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ACTS

OF

THE GENERAL ASSEMBLY

OF THE

PROVINCE OF NOVA-SCOTIA.

1848.

HALIFAX:

PRINTED BY J. H. CROSSKILL,

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TABLE
OF
ACTS OF THE GENERAL ASSEMBLY
OF THE
PROVINCE OF NOVA-SCOTIA.

ANNO UNDECIMO VICTORIÆ REGINÆ.

1848.

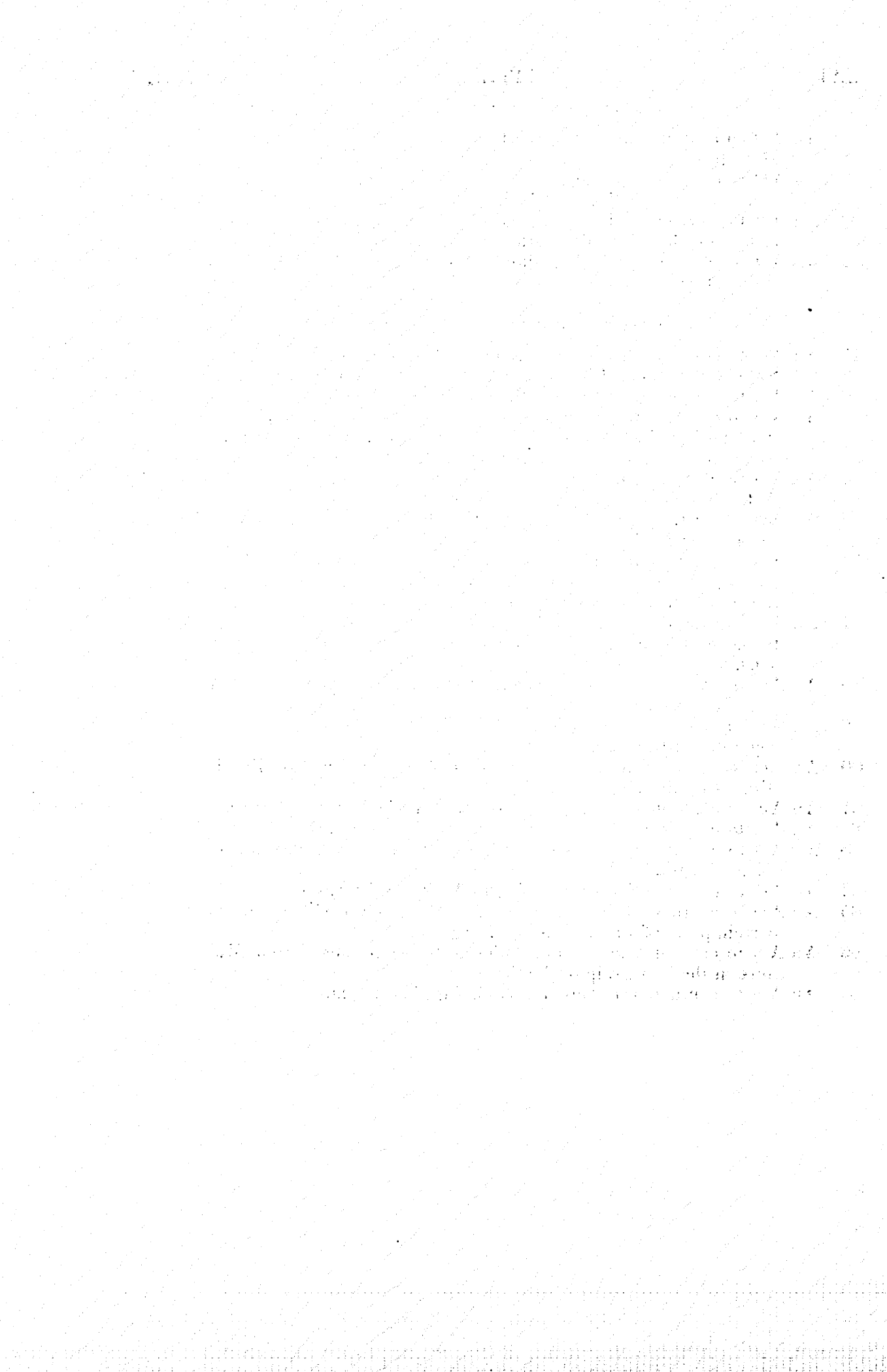
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AT the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on Saturday, the Twenty-second day of January, 1848, in the Eleventh Year of the Reign of Our Sovereign Lady VICTORIA, by the Grace of God, of the United Kingdom of Great Britain and Ireland, QUEEN, Defender of the Faith, &c. &c. &c., being the First Session of the Nineteenth General Assembly convened in the said Province.*

* In the time of Sir JOHN HARVEY, Lieutenant-Governor; Simon Bradstreet Robie, President of the Legislative Council; William Young, Speaker of the Assembly; Joseph Howe, Provincial Secretary; and John Whidden, Clerk of Assembly.

CAP. I.

An Act in relation to the Trade between the British North American Possessions.

(Passed the 30th day of March, 1848.)

WHEREAS, it is desirable that the Trade between the British North American Provinces of Canada, New Brunswick, Prince Edward Island, and Newfoundland, and Nova-Scotia, should be conducted in the most free and unrestricted manner: Preamble.

I. Be it enacted, by the Lieutenant-Governor, Council, and Assembly, That whenever, from time to time, the importation into any other of the British North American Provinces hereinbefore mentioned, of all articles the growth, production, or manufacture, of this Province, (excepting Spirituous Liquors), shall by Law be permitted free from Duty; the Governor, with the advice of the Executive Council, shall forthwith cause a Proclamation to be inserted in the Royal Gazette, fixing a short day thereafter on which the Duty on all articles, (excepting Spirituous Liquors), being the growth, production, or manufacture, of any such Province into which the importation of all articles the growth, production, or manufacture, of this Province, (excepting Spirituous Liquors), shall be so permitted free from Duty, shall cease and determine; and from and after the day so limited and appointed, all such articles, the growth, produce, or manufacture, of any such Province in such Proclamation to be named, (excepting Spirituous Liquors), shall be admitted into this Province Duty Free, upon such proof of origin and character as may from time to time be required in and by any order of the Governor in Council.

Productions and Manufactures of B. N. A. Provinces admitting Nova-Scotian Productions and Manufactures Free of Duty, to be admitted Duty Free.

II. And be it enacted, That this Act shall continue and be in force until the First day of April, which will be in the Year of Our Lord One Thousand Eight Hundred and Forty-nine, and no longer. Duration of Act.

CAP.

NOTE.—SIMON BRADSTREET ROBIE having, during the Session, resigned his seat as President of the Legislative Council, MICHAEL TOBIN was appointed President, provisionally.

CAP. II.

An Act to provide for the Collection of the Revenue.

(Passed the 30th day of March, 1848.)

Preamble.

WHEREAS, in consequence of the passage of the Act of the Imperial Parliament, made in the Ninth and Tenth Years of Her Majesty's Reign, entitled, An Act to enable the Legislatures of certain British Possessions to reduce or repeal certain Duties of Customs, and the Acts of the General Assembly of this Province, passed on the same subject, it has become necessary to provide for the due execution of the services with which the Officers under the Board of Customs have hitherto been charged in this Province :

Employment of Officers of Customs Department as Collectors of Impost and Excise, or Warehouse Keepers.

I. Be it enacted, by the Lieutenant-Governor, Council, and Assembly, That it shall be lawful for the Governor in Council, at any time between the present and the next Session of the General Assembly, to appoint such and so many of the Comptrollers of Customs, or of the other Officers employed and to be employed in the Customs Department, or such other persons as he shall think fit, to be Collectors of Impost and Excise, or Warehouse Keepers, throughout the Province, during pleasure, and to conduct a negotiation and correspondence, and to enter into such stipulations and agreements with Her Majesty's Government as shall appear to be expedient, for the employment and remuneration of, and the securities to be taken from, such Officers, or any of them : Provided always, that the rate of remuneration for collecting and paying in the Duties at the Out Ports shall in no case exceed ten per cent. on the amount collected and paid in, and that no such Officer shall in any one year receive more than the sum of Two Hundred and Fifty Pounds, Currency, for such remuneration : Provided also, that all such stipulations and agreements shall be subject to the approval and control of the General Assembly, and may be altered, modified, cancelled, or confirmed, by any Act to be passed at any time hereafter in that behalf.

Proviso.

II. And be it enacted, That the Third Section of the Act passed in the Forty-seventh Year of the Reign of His late Majesty King George the Third, entitled, An Act to regulate the appointment of Collectors and other Officers of Impost and Excise, shall be, and the same is hereby repealed.

CAP. III.

An Act to continue and amend certain Acts relating to the Colonial Revenue.

(Passed the 30th day of March, 1848.)

Act 4, Wm. 4, except 4th, 25th, 36th, 37th, 38th, & 46th clauses; Act 8, Vic. except 2d & 3d clauses, continued.

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Fourth Year of the Reign of His late Majesty King William the Fourth, entitled, An Act for regulating the Importation of Goods, except the Fourth, Twenty-fifth, Thirtieth, Thirty-seventh, Thirty-eighth, and Forty-sixth Clauses or Sections thereof, and also except as altered by the Act hereinafter mentioned, or by this Act; also the Act passed in the Eighth Year of Her present Majesty's Reign, entitled, An Act to continue and amend the Act for regulating the Importation of Goods, except the Second and Third Clauses or Sections thereof, and also except as altered or amended by this Act—which Acts will continue in operation until the Thirty-first day of March, in this year of Our Lord One Thousand Eight Hundred and Forty-eight, shall remain thenceforth in operation, and the said Acts, and every matter, clause, and thing therein contained, except

cept as aforesaid, are hereby further continued until the First day of April, which will be in the Year of Our Lord One Thousand Eight Hundred and Forty-nine, and no longer.

II. *And be it enacted*, That the Fifth Section of the said first mentioned Act shall be, and the same is hereby revived; and the Bond therein required shall be given in the manner and under the conditions and stipulations therein prescribed.

5th section Act 4,
Wm. 4, revived.

III. *And be it enacted*, That hereafter the Duties upon all Goods entered for home use, whether on the first entry thereof, or on entry from the Warehouse, 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.

Duties on Goods for
home use to be
paid on entry.

And whereas, it is expedient that greater facilities should be given to Steam Boats, employed principally in the conveyance of Passengers, and which may also be laden with Dutiable Goods:

IV. *Be it enacted*, That it shall be lawful for the Collector of Impost and Excise to allow any Steam Boats employed regularly in the conveyance of Passengers, upon due report of such Boat, to deposit the cargo on board such Boat in a good and sufficient Warehouse, to be provided by the owner or agent of such Boat, and approved by the said Collector, such owner or agent having first given general security, by Bond, with two sufficient sureties, for the payment of the full Duties of Importation on all such Goods as shall at any time be so Warehoused therein, or for the Exportation thereof; and all Goods so deposited shall be deemed and taken to be on board the Steam Boat in which they were imported, and shall be subject to the same rules, regulations, restrictions, penalties, and forfeitures, as if the same had not been taken out of such Steam Boat; and the Master or Owner of such Steam Boat shall have the same lien on the Goods, for freight or other charges, as if the same had not been deposited in the Warehouse, but shall not be entitled to any rent for the Goods so deposited in such Warehouse—provided the Owner or Consignee of such Goods make entry of such Goods within six days from the time of their being so deposited in such Warehouse.

Regulations for
Warehousing of
Goods on board
Passenger Steam
Boats.

V. *And be it enacted*, That the Act passed in the Fourth Year of the Reign of His said late Majesty William the Fourth, entitled, An Act for the Warehousing of Goods, except the Twenty-first Clause thereof, and also except as altered by the Act hereinafter mentioned, or by this Act; and also the Act passed in the Eighth Year of Her present Majesty's Reign, entitled, An Act to continue and amend the Act for the Warehousing of Goods, except the Second Clause or Section thereof, and also except as altered by this Act—which Acts will continue in force until the Thirty-first day of March, in this Year of Our Lord One Thousand Eight Hundred and Forty-eight, shall remain thenceforth in operation, and the said Acts, and every matter, clause, and thing, therein contained, except as aforesaid, are hereby further continued until the First day of April, which will be in the Year of Our Lord One Thousand Eight Hundred and Forty-nine, and no longer.

Act 4, Wm. 4, ex-
cept 21st clause:
Act 8, Vic. except
2d clause; con-
tinued.

VI. *And be it enacted*, That in every case where Goods liable to Duties shall be Warehoused in any Warehouse, under and by virtue of any Act of the General Assembly, the Owner or Importer of such Goods shall give to the Collector of Impost and Excise security in treble the amount of such Duties, by a Bond, with two sufficient sureties, by him to be approved, and of the like tenor, in other respects, with the Bond formerly given and entered into at the Custom House on Warehousing the same Goods when chargeable with Imperial Duties; and such and the like entries, certificates, and proceedings, shall be admitted by the said Collector for the cancelling the said Bond, as were formerly required and prescribed for the cancelling of the Bond for the due Warehousing of the same Goods at the Custom House.

Bond to be given on
Warehousing Du-
tiable Goods.

