed or brought up by Certiorari, or upon any motion for such removal or bringing up, it shall appear to the Court, that the Defendant has appeared, and the merits been tried, or that he has been duly summoned, and proof given on behalf of the prosecution when required; and that the Defendant has not appealed against the conviction or order, or, having appealed, that he has not prosecuted the same, or that the conviction or order has been confirmed or the appeal dismissed, such Certiorari, shall not be allowed, or such conviction shall not be set aside or vacated in consequence of any defect of form whatever, but the construction shall be such a fair and liberal construction as may be agreeable to the justice of the case, and the party defendant, failing to obtain such removal, or to set aside or quash the conviction, shall, thereupon, pay the costs of the opposing party, to be taxed by the Court to such amount as is usual in similar proceedings, and for which costs attachment may be had, or Judgment entered and Execution issue thereupon, in like manner and to the same effect as is usual in civil cases.

### CAP. III.

## An Act for the Commutation of the Royal Quit Rents in this Province.

(PASSED THE 29th DAY OF DECEMBER, 1834.)

Preamble

**WHEREAS**, His Majesty has been graciously pleased to propose to surrender and transfer His Quit Rents to the Provincial Parliament, upon the condition that they

they grant therefor the sum of Two Thousand Pounds, Sterling, per annum, to be applied towards the Support of the Civil Establishment of this Province; *And whereas*, this General Assembly have resolved to accept the said proposal:

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That there shall be annually granted and paid unto His Majesty, His Heirs and Successors, out of the public Funds and Revenues of this Province, the yearly sum or annuity of Two Thousand Pounds of Sterling Money of Great-Britain, which said annuity shall commence on the first day of January, in the year of Our Lord One Thousand Eight Hundred and Thirty-five.

Annuity of  
£2000 Sterling  
granted to  
His Majesty

II. *And be it further enacted*, That the said yearly sum shall be part of the permanent Civil List and Establishment of this Province, and shall always be borne thereon, and shall be a yearly and permanent charge upon the public Funds, Income and general Revenue thereof; and shall, in each year, be issued, paid and satisfied, out of the public Treasury thereof, and with the public Monies from time to time paid, or payable into, or being within the same, on the first day of January, in every year; and it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, at, or immediately after, the expiration of the said first day of January, in each year, to draw his Warrant on the Treasury of the Province, in favor of such person as he shall authorise to receive the same.

Annuity made  
part of permanent  
Civil List

III. *Provided always, and be it further enacted*, That the said sum of Two Thousand Pounds shall be applied towards, and in part payment of, the Salary or Income of the Governor, Lieutenant-Governor, or Commander in Chief of this Province; for the time being, and it shall not be lawful to apply the said sum, or any part thereof, to any other purpose whatsoever.

Application of  
Annuity

IV. *And be it further enacted*, That, from and after the passing of this Act, no Quit Rents or any other Rents or Reservations in the nature of Rents, at any time due or payable to our Sovereign Lord the King, or any sum of Money in lieu thereof, or any composition therefor, shall be exacted, levied or received, within this Province, by the Receiver General of Quit Rents, Commissioner of Crown Lands, or any person by their or either of their authority, for or in respect of any Lands now granted, or sold or conveyed, or which may hereafter be granted, sold or conveyed, by the said Commissioner or his Deputies; or any of them, or any other of His Majesty's Officers; but, all Lands, Tenements and Hereditaments, within this Province, shall be hereafter sold and conveyed, and held and enjoyed, absolutely free and discharged of and from all Quit Rents or other Rents; and also, entirely free, and discharged from, all forfeitures for non-payment thereof: And this Act shall be, and it is hereby enacted and declared to be, a full and absolute release of all conditions and clauses contained in any Grant, Deed, Lease or Instrument in writing whatsoever, regarding the said Quit Rents, or other Rents or Reservations in the nature thereof, under whatsoever authority, by Royal Letters Patent, or any other Grant, or any other Instrument in writing, or otherwise, howsoever the same may have been or may be hereafter reserved, it being the full intention of this Provincial Parliament, and of our Sovereign Lord the King, that the Royal Quit Rents, Rents and other Reservations, of the nature aforesaid, presently due or hereafter due, or which may be hereafter due, or which may be hereafter reserved, and their incidents, and all remedies for the recovery thereof, or for Escheat or Forfeiture, of any Lands, Tenements or Hereditaments, by reason of the non-payment thereof, in Law or in Equity, shall be utterly, absolutely and wholly, and forever, abolished and extinguished.

Lands, Tenements and Hereditaments in Province declared free from Quit Rents

V. *And be it further enacted*, That, after this Act shall come into operation, it shall be unlawful for any person whomsoever, unless specially authorised, under and by virtue of some Act of the General Assembly of this Province, to be hereafter passed for that purpose, to ask, demand or receive, any Quit Rent, or any sum of Money in lieu thereof.

Demand of  
Quit Rent can  
only be made  
under Act of  
General Assembly

VI. *And be it further enacted*, That, if any person whomsoever shall, after this Act shall come into operation, ask, demand or receive, any Quit Rents, or any sum of Money in lieu thereof, on any account, or under any pretence, or by any authority, and from any person whomsoever, he shall forfeit and pay, for every such offence, to Our Sovereign

Penalty on  
persons demanding  
Quit Rents

Lord the King, the sum of Five Hundred Pounds and Costs of Suit, one half whereof shall be paid to whoever will sue for the same, and the other half shall be paid into the Treasury of this Province, to be applied to such Provincial purposes as shall be directed by the General Assembly thereof.

Proviso

VII. *Provided always, and be it further enacted*, That nothing in this Act contained shall extend, or be construed to extend, to prevent the General Assembly of this Province, at the present or any future Session thereof, by any Act or Acts for that purpose to be passed, to subject any of the Lands, hereby discharged from the said Quit Rents, and other Rents and Reservations, to such charges in lieu thereof as may appear just and proper.

#### CAP. IV.

### An Act to continue the several Acts for the regulation of the Militia.

(PASSED THE 29th DAY OF DECEMBER, 1834.)

Acts continued  
1, Geo. IV. c. 2,  
4, Geo. IV. c. 4,  
7, Geo. IV. c.  
16. 9 Geo. IV.  
c. 26. 10. Geo.  
IV, c. 39. 4,  
Wm. IV. c. 43.

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the first year of the Reign of His late Majesty King George the Fourth, entitled, An Act to provide for the greater security of this Province, by the better regulation of the Militia, and to repeal the Militia Laws now in force, and every matter, clause and thing, therein contained, except the Twenty-second, Twenty-seventh, Thirty-second, Forty-seventh, Eighty-third and Eighty-fourth Clauses or Sections of the said Act, which are hereby respectively repealed; and also, save and except so far as the same is or may be altered or amended by any Act or Acts hereinafter mentioned; and also, the Act, passed in the Fourth Year of His said late Majesty's Reign, to alter and continue the said Act, and every matter, clause and thing, therein contained, except the seventh clause or section of the said Act, which is hereby also repealed; and also, the Act, passed in the seventh year of His said late Majesty's Reign, in alteration and continuation of the said Acts, and every matter, clause and thing, contained in the last mentioned Act, except the second clause or section thereof, which is hereby also repealed; and also, the Act, passed in the Ninth Year of His said late Majesty's Reign, to alter, continue and amend, the said several Acts, and every matter, clause and thing, therein contained, save and except so far as the same is or may be altered or amended, by any Act or Acts hereinafter mentioned; and also, the Act, passed in the Tenth Year of His said late Majesty's Reign, to continue and amend the said several Acts, and every matter, clause and thing, therein contained; also, the Act, passed in the last Session of the General Assembly, to continue, alter and amend, the said several Acts, and every matter, clause and thing, therein contained, shall be continued, and the said several Acts, except as herein before excepted, are hereby respectively continued, until the Thirty-first day of March, which will be in the Year of Our Lord One Thousand Eight Hundred and Thirty-six, and no longer.

#### CAP. V.

### An Act to amend the Act to establish the Toll to be taken at the several Grist Mills in this Province.

Amends 4,  
Wm. IV, c. 45.

[PASSED THE 29th DAY OF DECEMBER, 1834.]

Preamble

**WHEREAS**, by the third clause of the Act, passed in the last Session of the General Assembly, entitled, An Act to establish the Toll to be taken at the several Grist Mills

Mills

Mills in this Province, the allowance prescribed to be taken by every Miller, for the Bolting or Sifting of Flour or Meal, of Indian Corn, ground at his Mill, is one quart out of each Bushel of Grain or Corn brought to the Mill to be ground, and Bolted or Sifted, which allowance is greater than necessary or proper :

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That,* instead of the said allowance of one quart out of each Bushel of Grain or Corn, Ground and Bolted, and Sifted at any Grist Mill, as in the said third clause of said Act prescribed, no Miller shall take or receive for the Bolting or Sifting of any Flour or Meal, of any kind of Grain, Bolted or Sifted at his Mill, any greater or larger Toll for such Bolting or Sifting than one pint, out of every Bushel of Grain, which may be Ground and Bolted, and Sifted, at such Mill as aforesaid, and no more, as and for the Toll for such Bolting or Sifting, in addition to the Toll by the said Act allowed for Grinding such Grain or Corn.

Toll for bolting

## CAP. VI.

## An Act to amend the Act to regulate the Assize of Bread.

Amends 36,  
Geo. III, c. 3

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

**WHEREAS**, the provisions of the Act, made in the Thirty-sixth Year of the Reign of His late Majesty King George the Third, entitled, An Act to regulate the Assize of Bread, have not been productive of benefit, inasmuch as frauds can be easily committed, notwithstanding such Assize, and the mode of making the said Assize, by regulating the weight of Bread, according to the price of Flour and Baking, from the fluctuation of the price of Flour in the Halifax Market, is inconvenient; *And whereas*, in the said Town of Halifax, it is expedient, that the price of Bread should be allowed to be the subject of competition, as is the case with other commodities in the Market :

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That* so much of the said Act hereinbefore mentioned and referred to, as provides for the regulation of the Assize of Bread, by the Justices of the Peace, in their General or Special Sessions, from time to time as thereby directed, shall, from and after the passing of this Act, cease to be of any force or effect, or to have any operation within and for the Town of Halifax, and as to such Town of Halifax, such part of the said Act, shall be, and the same is hereby repealed; *Provided always*, that nothing in this Act contained shall extend to, or be construed to extend, to repeal any other clause or provision of the said Act, save and except only so much, and such part thereof, as provides for the fixing and regulating the Assize and Weight of Bread, but all such other clauses or provisions, in the said Act contained, shall be, and be deemed to be, in full force and effect, in the said Town, and any person offending against the same shall be liable to the penalties thereby imposed.

Portion of Act  
36, Geo. III, c.  
3 repealed

Proviso

II. *And be it further enacted*, That from and after the passing of this Act, no Baker or other person whatsoever, making or offering any Bread for sale in the Town of Halifax, of any kind of Meal or Flour, shall make or offer for sale any Loaf of such Bread, of any other size or weight than the following, that is to say:—the four pound Loaf to weigh four pounds, averdupois; the two pound Loaf to weigh two pounds, averdupois; the one pound Loaf to weigh one pound, averdupois; and the half pound Loaf to weigh eight ounces, averdupois.

Weight of  
Loaves of  
Bread offered  
for Sale

III. *And be it further enacted*, That in addition to the Letters and Marks required to be marked and imprinted on any Bread, exposed or offered for sale, by the Twelfth Section of the said Act hereinbefore mentioned, and hereby amended, every Baker or other person, offering or making any Bread for sale, shall cause to be fairly and legibly marked and imprinted on each Loaf of Bread, by him or her offered or made for sale, the figures and marks following, that is to say:—on the four pounds Loaf, the figure 4, on the two pounds Loaf, the figure 2, on the one pound Loaf, the figure 1, and on the half pound Loaf, the marks and figures 1-2.

Marks to be  
imprinted

IV.

Scales and  
Weights to be  
provided by  
Bakers, &c.

IV. *And be it further enacted*, That every Baker or other person, making or offering Bread for sale in the said Town of Halifax, shall have and keep in his Shop or other place, where such Bread is sold, a good and sufficient pair of Scales, with proper and just Weights, in order that any person purchasing Bread may be enabled to have the same weighed, if required.

Penalties for  
violation of  
Act

V. *And be it further enacted*, That if any Baker or other person shall, within the said Town of Halifax, make or offer for sale any Loaf of Bread which shall be of any other size, weight or description, than is hereinbefore prescribed, or which shall not be of the full size and weight herein before directed, or which shall not be marked as is herein before also directed and required, shall, for each and every Loaf of Bread, so made or offered for sale, contrary to this Act, forfeit and pay such penalty as is prescribed by the Twelfth Section of the Act hereby amended, for breach of any provision therein contained, to be recovered by the same means, and in the same manner, as the said Act directs, and in any such case the Bread shall be liable to be seized, and shall be seized and disposed of, as is directed by the Thirteenth Section of the said Act hereby amended; *Provided always*, that nothing herein contained shall extend, or be construed to extend, to prevent the making or selling of Rolls or Cakes of less weight than half a pound.

Continuation  
of Act

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

## CAP. VII.

### An Act to incorporate a Marine Insurance Company in Halifax.

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

Preamble

*WHEREAS*, the establishment of a Company at Halifax, for making Assurances on Ships, Goods and Freight, against the perils and dangers of the Seas and Navigation, whatsoever, will be advantageous to the Commerce of the Province:

*And whereas*, The several persons hereinafter named, with divers others, have entered into a subscription to raise in Shares such sum as may be requisite as a Joint Stock or Fund, for said purposes:

Company In-  
corporated by  
name of "No-  
va-Scotia Ma-  
rine Insurance  
Company"—

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That William Pryor, John Williamson, Lawrence Hartshorne, Edward Cunard, William Anderson Black, James G. A. Creighton, James Leishman, Joseph Starr, James Tremain, John Albro, William B. Fairbanks and William Saltus, and all and every such other person and persons as shall, from time to time, become Proprietors of Shares in the Company and undertaking hereby established, as hereinafter is mentioned, and their respective Successors, Executors, Administrators and Assigns, shall henceforth be, and they are hereby, united into a Company, and declared to be one Body, Politic and Corporate, by the name of "*the Nova Scotia Marine Insurance Company*," and by that name shall have perpetual succession and a Common Seal, with power the same Seal to change, alter, break and make new as to the Company shall seem fit, and, by that name also, shall and may sue and be sued, plead or be impleaded, at Law or in Equity, and shall and may prefer and prosecute any Bill or Bills of Indictment, against any person or persons, who shall commit any felony, misdemeanour, or other offence by Law indictable; and shall by that name be capable, authorized and empowered, to purchase, have, hold, receive, possess and enjoy, Lands, Messuages, Houses, Hereditaments and Real Estates, whatsoever, within this Province, either in fee simple, or for term of life or lives, or years, or in any other manner, but not exceeding in value Thirty Thousand Pounds, and likewise Monies, securities for Money, Goods, Chattles, Effects and other things of whatsoever kind or quality, and shall, by that name and in their corporate capacity, be capable, au-  
thorized

authorized and empowered, to give, grant, sell, assign, mortgage, demise, absolutely or conditionally, or otherwise dispose of, all or any part of such real and personal Estate and Property as aforesaid, as to the said Company shall seem meet, and at their free will and pleasure.

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

II. *And be it further enacted,* That it shall be lawful for the said Company and the Subscribers thereto, or Shareholders therein, to raise or contribute among themselves in such proportions as they shall think proper, for carrying on the business of Marine Insurance, an original Capital or Joint Stock of Twenty Thousand Pounds, and at any future time an additional Capital or Joint Stock, not exceeding Ten Thousand Pounds, and the same original Capital shall be divided into Four Hundred Shares of Fifty Pounds each, and any additional Capital into Shares of the like denomination, and all such Shares shall be numbered in regular progression, and every such Share shall always be distinguished by the number affixed thereto, and the said Shares shall be, and are hereby vested in the several persons so raising and contributing the same, and their several and respective Executors, Administrators and Assigns, proportionably to the sum they shall severally raise and contribute—and all persons, their several and respective Executors, Administrators and Assigns, who shall severally subscribe for one or more Share or Shares, or such sum or sums of money as shall be demanded in lieu thereof, for the purposes of the said Company, shall bear and pay, in the manner hereinafter directed, an equal and proportionable sum according to his or their number of Shares, towards carrying on the business of the said Company; and shall be entitled to, and receive (according to the number of Shares so held, and money so by him or them respectively paid) distribution of an equal and proportional part of the nett profits and advantages that shall or may arise or accrue from the business and transactions of the said Company.

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

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

V. *And be it further enacted,* That all the Shares in the original or increased Capital of the said Company, and in the undertaking for which it is established, and in the profits and advantages thereof, shall be, and be deemed personal Estate, and as such personal Estate shall be assigned and transmissible accordingly—but no Share shall be divisible or divided or assigned in parts, and the several Shareholders or Subscribers to the said

Restriction on purchase of Lands, Houses, &c. for Offices

Capital or Joint Stock to be raised and divided into Shares

Registration of Shares

Certificates of Shares to be granted

Payment of Shares

Shares deemed personal Estate, and transferable

undertaking respectively, and their several and respective **Executors, Administrators and Assigns**, shall not be liable to any debts, of, or demands against, the said Company, beyond the amount of their several and respective Subscriptions, or the Shares they may respectively hold or possess in the said Company, nor under any calls or assessments to be made by the said Company or Board of Directors, or in any way, by any means, nor on any pretence whatsoever, be liable to the payment of any greater sum of money in the whole than the sum of Fifty Pounds, on or for each several Share, subscribed for or held by or standing in the name of such Subscriber or Shareholder, at the time of ordering any call or assessment.—And that the said sum of Fifty Pounds shall include all the calls and payments to be made on one share, and that no greater sum than Fifty Pounds in the whole shall be paid on any one share in the said Company.

Liability of Shareholders

Joint Stock liable for Debts of Company

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

Payment of Original Shares

**VII. And be it further enacted**, That the said original Capital of Twenty Thousand Pounds shall be paid and contributed in and by the following calls or payments, that is to say, the first call or payment being the sum of Twenty-five Pounds for and upon each and every share subscribed for, shall be paid within thirty days after Public Notice is given by the Board of Directors, in two of the Halifax Newspapers, that the same is required; and that all other subsequent calls or payments shall be in such sums, and at such times, as the Board of Directors, having reference to the state of the business and affairs of the Company, shall order and direct.

Prov 150

*Provided always*, That of the day to be hereafter appointed respectively, for any subsequent call or payment, Notice shall be given by Advertisements, published in at least two of the Halifax Papers, thirty days at the least previous to such day, and all the said calls or payments shall be made by the Proprietor of every share in such Coin or Money as at the time of such payment shall be a legal tender in this Province.

Bonds to be taken for residue

**VIII. And be it further enacted**, That every Subscriber to, or Shareholder in, the said Company, shall, at or before the time appointed for the payment of the first call, make, execute and deliver, to the said Company, a Bond with sufficient Surety or Sureties, or other satisfactory Security or Securities, and conditioned for the payment of the residue of the calls to become due and payable as aforesaid, on the several shares by him subscribed and taken in the said Company, which Bond or Securities shall be subject to the approval of the first nine persons named in this Act, until the Board of Directors shall be chosen, and afterwards to the approval of such Board.

Payment of Shares of increased Capital

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

Management of Company vested in certain Officers

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

Eligibility of Directors

**XI. And be it further enacted**, That no Shareholder in the said Company shall be qualified.

fied to be elected or to sit or act as President, or one of the Directors of the same, unless he shall, at the day of Election, *bona fide* hold and possess, and during the time that he or they shall continue to be such President and Directors, continue to hold and be possessed of three Shares at the least of the Joint Stock of the said Company, nor unless if chosen at any Election, occurring after Eighteen Months from the passing of this Act, the said number of Shares shall have stood in his name on the Books during six Calendar Months before the day of Election.

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

Annual and  
Special Meet-  
ings of Com-  
pany

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

Shareholders  
entitled to vote  
according to  
number of  
Shares held by  
them

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

Attendance of  
Twenty Pro-  
prietors requi-  
site at meetings

Chairman of  
Meetings

Record of proceedings of Meetings to be kept

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

Notice to be given when Subscription Books will be opened

**XVI. And be it further enacted,** That the five persons first named in this Act, shall as soon as conveniently may be, after the passing hereof, by an advertisement to be published in at least three of the Newspapers printed in Halifax, give Notice that subscription Books for taking shares in the said Company will be opened on a day and at a certain place to be mentioned, and shall then and there open proper Books for the purpose, and therein receive and take the subscriptions of all persons who shall be willing and desirous to become Proprietors of shares in, and Members of, said Company, and make an entry of the number of shares taken by each Subscriber, and by the persons in this Act named respectively, and shall not, during the space of sixty days from the day so to be appointed, permit any Individual to subscribe or take, nor shall themselves take, any greater number than ten shares therein, nor until the said sixty days are elapsed shall any person hold a greater number than ten shares, and if the whole of the said Four Hundred shares shall not have been subscribed within the said sixty days, then, and in such case, it shall be lawful for any Shareholder or Shareholders to increase his, her or their shares, as he, she or they may think proper, and when and so soon as the first payments of the said shares so taken, become due, the said first five named persons shall receive the same, and shall also demand and take, for and on behalf of the Company, such securities as are hereinbefore directed to be taken for the payment of the future calls to be made on the said shares respectively.

Number of Shares to be taken by one Individual

Provide

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

Shares not taken within 12 months

**XVII. And be it further enacted,** That so soon as the number of Four Hundred shares of the said original Capital of Twenty Thousand Pounds shall have been subscribed, the said five persons first named in this Act shall, by Public Advertisement, to be printed in at least two of the Newspapers at Halifax, during twenty days, appoint a day and place for the first General Meeting of the Subscribers, and shall assemble such Meeting, and a Chairman thereof being chosen from among the Subscribers present, with a Secretary, Broker or Brokers, the Company hereby Incorporated shall be formed and organized, and go into operation under this Act, and the said Subscribers, then and there present, or their proxies, shall and may forthwith, in the manner in this Act prescribed, proceed to elect a President and twelve Directors for the said Company and a Secretary, Broker or Brokers, Auditors, and such other Officers as may be deemed expedient for the business thereof, and therefrom the persons so elected shall be, and become forthwith, the Officers of the said Company; and the said President and Directors shall constitute the Board of Directors thereof; and the said President shall remain in Office until by a vote of some Annual or Special Meeting his Office shall be declared vacant, and a new President be chosen and appointed, to enter on his Office on some day by such Resolutions to be specified, and the said Directors and other persons so to be elected shall hold, exercise and enjoy, and retain their respective offices from the day of such their Election, until the Annual General Meeting in January, one Thousand Eight Hundred and Thirty-six, and thence, continually, until a new choice of Officers be made by the Company pursuant to this Act, and the Bye-laws in that behalf to be provided.

When Shares are taken, Meetings to be called, and Officers elected

Board of Directors to be established

**XVIII. And be it further enacted,** That on the third Monday of January, in each year, the Directors of the said Company, for the then ensuing year, shall be elected by ballot, in the following manner, viz;—The Shareholder shall first elect eight Directors  
for

for the then ensuing year, out of the twelve Directors who have served for the preceding year, and shall then elect four other Directors from the Shareholders from the Company, qualified to become Directors; *Provided always*, that it shall and may be lawful for the said Shareholders to re-elect the four persons who were Directors the preceding year, if they shall think proper so to do.

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

Election of  
Officers on

Vacancies  
occurring

**XX.** *And be it further enacted*, That when, and so soon as, the sum of Ten Thousand Pounds, being one half part of the original capital or Joint Stock of said Company, shall have been actually paid to the proper persons, in manner before provided, upon the calls aforesaid, by the several Proprietors of Shares, and sufficient securities shall have been given by said Proprietors for any balances of their Shares, then, and in that case, it shall and may be lawful for the Board of Directors, by Public Advertisement, to be printed in at least two of the Newspapers in Halifax, to declare the same, and make known the intention of the Company to transact the business of Marine Insurance, and to fix the time when their Office will be open for such business, and thereupon the said Company shall and may, at the day so named, commence and carry on in their Office in Halifax, or elsewhere in this Province, the business and operations of Marine Insurance in all its branches, and shall and may receive and accept orders, directions and proposals, for Insurances, and make Insurance upon all Ships and Vessels whatsoever, in Port or at sea, or for and upon any Voyages or Adventures whatsoever, and for and upon all Goods, Merchandize, Property and Effects whatsoever, and all Money, Coins, Bullion or other valuable things whatsoever, in and upon any such ship, laden or to be laden, and in and upon the Freight of Goods or Merchandize, carried or to be carried, upon any ship or vessel, or on any voyage whatsoever; and also, upon Monies lent or advanced upon Bottomry or Respondentia, and upon expected Profits and Commissions, or Adventures by Sea, and upon all subjects of Marine Insurance whatsoever, and the same shall and may insure against all Losses, Perils and Dangers whatsoever, of the Seas, Fire, Enemies, Thieves and other risks of the Seas and Navigation, usually insured against by Underwriters, and either for or during the respective Voyage, or any time or times whatsoever, and shall and may agree for, fix and establish, the premiums and compensations to them to be paid for such Insurances, and shall and may make and execute all such Writings and Policies of Insurance, and with and under such reservations and conditions as shall be agreed upon or ordered by the Board, and shall and may accept, receive and take, the abandonment, relinquishment and surrender, of any ship or vessel, to said Company abandoned under any such Insurance, and shall and may adjust and settle all claims and demands for losses, for and in respect of any such Insurances, or of any orders therefor to the said Company given, and generally shall and may perform and transact all matters and things whatsoever, relating to the business of an Insurance Broker, and Insurer or Underwriter on Ships or Goods, belonging or appertaining, and to all intents and purposes whatsoever.

When Compa-  
ny may com-  
mence oper-  
ations

**XXI.** *And be it further enacted*, That all orders and directions for such Insurance to the said Company given, and by them accepted, and all Policies of Insurance by the said

Validity of  
Policies and  
extent of In-  
surance

Tttt

Company,

Company made and sealed, with the Common Seal thereof, and signed by the President of the Company, or any Chairman of the Board of Directors, and countersigned by the Secretary, Broker or Brokers of the Company, shall be binding and obligatory upon the said Company, and all the Joint Stock, Capital, Funds, Property and Effects thereof whatsoever, and the amount by such Policies insured, and which, upon adjustment of any loss, is, or ought to be, payable to the assured, thereupon, shall be faithfully and truly paid and satisfied within sixty days from the time of such loss settled or adjusted. *Provided always*, that, until the expiration of two years from the Constitution of the said Company as aforesaid, no greater sum than Three Thousand Pounds, and after the said two years expired, no greater sum than Five Thousand Pounds, shall be insured by the said Company, and be at risk at any one time upon any one Ship or Vessel, or upon any Goods, Wares or Merchandize on board thereof, or upon any Freight by such Vessel to be earned, or Commission or Profits expected to arise during the voyage insured, or from the Cargo on board thereof, or upon any security of the nature of a Mortgage or Bottomry or Respondentia, given for or upon such Vessel, her Cargo or Freight, but the several Insurances made upon the several risks in, or depending on, any one Vessel, may collectively amount to any sum not exceeding Three Thousand Pounds during the first two years, and Five Thousand Pounds afterwards.

restriction as  
to amount

Affairs of Com-  
pany—by  
whom man-  
aged

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

Compensation  
to Officers of  
Company

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

Surplus Funds  
and Capital  
Stock, how to  
be invested

**XXIV.** *And be it further enacted*, That the surplus funds remaining from dividends, and the Capital Stock of the said Company, from time to time, as the same shall be paid in and collected, and all surplus of monies received, shall be kept constantly invested on good real or personal securities, or in the public funds at interest, in the name of the Company, but no part thereof shall, beyond the sum absolutely necessary for procuring the necessary buildings, offices and accommodations of the Company's business, be invested in fixed property, or lent or advanced on Bottomry or Respondentia, or on Mortgages of Ships or Vessels, or Real Estate. *Provided always*, that for and as an additional security for debts, previously contracted with the Company, Mortgages of Real or Personal Property may be made to, and held by the Company; *and provided also*, that Mortgage Interests, in Ships, Vessels or Goods, may be insured thereby, nor shall the said funds be used or employed in Merchandize, nor shall the Company trade or carry on any business as Merchants, or deal in buying or selling goods or personal property

property whatsoever, nor shall any dividend be made on any pretence of the Capital or Joint Stock of the Company, or whereby the same shall be in any way reduced or impaired.

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

Books of Company, when to be balanced

Abstract to be submitted to Governor Council and Assembly

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

Books of Company subject to inspection by Directors

**XXVII.** *And be it further enacted,* That at every annual meeting or some adjournment thereof, there shall be made out of the clear residue of the profits and advantages, rents, premiums and interest, to the said Company accrued, or by the same previously made, after deducting therefrom an allowance sufficient to discharge the outstanding and probable claims against the Company, such Dividend or Dividends as the Proprietors, at such meeting, shall order and direct, and such Dividend or Dividends shall be at and after the rate of so much for every share held by the Members thereof, their Executors, Administrators or Assigns, or else the said clear residue, or some part thereof, shall be directed to accumulate and be added to the Capital Stock; *Provided always,* that the monies received, or securities taken, for the Premiums of Insurance, undetermined and outstanding, on the last day of December, One Thousand Eight Hundred and Thirty-six, and in each year thereafter shall not be deemed to be part of such profits; *And provided always,* that until after three years no Dividend of more than five per cent. per annum on each share shall be made.

Dividends

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

Surplus of Dividends

**XXIX.** *And be it further enacted,* That the said Company shall have full power and authority from time to time, at the first or any of the general meetings as aforesaid, to make, ordain and put in execution, such Rules, Orders and Bye-Laws, as to them shall

Company empowered to make Rules Bye-Laws, &c

seem

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

Governor may order Inspection of Books of Company

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

Course to be pursued should Capital of Company be wholly expended

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

Dissolution of Company

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

**XXXIII.** *And be it further enacted*, That in case any loss or deficiency of the Capital

tal Stock of the said Corporation shall occur, from the official mismanagement of the Directors of the said Company, the persons who are Stockholders at the time of such mismanagement shall, in their private and individual capacities, be respectively liable to pay the same; *Provided however*, that in no case shall any one Stockholder be liable to pay a sum exceeding the amount of the Stock actually then held by him, in addition to the Stock so held by him.

Liability of  
Stockholders

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

Continuation  
of Act

### CAP. VIII.

## An Act to Incorporate a Company for Insurance against Fire and on Lives.

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

**WHEREAS**, it is expedient to incorporate such Persons as may be willing to unite and form a Capital or Joint Stock, for the purpose of Insuring Houses, Buildings, Goods, Wares and Merchandize, from loss or damage by Fire; and also, to effect Insurances upon Lives, to prevent the necessity of applying for such purposes to Foreign Corporations, and thereby sending large sums of Money out of the Province:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That all such persons as shall, from time to time, become Proprietors or Shareholders in the Corporation hereafter mentioned, and hereby established, and their Successors, Executors, Administrators and Assigns, shall, as soon as this Act shall come into operation, be, and they are hereby united into, a Company, and declared to be one Body Politic and Corporate, by the name of "*the Albion Fire and Life Insurance Company*," and, by that name, shall have succession, and a Common Seal, with power the same to change, alter and make anew, as they shall see fit, and, by that name, shall and may sue and be sued, plead and be impleaded, in Law or in Equity, and be able and capable in Law, to have, hold, purchase, get, receive, take possession of and enjoy, Houses, Lands, Tenements, Hereditaments and Rents, in fee simple or otherwise, and also, Goods and Chattles, and all other things, real, personal or mixed, to any amount not exceeding Ten Thousand Pounds, and also to give, grant, mortgage, demise, sell, let, assign or convey the same, or any part thereof, and to do, manage, transact and execute, all other things in and about the same, which shall and may be thought necessary and proper for the benefit or advantage of the said Company; *Provided always*, that until Fifty Shares, of Five Hundred Pounds each Share, shall be subscribed and paid in or secured, this Act shall not go into operation, but when the said number of Shares shall have been subscribed and paid in or secured this Act shall and may go into operation.

Incorporation  
of Company  
their powers,  
privileges, &c.

II. *And be it further enacted*, That the Capital or Joint Stock of the said Company shall not be less than Fifty Thousand Pounds, to consist of Shares of Five Hundred Pounds for each Share, of lawful Money of Nova-Scotia, not less than Ten Thousand Pounds of which shall be deposited and secured in the British or Provincial Funds, and the remainder shall be secured in the British or Provincial Funds, or by mortgage on Real Estate in the Province of Nova-Scotia, or Bonds to the satisfaction of the Directors, which security shall be made and taken, and kept and continued, from time to time, to the satisfaction of such persons as the Governor, Lieutenant-Governor, or Commander in Chief for the time being shall appoint, to examine and report upon the Funds and Securities of the said Company.

Act to go into  
operation  
when 50  
Shares of  
500l. are sub-  
scribed

III. *And be it further enacted*, That no one person shall hold more than two Shares in the said Corporation of the One Hundred Shares into which the Capital or Joint Stock thereof is divided, unless the whole Fifty Shares, hereby required to be subscribed

Number of  
Shares to be  
held by one  
person

and paid in or secured before this Act goes into operation, are not subscribed, paid in or secured, within three months after the passing of this Act, in which case, any person shall be, and is hereby, empowered and authorised to take and hold four Shares of such Capital or Joint Stock, and no more.

Election of Directors—appointment of President:

IV. *And be it further enacted,* That when and so soon as fifty Shares shall have been subscribed of the said Capital or Joint Stock of the said Company, it shall and may be lawful for the Subscribers or Shareholders to meet and assemble together, and to nominate, choose and appoint, five Directors for the said Company, not being Directors of any other Fire Insurance Company, of whom one shall be chosen and elected by the said Directors to be President, which said President and Directors shall be and remain in Office for such period of time, not less than one year. as may be provided for and directed by any Bye-Law or Bye-Laws, Rules or Ordinances, hereafter to be made or ordained by the said Company, and until other Directors are elected and substituted in their stead.

Company to commence operations when 50,000l. are subscribed

V. *And be it further enacted,* That when the said Corporation shall have provided and secured the said Capital or Joint Stock of Fifty Thousand Pounds as aforesaid, to the satisfaction of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, it shall and may be lawful for them to cause insurances to be made on Houses, Buildings, Stores, Goods, Wares and Merchandizes, within this Province, from loss and damage by Fire; and also, to make and effect Insurance upon any Life or Lives, to the value of One Hundred and Fifty Thousand Pounds and no more, and the whole of the said Capital or Joint Stock shall be pledged, and liable to make good, all and every loss which may happen upon all or any of the said Policies; *Provided always,* that in case the said Corporation shall, at any time, during the continuance of this Act, represent to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, that the demands for making Insurance on the Corporation exceed the sum of One Hundred and Fifty Thousand Pounds, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, by and with the advice of His Majesty's Council, to grant permission, under his Hand and Seal, to the said Corporation, for making further Insurances as aforesaid, to the amount of a further sum not exceeding One Hundred Thousand Pounds; and in case the said Corporation shall, at any time, make any insurances beyond the said sum of One Hundred and Fifty Thousand Pounds, or beyond the further sum of One Hundred Thousand Pounds, in case the said Corporation may obtain License as aforesaid to make such further Insurance, in either case each of the Members shall be liable, in their own Persons and Estates, for his Share or proportion of such sums, insured beyond the said sum of One Hundred and Fifty Thousand Pounds, or beyond the said sum of One Hundred Thousand Pounds in addition thereto, if licensed as aforesaid.