VII. *And be it enacted*, That the Act, passed in the Fourth Year of the Reign of His said late Majesty William the Fourth, entitled, An Act concerning Goods exported,

Act 4, Wm. 4, ex-
cept 2d and 31st
clauses.

exported and for granting Drawbacks, except the Second and Thirty-first Clauses thereof; and also the Third Clause or Section of the Act, passed in the Eighth Year of Her present Majesty's Reign, entitled, An Act to continue and amend the Act concerning Goods exported and for granting Drawbacks, which will respectively continue in force until the Thirty-first day of March, in this Year of Our Lord One Thousand Eight Hundred and Forty-eight, except as altered by this Act, shall remain thenceforth in operation, and the said Act, and clause of an Act, except as aforesaid, are hereby further continued until the First day of April, which will be in the Year of Our Lord One Thousand Eight Hundred and Forty-nine, and no longer.

VIII. *And be it enacted*, That the Seventh Clause or Section of the said Act first in the last preceding clause mentioned, shall be, and the same is hereby revived, and the Bond therein required shall be given in the manner and under the conditions and stipulations therein prescribed.

IX. *And be it enacted*, That the Act, passed in the Eighth Year of Her present Majesty's Reign, entitled, An Act to amend the Act concerning Duties on Liquors distilled within this Province; and also the Act, passed in the Ninth Year of Her present Majesty's Reign, entitled, An Act to continue the Act to amend the Act concerning Duties on Liquors distilled within this Province, and also further to amend the same, which will respectively continue in force until the Thirty-first day of March, in this Year of Our Lord One Thousand Eight Hundred and Forty-eight, except as altered by this Act, shall remain thenceforth in operation, and the said Acts, and every matter, clause, and thing therein contained, except as aforesaid, are hereby further continued until the First day of April, which will be in the Year of Our Lord One Thousand Eight Hundred and Forty-nine, and no longer.

X. *And be it enacted*, That at the time of making the weekly or other due entry as by Law required for home use, whether upon the first entry thereof or on entry from the Warehouse, of any Brandy, Gin, Rum, Whiskey, or other Spirituous Liquors, which shall be by any way or method whatsoever manufactured, compounded, extracted, distilled, or made in this Province, the whole Duties payable thereon shall be paid down in cash, whatever the amount thereof may be.

XI. *And be it enacted*, That the Act passed in the Fourth Year of the Reign of His said late Majesty William the Fourth, entitled, An Act for the prevention of Smuggling, except as altered by the Acts hereinafter mentioned, or by this Act; also, the Act passed in the Fifth Year of His said late Majesty's Reign, entitled, An Act to continue and amend an Act for the prevention of Smuggling, except the Fourth Clause or Section thereof, and also except as altered or amended by the Act hereinafter mentioned, or by this Act; and also the Act passed in the Eighth Year of Her present Majesty's Reign, entitled, An Act to continue and amend the several Acts for the prevention of Smuggling, except as altered by this Act—which Acts will respectively continue in force until the Thirty-first day of March, in this Year of Our Lord One Thousand Eight Hundred and Forty-eight, shall remain thenceforth in operation, and the said Acts, and every matter, clause, and thing, therein contained, except as aforesaid, are hereby further continued until the First day of April, which will be in the Year of Our Lord One Thousand Eight Hundred and Forty-nine, and no longer.

XII. *And be it enacted*, That the Nineteenth, Twentieth, Twenty-first, Twenty-second, and Twenty-third Clauses or Sections of the Act passed in the Fourth Year of the Reign of His said late Majesty, William the Fourth, entitled An Act for the support and regulation of Light Houses, shall be revived, and the said several Clauses or Sections, and every matter and thing therein contained are hereby revived and continued in full force and operation until the First day of April, which will be in the Year of our Lord One Thousand Eight Hundred and Forty-nine, and no longer.

3rd clause Act 8, Vic.
continued.

7th clause Act 4,
Wm. 4, revived.

Acts 8 & 9, Vic.
continued.

Duties on Liquors for
home use distilled
in Province to be
paid on entry.

Act 4, Wm. 4, Act
5, Wm. 4, except
4th clause, Act 8,
Vic., continued.

10th, 20th, 21st, 22d,
& 23d clauses of
Act 4, Wm. 4, con.

XIII. *And be it enacted;* That all appointments, regulations, payments, and other acts, matters, and things whatsoever, made or done in conformity with the provisions of the Clauses or Sections of the said last mentioned Act, hereby revived and continued, shall be, and the same are hereby declared valid, effectual, and binding, to all intents and purposes, in the same manner as if such Clauses or Sections had been in full force and operation.

Appointments, &c.,
under revived
Clauses of Act
4, Wm. 4, to be
valid.

XIV. *And be it enacted,* That the Act passed in the Eighth Year of Her present Majesty's Reign, entitled, An Act concerning the support and regulation of Light Houses, which will continue in operation until the Thirty-first day of March, in this Year of Our Lord One Thousand Eight Hundred and Forty-eight, except as altered by this Act, shall remain thenceforth in operation, and the said Act, and every matter, clause, and thing, therein contained, except as aforesaid, are hereby further continued until the First day of April, which will be in the Year of Our Lord One Thousand Eight Hundred and Forty-nine, and no longer.

Act 8, Vic., as altered,
continued.

XV. *And be it enacted,* That the Duties by the said last mentioned Act imposed, where the same under the provisions of such Act have heretofore been payable to the Collector or Sub-Collector of the Customs at any Port or place, shall hereafter be payable and paid to the Collector of Impost and Excise for such Port or place, or such other person as shall by the Governor in Council be appointed for that purpose; and such Collector of Impost and Excise, or other person so appointed, shall, upon such payment being made, grant a Certificate thereof, in manner in the said last mentioned Act prescribed; and the Officer of the Customs at such Port or place shall not permit or suffer any Vessel to be cleared out until the Master or Commander, or other person having charge or command of such Ship or Vessel, shall produce such Certificate of the payment of such Duties.

Collection of Duties
imposed by Act
8, Vic.; Certificate
of payment.
&c., &c.

XVI. *And be it enacted,* That the Act passed in the Fourth Year of the Reign of His said late Majesty William the Fourth, entitled, An Act for the general regulation of the Colonial Duties, except the Third Clause or Section thereof, and also, except as altered by this Act; and also the Act passed in the Eighth Year of Her present Majesty's Reign, entitled, An Act to continue and amend the Act for the general regulation of the Colonial Duties—which Acts will continue in force until the Thirty-first day of March, in this Year of Our Lord One Thousand Eight Hundred and Forty-eight, shall remain thenceforth in operation, and the said Acts, and every matter, clause, and thing, therein contained, except as aforesaid, are hereby further continued until the First day of April, which will be in the Year of Our Lord One Thousand Eight Hundred and Forty-nine, and no longer.

Act 4, Wm. 4, except
3rd Clause,
as altered; Act 8,
Vic. continued.

XVII. *And be it enacted,* That all Reports, Entries, Clearances, Bonds, Provisions, matters and things whatsoever, which, under or in pursuance of the provisions of the Imperial Acts for regulating the Trade of the British Possessions abroad, shall heretofore have been made, done, or performed by, to, or before any Officer of Her Majesty's Customs, where the same also by any Act relating to the Colonial Revenue may have been required to be done before any Officer of the Colonial Revenue, shall be made, done, and performed, by delivering to such Officer of the Colonial Revenue a Duplicate Entry, Paper, Bond, Document, or Writing, in the same form, and signed by the same parties, as have been in use, and heretofore required to be made, done, or signed, before such Officer of the Customs: *Provided,* that it shall be lawful for the Governor in Council to dispense with the delivery of such Duplicate Entry, Paper, Bond, Document, or Writing, in cases where the same shall be found burthensome, and not requisite for the carrying out of the Revenue Laws.

Reports, Entries,
Clearances, &c.,
how to be made.

Proviso.

XVIII. *And be it enacted,* That in all cases where Bonds shall have been taken at any Custom House within this Province for any purpose whatsoever, in relation to any Goods imported, or brought into this Province, where such Bonds shall, under any Act of this Province in force at the time of the passing hereof, have been declared

Custom House
Bonds to be in
force until their
purposes are fulfilled.

declared a security for the payment of any Colonial Duties chargeable on such Goods, or for the due exportation thereof, or for any other purpose in relation thereto, and shall remain and continue at the time of this Act coming into operation as such security, all such Bonds shall remain and be subsisting securities for the payment of such Colonial Duties, or for other the purposes for which they may have been declared securities by any such Provincial Act; and that notwithstanding the repeal or expiration of such Act; and the Officer of the Customs in whose possession any such Bonds may be, shall not cancel or deliver up the same until satisfied by the Certificate or Permit of the Collector of Impost and Excise, that the purposes for which they have been respectively declared securities by such Provincial Acts, have been satisfied.

If Entries or Clearances dispensed with, Collector's duties to devolve on Col. of Impost and Excise.

XIX. *And be it enacted,* That if the Entry or Clearance of any Vessel heretofore required to be made at any Custom House within this Province shall be dispensed with, then all and singular the duties and powers by any Act of this Province imposed or conferred on the Collector or Sub-Collector of the Customs at any such Port or place shall be performed by, and are hereby conferred upon the Collector of Impost and Excise for the same Port or place, in the same manner as if he had been originally named in any such Act, instead of such Collector or Sub-Collector of the Customs.

Governor in Council to appoint Warehouses and Regulations therefor.

XX. *And be it enacted,* That it shall be lawful for the Governor in Council, from time to time, to make and establish by Proclamation in the Royal Gazette, such and so many Warehouses as shall be thought necessary for the free warehousing and securing of Goods therein; under and for the purposes of all or any of the Acts of this Province relating to the Warehousing of Goods, for any purpose whatsoever; and such Warehouses so appointed shall, from the time in any such Proclamation named, stand in the place and stead of any Queen's Warehouse, wherever under any such Act of the Province, such Goods shall be required to be warehoused in a Queen's Warehouse; and all Goods warehoused therein, shall be stowed, secured, and visited, under, and in all respects be subject to the like rules and regulations as Goods liable to Imperial Duties have heretofore been under and subject to when warehoused in any Queen's Warehouse, subject nevertheless to such alterations, and such other and further regulations as may be deemed requisite by the Governor in Council.

To appoint Impost and Excise Officers.

XXI. *And be it enacted,* That it shall be lawful for the Governor in Council, from time to time, to appoint such and so many additional Officers, in or under the Impost and Excise Department, in any Port or place within this Province, as shall, in consequence of the repeal of the Imperial Duties theretofore payable within the same, be deemed necessary for the due security of the Colonial Revenue, and for the prevention of Fraud in relation thereto—and such Officers shall be paid by Warrant on the Treasury at such rates as shall be fixed by the Governor in Council; and the Governor in Council shall also have full power and authority, from time to time, to make all such regulations in reference to the Entry or Clearance of any Vessel, or the discharging or lading on board of any Cargo, or the importation, exportation, or warehousing of any Goods or otherwise, in relation to any Goods imported or brought into this Province, as may, in consequence of the passage of the Act for the repeal of the said Imperial Duties, or any change in the Customs Establishment of this Province consequent thereon, be deemed necessary for the protection of the Colonial Revenue, and the prevention of Fraud.

Rate of Payment.

Regulations for Entries, Clearances, &c., &c.

And for the further prevention of any unforeseen difficulty that may occur in the collection or securing of the Colonial Revenue, in consequence of the passage of the Act repealing the said Imperial Duties:

To make regulations necessary for protecting Col. Revenue.

XXII. *Be it enacted,* That the Governor in Council shall be, and he is hereby invested with full power and authority to make and establish all such other and further regulations as may be found necessary for the security and protection of the

the Colonial Revenue, in the same manner, and to the same extent, as if the making of the particular regulations so required had been specifically authorized hereby.

XXIII. *And be it enacted*, That on, from, and after the Thirty-first day of March, in this Year of Our Lord One Thousand Eight Hundred and Forty-eight, this Act shall come into operation, and every Act, Matter, Regulation, Proclamation, Proceeding, or thing whatsoever, previously had, made, or done hereunder, (the previous making and doing of which is hereby authorized), shall come into force and operation, and the same shall respectively remain and continue in force until the First day of April, which will be in the Year of Our Lord One Thousand Eight Hundred and Forty-nine, and no longer.

Commencement and duration of Act.

CAP IV.

An Act to postpone the next Term, and Sittings for Trial thereafter, of the Supreme Court at Halifax.

(Passed the 3rd day of April, 1848.)

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the next ensuing Easter Term of the Supreme Court, at Halifax, shall commence and be held on the Second Tuesday of April in this present year, and the Sittings for Trial thereafter shall commence and be held on the Fourth Tuesday of April in this present year, instead of the times by Law prescribed therefor, respectively.

Next Easter Term Supreme Court to commence 2nd Tuesday April, Sittings, 4th Tues.

II. *And be it enacted*, That all Writs, Process, Recognizances, Complaints, or other proceedings whatsoever, which are now or shall be made returnable to the said next Term of the Supreme Court at Halifax, or at the Sittings thereafter, respectively, shall be returned, and held and deemed to be returnable, on the respective days hereby appointed for such Term and Sittings respectively; and all parties, witnesses, officers, and persons, who are summoned or bound to appear at the said Term or Sittings respectively, shall be held and obliged to appear at such Term and Sittings respectively, at the days on which such Term and Sittings are hereby respectively directed to be held.

Return of Writs, &c. &c., and appearance of parties, &c., &c.

CAP V.

An Act in relation to Distilleries, and the Exportation of Distilled Liquors.

(Passed the 30th day of March, 1848.)

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That upon the Exportation from this Province of any Rum, compounded, extracted, distilled, or made within the same, and which may have been duly warehoused therein, the person so exporting the same, shall be entitled, upon the Certificate of the Collector of Impost and Excise for the Port for which the same shall be shipped, to receive from the Provincial Treasury at and after the rate of Twopence Halfpenny, sterling, per Gallon for every Gallon of Rum so exported, to be paid by Warrant, to be drawn in the usual manner: *Provided always*, that no Collector of Impost and Excise shall grant such Certificate until all the requisites of the Law concerning the Warehousing of Goods, and the exportation thereof from Warehouse, have been fully complied with, and the Certificate and other papers by Law required,

Drawback on Exportation of Rum distilled in Province.

Proviso.

required, in order to the obtaining of Drawbacks, shall have been obtained and delivered in manner practised in ordinary cases of Drawbacks.

Commencement and duration of Act.

II. *And be it enacted*, That this Act shall commence and be in operation on, from, and after, the Thirty-first day of March in this Year of Our Lord One Thousand Eight Hundred and Forty-eight, and shall continue in force until the First day of April, which will be in the Year of Our Lord One Thousand Eight Hundred and Forty-nine, and no longer.

CAP. VI.

An Act to amend the Act for granting Duties of Impost for the support of Her Majesty's Government within this Province.

(Passed the 30th day of March, 1848.)

Confectionary, Syrups, &c., &c., to pay an Impost duty of £15 per cent.

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That on, from, and after, the Thirty-first day of March, in this present Year of Our Lord One Thousand Eight Hundred and Forty-eight, a Duty of Fifteen Pounds, for every hundred pounds of the value thereof, shall be levied, collected, and paid, on all Confectionary, Syrups, and Articles manufactured from Sugar, imported by any ways or means into this Province, in lieu of the Duty of Five Pounds per centum, which, by the Act passed in this present Session, entitled, 'An Act for granting Duties of Impost for the support of Her Majesty's Government within this Province,' will become due and payable thereon.

Duration of Act.

II. *And be it enacted*, That this Act shall continue and be in force until the First day of April, which will be in the Year of Our Lord One Thousand Eight Hundred and Forty-nine, and no longer.

CAP. VII.

An Act to continue and amend the Act to prevent Obstructions to the Ferry across the Harbor of Halifax.

(Passed the 21st day of March, 1848.)

Act 10, Vic., amended and continued for 3 years.

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Tenth Year of Her present Majesty's Reign, entitled, 'An Act to prevent Obstructions to the Ferry across the Harbor of Halifax,' and every matter, clause, and thing, therein contained, except as amended by this Act, shall be continued, and the same, except as aforesaid, are hereby continued for Three Years, and thence to the end of the then next Session of the General Assembly.

Alteration of North Limits under Act, continued.

II. *And be it enacted*, That instead of the Limits to the Northward mentioned and prescribed in the Second Section of the said Act hereby continued and amended, the Limits substituted therefor on the Northern side shall hereafter be as follows, that is to say: within a line drawn from the North-eastern corner of the Steam Boat Dock towards the West end of Boggs Street (so called), in Dartmouth, and extending from the said starting point into the Harbor of Halifax to a Buoy to be placed at the distance of One Hundred and Fifty Yards from the East end of Bauer's Wharf (so called), in the same manner, to and for all intents and purposes whatsoever, as if such line had been originally inserted as the Northern Boundary of such Limits in the said Second Section.

Duration of Act.

III. *And be it 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.

CAP. VIII.

An Act to amend the Act further to improve the Administration of the Law.

(Passed the 21st day of March, 1848.)

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That it shall be lawful for the Chief Justice, and other Judges of the Supreme Court, on the last day of each of the Sittings of the said Supreme Court, appointed to be held at Halifax under and by virtue of the Act passed in the last Session of the General Assembly, entitled, 'An Act further to improve the Administration of the Law,' to give Judgment in and on all Cases, Special Verdicts, and Rules, previously argued before them, and to make and pass such Rules as may be necessary to carry the same into effect—which said Rules shall have the same force and operation as if the same had been made and passed during any of the Terms of the said Supreme Court, appointed by the said Act hereby amended, to be held at Halifax.

At Sittings, after Term, Judges to give Judgment on Cases, &c., argued, and to pass Rules.

II. *And be it enacted*, That at the said respective Sittings the Judges of the Supreme Court, or any one or more of them, presiding at such respective Sittings, shall have power, and are hereby authorised, to give Judgment in all Criminal Cases tried at such respective Sittings, in like manner as the said Judges are now by Law authorised, or have been accustomed to do at the Terms of the said Supreme Court: *Provided*, that in any case where necessary the Presiding Judge if he thinks fit, may respite the Judgment to be given therein, and refer the matter to be determined by the said Supreme Court at Halifax, where Judgment shall be given, and sentence pronounced, and punishment awarded, or otherwise, as the case may require.

To give Judgment in Criminal Cases.

Proviso.

III. *And be it enacted*, That in all Cases prosecuted in the County of Halifax under any of the Absconding Debtors' Acts, the trial and assessment of damages thereon shall be had and made at the Sittings next after the third Term from the commencement of the Suit, unless further continued for cause, as required by said Acts; and Judgments thereon shall be entered as of the next preceding Term, in like manner as directed in the Civil Causes tried at such Sittings.

To hold Trials and assess damages under Absconding Debtors' Acts.

IV. *And be it enacted*, That when notice of Judgment as in cases of Nonsuit has been or shall be duly given, the Judges on the last day of said Sittings where any Cause ought to have been tried, pursuant to such notice, shall have power to order Judgment as in case of Nonsuit to be entered as of the last preceding Term, or to give further time for the trial of the issue, as justice may require.

To order Judgments as in case of Nonsuit.

V. *And be it enacted*, That it shall be lawful to take and discharge Recognizances, and to put in and perfect Bail at any of said Sittings, in all Causes when the rules of practice will permit the same, in the same way and manner, and under the same rules and regulations as may be done in Term; and that it shall be lawful for the Chief Justice, or any Judge as aforesaid, presiding at such Sittings, to make any rules or orders relating to said Recognizances or Bail, or to take off any Judgment by default marked for the want thereof, and to pass rules in respect thereof, in every respect as the same can be done in Term.

Recognizances to be taken and discharged—Bail put in and perfected during Sittings, &c.

VI. *And be it enacted*, That it shall be lawful for the Chief Justice and Judges of the said Supreme Court, on the last day of said Sittings respectively, to grant any Rule for the issuing of Commissions, or the examination of Witnesses, in any Cause pending in said Supreme Court, as now permitted by the Acts made or passed in such behalf—the same in every respect as if the application had been made therefor in Term, or to any of said Judges at Chambers.

Judges to grant Rules for Commissions, &c., at Sittings.

CAP. IX.

An Act to regulate the Importation of Books, and to protect the British Author.

(Passed the 21st day of March, 1848.)

Preamble.

WHEREAS, in consequence of the passage of the Act of the Imperial Parliament, made in the Tenth and Eleventh Years of Her Majesty's Reign, entitled, 'An Act to amend the Law relating to the protection in the Colonies of Works entitled to protection in the United Kingdom,' it is expedient to legislate on the Law of Copyright :

Books, except Reprints of British Works protected by Imperial Copyright Laws, to be duty free.

I. *Be it enacted, by the Lieutenant-Governor, Council, and Assembly, That* from and after the time when this Act shall go into operation, it shall be lawful to import all Books of whatsoever nature or kind, and from whatsoever Country the same shall be imported, save and except the Reprints of any Books first composed, written, or published, in Great Britain, and protected at the time thereof by the Laws of Copyright, passed by the Imperial Parliament, now in force, and as hereafter provided, and that the said Books, save and except the Reprints, as aforesaid, shall be admitted into this Province duty free.

Reprints of Books protected by Copyright Laws to pay an *ad valorem* duty of 22½ per cent.

II. *And be it enacted, That* on the importation of any Reprint of any Book or Review, bound, or in covers, of whatsoever nature or kind the same may be first composed, written, or published, in the United Kingdom of Great Britain and Ireland, and protected at the time of importation by the Acts of the Imperial Parliament, to enforce the Law of Copyright, whether imported from the United States, or other Foreign Countries, there shall be paid an *ad valorem* duty on the *bona fide* price of such Reprints, of Twenty per cent. : *Provided always, that* said duty shall not be paid on Newspapers, or other regular Periodicals, containing extracts only from said Books or Reviews, as aforesaid ; and after collection by the proper Officers, the said duty shall be paid into the Treasury, and then remitted by the Governor to the Commissioners of Customs at London, with a detailed account thereof, at least once a year, in order that the said duty may be duly paid over to the registered Proprietor of the Copyright of said Books or Reviews, respectively : *Provided always, that* before the Reprint of any Book or Review, be made liable to such *ad valorem* duty, as aforesaid, the said Book or Review shall have been duly registered according to the provisions of the Imperial Act, made in the Fifth and Sixth Years of Her Majesty's Reign, entitled, 'An Act to amend the Law of Copyright.'

Not to apply to Periodicals containing only extracts from protected Works.

Application of Duties
Proviso

Penalties for infringement of Act.

III. *And be it enacted, That* after this Act shall go into operation, it shall not be lawful for any person to import, or bring, or cause to be imported, or brought, into this Province, for use, sale, or hire, any Reprint referred to in the said foregoing Clause, and therein and thereby made liable to Duty, contrary to the true intent and meaning of this Act, or knowingly, to sell, publish, or expose to sale, or let to hire, or have in his possession, for use, sale or hire, any such Reprint ; and every such Reprint, so imported, or brought, sold, published, or exposed to sale, shall be forfeited and sold, one half the proceeds thereof to be applied to the use of the Officers of Customs or Excise, seizing the same, and the other half to the registered Proprietor of the Copyright of the Book from which such Reprint is made ; and further—every person so offending, being duly convicted thereof, before any two Justices of the Peace in the County where the seizure is made, which said Justices are hereby empowered to try the same according to the form of the Acts provided in ordinary cases of debt, shall, for every such offence, forfeit the sum of Five Pounds, and double the value of every copy of such Reprint which he shall so import, or cause to be imported, into this Province ; or shall knowingly, sell, publish, or expose to sale, or let to hire, or shall have in his possession

Recovery of Penalties, and application thereof.

session for sale or hire, contrary to the true intent and meaning of this Act, Two Pounds thereof, to the use of such Officers of Customs, or Excise, and the remainder of such penalty shall be paid into the Treasury, and remitted to the use of the Proprietor of the Copyright, in the way and manner as in the second foregoing Clause of this Act is provided.

IV. *And be it enacted*, That at the time of the entry of any Reprint of any Book or Review, as aforesaid, it shall be lawful for the Officers passing such Reprint, to stamp the same, and the Collector of Excise at Halifax shall furnish to the several Officers who may require the same, the form of stamps necessary for such service. Reprints to be stamped on entry.

V. *And be it enacted*, That this Act shall not go into force, or operation, until Her Majesty's assent be signified hereto. Suspended Clause.

CAP. X.

An Act additional to the Act for regulating the Dartmouth Common.

(Passed the 21st day of March, 1848.)

WHEREAS, in a recent search for Mines and Minerals, a large excavation Preamble. has been made on the South Western part of the Common at Dartmouth, and a Spring having been struck, the same is constantly filled with water, and the use thereof might be advantageously disposed of for the improvement of the remainder of the said Common :

I. *Be it enacted, by the Lieutenant-Governor, Council, and Assembly*, That it shall be lawful for the Trustees of the said Common, from time to time, to dispose of the said Excavation or Pit, and the use of the water therein being, to any person or Body Corporate who may wish to procure the same, for any term not exceeding Twenty-one years, with liberty to the Lessee to carry any Pipes that may be required for the purpose of conducting such water from the said Pit, across, over, under, and through, any other portion of the said Common, and to make and execute Leases to the purchasers thereof in conformity with the terms agreed upon. Trustees to lease Excavation, &c.

II. *And be it enacted*, That all Monies received by the said Trustees under this Act, after deducting the necessary expenses of making such sales, shall be applied to the improvement of the remainder of the said Common, and of the Road leading through the same. Application of Monies received under Act.

III. *And be it enacted*, That it shall be lawful for the Commissioners of Streets for the Town of Dartmouth, and they are hereby empowered, if they shall see fit so to do, to permit any such Lessee as aforesaid, to lay down, and place in, or along, or under, the side walks of the Streets and Highways under their jurisdiction such Pipes as may be required to carry away the water from the said Pit, and for that purpose to open up the said side walks upon such terms, and under such restrictions, as may be agreed upon : *Provided always*, that all trenches opened for the purpose aforesaid, shall be closed with all convenient speed after the laying down of such Pipes. Commrs. of Streets to permit laying of Pipes, &c. Proviso.

CAP. XI.

An Act to Incorporate the Navigation and Commercial Company of Liverpool, Nova-Scotia.

(Passed the 21st day of March, 1848.)

Preamble.

WHEREAS, the persons hereinafter named have, with others, formed a Co-partnership for the purpose of carrying on Trade and Navigation, and Ship Building, in and from the Township of Liverpool, in Queen's County :

The Navigation and Commercial Company of Liverpool, Nova-Scotia, incorporated.