Proviso

Insurances limited to certain extent

Governor may order inspection of Books of Company and suspend or annul its powers

VI. *And be it further enacted,* That the Books and Accounts of the said Corporation, and a statement of their Funds and Insurances made, shall at all times be open to the inspection of such person or persons whom the Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall appoint to inspect the same, and in case the said Corporation shall fail to keep good the said Capital or Joint Stock as aforesaid, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, by any instrument under the Great Seal of the Province, to suspend and annul all the powers hereby granted, in which case the Members of the said Corporation shall be severally liable, in their Persons and Estates, according to their proportion and Share of such Joint Stock, for all Insurances by them made, as a Corporation or otherwise, any thing herein contained to the contrary notwithstanding.

Shares considered personal Property

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

Forging or Counterfeiting Policies, &c.

VIII. *And be it further enacted,* That if any person or persons shall forge or counterfeit the common Seal of the said Corporation, erected by this Act, or shall forge, counterfeit

counterfeit or alter, any Policy or other Instrument, under the said common Seal, or shall offer to dispose of any such forged, counterfeited or altered Policy, or other Instrument under the said common Seal, knowing the same to be such, or shall demand the Money appearing to be due thereon, from the said Corporation, every such person or persons offending and being convicted thereof, in due form of Law, shall suffer the pains and penalties inflicted by Law upon persons guilty of Forgery within this Province.

IX. *And be it further enacted,* That it shall not be lawful for the said Corporation, nor for any person in trust for the said Corporation, to have, take, hold or enjoy, any Lands or Tenements within this Province, except as aforesaid, and all gifts, grants or devises, of Lands or Tenements to the said Corporation, or to any person, in trust for, or to the use of, the said Corporation, except as aforesaid, shall be, and the same are hereby, declared void. Corporation restricted to as to Lands, &c.

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

XI. *And be it further enacted,* That this Act shall continue for the term of twenty-one years and no longer, unless the same shall be determined in manner, and for the cause, hereinbefore expressed. Continuation of Act

CAP. IX.

**An Act for applying certain Monies therein mentioned, for the Service of the Year of our Lord One Thousand Eight Hundred and Thirty-five, and for appropriating such part of the Supplies granted in this Session of the General Assembly, as are not already Appropriated by the Laws or Acts of the Province.**

(PASSED THE 19th DAY OF FEBRUARY 1835.)

*MAJY IT PLEASE YOUR EXCELLENCY:*

WE, His Majesty's dutiful and loyal Subjects, the House of Assembly of His Majesty's Province of Nova-Scotia, towards appropriating the Supplies granted to His Majesty in this Session of the General Assembly, and for supplying the exigencies of His Majesty's Government, do humbly beseech that it may be enacted, and

1. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That by or out of such Monies as now are, or from time to time shall be or remain in the Public Treasury of this Province, there shall be paid the sum of 200l to the Speaker of the House of Assembly in full for his salary as Speaker, during the present year. 200l. Speaker

And a further sum of 225l. to the Attorney-General, for his services for the present year. 225l. Attorney General

And a further sum of 100l. to the Solicitor-General, for his services for the present year. 100l. Solicitor General

And a further sum of 600l. to the Treasurer of the Province, for his salary, and as Comptroller and Auditor of Public Accounts, and in lieu of office rent, Clerks and all other contingent expenses for the same year. 600l. Treasurer

And a further sum of 100l. to the Clerk of the Council in General Assembly, and as Clerk of His Majesty's Council, for his services in the same year. 100l. Clerk of Council

And a further sum of 200l. to the Clerk of the House of Assembly, for his services for the same year. 200l. Clerk of Assembly,

And a further sum of 30l. for defraying the expenses of the Council in General Assembly. 30l. Expenses of Council

sembly, for the same year, to be paid on the certificate of the President of the Council and not otherwise.

- 25l. Rev. Dr. Willis And a further sum of 25l. to the Venerable Archdeacon Willis, Doctor in Divinity, for his services as Chaplain to His Majesty's Council, during the present session.
- 25l. Rev. F. Uniacke And a further sum of 25l. to the Reverend Fitzgerald Uniacke, for his services as Chaplain to the House of Assembly, during the present session.
- 100l. Deputy Clerk of Council And a further sum of 100l. to the Deputy Clerk of the Council, for his services for the present session.
- 100l. Assistant Clerk of Assembly And a further sum of 100l. to the Assistant Clerk of the House of Assembly, for his services for the present session.
- 40l. Messenger of Governor, &c. And a further sum of 40l. to the Messenger of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and His Majesty's Council, as well in their Legislative capacity as otherwise, for the present year.
- 50l. M. Forrester And a further sum of 50l. to Matthew Forrester, for his services as Sergeant at Arms to the House of Assembly, during the present session.
- 30l. A. Boyle And a further sum of 30l. to Alexander Boyle, for his services as Assistant Sergeant at Arms to the House of Assembly, during the present session.
- 20l. J. Gibbs And a further sum of 30l. to John Gibbs, for his services as Messenger to the House of Assembly, during the present session.
- 235l. Guager And a further sum of 235l. to the Guager and Weigher, for the Collector of Impost for the District of Halifax, for his services for the present year.
- Allowance to Tide Waiters And a further sum, to be paid on the certificate of the Commissioners of the Revenue, at the rate of 7s. 6d. per day, to such person or persons as shall be employed, during the year aforesaid, by the Collector of Impost for the District of Halifax, as extra Waiter or Waiters for the Port of Halifax, and 5s. per day to such extra Waiter or Waiters when unemployed, and at the rate of 5s. per day to Temporary Waiters.
- 45l. Clerk of Revenue Board And a further sum of 45l. to the Clerk of the Commissioners of the Revenue, for his services for the present year.
- 20l. Secretary of Province And a further sum of 20l. to the Secretary of the Province, for Stationary on account of the Warrants to be drawn on the Treasury for the present year.
- 250l. Contingent Expenses And a further sum of 250l. to defray such contingent expenses as may arise during the present year, to be drawn by Warrant from the Governor, Lieutenant-Governor, or Commander in Chief for the time being.
- 600l. Comrs of Poor And a further sum of 600l. for the support of the Transient Poor, for the present year, to be paid to the Commissioners of the Poor at Halifax.
- 20l. Keeper of Gunpowder And a further sum of 20l. to the Person who has the care of the Gunpowder at Halifax, for his services for the present year.
- 150l. Adjutant Gen. of Militia And a further sum of 150l. to the present Adjutant-General of Militia, in full, for his services and the payment of his Clerk, Stationary and Postage, for the present year.
- 200l. stlg. J. Bainbridge And a further sum at the disposal of His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, to such amount as will enable him to pay to John Bainbridge, Esq. the Agent of this Province in London, 200l. sterling, for the present year.
- 350l. Howe & Son And a further sum of 350l. to Messieurs John Howe & Son, Printers, for printing for Government and the General Assembly, for the present year.
- 60l. Keeper of Assembly House, &c. And a further sum of 60l. to the Keeper of the Assembly House and Council Chamber and Law Library, for the present year.
- 40l. L. Kavanagh, Esq. And a further sum of 40l. to Lawrence Kavanagh, Esquire, to be drawn from the Treasury, when it shall be certified by a Judge of the Supreme Court, that he has conveyed the Judge or Judges to the several Circuit Courts in Cape-Breton, during the present year.
- 100l. Indians And a further sum of 100l. at the disposal of His Excellency the Lieutenant Governor, or Commander in Chief for the time being, to be applied in such way as he may deem most proper, for the relief of the Indians of this Province.
- 200l. Bridewell And a further sum of 200l. to the Commissioners of the Bridewell in the Town of Halifax, for the support of that Establishment for the present year.

And a further sum of 939l. 7s. 4d. at the disposal of His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, to repay the sum of 500l. expended on the Province Buildings, agreeably to the Resolution of this House of the last session, and also to enable him to pay the sum of 439l. 7s. 4d. due to sundry Persons for repairs to the same Buildings.

939l 7s 4d  
Province  
Buildings

And a further sum of 25l. to the Commissioners of the Poor in Halifax, to defray the expense of continuing the School in the Poor-House for the present year, for the benefit of Orphans and Poor Children in that Establishment.

25l School in  
Poor House

And a further sum of 700l. at the disposal of His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, to enable him to provide for the Inspecting Field Officers of Militia, for one year from the 31st day of December next as heretofore.

700l Inspect-  
ing Field Offi-  
cers

And a further sum of 50l. to the Right Reverend Bishop Fraser, to enable him to compensate the Clergyman in charge of the Indians of Cape-Breton, for his religious instructions bestowed upon them.

50l Bishop  
Fraser

And a further sum of 50l. to the Owners of the Packet running between Windsor and Partridge Island, to encourage the running of the said Packet between the said places, under such regulations as may be made and ordered by the Justices in their Sessions for the County of Hants, for the present year.

50l Parraboro'  
Packet

And a further sum of 20l. to aid the Inhabitants of Cape-Breton in supporting a suitable Boat or Scow, to run between M'Millan's Point, in Cape-Breton, and Auld's Cove, in the County of Sydney, the said Boat or Scow to be placed under the regulation of the General Sessions for the North Western District of the County of Cape-Breton.

20l Canoe  
Ferry

And a further sum of 400l. to the Commissioners of Sable Island, for the support of that Establishment for the present year.

400l Sable Is-  
land

And a further sum of 766l. for the several Roads and Bridges in the District of Halifax, to be applied and expended agreeably to a Resolution of the House of Assembly, passed on the 7th day of February, in this present year, and agreed to by the Council.

Road and  
Bridge Service  
—District of  
Halifax

And a further sum of 800l. for the several Roads and Bridges in the District of Colchester, to be applied and expended as aforesaid.

Colchester

And a further sum of 551l. for the several Roads and Bridges in the District of Pictou, to be applied and expended as aforesaid.

Pictou

And a further sum of 665l. for the several Roads and Bridges in the County of Annapolis, to be applied and expended as aforesaid.

County of An-  
napolis

And a further sum of 610l. for the several Roads and Bridges in the County of Lunenburg, to be applied and expended as aforesaid.

Lunenburg

And a further sum of 638l. for the several Roads and Bridges in the County of Hants, to be applied and expended as aforesaid.

Hants

And a further sum of 663l. for the several Roads and Bridges in the County of Shelburne, to be applied and expended as aforesaid.

Shelburne

And a further sum of 507l. for the several Roads and Bridges in the County of Cumberland, to be applied and expended as aforesaid.

Cumberland

And a further sum of 556l. for the several Roads and Bridges in the County of Queen's County, to be applied and expended as aforesaid.

Queen's Coun-  
ty

And a further sum of 638l. for the several Roads and Bridges in the County of King's County, to be applied and expended as aforesaid.

King's County

And a further sum of 1000l. at the disposal of His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, to be expended on the several Roads and Bridges in the County of Cape-Breton.

Cape-Breton

And a further sum of 606l. for the several Roads and Bridges in the County of Sydney, to be applied and expended agreeably to a Resolution passed in the House of Assembly, on the 4th day of February, in this present year, and agreed to by the Council.

County of  
Sydney

And a further sum of 600l. for the Road service, 300l. thereof to be applied on the Main Post Road between Halifax and Truro, and the remaining 300l. to be paid and applied on the Main Post Road between Halifax and Windsor.

Main Post  
Roads

50l Halifax  
Dispensary  
30l Mechanics'  
Institute, &c.

And a further sum of 50l. in aid of the Halifax Dispensary, for the present year.  
And a further sum of 30l. in aid of the Mechanics' Institute at Halifax, and 20l. in aid of the Mechanics' Library at the same place.

50l Infant  
School

And a further sum of 50l. to the Ladies', Managers of the Infant School at Halifax, in aid of that Institution for the present year.

300l Horton  
Academy

And a further sum of 300l. to the Managing Committee of the Horton Academy, in aid of that Institution for the present year.

100l R. F.  
Uniacke

And a further sum of 100l. to the Rev. R. F. Uniacke, to enable him to defray the expenses incurred to support the Schools for Poor Children, in the North Suburbs of the Town of Halifax.

100l. Annapolis  
Academy

And a further sum of 100l. to the Trustees of the Annapolis Academy, to enable them to provide for that Institution for the present year.

100l. Yarmouth  
Academy

And a further sum of 100l. to the Trustees of the Yarmouth Academy, in aid of that Institution for the present year.

50l. Liverpool  
Academy

And a further sum of 50l. to the Trustees of the Liverpool Academy and School-House, in aid of that Institution.

50l Lunenburg  
School  
20l per annum  
to S. Green

And a further sum of 50l. to the Trustees of the National School at Lunenburg, in aid of that Institution for this present year.

And a further sum of 20l. per annum to Susannah Green, during her life.

32l 2s 2d G.F.  
Belvidere

And a further sum of 32l. 2s. 2d. to George Frederick Belvidere, in full of his claims for commission on a sum of money collected and paid by him as Guager, in the County of Lunenburg, pursuant to the report of the Committee last session, which sum was granted by the House of Assembly last year, but, by mistake, not inserted in the Appropriation Act.

9l 15s J. H.  
Tidmarsh

And a further sum of 9l. 15s. to James H. Tidmarsh, Esq. being a return of the Duties on certain Machinery imported for the purpose of Manufacturing Spermaceti Candles.

14l 7s Gossip  
& Coade

And a further sum of 14l. 7s. to William Gossip and John C. Coade, for a Drawback of Duties on Machinery imported from the United States.

8l 3s 4d B.  
Potter

And a further sum of 8l. 3s. 4d. to Benjamin Potter, agreeably to his Petition and the report of the Committee thereon.

26l 17s Fire-  
wards

And a further sum of 26l. 17s. to the Firewards of Halifax, being a return of Duty paid on a Fire Engine imported for the Town of Halifax.

28l H. Chip-  
man

And a further sum of 28l. to Holmes Chipman, being the amount of Provincial Treasury Notes destroyed by Fire.

20l J.H. Kaul-  
back

And a further sum of 20l. to John H. Kaulback, Esq. High Sheriff of the County of Lunenburg, for expenses paid by him, and as remuneration for his own services, in conveying a Prisoner, charged with Murder, from the County Jail at Lunenburg to Guysborough, in the County of Sydney, agreeably to the report of the Committee to whom his Petition was referred.

8l 7s E. De-  
wolf

And a further sum of 8l. 7s. to Elisha Dewolf, Junior, as a Drawback of Duty by him paid on the importation of an Hydraulic Hay Press, agreeably to the prayer of his Petition and Certificate thereto annexed.

40l J. Fuller

And a further sum of 40l. to John Fuller, late Sheriff of the County of Cape-Breton, to defray the expense of erecting a Gallows and executing the sentence of the Law upon three persons capitally convicted in Sydney.

4l 9s 6d J.  
Bainbridge

And such further sum of Money as will be sufficient to pay John Bainbridge, Esquire, in London, the sum of 4l. 9s. and 6d. sterling, expended by him in the purchasing and transmitting to this Province, the Journals of the Houses of Commons and Lords, for One Thousand Eight Hundred and Thirty-three, at the request of the House of Assembly, to be drawn by the Clerk of the House of Assembly and remitted to the said John Bainbridge.

25l M. Boudrot  
drot  
3l R. Cox

And a further sum of 25l. to Michael Boudrot, pursuant to the prayer of his Petition.  
And a further sum of 3l. to Robinson Cox, of Stewiacke, pursuant to the prayer of his Petition for three Provincial Treasury Notes destroyed by Fire, when his House was burned down.

And:

And a further sum of \$1. to Michael Collins, for conveying Martin Hall, a Prisoner, under charge of Murder, from Arichat to Sydney to stand his Trial.

81 M. Collins

And a further sum of 40l. 13s. 3d. to the Overseers of the Poor for the Township of Digby, for remunerating them for expenses incurred in relief of Shipwrecked Mariners, agreeably to the report of the Committee on their Petition.

40l 13s 3d  
Overseers of  
Poor, Digby

And a further sum of 30l. to the Overseers of the Poor for the Township of Windsor, for defraying expenses incurred in respect to certain Transient Paupers, agreeably to their Petition and the report of the Committee thereon.

30l Overseers  
of poor, Wind-  
sor

And a further sum of 23l. 6s. to the Overseers for the Township of Yarmouth, agreeably to their Petition and the report of the Committee of the House of Assembly thereon.

23l 6s Over-  
seers of Poor,  
Yarmouth

And a further sum of \$1. to the Overseers of the Poor of the Township of Douglas, for expense of maintaining and removing Transient Poor, agreeably to their Petition and the report of the Committee.

81 Overseers of  
Poor, Douglas

And a further sum of 2l. 10s. to John Fitzmaurice, Overseer of the Poor for the Township of Uniacke, to repay the expense of a Transient Pauper, agreeably to his petition and the report of the Committee.

2l 10s J. Fitz-  
maurice

And a further sum of 7l. 8s. to James Farrell and John Martell, of Mainadieu, for the support of Captain and Crew of Barque Rebecca.

7l 8s Farrell  
and Martell

And a further sum of 7l. 5s. to Alexander W. Haire, agreeably to the report of the Committee of the House of Assembly.

7l 5s A. W.  
Haire

And a further sum of 35l. 6s. to Samuel Archibald, Esq. of Truro, to enable him to pay for Land to form part of the Main Road to Truro, pursuant to his petition and the report of the Committee of the House of Assembly thereon.

35l 6s S. Ar-  
chibald

And a further sum of 1030l. 19s. 10d. at the disposal of His Excellency the Lieutenant-Governor, to enable His Excellency to discharge the balance of 924l. 5s. 11d. due of the expenses incurred at Halifax, during the prevalence of the Cholera, by direction of the Central Board of Health, and also to pay the balance of 84l. 18s. 6d. due to Jacob Miller, for services rendered by him, and recommended to be paid by His Honor the President, in the year One Thousand Eight Hundred and Thirty-four, and by a resolution of this House, then agreed to be provided for; and further to pay John Heckman, Esq. the sum of 21l. 15s. 5d. expenses incurred for fitting up a Cholera Hospital at Lunenburg, the said several sums of money being the amounts recommended by the report of the Committee on the aforesaid subjects.

1030l 19s 10d  
Cholera Ex-  
penses

And a further sum of 20l. 13s. 1d. to His Excellency the Lieutenant-Governor, to enable him to defray the expenses to that amount incurred by the Board of Health at Hants' County during the last Summer, pursuant to the report of a Committee of the House of Assembly.

20l 13s 1d  
Board of  
Health, Hants  
County

And a further sum of 5l. 10s. at the disposal of His Excellency the Lieutenant-Governor, to enable him to defray the expense incurred by the Board of Health at Arichat last Summer, pursuant to the report of the Committee.

5l 10s Board  
of Health,  
Arichat

And a further sum of 21l. 6s. 3d. to the Honorable Thomas N. Jeffery, to reimburse that sum paid by him, when Administering the Government of the Province, to Jacob Miller, as Superintendant of Quarantine in Halifax, in part of his account for services as such Superintendant.

20l 6s 3d Hon.  
T. N. Jeffery

And a further sum of 10l. to John S. Harris, to remunerate him for a Map or Plan of the Eastern District of the County of Annapolis, furnished by him to the Committee of this House for preparing Provincial Maps, pursuant to the report of the Committee upon his Petition.

10l J. Harris

And a further sum not exceeding 350l. at the disposal of His Excellency the Lieutenant-Governor to enable him to apply the same towards defraying certain accounts and charges connected with the Provincial Maps, prepared under the direction of the Chairman of the Committee of the House of Assembly on that subject, that is to say: the sum of 30l. the compensation reported under the Resolution of the eighteenth day of April, in the year One Thousand Eight Hundred and Thirty-Four, as payable to the Proprietor of the small Map of Cape-Breton; also, towards paying to

350l Expense  
of Maps

to William M<sup>c</sup>Kay, the Draughtsman, the amount due to him for Wages in the preparation of the said Map, from the Thirty-first day of March, in the year One Thousand Eight Hundred and Thirty-three to the Thirty-first day of December, in the year of our Lord One Thousand Eight Hundred and Thirty-four, when the said account shall have been examined and reported on by the Chairman of the Public Accounts; also, to defray the expense of one hundred and thirty-four copies of the new Map of the Province, and the mounting the same for the use of the Members of both branches of the Legislature and Public Offices, such expenses to be examined and reported on as aforesaid; and further, to pay certain other incidental expenses attending the preparation of the several Maps under the said Resolution, to be examined and reported on as aforesaid, the expenditure of the said sum of Three Hundred and Fifty Pounds to be accounted for at the next Session of the General Assembly.

1500l Pos.  
Communica-  
tion

And a further sum of 1500l. for defraying the expenses for Post Communication for the year One Thousand Eight Hundred and Thirty-five, agreeably to the report of the Committee, and for the purposes therein stated.

131l 17s 6d  
Howe & Son

And a further sum of 131l. 17s 6d, to Messrs. John Howe & Son, for extra Printing for the year One Thousand Eight Hundred and Thirty-four, agreeably to their account, and the report of the Committee thereon.

200l Com. of  
Public Build-  
ings

And a further sum not exceeding 200l. to the Commissioner of Public Buildings, for the purpose of defraying any expenses that may be incurred during the present year, for repairs, &c. to be accounted for by him, out of which a sum not exceeding 25l. shall be paid and applied for procuring Shelves, Boxes, &c. necessary for the proper disposal of the Papers of the Courts of Chancery and Vice-Admiralty.

10l J. J. Saw-  
yer

And a further sum of 10l. to John James Sawyer, Esq. High Sheriff of the County of Halifax, for his expenses as such Sheriff at the opening and closing of the present Session of the General Assembly.

165l Expenses  
of Council and  
Assembly

And a further sum, not exceeding 165l. to defray the expense of extra Messengers to the Council and House of Assembly, and for Fuel and sundry other articles and services for the Council and House of Assembly, according to Estimate, the said sum to be drawn and applied by the Clerk of the House of Assembly, under the sanction of the President of the Council, and Speaker of the House of Assembly.

75l Clerk of  
Assembly

And a further sum of, not exceeding 75l. to the Clerk of the House of Assembly, to defray the expense of Stationary, and Binding of Journals and Laws for the Council and House of Assembly, during the present Session.

20l Chairmen  
of Assembly

And a further sum of 20l. to the Chairmen of the House of Assembly, for their services as such Chairmen, to be added to their usual pay ticket.

100l Clerks of  
Assembly

And a further sum of 100l. each, to the Clerk and Assistant Clerk of the House of Assembly, for their extra services during the present Session.

*And whereas*, The sum of 100l. was voted in the year One Thousand Eight Hundred and Thirty-three, for the erection of an Academy at Arichat, which, in consequence of the Principal having hired a building for that purpose, could not be applied within the terms of the said vote: *And whereas* the said Academy is now in full operation, and the Right Reverend Doctor Fraser has relinquished his usual claim of Fifty Pounds for the School under his charge, in favor of this Institution; *And whereas*, a serious injury has recently been sustained, by the loss of its former Principal at Sea, in charge of property available for the support of the Institution:

100l Academy  
at Arichat

**II. Be it therefore enacted**, That the sum of 100l. voted in the year One Thousand Eight Hundred and Thirty-three, for the erection of an Academy at Arichat, be paid and applied towards the maintenance of the Academy at that place, during the present year.

10l Road in  
Granville

**III. And be it further enacted**, That the sum of 10l. granted last year, and unexpended upon Bowhaker's bridge, in Granville, be appropriated and expended on the McKenzie Cross Road in said Township.

Expense of  
Stone Wall  
round Poor  
House Burying  
Ground—how  
defrayed

**IV. And be it further enacted**, That the Commissioners of the Poor for the Town of Halifax, from and out of the balance remaining in their hands, of the Funds received by them

them during the last year, amounting to 43l. 12s. 9d. and the sum of 225l. now remaining undrawn in the Treasury, of the Funds made payable to the said Commissioners, arising from the Duties imposed on Live Stock, Apples, Onions, Fruit, Biscuit and Bread, imported from the United States of America, at the Port of Halifax, shall be, and they are hereby authorised, to pay the sum due for building the Stone Wall round the Poor House Burying Ground, with interest on such part thereof as may have been borrowed on interest.

V. *And be it further enacted*, That such sum be granted and paid to the Secretary of the Province, as will enable him to pay 3l. and 10s. each, to the several Clerks of the Peace, to whom His Honor the President directed Road Commissions, with the Bonds to be executed, for the Year One Thousand Eight Hundred and Thirty-four.

3l 10s to Clerks of Peace

VI. *And be it further enacted*, That if any accident shall happen to any of the Bridges on the Main Roads in this Province, or any unforeseen obstructions to travelling shall arise from the fall of Trees or otherwise, it shall and may be lawful for His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, to order a Commissioner or Commissioners to repair or rebuild such Bridges, or to remove such obstructions, and it shall and may be further lawful for the Lieutenant-Governor, or Commander in Chief for the time being, to draw Warrants on account and in favour of such Commissioner or Commissioners, provided the same shall not exceed the sum of Five Hundred Pounds.

500l Road Emergencies

VII. *And be it further enacted*, That the Commissioners of the Revenue for the time being be, and they are hereby, authorised and empowered to allow a drawback upon all Wines imported for, or consumed by, the Commissioned Officers of His Majesty's Army, composing the several Regimental Messes of the Garrison at Halifax, or to relinquish the duties upon all such Wines, upon proof being made to the satisfaction of the said Commissioners, that the Wines, whereon a drawback or relinquishment of Duties is claimed, were actually imported for, or consumed by, such Officers of the Army; *Provided* the whole amount do not exceed the sum of Three Hundred Pounds in any one year.

Drawbacks allowed on Wines used by Army and Navy

VIII. *And be it further enacted*, That the sum of 11. per day be paid to each and every of the Members of the House of Assembly for the present Session, to be paid on the certificate of the Speaker; also the Travelling charges as heretofore, provided that no Member shall receive pay for more than forty-two days attendance.

Allowance to Members of Assembly

IX. *And be it further enacted*, That the sum of 195l. 8s. 2d. reported by the Committee last Session to be due to Mary Paint, Administratrix of the late Nicholas Paint, Junior, be paid and be indorsed on the Bond now due from that Estate to the Province, and that the Collector of Impost at Arichat be directed to do the same, and to enforce immediate payment of the balance.

Credit allowed N. Paint's Estate

X. *And be it further enacted*, That the Board of Revenue be authorised to direct the Collector of Impost to cancel certain Bonds made by James Bond, for securing 117l. 3s 3d, amount of Duties on certain Flour, Beef and Pork, imported in the Brig Sir Pe-regrine, and Schooner George, into Yarmouth, from the United States of America, and exported on the seventh day of December, in the year One Thousand Eight Hundred and Thirty-three, to Bermuda, in the Schooner Elegant, which has not been since heard of, upon receiving an Affidavit, in writing, of the facts connected with the importation and exportation of such Goods.

Bonds given by J Bond to be cancelled

XI. *And be it further enacted*, That the Collector of Impost at the Port of Halifax, shall, and he is hereby required and directed to, keep a distinct account of all Duties collected by him, upon the importation from the United States of America, of Live Stock, Apples, Onions, Fruit, Biscuit and Bread, under the Act of the General Assembly, passed in the last Session of the General Assembly, entitled, An Act for granting Colonial Duties of Impost, for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce and Fisheries thereof, or the Act, passed in this present Session, to continue and in amendment of the said Act, and that the said Duties upon the above specified articles, during the present year, shall be paid quarterly to the Commissioners of the Poor, for the use of the Poor of the Town of

Duties assigned to Commissioners of Poor

Halifax, provided such payment do not exceed the sum of One Thousand Pounds during the present year.

41, Geo. III,  
c. 18  
Secs. 9, 12, 16  
and 18, and  
4, Wm. IV,  
c. 11, Secs. 11,  
12 and 13,  
continued

**XII.** *And be it further enacted,* That the ninth, twelfth, sixteenth and eighteenth, sections or clauses of the Act, made and passed in the Forty-first year of the Reign of His late Majesty King George the Third, entitled, An Act for applying certain Monies therein mentioned, for the service of the Year of Our Lord One Thousand Eight Hundred and One, and for appropriating such part of the Supplies granted in this Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province; also, the eleventh, twelfth, and thirteenth sections of the Act, passed in the last Session of the General Assembly, entitled, An Act for applying certain Monies therein mentioned, for the service of the year of Our Lord One Thousand Eight Hundred and Thirty-four, and for appropriating such part of the Supplies granted in this Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province, shall be, and each of the said clauses or sections are hereby, continued in force, in as full and ample a manner, as if herein repeated word for word, until the Thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-six, and no longer.

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CAP. X.

Executed

**An Act for the relief of Benjamin Donaldson, an Insolvent Debtor.**

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

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CAP. XI.

**An Act to regulate the Survey of Timber and Lumber, and to repeal certain Acts now in force.**

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

Ton Timber—how prepared for exportation

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That from and after the first day of June next, after the passing of this Act, all hewed Timber, commonly called Ton Timber, which shall be exported from this Province, shall be straight lined and well squared, without offsets or joints, and square butted at both ends, and shall also be squared with not more than one inch of wane on the edges, and shall be free from all marks of scoring, rots, splits or worm holes, which may be detrimental to the same.

Dimensions of Timber

**II.** *And be it further enacted,* That no Spruce or Pine Timber shall be of less than sixteen feet in length, nor any Birch or other hard Wood Ton Timber, less than ten feet in length, nor shall any Ton Timber be considered Merchantable unless the same shall square at least ten inches, and where the Timber does not exceed sixteen feet in length it shall be of equal bigness at both ends.

Allowance for Survey of Timber

**III.** *And be it further enacted,* That the Surveyors of Lumber shall be entitled to receive three-pence per ton, for surveying Ton Timber, with four-pence per mile for every mile they shall necessarily travel, in coming to the place for performing such duty, and shall, in all cases, measure Ton Timber by the girth, one quarter part of the girth to be taken as the side of the square.

Surveyors to be Sworn

**IV.** *And be it further enacted,* That every Surveyor of Lumber shall, before attempting to act as such, take and subscribe the following oath, before any one of His Majesty's

ty's Justices of the Peace, who is hereby authorised and required to administer the same without fee, that is to say : " I do solemnly swear that I will faithfully, impartially, truly, and to the best of my skill, knowledge and ability, execute, do and perform, the office and duty of a Surveyor of Lumber, according to the true intent and meaning of an Act, entitled, An Act to regulate the Survey of Timber and Lumber, and to repeal certain Acts now in force, and that I will give a true and faithful account of the number, dimensions and measurement of all such Timber or Lumber as may be submitted to my inspection and judgment, according to the best of my knowledge, and that I will not any time wilfully change any article of Lumber, that may be entrusted to me for the purpose of being so surveyed ;"—which oath, every such person shall deliver to the Clerk of the Peace for the County or District in which he shall be appointed, together with the private mark which he shall adopt, and the said Clerk of the Peace is hereby required to grant a Certificate to every such person of his having taken and subscribed the said oath, and the said persons thereafter shall continue in such office, until the Annual appointment of Town Officers, and it shall be lawful for such Surveyors to survey Timber or Lumber in any part of the County or District in which they are appointed.

Continuation  
in Office

V. *And be it further enacted,* That it shall be the duty of all Surveyors of Lumber, appointed or hereafter appointed, personally and diligently to examine, inspect and survey, all Ton Timber and Lumber, of every kind and description, when called upon so to do, and to see that the same is, and shall be, in all respects conformable to the several provisions and directions of this Act, and every Surveyor shall reject any Timber or Lumber which shall in any respect be contrary to, or objectionable under, this Act, of which each Surveyor shall provide himself with a Copy, and shall refuse to pass the same, and, after rejecting and refusing such objectionable Timber or Lumber, the said Surveyor shall furnish the Buyer or Seller each with a true and faithful account in writing of the number, dimensions and measurement, of the articles he shall have so surveyed, and find to be merchantable, and every such Account, duly certified under the hand of the Surveyor, shall be final and conclusive between the Buyer and Seller; *Provided* always, that if any dispute shall arise between the Buyer and Seller of any article of Timber or Lumber, the person dissatisfied may call upon three skillful and disinterested persons, being Surveyors of Lumber, regularly appointed and sworn, who shall re-survey and examine the said Timber or Lumber, and their determination or the determination of any two of them shall be final and conclusive, and if the opinion of the first Surveyor shall be confirmed, then the Buyer is to pay the expense of the second Survey, but if the same be not confirmed, the expense of such second Survey shall be borne and paid by the first Surveyor.

Duties of Sur-  
veyors pre-  
scribed

Proviso

VI. *And be it further enacted,* That all dimension Deals shall be cut to the lengths of twelve, fourteen, sixteen, eighteen, twenty and twenty-one feet, and of the breadth of nine, eleven and twelve inches, to the thickness of three inches each, having an allowance of one inch, and not exceeding two inches on the length, of one fourth of an inch, and not exceeding one half of an inch on the breadth, of one eighth of an inch, and not exceeding one fourth of an inch on the thickness, to be sawed smooth and fair, of equal width and thickness at both ends, to be butted at both ends with a saw, and the stubshot to be sawn off, to be free from rots, sap-stains, large knots, rents, shakes, worm holes, wane and augur holes.

Deals

VII. *And be it further enacted,* That all Plank, intended for exportation out of this Province, save and except hard wood Plank, shall be sawed at least three inches and one eighth of an inch in thickness, at least nine inches in width, and at least ten feet and not over twenty feet in length, and shall be in all other respects the same as is herein before prescribed and directed with respect to dimension Deals.

Planks

VIII. *And be it further enacted,* That all merchantable Boards, Plank and Scantling, save and except such as may be what is commonly called Hard Wood, shall be square-edged with the saw—all clear Boards shall not be less than one inch thick, and merchantable Boards not less than seven eighths of an inch thick : no Board or Plank shall be deemed merchantable if split at both ends, or have one continued split of more than two feet at any one end, nor shall any Board be deemed merchantable which is less than

Merchantable  
Boards, Plank  
and Scantling

than twelve feet in length, and nine inches in width, and which is not sawed of equal thickness throughout, or which is not free from rots, sap-stains, large knots, rents, shakes, worm holes, wane and augur holes.

Purchasers of  
Boards not  
bound to re-  
ceive Planks

**IX.** *And be it further enacted,* That no person agreeing for or purchasing Boards, shall be obliged or required to take or receive any Planks, with, or as part of, such Boards, unless there shall have been a special agreement previously made to that effect.