I. Be it enacted, by the Lieutenant-Governor, Council, and Assembly, That Nathaniel Minard, William Ford, Edward H. Freeman, George W. Freeman, Charles Harlow, William H. Freeman, Lewis Freeman, Isaac Freeman, Charles M. Ford, Lewis Knaut, William S. Minard, and all and every such other persons as now are, or shall from time to time become, Co-partners and Proprietors in the Company, and undertaking hereby established, 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 Navigation and Commercial Company of Liverpool, Nova-Scotia;' and by that name shall have succession, and a Common Seal, with power from time to time to elect and choose a President and other Officers; and by that name also shall and may sue, and be sued, plead, and be impleaded at Law, or in Equity; and shall by that name be capable, authorized and empowered, to purchase, have, hold, receive, possess, and enjoy, Lands, Messuages, Houses, Stores, Wharves, Hereditaments, and Real Estate, 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 Three Thousand Pounds—and likewise, Monies, Securities for Money, Ships, Vessels, Goods, Chattels, Effects, and other things of whatsoever kind or quality; and shall by that name, and in their Corporate capacity, be capable, authorized, and empowered, to grant, sell, assign, mortgage, 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.

Capital, Shares, transfer thereof, &c.

II. And be it enacted, That the Capital or Joint Stock of the said Company shall consist of Ten Thousand Pounds, to be divided into Sixty-four Shares of One Hundred and Fifty-six Pounds Five Shillings each, which shall be numbered from Number One to Number Sixty-four, in regular succession, and shall be transferable and conveyed according to the rules and regulations of the said Company, to be made, passed, and established by the said Company, and the said Shares shall be deemed to be personal Estate to all intents and purposes.

Registry of names of Members, their Shares and transfers.

III. And be it enacted, That the names of all the Members of the said Corporation, and the number of Shares owned by them respectively, shall be registered in the Office of the Registrar of Deeds in Queen's County; and that no transfer of any Share in the said Corporation shall be final and effectual until the Certificate thereof shall have been registered in the said Office, to the end that it may be known by the public who are the persons composing the said Corporation.

Not to release present liabilities of Shareholders.

IV. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to relieve or discharge the said Corporation, or any of the present or future proprietors or holders of Shares in the said Company, from any responsibility, contract, duty, or obligation, to which by Law such proprietors or holders of Shares now are, or at any time hereafter may be, or would have been subject or liable, had not this Act been passed, as between such Company and any other party.

Duration of Act.

V. And be it enacted, That this Act shall continue and be in force for Seven Years from the passing thereof, unless the said Corporation shall be sooner dissolved by the major part of the said Company, and no longer.

CAP. XII.

An Act in further amendment of the Act concerning the performance of Statute Labor on Highways.*(Passed the 21st day of March, 1848.)*

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That in the County of Richmond, instead of the time prescribed in and by the Twelfth Section of the Act passed in the Seventh Year of Her present Majesty's Reign, entitled, 'An Act relative to the performance of Statute Labor on Highways,' the time within which the Statute Labor shall hereafter be performed in each and every District of the said County of Richmond, shall be between the First day of May and the Fifteenth day of October, in each and every year.

Statute Labour, Cy.
Richmond.

CAP. XIII.

An Act further to amend the Act for the Summary Trial of Actions before Justices of the Peace.*(Passed the 21st day of March, 1848.)*

WHEREAS, it is provided in and by the First Section of the Act passed in the Fifth Year of Her present Majesty's Reign, entitled, 'An Act for the Summary Trial of Actions before Justices of the Peace,' that the decision given in any cause thereunder tried before a Justice or Justices of the Peace, shall be without appeal, unless the whole dealing or cause of Action shall amount to Twenty Shillings; and such limitation of the right of appeal, in some instances, works injustice, and should, therefore, be dispensed with:

Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council, and Assembly,* That in all Actions hereafter brought before any Justice of the Peace, under the provisions of the said hereinbefore mentioned Act, either party, Plaintiff or Defendant, if dissatisfied with the decision of the Justice before whom the same shall be tried, may appeal therefrom, notwithstanding the whole dealing or cause of Action may not amount to Twenty Shillings, subject nevertheless, to all other conditions and restrictions in and by such Act imposed on the party appealing thereunder; and all such appeals shall be conducted, tried, and adjudicated upon, in the same manner as if no limitation of the right of appeal had been inserted in such Acts.

Appeal of Action not
amount to Twenty
Shillings.

II. *And be it 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.

Duration of Act.

CAP. XIV.

An Act in further amendment of the Act for the encouragement of Schools.*(Passed the 21st day of March, 1848.)*

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That a voluntary Assessment, under and in conformity with the provisions of the Forty-third Section of the Act passed in the Eighth Year of Her Majesty's Reign, entitled, 'An Act for the encouragement of Schools,' may be made for the purchase

Assessment for building
Schools, &c.

of Land whereon to erect a School House, or for the building, repairing, or sustaining of School Houses, as well as in favor of Schools, in the same manner as if such objects had been expressed in the said Section.

CAP. XV.

An Act to set off a part of the Township of Shelburne as a separate District for the support of the Poor.

(Passed the 21st day of March, 1848.)

Establishment of
Lock's Island Poor
District, Township
of Shelburne.

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That all that part of the Township of Shelburne, lying between Jordan River and the Queen's County Line, and known as the Eastern District of such Township, shall be, and the same is hereby set off and established as a separate District for the support of the Poor within the same, from and after the time hereby established, by the name of the Lock's Island Poor District.

General Sessions to
apportion Paupers
chargeable on
Township.

II. And be it enacted, That at the next General Sessions of the Peace in and for the County of Shelburne, to be held at Shelburne, in the said County, on the Monday preceding the First Wednesday of October next, it shall be lawful for the Justices attending thereat, to ascertain the number of Paupers then chargeable on the Township of Shelburne—and also to ascertain the amount of Rates for the support of said Paupers, and by order to be made at such General Sessions, to direct that the said Lock's Island Poor District shall bear such proportion of the whole charges and expenses of all the Paupers then chargeable on the said Township of Shelburne, as to the said Justices may appear equitable and just; and that from and after the said order shall have been so made as aforesaid, the expenses of the Paupers who shall become chargeable to the said Township shall be defrayed by the District in which such Paupers shall have gained a residence—and therefore it shall be lawful for the Inhabitants residing within the limits of the said new District hereby established, to hold a Public Meeting in some central and convenient place on the Fourth Monday in September, in every Year, and to then appoint Three Assessors of Poor Rates for the said District; and Three Freeholders, who shall respectively possess at least as much Property, Real and Personal, as they are appointed to collect, who shall act as Collectors of Poor Rates, and who shall pay the Monies by them collected to the Overseers of the Poor for the said District, and that at such Public Meeting the said Inhabitants shall vote such sum of money as may be required for the support of the Poor of the said District.

Appointment of As-
sessor and Col-
lectors.

III. And be it enacted, That at the usual time for the appointing of Town Officers, in and for the said Township of Shelburne, it shall be lawful for the Grand Jury to nominate Four persons, Two of whom shall be appointed by the Sessions to act as Overseers of the Poor, and Two persons, one of whom shall be appointed to act as District Clerk, in and for the said new District.

Overseers of Poor,
and District Clerk.

Orders relative to ex-
penses of Paupers.

IV. And be it enacted, That it shall be lawful for the Justices in their General Sessions of the Peace, to be held at Shelburne annually, or whenever occasion shall require, to modify, alter, and make anew their order in relation to the expenses of the Paupers at the time of making their first order chargeable on the whole Township, in order to the more equal distribution of such expenses, which may be rendered necessary in consequence of any increase or diminution thereof.

Not to affect rates,
&c., already made.

V. And be it enacted, That all Rates, Assessments, Suits or Actions, now commenced, pending, made or done, may be prosecuted, levied, and collected, in the same way and manner as if this Act had not been passed.

And

And whereas, it might be convenient that the same persons should act as Assessors and Collectors of County as well as of Poor Rates within the said new District :

VI. *Be it enacted*, That upon any Presentment being hereafter made for County purposes, at the Court of General Sessions of the Peace, to be held at Shelburne on the Monday preceding the First Wednesday of October, in every Year, the Justices present thereat shall determine and appoint the proportion of the amount thereof which shall be borne by, and assessed upon, the Inhabitants of the said Lock's Island Poor District; and shall, upon Presentment being made by the Grand Jury, as usual in such cases, appoint Three Assessors of such County Rates so to be borne by the Inhabitants of such District—and also upon the like Presentment, Three Freeholders of such District as Collectors of such County Rates, who shall respectively act as Assessors and Collectors of County Rates within the said District, and shall in all respects be governed by the Laws in relation to the assessing and collecting of County Rates in general, and shall in like manner be notified and sworn into office, and act, and have the like powers, and be subject to the same penalties, as are by Law conferred upon other Assessors and Collectors of County Rates, or to which they are subject or liable.

Assessment on District—appointment of Assessors and Collectors, &c.

CAP. XVI.

An Act concerning the Acts relating to Highways, Roads, and Bridges.

(Passed the 30th day of March, 1848.)

WHEREAS, under the authority of the several Acts made and passed relating to Highways, Roads, and Bridges, some Counties have drawn from the Provincial Treasury large sums of money, for damages on the running out of New Roads, and alteration of Old Roads: *And whereas*, doubts have arisen whether monies may not be drawn from the Treasury for those uses, under the said Acts, for other Roads than those specified and enumerated in the Act passed in the Fifth Year of Her present Majesty's Reign, entitled, 'An Act in addition to, and amendment of, the Acts relating to Highways, Roads, and Bridges,' and the Act passed in the Tenth Year of Her Majesty's Reign, entitled, 'An Act in further addition to the Act relating to Highways, Roads, and Bridges:'

Preamble.

I. *Be it therefore enacted*, by the Lieutenant-Governor, Council, and Assembly, That from and after the passing of this Act, no monies shall be drawn from the Provincial Treasury under the said Acts, or any of them, for damages on the running out or completion of any New Road, or alteration of any Old one, other than on the Roads named and specified in the said two last mentioned Acts.

No monies to be drawn for damages but on Roads named.

CAP. XVII.

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

(Passed the 30th day of March, 1848.)

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Seventh Year of the Reign of His late Majesty King William

William

Act 7, Wm. 4, as
altered, Acts 2 &
6, Vic. continued.

liam the Fourth, entitled, An Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and for Sales by Auction, in Halifax, except as altered or amended by the Acts hereinafter mentioned; also the Act passed in the Second Year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to continue and alter the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and for Sales by Auction, in Halifax, except as altered or amended by the Act hereinafter mentioned; and also the Act passed in the Sixth Year of Her present Majesty's Reign, entitled, An Act to continue and amend the Acts for granting Duties on Licenses for the Sale of Spirituous Liquors, and Sales by Auction, in Halifax—which said several Acts will continue in force until the Thirty-first day of March, in this Year of Our Lord One Thousand Eight Hundred and Forty-eight, shall remain thenceforth in operation, and the said several Acts, and every matter, clause, and thing, therein contained, except as before excepted, are hereby respectively further continued until the First day of April, which will be in the Year of Our Lord One Thousand Eight Hundred and Forty-nine, and no longer.

CAP. XVIII.

An Act in relation to a certain Road in Aylesford and appropriations therefor.

(Passed the 30th day of March, 1848.)

Preamble

WHEREAS, a Petition, numerously signed by the Inhabitants of Aylesford, in King's County, was presented to the Court of General Sessions of the Peace for that County, praying for an alteration in the Road leading past Thomas Welton's, William Morton's, and others in that Township; and thereupon the said Court of Sessions appointed certain Commissioners under the Law to report upon the propriety of making such alteration, and to agree with the Proprietors of Lands through which such alteration would pass, as to the amount of Damages to be by them received: *And whereas*, in consequence of one of the Owners refusing to receive the sum agreed upon by such Commissioners as a Committee, as compensation for his Land, the Sheriff of said County was directed upon two several occasions to ascertain by a Jury what compensation in the premises should be paid to the said Owner: *And whereas*, the said Court of Sessions, upon the Report of the Sheriff and Jury being submitted to them, refused to confirm the same, and in consequence thereof, the Inhabitants of Aylesford are deprived of the benefit of such alteration, which it is highly desirable should be made: *And whereas*, the sum of Thirty-five Pounds, in the Year of Our Lord One Thousand Eight Hundred and Forty-five, and the further sum of Twenty-five Pounds Sixteen Shillings and Eight Pence, in the Year One Thousand Eight Hundred and Forty-six, were by Law appropriated for the purpose of making the alteration aforesaid, but in consequence of the refusal of the Court of Sessions to confirm the proceedings of the said Sheriff and Jury as aforesaid, the said several sums remain unapplied, and under the peculiar circumstances of the case, and from a consideration of the great benefit that would ensue from such alteration being made, it is advisable to appropriate a portion of the said sums for payment of damages to Owners of Land through which such alteration may pass.

Appropriations to be
applied to payment
of compensations.

I. Be it enacted, by the Lieutenant-Governor, Council, and Assembly, That in case the several Owners of Lands through which the said proposed alteration will pass, shall assent to receive, as compensation therefor, the damages agreed upon by

by the Committee appointed, as aforesaid, it shall be lawful to apply the said several sums so appropriated, as aforesaid, to the payment of such compensation thus agreed upon, as well as for other purposes connected with the alteration of the said Road.

II. *And be it enacted*, That should any of the parties, through whose Land the said alteration is required to pass, refuse to take the damages awarded by the said Committee, then the Commissioner shall be empowered to proceed as the Law directs in cases where alterations are required on the Great Roads, and it shall be lawful to apply such amount of said sums so appropriated, as aforesaid, in payment of damages as may be assessed therefor.