Lath wood

Shingles

**X.** *And be it further enacted,* That all Lath Wood shall be of fresh growth, straight rift, free from bark, hearts and knots, to be measured by the Cord of four feet high and eight feet long, and piled as close as it can be laid; all Pine Shingles shall be eighteen inches long, not less than four inches wide, and three eighths of an inch thick at the butt, free from sap and worm holes, to be put up in bundles not less than twenty-five tier or courses to twenty inches wide; four of which bundles shall be reckoned a thousand; Shipping Shingles for Exportation shall be half an inch thick at the butt; the said thickness to be continued three fourths of the length, and shaved from thence to the point, and shall also be from four to four and one half inches wide throughout, and that the account shall be taken by the tale of ten hundred to the thousand, and all Pine Shingles, manufactured in the same manner, shall be subject to the like rules and regulations.

Staves

**XI.** *And be it further enacted,* That all Hogshead Staves shall be forty-two inches long, three fourths of an inch thick on the thinnest edge, and not exceeding one inch on the back, and shall also be from three and one half inches to five and one half inches wide, and all barrel Staves shall be thirty-two inches long, one half inch thick on the thinnest edge, and not exceeding three fourths of an inch on the back, the whole to be of good rift, free of twists, fairly split, and free from knot holes, rotten knots, worm holes and shakes, and the account shall be taken by the tale of twelve hundred to the thousand.

Surveyor vio-  
lating Act

**XII.** *And be it further enacted,* That if any Surveyor of Lumber, after the first day of June next, shall certify as merchantable for exportation any Ton Timber, or any article of Lumber, contrary to any or either of the provisions of this Act, he shall forfeit and pay for each and every such offence a sum not less than Two Pounds nor more than Five Pounds.

Lumber ex-  
ported, not  
Surveyed

**XIII.** *And be it further enacted,* That if any person or persons shall, after the first day of June next, ship or export out of this Province, as merchantable, any Ton Timber, or any article or description of Lumber, herein mentioned and directed to be surveyed, which shall not have been regularly surveyed by a sworn Surveyor, and by him certified as merchantable and fit for exportation, he or they shall forfeit and pay for each and every offence the sum of Ten Pounds.

Contracts for  
Timber or  
Lumber

**XIV.** *And be it further enacted,* That when any Contract or Bargain shall be made for any quantity of Timber or Lumber, of any description herein before mentioned for exportation, the same shall be understood to be for Timber or Lumber, according to the directions and provisions of this Act, and no person shall be obliged to take or receive any other kind of Timber or Lumber, unless such person shall have previously made a special agreement in writing for the same, specifying particularly the nature, dimensions and description, of Timber or Lumber, agreed to be received.

Surveyors to  
mark Timber  
or Lumber

**XV.** *And be it further enacted,* That every Surveyor of Lumber, who shall be required to survey any Timber or Lumber, shall, at the time of making the survey of the same, mark in figures on each and every stick of Ton Timber by him surveyed, the exact number of cubic feet such stick shall contain, together with the initial letters of his own name, and that of the private mark of the Purchaser; and on all Deals and Plank every Surveyor shall mark with lead on the end, the length, breadth, thickness and superficial contents thereof respectively, and also the Surveyor's private mark, and all Boards every such Surveyor shall mark with the superficial contents thereof respectively, and with the said Surveyor's private mark.

Defacing or  
destroying  
Marks

**XVI.** *And be it further enacted,* That if any person shall cut, deface or otherwise destroy, any marks so to be made on any stick of Ton Timber, or upon any Deals, Planks.

Planks or Boards, respectively, without the knowledge or permission of the Owner thereof, every such person so offending shall forfeit and pay for every such offence a sum not exceeding twenty shillings, nor less than ten shillings.

**XVII.** *And be it further enacted,* That every Surveyor of Lumber shall be entitled to ask, demand and receive, for his labour and trouble in surveying the several articles following, the sums hereinafter mentioned and prescribed, that is to say, for surveying and measuring all or any Deals, Planks, Scantling and Boards, nine-pence, for every thousand superficial feet thereof, and the further sum of three-pence, for every thousand superficial feet thereof, for marking the same, and for all or any Lathwood, six-pence per Cord, and for all or any Shingles, three-pence per thousand, and for all or any Hogshhead Staves, one shilling and six-pence for each and every thousand thereof, according to the tale thereof respectively, and for all or any Barrel Staves, nine-pence, for each and every thousand thereof, according to the tale thereof respectively, which rates, for the survey of Merchantable Lumber, as well as for those herein before prescribed, for surveying Merchantable Timber, shall be paid by the Seller, who shall employ or have the choice of the Surveyor, and the Seller shall remove or cause to be removed, at his own expense, whatever may obstruct or prevent the Surveyor from ascertaining, with facility, the measurement, manufacture or quality, of any article of Lumber or Timber, and when required the same shall be canted: *provided always,* that no Purchaser of any article of Lumber or Timber who shall purchase the same after it has been surveyed, shall be required to pay for the expense of survey, unless such Purchaser shall require a new survey thereof, or shall have made a special agreement for the payment of such expense.

Allowance for Survey of Lumber, &c.

Proviso

**XVIII.** *And be it further enacted,* That the Surveyor shall mark all Timber and articles which do not correspond with the provisions of this Act, as refuse, and for such Survey and marking shall be entitled to the same fees as he is by this Act entitled, for Surveying and marking articles which he may find Merchantable.

Refuse Timber &c.

**XIX.** *And be it further enacted,* That all Fines and Forfeitures hereby imposed shall be recoverable and recovered, together with Costs of Suit, before any two of His Majesty's Justices of the Peace, of the County or District wherein the offence shall have been committed, at the suit of any person who will sue for the same, in the same manner, and by the same means, as if the same were or was a private debt or debts, and shall be paid and applied, one half to the use of the Poor of the Town or place where such offence shall have been committed, and the other half to the person who will sue for the same.

Fines and Forfeitures how recovered, &c.

**XX.** *And be it further enacted,* That all prosecutions under this Act shall be commenced within Twelve Months from and after the time such offence shall have been committed.

Prosecutions

**XXI.** *And be it further enacted,* That this Act shall be publicly read by the Clerk of the Peace, annually, at the opening of the Court of General Sessions of the Peace, at which the appointment of Town Officers is by Law directed to be made.

Act to be read at Sessions

**XXII.** *And be it further enacted,* That the Act, passed in the Fifty-fourth year of the Reign of His late Majesty King George the Third, entitled, An Act to regulate the exportation of Ton Timber, and to repeal two Acts, made in the twelfth and thirty-third Years of His Majesty's Reign, declaring what shall be deemed Merchantable Timber for exportation to Great-Britain; also, the Act, passed in the seventh year of the Reign of His late Majesty King George the Fourth, in addition to the said Act, except so far as the said Acts, or either of the said Acts, repeal any Acts or Laws therein mentioned, shall be, after the first day of June next, and the said Acts, except as aforesaid, and every matter, clause and thing, therein contained, are hereby severally and respectively repealed after that day.

Acts 54, Geo. 3d, c. 16. & 7, Geo. 4, c. 19, repealed

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

Continuation of Act

## CAP. XII.

## An Act to amend the Acts respecting Firewards and Fires in Halifax.

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

Preamble

**WHEREAS**, it is a duty incumbent upon all persons resident in Halifax, which Town, from the materials whereof the Houses are chiefly built, is peculiarly liable to imminent risk and danger from Fire, to render their personal services and assistance upon any alarm of Fire, in order to avert the great calamity which might be thereby occasioned, and the Laws now in force being found insufficient for enforcing the attendance and assistance of the Inhabitants, it is expedient to amend the same :

Firewards empowered to divide Town and appoint Special Constables to each Ward

**I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That,** from and after the passing of this Act, it shall and may be lawful for the Firewards of the Town of Halifax, to divide the said Town and the Suburbs thereof into such convenient Wards or Divisions as they may deem proper, for the purposes of this Act, and to appoint and assign to each Ward or Division one Fireward and two Special Fire Constables, to be selected and appointed as hereinafter mentioned ; which Fireward and Constables shall, with all convenient speed, and as soon as may be, after the passing of this Act, and annually thereafter, on or before the first Monday of March, in each year, make out in writing, a list of all the Male Inhabitants actually resident and domiciled within the said respective Wards and Divisions, able of body, who shall be over Eighteen years of age, and under Fifty years of age, and who shall not be Clergymen or Ministers of the Gospel, of any sect or denomination, Members of the Council, Judges or Justices of any Court or of the Peace, or Military or Naval persons actually engaged and employed in His Majesty's Service, and not being Firemen, Engine Men, or Members of the Volunteer Fire Companies hereinafter mentioned, and such lists, when so made, shall be respectively made out in Alphabetical order, by the Fireward and Constables of the Ward or Division for which the same shall be made, and shall be posted up in some public place in the said Ward or Division, so that any error or omission therein may be observed and rectified, and all persons liable to be enrolled therein may be so enrolled.

Lists to be made out of Male Inhabitants in each Ward

Lists to be returned to Clerk of Peace

**II. And be it further enacted,** That when and so soon as such lists shall have been posted up as aforesaid, for the space of ten days, the same shall, having been first corrected, where necessary, be returned to the Clerk of the Peace, to be by him preserved and retained among the Records and Papers in his Office, and a Copy thereof shall also be entered in a Book to be kept by the Secretary of the Firewards.

Persons to be employed at Fires to be ballotted for

**III. And be it further enacted,** That immediately upon the said lists being returned to the Clerk of the Peace, as aforesaid, a Special Sessions shall be by him summoned to be held in the County Court-House, and there publicly in the presence of such Sessions, and also, of all the Firewards who shall be duly notified of such Sessions, and are hereby required to attend thereat, under the penalty of Twenty Shillings upon each Fireward respectively, who shall be absent, unless some reasonable excuse for such absence be offered and approved of by the said Sessions, the Chairman of the said Firewards, or other person by them appointed, shall proceed to draw by ballot, from and out of the names on such lists so to be respectively made as aforesaid, taking a due and fair proportion from and out of each Ward or Division of the Town, such number of names not exceeding Three Hundred, as may, by the said Firewards, be deemed requisite and necessary, which persons, so drawn and ballotted for, shall be employed at Fires during the year for which they may have been drawn as aforesaid, in manner hereinafter directed.

Persons drawn to be employed at the Engines

**IV. And be it further enacted,** That when and so soon as such ballot shall have taken place, the persons whose names have been so drawn shall be by the Firewards divided into Companies, to be respectively assigned and appointed by the said Firewards to some particular Fire Engine, and such persons shall be called Engine Workers, and their

their sole duty shall be at Fires, to attend at such Fire, and there to repair to, and remain by and with, the Engine to which they shall or may be respectively appointed, to assist in working the same, as shall be directed by the Firewards thereat.

V. *And be it further enacted*, That the persons whose names have been so drawn as aforesaid shall be respectively notified thereof, and also, of the particular Engine to which any such person shall be attached and appointed, as aforesaid, and shall also be furnished and provided with a suitable Badge by the Firewards, in order to distinguish such persons from others attending at such Fire; and if any person, whose name shall be so drawn, shall neglect to attend at any Fire, or shall neglect to bring his Badge thereto, without having a legal and sufficient excuse for such neglect, such person shall forfeit and pay a penalty of Five Shillings.

Persons drawn to be notified

Badges

VI. *And be it further enacted*, That, in order to secure the attendance of such persons so ballotted as aforesaid, a Fireward and Special Fire Constable shall be appointed for each Engine, who shall, as far as may be practicable, ascertain and discover who, if any, of the persons appointed as herein before directed, as Engine-Workers for that Engine, shall or may be absent at any Fire, and such Fireward shall call upon the person or persons so absent to account for their absence, and unless some good and sufficient excuse shall be made to the said Fireward, and verified to his satisfaction, the said Fireward shall proceed to recover the penalties herein before imposed.

A Fireward and Special Constable appointed for each Engine

Absentees

VII. *And be it further enacted*, That all other persons whose names shall be enrolled under this Act shall, and they are hereby required to, attend at Fires, and there to place themselves under the direction of any Fireward or Firewards thereat, to be employed in lines, for conveying water to the Engines, or otherwise, as such Fireward or Firewards may direct, and any person who shall be so enrolled, and shall absent himself from any Fire, not having a good and sufficient excuse for so doing, shall forfeit and pay a penalty of Five Shillings.

Persons enrolled bound to attend at Fires and obey orders of Firewards

VIII. *And be it further enacted*, That before the several lists herein before directed to be made shall be made up and returned to the Clerk of the Peace, notice shall be given in the Public Newspapers at Halifax, or at least two of such Newspapers, of the Wards and Divisions into which the said Town and Suburbs of Halifax may be, by the said Firewards, divided, for the purposes of this Act, and also, of the names of the Fireward and Fire-Constables appointed for making the enrolment of each Ward or Division respectively, and all persons liable to be enrolled under this Act shall be required to come forward and enrol their names with such Fireward, or one of the said Fire-Constables, and any person so liable, who shall neglect so to enrol his name, shall forfeit and pay a penalty of Five Shillings.

Penalty for non-attendance

*And whereas*, there have been formed, and now exist in the said Town of Halifax, several voluntary Associations or Companies, for mutual assistance at the time of Fire, the Members whereof have provided, at their own expense, Caps, Buckets, Bags, and other necessary and useful equipments, for the purpose of being used at Fires:

Preamble

IX. *Be it therefore enacted*, That the Members of any such Voluntary Association or Fire Company, which now is or shall be hereafter formed for the purposes aforesaid, and the Rules and Bye-Laws of which Association or Company shall be approved of by the Firewards, shall be, from and after the time their Rules and Bye-Laws shall be so approved, but not sooner, wholly exempt from liability to be enrolled under this Act; *Provided*, that due provision shall be made in such Rules and Bye-Laws for imposing a fine or penalty, not less than the amount herein before imposed in like cases, on Engine Workers, for the absence of any Member of such Association or Company, at any Fire; *And provided also*, that such Companies and Associations shall be compelled to furnish and provide such number of special Fire-Constables, from and out of the Members thereof, as the Firewards may direct, and that due provision be made in the Rules and Bye-Laws of such Associations, or Companies respectively, for imposing a penalty, not less than Ten Shillings, on any Member who, being chosen, as a Special Fire-Constable, agreeably to such Rules and Bye-Laws shall neglect or refuse to act in such Office, or be guilty of any neglect or dereliction of duty therein.

Volunteer Fire Companies—exemptions conferred upon and duties required of Members

X. *And be it further enacted*, That the Members of such Voluntary Associations

Employment of Members at Fires  
OR

or Companies, so exempted as aforesaid, shall be employed at any Fire, in such manner, as in and by their Rules and Bye-Laws, to be approved as aforesaid, shall or may be directed.

Substitutes allowed persons drawn as Engine workers

**XI.** *And be it further enacted,* That, within ten days after Notice shall have been given of the ballot for Engine Workers, as herein before directed, to the several persons whose names on such ballot may have been drawn, a Meeting of Firewards shall be held, whereof Notice shall be given to the said persons so ballotted in as aforesaid, at the same time as they are respectively notified of their being ballotted and drawn as Engine Workers, as herein before directed, and at such Meeting it shall and may be lawful for any person, whose name has been so ballotted and drawn, to propose to the said Firewards a fit and proper person, who shall be approved by such Firewards, as a substitute for the person whose name may have been so drawn and ballotted, and the name of such substitute shall be inserted on the list, instead of the name of the person first drawn.—*Provided always,* that the person whose name was originally drawn shall be and remain liable for all pecuniary fines, penalties and forfeitures, to be incurred under this Act, by the neglect or misconduct of his substitute.

Proviso

Number of Engine Men may be increased or diminished

**XII.** *And be it further enacted,* That it shall and may be lawful for the said Firewards, by and with the consent and approbation of the Justices of the Peace in the District of Halifax, in General Sessions, to increase or diminish the numbers of the Engine-men now appointed by Law, for the charge and care of Fire Engines, and who constitute the present Engine Companies, which said Engine Companies shall be placed under the command, direction and control, of a Captain and other Officers, to be appointed by the said Engine-men, and approved of by the Firewards; and the said Captain and the several other Officers so appointed, shall have the like powers as Firewards, so far as is or may be necessary to require and command the attendance and assistance of all persons who may be at any Fire or proceeding thereto, to take any Engine to and from such Fire.

Captain to be appointed

Competency of Engine Men

**XIII.** *And be it further enacted,* That every such Engine-man, having the care, charge and custody of any Engine, and appointed under the Acts now in force, shall be a person fit and competent to perform the duties required of him, and shall procure and obtain a Certificate from the Captain or Officer of the Engine Company to which he shall belong, that he is a person properly qualified to be an Engine-man, and capable of cleaning and taking due care of the Fire-Engines and Machinery, and Implements thereto belonging, and no Engine-man who shall not procure or have such Certificate shall be entitled to, or shall receive, any of the privileges and exemptions provided by the Acts already in force, respecting Engine-men: *Provided always,* that nothing herein contained shall extend, or be construed to extend, to the Engine-workers, by this Act directed to be ballotted for and drawn as aforesaid, or to oblige such Engine workers to assist in cleaning, taking charge of, or repairing, any Fire-Engine, excepting only when such Engine shall be actually at a Fire and employed thereat.

Proviso

Refusal to obey Firewards

**XIV.** *And be it further enacted,* That all persons, not being persons hereinbefore exempted from enrolment under this Act, shall, whether such persons be enrolled or not, if present at any Fire, obey and perform all such orders and directions as may be given by any Fireward, for their conduct and employment at such Fire, whether for the purpose of forming lines and conveying water to the Engines or otherwise, and any person who shall at such Fire refuse or neglect to perform the order and direction of any Fireward or Firewards, given to such person, shall be forthwith taken in charge by any Special Fire Constable, present at such Fire, and it shall and may be lawful for the said Fire Constable, if ordered by the said Fireward so to do, to commit such person to Jail forthwith, where such person shall be detained to answer the complaint made against him by such Fireward, and within forty-eight hours thereafter, such person shall be brought before any two Justices of the Peace for the District of Halifax, who shall examine into such complaint, and if well founded the person who shall have so refused or neglected to obey the order and direction of such Fireward shall forfeit and pay a penalty of Ten Shillings.

Constables refusing assistance

**XV.** *And be it further enacted,* That all Constables, Peace Officers or other persons whomsoever

whomsoever thereto required, shall be aiding and assisting in taking and committing to Jail any person or persons so offending, and any Constable, Peace Officer or other person, refusing or neglecting to be so aiding and assisting when required, shall forfeit and pay a penalty of Ten Shillings.

**XVI.** *And be it further enacted,* That the Special Fire Constables, herein before mentioned, shall be selected and chosen from the Voluntary Associations and Companies herein before exempted from enrolment under this Act, and that each of the said Companies, when thereto required, shall nominate so many of their Members as may be directed by the Firewards to be Special Fire Constables under this Act, and at any Fire, every Fireward shall be attended by one of such Special Fire Constables, who shall assist in forming lines and procuring obedience to the orders and commands of such Fireward.

Special Fire Constables to be selected from Volunteer Companies

**XVII.** *And be it further enacted,* That every Fireward, Special Fire Constable, and Officer of any Engine Company, shall be sworn to the due, faithful and diligent discharge of the duties and trust of their said Offices respectively, before any one of His Majesty's Justices of the Peace for the District of Halifax, in the presence of the Clerk of the Peace for such District, and each of said Officers, when sworn into Office, shall be provided with a Copy of this Act, and the other Acts relating to the same subject.

Firewards, &c. to be sworn

**XVIII.** *And be it further enacted,* That the Firewards for the said Town of Halifax shall choose annually a Chairman, and Secretary and Treasurer, from among themselves, and the said Chairman shall have power and authority to summon the said Firewards to meet at such times and places as he may deem proper, at least four times in the year, and, at the first Meeting in each year, all the Special Fire Constables shall be required and notified to attend; and shall attend with their Staves, when all the Acts in force respecting Fires in the Town of Halifax shall be read aloud by the Chairman or Secretary, or such other person as the Chairman may appoint and direct.

Chairman and Secretary and Treasurer of Firewards to be chosen

**XIX.** *And be it further enacted,* That any Fireward or Special Fire Constable, neglecting to attend at such first Meeting in the year as aforesaid, shall forfeit and pay a penalty of Ten Shillings.

Penalties for non-attendance of Firewards and Constables

**XX.** *And be it further enacted,* That all fines, penalties and forfeitures, hereby imposed, shall be recoverable, and shall be recovered with costs, before any two Justices of the Peace for the District of Halifax, at the suit of any Fireward, who will sue for the same, in a summary way, and shall be levied by Warrant of Distress of and upon the Offender's Goods and Chattles, and if no sufficient distress can be found whereon to levy the said penalty, the person so offending shall be committed to Jail, there to remain, in case the penalty imposed do not exceed Five Shillings, for the space of five days, and if such penalty be over Five Shillings, for the space of ten days, and all such pecuniary penalties, fines and forfeitures, when recovered, shall be paid to the Treasurer of the Firewards for the time being, to be applied by such Firewards to and for the same purposes as other Monies received by such Firewards are by Law applicable.

Recovery of Fines

*And whereas,* it frequently happens that after Fires have been nearly extinguished, and little further danger is apprehended, there may remain rubbish and half burnt materials easily ignited:

Preamble

**XXI.** *Be it therefore enacted,* That it shall and may be lawful for any five of said Firewards, agreeing in opinion, to employ a sufficient number of Labourers to remove such rubbish or materials, or to take such measures as may prevent all danger from the same.

Firewards may employ Labourers to remove rubbish, &c.

*And whereas,* it frequently happens, that in order to procure water, or to place Engines in situations to protect Buildings in danger, it becomes necessary to pull down fences, or do other damage to individual property, not immediately in danger:

Preamble

**XXII.** *Be it therefore enacted,* That in any case where the Fence or Fences of any person or persons shall be pulled down, or other damage done to the property of any person or persons, for the purpose of procuring water, or placing any Engine at any Fire in the said Town of Halifax, and the Property of the person or persons to whom such injury has been done, was not, and may not have been, immediately endangered by such Fire,

Necessary damages how to be compensated

Zzzz

then,

then, and in such case, such person or persons shall receive a fair and reasonable compensation for the damage so received, to be awarded, assessed, ascertained, collected and paid, as is directed by the Act, passed in the second year of the Reign of His late Majesty King George the Third, entitled, An Act for appointing Firewards, ascertaining their duty, and for punishing Thefts and Disorders in the time of Fire, or any Act or Acts in amendment thereof.

Preamble

*And whereas*, it is necessary, that further powers should be vested in the Firewards of Halifax, as to the removal of rubbish and combustible materials, from which danger may be apprehended :

Removal of combustible materials

**XXIII.** *Be it therefore enacted*, That if any two Firewards shall, on the information of any person, or from their own view, consider it proper to inspect the placing or situation of any Ashes, Hay, Straw, Shavings, Rubbish, or combustible materials of any description, it shall and may be lawful for such Fireward to demand admittance into any House, Shop, Yard, or enclosed place whatsoever, for the purpose of inspecting and viewing such Ashes, Hay, Straw, Shavings, Rubbish, or combustible materials, and if the said Fireward shall deem the same dangerously placed, or that the same ought to be removed, or differently placed, they shall forthwith order and direct the owner or occupant of the House, Shop, Yard, or enclosed place, to remove or alter the placing and situation of any such Ashes, Hay, Straw, Shavings, Rubbish, or combustible materials, and if any person or persons shall refuse or prevent the admission of such Firewards into any House, Shop, Yard, or other enclosed place, or shall neglect or refuse to remove or alter the placing of any such Ashes, Hay, Straw, Shavings, Rubbish, or other combustible materials, for the space of Twenty-four hours, every such person shall forfeit and pay a penalty of Twenty Shillings, to be recovered, paid and applied, as herein before directed, and it shall and may be lawful for the said Firewards to remove or alter the placing of any such Ashes, Hay, Straw, Shavings, Rubbish, or other combustible materials, and the expense thereof shall be added to, and recovered with, the fine or penalty aforesaid.

Preamble

*And whereas*, it may be necessary and expedient to have some person as a general Superintendant of the Fire Engines of the said Town, who shall be responsible for the proper care and due keeping and repair of such Fire Engines :

Superintendant of Fire Engines may be appointed

**XXIV.** *Be it therefore enacted*, That it shall and may be lawful for the Firewards of the said Town of Halifax, by and with the consent and approbation of the Justices of the Peace for the District of Halifax, to nominate and appoint one competent and skillful person to be the General Superintendant of Fire Engines in the Town of Halifax, whose duty it shall be to superintend the repair, cleaning and keeping in good order, the said Fire Engines, and all the Hose, Machinery, Buckets and Implements of every description thereto belonging, so that the same shall always be in serviceable condition and ready for use, and such Superintendant shall be responsible for the good order and condition of the said Engines, Hose, Machinery, Buckets and Implements, and shall be allowed such Salary or Compensation, not exceeding Fifty Pounds, as may be deemed and considered just and reasonable by the Grand Jury and Justices of the Peace, for the District of Halifax, in their General Sessions, which sum shall be annually assessed, levied, collected and paid from and by the Inhabitants of the Town of Halifax, as shall hereinafter be directed with respect to any expenses to be incurred under this Act.

Expenses incurred by Firewards under this Act

**XXV.** *And be it further enacted*, That all expenses incurred by the Firewards of the said Town of Halifax, in and about the carrying this Act or any of its provisions or enactments into operation, shall, after being accounted for to the Justices of the Peace at Halifax, in any General or Special Sessions, and approved of by the said Justices, be assessed, levied, collected and paid, in the same manner, by the same means, and together with the Monies now by Law assessed, levied, collected and paid, for Pumps and Wells.

Continuation of Act

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

## CAP. XIII.

## An Act to direct and ascertain the mode of Assessing County and District Rates, and for other purposes.

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication hereof, it shall and may be lawful for the Grand Jury, in each of the several Counties and Districts of this Province, except the County of Halifax, annually, at the Court of General Sessions of the Peace held for said County or District, to present to the said Court of Sessions the names of three fit and proper persons, being Freeholders in such County or District, one of whom the said Court shall appoint to be a Treasurer for the said County or District for the year ensuing, who shall forthwith enter into a Bond to our Lord the King, with sureties, to the satisfaction of the said Court, for the faithful performance of the duties of the said Office, and who shall, thereupon, be sworn to the due execution of the said duties, and be invested with all powers and trusts hereinafter mentioned.

Appointment  
of County  
Treasurer

II. *And be it further enacted*, That it shall and may be lawful for the Grand Jury, in each and every of the Counties and Districts of the Province, at the General Sessions of the Peace held for such County or District, on the knowledge of the said Jury, or on the recommendation of the Court, or the representation of three or more Freeholders of such County or District, from time to time as may be required, to make presentment of all such sum and sums of Money as may be absolutely necessary to be raised, or expense that may be found to have arisen, for the following purposes, that is to say:— For the building or repairing a County or District Gaol, or the appurtenances thereof, or of a Court-House or Session House, and for providing Fuel for the use of the same, erecting or repairing Stocks, Pillories or Pounds, and providing bolts, bars and shackles; also, for the conveying of persons accused of any Treason or other Criminal Offence, to the County or District Gaol, being the distance of three miles or upwards, and so as the same do not exceed Six-pence per mile; also, for the support of poor Criminals, or other poor Persons in Gaol; also, for paying a Salary to the Treasurer of the County or District, for his services in that station; also, for paying the Clerk of the Peace of such County or District such annual sum, not less than Twenty Pounds, as shall be presented by the Grand Jury, and approved of by such Court of General Sessions of the Peace, and be deemed necessary for the payment of such of his services in that Office for which no provision is otherwise made; also, (except in the County of Halifax,) to defray the charges of prosecuting in any Court of Sessions of the Peace persons charged with Larcenies or other Criminal Offences, or Misdemeanors, (except for Assault and Battery only,) in cases where such proceedings shall be conducted by Counsel, and wherein the Court shall tax and allow the said charges, and direct them to be paid under this Act, but not to exceed Two Pounds Six Shillings and Eight-pence in any one case; also, towards the maintainance and support of a Gaoler for each of such Counties and Districts; also, to pay the Crier or Officer of the several Courts held in any such County and District, such annual sum as may by such Court of General Sessions be deemed necessary for payment of his services in that situation; also, to defray the expenses of poor witnesses on the Trial in any Court of persons accused of any Grand or Petit Larceny, or other Criminal Offence, the same to be paid pursuant to the provisions of the Provincial Statute, 8 and 9, Geo. 3d, Chap. 2, entitled, An Act for the Rating and Levying of the charges for conveying Malefactors and Offenders to the Gaol; also, for defraying the charges of conveying Criminal Offenders to the places of labour or confinement to which they have been sentenced to be conveyed; also, for procuring materials and defraying other expenses which may be necessary for setting persons at work who are confined in any such County or District under sentence to labour; also, to pay any allowance which may be made by the said Court of Sessions of the Peace, held in and for any such County or District, to any Constables for extraordinary expenses incurred in the execution of their duty, in cases of

Presentment  
of Monies to  
be raised, and  
for what pur-  
poses

Riot

Riot or Felony; also, to pay any allowance which may be ordered by the said Court of Sessions to be made to any Special Constable or Constables, for his or their expenses, trouble and loss of time, in executing or endeavouring to execute any Warrant or Warrants which such Constable or Constables have or hath been appointed to execute, or to assist in executing, in any case of Felony or Misdemeanor; also, for the payment of all such sum or sums of money as may be necessary to be raised, or expenses that may have arisen, for the building or repairing Bridges within any such County or District; also, to defray the charges and expenses attending the removal of any of the said County or District Rates, by Certiorari or otherwise, or which may be incurred in prosecuting or defending any action, suit, or proceeding at Law, respecting the affairs of such County or District, such charges and expenses to be taxed and allowed by the said Court of General Sessions; and also, for any expense incurred, or to be incurred, in the executing or administering of Criminal Justice in the said County or District.

Confirmation  
of Present-  
ment

III. *Provided always, and be it further enacted*, That no presentment for the raising Money as aforesaid shall be confirmed by the Justices in General Sessions until the last day of the sitting of the said Court of General Sessions of the Peace, and such Presentment so made shall be posted up in the Court-House, from the time of its being made till the same is confirmed, to the end, that all persons concerned may have notice thereof, and if they see fit may object against and traverse the same.

Refusal of  
Grand Jury to  
make Present-  
ment

IV. *And be it further enacted*, That on the neglect or refusal of any Grand Jury to make presentment as aforesaid, for any of the purposes before mentioned, for which sums of money may be required to be raised, the Justices of the Peace in any General Sessions of the Peace, held in and for any such County or District, shall, and they are hereby empowered to, amerce such County or District in such sum or sums as shall appear to them (upon due proof made before them,) to be necessary for defraying the expenses which have arisen, or shall by them be judged necessary to be raised for any such purposes as aforesaid, and the said Justices shall appoint Assessors in manner hereinafter directed to assess such sum or sums of money on the Inhabitants of such County or District, and the same shall be assessed in manner hereinafter directed, and be paid into the hands of the Treasurer of such County or District, to be paid and applied for the purposes for which the same was so raised.

Appointment  
of Assessors  
and Collectors

V. *And be it further enacted*, That where presentment shall be made as aforesaid, of any sum or sums of money for any of the purposes hereinbefore mentioned, the Grand Jury shall present to the Court the names of such number of good and sufficient Freeholders of the County or District, as the said Court shall direct, as being fit and proper persons to be Assessors and Collectors respectively, of and for the several Townships in such County or District, or for such Settlements or places as shall be named by the said Court, [except as to the said Collectors in and for the Township of Halifax, where the same shall be appointed as hereinafter directed,] and the said Court shall appoint such number, not less than one half of the said persons, as shall be deemed proper to be and serve respectively as Assessors and Collectors for such Townships, Settlements, or Places, to assess and collect, respectively, as hereinafter directed, the sum or sums of money so presented; and in every case where amercement on any County or District shall be made, as aforesaid, the Court by whom the same shall be made shall appoint a like number respectively of fit and proper persons, being Freeholders of such County or District, to be and act respectively as Assessors and Collectors as aforesaid, and the said Assessors and Collectors shall, in each case aforesaid, be severally notified by the Clerk of the Peace of such County or District of their appointment as aforesaid, and shall be sworn by the said Court, or by any Justice of the Peace, to the due and faithful execution of their said Office, and that without favor or affection, hatred or malice, and to the best of their skill and knowledge, and the said Collectors shall, in like manner, be sworn to execute their said Office duly and faithfully; and in case any person who may be appointed as Assessor or Collector as aforesaid shall die or remove or refuse to accept of such Office, or neglect to act therein, another person shall immediately be appointed in his stead, by the Court, or by any two of His Majesty's Justices of

of the Peace, and any person so refusing or neglecting to act shall forfeit the sum of Five Pounds, to be recovered and applied as hereinafter directed.

VI. *And be it further enacted,* That the Justices in General Sessions as aforesaid, by whom any presentment of money shall be confirmed, or amercement shall be made, as aforesaid, shall determine and appoint the proportion of the amount thereof which shall be borne by, and assessed upon, the Inhabitants of the several Townships, Settlements or places within the County or District, in and for which such presentment or amercement was made, and the Assessors appointed as aforesaid, for such Townships, Settlements or places respectively, shall meet together to make such Assessment, at such time, and in such central and convenient places, as shall be appointed by the Clerk of the Peace for that purpose, and shall, within twenty days after they have been sworn into Office as aforesaid, assess the sums so proportioned upon the Inhabitants as aforesaid, in the most just and equal manner they, the said Assessors, can devise, by an equal pound rate, on the real and personal property whereof such Inhabitants shall be respectively in the occupation or possession, within the County, regard being had to the value of the rents of the Real Estate, and the capability of the Personal Estate to produce profit, in which Assessment the said Assessors themselves shall be included, and they, the said Assessors, within the said twenty days, shall make out, and furnish to the Clerk of the Peace for such County or District, Rolls of the names of the Inhabitants so assessed, specifying opposite to their names the sums in which they have respectively been assessed, which assessment shall be made, and Rolls shall be subscribed, by a majority of the said Assessors, and each and every Assessor, who shall neglect any part of the duty herein required of him, shall forfeit the sum of Five Pounds, to be recovered, paid over and applied, in the manner hereinafter directed, and each of the said Assessors shall be allowed and paid from the County or District Treasury at the rate of Five Shillings per day, for each and every day, not exceeding four days, that he shall be employed in and about making the said Assessment.

Assessment to be made within a limited time

Allowance to Assessors

VII. *And be it further enacted,* That upon the said Rolls of Assessment being received by the Clerk of the Peace as aforesaid, Warrants, under the hands and seals of any two Justices of the Peace within the County or District, with the said Rolls thereto respectively annexed, shall forthwith be issued, directed to the respective Collectors appointed as aforesaid, commanding them to collect from the persons named in such Rolls the several sums set opposite to their names respectively, and the said Collectors shall immediately proceed to make such collection, and within three months from the time of their receiving such Warrants, shall return the same to the said Clerk of the Peace, and shall pay over to the Treasurer of such County or District, the sum or sums of money so by them collected, and if any such Collector who has received any such Warrant as aforesaid shall neglect, delay or refuse, to make such collection and payment, within the period aforesaid, he shall forfeit and pay the sum of Ten Pounds, to be prosecuted for and recovered by the said Treasurer, in a summary manner, before any two Justices of the Peace, or by Bill, Plaint or Information, in any Court of Record in the Province, by direction of the said Court of General Sessions, or otherwise, and each and every Collector, who shall have received, and shall improperly retain, any money by him collected as aforesaid, shall moreover, by direction of the said Court of General Sessions, be prosecuted for the same by the said Treasurer, before any such Court of Record, in cases where the sum, so improperly retained, shall exceed the sum of Five Pounds, and for any lesser sum, in the same manner that debts of the like amount between party and party are now by Law recovered.

Collection of Taxes

VIII. *And be it further enacted,* That each and every person named in any such Roll of Assessment, who shall neglect or refuse to pay the sum therein specified to be paid by him, her or them, after demand thereof made by the Collector as aforesaid, shall and may be prosecuted for the same by the said Collector, before any two of His Majesty's Justices of the Peace within the County or District, and on Judgment being given against such person or persons for the said sum or any part thereof, the same shall, by Warrant of Distress from the said Justices, be forthwith levied by the Constable or Constables to whom the same is directed, on the Goods or Chattles of such person or

Persons assessed, neglecting or refusing to pay

Proviso for  
appeal

persons, together with the charges of prosecuting and levying for the same, and any overplus, after the sale of such Distress at Public Auction, shall be returned to such person or persons; *Provided always*, that if any person or persons shall feel aggrieved by any such Assessment or the levying thereof as aforesaid; he, she or they, may appeal for redress to the next General Sessions, held in and for the County or District in which such Assessment was made, or to any Special Sessions held therein, as hereinafter provided for hearing such Appeals, giving at least eight days notice thereof to the Clerk of the Peace of such Appeal, who is hereby required to appear and support the rate or assessment so made as aforesaid; and on the hearing of such Appeal the said General or Special Sessions may, without setting aside the whole or any other part of the said assessment, either set aside or lower the rate assessed on such person or persons, or otherwise finally determine the said Appeal, as to the said Justices shall seem lawful and right, and in case any money has been paid by any such person or persons, for, or on account of, such rate or the levying thereof, and the said Justices shall adjudge that the same or any part thereof be returned to such person or persons, the same shall, by order of the said Justices, be repaid to him, her or them, out of any money collected or received from the general assessment on the County or District wherein such Appeal took place, but no such Appeal shall, in any case, delay or prevent the collection or recovery of the sum assessed upon any such person or persons as aforesaid, but the same proceedings, as herein before directed, shall be had and pursued for the collection or recovery of the same, as if no such Appeal had been made.

Taxes assessed  
and collected to  
be paid to Treas-  
urer—

due application  
of—

**IX.** *And be it further enacted*, That all money so raised by Presentment or Amercement as aforesaid, and levied and collected from the Inhabitants of the several Counties and Districts, shall be paid into the hands of the Treasurers of such Counties and Districts respectively, and shall not be applied to any other uses or purposes than such for which the same was raised, or which is otherwise by Law provided, and if any person or persons who shall be appointed in the said Presentment and order thereon, or amercement, to be Director or Directors, Overseer or Overseers, of the Work, or the Distributor or Distributors of the Money raised as aforesaid, shall not at the next General Sessions of the Peace, held in and for the County or District, and in a reasonable time to be by such Sessions appointed, make appear in his or their account or accounts; with good vouchers, that the money so raised and received by him or them has been expended pursuant to the said Presentment or Amercement, to the use of the County or District, as by Law provided, he or they shall be chargeable with the same, and every person so accountable for any public money shall, when required by the Justices in the said General Sessions, make up his accounts on oath; if any such Accountant or Accountants, when so required, shall neglect to make a fair and just account of all such public money, or shall upon such accounts be found to have such money or any part thereof remaining in his or their hands, he or they shall forthwith pay such money into the hands of such person or persons as shall, by the Justices in the said Sessions, or by the Grand Jury for the County or District, be named or appointed to receive the same for the use of such County or District, and in default thereof such person or persons so accountable shall, by the said Justices in their said Sessions, by their Order or Warrant, be committed to the Common Jail, there to remain until such Account be made, or balance paid, or sufficient Sureties be given for the same.

Restrictions  
imposed on  
Treasurer

Accounts ren-  
dered to Sessi-  
ons

**X.** *And be it further enacted*, That it shall not be lawful for the Treasurer of any County or District to pay out to any person or persons whomsoever, any money raised as aforesaid, and received by him as such Treasurer, for any other purposes than those for which the said money was so raised, or for which any such payment may otherwise by Law be made, and each and every such Treasurer shall make up his Accounts upon Oath, of all his Receipts and Payments, at every Court of General Sessions, held for such County or District, to be approved or disapproved by the said Court of Sessions, and the same shall be filed in the Office of the Clerk of the Peace, for the said County or District, and no Treasurer or other person or persons concerned shall compound for any money to be raised on such County or District, nor make any deduction whatsoever, for any sum he or they shall pay to any person or persons, but such as he or they shall  
account

account for by proper vouchers, and if any such Treasurer shall offend herein, or neglect to make up his Account as aforesaid, he shall be incapable to serve again as such Treasurer, and shall, by the said Court of Sessions, be committed to Gaol, without Bail or Mainprize, there to remain until he fairly accounts with such Court of Sessions, held in and for such County or District, and shall receive from the said Court of Sessions a Certificate of his having passed his Accounts to their approbation.

XI. *And be it further enacted,* That it shall and may be lawful for the Justices of the Peace, in the several Counties and Districts of this Province, to hold Courts of Special Session, if they shall deem it proper and expedient, for the purpose of hearing and determining Appeals as herein before provided, and enforcing the Assessment and Collection of the said Rates, of the holding of which Sessions eight days notice shall be given, which Courts of Special Sessions shall have the same power and authority that Courts of General or Quarter Sessions possess, to hear and determine any Appeal made as aforesaid, by any person or persons against any Rate or Assessment, to which he, she or they, may be rated or assessed under and by virtue of this Act.

Courts of Sessions to hear Appeals

XII. *And be it further enacted,* That the Court of General Sessions of the Peace, in the several Counties and Districts, shall, and they are hereby authorized to establish the rate of Commissions to be allowed to the Collectors of the said rates, within the said Counties and Districts respectively, the said Commissions however not to exceed Five Pounds for every Hundred Pounds by them collected.

Commissions to Collectors

XIII. *And be it further enacted,* That it shall and may be lawful for the Justices of the Peace in General or Quarter Sessions, in the several Counties and Districts as aforesaid, from time to time, to order such allowances and compensations to be made to the Assessors, Collectors, Overseers or Directors of Work, Distributors of Money, and Constables employed in the execution of this Act, or under and by virtue thereof, which have not herein before been provided for, from, by or out of, the monies assessed, levied and collected, by and from any rate under this Act, as to the said Justices in Sessions as aforesaid, shall appear reasonable and proper.

Compensation for certain services

XIV. *And be it further enacted,* That all Forfeitures and Penalties imposed by this Act, the prosecution and recovery of which have not been herein before provided for, may be sued for and recovered by any person who will prosecute for the same, or shall be sued for and recovered by the Clerk of the Peace for the County or District within which the same was incurred, by order of the Court of General or Quarter Sessions, held in and for such County or District, by Bill, Plaint or Information, in any Court of Record within the Province, in cases where such Forfeiture or Penalty shall be the sum of Ten Pounds or upwards, and in all cases below the said sum of Ten Pounds, before any two of His Majesty's Justices of the Peace, in a summary manner, as in cases of debt, and on Judgment being given for the recovery of any such Forfeiture or Penalty, the same, together with the charges of prosecution, shall and may, by Warrant of Distress, be levied on the Goods and Chattles of the Offenders, and in case sufficient Distress cannot be found, whereon to levy the same, it shall be lawful for the Court or Justices, by whom such Judgment was given, to commit such Offender to the Common Gaol of the said County or District, there to remain without Bail or Mainprize, for any time not exceeding three months, unless the said Forfeiture and Charges as aforesaid be sooner paid; and all the said Forfeitures and Penalties, when recovered, after deducting any expense incurred in prosecuting for the same, shall be paid to the Treasurer of the County or District within which the same were incurred, to be applied in aid of the rates assessed and collected by virtue of this Act.

Forfeitures and Penalties, how recovered

XV. *And be it further enacted,* That no person shall be deemed incompetent to be a Witness for the execution of the purposes of this Act, or in any appeal or other proceedings instituted by virtue thereof, by reason of his paying or being liable to pay towards the aforesaid rates.

Persons rated to be witnesses

XVI. *And be it further enacted,* That no Action or Suit shall be brought, commenced or prosecuted, against any person or persons, for any thing done or to be done, by virtue of, or in pursuance of, this Act, after six calendar months next after the fact committed, and every such Action shall be brought and laid in the County or District where

Actions to be brought within Six Months and in whole County

the

General Issue

the cause of Action shall have arisen, and not elsewhere, and the Defendant or Defendants in every such Action or Suit shall and may plead at his, her or their Election, this Act specially, or the general issue, and give this Act and the Special matter in evidence, at any Trial to be had thereupon, and that the same was done in pursuance, or by the authority of this Act, and if, upon Trial of such Action or Suit, it shall appear to have been so done, or that such Action or Suit shall have been brought after the time limited for bringing the same as aforesaid, or be brought or laid in any other County or District, than as aforesaid, then, and in every of the said cases, the Jury shall find a verdict for the Defendant or Defendants, and in all cases where a verdict shall be found for a Defendant or Defendants in such Action or Suit, or the Plaintiff or Plaintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be nonsuited, or if upon demurrer Judgment shall be given against such Plaintiff or Plaintiffs, then, and in every such case, the Defendant or Defendants shall recover treble costs, and have the like remedy for recovering the same as any Defendant or Defendants hath or have for recovering Costs of Suit in any other cases by Law.

Certiorari how allowed after Appeal

XVII. *And be it further enacted*, That no Certiorari to remove any rates or any orders, or other proceedings of the Sessions, touching such rates, shall be granted, but upon motion, the first week of the next Term after the time for appealing from such rates or orders is expired, and on making it appear to the Court, by Affidavit or otherwise, that the merits of the question on such Appeal or Orders will, by such removal, come properly in Judgment, and no such Certiorari shall be allowed until Security be given to the Treasurer of the County or District, in the sum of Ten Pounds to prosecute the Certiorari with effect, and to pay the costs if the rates or orders shall be confirmed, nor shall any such rates, orders or proceedings, be quashed for want of form only.

Persons who have overpaid

XVIII. *And be it further enacted*, That no Action shall be commenced against any person who shall have collected or received any money on any rate which shall be quashed on a Certiorari or otherwise, for any money collected or received on such rate, before the Certiorari was brought, but the persons who have paid on such rate more than they ought to have paid shall be repaid, or have the same allowed in the next rate.

Acts repealed  
7, Geo. III, c. 6, 8 & 9, Geo. III, c. 6, 9 & 10, Geo. III, c. 1, 30, Geo. c. 9, 36, Geo. III, c. 16, 48, Geo. III, c. 19, 53, Geo. III, c. 12, 57, Geo. III, c. 10

XIX. *And be it further enacted*, That the Act, passed in the Fifth Year of the Reign of His Majesty King George the Third, entitled, An Act for raising Money by Presentment on the several Counties in this Province, for the defraying certain County charges therein mentioned; also, the several Acts, passed in the Eighth and Ninth, Ninth and Tenth, Thirtieth, Thirty-sixth and Forty-eighth Years of the Reign of His said Majesty King George the Third, in addition to, and in amendment of, the said first mentioned Statute; also, the Statute, passed in the Fifty-third Year of the Reign of His said Majesty King George the Third, entitled, An Act in further addition to an Act made in the Fifth Year of His said Majesty's Reign, entitled, An Act for the choice of Town Officers and regulating Townships; also, the Act, passed in the Fifty-seventh Year of His said Majesty King George the Third, entitled, An Act to alter and amend the several Acts of this Province, relative to Town, County and Poor Rates, so far as the said Act relates to Town, County or District Rates, or any matters or proceedings concerning such Town, County or District Rates, shall be and the same are hereby repealed.

XX. *And be it further enacted*, That this Act shall and may be altered or amended as to the District of Halifax, by any Act or Acts to be passed in this present Session of the General Assembly, any Law, usage or custom, to the contrary notwithstanding.

Preamble

*And whereas*, the appointment of a Treasurer for the Town and County of Halifax, is not provided for, and it is necessary to provide therefor, and to make other regulations relating to the said Town and County respectively:

Appointment of Treasurer for Town and County of Halifax

XXI. *Be it therefore enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief, for the time being, to appoint and Commission one fit and proper person to be the Treasurer of the Town of Halifax, and also, to be the Treasurer of the said County of Halifax, who shall give Security in the sum of Two Thousand Pounds, or such further sum as the Governor, Lieutenant-Governor or Commander in Chief for the time being shall prescribe for the due and faithful execution and discharge of the duties of the said Office.

XXII.

**XXII.** *And be it further enacted,* That the Treasurer of the said Town and County of Halifax shall be the Collector and Receiver of all the Rates and Monies assessed, and to be received under the authority of this Act, and shall collect and receive the same, and account therefor, in the manner hereinafter directed.

Treasurer to be Collector of Rates

**XXIII.** *And be it further enacted,* That all Assessments for the said County of Halifax shall be made, completed and returned, into the Office of the Clerk of the Peace, on or before the twentieth day of May in every year, and all Appeals therefrom shall be made, entered and determined upon, in the June Sessions following.

Assessments to be returned, by 20th May

**XXIV.** *And be it further enacted,* That, immediately after the Assessment shall be returned as aforesaid, the proportion of the same to be paid by the Inhabitants of Halifax shall be ascertained and settled by the said Court, and a Copy of the Assessments for the Town and other parts of the County, shall be delivered to the Treasurer of the County, who shall deliver a notice, stating the amount of every person's tax to him, or leave the same at his place of abode, and every person shall pay the amount of their respective Assessments to the Treasurer, at his Office, in the Town of Halifax, or out of the Town, to the Collectors respectively, whom he shall appoint to receive the same, on or before the first day of August in each year, and if any person shall neglect or refuse to pay the amount of his Assessment, the Treasurer shall issue his Summons to such person, requiring him to pay the same, with Two Pounds Ten Shillings per Cent. addition thereto, on or before the first day of September, and if the same shall not then be paid, the said Treasurer shall issue his Warrant for the collection of the same, with Ten per Cent. addition to the original Assessment.

Copy of Assessments to be given Treasurer—duties and powers of Treasurer

**XXV.** *And be it further enacted,* That the same and the like course for the collection of all Poor Rates, and other Rates assessed in the Town of Halifax, shall be observed, and the same Penalties shall be added to each Individual's tax, for the non-payment thereof, on the first day of August, and first day of September, and be incurred as are hereinbefore prescribed, with respect to the collection of County taxes.

Enforcing Collection

**XXVI.** *And be it further enacted,* That if the Grand Jury for the County of Halifax, shall neglect or refuse to make Presentment as is directed by this Act, the Judges of the Supreme Court shall, and they are hereby empowered to, amerce the County, in such sum or sums as it shall appear to them, (upon due proof made before them,) to be necessary to be raised for the purposes of this Act, and for the use of the County, which said sum shall be assessed upon the Inhabitants of the said County in the manner herein directed, and shall be paid to the Treasurer of the said County, and received and accounted for by him as is herein directed.

On neglect or refusal of grand Jury to make Presentment Sup. Court may amerce

**XXVII.** *And be it further enacted,* That all monies belonging to or due to the County of Halifax, or to the Town of Halifax, whether the same shall arise from Assessments for County Rates, Poor Rates, or other Rates or Rents, of Town Property, or in any other way, shall be paid to the Treasurer of the said Town and County, and all monies due from the said Town or County shall be paid by him, by the order and directions of the Justices in Sessions; and the said Town and County Treasurer shall, once in every year, make up all his Accounts of Receipts and Expenditures, and render the same to the Clerk of the Peace, to be laid before the Justices and Grand Jury, on the first day of the December Sessions, to be investigated and audited; *Provided always,* that if the Justices, either in General or Special Sessions, shall, at any time before the said December Sessions, think the interest of the County requires it, they may order and direct the said County Treasurer to make up and render his Accounts of Receipts and Expenditures, up to any period to be named in their order, and the said Treasurer shall forthwith make up and render his Accounts as in the said order shall be directed.

Monies now due and to become due to be paid to Treasurer

Proviso

**XXVIII.** *And be it further enacted,* That after the said Accounts have been audited in the December Sessions, the same shall be published in the Royal Gazette, for the information of the Inhabitants of the said County, it being the true intent and meaning of this Act that the Accounts of the Treasurer of the Town of Halifax and of the County of Halifax, should contain an accurate Account of all the Money concerns of the said Town and County respectively, and be kept and shewn separate and distinct from each other.

Treasurer's Account to be audited and published

Allowance to  
Treasurer

**XXIX.** *And be it further enacted,* That there shall be allowed and paid to the said Treasurer the sum of five Pounds per centum, for all monies howsoever payable or accruing, received by him on account of the Town and County respectively, and such other sum out of any per centages recovered from any defaulters as to the Justices and Grand Jury, at the December Sessions, shall seem proper and reasonable.

License Money  
to be collected  
by Clerk of Li-  
censes and paid  
to Comrs. of  
Streets

**XXX.** *Provided always, and be it further enacted,* That nothing herein contained shall be construed to prevent the Clerk of the Licenses from collecting and receiving the monies due to the County for Licenses, as heretofore, nor from paying over to the Commissioners of Streets the sums payable to them out of the sums collected for Licenses, without paying the same to the County Treasurer, nor shall any thing herein contained be construed to prevent the Commissioners of Streets from collecting the monies due for the non-performance of Statute Labour as heretofore.

Act not to ex-  
tend to Pictou  
or Colchester

**XXXI.** *Provided also, and be it further enacted,* That the words "County of Halifax," as used in this Act, shall not extend, or be construed to include, any part of the present Districts of Pictou and Colchester.

Continuation  
of Act

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

## CAP. XIV.

Part of this  
Act executed

### An Act for the relief of Henry Lockyer, an Insolvent Debtor.

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

Preamble

**WHEREAS,** Henry Lockyer hath been unfortunate in business, and is now detained in the County Gaol at Halifax, for a Debt due by him to William Morley and James Morley, of London, in that part of Great-Britain and Ireland, called England, for which Debt a confession hath been given by the said Henry Lockyer to the said William Morley and James Morley for the sum of about One Thousand and Three Pounds Sterling, but no Judgment hath been entered thereon; *And whereas,* the said Henry Lockyer hath assigned all his Estate and Effects, in trust for the benefit of his Creditors, and his continued detention in Gaol is likely to be very injurious to the interest of his Creditors generally, by preventing his personal attention to the recovery of the said assigned Estate; *And whereas also,* the said Henry Lockyer is desirous to be relieved from Gaol, but is disabled from taking the benefit of the Laws of this Province, enacted for the relief of Insolvent Debtors, in consequence of some of the provisions of the said Acts:

H. Lockyer al-  
lowed the ba-  
nefit of Acts  
for relief of In-  
solvent Debt-  
ors

**1.** *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That, upon the passing hereof, it shall and may be lawful for the Judges of the Supreme Court, or any two of them, upon the application and Petition of the said Henry Lockyer, to make an order under their hands and seals, for bringing up before them the said Henry Lockyer, to afford him an opportunity of taking the benefit of the several Acts of this Province, made for the relief of Insolvent Debtors, notwithstanding Judgment may or shall not have been entered against him by the said William Morley and James Morley, and to proceed thereon in like manner as in ordinary cases, and as if Judgment had been entered up, and upon the said Henry Lockyer complying with the several terms and conditions of the several Acts, passed for the relief of Insolvent Debtors, it shall and may be lawful for the said Justices to proceed to discharge the said Henry Lockyer, in manner as is prescribed and directed by the said Acts, and as if Judgment had been entered up against the said Henry Lockyer, and to make an order for that purpose: and such proceedings, order and discharge, shall, to all intents and purposes, be as valid, good and effectual, and shall be of the like force and effect, and have the same operation in Law, as any proceedings, order or discharge, made under and by virtue of the said Acts

now

now in force for the relief of Insolvent Debtors, and the said Henry Lockyer shall be forthwith discharged from custody, under the said Debt of the said William Morley and James Morley.

II. *Provided nevertheless, and be it further enacted*, That before the said Henry Lockyer shall be so discharged, if no person shall attend before the said Justices on behalf of the said William Morley and James Morley, it shall be proved by Affidavit in writing, to the satisfaction of the said Justices, that a copy of the order of the said Justices, made for bringing the said Henry Lockyer before them, hath been served upon the Attorney or Attornies of the said William Morley and James Morley, at least four days previous to the day in such order specified and appointed for the consideration of the Petition and application of the said Henry Lockyer.

Notice to be given to Attorney of Messrs. Morley

III. *And be it further enacted*, That in case the said Henry Lockyer shall hereafter be charged in execution, for any Debt or Debts now contracted by him, whether the same be a Debt or Debts contracted in Great-Britain and Ireland, this Province or elsewhere, he shall be entitled to his discharge, upon complying with the terms and conditions mentioned in the said Acts for the relief of Insolvent Debtors, and the Judges, before whom the said Henry Lockyer may be brought for his discharge, are hereby empowered and directed to take judicial notice of this Act, and to govern themselves accordingly.

If again charged in Execution

IV. *Provided always, and be it further enacted*, That, if the said Justices shall deem it just and proper so to do, it shall and may be lawful for them to nominate one or more Assignee or Assignees, to be joined with the Assignee already named and appointed by the said Henry Lockyer, and the Assignee or Assignees so nominated and appointed by the said Justices, shall have and exercise as full power, authority and rights, as such Assignee or Assignees, in the same manner, to all intents and purposes, as if his or their name or names had been originally inserted in, and he or they been party or parties to, the said Assignment.

Assignees may be appointed

## CAP. XV.

### An Act to alter the Times of the Sittings of the Courts of Common Pleas and General Sessions of the Peace for Cape-Breton.

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

**WHEREAS** it is expedient to alter the Times of the Sittings of the Courts of Common Pleas and General Sessions of the Peace, for the County of Cape-Breton :

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the passing of this Act, the Inferior Court of Common Pleas and General Sessions of the Peace, in and for the North Eastern District of the County of Cape-Breton, shall be held at Sydney, in and for the said District, on the last Tuesday of March and on the first Tuesday of November in each year, instead of the times now by Law established ; and that the Inferior Court of Common Pleas and General Sessions of the Peace in and for the Southern District of the said County, shall be held at Arichat, in and for the said District, on the first Tuesday of April and on the second Tuesday of November, in each year, instead of the Times now by Law established ; and that the Inferior Court of Common Pleas and General Sessions of the Peace, in and for the North Western District of the said County, shall be held at Port Hood, in and for the said District, on the second Tuesday of April and on the third Tuesday of November in each year, instead of the times now by law established.

Times of Sittings of Courts of Session in Cape-Breton

II. *And be it further enacted*, That all Writs, Bail Bonds, Recognizances, Rules, Orders and other Process and Proceedings, which are or shall be made returnable into the

Returns of Writs, &c.

the said Court of Common Pleas and General Sessions of the Peace respectively, for and in the respective Districts of the County of Cape-Breton, at the days and times now appointed by Law for holding the same, shall, instead thereof, be returned to the said Courts respectively on the days and times hereinbefore fixed and appointed for the Sitings thereof, and all Suitors, Parties, Witnesses or other Persons whosoever, who are summoned or bound to appear, or who ought to appear, in any or either of the said Courts respectively, at the days and times heretofore fixed for holding the same, shall be held and obliged to appear and answer, and shall appear and answer, in the said Courts respectively, on the respective days and times herein appointed for such Sitings, and all Judges, Justices, Sheriffs, Coroners, Constables, Jurors and other Persons, are to take notice and govern themselves accordingly.

4, Geo. IV, c. 36, 4 & 5, Geo. IV, c. 1, S. 2, 6. Geo. IV, c. 31, 8, Geo. IV, c. 34, 4, Wm. IV, c. 28 9, Geo. IV, c. 28, 3d Wm. IV, c. 5, s. 1.

III. *And be it further enacted*, That the second Clause of the Act, passed in the Fourth Year of His late Majesty's Reign, entitled, An Act to regulate the Jurisdiction of the Inferior Court of Common Pleas within the County of Cape-Breton, and to fix and establish the times and places for holding of the said Inferior Court and General Sessions of the Peace in and for the said County; also, the second Clause of the Act, passed in the Fourth and Fifth Years of His said Majesty's Reign, in amendment of the said last mentioned Act; also, the Act, passed in the Sixth Year of His said late Majesty's Reign, entitled, An Act to regulate the Jurisdiction of the Inferior Court of Common Pleas within the County of Cape-Breton, and to fix and establish the times and places for holding the said Inferior Court and General Sessions of the Peace in and for the said County; also, the Act, passed in the Eighth Year of His said late Majesty's Reign, entitled, An Act in further amendment of an Act to regulate the Jurisdiction of the Inferior Court of Common Pleas within the County of Cape-Breton, and to fix and establish the times and places for holding the said Inferior Court and General Sessions of the Peace in and for the said County; and also, the Act, passed in the last Session of the General Assembly, to continue the said last mentioned Act; also, the Act, passed in the ninth year of His said late Majesty's Reign, entitled, An Act in further amendment of an Act to regulate the times and places for holding the Inferior Court and General Sessions of the Peace in and for the County of Cape-Breton; also, the first Clause of the Act, passed in the Third Year of His present Majesty's Reign, entitled, An Act to alter the time of Sitting of the Inferior Court and General Sessions for the Northern or North Eastern District of the County of Cape-Breton, and to ascertain and establish the designation of said District, shall be repealed, and the said several Clauses and the said several Acts herein mentioned, and every matter and thing in the said respective Clauses and Acts contained, are hereby severally repealed.

## CAP. XVI.

### An Act concerning the Funded Debt.

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

Preamble

**WHEREAS**, under the several Acts of the General Assembly, heretofore passed, for the issuing of Treasury Notes, certain Persons have procured and hold Provincial Stock Certificates for a large sum of Money, for which, interest, at the rate of six per cent. has been heretofore paid; *And whereas*, it is proper that the said interest should be reduced to five per cent.; *And whereas*, the Treasurer of the Province, by the direction of His Excellency the Lieutenant-Governor, did, on the first day of October last, give public notice to all persons holding such Certificates that the interest thereon would be reduced to five per cent. from and after the first day of January, in the Year of Our Lord One Thousand Eight Hundred and Thirty-five; and did require all Stockholders who were unwilling to receive such diminished interest, to give in their names at the Treasurer's Office, on or before the first day of December then next following, in order that they might receive the principal Money due to them: **I**

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That,* from and after the first day of January, in the year of Our Lord One Thousand Eight Hundred and Thirty-five, the said Certificates shall bear interest at and after the rate of five per cent. and no more.

Certificates to bear an Interest of Five per cent.

II. *Provided always, and be it further enacted,* That if any person or persons holding any Certificate or Certificates, for any part of the said Funded Debt or Stock, now bearing interest at six per cent. shall have refused, as required by such advertisement, to permit or allow the sum or sums for which such person or persons so hold any such Certificate or Certificates, to remain at interest at five per cent. and have required to be paid off, the principal sum or sums due to such person or persons respectively, then, and in such case, such person or persons shall be paid off the full amount of principal due to him, her or them, with interest, at the rate of six per cent. due on such principal.

Stockholders dissatisfied may demand payment of Certificates

III. *And be it further enacted,* That, immediately after the passing of this Act, the Treasurer of the Province shall submit to the Governor, or Lieutenant-Governor, or Commander in Chief for the time being, a statement in writing, of the names of such persons as have refused to receive interest at the rate of five per cent. as aforesaid, and of the several amounts to them respectively due as aforesaid, whereupon it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by Warrant under his Hand and Seal, to direct the Treasurer of the Province to borrow such sum from any person or persons who will lend the same.

Money may be borrowed at five per cent.

IV. *And be it further enacted,* That the Monies so to be borrowed as aforesaid shall be received and paid into the Treasury in Doubloons, at and after the rate of Four Pounds each.

Money borrowed to be paid in Doubloons

V. *And be it further enacted,* That the amount so borrowed shall bear interest at and after the rate of five pounds per cent. per annum, which interest, as well as the reduced rate of interest hereinbefore mentioned, payable on so much of the present Debt as may be suffered to remain at the interest of five pounds per centum per annum, shall be payable and paid at the Treasury, from and out of the monies from time to time therein, in the same manner, and at the same times, as the present rate of interest of six pounds per cent. per annum has heretofore been paid.

Interest allowed on Money borrowed—and payment of Interest

VI. *And be it further enacted,* That, with the monies borrowed under and by virtue of this Act, such person or persons as have required to be paid off the sum or sums due to them as aforesaid, shall be paid the full amount due to such person or persons respectively, for principal and interest up to the time of payment, in Doubloons, at the like rate at which the same are prescribed to be taken and received in such Loan as hereinbefore directed.

Certificates to be paid in Doubloons

VII. *And be it further enacted,* That to all persons who shall at present hold any part or sum of the said Funded Debt of this Province, and who shall agree to suffer and permit the same to remain at the said reduced rate of interest, and also, the person or persons who shall lend the Money required to be borrowed as aforesaid, there shall be made and granted Loan Certificates, signed by the Treasurer and two of the Commissioners for issuing Treasury Notes, which Certificates shall bear date on the first day of January, in the year of Our Lord One Thousand Eight Hundred and Thirty-five, and such Certificates shall respectively express therein that they shall and do bear interest at and after the rate of Five Pounds per centum per annum.

Loan Certificates to be granted

VIII. *And be it further enacted,* That the Certificates to be made and granted under this Act shall be made in duplicate, and one part thereof shall be delivered to the person or persons to whom the same shall be made and granted, and the duplicate thereof shall be retained in the Treasury, and such Certificates shall be assignable by endorsement thereon, made by the person from time to time holding the same, and entitled to the monies thereby made payable; *Provided* a memorandum of such endorsement be entered on the duplicate of such Certificate so retained in the Treasury as aforesaid.

Loan Certificates to be made in Duplicate

IX. *And be it further enacted,* That, upon receipt by them severally of such new Stock Certificates, the holders of the present Stock Certificates shall deliver them to the Treasurer of the Province, to be cancelled and destroyed by the Joint Committee of the Council and Assembly, appointed to examine and report upon the Public Accounts.

Present Stock Certificates to be cancelled

## CAP. XVII.

## An Act additional concerning Nuisances.

Amends 3d  
Wm. IV, c. 49

[PASSED THE 19th DAY OF FEBRUARY, 1835.]

Preamble

**WHEREAS**, in the third year of His present Majesty's Reign, an Act of the General Assembly of this Province was passed, entitled, An Act concerning Nuisances; *And whereas*, the prevalence in the Town of Halifax, during the past year, of an infectious, malignant and fatal disease, called the Cholera, has rendered it indispensable to adopt more effectual provisions for the prevention and removal of Nuisances, and to enforce cleanliness, as well in the said Town as throughout the Province, and it is therefore expedient to enlarge the powers and provisions in the said Act contained :

Appointment  
of Health In-  
spectors

**I.** *Be it therefore enacted, by the Lieutenant-Governor, the Council and Assembly,* That, in each County and District of this Province, it shall be the duty of the Justices assigned to keep the Peace therein, and they are hereby required, at some General Sessions of the Peace, or at some Special Session thereof, in any year, to nominate and appoint, by an order to be made and entered on the minute book thereof, some competent person to be an Inspector, under the said Act, and to be denominated the Health Inspector for the Town or Place, or particular part or extent of the Town or Place, or of the County mentioned in such order; and therein also to insert and describe the limits wherein such Health Inspector shall have jurisdiction, and fix the time, not being less than one year, or until the last day of the year in which such order shall be dated, during which such appointment shall be in force, and a copy of any such order, certified by the Clerk of the Peace as a true copy, shall be deemed legal evidence of such appointment, and of the limits of the jurisdiction of the Health Inspector therein named.

Nomination of  
suitable Per-  
sons as Inspec-  
tors

**II.** *Provided always, and be it further enacted,* That whenever any such appointment is designed to be made within or for any part of any Town or Place where Commissioners of Streets shall be appointed, the said Commissioners shall select and return to the Justices in Session the name of such person as they deem best qualified to perform the duties of an Health Inspector, within the whole or any portion to be by them defined of the Town or Place under their jurisdiction, and they shall also contract and agree with the person so selected for, and in respect of, the services to be by him performed, and the wages and compensation to be by him received therefor; and every person, so by them selected, shall, by the said Justices, be appointed a Health Inspector for the limits in which his services are so agreed for, and shall be sworn into office under the said Act.

Special Courts  
established for  
hearing com-  
plaints against  
Nuisances

**III.** *And be it further enacted,* That any Board of Health, established or to be established in Halifax, or at any other Town or Place in this Province, under the provisions of the Statute, passed in the second year of His present Majesty's Reign, entitled, "An Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province," or in places where no Board of Health is established, there three or more of the Health-Wardens there appointed, or in places where neither a Board of Health or Health-Wardens are in Office, there the Justices of the Peace, when in General Session, or any three Justices in Special Session, of whom the President of the Sessions, in the place where he resides, shall always be one, shall, for the purposes of this Act, respectively constitute, form and be the Special Court contemplated and mentioned in this Act, and all orders by the said Court, concerning Nuisances, or the removal thereof, or of persons, shall be forthwith executed, notwithstanding any appeal therefrom.

Duties and  
powers of in-  
spectors

**IV.** *And be it further enacted,* That, subject nevertheless in all things relating to the public health to the control of any such Special Court, and in all things relating to the Public Streets, Sewers and Drains, to the control of the Commissioners of Streets, if any there be having jurisdiction within the limits assigned to any such Health Inspector, it shall be the duty of every such Inspector, and to him is hereby committed full power and authority, to take and have the charge and care of all and singular the Streets, Highways, Passages, Wharves, Docks, Common Sewers, Drains, Vaults, Privies, Markets and Market Places, and whatsoever else may injuriously affect the health or com-  
fort

fort of the Inhabitants, from any sources, means or causes, within such the limits aforesaid, but especially to cause all Nuisances, sources of filth, and causes of sickness or infection, to be prevented, removed, remedied or destroyed, and every such Inspector shall be, and is hereby required and authorised, not only to execute, perform, obey and enforce, all and every the orders and directions of every such special Court, under this present Act, or under the said Statute concerning Nuisances, or the said Act providing against the introduction of Infectious Diseases, to be made or given; but also, to enforce and put in execution all and singular the rules, orders and regulations, of the Justices in Session, under the Act concerning Nuisances, made or to be established, and likewise to enter into, examine and inspect, all such Lots of Land, Houses, Boats, Vessels and other places, as are mentioned in the ninth and tenth Sections of the said Act, "providing against the introduction of Infectious Diseases," and therein to do and perform all such removals of Nuisances, Cleansing, Purifications and other things, as by the said clauses are authorised or required to be done by any Health-Warden or Wardens, and in as full and ample manner as they or any of them could or might do under the said Act, and moreover, to enforce and put in execution this present Act, and all the clauses thereof, to the utmost of the power and ability of such Inspector, within the limits assigned to him as aforesaid.