Parties refusing damages awarded, Commissioner to proceed as Law directs.

CAP. XIX.

An Act for applying certain Monies therein mentioned, for the service of the Year of Our Lord One Thousand Eight Hundred and Forty-eight, and for other purposes.

(Passed the 11th day of April, 1848.)

MAY IT PLEASE YOUR EXCELLENCY—

We, Her Majesty's dutiful and loyal subjects, the House of Assembly of Her Majesty's Province of Nova-Scotia, towards appropriating the Supplies granted to Her Majesty, and for supplying the exigencies of Her Majesty's Government, do humbly beseech that it may be enacted: and

I. *Be it enacted, by the Lieutenant-Governor, Council, and Assembly*, That by or out of the Monies which 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 Two Hundred Pounds to the Speaker of the House of Assembly, in full for his Salary as Speaker, for the present year.

200l. Speaker of Assembly.

And a further sum at the rate, during his continuance in Office, of Six Hundred Pounds to the Treasurer of the Province, for his Salary, and as Comptroller and Auditor of Public Accounts, and in lieu of all contingent expenses, for the same year.

600l. Treasurer.

And a further sum of Two Hundred Pounds to the Clerk of the House of Assembly, for his services for the same year.

200l. Clerk of Assembly.

And a further sum of Twenty-five Pounds to the Chaplain of the House of Assembly, for his services during the present Session.

25l. Chaplain.

And a further sum of One Hundred Pounds to the Clerk Assistant of the House of Assembly, for his services for the same Session.

100l. Clerk Assistant of Assembly.

And a further sum of Fifty Pounds to Peter Spearwater, for his services as Sergeant at Arms to the House of Assembly, for the same Session.

50l. Sergeant at Arms.

And a further sum of Thirty Pounds to Joseph W. Quinan, for his services as Assistant Sergeant at Arms to the House of Assembly, for the same Session.

30l. Assistant Sergeant at Arms.

And a Further sum of Forty Pounds to the Messenger of the Governor, and the Executive and Legislative Councils, for the present year.

40l. Messenger of Governor.

And a further sum of Thirty Pounds to John Fitzgerald, for his services as Messenger to the House of Assembly during the present Session.

30l. John Fitzgerald.

And a further sum of Two Hundred and Fifty Pounds to the Cashier of the Savings' Bank, and First Clerk of the Treasury, for his services for the present year.

250l. Clerk of Treasury.

607. Clerk of Board
of Revenue.

And a further sum of Sixty Pounds to the Clerk of the Board of Revenue, for his services for the present year.

2007. Guager and
Weigher

And a further sum of Two Hundred Pounds to the Guager and Weigher for the Collector of Impost and Excise for the District of Halifax, for his services for the present year.

1007. Proof Officer.

And a further sum of One Hundred Pounds to the Proof Officer at Halifax, for his services in that capacity for the present year, and in lieu of all contingent expenses connected therewith.

Allowance to Extra
Waiters.

And a further sum, to be paid on the Certificate of the Board of Revenue, at the rate of Seven Shillings and Six Pence per day, to such persons as shall be employed, during the present year, by the Collector of Impost and Excise for the District of Halifax, as Extra Waiters for the Port of Halifax—Five Shillings per day to such Extra Waiters when unemployed, and at the rate of Five Shillings per day to temporary Waiters.

607. Keeper of As-
sembly.

And a further sum of Sixty Pounds to the Keeper of the Assembly House, and Council Chamber, and Law Library, for the present year.

13507. Transient
Poor.

And a further sum of One Thousand Three Hundred and Fifty Pounds for the support of the Transient Poor, for the present year—to be paid to the Commissioners of the Poor at Halifax.

4007. Sable Island.

And a further sum of Four Hundred Pounds to the Commissioners of Sable Island, for the support of that Establishment for the present year.

207. E. Crowell.

And a further sum of Twenty Pounds to Edmund Crowell, to enable him to keep up his Establishment at Seal Island for the relief of Shipwrecked Mariners, for the present year.

207. J. Wickins.

And a further sum of Twenty Pounds to Joseph Wickins, of Mud Islands, to enable him to keep a suitable Boat and Man at that place to assist Shipwrecked Seamen.

507. Guysborough
Packet.

And a further sum of Fifty Pounds to such person as will run a proper Packet between Guysborough and Arichat, touching occasionally at Fox Island and Canso, under the regulation of the General Sessions of the Peace for the County of Guysborough—to be paid upon the Certificate of such Sessions that such Packet has been properly kept and run during the present year—provided that the Judges of the Supreme Court shall be taken without charge (if required) from Guysborough to Arichat, and from Arichat to Guysborough, on their Circuit to Cape-Breton; and that the said Packet shall also carry the Mail between Guysborough and Arichat, if required.

207. W. Weeks.

And a further sum of Twenty Pounds to W. Weeks, or any person who will run a Packet Boat between the Bay of Verte and Prince Edward Island, when it shall be made satisfactorily to appear to the Governor in Council that such Packet Boat has been run agreeably to such regulations as may be established by the Justices, in their Sessions, for the County of Cumberland.

207. Ferry Co. Hants.

And a further sum of Twenty Pounds to aid the Inhabitants of Douglas, at the mouth of the River Shubenacadie, in supporting a suitable Boat or Scow to run between Londonderry and that place—the said Boat or Scow to be run under the regulations of the General Sessions for the County of Hants—to be paid upon Certificate from three Justices of the Peace, residing in Douglas, that said Boat has been running at least twice a week for Six Months, to their satisfaction, under the regulations aforesaid.

307. Ferry Co. Cape-
Breton.

And a further sum of Thirty Pounds to aid the Inhabitants of Cape-Breton in supporting a suitable Boat or Scow to run between McMillan'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 County of Inverness.

107. each Ferrymen
Co. Colchester.

And a further sum of Ten Pounds, each, to the two Licensed Ferrymen at the mouth of the Shubenacadie, in the Counties of Colchester and Hants, for the transportation

transportation of Horses and Carriages across that River—the same to be paid on the Certificate of the General or Special Sessions of each County, respectively, that such Ferry has been duly attended, and proper Boats procured and used.

And a further sum of Fifteen Pounds to John Pernette and Charles Pernette, 15l. J. & C. Pernette. for keeping up the Ferry over LaHave River.

And a further sum of Ten Pounds to Cornelius Craig, to enable him to keep up 10l. C. Craig. his Ferry, across the Narrows, at the entrance of Sable River, in the County of Shelburne.

And a further sum of Ten Pounds to John Carter, to enable him to run a suitable Ferry Boat or Scow between his Landing, on the Western side of the Gut of Canso, and David McPherson's, on the Eastern side thereof—the said Ferry Boat or Scow to be run under the regulations of the General Sessions for the County of Guysborough. 10l. J. Carter.

And a further sum of Ten Pounds to the Ferryman on the Eastern side of the Gut of Canso, to enable him to run a suitable Ferry Boat or Scow between John Carter's Landing on the Western side of said Gut, and David McPherson's on the Eastern side thereof—the said Ferry Boat or Scow to be run under the regulations of the General Sessions for the County of Richmond. 10l. Ferryman Gut of Canso.

And a further sum of Ten Pounds each, to such persons as shall respectively keep up a Ferry at the mouth of the Harbor of Port L'Herbert, provided a Boat be kept to convey Horses and Cattle across said Harbor—said sum to be paid upon the Certificate of two Justices of the Peace for the County of Shelburne residing nearest the said Ferry. 20l. Ferry Port L'-Herbert.

And a further sum of Ten Pounds to Duncan McPhee, to enable him to maintain a Ferry between Low Point and the Sydney Mines, at the mouth of Spanish River, in the County of Cape-Breton—to be paid on the Certificate of three Justices of the Peace for the County of Cape-Breton, that he has faithfully discharged the duties assigned to him by the General Sessions of the Peace for the said County. 10l. D. McPhee.

And a further sum of Fifteen Pounds to William Cunningham and John Knowles, or such other persons as shall keep a Ferry across the Narrows of the Passage between Cape Sable Island and the Main—such persons being furnished with suitable Boats for the accommodation of Passengers—to be paid on the Certificate of two Justices of the Peace residing in the Township of Barrington, that the said services have been performed for the present year. 15l. Cunningham & Knowles.

And a further sum of Fifteen Pounds to aid in maintaining a Ferry during the present year between Amherst and Minudie—such Ferry to be under the regulation of the General Sessions for the County of Cumberland, and the foregoing sum to be paid on their Certificate that the same has been conducted to their satisfaction. 15l. Ferry Amherst.

And a further sum of Ten Pounds each to the two Licensed Ferrymen at the Mouth of the Grandique River, in the County of Richmond—to be paid by Warrant from the Governor, upon certificate of the Court of General Sessions of the Peace for that County that the work has been faithfully performed, and the public properly accommodated. 20l. Ferry Co. Richmond.

And a further sum of Twenty-five Pounds 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 Fifty Pounds to Doctor Grigor and his Associate, in aid of the Halifax Dispensary for the present year—provided that they keep, during the year, a sufficient quantity of Vaccine Matter. 50l. Hx. Dispensary.

And such further sum, at the disposal of the Governor, as will suffice to defray the additional expense which may be incurred by abolishing the present Mail Route from Terfry's to Maitland, and establishing instead thereof two lines, the first starting from Mr. Parker's Office, at Shubenacadie, and running thence to Maitland, and 15l. Mail Route Co. Hants.

and thence by Noel, Gore, and Nine Mile River, back to Mr. Parker's; the second commencing at the Scotch Village, in Newport, and running thence up the Kennebec Road to the Gore, in Douglas—thence by the Gore to Upper Rawdon—thence by Lower Rawdon to Woodruff's Corner, and thence back to Scotch Village—provided the additional expense do not exceed Fifteen Pounds

75l. Mail Route Colchester and Cumberland

And such further sum, at the disposal of the Governor, as will suffice, instead of keeping up the present Mail Route from Truro to Wallace, passing through Tata-magouche, to establish, in lieu thereof, two separate Routes, that is to say: one going direct from Truro to Tatamagouche, the Mail to be delivered on the North side of the French River; and the other commencing at Londonderry, and going thence by the Wallace River, and through Wallace to Pugwash—provided the whole expense of both Routes do not exceed Seventy-five Pounds.

7l. Mail Route Co. Shelburne

And such further sum, at the disposal of the Governor, as will suffice to cover any further expenditure which may be caused by the change of the Route of the Courier from Dunlop's to Locke's Island, in the County of Shelburne, whereby such Courier, instead of following the Road now pursued, shall go into Lewis' Head, or Little Harbor, both going to and returning from Lock's Island—provided the extra expense do not exceed Five Pounds.

29l. Mail Route Co. of Pictou.

And such further sum, at the disposal of the Governor, as will suffice to establish a Weekly Mail from New Glasgow by the Glen Road to Webster's, and thence by the Blue Mountains to the Garden of Eden, returning (as soon as the state of the Road will permit) by the new Road from William Ross' by the Marsh—provided the same do not exceed Twenty Pounds.

10l. Mail Route Co. King's.

And such further sum, at the disposal of the Governor, as will suffice to extend the Post at present running through Cornwallis, from the Western part thereof, along the North Mountain and by the back Road to the County Line—provided the same do not exceed Ten Pounds.

20l. Mail Route old Chester Road.

And such further sum, at the disposal of the Governor, as will suffice to establish a Weekly Mail on the old Post Line of Road between Chester and Windsor—provided the same do not exceed Twenty Pounds.

15l. Mail Route Co. Pictou.

And such further sum, at the disposal of the Governor, as will suffice to establish a Weekly Mail at Barney's River, in the County of Pictou, commencing at Donald Murray's, and proceeding thence up the West side of the River to some convenient place at the head thereof, thence running on to the East Branch and coming down the East side of the River to the place of beginning—provided that the same do not exceed Fifteen Pounds.

Way Office Mahone Bay.

And such further sum, at the disposal of the Governor, as will suffice to defray the expense of establishing and maintaining a Way Office at Mahone Bay.

4l. M. Walsh.

And a further sum of Four Pounds to Maurice Walsh, for conveying the Mails over the Ferry at Pugwash during the last year.

6l. R. McNutt.

And a further sum of Six Pounds to Robert McNutt, for carrying the Mails over the Ferry at River Philip during the last year.

Extension of Mail Route Co. Pictou.

And such further sum at the disposal of the Governor, as will suffice, in addition to the sum already paid, to extend the Route of the Mail Courier at present established between New Glasgow and Holmes', to Fraser's Mills, the whole of such Route having been first offered for public competition.

20l. Mail L. Bedeque, &c.

And such further sum, at the disposal of the Governor, as will suffice to establish a Weekly Mail between Little Bedeque and Whycocomagh—provided the same do not exceed Twenty Pounds.

7l. 10s. Mail Route Queen's Co.

And such further sum, at the disposal of the Governor, as will suffice to establish and maintain a Weekly Mail from Brookfield to Caledonia Corner and Harmony—provided the same do not exceed Seven Pounds and Ten Shillings.

10l. Mail Route Co. Richmond.

And such further sum, at the disposal of the Governor, as will suffice to defray the expense of keeping up a Weekly Mail between L'Ardoise and Grand River—provided the same do not exceed Ten Pounds.

And

And a further sum of Ten Pounds, at the disposal of the Governor, to extend the Line of Post Communication, at present established, from Guysborough to Country Harbor, thence to the Forks of Saint Mary's. 10l. Mail Route Co. Guysborough.