V. *And be it further enacted*, That every such Health Inspector shall be entitled to receive, and be paid, an adequate compensation for his services in the said Office, and for all the charges he may incur therein, or about the performance of its duties; and, when such Inspector shall be appointed by the Commissioners of Streets, his allowance and compensation shall be fixed and settled by them; and if otherwise appointed, the Justices in Sessions shall agree for and allow the same, and the full amount of such compensation, and of the charges and expenses incurred in the execution of his Office, when so allowed and settled, and after deducting therefrom whatever money he may have received or recovered towards those charges, as hereinafter provided for, shall and may be levied and assessed upon, and collected from, the Inhabitants within the limits assigned to him, according as other Town charges are, or ought to be, rated or collected.

Compensation to Inspectors

VI. *And be it further enacted*, That, under such control as is aforesaid of the Commissioners of Streets, if any, and if none, then of the Justices aforesaid, every such Health Inspector shall have the charge of, and direction over, all things relating to the scavage, cleansing, and preserving in a clean and wholesome state, the Streets, Roads and Passages, within the limits assigned to him, and shall hire, employ and superintend, all Scavengers, Workmen, Labourers, Horses, Carts, Boats, Vessels and other things, necessary for those purposes, and for opening, cleansing and purifying, as well the said Streets and other places, as also all Houses, Yards, Wharves, Docks, Wells, Common Sewers, Drains, Vaults and Privies, and all Boats, Ships and Vessels, ordered to be cleansed, and for the removal, carrying away, burying, destroying, or otherwise disposing of, all Nuisances, offensive or noisome substances, found or being in the places aforesaid.

Inspectors to have the charge of keeping Streets, &c. clean

VII. *And be it further enacted*, That, in the Town of Halifax, the Health Inspector, under such directions as shall be given by the Commissioners of Streets, or as they shall receive from the Court aforesaid, shall cause the said Scavengers, with proper carts, on every working day, when such service shall be required, or at least thrice in every week, to proceed through all the Streets, Lanes and Passages, of the Town and Wharves thereof, and therefrom to remove all accumulations of filth, dirt and nuisances, and to require and take from every tenement all offal and dirt there collected, and if the whole time of such Scavengers shall not be occupied therein, it shall be lawful to employ them, their Carts and Horses, in working on the Streets.

Removal of Nuisances

VIII. *And be it further enacted*, That all substances so to be removed by the Scavengers aforesaid, and which shall be capable of being converted into manure, or to useful purposes, shall, at Halifax, be conveyed to the Common of Halifax, and there deposited in such places as the Commissioners of the said Common direct, or shall be disposed of to their use, or under their instructions, for the benefit of the said Common, and the

Nuisances how disposed of

the improvement thereof, or if sold, the proceeds thereof shall be applied towards the Expenses to be incurred under this Act, and at and in other Towns or Places the said substances shall be disposed of in such way, and carried to and deposited in such places, as the respective Commissioners of the Streets, or Commissioners or Trustees of any Common, at such places respectively, or, in default thereof, the Justices in Session shall direct.

Examination  
of Public  
Drains, Sewers  
&c.

**IX.** *And be it further enacted,* That it shall be the duty of every such Health Inspector, as often as he shall be required by such Special Court, or by any such Regulations to be made as aforesaid, or by any Health Warden or Justice of the Peace, or whenever such Inspector shall see cause therefor, to open, enter into, visit and examine, by himself or his workmen, all public Drains, Sewers, Docks, Yards, Vaults and other places, where offensive or noxious substances may be within his limits, and to examine the state and condition of the same respectively, and to report thereon to the Board of Health or Health Wardens, to the Commissioners of Streets for the place, or to any Justices of the Peace, by whom such report may have been required, and each of the large Common Sewers in the Town of Halifax shall be examined and cleansed throughout once at least in every year, when ordered by such Special Court.

Noxious efflu-  
via from open  
gratings—how  
prevented

**X.** *And be it further enacted,* That all public or private Sewers or Drains, constructed or to be constructed in the Streets or Highways of, or near to, the Town of Halifax, or any place where Commissioners of Streets have jurisdiction, and over which Drains or Sewers, open Gratings or Coverings, have been or shall be made, or which shall have any opening, by which noxious effluvia may escape into any Street or Highway, shall respectively be, and are hereby declared to be, a common nuisance, from and after the day on which such Special Court, by an order in writing, shall have declared it to be necessary that such Drains or Sewers should, for the preservation of the public health, be covered over or closed, and the escape of the noxious effluvia therefrom be prevented, and when and so soon as the Health Inspector shall have received notice of any such order, it shall be his duty forthwith to take proper measures for preventing such nuisance, by effectually covering or otherwise closing the same, in such manner as the Commissioners of Streets, if any there be, or such Special Court, shall direct.

Water traps  
to be used

**XI.** *And be it further enacted,* That all Drains and Sewers, public or private, opening into any Street or Highway, and over which any open covering or grating now is, or hereafter shall be placed, so as to permit noisome exhalations to escape therefrom, in Halifax or other part of the Province, shall, as soon as may be, be covered at the surface of the Street, with proper and sufficient water traps, or other and proper and usual contrivances, in order to the drawing off and discharging freely into such Sewers and Drains the surface waters from the Streets and Gutters, and preventing the return of the vitiated air and exhalations from the Drains and Sewers aforesaid, and all expenses to be incurred, for placing and fixing such water traps or other contrivances for the purposes aforesaid, or for the use of Lime or disinfecting substances about the same, shall be defrayed from any funds at the disposal of the Commissioners of Streets for the place, or from other Town Funds, and the amount thereof shall be raised and provided for, as and with other Town charges, by Assessment on the Inhabitants residing within the limits of the Health Inspector.

Drains and  
Privies of  
Dwelling Hou-  
ses

**XII.** *And be it further enacted,* That each and every Tenement that is or may be used as a Dwelling House in the Town of Halifax, or in any Town or Place within the limits of a Health Inspector, shall be furnished with a sufficient Drain under ground, to carry off the waste water, and also, with a suitable privy, the vault of which shall be sunk under ground, and built in the manner hereinafter prescribed, and of a sufficient capacity, in proportion to the number of Inhabitants of such Tenement, and every such Privy, Vault and Drain, shall be in common, and subject to the use of all who inhabit such Tenement: and whosoever, being the Owner or owners of any such Tenement, shall offend against the provision of this clause, shall forfeit and pay a sum not less than One Pound nor more than Five Pounds, for each and every week during which the said Tenement or any part thereof, shall be used as a Dwelling House.

**XIII.** *And be it further enacted,* That if, upon the report of the Health Inspector or otherwise,

otherwise, such Special Court shall at any time be satisfied that any Tenement used as a Dwelling House is not provided with a suitable Drain and Privy, and Vault, or either of them as aforesaid, they may give notice in writing to any owner thereof, or his or her Agent, if either be an Inhabitant of the Town or Place, or otherwise Public Notice in one or more of the Newspapers, if any be printed in the place, requiring such Owner or Agent, within such time as they shall appoint, to cause a proper and sufficient Drain and Privy and Vault to be constructed for such Tenement, to be common and subject to the use of all the Inhabitants thereof, and in case of neglect or refusal to obey and comply with such Notice, the said Court shall have power to cause such Drain, and Privy and Vault, to be made for such Tenement, and the expense thereof shall be paid by, and may be recovered by the Health Inspector from, such Owner or Agent, as if the same were a debt due by him to the said Officer.

Dwelling Houses not provided with Drains and Privies

XIV. *And be it further enacted,* That all the Privies and Vaults of Tenements used as Dwelling Houses shall be so constructed that the inside of every such Privy and Vault shall be at least two feet distant from the line of every adjoining Lot, unless the Owner of such adjoining Lot shall otherwise agree and consent in writing, and shall also be at least two feet distant from every Street, Lane, Alley, Court, Square, or Public Place, or Public or Private passage way, and also, that there shall be no communication between any Vault or Privy, and any common or public Sewer or Drain, by which the contents of such Vault or Privy can pass into such Sewer or Drain, and likewise, that every Vault shall be made tight, so that the contents thereof cannot escape therefrom, and that such contents shall never be, or be permitted to be, within two feet of the surface of the ground, and further, that every such Vault or Privy shall be erected in conformity to such regulations as may be made with respect thereto, and shall be so constructed that the contents thereof may be conveniently removed; *Provided nevertheless,* that, except in Halifax, such Special Court shall, and is authorised to, permit, under such restrictions as they shall deem expedient, (and with the concurrence of the Commissioners of Streets, if any) the construction of sufficient passage ways or conduits under ground, for the purpose of conveying the fluid contents of any of the Vaults aforesaid, into a common or public Sewer or Drain.

Construction of Privies and Vaults

XV. *And be it further enacted,* That whenever any Privy or Vault shall become offensive, and be so found or reported by the Health Inspector, the same shall be cleansed, and the Owner or his Agent, or the occupant of the Land in which any Vault or Privy may be situated, whereof the state or condition shall be in violation of, or contrary to, the enactments of this Statute, shall remove, cleanse, alter, amend or repair the same, within a reasonable time, after notice in writing to that effect, given by the Health Inspector, the said Special Court, or any Health Warden or Justice of the Peace, and, in case of neglect or refusal, such cleansing, altering, amendment and repair shall be done, and all necessary disinfecting substances procured and used by the Health Inspector or other proper person, under the order of the said Court, and at the expense of the Owner, Agent or Occupant aforesaid, and to be recovered from him as before provided.

Privies and Vaults becoming offensive

XVI. *And be it further enacted,* That no Vault or Privy shall be emptied without a permit from the Health Inspector of the place, if any there be, nor in any other mode, or at any other time, than he shall direct or appoint, conformable to such regulations as such Special Court from time to time shall make on the subject, and no Vault shall be opened between the fifteenth day of June and the fifteenth day of September in each year, unless on inspection made the said Court shall be satisfied that the same is absolutely necessary for the health or comfort of the Inhabitants, and in such case no more of such contents shall be taken away than shall be deemed absolutely necessary for present safety and relief, and with such precautions relative to the preventing any offensive effluvia, as such Special Court shall direct, and all the expenses thereof shall be borne by such Owner, Agent or Occupant, and shall never be less than double the amount charged in any other months in the year, and shall be recovered from him as aforesaid.

Emptying Vaults and Privies

XVII. *And be it further enacted,* That all waste water within the limits of any

Waste Water Health

Health Inspector shall be conveyed through sufficient drains under ground to a common Sewer, or to such reservoir sunk under ground as he shall approve, and no person shall suffer any waste or stagnant water to remain in any Cellar, or upon any lot or vacant ground by him owned or occupied.

Tenements and  
Dwellings unfit  
for occupation

**XVIII.** *And be it further enacted,* That whenever, upon the report of the Health Inspector, and due examination, it shall appear to any such Special Court that any Tenement or Building occupied as a Dwelling House is unfit to be so occupied, or cannot be so occupied without risk and prejudice to the health of the occupants thereof, or danger of engendering contagion or infectious disease among them, or that the number of persons occupying any Tenement or Building in any Town or Place is so great as to be the cause of nuisances or sickness, or the source of filth, or that any Tenement or Building is not furnished with a Vault, constructed as hereinbefore is directed, and also, with a sufficient Privy and Drain under ground for waste water, it shall be the duty of such Special Court to remove all such persons or occupants, or any of them, from such Tenement or Building, and by an order in writing to such persons or occupants, or any of them directed, to require them to remove from, and quit such Tenements or Buildings, either immediately, or within such reasonable time as in the said order shall be expressed: and if any person or persons, having notice of the said order, shall neglect or refuse to comply with the same, or to remove from, and quit such Tenement or Building, within the time in such order limited, or, having removed, shall return again to, and occupy the same, until permitted so to do by the same authority, then, and in every such case, the said Court is hereby authorised and empowered to make and direct a Warrant to the Sheriff or Constables, or the Health Inspector, for the immediate and forcible removal of the persons or occupants from such Tenement or Building as aforesaid.

Cellars, Lots  
or vacant  
Grounds be-  
coming Nui-  
sances

**XIX.** *And be it further enacted,* That whenever it shall appear to any such Special Court, that any Cellars, Lots or vacant grounds, are in a state of Nuisance, or so situated that they may become a Nuisance, and the health of the Inhabitants be endangered, it shall be the duty of such Court, and they are hereby authorised, to cause a notice in writing to be delivered to the Owners or Occupants thereof, and if there be no Occupants, and the Owners or the Owner thereof shall not reside within the jurisdiction of the Court, then to give public notice, by advertizing in one or more of the Public Newspapers, if any be there printed, directing such Owner, Owners or Occupants, to have such Nuisance or Cause of Nuisance removed, by draining, filling up or otherwise, in the manner in such notice to be prescribed, and in case of neglect or refusal to comply with such notice, the said Court shall have power to remove the said Nuisance, or the cause thereof, by filling up, draining or otherwise, and the said Owner, Owners or Occupants, shall defray and pay the expense thereof, as ordered by such Court.

House offal to  
be removed by  
Scavengers

**XX.** *And be it further enacted,* That all house offal, whether consisting of animal or vegetable substances, shall be deposited in convenient vessels, and be kept in some convenient place, to be taken away by the Scavengers, which shall be done not less than twice in every week, and as much oftener as any such Special Court shall order.

Depositing  
Nuisances in  
Streets, &c.

**XXI.** *And be it further enacted,* That no person or persons, unless duly licensed thereto by the said Court, or other proper authority, shall throw or deposit, or cause to be thrown or deposited, in any Street, Court, Square, Lane, Alley, Wharf or vacant Lot, or into any Dock, Pond, Well or Reservoir, any Dirt, Saw-dust, Soot, Ashes, Cinders, Shavings, Hair, Shreds, Manure, Shells, waste Water, Rubbish or Filth of any kind, or any animal or vegetable substance or matter whatsoever, nor shall any person or persons throw or cast any dead animal, or any foul or offensive ballast, into any Dock or Place within two hundred yards from the extremity of any Wharf, nor shall any person land any such foul or offensive animal or vegetable substance, within any Town or the Suburbs thereof, nor shall any person cast any dead animal into the Harbour above Low Water Mark, nor below Low Water Mark, without securing thereto a sufficient weight to prevent it from floating.

Expense of  
their removal  
how defrayed

**XXII.** *And be it further enacted,* That if any of the substances in the preceding section mentioned shall be thrown or carried from any house, Warehouse, Shop or Cellar, Yard

Yard or other place, into any Street, Lane, Alley, Court, Square, Wharf, Dock, Public place, or vacant Lot, as well the owner of such house or other place, whence the same shall be thrown or carried, as the occupant thereof, and also, the person who actually threw or carried the same, shall severally be deemed liable for a violation of this Act, and all such substances shall, from the place of their deposit, be removed by, and at the expense of, the owner or occupant of the house or other place, whence the same were thrown or carried, and forthwith after personal notice to him given in writing to that effect, by the Health Inspector, or shall be immediately removed by such Inspector, at the expense of such Owner or Occupant.

**XXIII.** *And be it further enacted,* That all Dirt, Saw-dust, Soot, Ashes, Cinders, Shavings, Hair, Shreds, Manure, Oyster or Lobster Shells, waste Water, or any animal or vegetable substance, rubbish or filth of any kind, in any House, Cellar, Yard or other place, and which any Special Court or Health Inspector shall deem it necessary for the health of the Town or place to have removed, shall be carried away therefrom by, and at the expense of, the owner or occupant of such house or other place, where the same shall be found, and be removed to such place as shall be directed, within four hours after notice in writing to that effect given by the said Court or the Health Inspector, or the Inspector shall forthwith remove the same at the owner's charge.

Nuisances to be removed in four hours

**XXIV.** *And be it further enacted,* That no person, either in Halifax, or in any other place within the limits assigned to any Health Inspector, shall sell or offer for sale or have in his possession, in any of the public or private Markets, or in any other place, any unwholesome, stale or putrid meat, fish or fruit, or other articles of provisions, or any Meat which has been blown, raised or stuffed, or any diseased or measley Pork, under the penalty of not less than Two, nor more than Ten, Pounds for every offence, and such articles shall be forfeited, and be seized and destroyed by the Health Inspector.

Unwholesome Meat, &c. offered for sale

**XXV.** *And be it further enacted,* That so long as any orders or regulations of the Board of Health or General Sessions, restricting or prohibiting the Acts hereinafter mentioned, shall be in force, but no longer, no person shall bring into Halifax, or into any other Town or Place, nor sell, nor offer for sale, or deliver from any Boat, Vessel, Stall, Fish-Box, Cart or Place, or other place, any Halibut, or other Fish of any kind, except Salmon, Shad, Flounders, Smelts, Herrings, Mackarel, or other small Fish, until the same shall be cleansed of their entrails and refuse parts, and no such entrails or refuse parts shall be thrown into the Docks, or near any Fish-Market, nor into the Harbour or River opposite such Town, but shall be placed in proper Boats, to be provided for the purpose, and be deposited where, and at such times as, the Health Inspector shall order.

Fish, except certain descriptions, landed for sale in Halifax must be cleaned

**XXVI.** *And be it further enacted,* That no Swine or Goats shall be kept within the limits of any Health Inspector, in any Town, without the license of such Special Court, and in such manner as they shall direct, or under any orders made by the Court of Sessions thereon.

Swine or Goats not to be kept within certain limits

**XXVII.** *And be it further enacted,* That, whenever any person shall have been duly notified or ordered to remove any Nuisance, or to cleanse, alter or amend, any Vault or Drain, or to perform any other act or thing which it may be his duty to perform in obedience to this Act, or the Statutes herein mentioned or referred to, or the Rules, Orders and Regulations, made or to be made as aforesaid, and the time limited for the performance of such duty shall have elapsed, without a compliance with such order or notice, the Health Inspector shall either remove the Nuisance as aforesaid or issue new notices from time to time, or new orders shall be given by such Special Court to such delinquents, until the duty shall be performed, and the Nuisance remedied or removed; and it shall be the duty of the said Court, and also of every such Health Inspector, for matters arising within the limits assigned to him, to cause all persons who shall violate or disobey the provisions of this Statute, or the Acts herein referred to, or the rules, orders or regulations, made or to be made as aforesaid, to be forthwith prosecuted and punished; and in case, in the opinion of such Special Court, or of the Health Inspector, or of the Commissioners of the Streets for the place, it shall be for the health or comfort of the Inhabitants that any particular Nuisance should be forthwith removed,

then

Persons neglecting or refusing to remove Nuisances

then it shall be their respective duty to cause the same to be removed without delay, and the expense thereby incurred shall be borne and paid by, and be recoverable at, the suit of the Inspector, from the owner or occupant, or the land on which the Nuisance exists, or by whom it was caused.

Health Inspec-  
tor authorised  
to enter houses,  
&c.

**XXVIII.** *And be it further enacted,* That any Health Inspector, or any person authorised by the said Court, or any Justice of the Peace to act in his aid, shall and may at any time, between Sunrise and Sunset, and within the limits of his jurisdiction, enter into any House, Tenement, Building, Yard, Lot of Ground, Out-House, Cellar or other Place, and into any Ship, Vessel or Boat, for the purpose of examining any Alley, Sink, Sesspol, Privy, Vault, Drain, Sewer, public or private Dock or Slip, Ship, Vessel or Boat, in order to report to the said Court thereon, or for the purpose of examining into, destroying, removing or preventing any Nuisance, source of filth or cause of sickness therein, or in any Cellar belonging thereto, or for any other legal purpose mentioned in, or referred to, by this Act, or the Acts herein before mentioned; and if any person shall refuse to admit such Officer or other person so authorised into such Building, Yard, Lot of Ground, Out-House, Place or Cellar, thereto belonging, or any such Ship, Vessel or Boat, the said Health Inspector shall, on oath, complain thereof to the Police Court in Halifax, or to any two Justices in any other place, and apply for and obtain a Warrant for such Entry, and shall thereupon proceed, under the authority of such Warrant, to examine such Building, Yard or Place, and any Cellar thereto belonging, and any such Ship, Vessel or Boat, and to destroy, remove or prevent, by all effectual means, and in such manner as the said Special Court shall direct, any Nuisance, source of filth, or cause of sickness, that may be found therein.

Offences a-  
gainst this Act

**XXIX.** *And be it further enacted,* That every person offending against any of the clauses and provisions in this Act contained, or who shall violate or wilfully and knowingly infringe the same, or the orders and directions of any Special Court, and whosoever shall refuse or wilfully neglect or omit to act in obedience to the same respectively, or to obey and comply with the directions and orders of the Health Inspector, and whosoever shall resist or oppose the lawful execution of this Act, or of the said Act concerning Nuisances, or of any orders or directions made or to be made under the authority of the same, or any Health Warden in the execution of his duty, shall for every such offence be deemed guilty of a misdemeanour, and shall also incur, and become liable to, a penalty not exceeding Twenty Pounds, nor less than Ten Shillings, for every such offence, to be recovered in the manner hereinafter provided.

Limitation of  
Penalties

**XXX.** *And be it further enacted,* That it shall be lawful for any Board of Health or Health Wardens, appointed or to be appointed, and acting under the said Act, passed more effectually to provide against the introduction of Infectious or Contagious Diseases, and for any such Special Court or Health Inspector, acting under the said Act concerning Nuisances, or this present Act, to limit and restrain to any sum under Ten Pounds, but not below Ten Shillings, the amount to be prosecuted for in respect of any of the several penalties imposed by, or incurred under, any of the said Acts, for the offences to which they have respectively reference, and all penalties thus limited shall and may be sued for and recovered before any one Justice of the Peace of the County or place wherein the penalty shall be incurred, and all larger penalties shall be sued for and recovered in any Court of Record in the same County.

Prosecution of  
Penalties

**XXXI.** *And be it further enacted,* That not only all pecuniary penalties incurred or to be incurred under the said Act, passed to provide against the Introduction of Infectious or Contagious Diseases, or under the said Act concerning Nuisances, or this present Act, or under any order, rules or regulations, made or to be made, or given in pursuance of the authorities and powers in the said Acts granted, but also all such monies and expenses as shall be expended under this Act, for, or in consequence of, the neglect of any Owner or Occupant of any Tenement, Land, Boat, Vessel or Place, to perform any Order, shall severally and respectively be sued for and recovered in the name and on the Information of any Health Inspector within whose limits the offence shall have been committed, or as a debt due to him as the case may be; and if there be no Health Inspector, then in the name of the Clerk of the Peace of the County or District, unless

His

His Majesty's Attorney or Solicitor-General think proper to prosecute at the suit of the Crown, and give notice accordingly, and in all cases where the prosecution or Suit shall be in the name of the Health Inspector or Clerk of the Peace, he shall be deemed the official prosecutor, and shall, as shall also any Health Warden, be and be deemed a competent witness in such suit or prosecution, and shall recover costs of Suit from the Defendant, if Judgment be given for the penalty or sum prosecuted for, but shall not be liable to pay to the Defendant any costs if the Judgment pass in favour of the Defendant, and all monies to be recovered by any such suit or prosecution shall be paid into the hands of the Treasurer for the Town or for the County, as the case may be, and shall be appropriated towards defraying the Expenses there to be incurred in and about the enforcing and carrying into effect this Act, and the Acts above recited.

**XXXII.** *And be it further enacted,* That, in the Town of Halifax, it shall be the duty of the respective Police Constables, without compensation, to serve and deliver upon and to any persons whomsoever, all notices, orders or directions, in writing, by the Board of Health or Health Wardens, or any such Special Court, made or to be made in execution of their respective duties, and also, all Summonses and Warrants, issued by any Justices of the Peace or Courts of Summary Jurisdiction, in suits or prosecutions under this or the said Acts, and of such services to make due and proper returns.

Duties imposed  
on Police Con-  
stables

**XXXIII.** *And be it further enacted,* That if any appeal shall be entered against the Judgment of a Court of Summary Jurisdiction, or any Justice of the Peace, given for any sum of money sued for by any Clerk of the Peace, or Health Inspector, either as a penalty or as a debt due to him, under the provisions of the present or any of the said Acts, and such appeal be not duly prosecuted at the first Sitting of the Court to which the appeal is prayed, then, on such default being certified by the Clerk thereof, execution shall be forthwith issued from the Court, or by the Justice by whom the Judgment was rendered.

Appeals from  
Summary Ja-  
risdiction

**XXXIV.** *And be it further enacted,* That if the record or proceedings of any conviction for any offence, misdemeanour or pecuniary forfeiture, under this present Act, or any of the Acts herein before recited or referred to, shall be removed by Writ of Certiorari or otherwise, to and before the Judges of any Court of Record, at the instance of the Defendant, and such Defendant shall not succeed in obtaining a reversal of such conviction, then, and in every such case, the said Defendant shall, by the said Court of Record, be adjudged to pay to the official prosecutor thrice the amount of all costs and charges incurred in or about the removal of the Record and proceedings aforesaid, and the confirmation thereof, unless, on special circumstances to be shewn, the Court shall order otherwise.

Convictions  
removed by  
Certiorari

**XXXV.** *And be it further enacted,* That in all indictments and informations to be prosecuted as aforesaid, for offences, misdemeanours and pecuniary penalties, under the present or above recited Acts, it shall be requisite to insert the respective Clauses of the Statute, or the rules, orders or regulations, which have been violated or discharged, and under which the Penalty is sought to be recovered; and also, to state that the offence was committed in violation of such clause or clauses, between two days to be specified therein, and the general form of the conviction before a Justice or Justices of the Peace shall otherwise be as is now by Law provided.

Indictments  
and Informa-  
tions

*And whereas,* an Act was passed in the second year of His present Majesty's Reign, entitled, An Act to authorise the erection of a Public Slaughter House for the use of the Town of Halifax, but no such Building has yet been provided:

**XXXVI.** *Be it therefore enacted,* That it shall be lawful for the Governor for the time being, by and with the advice of His Majesty's Council, and upon the report of the Board of Health or of the Health Wardens in Halifax, or of the Grand Jury, to fix and settle a proper site, whereon the said Public Slaughter House shall be erected, and until the erection thereof, by any order or orders of the Governor, in Council, from time to time to be made, as shall appear expedient, for the security of the public health, to fix and ordain the extent and limits wherein the slaughtering or dressing for Market of any Cattle, Sheep, Calves or Hogs, shall be wholly prohibited within the Town and Peninsula of Halifax, and every such order shall be enforced by such penalty, not exceeding

Site for a Pub-  
lic Slaughter  
House

One Hundred Pounds, as shall be inserted therein, and the violation thereof shall be deemed a Common Nuisance, and such offences and penalties shall be enforced as hereinafter is provided.

Limits to be fixed within which slaughtering shall take place

**XXXVII.** *And be it further enacted,* That in all other parts of the Province, where no Public Slaughter Houses are erected, and until the same shall be provided, it shall be the duty of the Board of Health, for such places respectively, and if there is no Board of Health, then of the Justices in General or Special Sessions, by their respective orders from time to time to be made, whenever they shall deem that the public health requires such orders, to appoint and prescribe under the same penalties as are hereinbefore last mentioned, the limits within which the business of Killing, Slaughtering, and dressing for Market, any Cattle or Animals, shall not be permitted.

Act may be given in evidence under general issue

**XXXVIII.** *And be it further enacted,* That if any Action or Suit shall be commenced or prosecuted against any person or persons, for any matter or thing done in pursuance or execution of the said Acts, passed for preventing the Introduction of Infectious Diseases, or concerning Nuisances, or of this present Act, or of any Act to be made in addition to, or amendment hereof, or of the said Acts, or in pursuance or execution of any rule, order or regulation, made or to be made, under or by virtue of the present or the said two Acts, then, and as often as any such Suit shall be brought, the Defendant or Defendants thereto may plead the general issue, and give this Act or the said Acts respectively in evidence at any Trial to be had thereon, and shew that the same was done in pursuance or in execution of this or the said Acts respectively, or of some such rule, regulation or order, as aforesaid, and if it shall appear in evidence that the subject matter, for which such Action is brought, was done in execution and pursuance of the present or the said Acts respectively, or of any such rule, order or regulation, then the Jury, impannelled to try the cause, shall find for the Defendant or Defendants, and if the party plaintiff shall become nonsuit, or discontinue the Action, after appearance for the Defendant or Defendants, or if Judgment be given against the party plaintiff, upon any verdict, demurrer or otherwise, treble costs in such Action shall be adjudged to the Defendant or Defendants, with the like remedy for recovery thereof, as in other cases where Judgment passes for a Defendant; and no such Action or Suit shall be brought against any person, for any matter or thing done in pursuance or execution of the present or the said two Acts respectively, or of any such rule, order or regulation, as aforesaid, unless within the space of six Calendar months after the day on which such matter or thing complained of shall have been done or committed.

Defendant to pay treble costs on decision against him

Law Officers to support convictions removed to Supreme Court

**XXXIX.** *And be it further enacted,* That whenever any such conviction shall be removed into the Supreme Court at Halifax, or an Appeal be there entered, as to such Judgment as aforesaid, it shall be the duty of the Law Officers of the Crown to support the same on behalf of the prosecutor.

Continuation of Act

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

## CAP. XVIII.

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

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

Act 2, Wm. IV, C. 14, (except 12th Section continued)

**B**E it enacted, by the Lieutenant-Governor, the Council and Assembly, That the Act of the General Assembly of this Province, passed in the second year of His present Majesty's Reign, and entitled, "An Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province," and every matter, clause and thing, therein contained, save and except the twelfth clause

or

or section thereof, shall be, and the same is hereby continued for three years, and from thence to the end of the then next Session of the General Assembly.

II. *And be it further enacted*, That if any person now nominated or hereafter to be nominated a Health Warden for any Town or place shall, upon being notified of such his appointment, neglect or refuse to take upon him the duties of such office, or when in office to perform and discharge the duties thereof, or to comply with and observe the orders of the Governor in Council, or Board of Health, to him communicated, every such person so offending shall forfeit and pay the sum of Five Pounds; *Provided always*, that no appointment of any person to be a Health-Warden shall continue or be in force longer than one year from the date of such appointment, and no such Warden shall be compellable to serve a second year, until the expiration of three years from the period of his former service.

Persons refusing to serve as Health Wardens subject to penalty

Proviso as to time of service

III. *And be it further enacted*, That the publication, by authority of the Governor for the time being, in the Gazette Newspaper, printed in Halifax, of the appointment or constitution of any Board of Health, or of any person to be a Member of any Board of Health, or to be a Health Officer, Health-Warden, Superintendent of Quarantine or Assistants thereof, or to be any other officer of such Board of Health, or entrusted with the performance of any duties required to be performed under the said Act, or this present Act, or any future Acts in addition to, or amendment thereof, shall be sufficient evidence of the making such appointments and of the respective days on which they were made.

Gazette to be Evidence of appointment of Health Wardens, &c

IV. *And be it further enacted*, That if, on any occasion, at any of the towns, ports or places, of this Province, distant from Halifax, any infectious plague, disease or distemper, shall have been introduced, or there shall appear imminent danger of the introduction or spreading thereof before the directions or orders of the Governor for the time being, or of His Majesty's Council thereon, can be transmitted from Halifax to such town, port or place, then, and in every such case, it shall and may be lawful for the Board of Health there established, or if there be no Board of Health, then for the Justices of the Peace for the County in which such town, port or place shall be, to assemble and meet together, and by any order or orders by such Board of Health, or of the Justices in Special Session assembled, then and there to be made, to establish all such rules and regulations as to such Board of Health or Justices may appear necessary or expedient, as well for preventing as far as possible the introduction into this Province, or spreading within the same, of any such infectious plague, disease or distemper, as also for the relief of any persons suffering under, or likely to be afflicted by, any such disease; and, likewise, for declaring and bringing into immediate and full operation all such parts of the regulations in the said Act hereby continued or in this Act contained, as such emergency shall require to be put in force in such town, port or place; and likewise for enforcing and compelling the performance of Quarantine, according to the provisions of the Statute therefor; and moreover, for appointing Officers and persons to execute the said Regulations, so far as may appear requisite,—and the Board of Health or Justices in Session shall forthwith cause Copies of all such Orders to be transmitted to the Governor, or in his absence, to His Majesty's Council at Halifax, and the same Orders, until the said Governor, or His Majesty's Council shall revoke, alter or annul the same, shall be, and continue to be, in force, and as effectual as if the Orders of the Governor in Council, or of the Council, under the Statute concerning Quarantine, had been made and were in force for the performance of Quarantine at such port or place.

Introduction of Infectious Diseases in Towns distant from Halifax—measures to be adopted

V. *And be it further enacted*, That in all towns, ports and places, the Town of Halifax excepted, it shall be lawful for the Board of Health, or if there be no Board of Health then for the Justices in Special Sessions, to appoint such number, as may be deemed requisite, of consulting Physicians, whose duty it shall be, in case of any alarm of any contagious, infectious, or other dangerous disease, plague or distemper, occurring, or likely to occur, in any such town, port or place, to give to the Board of Health or Justices all such professional advice and information as they may request, with a view to the prevention of the said Diseases; and at all convenient times such Board or Justices to aid and assist with their Council and advice, in all matters that relate to the health of the Inhabitants.

Consulting Physicians may be appointed

Removal of  
Persons afflicted  
with contagious Dis-  
eases

Proviso that  
Physicians  
shall certify  
the necessity

Continuation  
of Act

VI. *And be it further enacted*, That any Board of Health or Health-Wardens, or, where no such appointments are made, any three Justices, in General or Special Session assembled, shall have power to remove or cause to be removed from any dwelling house or other place, within the jurisdiction of such Board of Health or Health-Wardens, or of the said Justices, or from any ship or vessel coming near to, or within the same, any person or persons sick with any contagious or infectious disease, or any person who may have been exposed to such contagious or infectious disease, to any Hospital, House or Place, proper for the reception of such sick and exposed persons; *Provided*, it shall be certified unto the said Board or Health-Wardens, or Justices in Sessions, in some writing to be signed and attested to by any two or more Physicians of the town or place, or if only one, then by that one Physician, that, in their or his opinion such removal is necessary or expedient for the safety of the Inhabitants; and in case any person, sick with such contagious or infectious disease, in any House or Place within such jurisdiction, cannot, in the opinion of such Physicians, be removed, then the said Board of Health, Health-Wardens, or Justices in Session, shall have power to cause such House or place to be vacated, by the removal of the other occupants thereof, or to cause any House or Tenement contiguous thereto to be vacated, by the removal of the occupants thereof, for such time as the Physicians, consulted by the said Board or Health-Wardens, or Justices in Session, shall think expedient, and the safety of the Inhabitants of the place may require.

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

## CAP. XIX.

### An Act to continue and amend the Act for granting Duties on Licenses for the Sale of Spirituous Liquors.

[PASSED THE 19th DAY OF FEBRUARY, 1835.]

Act 4, Wm.  
IV, C. 3, con-  
tinued (except  
S. 6) and a-  
mended

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the last Session of the General Assembly, entitled, An Act for granting Duties on Licenses for the Sale of Spirituous Liquors, in Taverns, Public Houses or Shops, and for other purposes, and every matter, clause and thing, therein contained, save and except the sixth clause or section thereof which is hereby repealed, and save and except so far as the same are or may be hereinafter altered or amended, shall be continued; and the said Act, except as aforesaid, is hereby continued, from the thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-five, until the thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-six, and no longer.