And a further sum of Two Pounds and Ten Shillings to Edward J. Whitman and William Whitman, amount of Duties on Flour lost at sea. 2l. 10s. E. J. & W. Whitman.

And a further sum of Ten Pounds to John Keith, in full of his claim for return of Duties on two puncheons of Rum, totally lost by leakage in the Warehouse. 10l. J. Keith.

And a further sum of Four Pounds Four Shillings and Seven Pence to the Cornwallis Agricultural Society, being return of Duties on Agricultural Implements imported by them. 4l. 4s. 7d. Cornwallis Ag. Society.

And a further sum of Forty-five Pounds Four Shillings and Three Pence to J. R. Patillo, drawback of Duties on Pork exported. 45l. 4s. 3d. J. R. Patillo.

And a further sum of Forty-five Pounds to Bowden B. Oxley, in full, in addition to his Salary as Clerk to the Board of Revenue, for past services. 45l. B. B. Oxley.

And a further sum of Sixty Pounds to Robert Stone, for his services as Revenue Officer at Wilmot. 60l. R. Stone.

And a further sum of Nine Pounds to John Givan, as remuneration for his services as Seizing Officer at Givan Wharf, Cornwallis, for the last two years. 9l. J. Givan.

And a further sum of Forty-two Pounds Five Shillings and Two Pence to Joshua Newton, Esquire, Sub-Collector of Customs at Liverpool, being amount paid into Treasury on Flour seized by him and condemned and sold—such amount to be by him distributed amongst the several owners of the Flour seized, in rateable proportions, according to the quantity owned by each individual, excepting Lothrop Dogget. 42l. 5s. 2d. J. Newton.

And a further sum of One Pound Eight Shillings and Nine Pence to George E. Jean, being amount overpaid by him into the Treasury in One Thousand Eight Hundred and Forty-seven. 1l. 8s. 9d. G. E. Jean.

And a further sum of Five Pounds Twelve Shillings and Eight Pence to the Trustees of the Lunenburg Academy, being return of Duties upon Apparatus imported for the use of the said Academy. 5l. 12s. 8d. Lunenburg Academy.

And a further sum of Eleven Pounds Twelve Shillings and One Penny to John L. Tremain, Esquire, Sub-Collector of Customs at Port Hood. 11l. 12s. 1d. J. L. Tremain.

And a further sum of Seven Pounds and Ten Shillings to Dominique Boudreau, of Tusket Ledge, in full for his services in securing a Foreign vessel and cargo, subsequently condemned in the Vice Admiralty Court at Halifax. 7l. 10s. D. Boudreau.

And a further sum of Fourteen Pounds and Sixteen Shillings to Mayhew Beckwith and John C. Hall, Esquires, being amount expended under their direction to prevent the destruction of the Hall's Harbor Breakwater. 14l. 16s. M. Beckwith and J. C. Hall.

And a further sum of Thirty Pounds at the disposal of the Governor, to aid in the erection of a Breakwater at Green Cove, Beaver River, County of Yarmouth—to be drawn and applied for that purpose when it shall appear to the satisfaction of the Governor in Council, that the sum of Ninety Pounds has been subscribed by the inhabitants and expended on such Breakwater, and that the site thereof has been conveyed for the use of the public. 30l. Breakwater Yarmouth.

And a further sum of Sixty Pounds at the disposal of the Governor, to aid in the completion of the Breakwater at Aylesford—to be drawn and applied for that purpose, when it shall appear to the satisfaction of the Governor in Council, that the sum of One Hundred and Eighty Pounds has been subscribed by the inhabitants, and expended on such Breakwater, and that the site thereof has been conveyed for the use of the public. 60l. Breakwater Aylesford.

And a further sum of Fifteen Pounds at the disposal of the Governor, to aid in the placing of Buoys in Arichat Harbor—to be drawn and applied for that purpose when it shall be made satisfactorily to appear to the Governor in Council, that the inhabitants have raised by subscription and expended a like sum in the undertaking. 15l. Buoys, Arichat Harbor.

And

15l. E. Frost.

And a further sum of Fifteen Pounds to Eunice Frost, of Argyle, for damages sustained by her on account of a Road passing through her lands.

32l. 10s. S. Donovan.

And a further sum of Thirty-two Pounds and Ten Shillings to Simon Donovan, Esquire, Twelve Pounds and Ten Shillings of this sum being in full for his services and expenses incurred as a Commissioner appointed by the Government to investigate the Accounts connected with the "*Maria*," and the remaining sum of Twenty Pounds, in full for his expenses incurred in attending before a Committee of the House of Assembly.

12l. 10s. C. F. Harrington.

And a further sum of Twelve Pounds and Ten Shillings to C. F. Harrington, Esquire, in full for expenses incurred and services rendered by him as Commissioner appointed by Government to investigate the Accounts connected with the "*Maria*."

105l. Dr. Madden and others.

And a further sum of One Hundred and Five Pounds, in equal proportions of Thirty-five Pounds each, to Doctors Madden and the Messrs. Fixott, of Arichat, in full for their Medical attendance on the Passengers and Crew of the Barque "*Maria*"; and the further sum of Fifty-eight Pounds Seven Shillings and Three Pence, in full for Medicines furnished to the said Passengers and Crew; making altogether One Hundred and Sixty-three Pounds Seven Shillings and Three Pence.

10l. Dr. Fixott.

And a further sum of Ten Pounds to Doctor Charles Fixott, of Arichat, in full for his services in visiting wrecked Passengers at Framboise, in September last.

3l. 10l. N. H. Martin.

And a further sum of Three Pounds and Ten Shillings to N. H. Martin, Esquire, to reimburse him for expenses incurred in visiting the "*Maria*," wrecked at Framboise.

4l. H. McEachern.

And a further sum of Four Pounds to Hugh McEachern, in full for the price of his Vessel employed by N. H. Martin, Esqr., in visiting the wreck of the "*Maria*."

318l. 16s. 1d. Transient Paupers.

And a further sum of Three Hundred and Eighteen Pounds Sixteen Shillings and One Penny to defray the several amounts following, pursuant to the Report of the Committee on the subject of expenses incurred for the support of Transient Paupers, that is to say:

To the Overseers of the Poor for the Township of Granville,	£4 10 0
John D. Putnam, of Pugwash, for attendance and supplies to an Insane Pauper,	4 12 6
William Watt, for expenses incurred on a Transient Pauper in 1846,	6 7 11
The Overseers of the Poor for the Township of Granville, for a Transient Pauper more than 100 years of age,	13 0 0
The Overseers of the Poor for the Township of Argyle, for expenses incurred in confining and keeping a Lunatic who had escaped from the Halifax Poor Asylum,	15 0 0
The Overseers of the Poor for the Township of Falmouth—	£3 0 0
Dr. Fraser,	4 5 6
	7 5 6
The Overseers of the Poor of Saint Mary's, County of Guysboro',	4 2 0
Doctor Tupper for attendance on Paupers and Indians at Fort Laurence,	3 0 0
The Overseers of the Poor for the Township of Lunenburg,	£7 0 0
Dr. Culpepper,	4 17 6
	11 17 6
Doctor Forbes, of Liverpool,	4 0 0
The Overseers of the Poor for the Township of Horton—	
To pay Elijah Parker's Bill,	£4 2 6
" Joshua Reid's "	2 5 0

To

To pay Dr. Fitch's Bill,	£2 5 0	
		8 12 6
To Doctor Tupper, Health Officer, Amherst, for support and Medical attendance to Paupers, in connection with the Board of Health,		45 13 10
J. P. Watson for support of a Transient Pauper at Annapolis,		7 0 0
The Overseers of the Poor for Dorchester, County of Sydney,		21 6 1
R. & J. Mulhall, for passage of Shipwrecked Seamen from the Island of Tobago to Liverpool, N. S.,	£17 10 0	
For Governor of Tobago's Certificate,	2 6 11	
		19 16 11
The Overseers of the Poor for the first section of the Township of Pictou,		52 15 0
The Overseers of the Poor for the Township of Guysborough,		21 4 6
The Overseers of the Poor for the Township of Sydney, C. B.,		5 9 0
The Overseers of the Poor for the Township of Windsor—		
For Dr. Pyke's Bill,	£4 5 9	
For William Maxner,	2 13 0	
For E. MacNamara,	1 10 0	
		8 8 9
Doctor Fox, under direction of Overseers of the Poor for the Township of Guysborough,	5 17 6	
Do. do. Board of Health,	7 0 0	
		12 17 6
Doctor Carritt, for attendance on Transient Paupers in Township of Melford, County of Guysborough,		12 10 0
William Smith, Overseer of Poor, Pugwash, for charges of an Insane Pauper,		3 0 0
The Overseers of the Poor for the Township of Melford—		
For James McNair's Bill,	£4 0 0	
“ R. Pendergast,	4 0 0	
“ passage of two Passengers,	2 0 0	
“ Beck's Bill,	5 17 0	
		15 17 0
The Overseers of the Poor for the Township of Truro,		10 9 7
		£318 16 1

And a further sum of Ten Pounds at the disposal of the Governor, to be applied towards defraying the expense of removing Jane Bolman, a blind child from an Asylum in the United States to her friends. ^{10l. Jane Bolman.}

And a further sum of Twenty Pounds at the disposal of the Governor, to be applied towards defraying the expense of removing two deaf and dumb Boys, the children of John Campbell of Saint Paul's, from an Asylum in the United States to their friends in this Country. ^{20l. John Campbell.}

And a further sum of Fifteen Pounds at the disposal of the Governor, to be applied towards defraying the expense of removing a deaf and dumb Boy, the son of James Stephens of Horton, from an Asylum in Scotland to his friends in this Country. ^{15l. James Stephens.}

And a further sum of Ten Pounds at the disposal of the Governor, to be applied towards defraying the expense of removing a deaf and dumb Boy, the son of James Allison of Windsor, from an Asylum in the United States to his friends in this Country. ^{10l. James Allison.}

And a further sum of Fifty Pounds to Jacob Miller, for his services as Quarantine Officer in the Harbor of Halifax during the past year. ^{50l. J. Miller.}

And

692. J. Skinner. And a further sum of Sixty Pounds to James Skinner, of Pictou, in full, of his claim connected with the use of his House and Farm for certain persons infected with Small Pox.
- 1029l. 9s. Board of Health. And a further sum of One Thousand and Twenty-nine Pounds and Nine Shillings at the disposal of the Governor, to repay certain expenses incurred by the Board of Health at Halifax during the last year.
- 200l. Dr. Hoffman, 180l. J. C. Hume. And a further sum of Two Hundred Pounds to Doctor Hoffman—and the further sum of One Hundred and Eighty Pounds to Doctor James C. Hume, for their services as Health Officers at Halifax during the last year.
- 145l. Dr. Anderson and others. And a further sum of Sixty Pounds to Doctor Anderson—and the further sum of Sixty Pounds to Doctor Johnson—and the further sum of Twenty-five Pounds to Doctor W. Cooke, all of Pictou, for their attendance and services on and connected with, sick Emigrants during the past year.
- 23l. Dr. Hoffman. And a further sum of Five Pounds and Ten Shillings to Doctor Hoffman, for his attendance on sick Emigrants suffering under Small Pox, at the request of the Mayor of the City of Halifax—and also the further sum of Seventeen Pounds and Ten Shillings for his services as Health Officer in going on board Ships of War last year.
- 589l. 1s. 3d. Board of Health, Pictou. And a further sum of Five Hundred and Eighty-nine Pounds One Shilling and Three Pence at the disposal of the Governor, to repay certain expenses incurred by the Board of Health at Pictou during the last year.
- 25l. Overseers of Poor, Liverpool. And a further sum of Twenty-five Pounds to the Overseers of the Poor for the Township of Liverpool, in full, for expenses incurred under their direction in certain cases of Small Pox during the last year.
- 35l. 10d. Board of Health, Yarmouth. And a further sum of Thirty-five Pounds and Ten Pence to the Board of Health at Yarmouth, in full for expenses incurred in cases of Small Pox there—Twenty Pounds thereof to be paid by them to Doctor H. G. Farish.
- 18l. Dr. Dennison. And a further sum of Eighteen Pounds to Doctor William Dennison, of Newport, in full for his attendance on certain sick Emigrants during the last year.
- 50l. Jas. Campbell. And a further sum of Fifty Pounds to James Campbell, formerly Teacher in the Arichat Academy, in full for his services in that capacity.
- 15l. S. Donovan. And a further sum of Fifteen Pounds to Simon Donovan, Seizing Officer at Arichat, for his services, and expenses incurred in proceeding from Arichat to Guysborough, in relation to sundry Goods irregularly imported during the last year.
- 100l. Postal Commission. And a further sum of One Hundred Pounds at the disposal of the Governor, to defray the expense incurred in the execution of the Commission issued by the Governor-General on the subject of adopting an uniform postal arrangement throughout British America.
- 15l. Widow of D. Moon. And a further sum of Fifteen Pounds at the disposal of the Governor, to be paid to the Widow of Donald Moon, late Light House Keeper at Saint Paul's Island, who lost his life in attempting to save two men who had drifted from the Island in a boat.
- 3572l. Customs Establishment. And a further sum, not exceeding Three Thousand Five Hundred and Seventy-two Pounds, currency, at the disposal of the Governor, to enable him to defray the expense of the Customs Establishment up to the time when their Accounts can be finally closed with the Province.
- 99l. 13s. 6d. Indians. And a further sum of Ninety-nine Pounds Thirteen Shillings and Six Pence at the disposal of the Governor, for the purpose of defraying that amount over-expended by the Government during the last year for the benefit of the Indians.
- 15l. 5s. 10d. Indians. And a further sum of Eighteen Pounds Five Shillings and Ten Pence at the disposal of the Governor, to pay the following amounts for attendance upon, and supplies furnished to Indians during the last year—that is to say :

To Doctor Willobischi, of Liverpool,	£5 0 0
“ Doctor Hamilton, of Cornwallis,	5 0 0
To	

To Doctor James Fraser Forbes, of Liverpool,	£5 0 0
“ The Overseers of the Poor, Liverpool,	2 1 10
“ William Scott & Co.,	1 4 0
	£18 5 10

And a further sum of Fifty Pounds at the disposal of the Governor, to be expended under the direction of the Commissioners of Light Houses, towards keeping a Light in the Beacon at Guysborough for the present year—provided that this Grant shall not in any manner be considered as authorizing the erection of a Keeper's House. 50l. Guysboro' Beacon.

And a further sum of Twenty-seven Pounds Fourteen Shillings and Eleven Pence to John C. Hall, Esquire, to defray the following charges connected with Provincial Horse 'Norfolk,' viz: 27l. 14s. 11d. charges Horse Norfolk.

Messrs. Hall, Wilkins, and Thorne, for excess of expense of keeping Horse,	£22 9 8
Do. for expenses of articles for Horse,	4 7 9
To pay A. Knight's Bill,	0 17 6

£27 14 11

And a further sum of Eighteen Pounds Two Shillings and Nine Pence to Reginald B. Porter, Esquire, in full of his Account for charges connected with Provincial Horse 'Norfolk.' 18l. 2s. 9d. R. B. Porter.

And a further sum of Six Pounds and Three Shillings to Hiram Hyde, for keeping the Provincial Horse 'Norfolk,' up to the Tenth day of April in this present year. 6l. 3s. H. Hyde.

And a further sum of Three Pounds Three Shillings and Seven Pence to David LeBlanc, being amount paid into the Treasury from a seizure of Rum made by Simon Donovan, Seizing Officer at Arichat, from said LeBlanc. 3l. 3s. 7d. D. LeBlanc.

And a further sum of One Hundred and Eighty-seven Pounds Three Shillings and Two Pence at the disposal of the Governor, to cover that amount advanced for certain expenses incurred for the transportation and relief of Wrecked Passengers. 187l. 3s. 2d. wrecked Passengers.

And a further sum of Twenty-five Pounds each to John Gibbs and John Jennings, as old and faithful servants of the House of Assembly. 25l. each, J. Gibbs, and J. Jennings.

And a further sum of Seventeen Pounds Eight Shillings and Seven Pence to Gossip & Coade, being balance of their Account for Printing, against the Provisional Committee of the Halifax and Quebec Railway. 17l. 8s. 7d. Gossip & Coade.

And a further sum of Ten Pounds to Donald Urquhart, in full for his services, and to pay all Accounts connected with the running of the Lines of certain Electoral Districts in the County of Colchester, under the direction of the Surveyor-General, during the last year. 10l. D. Urquhart.

And a further sum of Ten Pounds to Lemuel Morehouse, Mail Courier between Digby and Brier Island, to enable him to pay for the conveyance of the Mail across Petit and Grand Passage for the last year. 10l. Mail Digby and Brier Island.

And a further sum of Five Pounds to the Overseers of the Poor for Upper Musquodoboit—pursuant to the prayer of their Petition presented last Session. 5l. Overseers Poor, U. Musquodoboit.

And a further sum of Twenty Pounds Sixteen Shillings and Nine Pence to James Johnson, to repay that amount expended in the support and preservation of the Battery at Pictou—to be paid when the Accounts therefor are certified as correct by three Justices of the Peace for the County of Pictou. 20l. 16s. 9d. Battery at Pictou.

And the following sums, that is to say: the sum of One Thousand Three Hundred and Eighty Pounds allotted for the service of Roads and Bridges in the County of Inverness—and the sum of One Thousand Four Hundred and Sixty Pounds allotted Roads and Bridges—1380l. Cy. Inverness.

- 1460l. Cy. Pictou. allotted for the service of Roads and Bridges in the County of Pictou, at the disposal of the Governor, to be respectively expended in the said services.
- 1000l. Cy. Yarmouth. And a further sum of One Thousand Pounds for the several Roads and Bridges in the County of Yarmouth, to be applied and expended agreeably to a Resolution of the House of Assembly, passed on the Eighth day of April, in this Year of Our Lord One Thousand Eight Hundred and Forty-eight, and agreed to by the Legislative Council.
- 1000l. Cy. Shelburne. And a further sum of One Thousand Pounds for the several Roads and Bridges in the County of Shelburne, to be applied and expended as last aforesaid.
- 1000l. Cy. Digby. And a further sum of One Thousand Pounds for the several Roads and Bridges in the County of Digby, to be applied and expended as last aforesaid.
- 1000l. Cy. Sydney. And a further sum of One Thousand Pounds for the several Roads and Bridges in the County of Sydney, to be applied and expended as last aforesaid.
- 1000l. Cy. Guysboro'. And a further sum of One Thousand Pounds for the several Roads and Bridges in the County of Guysborough, to be applied and expended as last aforesaid.
- 1000l. Cy. Queen's. And a further sum of One Thousand Pounds for the several Roads and Bridges in the County of Queen's County, to be applied and expended as last aforesaid.
- 1000l. Cy. Richmond. And a further sum of One Thousand Pounds for the several Roads and Bridges in the County of Richmond, to be applied and expended as last aforesaid.
- 1520l. Cy. Halifax. And a further sum of One Thousand Five Hundred and Twenty Pounds for the several Roads and Bridges in the County of Halifax, to be applied and expended as last aforesaid.
- 1400l. Cy. Hants. And a further sum of One Thousand and Four Hundred Pounds for the several Roads and Bridges in the County of Hants, to be applied and expended as last aforesaid.
- 1460l. Cy. Cape Breton. And a further sum of One Thousand Four Hundred and Sixty Pounds for the several Roads and Bridges in the County of Cape-Breton, to be applied and expended as last aforesaid.
- 1100l. Cy. King's. And a further sum of One Thousand and One Hundred Pounds for the several Roads and Bridges in the County of King's County, to be applied and expended as last aforesaid.
- 1200l. Cy. Colchester. And a further sum of One Thousand and Two Hundred Pounds for the several Roads and Bridges in the County of Colchester, to be applied and expended as last aforesaid.
- 1200l. Cy. Cumberland. And a further sum of One Thousand and Two Hundred Pounds for the several Roads and Bridges in the County of Cumberland, to be applied and expended as last aforesaid.
- 1240l. Cy. Lunenburg. And a further sum of One Thousand Two Hundred and Forty Pounds for the several Roads and Bridges in the County of Lunenburg, to be applied and expended as last aforesaid.
- 1040l. Cy. Annapolis. And a further sum of One Thousand and Forty Pounds for the several Roads and Bridges in the County of Annapolis, to be applied and expended as last aforesaid.
- Great Roads 7500l. And a further sum of Seven Thousand and Five Hundred Pounds for the service of the Great Roads in the present year, to be applied as follows, that is say :
- | | | | |
|--|--|--|----------|
| County of Halifax, £1000—viz : | | | |
| On the Main Road East from Dartmouth, | | | £250 0 0 |
| “ “ towards Guysboro', | | | 200 0 0 |
| “ “ “ Chester, | | | 100 0 0 |
| “ “ “ Truro, | | | 250 0 0 |
| “ “ “ Windsor, | | | 200 0 0 |
| County of Colchester, £500—viz : | | | |
| Hants County Line to Polly's, including repairs of Bridge, | | | 75 0 0 |
| Polly's to Truro, including Truro Bridge, | | | 90 0 0 |
| | | | To |

To build Salmon River Bridge, and to pay Archibald for securing Timber,	£100	0	0
From J. Dickson's to the Pictou Line,	25	0	0
To repair Slack's Causeway,	35	0	0
“ complete Folly Hill alteration, and to pay Morrison and Corbett for Timber when Vouchers are produced,	65	0	0
From J. N. Spencer's to Cumberland County Line,	10	0	0
To improve the new Tatamagouche Road, County of Cumberland, £450—viz :	100	0	0
Alteration at Birch Hill,	275	0	0
“ Wallace Bridge,	175	0	0
County of Hants, £575—viz :			
To complete alteration at Fitzmaurice's,	200	0	0
From County Line to Uniacke Gate,	60	0	0
“ Uniacke Gate to B. Sweet's,	80	0	0
“ Benoni Sweet's to Wm. Edwards', St. Croix,	75	0	0
“ Shaw's to Horton Line, New Road,	60	0	0
For Eastern Road through Hants County, towards Truro, County of King's County, £400—viz :	100	0	0
From Falmouth Line to Dimock's, Lower Horton,	150	0	0
To complete Bridge across the Gaspereaux,	75	0	0
From Dimock's to Kentville,	55	0	0
“ Kentville to Aylesford Line,	70	0	0
Through Aylesford,	50	0	0
Annapolis County, £400—viz :			
For the Bridgetown Bridge,	300	0	0
“ Bridge between County Line and Bridgetown,	25	0	0
From Jacob Chipman's to Bruce's Bridge,	10	0	0
For Causeway near Court House, Annapolis,	15	0	0
“ Bridge at Cook's, at Clements,	12	10	0
“ the Deep Brook Bridge,	12	10	0
From Moose River to Guinea Bridge,	10	0	0
“ Guinea Bridge to Hessian Line,	10	0	0
For the Hill on the East side of Bear River, County of Digby, £300—viz :	5	0	0
For Sissiboo Bridge,	200	0	0
For Montegan Bridge,	13	0	0
From Comeau's Cove to Cheticamp,	20	0	0
“ Gilbert's Cove to Church Hill,	15	0	0
For Hill West side of Smelt Brook,	12	0	0
From Bear River Ferry to Smith's Cove	10	0	0
For Bear River Bridge,	30	0	0
Yarmouth County, £300—viz :			
From Beaver River to Milton,	30	0	0
“ Moody's Corner to Gowen's Corner,	20	0	0
“ Vickary's to Ballam's,	20	0	0
“ Ballam's to Tusket Village, and to repair Tusket Bridge,	25	0	0
“ Lent's Corner to Joshua Porter's,	30	0	0
To repair Dike Road at Abram's River,	25	0	0
From Joshua Porter's to George Frost's, and to repair Argyle Bridge,	75	0	0
“ George Frost's to Head of Pubnico,	25	0	0
To repair Bridge at Pubnico Head, near Heslin's,	10	0	0
From Walter Larkins' to Barrington Line,	40	0	0

Shelburne

Shelburne County, £300—viz :			
From Sable River to Jordan River,	£80	0	0
“ Jordan River to Shelburne,	30	0	0
From Shelburne to Clyde,	90	0	0
For Barrington Bridge,	50	0	0
From Barrington to Yarmouth Line,	50	0	0
Pictou County, £550—viz :			
From County Line to Ten Mile House,	125	0	0
“ Ten Mile House to Town of Pictou, and to include the alteration,	225	0	0
Towards completing the Road from New Glasgow to Merigomishe,	100	0	0
For completing the Road at Merigomishe from R. Copeland's to Huggin's Gut—if the whole sum not required, then the overplus to be expended on the Road at the Lower End of Merigomishe, from Henderson's,	100	0	0
Sydney County, £300—viz :			
From Antigonishe to the Gut of Canso,	250	0	0
“ Ditto to County Line, Marshy Hope,	50	0	0
Guysborough County, £300—viz :			
To complete the Section of New Eastern Road from Mallen's Cove to John Cook's,	200	0	0
“ aid in rebuilding Bridge at Forks, St. Mary's,	100	0	0
Richmond County, £300—viz :			
From Line between Inverness and Richmond to Cape-Breton County Line,	250	0	0
“ Grandique to Arichat,	50	0	0
Inverness County, £475—viz :			
For Main Post Road from Ship Harbor to Margaree,	475	0	0
County of Cape-Breton, £475—viz :			
From the County Line, Gut of Canso, to Sydney—thence to Sydney Mines, and thence to Boularderie,	475	0	0
Lunenburg County, 575—viz :			
From Herbert's Cove to Chester—thence to Lunenburgh—thence to La Have Ferry, and thence to Queen's County Line,	275	0	0
“ Mahone Bay to Bridgewater,	300	0	0
Queen's County, £300—viz :			
From Mill's Village to Halfway Hill, near Herring Cove,	50	0	0
“ Herring Cove towards Halfway Hill,	50	0	0
“ Herring Cove to William Dean's,	20	0	0
“ Liverpool to first Beach Hill,	75	0	0
“ first Beach Hill to second Beach Hill,	15	0	0
“ second Beach Hill to Broad River,	15	0	0
“ Broad River to Port Matoon,	25	0	0
“ Port Matoon to Port Jolly,	25	0	0
“ Port Jolly to Shelburne County Line,	25	0	0
	£7,500	0	0

1700l. to buy Seed for distribution.

Proviso.

And a further sum of One Thousand and Seven Hundred Pounds at the disposal of the Governor, to be placed in sums of One Hundred Pounds for each County, in the hands of Commissioners in the County, to be appointed by the Governor in Council, and which sum shall be by them laid out in the purchase of Seed, where absolutely required, for distribution among the poorer classes: *Provided always*, that if such Commissioners so appointed in any County shall report that no sum, or a less amount, is required for such purpose, then the said sum of One

One Hundred Pounds, or any balance thereof, not so required, shall be applied by the Governor in Council, for the service of the Roads and Bridges in such County.