Grand Juries to  
nominate Per-  
sons for Licen-  
ses

II. *And be it further enacted*, That the Grand Juries for the several Counties and Districts in this Province shall, and they are hereby required, at the first General Sessions, in every year, held in and for any such County or District, to nominate and recommend to the Justices in Sessions, as many fit and proper persons of good fame and of sober life and conversation, as shall be necessary to be Licensed to sell such Liquors as aforesaid, or to keep Taverns or Houses of Public Entertainment within the County or District; and no Tavern License or Shop License to persons within such County or District shall be granted or made at such first Sessions of the year, to any person or persons other than those whose names shall be contained in the List of such recommendations.

Proviso of a  
former Act re-  
pealed

III. *And be it further enacted*, That the last Proviso in the eighth section of the Act, passed in the second year of His present Majesty's Reign, entitled, An Act concerning Persons Licensed to keep Public Houses or Shops, and the Duties thereon, by which Proviso

Proviso the issuing of such Tavern License as is mentioned in the said eighth section shall be first recommended by the Grand Jury, shall be, and is hereby repealed.

IV. *And be it further enacted*, That, if it shall have happened that any one or more of the Courts of General Sessions of the Peace for the Counties or Districts of this Province, shall have neglected or refused to grant Licenses for Sale of Spirituous Liquors, from misapprehension of the Law, or from the Grand Jury or Grand Juries not having recommended any persons or a sufficient number of persons, as fit and proper to have and receive such Licenses, then, and in such case, it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief for the time being, on application made to him, to order the Clerk of the Licenses of such Counties or Districts respectively, and such Clerks of the Licenses are hereby directed and commanded, to grant Licenses to such number of fit and proper persons to vend Liquors and keep Taverns, in all or any of the Counties or Districts of this Province, as the Lieutenant-Governor, or Commander in Chief for the time being, shall judge proper and necessary.

In cases of Courts of Session refusing to grant Licenses, Lieutenant Governor may order issue of Licenses.

V. *And be it further enacted*, That the Licenses so to be granted, under and by the order and direction of the Lieutenant-Governor, or Commander in Chief for the time being, shall be in the form, and the like security be required and taken thereon, as is specified in and by the several Acts relating to Licensed Houses within this Province.

Licenses and Bonds to be in usual form

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

Continuation of Act

## CAP. XX.

### An Act to afford relief to certain Debtors to the Province therein named.

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

**WHEREAS**, Hugh Bell and John McNeil having become Sureties for the payment of certain Provincial Duties for, and on behalf of, John Grant and Halliburton Grant, then carrying on trade and business at Halifax, under the name, style and firm, of John and Halliburton Grant, who have since become Insolvent, there now remains a balance due to His Majesty for, and on account of, the Bonds taken by the Collector of Excise for securing the said Duties, for which balance the said Hugh Bell and John McNeil stand bound, and are liable as Sureties as aforesaid; *And whereas*, the said John Grant and Halliburton Grant, having become Insolvent, Judgment at the suit of Our Sovereign Lord the King was obtained against them, and Execution having been issued, and in the hands of the Sheriff, all the Property and Effects of the said John Grant and Halliburton Grant, which were or could be made subject and liable to Execution, became and were applicable to the payment of the amount so due for, and in respect of, such Bonds for Duties as aforesaid, and sufficient for that purpose, would have been realized from such Property and Effects, but, that a certain Brig or Vessel, called the Maria, belonging to the said John Grant and Halliburton Grant, with a cargo on board, having arrived at Halifax aforesaid, while the Sheriff and his Officers were engaged in the execution of a Criminal sentenced to death, the said Halliburton Grant found means to embark on board the said Brig or Vessel, and to abscond with the said Brig and Cargo from Halifax aforesaid, to Boston, in the United States of America, notwithstanding every exertion used by the said Hugh Bell and John McNeil, for the detention of the said Vessel and Cargo.

Preamble

*And whereas*, the said Hugh Bell having, at great expense and inconvenience, followed the said Brig and Cargo to Boston, was thereby enabled to procure the said Brig to be detained and sent back to Halifax, where the same was subsequently sold under

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the said Execution, but was compelled to enter into litigation in respect of the said Cargo, in order to controvert the claims instituted for the same by certain Persons at Boston, aforesaid; *And whereas*, such litigation is still pending and undetermined, and another Suit by the said Hugh Bell, prosecuted at Halifax aforesaid, in respect of a certain Policy of Insurance, made by the Hartford Protection Insurance Company, has been determined against the said John Grant and Halliburton Grant, the Plaintiffs therein, by means of which Suits great expense has been incurred by the said Hugh Bell, and it is probable little or nothing will be ultimately obtained from such Suits or Claims.

*And whereas*, The said John McNeil hath also lately become Insolvent and an Execution for the Debt aforesaid has been issued against him for the purpose of binding his Property, from which but a small amount can be expected, in consequence whereof the said Hugh Bell remains alone immediately responsible for the balance due upon the Bonds aforesaid, which, after deducting all that can be realized from the Property and Effects of the said John Grant and Halliburton Grant, appears to be, and has been reported by a Committee of the House of Assembly to be, Five Hundred and Five Pounds Sixteen Shillings and nine-pence half-penny; *And whereas*, to require the said Hugh Bell to pay such balance would be extremely prejudicial and injurious to him, and such balance remaining due is owing entirely to the accidental circumstance herein before detailed, and the said John McNeil and Hugh Bell having, by Petition, prayed to be relieved from the payment of such balance and in consequence of the loss and expense incurred by them, and the exertions made by the said Hugh Bell, whereby so much of the said Property was procured for the payment of the said Provincial Duties, and from the peculiar circumstances whereby the Sheriff was prevented from rendering the said Brig Maria and her Cargo available, under the execution in his hands, for the payment of the Debt or Claim hereinbefore mentioned, and for which the said Hugh Bell and John McNeil remain and are liable, it is just that the said Hugh Bell should not be compelled to pay the said balance remaining unpaid as aforesaid, and that the said John McNeil should also be discharged from future liability in respect thereof:

Hugh Bell and John McNeil released from their obligations upon a certain condition

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That when and so soon as there shall actually be paid for, on account, and in respect of, the Duties, sum or sums of Money which, in any Bond or Bonds made and executed by the said John Grant and Halliburton Grant, and by the said Hugh Bell and John McNeil, as their Sureties, all such sum and sums of Money as shall leave due thereon no more than the balance or sum of Five Hundred and Five Pounds Sixteen Shillings and nine-pence half-penny, hereinbefore mentioned, the said Hugh Bell and John McNeil and each of them, their and each of their Heirs, Executors and Administrators, Lands, Tenements, Goods, Chattles, Property and Effects, whatsoever, shall be, and the same are hereby, absolutely and for ever released, acquitted and discharged, of and from the said Bond or Bonds, or any Judgment or Execution, recovered or issued thereon, or liability whatsoever, for or in respect of the same, and of and from the payment of any sum or sums due or to become due thereon.

Proviso

II. *Provided always, and be it further enacted*, That before this Act shall be any release, acquittance or discharge, as aforesaid, or be held, deemed or adjudged to be, operate or have any effect, as such release, discharge or acquittance, the said Hugh Bell shall give good and sufficient Security, to the satisfaction of His Majesty's Attorney-General of this Province, that all Sum or Sums of Money received or to be received or recovered by the said Hugh Bell or which shall come to his hands, for or on account of the said John Grant and Halliburton Grant, either from or out of the proceeds of the Cargo of the said Brig Maria, or from the said Policy of Insurance herein before mentioned or otherwise howsoever, from or out of the Property, Effects or Credits, of the said John Grant and Halliburton Grant, after deducting all reasonable and just Expenses incurred in collecting, recovering or reducing the same into Money, have been paid and applied, or shall be paid and applied, well, truly and faithfully, to the payment and liquidation of the said debt, claim or balance, due for, in respect or on account of, the said Bonds herein before mentioned.

III. *And provided also, and be it further enacted,* That this Act or any thing herein contained, shall not extend or be construed to extend, to discharge or release the said John Grant and Halliburton Grant, or either of them, their or either of their Heirs, Executors or Administrators, Lands, Tenements, Goods, Chattels, Property and Effects, of and from the said Bonds or any or either of the said Bonds, or of and from any Judgment or Execution, recovered or issued thereon, or of and from any Claim, Demand or Liability, in respect or on account thereof, or from the payment of any sum or Balance due thereon, or by virtue or in respect thereof, but the liability of the said John Grant and Halliburton Grant, and each of them, their and each of their Heirs, Executors and Administrators, Lands, Tenements, Goods, Chattels, Property and Effects, shall remain and be the same, and in full force, as if this Act had not passed.

This Act not to extend to release J. & H. Grant from their obligations

IV. *And provided lastly, and be it further enacted,* That this Act or any thing herein contained shall not extend, or be construed to extend, to release or discharge any Goods, Chattels, Property or Effects of the said John McNeil, which may have been levied on, or taken in Execution, or which may be now bound by, or liable to, Execution issued or to be issued upon any Judgment recovered for, upon or in respect of, the said Bonds respectively, but the same shall be, and shall be held, and deemed to be, bound by, and liable to, such Execution, and applicable to the payment of the Sum or Amount therein directed to be levied, any thing herein contained to the contrary notwithstanding.

Property of John McNeil to continue liable

V. *And be it further enacted,* That this Act shall be deemed, adjudged and held to be a Public Act, and all Courts, Judges and Justices shall take judicial Notice of the same.

Act a public Act

### CAP. XXI.

## An Act to authorise the Establishment of additional Shares in the Halifax Fire Insurance Company.

See 59, Geo. III, C. 17

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

**WHEREAS**, by the Act, passed in the Fifty-ninth year of the Reign of His late Majesty King George the Third, entitled, An Act for Incorporating certain Persons therein mentioned, for insuring Houses, Buildings, Goods, Wares and Merchandizes, from loss and damage by Fire, the number of Shares in the Joint Stock of the Company Incorporated by the said Act, are limited to one Hundred, and the Capital or Joint Stock of the said Company to the sum of Fifty Thousand Pounds, and the said Company, by the name of the Halifax Fire Insurance Company, are thereby authorised to make Insurance to the amount of One Hundred and Fifty Thousand Pounds and no more, unless authorised so to do, if the Governor, Lieutenant-Governor or Commander in Chief for the time being, should, by and with the advice of His Majesty's Council, grant permission to the said Corporation to make further Insurances to the sum of Fifty Thousand Pounds; *And whereas*, the said Corporation having increased their Capital or Joint Stock to the amount of Sixty-six Thousand Six Hundred and Sixty-six Pounds and upwards, the Lieutenant-Governor, by and with the advice of His Majesty's Council, has granted permission to the said Corporation to make such further Insurances to the said sum of Fifty Thousand Pounds; *And whereas*, the amount to which the said Corporation is entitled to make Insurances, has, notwithstanding such permission, been found to be insufficient to meet the demands for Insurance, whereby Insurances to a large amount have been made by Foreign Insurance Companies, which have no Capital in this Province, and are not within that strict control of the Legislature so necessary for the safety of the assured; *And whereas*, it is deemed advisable more widely to extend the advantages which may arise from an increased business of Fire Insurance, and to afford persons not now proprietors in the said Corporation an opportunity to participate in

Preamble

in the profits thereof, and it is, for the reasons before stated, expedient to extend and increase the number of Shares and the amount of the Capital or Joint Stock of such Corporation :

Fifty additional Shares authorised

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That,* from and after the passing of this Act, it shall and may be lawful for the said Corporation to increase and enlarge the number of Shares in the Capital and Joint Stock of the said Corporation to the extent of Fifty additional Shares over and above the present existing Shares, which Shares shall be respectively of the like value and amount as the several Shares now in existence are by Law directed to be.

100l of each Share to be invested, balance to be secured

II. *And be it further enacted, That,* of the said additional Shares, there shall be actually paid or deposited and invested, as in and by the said Act is directed and appointed, at least the sum of One Hundred Pounds of each and every of the said Shares respectively, and the remainder of the said several Shares shall be secured by Mortgages or Bonds, as in the said Act, and also in the Charter of Incorporation, is directed and prescribed.

Preamble

*And whereas,* The Shares of the said Corporation have materially increased in value since the original amount was paid in and has been deposited, as well from and by reason of the increased value and amount of the Capital or Joint Stock of such Corporation, as also, from its extended business, and it is therefore just and reasonable that the said additional Shares hereby created shall be sold at Public Auction :

Additional Shares to be sold at Public Auction

III. *Be it therefore enacted,* That from time to time, as to the President and Directors of the said Corporation it shall seem expedient, and as the demand for Insurances shall render increase of Capital advisable, in the said additional shares hereby authorised and established, or any number or portion thereof, shall and may be offered at Public Auction under the direction of the said President and Directors, and upon such terms, and under such regulations, as they may appoint, and shall be sold to the highest bidder for the best price that can be obtained for the same, and the whole amount of the profit, advance or premium which shall or may be bid, offered and paid for the same, shall form part of the said Capital or Joint Stock, and shall be paid in, deposited and invested, together with the amount herein before directed and required to be paid in on each Share respectively, in the same manner as by the said Act herein before mentioned is prescribed and directed ; *Provided always,* that no person shall at any one time, either by purchase or otherwise, hold and own more than four Shares in the Capital and Joint Stock of the said Corporation.

Holder of new Shares entitled to all the privileges of Shareholders

IV. *And be it further enacted,* That the persons who shall or may be and become the purchasers of any or either of the said Shares respectively, shall, when and so soon as the amounts on such Shares herein before directed to be paid in, shall have been, together with the profit, advance or premium thereon, paid in and deposited, and the residue thereof secured, as is also herein before prescribed and directed, be, and be deemed and held to be, Shareholders of and in the said Corporation, and be entitled to, and invested with, all the same powers, privileges and authorities, and liable to the same restrictions, (except as is herein before provided, that the purchasers of additional Shares may hold four Shares of the said Joint Stock,) obligations and responsibility, under the said Act herein before mentioned, and the Act, passed in the Third year of His present Majesty's Reign, entitled, An Act relating to the Halifax Fire Insurance Company, or any Act in amendment of, or in addition to, the said Acts or either of the said Acts respectively, or under the Charter of Incorporation or otherwise, in the same manner as if the said additional Shares had severally formed part of the original Capital or Joint Stock, and the names of the purchasers had been and were originally inserted and included in the said Charter of Incorporation.

Insurances may be increased

V. *And be it further enacted,* That, from time to time, as any number of the said additional Shares may be sold as aforesaid, and when and so soon as the amounts thereof, with the profit, advance and premium thereon, shall have been paid in, deposited and secured as herein before directed, it shall and may be lawful for the Directors of the said Corporation to extend and increase the amount of Insurances to be effected by the said Corporation over and above the said sum of Two Hundred Thousand Pounds, to any sum

sum or amount not exceeding three times the aggregate amount of the said additional Shares, which shall or may be then actually sold, paid in, deposited and secured, as aforesaid, and when and so soon as the whole of the said additional Shares shall have been so sold, paid in, deposited and secured, as herein before prescribed, it shall and may be lawful for the said Corporation to effect Insurances to any amount not exceeding Three Hundred Thousand Pounds at any one time.

VI. *Provided always, and be it further enacted,* That if the said Corporation shall make or effect at any time Insurances to any sum or amount exceeding that which by this Act is authorised and permitted, then, and in such case, each member of the said Corporation shall be and become individually and personally responsible for his or her proportion of the sum or sums which shall or may at any time be insured over and above the amount hereby then authorised and permitted to be insured by such Corporation.

CAP. XXII.

An Act in amendment of, and in addition to, an Act, entitled,  
An Act concerning Treasury Notes.

Amends 3d Wm. IV, c. 38

[PASSED THE 19th DAY OF FEBRUARY, 1835.]

**WHEREAS**, of the sum authorized to be funded by the third and fourth Sections of the Act, passed in the Third year of His present Majesty's Reign, entitled, An Act concerning Treasury Notes, there has been funded the sum of Eleven Thousand Five Hundred Pounds, and the Holders of the Certificates of Funded Debt therefor have petitioned the General Assembly that the interest thereon shall be increased from four to five per cent. and it is just that it should be so increased:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That, from and after the first day of January of this present year, there shall be paid to the several Holders of the Certificates of such Debt so funded, on or after the several quarterly days in the said fourth section specified, interest on the said sum of Eleven Thousand Five Hundred Pounds at and after the increased rate of five per centum per annum.

Debt at four per cent. to pay five per cent.

II. *And be it further enacted,* That it shall not be lawful for the Commissioners, now or hereafter to be appointed for issuing Treasury Notes, to grant, under or by the authority of the said third and fourth sections, any further Certificates of Funded Debt.

No further Certificates to be granted under 3d and 4th Sec 3, Wm. IV, c. 38

III. *And be it further enacted,* That, after the passing of this Act, so often as any Treasury Notes now legally issued and issuable shall be presented at the Treasury, to the amount of One Hundred Pounds, at any one time, and there shall not be in the Treasury sufficient Gold or Silver Coins, not otherwise appropriated by Law, to pay the same, the Treasurer of the Province shall represent the same to the Lieutenant-Governor or Commander in Chief for the time being, whereupon it shall be lawful for him from time to time, and as often as he shall think it for the public interest so to do, to authorize by warrant under his hand and seal, the said Commissioners and the said Treasurer to grant to the Holders of the said Treasury Notes Certificates to the like amount, in manner as is hereinafter directed.

Province Notes presented to Treasurer may be funded

IV. *And be it further enacted,* That all such Treasury Notes as are presented to the said Treasurer, and for which by the said warrant of the Lieutenant-Governor, or Commander in Chief for the time being, such Certificates shall be given, the said Treasurer shall enclose and seal up in a parcel, and deliver to the said Commissioners or other persons appointed to keep the same, in order to their being examined and destroyed by the Joint Committee of His Majesty's Council and the House of Assembly, appointed to examine the Public Accounts.

Such Notes to be destroyed

V. *And be it further enacted,* That the said Commissioners, or such as may be hereafter

New Certificates

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after appointed, shall grant to such of the Holders of the said Treasury Notes Certificates of Funded Debt in lieu thereof, as they may be directed by the said warrant of the Lieutenant-Governor or Commander in Chief for the time being, each Certificate whereof shall be for the sum of One Hundred Pounds, and the said Certificate shall bear interest at the rate of five per cent. per annum, and the said Certificate shall be numbered in the order of its being issued, and be expressed to be granted under and by virtue of this present Act, and shall be payable to the person or persons therein named, or to the Assignee or Assignees to whom it may be transferred, by Indorsement made thereon, and entered on a duplicate, or a copy thereof to be kept at the Treasury, and shall be in such form and words as the said Commissioners shall direct, and be signed by any two of them, and countersigned by the Treasurer, and shall specify the day of the presentment of the said Notes, also, of the said warrant of the said Lieutenant-Governor or Commander in Chief for the time being, and such date shall be inserted by the Treasurer, upon the issuing of such Certificates respectively, and the interest thereon respectively shall be due and be receivable quarterly, on the first days of January, April, July and October, in every year, at the Treasury, and shall be paid by the Treasurer to the holder of every such Certificate, the said increased rate of interest to commence on the first day of April, in the year of Our Lord One Thousand Eight Hundred and Thirty-five.

Interest how payable

New Certificates made part of Funded Debt

VI. *And be it further enacted*, That for every sum of One Hundred Pounds so tendered, which the said Treasurer cannot pay out of the Gold and Silver Coins in the Treasury, not otherwise appropriated by Law, the said Commissioners shall deliver to the Treasurer one of the said Certificates to be by him delivered to the party entitled thereto, and the amount of the principal money, and the interest mentioned in, and payable upon, every such Certificate so to be issued, shall be part of the Funded Debt of the Province, and be a charge upon the General Revenue thereof.

Certificates to be granted limited

VII. *Provided always, and be it further enacted*, That the whole number of Certificates to be issued under this present Act, and to be at any one time outstanding thereunder, shall not exceed the sum of Eighteen Thousand Five Hundred Pounds of the Current Monies of this Province.

Payment of Certificates

VIII. *And be it further enacted*, That on the first day of January, which will be in the Year of Our Lord One Thousand Eight Hundred and Thirty-eight, it shall be lawful for the Holders of the Certificates of Funded Debt, granted under this Act, and also, for the Holders of the Certificates granted under the third and fourth sections of the said Act concerning Treasury Notes hereby amended, to demand and receive from the Provincial Treasurer the full amount thereof, out of any of the Gold and Silver Monies in the Provincial Treasury which are not otherwise appropriated by Law; and if the same or any part thereof shall not be then received by such Holders as aforesaid, it shall be lawful for the Lieutenant-Governor or Commander in Chief for the time being to direct the said Treasurer to give public notice in the Royal Gazette, that, upon presentment of the said Certificates at the Provincial Treasury, to the said Treasurer, on a certain day to be named in the said notice, the Holders thereof respectively shall receive the principal sum due thereon, and also interest thereon, at the rate of five per cent. to be computed and allowed up to and until the day to be for that purpose specified in the said notice, and the said Certificates shall thenceforth cease to bear any interest thereupon.

Notes for which Certificates are given not to be re-issued

IX. *And be it further enacted*, That it shall not be lawful to re-issue the Notes for which Certificates under this Act shall be granted, or to issue any new Notes in lieu thereof.

How this Act affects 3, Wm. IV, c. 38

X. *And be it further enacted*, That except in so far as the said Act, entitled, An Act concerning Treasury Notes, is hereby altered or amended, nothing herein contained shall extend, or be construed to extend to, alter or affect the provisions of the said Act, entitled as aforesaid.

## CAP. XXIII.

**An Act for securing to John Story, and his Assigns, the exclusive Right in a certain Slip or Railway, for the use of Vessels.**

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

**WHEREAS**, great inconvenience and expense is incurred in heaving out Vessels, intended for repair at Halifax, and much greater facility would be afforded by introducing a Slip or Railway, whereon Vessels might be hauled up and more perfectly examined and repaired, and thereby great benefit would be secured to the shipping and trade of the Province; *And whereas*, John Story, of Halifax, Shipwright, hath undertaken to provide and erect, and put in operation at Halifax, a fit and proper Marine Slip or Railway, of such dimensions as will enable Owners of Ships or Vessels to obtain the repair thereof with dispatch and convenience, provided the exclusive right of establishing and keeping for public use and hire the said Slip or Railway shall be secured to the said John Story, for a certain period: Preamble

**I.** *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That* from and after such time, and so soon, as the said John Story shall have erected and have ready for public use, a good, sufficient and proper Slip or Railway, at some convenient place in the Harbour of Halifax, whereon Ships or Vessels of the size of at least Four Hundred Tons Registered Burthen, can be hauled up and placed for the purpose of being examined and repaired, and such Slip or Railway shall be approved of, and certified as sufficient for the purposes for which it is intended, by such skilful and proper persons as shall or may be appointed by the Governor, Lieutenant-Governor or Commander in Chief for the time being, for the purpose of inspecting and reporting upon the sufficiency of such Slip or Railway, the said John Story and his Assigns shall have, exercise and enjoy, the sole and exclusive right of erecting, having, establishing and keeping, for public use and hire, in the Harbour of Halifax, any such Slip or Railway in the said Harbour of Halifax, for a term not exceeding Ten Years; *Provided always*, that such Slip or Railway shall be so erected and put into operation within one Year next after the passing of this Act. Exclusive right to Marine Slip secured to John Story and his Assigns

**II.** *And be it further enacted, That* during such part of the said term of ten years, as the said right and privilege shall be held and enjoyed by the said John Story and his Assigns, it shall not be lawful for any other person or persons to erect and put in operation, or keep and establish for public use and hire, any such Slip or Railway for the purposes aforesaid, within the said Harbour, but the sole right and privilege of erecting, keeping and putting into operation, any such Slip or Railway for the purposes aforesaid, for public use or hire, shall be exclusively confined to, and enjoyed by, the said John Story and his Assigns, for and during such term within the said ten years, as he and they may be entitled to such right, under the provisions of this Act, and shall conform thereto. Right limited to Ten Years

**III.** *And be it further enacted, That* after such Slip or Railway shall have been provided and erected by the said John Story, the same shall be at all times kept in good order and condition, and ready for the use of any Ship or Vessel requiring to be hauled up thereon for examination and repair, unless when such Slip or Railway shall unavoidably be rendered incapable of being used, when the same shall be undergoing any necessary repairs, and if at any time the said Slip or Railway shall be in such state as to be unfit for use, at any one period of time during the said term of ten years, not less than three months, then, and in such case, this Act and all the exclusive right and privilege hereby granted shall be and become void, and cease to have any effect. Slip to be kept in serviceable state

**IV.** *And be it further enacted, That* the rates and charges to be allowed to the said John Story and his Assigns, for the use of the said Slip or Railway, shall be as follow, that is to say:— Rates established

On each and every Ship or Vessel not exceeding One Hundred Tons Registered Burthen

Burthen, a charge of One Shilling and Three Pence for each and every Ton of such Burthen for the first day, and Seven Pence half-penny for each and every Ton of such Registered Burthen for each and every day, not exceeding ten days after the first day, during which such Ship or Vessel shall be and remain on such Slip or Railway.

On each and every Ship or Vessel, over One Hundred and not exceeding One Hundred and Twenty-five Tons Registered Burthen, a charge of One Shilling and One penny for each and every Ton of such Burthen for the first day, and Seven-pence for each and every Ton of such Burthen for each and every day, not exceeding ten days after the first day, during which such Ship or Vessel shall be and remain on such Slip or Railway as aforesaid.

On each and every Ship or Vessel, exceeding One Hundred and Twenty-five Tons Registered Burthen, a charge of One Shilling for each and every Ton of such Burthen for the first day, and Six-pence for each and every such Ton for each and every day not exceeding ten days after the first day, during which such Ship or Vessel shall be and remain on such Slip or Railway as aforesaid.

On each and every Steam Boat, a charge of Two Shillings and Six-pence for each and every Ton of the Registered Burthen for the first day, and Nine-pence for each and every Ton of such Burthen for each day not exceeding ten days, during which such Steam-Boat shall be and remain on such Slip or Railway.

And on each and every Ship or Vessel which shall be and remain on such Slip or Railway, for a longer period than ten days at any one time, there shall be paid for each and every day such Ship or Vessel may remain over and above ten days, the like rate or charge for and upon every Ton of the Registered Burthen of such Ship or Vessel, as is hereby imposed and made payable for the first day on which such Ship or Vessel shall be on such Slip or Railway, unless some special agreement shall be made to the contrary between the parties interested.

And each and every Ship or Vessel hauled up and placed upon such Slip or Railway, having on board a Cargo, or more than ten Tons of Ballast, shall be subject and liable to a charge in addition to the charges hereby imposed and made payable, of a sum equal in amount to the charges or rates for each and every Ton of the Registered Burthen of such Ship or Vessel, hereby made chargeable thereon, for the first day on which such Ship or Vessel may be so hauled up and placed on such Slip or Railway as aforesaid.

And it shall not be lawful for the said John Story or his Assigns, or any Agent or Servant, or other person on his or their behalf, to demand, take or receive, any greater rate or charge than is hereby allowed for the use of such Slip or Railway.

*V. Provided always, and be it further enacted,* That the rates and charges hereinbefore mentioned shall be, and be deemed to be, a full compensation, not only for the use and occupation of such Slip or Railway as before mentioned, but also, for all expenses of placing any Ship or Vessel upon such Slip or Railway, and launching the same when repaired, which shall be done at the expense, risk and charge, of the said John Story or his Assigns, unavoidable accidents excepted.

*VII. And be it further enacted,* That if the said John Story or his Assigns shall, by himself or themselves, or his or their Agent or Servants, in any case, demand, take or receive, any greater charge than herein before is permitted and allowed, it shall and may be lawful for any person or persons to make complaint by information in writing to His Majesty's Supreme Court, at any of its Terms or Sittings in Halifax, which complaint the said Court shall enquire into, either in a summary way, or by the intervention of a Jury, as to the said Court shall seem fit and proper, and if the said Court shall find and adjudge that the said John Story or his Assigns hath or have, in any case, by himself or themselves, or his or their Agent or Agents or Servants, demanded, taken or received, any greater rate or charge for the use of such Slip or Railway, in any case than is herein before directed and specified to be received or taken by him or them, the exclusive right of the said John Story and his Assigns herein before granted, of and in the said Slip or Railway, and the use thereof, shall be and become void, and it shall and may be lawful for any other person or persons to erect, have and establish, and keep for public use and hire, any such Slip or Railway, any thing herein before contained to the contrary notwithstanding.

No greater Rates to be demanded

Proviso

Right to be withdrawn if illegal rates are demanded

CAP. XXIV.

An Act to continue the Act to regulate the Weighing of Beef.

Continues 10, Geo. IV, C. 17

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the Tenth Year of His late Majesty's Reign, entitled, An Act to regulate the Weighing of Beef, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act continued

CAP. XXV.

An Act to amend the Act for regulating the Election of Representatives to serve in General Assembly.

Amends 57, Geo. III, C. 7. See 58, Geo. III, C. 29. 4 & 5, Geo. IV, C. 22. 8. Geo. IV, C. 18. 10, Geo. IV, C. 9. 1, Wm. IV, C. 25. 3, Wm. IV, C. 43

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

**WHEREAS**, it is expedient to discourage the use of strong and intoxicating Liquors, and to punish Bribery at Elections:

Preamble

**I.** *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That* if any Candidate shall furnish, supply, distribute or provide, or willingly permit or allow to be furnished, supplied, distributed or provided, directly or indirectly, by or on his behalf, and at his expense or charge, or by any ways or means howsoever, to any Elector or other person, who shall or may claim to be an Elector, any Wine, Brandy, Gin, Rum, or other strong or distilled intoxicating Liquors of any kind or description, during any Election hereafter to be held for any County or Township in this Province, or if any person who shall have or claim a right to vote in any Election of a Member or Members of the House of Assembly, for any County or Township, shall directly or indirectly ask, receive or take, any money or other reward, by way of gift, employment, or other reward whatsoever, for himself or any of his family or kindred, to give his vote or to abstain from giving his vote in any such Election, or if any person by himself or his friend, by his procurement or by any person employed by him, shall, by any gift or reward, or by any promise, agreement or security, for any gift or reward, corrupt or procure any person or persons to give his or their vote or votes in any such Election, or to abstain from giving the same, such person shall forfeit for such offence the sum of One Hundred Pounds, to the person who shall first sue for the same, to be recovered as hereinafter directed.

Penalty for giving Spirituous Liquors, Bribes, &c. to Voters at Elections

**II.** *And be it further enacted, That* the said penalty shall be recovered with full costs, by action of debt, bill, plaint or information, in His Majesty's Supreme Court of this Province, and that it shall be sufficient for the Plaintiff, in any such Action of Debt or Information, to set forth in the declaration that the Defendant is indebted to him in the sum of One Hundred Pounds, and to allege the particular offence for which such action or information is brought, and that the Defendant hath therein acted contrary to this Act, without mentioning the Writ for holding such Election or the return thereof.

Recovery of Penalty

**III.** *Provided always, and be it further enacted, That* every Action, Bill, Plaint or Information, grounded upon this Act, shall be commenced or exhibited within Three Calendar Months after the offence shall be committed.

Action to be brought within a certain period

**IV.** *And be it further enacted, That*, instead of the times and places now fixed by Law for holding the Poll for any Election, in the Counties and Townships hereinafter mentioned, the Poll for Elections shall hereafter be held therein as follows, that is to say—In the County of Annapolis, the Poll shall be opened in the Court-House in the

Times and places for holding Polls in—County of Annapolis

Hhhhh

Town

Town of Annapolis, and shall be there continued and held for the space of three days, and thence shall be removed to some central and convenient place in Lawrence Town, in the Township of Wilmot, and be there held and continued for the space of three days, and thence shall be removed to the Court-House in Digby, and be there held and continued for the space of two days, and thence shall be removed to some central and convenient place in Sissiboo, opposite to the Town plot of New Edinburgh, and be there held and continued for the space of two days, and thence shall be removed to some fit and convenient place near the Chapel in Montagan, in the Township of Clare, and be there held and continued for the space of two days; in the County of Queen's County, the Poll shall be opened at the Court-House in Liverpool, and be there held and continued for the space of four days, and shall thence be removed to some fit and convenient place near the Lower Meeting-House in Port Medway, in the Township of Liverpool, to be there held and continued for the space of two days, and thence shall be removed to some central and convenient place in Brookfield, in said County, to be there held and continued for the space of three days; and for the Township of Liverpool, the Poll shall be opened at the Court-House in Liverpool, and be there held and continued for the space of four days; and in the County of King's County, the Poll shall be opened at the Court-House in Kentville, and be there held and continued for the space of five days, and from thence shall be removed to the School House near the Established Church at Aylesford, there to be held and continued for the space of two days, and thence shall be removed to the School House at Parrsborough, there to be held and continued for the space of three days; and for the County of Hants, the Poll shall be opened at the Court-House in Windsor, and be there held and continued for the space of three days, and thence shall be removed and adjourned to some fit and convenient place, near the House of Ichabod Dimock, in the Township of Newport, to be there held and continued for the space of two days, and thence shall be removed to some fit and convenient place near the Church, in the Township of Rawdon, to be there held and continued for the space of two days, and thence be removed to some fit and convenient place at or near the end or mouth of the Noel Road, in the Township of Douglas, to be there held and continued for the space of two days.

Queen's County

Township of Liverpool

King's County

County of Hants

Preamble

Duration of Poll in County of Shelburne

In Townships of Shelburne, Barrington and Yarmouth

Preamble

Times and places for holding Polls—For County of Halifax

Township of Halifax

*And whereas*, doubts have been entertained whether, under the Act, passed in the tenth year of the Reign of His late Majesty King George the Fourth, entitled, An Act concerning Elections in the County of Shelburne, the Poll for such County may not be continued six days, notwithstanding that the said Act provides that the Poll shall be kept open but four days only, and it is expedient to remove such doubts:

*V. Be it therefore declared and enacted*, That it shall not be lawful at any Election for the said County of Shelburne to continue or keep the Poll open at any one place in the said County, where the Poll is directed to be held, for more than four days.

*VI. And be it further enacted*, That hereafter the Poll for the Elections of Members for the Townships of Shelburne, Barrington and Yarmouth, respectively, shall not be continued or kept open for more than four days, any Law, usage or custom, to the contrary notwithstanding.

*And whereas*, An Act has been passed in this Session of the General Assembly, entitled, An Act to divide the County of Halifax, and to regulate the Representation thereof, which Act must receive the Assent of His Majesty before the same can go into operation, and, when the same shall so receive His Majesty's Assent, the County of Halifax will thenceforth become and be divided into three Counties, separate and distinct, as therein provided and enacted, that is to say:—the County of Halifax, the County of Colchester, and the County of Pictou, and it is expedient to make provision for holding the Poll therein:

*VII. Be it therefore enacted*, That at any Election, to be held after the said Act shall come into operation, for the said Counties of Halifax, Colchester and Pictou, by the said Act erected, or for either of the said Counties respectively, or for the Townships of Halifax and Pictou, or for either of such Townships respectively, the Poll for such Election shall be held as follows, that is to say:—for the County of Halifax, the Poll shall open at the County Court-House in Halifax, and be there held and continued for the space of three

three days, and be thence removed to some central and convenient place in St. Margaret's Bay, and be there held and continued for the space of two days, and be thence removed to some central and convenient place in Musquodobit, and be there held and continued for the space of two days; and for the Township of Halifax, the Poll shall be opened at the County Court-House in Halifax; to be there held and continued for the space of three days, and thence be removed to some central and convenient place in St. Margaret's Bay, and be there held and continued for the space of two days; and for the County of Pictou, the Poll shall be opened at the Court-House in Pictou, to be there held and continued for the space of four days, and thence shall be removed to some central and convenient place at New-Glasgow, in the Township of Egerton, and be there held and continued for the space of three days, and thence shall be removed to some central and convenient place in Méricomish, in the Township of Maxwelltown, to be there held and continued for the space of three days; and for the Township of Pictou, the Poll shall be opened at the Court-House in Pictou, and be there held and continued for the space of four days; and for the County of Colchester, the Poll shall be opened at the Court-House in Truro, and be there held and continued for the space of four days.

For County of Pictou

Township of Pictou

For County of Colchester

VIII. *Provided always, and be it further enacted,* That no removal or adjournment of the Poll shall take place or be had as mentioned in this Act, from the place where the same shall be first opened, as herein before directed, to any other place or places, unless the Sheriff or Officer holding such Election shall, on the first day of the opening of the Poll at such first place of opening, be required by some Candidate or Candidates at such Election, or by some Freeholder on behalf of such Candidate or Candidates, to remove or adjourn such Poll, and when and so soon as such application is made the Sheriff or other Officer shall, with all convenient speed, give notice, by putting up Advertisements at two of the most public places in the several Districts, Townships or Settlements, whereto the said Poll is hereinbefore directed to be removed, that he will remove, adjourn and hold the same, to and at such place or places agreeably to Law.

Adjournment of Poll to take place upon application of Candidates

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

Re-opening of Poll

X. *And be it further enacted,* That hereafter, at any Election to be held in and for the County of Lunenburg, for Members to serve in the General Assembly, the Sheriff or other Officer shall first open the Poll in the Town of Chester, at some convenient place to be by him selected for that purpose, and shall continue the same, so open, for the space of three days, or until all the Freeholders then and there present be polled.

Election for County of Lunenburg

XI. *And be it further enacted,* That upon the closing of the Poll in the said Town of Chester, the Sheriff or other Officer holding such Poll, shall, if required as by this Act is directed, adjourn the same to the Town of Lunenburg, and shall cause the same to be opened at the Court-House in Lunenburg, on the eighth day, (both days inclusive,) after opening the same in the said Town of Chester, and shall continue the same, so opened, for the space of five days, or until all the Freeholders then and there present be polled.

Adjournment of Poll from Chester

XII. *And be it further enacted,* That upon the closing of the Poll in the Town of Lunenburg, the Sheriff or other Officer holding such Poll shall, if required as by this Act is directed, adjourn the same to the Township of New Dublin, and shall cause the same to be opened at some convenient place in the said Township, on the third day after the closing the same at the Town of Lunenburg, (both days inclusive,) in which case the same shall be opened, and continue so opened for the space of two days, or until all the Freeholders then and there present be polled.

From Lunenburg to New Dublin

XIII. *And be it further enacted and declared,* That whenever in this or any previous Act relating to the Election of Representatives to serve in General Assembly, any number of days shall be mentioned for holding the Poll, or as the interval or intervals, during

Sundays, &c. not included in Polling days

during which the same shall be adjourned, the same shall be held, and taken to be, exclusive of Sundays, Christmas Days and Good Fridays.

Poll to be closed last day at 3 o'clock

XIV. *And be it further enacted*, That the Poll for any Election in this Province, shall, at each place where the same shall be held, if continued to the last day of polling allowed by Law, be closed on that day, at three of the clock in the afternoon, whether the same shall be there finally closed or thence adjourned and removed to some other place.

PROVIDE

XV. *Provided always, and be it further enacted*, That nothing in this Act contained, shall extend, or be construed to extend, to require the Poll for any Election to be kept open all the days hereby appointed and limited for holding the same, if such Poll be sooner closed, at any place where the same shall be held, either by agreement of the Candidates, made in writing, and entered upon the Poll Book, or otherwise, as by Law directed, but it shall and may be lawful to close such Poll at any place, either finally or for adjournment, or removal to some other place, by such agreement as aforesaid, or in any other manner, as by Law directed, notwithstanding the number of days, hereby limited and appointed for holding the Poll at such places, may not have elapsed.

## CAP. XXVI.

### An Act respecting the Offices of Master of the Rolls and Judge of the Court of Vice-Admiralty.

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

Masters of Rolls or Judge of Court of Vice-Admiralty not allowed to sit in House of Assembly

**B**e it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, no person who shall hold or take the Office of Master of the Rolls in the Court of Chancery, or the Office of Judge of the Court of Vice-Admiralty in this Province, shall be elected, or shall be eligible to be elected, a Member of the House of Assembly; and, from and after the dissolution of the present General Assembly, no person holding or taking either of the said Offices respectively shall sit and vote in the said House of Assembly, nor in any manner act as a Member thereof; and in case any Member of any future House of Assembly shall, after the dissolution of this present General Assembly, take or receive either of the said Offices, the seat of such Member shall be *ipso facto* vacated, and a Writ shall be forthwith thereafter issued on the application of the Speaker of the said House, for the Election of a Member in the place and stead of the Member who shall so accept either of the said Offices respectively hereinbefore mentioned.

Preamble

*And whereas*, It is proper and expedient that the present Master of the Rolls and Judge of the Court of Vice-Admiralty may be at liberty to resign his Seat in the House of Assembly:

Present Master of Rolls, &c. vacating his Seat

II. *Be it therefore enacted*, That in case the present Master of the Rolls and Judge of the Court of Vice-Admiralty shall, by Letter to the Speaker of the said House of Assembly, signify in writing his desire to be discharged from his duty and trust, as one of the Representatives for the Township of Halifax, and that his Seat in the House of Assembly may be vacated, then, and from and immediately thereafter, the Seat of the said Master of the Rolls and Judge of the Court of Vice-Admiralty shall be and become vacated, and it shall and may be lawful for the said Speaker to make application for a Writ to issue for the election of a fit and proper person as Representative of the Township of Halifax in the stead and place of the said Master of the Rolls and Judge of the Court of Vice-Admiralty, and such Writ shall be issued accordingly.

Act requires His Majesty's Assent

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

CAP. XXVII.

An Act concerning Suits against Foreign Bodies, Politic or Corporate, and to repeal the Acts now in force.

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

**WHEREAS**, certain Bodies, Politic or Corporate, not Incorporated under and by virtue of any Statute, Law or Charter of this Province, have been accustomed to carry on business within this Province, by and through the Agent or Agents of such Bodies, Politic or Corporate, and it is expedient to enable persons who may have claims against such Bodies, Politic or Corporate, in the course of their dealings and transactions within this Province, to prosecute such claims:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That* hereafter, whenever any Body, Politic or Corporate, not Incorporated by any Law, Statute, Act, Charter or Ordinance of this Province, or in force therein, shall carry on any trade or any dealings or transactions in business of any description within this Province, by or through their Agent or Agents, Servant or Servants, and any person or persons shall have, or become entitled to, any debt, claim or demand, or any Action or Suit against such Body, Politic or Corporate, or other person or persons trading or doing business as, or in the name of, a Body, Politic or Corporate, it shall and may be lawful for any such person or persons to commence and prosecute a Suit or Action in His Majesty's Supreme Court of this Province, in any County or District within the same, by Attachment against the Goods, Chattles or Estate of such Body, Politic or Corporate, or other person or persons trading or doing business as aforesaid, by Summons against the Agent, Factor or Trustee, or the Agents, Factors or Trustees of the said Body, Politic or Corporate in the manner as if the said Suit were brought, commenced, sued and prosecuted, against an absent or absconding Debtor, and a Declaration shall be filed against the said Body, Politic or Corporate, person or persons, trading or doing business as aforesaid, in such Suit or Action, and every Agent, Factor or Trustee summoned therein shall be bound to appear and disclose what Goods, Effects or Credits of the said Body, Politic or Corporate, person or persons, trading or doing business as aforesaid, were in his hands and possession, or under his management and control, at the time of the service of Process upon such Agent, Factor or Trustee, and all other proceedings shall be had in such Suit or Action as in case of Actions or Suits against absent or absconding Debtors, and a Declaration shall be filed against the said Body, Politic or Corporate, person or persons, trading or doing business as aforesaid, in such Suit or Action; and every Agent, Factor or Trustee summoned therein, shall be bound to appear and disclose what Goods, Effects or Credits of the said Body, Politic or Corporate, person or persons, trading or doing business as aforesaid, were in his hands and possession, or under his management and control, at the time of the service of Process upon such Agent, Factor or Trustee, and all other proceedings shall be had in such Suit or Action as in case of Actions or Suits against absent or absconding Debtors, under and by virtue of the Statutes of this Province now in force respecting absent or absconding Debtors.

Actions may be instituted against Foreign Bodies Politic or Corporate, by Summons against their Agents, &c

And proceedings therein as against absent debtors

II. *And be it further enacted, That* in any Action or Suit brought or commenced as aforesaid, in any County or District where the Supreme Court sits but once in the year, no greater or longer imparlance shall be allowed than from the Term in which the said Suit or Action shall be commenced until the then next ensuing Term or Sitting of the said Supreme Court.

Imparlanee

III. *And be it further enacted, That* service upon the Agent of any such Body, Politic or Corporate, shall be deemed and taken to be sufficient service upon such Body, Politic or Corporate, and the Agent shall be personally responsible for the amount of the sum recovered in any such Suit, to the extent, as well of all Monies and Funds of the said Body, Politic or Corporate, which at the time of the service of such Process were in his hands, as also, all such other Monies and Funds of the said Body, Politic or Corporate, which, after the service of such Process, at any time before Final Judgment in the

Service upon Agent sufficient service upon Corporation

And to bind Funds

said Suit may have come into his hands, power or possession, deducting his fair and legal Commission thereon, the same to be disclosed by such Agent on Oath if thereto required.

Act not to extend to Royal Charters of Incorporation

IV. *Provided always, and be it further enacted,* That nothing in this Act contained shall extend, or be construed to extend, to affect any rights, privileges, powers and authorities, actually granted by their Charter of Incorporation, or which shall or may be so actually granted by such Charter to any Body, Politic or Corporate, within any part of the United Kingdom of Great-Britain and Ireland, which shall be connected with this Province, and created or Incorporated by His Majesty's Royal Charter.

3d Wm. IV, c. 12  
4, Wm. IV, c. 63, repealed

V. *And be it further enacted,* That the Act, passed in the Third Year of His present Majesty's Reign, entitled, An Act concerning Suits against Foreign Bodies, Politic or Corporate; also, the Act, passed in the last Session of the General Assembly, to amend the said Act, shall be, and the said Acts, and every matter, clause and thing, therein contained, are hereby repealed, save and except so far as the said Acts or either of them shall or may apply to, or affect, any Action or Suit already commenced, and now pending, or determined under and by virtue of the same.

### CAP. XXVIII.

Continues and amends 4 Wm. IV, c. 46

## An Act to continue an Act for the Warehousing of Goods, and in amendment thereof.

[PASSED THE 19th DAY OF FEBRUARY, 1835.]

Act 4 Wm. IV, c. 46, (with exceptions) continued

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

Bond dispensed with

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

Permit required from Collector of Impost to remove certain Goods from Warehouse

CAP. XXIX.

An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape-Breton.

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the First Year of His present Majesty's Reign, entitled, An Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape-Breton, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly. Act I, Wm. IV. c. 6, continued.

CAP. XXX.

An Act in amendment of, and additional to, the Acts now in force relating to the Support and Management of the Poor.

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

WHEREAS, by the Laws now in force relating to the Poor, the number of Assessors of Poor Rates is limited to five in each Township or Settlement, which, in the Township of Pictou, is found to be inconvenient, and productive of much delay and difficulty in the faithful discharge of the duties of that Office, as well as heavy expense to the persons appointed—for remedy whereof: Preamble

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, it shall and may be lawful to and for the Freeholders of the Township of Pictou, at their respective Meetings duly called to make provision for the Poor of such Township, to nominate and appoint in due form any number of Freeholders to be Assessors of Poor Rates, voted or rated within and upon such Township, not less than Seven, nor exceeding Twelve in the whole of such Township, as the majority of such Freeholders, present at such Meeting, may judge expedient and proper, any seven of whom shall be a quorum for the purposes of their said Office. Assessors of Poor Rates for Pictou

II. And be it further enacted, That hereafter no Person, being an Assessor or Assessors of Poor Rate, shall, upon any pretence whatsoever, be exempt from being assessed, and paying his or their due and just proportion of all such Rates, Taxes or Assessments, as shall from time to time be duly voted, rated, assessed and levied, for the support and maintenance of the Poor; and, if any person or persons, being Assessor or Assessors of Poor Rates, shall refuse or neglect to rate and assess himself or themselves in a due and just proportion of all or any such Rates, Taxes or Assessments, as shall be duly voted or rated, for the support and maintenance of the Poor on the Township or Settlement for which he or they shall or may be the Assessor or Assessors, the person so offending shall forfeit and pay the sum of Five Pounds, the same to be sued for, recovered and applied, in manner and form as is directed in and by the Acts of which this is an amendment. Assessors in general not exempted from Rates

## CAP. XXXI.

**An Act to extend to the County of Cape-Breton the Act in amendment of the Act relating to Highways, Roads and Bridges.**

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

Preamble

**WHEREAS**, by the Sixth Section of the Act, passed in the last Session of the General Assembly, entitled, An Act in amendment of the Act relating to Highways, Roads and Bridges, it is provided and enacted, that nothing in that Act contained shall extend to the County of Cape-Breton, and it is expedient to extend the provisions of such Act to that County :

Act 4, Wm. IV,  
c. 69 extended  
to Cape-Breton

**I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That** the said Act and every matter, clause and thing, therein contained, shall extend to, and be of full force and effect in, the County of Cape-Breton, and have in such County the like operation as in other parts of the Province, any thing in the said Act or in the said sixth Clause thereof to the contrary notwithstanding.

## CAP. XXXII.

**An Act to extend to the Harbour of Wallace, in the County of Cumberland, the provisions of the Act, entitled, An Act to preserve and regulate the Navigation of the Harbour of Pugwash.**

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

Act 8d Wm  
IV, c. 7 exten-  
ded to Wallace

**BE it enacted, by the Lieutenant-Governor, Council and Assembly, That** the several clauses, provisions, regulations, powers, authorities and penalties, contained in the Act, passed in the Third Year of His present Majesty's Reign, entitled, An Act to preserve and regulate the Navigation of the Harbour of Pugwash, shall be, and the same are hereby, extended to the Harbour of Wallace, in the County of Cumberland.

## CAP. XXXIII.

**An Act to continue an Act concerning Goods Exported, and for granting Drawbacks.**

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

Act 4, Wm. IV,  
c. 48 continued  
—except Sec. 2

**BE it enacted, by the Lieutenant-Governor, Council and Assembly, That** the Act of the General Assembly of this Province, passed in the Fourth Year of the Reign of His present Majesty King William the Fourth, entitled, An Act concerning Goods Exported and for granting Drawbacks, which Act will continue in operation until the Thirty-first day of March, in the Year of Our Lord One Thousand Eight Hundred and Thirty-five ; and also, every matter, clause and thing, in the said Act contained, save and except the second Clause or Section thereof, which relates to the entry outwards of Ships, shall thenceforth remain in operation, and be further continued until the Thirty-first day of March, which will be in the Year of Our Lord One Thousand Eight Hundred and Thirty-six and no longer.

CAP.

## CAP. XXXIV.

**An Act to continue an Act for the General Regulation of the Colonial Duties.**

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act of the General Assembly of this Province, passed in the Fourth Year of the Reign of His present Majesty King William the Fourth, entitled, "An Act for the General Regulation of the Colonial Duties," which Act will continue in operation until the thirty-first day of March, which will be in the Year of Our Lord One Thousand Eight Hundred and Thirty-five, and also, every matter, clause and thing, in the said Act contained, shall thenceforth remain in operation, and be further continued until the thirty-first day of March, which will be in the Year of Our Lord One Thousand Eight Hundred and Thirty-six, and no longer.

Act 4, Wm. IV.  
c. 49, continued

## CAP. XXXV.

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

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

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

Continues  
and amends 4  
Wm. IV, c. 47

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

Act 4, Wm. IV.  
c. 47 continuedCertain Bond  
may be dis-  
penssed with

## CAP. XXXVI.

**An Act to continue the Acts for granting a Drawback of the Duties on Brown or Raw Sugar, used in the Manufacture of Refined Sugars within the Province, and for regulating the mode of obtaining the same.**Continues 57.  
Geo. III, c. 23,  
and 7, Geo. IV.  
c. 35, see also  
6, Geo. IV, c.  
33.

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the Fifty-seventh Year of the Reign of His late Majesty King George the Third, entitled, An Act for granting a Drawback of the Duties on Brown or Raw

Acts continued

Kkkkk

Raw

Raw Sugar, used in the manufacture of Refined Sugars within the Province, and for regulating the mode of obtaining the same; and also, the Act, passed in the seventh year of the Reign of His late Majesty King George the Fourth, to revive, amend and continue the said Act, and every matter, clause and thing, in the said Acts contained, shall be continued, and the same are hereby severally continued from the thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-five, until the thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-six, and no longer.

## CAP. XXXVII.

## An Act to divide the County of Halifax, and to regulate the Representation thereof.

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

Division of  
County of Ha-  
lifax

Halifax, Col-  
chester, Pictou

Act not to go  
into force until  
new Assembly  
is called

Representation  
of Halifax, Col-  
chester, and  
Pictou—and  
Townships of  
Halifax, Truro,  
Onslow, Lon-  
donderry and  
Pictou

Sheriffs for  
new Counties

Proviso

His Majesty's  
Assent required

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the time this Act shall go into operation, the present County of Halifax shall be divided into three different and distinct Counties, that is to say:—into the County of Halifax, to comprise and include the present District of Halifax; the County of Colchester to comprise and include the present District of Colchester; and the County of Pictou to comprise and include the present District of Pictou.

**II. Provided always, and be it further enacted,** That this Act shall not go into operation or be of any force or effect, until the dissolution of the present General Assembly, and the calling of a new General Assembly.

**III. And be it further enacted,** That, from and after the dissolution of this General Assembly and the calling any new General Assembly, it shall and may be lawful for the Governor, Lieutenant-Governor and Commander in Chief for the time being, to issue Writs for the Election of Members to serve in such new General Assembly, for the said County of Halifax, two Members; for the said County of Colchester, one Member; and for the said County of Pictou, two Members—and for the Township of Halifax, in the County of Halifax, two Members—for the Townships of Truro, Onslow and Londonderry, in the County of Colchester, each one Member, and for the Township of Pictou, in the County of Pictou, one Member.

**IV. And be it further enacted,** That on the last day of the first Michaelmas Term, which shall occur after the present General Assembly shall be dissolved, and this Act shall come into operation, and annually thereafter, as required by Law, it shall and may be lawful for the Chief Justice of this Province, and for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to nominate and appoint Sheriffs for the said Counties of Colchester and Pictou, and the then Sheriff of the County of Halifax, or thereafter to be appointed for the same, shall thenceforth have no authority or power as Sheriff in the said Counties of Colchester and Pictou.

**V. Provided always, and be it further enacted,** That the Sheriff of the County of Halifax, at the time that this Act shall come into operation, shall continue to act as Sheriff and to do all the duties and exercise all the authority of Sheriff, for the several Counties, of Halifax, Colchester and Pictou, as heretofore he has done in Halifax, Colchester and Pictou, while they remained one County, until a separate Sheriff shall be legally appointed for each of the said Counties of Colchester and Pictou, at the time hereinbefore directed.

**VI. Provided always, and be it further enacted,** That this Act shall not be of any force or effect until His Majesty's Assent shall be signified thereto.

## CAP. XXXVIII.

## An Act to continue and amend an Act for the prevention of Smuggling.

Continues and amends 4, Wm. IV. c. 50

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act of the General Assembly of this Province, passed in the Fourth Year of the Reign of His present Majesty King William the Fourth, entitled, An Act for the prevention of Smuggling, which Act will continue in operation until the Thirty-first day of March, in the year of Our Lord One Thousand Eight Hundred and Thirty-five, and also every matter, clause and thing, in the said Act contained, (save and except so far as the same is altered or amended by this present Act,) shall remain thenceforth in operation, and be further continued until the Thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-six, and longer.

Act 4, Wm. IV. c. 50 continued

*And whereas*, it is expedient to extend the powers of seizure given by the said Act—  
**II.** *Be it therefore enacted*, That all Goods, and all Ships, Vessels and Boats, and all Carriages and Cattle, liable to forfeiture, under any Act now in force, or hereafter to be made, relating to the Colonial Revenue, shall and may be seized and secured, as well by any Officer or person empowered or to be empowered, under the Act hereby continued, or authorised pursuant to the provisions thereof, as also, by any Officer of His Majesty's Navy, in command of, or serving under the Commander of, any of His Majesty's Ships or Vessels, and likewise, by any other person or persons employed or to be employed and commissioned by the Lieutenant-Governor for the time being, on shore or at sea, for the prevention of Smuggling, and for preventing violations of the Laws from time to time in force, relating to the Colonial Revenue, and every person who shall in any way hinder, oppose, molest or obstruct, any such Officer or person so employed, empowered or commissioned, in the execution of his duty, or any person acting in his aid or assistance, shall forfeit the sum of One Hundred Pounds.

Seizures—by whom authorised to be made

**III.** *And be it further enacted*, That if any Officer or Officers employed for the collection or securing the Colonial Revenue, or any person now or hereafter to be employed or commissioned for the prevention of Smuggling, shall make any collusive seizure, or deliver up or make any agreement to deliver up or not seize any Vessel, Boat or Goods, liable to forfeiture under any Law relating to the Colonial Revenue, or shall take any bribe, gratuity, recompense or reward, for the non-performance of his duty, every such Officer or other person shall forfeit for such offence the sum of Two Hundred Pounds, and be rendered incapable of serving His Majesty in any office whatever, either Civil or Military, of Provincial appointment, and every person who shall give, or offer, or promise to give, or procure to be given, any bribe, recompense or reward to, or shall make any collusive agreement with, any such Officer or person as aforesaid, to induce him in any way to neglect his duty, or to do, conceal or connive at, any act whereby any of the provisions of any Statute now or hereafter to be enacted concerning the Colonial Revenue may be evaded, shall forfeit the sum of One Hundred Pounds.

Seizing Officers guilty of collusion

**IV.** *And be it further enacted*, That it shall and may be lawful for the Board of Revenue, by and out of the Government portion, in the twenty-fourth section of the Act hereby continued, mentioned, of the proceeds of all Ships, Goods, Vessels, Boats, and all Carriages and Cattle liable to forfeiture, and seized and condemned as forfeited, under any Act now in force, or hereafter to be made, relating to the Colonial Revenue, to grant and allow to the Officer or persons making such seizures respectively, in addition to the share to the seizer granted by the Statute, such further gratuity, share or allowance, in recompense of the vigilance and exertion displayed by such Officer or persons respectively, for the prevention of Smuggling, as the said Board of Revenue shall deem reasonable under the circumstances, so as such further gratuity, share or allowance, do not exceed two third parts of the Government portion aforesaid.

Gratuities to Seizing Officers

## CAP. XXXIX.

**An Act to continue the Act to encourage the Manufacture of Tobacco in this Province, by granting a Bounty thereon.**

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

4, Wm. IV, c.  
51 continued

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the last Session of the General Assembly, entitled, An Act to encourage the Manufacture of Tobacco in this Province, by granting a Bounty thereon, shall be continued, and the said Act, and every matter, clause and thing, therein contained, is hereby continued, from the thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-five, until the thirty-first day of March, which will be in the Year of Our Lord One Thousand Eight Hundred and Thirty-six, and no longer.

## CAP. XL.

**An Act to prevent damage to the Nets of Fishermen by Coasting Vessels.**

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

Preamble

**WHEREAS**, great mischief happens to Fishermen residing upon the Western and Eastern Shores, between Yarmouth and Halifax, and Halifax and Canso, by Coasting Vessels running foul of Nets set off the Harbours, Bays and Rivers, upon the said Coast; *And whereas*, it is believed that, by a little additional care, the Coasting Vessels might be so modelled, as to save, in a great measure, the destruction of the Nets so exposed, by attaching a piece of plank or iron to the bottom of the keel of such Coasting Vessel, and level therewith, extending aft along the said keel, so as to close the bottom of the aperture left between the rudder and stern post of such Vessel:

Precaution against damage to Nets by Coasters

**I.** *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That from and after the first day of June next ensuing, all Coasting Vessels under the Burthen of Sixty Tons, owned in this Province, and Coasting along the Shores, leading to or from Yarmouth to Halifax, or to or from Halifax to Canso, shall be furnished with a narrow piece of plank or iron, which shall be affixed to the bottom of the keel of said Vessel, and level therewith, and shall extend aft at least six inches beyond the aperture left by the stern post and rudder of said Vessel, and well secured thereon.

Penalty for violation of Act

**II.** *And be it further enacted*, That any Owner or Master of any Coasting Vessel, running foul of any Net so set, after the first day of June next, which shall not be so furnished, shall, upon due proof thereof, be made subject and liable to a penalty not exceeding five pounds, to be sued for and recovered by the person or persons sustaining the damage, to his or their use and benefit, before any two of His Majesty's Justices of the Peace, residing within the County or District wherein such damage is sustained. *Provided*, that nothing herein contained shall be construed to prevent any person or persons from seeking a remedy by an Action at Common Law, for any damage done to such Nets.

Continuation of Act

**III.** *And be it further enacted*, That this Act shall continue and be in operation for one year, from the first day of June next, and no longer.

## CAP. XLI.

**An Act to render perpetual the Act to extend to Falmouth the Act relating to Commissioners of Highways.**

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the second year of His present Majesty's Reign, entitled, An Act to extend to Falmouth, in the County of Hants, the provisions of the Act relating to Commissioners of Highways in Halifax, and certain other places, shall be, and the said Act, and every matter, clause and thing, therein contained, is hereby rendered perpetual.

Act 2, Wm. IV, c. 36, made perpetual

## CAP. XLII.

**An Act to amend the Act for appointing Supervisors to take charge of Public Grounds, and for other purposes.**

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

**WHEREAS**, no provision is made by the Act, passed in the last Session of the General Assembly, entitled, An Act for appointing Supervisors to take charge of Public Grounds, and for other purposes, for the payment of the Costs of any Appeal from the order of the said Supervisors:

Preamble

**I.** Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That, in case of any Appeal made from the order of such Supervisors, under the Seventh Clause of the said Act, if Judgment on such Appeal shall be given for the confirmation of such Order, and against the Appellant, then all the Costs of such Appeal shall be borne and paid by the party or parties prosecuting such Appeal, and shall, having been duly taxed and allowed by the first Justice of the Court, if in the Court of General Sessions, or if in the Supreme Court by one of the Justices thereof, be recovered by Warrant of Distress, Execution or Attachment, as the Court may determine.

Costs of Appeal as against Appellant

**And whereas**, The want of provision being made for the payment of Costs, in case of the determination of such Appeal against their Order, the said Supervisors are frequently deterred from proceeding under the provisions of the said Act.

Preamble

**II.** Be it therefore enacted, That where any Order of the said Supervisors shall upon Appeal be reversed, the Costs of such Appeal, as well as all other Costs, Charges and Expenses, attendant upon the Order of the said Supervisors, shall be borne and paid in the first instance by the said Supervisors, who shall be entitled to receive the same, together with their own charges, to be allowed by the Court of Sessions, from the Funds of the County or District wherein such Supervisors may be appointed, and the amount thereof shall be assessed, levied and collected, together with other Monies required by Law to be assessed upon such County or District, and in the same manner, and by the same means, as such other Monies are directed to be, and shall be, assessed, levied, collected and paid.

Costs where order of Supervisors reversed on Appeal

## CAP. XLIII.

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

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

Act 10, Gen.  
IV. c. 40. con-  
tinued

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

## CAP. XLIV.

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

[PASSED THE 19th DAY OF FEBRUARY, 1835.]

Landing Places  
in King's  
County placed  
under care of  
Justices of  
Peace

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, the Public Harbour on the Bay Shore, known by the name of Hall's Harbour, and the Wharf thereon, built in the Township of Cornwallis, in the County of King's County, and also, the Public Landing Places on the Wellington Aboiteau, so called, shall be under the charge, care and custody, of the Justices of the Peace for the said County; and it shall and may be lawful for the said Justices, from time to time, at any General Sessions of the Peace for the said County, to make such orders, rules and regulations, as shall appear to them to be expedient and necessary for the due ordering and keeping of the said Wharves, Public Harbours and Landing Places, in the said County of King's County, and the same, from time to time, to change, alter and vary, and to impose any fine or penalty, not exceeding Three Pounds, for the breach of any or either of the said orders, rules and regulations, to be made as aforesaid; and also, to appoint such and so many fit and proper persons as Harbour Masters in the said County, as such Justices shall deem requisite, who shall have the care, charge and control, of and over such of the said Wharves, Public Harbours and Landing Places, as by the said Justices shall be directed, and shall enforce and carry into effect the rules, orders and regulations of the said Justices, to be made and established as aforesaid; and also, to fix and regulate such compensation as they, the said Harbour Masters, shall respectively receive.

Violation of  
their orders and  
regulations

Wharfage  
charges

**II.** And be it further enacted, That it shall and may be lawful for the said Justices, (if to them it shall seem expedient so to do,) to impose charges of Wharfage on all Ships, Vessels and Goods, that shall make use of, or be landed on, the said Wharves or Public Landing Places in the County aforesaid, and all such charges shall be collected and received by the several Harbour Masters, and be accounted for by them to the Grand Jury and General Sessions of the Peace, and shall be paid and applied under the direction of the said Justices in General Sessions, to the payment of the compensation allowed to the said Harbour Masters respectively, and for the support, repair, upholding and improving, of the several Wharves, Harbours and Landing Places aforesaid.

**III.**

III. *And be it further enacted,* That all such charges for Wharfage, to be established as aforesaid, shall and may be sued for and recovered, by the said Harbour Masters respectively, in the like manner, and by the same means, as if the same were a private debt or debts due to himself, and all Fines and Penalties, which shall or may be imposed for breach of any of the said rules, orders and regulations, shall be recoverable, and shall be recovered by any person who will sue for the same, before any Justices of the Peace for the said County, with Costs of Suit, in the same manner as any debt or debts of the like amount are or may be by Law recoverable, and such Fines and Penalties shall be paid and applied as follows, that is to say:—One half to the said Harbour Master, to be accounted for, and paid and applied, in like manner as the Wharfage, herein before mentioned, is directed to be paid and applied, and the other half to any person who shall sue for the same; to his own use.

Recovery and application of Wharfage charges

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

Continuation of Act

### CAP. XLV.

## An Act to encourage the Manufacture of Chocolate in this Province, by granting a Bounty thereon.

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

**WHEREAS**, the Manufacture of Chocolate has been for many years carried on in this Province, but has recently been greatly injured by the Importation from Foreign Countries, and it is expedient to encourage the same by a Bounty:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That any person or persons who shall carry on the Manufacturing of Chocolate within this Province shall be entitled to receive a Bounty of Four Shillings and Six Pence Sterling for every hundred weight of Cocoa, of Foreign produce, by him or them Manufactured into Chocolate in this Province, from the Thirty-first day of March, in the year of Our Lord One Thousand Eight Hundred and Thirty-five.

Bounty on Manufacture of Chocolate

II. *Provided always, and be it further enacted,* That previous to removing any Foreign Cocoa to the place where the same shall be manufactured as aforesaid, such person or persons shall procure a permit for the removal of the same from the Collector of Impost; *And provided also,* that such person or persons shall make a particular account in writing of the Foreign Cocoa which shall have been used by him or them in the Manufacture of Chocolate, previous to the time of demanding such Bounty, and deliver the same, together with the Permits granted for the removal of the said Cocoa, to the Collector of Impost, and that the person or persons concerned in such Manufacture shall make Oath before such Collector of the truth of such account, and that all the Cocoa in such account has been Manufactured by him or them.

Permit required for removal of Cocoa to place of Manufacture

III. *And be it further enacted,* That as soon as such Account and Permits shall have been rendered to the said Collector, and the said Oath made, the same shall be transmitted to the Board of Revenue, who shall thereupon, by such ways and means as they deem necessary, ascertain the true and just weight of the Foreign Cocoa actually Manufactured as aforesaid, and settle the amount of such Bounty, and grant a Certificate for the same, in the name of the Manufacturer or Manufacturers, which shall entitle him or them to receive at the Treasury the sum specified in such Certificate within three months from the date hereof.

Amount of Bounty, how ascertained

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

Continuation of Act

## CAP. XLVI.

## An Act to divide the County of Cape-Breton and to regulate the Representation thereof.

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

Division of  
County of  
Cape-Breton  
Cape-Breton  
Richmond  
Juste au Corps

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the time this Act shall come into operation, the present County of Cape-Breton shall be divided into three separate and distinct Counties, that is to say:—The County of Cape-Breton, to comprise the present North Eastern District; the County of Richmond, to comprise the present Southern or second District; and the County of Juste au Corps, to comprise the present North Western District.

Representation

**II.** *Provided always, and be it further enacted,* That this Act shall not come into operation, or be of any force or effect, until the dissolution of the present General Assembly, and the calling of a new General Assembly.

**III.** *And be it further enacted,* That, after the dissolution of this General Assembly, it shall and may be lawful for the Governor, Lieutenant-Governor, and Commander in Chief for the time being, to issue Writs for the Election of Members to serve in such new General Assembly, for the said Counties of Cape-Breton, Richmond and Juste au Corps respectively, one Member each, and for the Townships of Arichat and Sydney respectively, one Member each, and no more.

Sheriffs for new  
Counties

**IV.** *And be it further enacted,* That on the last day of the first Michaelmas Term of the Supreme Court at Halifax, which shall occur after this Act shall come into operation, and annually thereafter, in manner and at such time as is required by Law, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief, and Chief-Justice of this Province for the time being, to nominate and appoint one Sheriff for each of the said Counties respectively; *Provided always,* that until such appointment shall be made, the then Sheriff of the County of Cape-Breton, who shall be in office when this Act shall come into operation, shall be and remain, and have and exercise his power and authority of Sheriff, as well in the said County of Cape-Breton, hereby defined and created, as also, in the other two Counties of Richmond and Juste au Corps, in the same manner as theretofore.

Limitation of  
powers of Jus-  
tices, &c.

**V.** *And be it further enacted,* That when and so soon as this Act shall come into operation, the Jurisdiction, Powers and Authority, of each and every Justice of the Peace, within and throughout the several Counties defined and created in and by this Act, and of all Commissioners, Constables and Officers, within such County, shall be limited and confined to the County by this Act established, in and for which such Justice, Commissioner, Constable or Officer, may be respectively appointed.

Power of First  
Justice extend-  
ed over all the  
Counties.

**VI.** *And be it further enacted,* That the present Chief-Justice of the Inferior Court of Common Pleas, and President or First Justice of the Court of Sessions of the Peace for the present County of Cape-Breton, and every future Chief-Justice of the Inferior Court of Common Pleas, and President of the Sessions of the Island of Cape-Breton, shall preside as the first Justice in all and every of the Sittings of the said Inferior Courts of Common Pleas, and General Sessions of the Peace in the several Counties of Cape-Breton, Richmond and Juste au Corps, hereinbefore named.

Act requires  
His Majesty's  
Assent

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

## CAP. XLVII.

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

See 4, Geo. IV. c. 14 and 10, Geo. IV. c. 17

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

**WHEREAS**, Marsh Lands heretofore enclosed and recovered from the Sea, by Dykes erected for enclosing the same, have afterwards, in many instances, been either wholly or partially surrounded and enclosed by new Dykes, built outside of the old Dykes, for reclaiming and enclosing new and other Marsh Lands, more recently recovered from the Sea; *And whereas*, such new Dykes serve to protect and secure the Lands enclosed within the said old Dykes, and it is just and proper that in such case the Proprietors of the Land within such old Dykes should contribute to the support, repair and upholding, of the new Dykes, in proportion to the benefit derived by their Lands therefrom:

Preamble

**I.** *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That henceforth, in every case where any Lands already inclosed by any Dyke or Dykes, shall, by any other Dyke or Dykes already erected or hereafter to be erected outside the same, be enclosed and protected, either wholly or partially, it shall and may be lawful for the Commissioners of Sewers, within whose jurisdiction and authority such Lands may be situate, to call a Meeting of all the Proprietors of the Lands within the whole level contained and enclosed by the outer Dyke or Dykes, giving six days notice of the time and place of such Meeting, and at such Meeting, by the vote of the majority of such Proprietors there present, to be accounted and taken according to their respective shares and rights within the said level, there shall be selected and appointed five fit and discreet persons, being Freeholders, not interested in any Lands within the said level, who shall, upon oath, to be administered by and before any one of His Majesty's Justices of the Peace, enquire and determine what proportion or degree of benefit the old Dyke hath received in any one year, by or from, or in consequence of, the erection of any such new Dyke, and what sum, in consequence of the protection afforded by the new Dyke, the Proprietors of Land within the old Dyke ought annually to contribute and be assessed for in every year, towards the support, maintainance and repairs, of such new or outer Dykes respectively.

Liability of Proprietors of Land within Old Dykes to contribute to support of New or Outer Dykes

**II.** *And be it further enacted,* That the said five persons shall make up and return a report in writing, under the hand or the hands of any three of them, to the Commissioners of Sewers, which report, when returned and made, shall be recorded by the said Commissioners in the Books kept by them, and, upon the Assessment of any Rate or Rates for the support, repair, upholding or maintaining, of such outer Dyke or Dykes, the annual sum or proportion reported and determined upon by the said five persons, or any three of them, as hereinbefore directed, shall be borne, paid and assessed, upon the Lands within any inner Dyke or Dykes, and shall be raised, levied and collected, in the same manner, and by the same means, as other Dyke Rates are by Law directed to be raised, levied and collected.

Assessment for maintainance of outer Dykes

**III.** *Provided always, and be it further enacted,* That if any such outer Dyke or Dykes hereinbefore mentioned, from the exposed situation thereof, or from any other cause, shall be partly or entirely washed away or destroyed, or shall cease to be a protection to the inner Dyke or Dykes in such level, so that such inner Dyke or Dykes may become exposed and liable to the operation and influence of the Sea, then, and in such case, and thenceforth, the Lands within such inner Dyke or Dykes shall not be liable to be assessed, and shall not be assessed, for or in respect of any such annual sum or payment to be reported aforesaid, while and so long as the Lands of the inner Dyke shall receive no protection or defence from the works of any such outer Dyke or Dykes.

Proviso—in case of outer Dykes being washed away

**IV.** *And provided also, and be it further enacted,* That nothing in this Act before contained shall extend, or be construed to extend, to any of the Lands within the level of the Dyke called the Wellington Dyke, in the Township of Cornwallis, for which provision is already made by Law.

Act not to extend to Wellington Dyke

Preamble

*And whereas*, it is expedient and proper to provide for the draining of Lands overflowed ;

Commissioners of Sewers may order drainage of Lands

V. *Be it therefore enacted*, That on application by any Proprietor or Proprietors of Dyked Marsh Lands or Meadow Lands within this Province, made in writing, and signed by such Proprietor or Proprietors, to the Commissioners of Sewers, within whose jurisdiction and authority such Lands may be situate, setting forth that the said Lands are frequently inundated and overflowed with water, whereby the same are rendered wholly or partially unproductive and unprofitable; it shall and may be lawful for the said Commissioners, or any three of them, forthwith to enquire and examine into the merits of said application, and, if it shall appear to them expedient so to do, then, and in every such case, the said Commissioners shall have authority to order and direct the said Lands to be drained, and to remove all obstructions to the free course of the waters therefrom, and to order all proper measures to be taken for rendering such Land profitable and productive, and to call upon and require the Proprietors of such Lands to perform such proportion of the labour necessary and requisite for the purposes aforesaid, as the Commissioners may deem proper and just, to be by him or them performed, and to tax all Lands benefitted by such drainage, and the Proprietors or occupants thereof, for the expenses which may be thereby incurred, in proportion to the benefit respectively to be received by such Lands respectively from such drainage, and by a fair and just rate, according to the quantity and quality of Lands owned by them respectively, and to cause such rate to be Assessed, Levied, Collected, Raised and Paid, by such proprietors, applying or benefitted as aforesaid, in the same manner as other Dyke Rates.

Preamble

*And whereas*, doubts have been expressed whether any Clerk of the Commissioners of Sewers can legally be appointed or act as Collectors, and also, as to the competency of the Clerk or Collectors to be respectively witnesses in any Suit touching the Collection of any Dyke Rates, or brought in consequence of any proceedings thereon, if such Collectors or Clerk be Proprietors of any of the Lands rated by the Assessment, for or in respect whereof any such suit shall be brought, and it is expedient to remove such doubts :

Same person may be Clerk and Collector

VI. *Be it therefore enacted*, That it shall and may be lawful for the Commissioners of Sewers to appoint one and the same person to be and act both as Collector and Clerk.

When Clerk or Collector may be a Witness

VII. *And be it further enacted*, That in any cause or proceeding in any Court within this Province, or before any Justice or Justices of the Peace, wherein it shall or may be necessary to examine any Clerk or Collector as a Witness, it shall and may be lawful for such Clerk or Collector to be examined as a Witness, to prove any fact or facts arising from, or connected with, the execution of the duties of such Clerk or Collector, notwithstanding such Clerk or Collector may be a Proprietor, or interested of and in the Lands included in any such Assessment, touching which, or any Rate thereon, or any proceeding taken for enforcing the same, any Suit or question he depending; *Provided*, that no such Clerk or Collector shall be a Witness in any matter touching the Taxes upon their own Lands or themselves respectively.

Commissioners of Sewers may order Survey of Dyke—Proprietors to shew boundaries

VIII. *And be it further enacted*, That wherever the Commissioners of Sewers, for the purpose of Rating or Assessing the Lands enclosed by any Dyke, or within any level in their jurisdiction, shall deem it necessary to have a plan made thereof, with an account or specification of the limits and extent of the several lots of Land within the said Dyke or level, and the names of the several Proprietors and Occupants thereof respectively, it shall and may be lawful for the said Commissioners to make an order for the survey of such Lands as they may deem necessary to be surveyed, and for making a proper and complete plan and return thereof with a specification as aforesaid of the limits of each lot, and the names of the Owners and Occupants thereof respectively, and for this purpose the said Commissioners shall also have full power and authority to appoint a proper Surveyor or Person to perform the duties aforesaid, and to make all necessary enquiries for executing the same, and the said Commissioners shall and may order all expenses attending the Survey, plan and returns aforesaid, to be Assessed on the Dyke or level surveyed, in like manner as other charges, and all persons holding or occupying Lands within the same are hereby required, on request therefor made by the surveyor, to point out and shew to the surveyor or person employed the limits and boundaries of their respective lots,

lots, or otherwise they shall be bound by the survey and plan, made and returned as aforesaid.

IX. *And be it further enacted,* That no Commissioner of Sewers shall, under any pre-  
 tence, be appointed to, or hold the Office of, Clerk or Collector to said Commissioners  
 of Sewers.

No Commis-  
 sioner to be  
 Clerk or Col-  
 lector

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

Continuation of  
 Act

CAP. XLVIII.

An Act relating to certain Roads in the Upper District of the  
 County of Sydney.

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

**WHEREAS**, certain parts of the Old Road leading from the Village of Dorchester to  
 Donald Ogg Chisholm's, in the Township of Antigonishe, in the Upper District of  
 the County of Sydney, in consequence of certain alterations thereof, running on a line  
 nearly parallel thereto, and duly established by law, will be rendered useless and un-  
 necessary, and the keeping open such parts of the said Old Road is attended with much  
 inconvenience and expense to the several Proprietors of Land adjoining, or through  
 which the same runs; *And whereas*, by the return of the Jury, who laid out and estab-  
 lished the said alterations, it is ordered and appointed, that, on the said alterations be-  
 ing completed, the said Old Road should be shut up:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That  
 from and after the passing of this Act, it shall and may be lawful for the several Proprie-  
 tors adjoining, or through whose Land the Old Road leading from the Village of Dor-  
 chester, commencing at the west side line of Doctor Alexander McDonald's Farm Lot,  
 to Donald Ogg Chisholm's, in the Township of Antigonishe, in the Upper District of  
 the County of Sydney, doth pass, from time to time as the case may admit, to shut up,  
 enclose and occupy, the said Old Road; *Provided*, the new line or alteration in the pre-  
 amble hereof mentioned, shall have been duly made and opened opposite thereto, for the  
 use of the Public.

Proprietors of  
 Land adjoining  
 Old Road al-  
 lowed to en-  
 close it)

II. *And be it further enacted,* That where the Lands on the two sides of the said  
 Old Road shall be respectively owned by different Proprietors, then, and in every such  
 case, the line of division shall be along the centre of the said Old Road, as near as may  
 be.

Lands on the  
 two sides of  
 old road own-  
 ed by different  
 Proprietors

III. *Provided always, and be it further enacted,* That nothing herein contained shall  
 extend, or be construed to extend, to give any person or persons power or authority to  
 shut up or in any way or manner obstruct or injure the way or Road now in use, from  
 the place now or formerly called Pyzant's Point or Landing, to the said Old Road.

Proviso

IV. *And be it further enacted,* That the said way or Road leading from Pyzant's  
 Point aforesaid to the said Old Road, shall and may be extended from the said Old Road  
 to the said new line or alteration, in such direction as may be by the Commissioners of  
 Streets for the Village of Dorchester judged to be of most convenience to the Public,  
 and least prejudicial to the Owner or Owners of the Land through which the same shall  
 or may be run, and that the same, from the said new line or alteration to the waters of  
 the Harbour of Antigonishe, at Pyzant's Point aforesaid, and also, the way or Road  
 called the "*Tow Path*," from thence to its intersection or junction with the Road run-  
 ning from Harrington's Mills to the Canoe Landing, shall hereafter be deemed and  
 taken for all purposes whatsoever as a Main Road and Public Highway, and as such be  
 opened and used for all purposes whatsoever.

Road from Py-  
 zant's Point to  
 old road ex-  
 tended to new  
 line of road

V. *And be it further enacted,* That the Road leading from the Village of Dorchester  
 towards the Town Point, as far as to where the same is or may be intersected by the  
 said

Road under  
 jurisdiction of  
 Commissioners  
 of Streets for  
 said  
 Dorchester

said way or road, to lead therefrom to Pyzant's Point or Landing as aforesaid, and also the said last mentioned way or road; and also, the said way or road called the "*Tow Path*," and the road in connexion with, and in continuation thereof, to Harrington's Mills aforesaid, shall hereafter be included in, and form part of, the jurisdiction of the said Commissioners of Streets for the said Village of Dorchester the same as if the said roads or ways had been particularly mentioned in the Law which authorised the appointment of the said Commissioners.

## CAP. XLIX

## An Act to extend to Bridgetown and Digby certain Acts relating to Fire-Wards.

[PASSED THE 19th DAY OF FEBRUARY, 1835.]

Acts 2, Geo. III, c. 5. 52, Geo. III, c. 13, extended to Bridgetown & Digby  
See also 22, Geo. III, c. 4. 23, Geo. III, c. 6. 28, Geo. III, c. 8. 30, Geo. III, c. 1. 31. Geo. III, c. 8. 58, Geo. III, c. 33. 60, Geo. III, c. 7, for Acts amending the above

Engines, Hose, Fire Buckets, &c. may be provided

Expense of Engines, &c. defrayed by assessment

Limits of Bridgetown & Digby

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly; That the Act, passed in the Second Year of the Reign of His late Majesty King George the Third, entitled, An Act for appointing Fire-Wards, ascertaining their duty, and for punishing thefts and disorders at the time of Fire; also, the Act passed in the Fifty-second Year of the Reign of His said late Majesty King George the Third, in addition to the said Act, and all the several Acts which have been made since the passing of the said Acts, in addition to, and in amendment of, the said Acts, or of either of them, shall be, and the said Acts respectively, and every matter, clause and thing, in the said several Acts contained, are hereby extended to the Town of Bridgetown, and the Town of Digby, in the County of Annapolis, in the same manner as if the said places had been respectively named in the said Acts.

**II.** And be it further enacted, That from and after the passing of this Act it shall and may be lawful for the Justices of the Peace, in and for the County of Annapolis, at any General Sessions of the Peace, to be hereafter held for the said County, to appoint and assess such sum or sums of Money as may be necessary and adequate for providing, procuring and purchasing, for the use and benefit of the Inhabitants of the Town of Bridgetown, and Town of Digby, and keeping in good, proper and sufficient repair, a Fire Engine for each of the said places, of such quality and description, as may be approved of by the said Justices, together with such quantities of Hose, Fire-Buckets, and other things necessarily appurtenant to the said Engine, as to the said Justices may seem proper.

**III.** And be it further enacted, That all or any Monies, so presented and assessed, shall be assessed, levied, collected and raised, in such proportion and at such times as the said Justices in Session as aforesaid, shall and may from time to time limit, direct and appoint, from and upon such of the Inhabitants of the Town of Bridgetown, as are or may be resident within the bounds and limits hereinafter prescribed for the Town of Bridgetown, for the purchase of a fire Engine for the use of the same Inhabitants, and from and upon such of the Inhabitants of the Town of Digby as are or may be resident within the bounds and limits of the Town Plot of Digby, for the Fire Engine, for the use of the last mentioned Inhabitants, and such Monies shall be paid to the Firewards of the said Town of Bridgetown and town of Digby respectively, to be by them applied for the purposes of this Act.

**IV.** And be it further enacted, That the extent of the Town of Bridgetown, for all the purposes of this Act, and the jurisdiction, powers and authorities, of the said Firewards, shall be confined and restricted to the bounds and limits following, that is to say: To all Roads, Streets and Places, whatsoever, which are or may be comprehended within a circuit of half a mile from the Academy or School House in Bridgetown, and extending in every direction.

## CAP. L.

**An Act to continue an Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce and Fisheries thereof, and in further addition to, and amendment of, the said Act.**

Continues and amends 4Wm IV, c. 1

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act of the General Assembly of this Province, passed in the Fourth Year of the reign of His present Majesty King William the Fourth, entitled, An Act for granting Colonial Duties of Impost, for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce and Fisheries thereof, which Act will continue in operation until the Thirty-first day of March, in the Year of Our Lord One Thousand Eight Hundred and Thirty-five; and also, every clause, matter and thing, in the said Act contained, except so far as the same is altered or amended by this present Act, shall remain thenceforth in operation, and be further continued, until the Thirty-first day of March, which will be in the Year of Our Lord One Thousand Eight Hundred Thirty-six, and no longer.

Act continued except so far as altered by this Act.

II. *And be it further enacted*, That, from and after the Thirty-first day of March, in the Year of Our Lord One Thousand Eight Hundred and Thirty-five, and during the continuance of this Act, and until the said Thirty-first day of March, in the Year of Our Lord One Thousand Eight Hundred and Thirty-six, the following Goods, Wares and Merchandize, being of the manufacture or production of the United Kingdom, or of any of the British Possessions in America, and imported or brought into this Province by Sea or Inland Carriage or Navigation, or entered from the Warehouse for Home use, after the day last mentioned, that is to say, Anchors and Grapnels, Cables of Hemp or other vegetable substances, Cables of Iron, Copper in Plates, Sheets, Bars or Bolts, for Ship Building, Cordage tarred and untarred, Oakum and Sail Cloth of all kinds, Canvass included, which said enumerated Articles are by the said Act made chargeable with a duty of Two Pounds and Ten Shillings, for every Hundred Pounds of the value thereof, shall respectively be free and exempt from the said duty.

Articles exempted from Duty

III. *And be it further enacted*, That, from and after the said Thirty-first day of March, in the Year of Our Lord One Thousand Eight Hundred and Thirty-five, and during the continuance of this Act, there shall be raised, levied, collected and paid, unto His Majesty for the use of this Province, and the support of the Government thereof, and other public uses within the same, for and upon the following Goods, Wares and Merchandize, imported or brought into this Province, by Sea or Inland Navigation or Carriage, or entered for home use, after the day last mentioned, or manufactured in this Province, the several and respective Impost Duties, Rates and Impositions, hereinafter mentioned, that is to say :

Additional Duties upon Liquors

Upon Spirits,—that is to say, on Brandy, Gin, or other Spirituous Liquors, (save and except Rum or Spirits distilled from Molasses, Grain or Fruit) which shall be, by any way or method whatsoever manufactured, compounded, extracted, distilled or made in this Province, the sum of three pence Sterling the gallon, in addition to the duty of one shilling and one penny Sterling, now charged thereon.

On Rum or Spirits distilled in this Province, from Molasses, Grain or Fruit, the sum of three pence Sterling the gallon, in addition to the duty of six pence Sterling now chargeable thereon.

On Spirits and Whiskey, the manufacture of the United Kingdom, the sum of three pence Sterling the gallon, in addition to the duty of one shilling and one penny Sterling the gallon, now chargeable thereon.

On Brandy, Geneva, Whiskey, Cordials and other Spirits, except Rum, the sum

Nnnn

of

of three pence Sterling the gallon, in addition to the duty of one shilling and one penny Sterling chargeable thereon if of British produce, or two shillings and one penny Sterling, chargeable thereon, if of Foreign produce, including the Imperial duty.

On Rum, the sum of three pence Sterling the gallon, in addition to the duty of one shilling Sterling, chargeable thereon, if of British produce, or of one shilling and six pence Sterling, chargeable thereon, if of Foreign produce, including the Imperial duty.

On Wines, the sum of three pence Sterling the gallon, in addition to the several duties on the different kinds of Wine in the Table to the said Act annexed specified respectively charged thereon.

All which said additional duties hereby imposed shall be collected, raised, levied, paid, recovered and enforced, by the same ways and means, and under the same penalties, and drawbacks thereof shall be allowed in the same manner and under the same regulations, as are, or from time to time shall be, in force or applicable to the Duties charged on Spirits and Wines, in and by the said Act herein before continued, and all the enactments and regulations of the several Acts made or to be made, concerning the Colonial Revenue, shall attach to all Spirits and Wines hereby charged with additional Duties as aforesaid, and to the said Duties, so far as the said Acts may be applicable to the said Spirits, Wines or Duties respectively.

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CAP. LI.

Amends 57  
Gen. S. c. 1

**An Act in amendment of an Act, made and passed in the Fifty-seventh Year of the Reign of His Majesty King George the Third, entitled, An Act for the more effectual relief of Insolvent Debtors.**

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

Preamble

**WHEREAS**, in and by the Fifth Section of the Act, made and passed in the Fifty-seventh Year of His Majesty King George the Third, entitled, An Act for the more effectual relief of Insolvent Debtors, it is provided that nothing in that Act contained shall extend, or be construed to extend, to the relief of Persons Imprisoned for Debts contracted with Merchants residing in the United Kingdom of Great-Britain and Ireland; *And whereas*, it is found by experience that the withholding the benefit of the Acts for the relief of Insolvent Debtors from Persons Imprisoned for Debts due to Merchants residing in the United Kingdom, is frequently productive of great hardship to many honest but unfortunate Debtors, who have been rendered unable to discharge their Debts, by the fluctuations and misfortunes to which those engaged in Trade are liable; *And whereas*, such exclusion, far from producing any benefit to the Creditors in the United Kingdom, is injurious to all the Creditors of such Debtors, wherever they may reside, as it discourages such Debtors from making the equitable arrangements of their Property for the benefit of all their Creditors, which the Acts for the relief of Insolvent Debtors prescribe, as after making such arrangements they cannot procure their enlargement, and they therefore retain their Property for their support in Gaol, and it is therefore expedient to place the Creditors in Great-Britain, and those in the Colonies, upon an equal footing:

Insolvent Acts  
extended to  
Debts due to  
persons in  
Great Britain,  
&c

**I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That the benefit of all the Acts, made for the relief of Insolvent Debtors, shall be extended to all persons imprisoned for Debts notwithstanding such persons may be imprisoned for Debts contracted with Merchants residing in the United Kingdom of Great-Britain and Ireland; any thing in the Proviso to the fifth clause of the said Act, to the contrary thereof notwithstanding.**

CAP.

## CAP. LII.

**An Act to discontinue one Sitting of the Supreme Court in each Year, in the Upper and Lower Districts of the County of Sydney, and for altering the Sittings of the said Court in the said County, and in the County of Cape-Breton.**

Amends 4,  
Wm, IV, c. 4

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

**WHEREAS**, one Sitting of the Supreme Court in each Year is deemed sufficient for each of the several Districts of the County of Sydney; *And whereas*, the times of holding the said Court, in the said Districts and in the County of Cape-Breton, as at present established, have been found inconvenient:

Preamble

**I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly**, That hereafter the sittings of the Supreme Court at Dorchester, in the Upper District of the County of Sydney, on the last Tuesday of May, and at Guysborough in the Lower District of the said County of Sydney, on the first Tuesday of June, as heretofore appointed by Law, be, and the same are hereby discontinued.

Spring Sittings  
of Supreme  
Court in Coun-  
ty of Sydney  
discontinued

**II. And be it further enacted**, That in future the said Supreme Court shall commence to be held at Sydney, in the County of Cape-Breton, on the first Tuesday of September; at Arichat, in the said County, on the second Tuesday of September; at Port Hood, in the said County, on the third Tuesday of September; at Gysborough, in the Lower District of the County of Sydney, on the fourth Tuesday of September; and at Dorchester, in the Upper District of the said County of Sydney, on the Tuesday next after the fourth Tuesday of September, in each year.

Times of hold-  
ing Supreme  
Court  
In Sydney  
In Port Hood  
In Guysboro'  
In Dorchester

**III. And be it further enacted**, That all Writs, Process, Recognizances and Complaints, which now are, or hereafter shall be made, returnable to the Supreme Court, at its next sittings in the said Counties of Cape-Breton and Sydney, shall be returned on the days herein appointed for the sittings of the said Court, at the said several places respectively herein before mentioned, and all parties and persons whosoever, who are bound or summoned, or who ought to appear at the said Courts, or any of them, at the next sittings thereof, at any of the places aforesaid, shall be held and obliged to appear at such Court at the days and times on which such sittings respectively are hereby directed to be held.

Return of  
Writs, &c

## CAP. LIII.

**An Act to explain and amend the Act concerning Rates and Assessments, on certain Dyked Marsh Lands, in Cornwallis.**

Amends 2d  
Wm. IV, c. 7

(PASSED THE 19th DAY OF FEBRUARY, 1835.)

**WHEREAS**, in and by the Third Clause or Section of the Act, passed in the Second Year of His present Majesty's Reign, entitled, An Act concerning Rates and Assessments on certain Dyked Marsh Lands in Cornwallis, it is provided that no Dyke Rate shall be made or ordered upon the whole level within the Wellington Dyke, in Cornwallis, aforesaid, for any greater sum than five shillings on each assized acre, within any one Year, and by subsequent Clauses it was provided, that all further charges and expenses over and above what such Assessment of five shillings per acre might suffice to pay, should be borne by the Lands between the Wellington Dyke and Grand Dyke only; *And whereas*, it may happen that a breach or defect in the said Wellington Dyke may be such as may not be repaired within one Year; *And whereas*, doubts may arise whether the said first mentioned Clause would not render the Proprietors of Land within

Preamble

within the level of the several Dykes, called the Grand Dyke, Union Dyke, Middle Dyke and Upper Dyke, liable to pay a greater or larger Rate than five shillings for each and every assized Acre, for the repairs of any one breach or defect, if the said repairs should not be completed in one Year, or if the Rate for such repairs were made in several Years :

*And whereas*, since the said Act was passed, a Leak or Crevice near the Sluice of the Wellington Aboiteau has been discovered, and fears are entertained that the said Leak will be enlarged, and that the yearly expense already incurred, or to be incurred, in respect thereof, will collectively exceed the Rate of five shillings per assized Acre, as aforesaid, and might be levied and rated under the said Act in different Years, as aforesaid, for or towards the expenses already incurred or hereafter to be incurred in respect of the Leak or Crevice aforesaid, or for stopping and closing the same, or otherwise for or towards the repairs of any other one particular breach or defect in the said Aboiteau.

Liability of  
Proprietors of  
Dykes limited

*I. Be it therefore declared and enacted, by the Lieutenant-Governor, Council and Assembly*, That the said Third Clause or Section of the said Act shall not extend, or be construed to extend, to render any Proprietor or Proprietors of Land within the said Grand Dyke, Union Dyke, Middle or Upper Dyke, liable to pay, or subject to the payment of, any Rate greater than Five Shillings upon each and every assized Acre, above or within the said Dykes respectively, for or towards the expenses already incurred or hereafter to be incurred, in respect of the Leak or Crevice aforesaid, or for stopping and closing the same, or otherwise for or towards the repairs of any other one particular breach or defect in the said Aboiteau, or the running Dykes thereof, or in or about any part or parts of the same respectively, which shall have already occurred, or hereafter shall happen or be found therein, although such necessary repairs shall be made in different years.

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And forasmuch as a Rate has already been made on the whole level above the Wellington Dyke, including the Grand Dyke, Middle Dyke, Upper and Union Dykes, for the sum of four shillings and four-pence upon each assized acre, in which rate are included certain charges incurred for repairing and closing the Leak aforesaid, near the Sluice of the Wellington Aboiteau :

Future Rates  
in regard to  
leak limited

*II. Be it therefore enacted*, That no further or greater sum of money than eight pence for each assized Acre shall hereafter be rated or assessed on any part of the said level (other than the Lands comprehended within the said Wellington Dyke) for and in respect of any charges or expenses, incurred or to be incurred, in respect of the Leak aforesaid, and the repairs thereby rendered necessary.

## LIST OF ACTS EXPIRED.

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1827.	S.	Geo. 4.	c.	3.	Drawback of Refined Sugars.
			c.	4.	Impost Duties.
			c.	5.	Excise Duties.
			c.	6.	Frauds on Provincial Revenue.
			c.	7.	Foreign Duties.
			c.	8.	Summary Trial of Actions.
			c.	9.	Aliens.
			c.	10.	Halifax Night Watch.
			c.	11.	Wills, Legacies and Executors.
			c.	12.	Cranberry Island Light-House.
			c.	13.	Bridewell.
			c.	14.	Wilderness Lands Onslow.
			c.	15.	Liverpool Light-House.
			c.	16.	Commissioners' Court, Halifax.
			c.	19.	Militia.
			c.	21.	Trespasses.
			c.	22.	Billeting Troops, &c.
			c.	25.	License Duties.
1828.	9.	Geo. 4.	c.	2.	Schools.
			c.	10.	Summary Trial of Actions.
			c.	15.	Passengers.
			c.	17.	License Duties.
			c.	18.	Impost Duties.
			c.	19.	Wills, Legacies and Executors.
			c.	21.	Bridewell.
			c.	22.	Cranberry Island Light-House.
			c.	23.	Commissioner's Court, Halifax.
			c.	24.	Liverpool Light-House.
			c.	25.	Aliens.
			c.	29.	Foreign Duties.
			c.	30.	Drawback Refined Sugars
			c.	31.	Frauds Provincial Revenue.
			c.	32.	Halifax Night Watch.
			c.	33.	Billeting Troops, &c.
			c.	35.	Excise Duties.
1829.	10.	Geo. 4.	c.	3.	Foreign Duties.
			c.	4.	Impost Duties.
			c.	5.	Excise Duties.
			c.	6.	Frauds Provincial Revenue.
			c.	7.	Drawback Refined Sugars.
			c.	8.	Inferior Courts, Cape-Breton.
			c.	12.	Cranberry Island Light-House.
			c.	13.	Aliens.
			c.	14.	Commissioners' Court, Halifax.
			c.	15.	Trespasses.
			c.	16.	Summary Trial of Actions.
			c.	18.	Billeting Troops, &c.
			c.	19.	Restraining Writs of Attachment.
			c.	20.	Halifax Night Watch.
			c.	21.	Wills, Legacies and Executors.
			c.	23.	Liverpool Light-House.
			c.	25.	Encouragement of Fisheries.
			c.	34.	License Duties.
			c.	39.	Militia.

II.

1830.	11. Geo.	4.	c.	12.	Cranberry Island Light-House.
			c.	13.	Militia.
			c.	14.	Nuisances in Rivers.
			c.	15.	Wills, Legacies and Executors.
			c.	16.	Halifax Night Watch.
			c.	17.	Billetting Troops, &c.
			c.	18.	Summary Trial of Actions.
			c.	19.	Trespases.
			c.	20.	Inferior Courts, Cape-Breton.
			c.	21.	Aliens.
			c.	22.	Liverpool Light-House.
			c.	23.	Drawback Refined Sugars.
			c.	24.	Frauds on Provincial Revenue.
			c.	25.	Excise Duties.
			c.	26.	License Duties.
			c.	27.	Foreign Duties.
			c.	28.	Commissioners' Court, Halifax.
1830-31.	I. Wm.	4.	c.	2.	Impost Duties.
			c.	8.	License Duties.
			c.	11.	Additional License Duties.
			c.	13.	Excise Duties.
			c.	14.	Frauds Provincial Revenue.
			c.	21.	Foreign Duties.
			c.	22.	Drawback Refined Sugars.
1832.	2. Wm.	4.	c.	4.	Foreign Duties.
			c.	8.	Impost Duties.
			c.	10.	Excise Duties.
			c.	11.	Drawback Refined Sugar.
			c.	12.	Frauds Provincial Revenue.
			c.	16.	License Duties on Ships.
			c.	17.	License Duties.
			c.	20.	Billetting Troops, &c.
			c.	21.	Terms Supreme Court Halifax.
			c.	22.	Inferior Court Cape-Breton.
			c.	24.	Weighing of Beef.
			c.	25.	Nuisances in Rivers.
			c.	27.	Sydney Pilotage.
			c.	29.	Town Officers.
			c.	37.	Summary Trial of Actions.
			c.	39.	Commissioners Court Halifax.
			c.	40.	Expenditure Monies Roads and Bridges.
			c.	43.	Militia.
			c.	53.	Reducing Expenses of Suits at Law.
			c.	60.	Wills, Legacies and Executors.
			c.	63.	Amendment, Wills, Legacies and Executors.
1833.	3d. Wm.	4.	c.	2.	Annapolis Academy.
			c.	8.	Foreign Duties.
			c.	10.	Summary Trial of Actions.
			c.	11.	Halifax Night Watch.
			c.	14.	Amendment, Wills, Legacies and Executors.
			c.	16.	Impost Duties.
			c.	17.	Excise Duties.
			c.	18.	License Duties.
			c.	20.	Drawback Refined Sugars.
			c.	21.	Frauds on Provincial Revenue.
			c.	22.	Terms Supreme Court Halifax.

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1833.	3d Wm. 4.	c.	23.	Bridewell.
		c.	24.	Inferior Court, Cape-Breton.
		c.	25.	Extending Laws of Nova-Scotia to Cape-Breton.
		c.	27.	Inferior Courts.
		c.	28.	Expenditure Monies Roads and Bridges.
		c.	29.	Halifax Pilotage.
		c.	30.	Town Officers.
		c.	31.	Wills, Legacies and Executors.
		c.	35.	Aliens.
		c.	36.	Trespases.
		c.	54.	Militia.
		c.	55.	Billeting Troops, &c.
		c.	57.	Commissioners' Court, Halifax.
		c.	66.	Bounty Manufactured Tobacco.
1834.	4. Wm. 4.	c.	10.	Drawback Refined Sugars.

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1827.	8. Geo. 4.	c.	1.	Appropriation.
1828.	9. Geo. 4.	c.	1.	Appropriation.
		c.	7.	Encouragement of Fisheries.
1829.	10. Geo. 4.	c.	1.	Appropriation
		c.	22.	Relief of Smith Roberts Harding.
		c.	35.	Amendment of equal Administration of Justice.
1830-31.	1. Wm. 4.	c.	1.	Appropriation.
		c.	3.	Appropriation.
		c.	23.	Commissioners Wellington Dyke.
1832.	2. Wm. 4.	c.	1.	Appropriation.
		c.	47.	Relief Daniel Hoard.
1833.	3. Wm. 4.	c.	1.	Appropriation.
1834.	4. Wm. 4.	c.	11.	Appropriation.
		c.	58.	Relief Robert and William Hill.
		c.	59.	Relief James Thompson.
		c.	60.	Relief James Beach.
1834-35.	5. Wm. 4.	c.	1.	Term of Supreme Court Halifax.
		c.	10.	Relief of Benjamin Donaldson.
		c.	14.	Relief of Henry Lockyer.

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ACTS REPEALED.	BY WHAT ACTS.
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5, Geo. 3, c. 6.	5, Wm. 4, c. 13.
8 & 9, Geo. 3, c. 6.	
9 & 10, Geo. 3, c. 1.	
25, Geo. 3, c. 1, S. 3.	S, Geo. 4, c. 33.
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36, Geo. 3, c. 8.	Assize of Bread (partly repealed)	5, Wm. 4, c. 6.
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50, Geo. 3, c. 9.	Brier Island Light-House	4, Wm. 4, c. 25.
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56, Geo. 3, c. 13.	Commissioners of Light-Houses	4, Wm. 4, c. 25.
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6, Geo. 4, c. 26.	Cranberry Island Light-House	4, Wm. 4, c. 26.
6, Geo. 4, c. 31.	Inferior Court Cape-Breton	5, Wm. 4, c. 15.
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9, Geo. 4, c. 28. }		
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AN  
**I N D E X**  
TO  
THE FOURTH VOLUME  
OF  
**THE STATUTES OF NOVA-SCOTIA.**

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