And a further sum, not exceeding Five Hundred and Ten Pounds, at the disposal of the Governor, to aid in the erection of Oat Mills and Kilns in the different Counties during the present year: *Provided* that no greater amount than Thirty Pounds be allowed for any one County—that no person who has heretofore received aid for such purpose, shall be entitled to any participation in the Grant—that no more than Fifteen Pounds be applied in aid of any one Oat Mill and Kiln, and only to that amount in cases where the Kiln is at least fourteen feet in diameter—that no aid be granted where the Kiln shall not be eleven feet in diameter, and only Ten Pounds where such Kiln shall be eleven feet but not fourteen feet in diameter—and that no sum shall be paid hereunder until it shall appear by Certificate, to the satisfaction of the Governor in Council, that the Oat Mill and Kiln for which any such Grant may be claimed are ready to be put in operation—which Certificate shall also state the diameter of the Kiln, and that the person claiming aid has never before received any Grant for that purpose.

510/. to aid in erection of Oat Mills and Kilns. Proviso.

And a further sum of Two Hundred Pounds, at the disposal of the Governor, to compensate some person for carrying the Mails between Annapolis, Digby, and Saint John, New Brunswick, at least once in each week—provided the said Mails be conveyed in a good and sufficient Steam Boat—the voyage to be extended at all times, when practicable, to Annapolis—the service to be performed at such time, and under such regulations as may be established by the Deputy Postmaster General—the said sum to be drawn quarterly, upon the Certificate of the Deputy Postmaster General, that the duty has been faithfully performed.

200/. Mail between Annapolis, Digby, and St. John, N. B.

And a further sum of Two Hundred and Thirty-five Pounds Fourteen Shillings and Three Pence, at the disposal of the Governor, to defray that amount advanced and paid from the Treasury to support the Post Office Department for the last year.

235/. 14s. 3d. Post Office Department.

And a further sum of Five Hundred Pounds at the disposal of the Governor, for the purpose of employing the Schooner "Daring," (when not employed in the Sable Island Service,) for the protection of the Fisheries on the Coasts of this Province.

500/. Protection of Fisheries.

And a further sum of Three Hundred Pounds at the disposal of the Governor, for the benefit of the Indians for the present year—to be expended agreeably to the Acts of the General Assembly to provide for the instruction and permanent settlement of the Indians.

300/. Indians.

And a further sum of One Thousand Three Hundred and Fifty-four Pounds Sixteen Shillings and Eight Pence, to the Commissioners of the Provincial Penitentiary, to defray the expense of Medical Attendance—and Twenty-five Pounds for the Chaplain for the past year, and to defray the outlay and other expenses for the present year.

1354/. 16s. 8d. Prov. Penitentiary.

And a further sum of Six Hundred and Eighteen Pounds Six Shillings and Six Pence, to the Commissioners of Public Buildings, to defray the balance of expenses incurred by them during the last year.

618/. 6s. 6d. Comrs. Public Buildings.

And a further sum of Five Hundred Pounds at the disposal of the Governor, to be from time to time paid to the Commissioners of Public Buildings, in order to the more economical expenditure of the Funds required to be expended thereon by the payment of ready money, and otherwise.

500/. Comms. Public Buildings.

And a further sum of One Hundred and Twenty Pounds to the Chief Inspector of Distilleries in Halifax, for his services for the present year, instead and in lieu of all other allowances whatsoever.

120/. Inspector of Distilleries.

And a further sum of Forty Pounds at the disposal of the Governor, to enable him to continue a suitable Revenue Boat at Sydney, Cape-Breton.

40/. Revenue Boat, Sydney, C. B.

307. Revenue Boat,
Pictou.

And a further sum of Thirty Pounds at the disposal of the Governor, for the purpose of continuing a suitable Boat to assist in the protection of the Revenue at the Port of Pictou for the present year, under the direction of the Collector of Excise at that Port.

8197. expenses Legislative Council.

And a further sum of Eight Hundred and Nineteen Pounds, to defray the expenses of the Legislative Council for the present year.

10021. 17s. Public
Printing.

And a further sum of One Thousand and Two Pounds and Seventeen Shillings at the disposal of the Governor, to defray the following Accounts and charges for Public Printing, pursuant to the Report of the Committee on that subject, that is to say :

To repay advance made from Treasury to Queen's Printer during the last year,	£525 0 0
“ pay John H. Crosskill balance of his Account as Queen's Printer,	456 18 3
“ Ritchie & Nugent,	18 15 0
“ William Annand,	2 3 9
	£1002 17 0

101. each O. S.
Weeks, J. Willoughby, and Jas. Belcher.

And a further sum of Ten Pounds each, to O. S. Weeks, J. Willoughby, and James Belcher, in consideration of their services in Reporting the Debates of the House of Assembly during the present Session.

91. 9s. Stg. Reports
Privy Council.

And such further sum at the disposal of the Governor, as will enable him to transmit to the Colonial Office Nine Pounds and Nine Shillings, Sterling, in payment of Reports of the Judicial Committee of the Privy Council—it being however, the opinion of the House of Assembly, that only Two copies of such Works should be taken in future.

1321. 10s. 5d. Stationery, &c.,
House of Assembly.

And a further sum of One Hundred and Thirty-two Pounds Ten Shillings and Five Pence to the Clerk of the House of Assembly, to defray the expense of Stationery and Binding of Journals and Laws for the House of Assembly during the last year.

2651. Extra Messengers, &c.,
House.

And a further sum of Two Hundred and Sixty-five Pounds to defray the expense of Extra Messengers, and other services, and for Fuel, and other articles for the 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 Speaker.

651. Books for House.

And a further sum of Fifteen Pounds at the disposal of the Honorable the Speaker, to procure various Books and Publications necessary for conducting the business of the Assembly—and also, the further sum of Fifty Pounds for the present year, for the same purpose.

101. each Chairmen
of Committees on
Bills and of Supply.

And a further sum of Ten Pounds each to the two Chairmen of the Committees on Bills and of Supply, for their services for the present Session.

1007. each Clerk and
Clerk Assistant of
House.

And a further sum of One Hundred Pounds each to the Clerk and Clerk Assistant of the House of Assembly, for their extra services during the present Session.

2007. contingencies
Lieut. Governor.

II. *And be it enacted*, That in the event of a Bill entitled, “An Act to commute the Crown Revenues of Nova-Scotia, and to provide for the Civil List thereof,” receiving Her Majesty's assent, and passing into a Law, the sum of Two Hundred Pounds, Sterling, be granted and paid to the present Lieutenant-Governor, for contingencies for the present year, it not being intended to renew such Grant to any future Lieutenant-Governor.

2501. Private Secretary.

And also, in the like event, the sum of Two Hundred and Fifty Pounds, Sterling, to the present Lieutenant-Governor, for a Private Secretary for the present year, it not being intended to renew such Grant to any future Lieutenant-Governor.

1007. Superintendent
Mines, Cape Breton.

And also, in the like event, the sum of One Hundred Pounds, Sterling, to the Superintendent of Mines in Cape Breton, for the present year.

And

And also, in the like event, the sum of Four Hundred and Sixty Pounds, Sterling, for the salaries of the Clerks in the Provincial Secretary's Office for the present year, to be applied and appropriated by the Provincial Secretary.

460l. Stg. Clerks
Prov. Secretary's
Office.

And also, in the like event, a sum not exceeding One Hundred Pounds, Sterling, for Stationery, and other contingencies of the Provincial Secretary's Office, for the present year—the expenditure to be accounted for at the next Session of the General Assembly.

100l. Stg. Stationery
&c., Secretary's
Office.

And also, in the like event, the sum of Thirty Pounds, Sterling, to the Master of the Rolls, the Judge of Vice Admiralty, and the Judge of Probate, at Halifax, for Fuel and Criers of their Courts, for the present year.

30l. Stg. Fuel, and
Criers Courts of
Chancery, Vice
Admiralty, and
Probate.

III. *And be it enacted*, That the sum of Six Hundred Pounds, part of the Grant of Twelve Hundred and Fifty Pounds, formerly appropriated to erect a Light House on the Isle Haute, be appropriated to the erection of a Light House on Black Rock Point, on the South Shore of the Bay of Fundy, and that so much of the balance of the said sum as may be required therefor be appropriated towards the erection of a Light House at Apple River—provided an equal amount be granted by New Brunswick toward the same object.

600l. Light House
Black Rock Point.

Light House Appic
River.

IV. *And be it enacted*, That all Monies from Grants heretofore made for the encouragement of Agriculture, now remaining in the Treasury, and not liable to be drawn as reported by the Central Board of Agriculture—and also all Monies now in the hands of the Central Board of Agriculture, and not required to meet expenditures already incurred on the necessary expenses and services of such Boards be respectively placed at the disposal of the Governor, to be at once expended in the purchase of Seed, to be distributed among distressed Settlers in the Countie, most imperatively requiring the same.

Undrawn Grants for
encouragement of
Agriculture to be
expended in Seed.

V. *And be it enacted*, That instead of the sum of One Hundred Pounds appropriated by the Act passed in the Eighth Year of Her present Majesty's Reign, entitled, 'An Act for the encouragement of Schools,' for the support of Grammar Schools in the County of Sydney, the said sum of One Hundred Pounds be appropriated for an Academy in Antigonishe, under the provisions of that Act.

100l. Academy, An-
tigonish.

VI. *And be it enacted*, That the sum of Twenty Pounds, granted in aid of a superior Common School at Parrsborough, be placed at the disposal of the Board of School Commissioners for that District, to be applied in aid of Common Schools therein during the continuance of the present School Act.

20l. School Commis-
sioners, Parrsbo-
rough.

VII. *And be it enacted*, That the sum of Seven Pounds and Ten Shillings, granted in the last Session to erect a Bridge over Ecumsekum River, and unexpended, be appropriated for the repair of the Road from Clay Head to Ecumsekum River, in the County of Guysborough.

7l. 10s. Road Clay
Head to Ecum-
sekum River.

VIII. *And be it enacted*, That the sum of Seven Pounds, granted last year for the Road on the West end of the Road from the Handley Mountain Road to the Widow Westlake's Corner, in the County of Annapolis, and remaining undrawn, be appropriated and applied for the repair of the Road from the Phinney Mountain Road to the Gates' Mountain Road, past the Spa Springs.

7l. Road past Spa
Springs, Co. An-
napolis.

IX. *And be it enacted*, That the sum of Seven Pounds and Ten Shillings, appropriated out of the Road Money in King's County for One Thousand Eight Hundred and Forty-five, to repair the Road from A. Coil's on the Nictaux Road, Easterly, and which was, in One Thousand Eight Hundred and Forty-seven, applied to the building of a Bridge on the new Road from Trenholm's Mill to William Taylor's, and not expended, and returned undrawn—and also the further sum of Ten Pounds, appropriated out of the Road Money in One Thousand Eight Hundred and Forty-seven for the new Road from William Taylor's to Trenholm's Mills, and undrawn, making together, Seventeen Pounds and Ten Shillings, be appropriated for the New Road leading to Black River.

17l. 10s. Road to
Black River.

X. *And be it enacted*, That the sum of Twenty Pounds, granted last Session for

20l. Road in Clare.

for the repair of the Road from Jesse Oaks' Line to Salmon River, second Division, in the County of Digby, and remaining undrawn, be laid out and expended on the Road between the Farm of Baptiste Sonia and that of Peter Godet—and thence to the Tusket Road, in Clare.

Unexpended Grant
for Main Shore
Road.

XI. *And be it enacted*, That out of the sum of Three Hundred Pounds, appropriated last Session for the service of the Main Shore Road in the County of Halifax, and remaining undrawn, in consequence of the Loan therein contemplated not having been obtained, the sum of One Hundred and Sixty-three Pounds Six Shillings and Nine Pence be applied and appropriated as follows :

To pay David Annand an over-expenditure on the new Musquodobit Road to Corbet's Road, near Gay's River,	£19	5	0
“ James Kerr amount expended by him on Main Road from Halifax to Musquodobit,	11	6	9
“ James Kelly amount expended by him on the new Guysborough Road from James Kerr's to Pollock's,	10	15	0
“ Lauchlin McQuarry amount expended in rebuilding and repairing certain Bridges,	12	0	0
“ Sir Rupert D. George amount advanced to the Reverend Mr. Kennedy for relief of distressed persons at Chezetcook,	10	0	0
“ Amount advanced for relief of distressed Settlers during the last year,	100	0	0
	<hr/>		
	£163	6	9

Unexpended Grant
for Roads and
Bridges.

XII. *And be it enacted*, That the following sums, granted in One Thousand Eight Hundred and forty-seven for the service of Roads and Bridges in the County of Halifax, and undrawn from the Treasury, that is to say :

£59	16	0	out of the Main Shore Road Vote,
10	0	0	from Musquodobit to Gourley's Mills,
10	0	0	for the Road through Lawrencetown,
10	19	10	to open Cross Roads in Preston,
10	0	0	from Cole Harbor to Dartmouth,
10	0	0	from Sheet Harbor towards Pope's Harbor,
10	0	0	for Cross Road Surveys at Preston,
9	0	0	from Philip's to Thomas Preston's,

be appropriated and applied as follows :

To pay Thomas William Ormand for repairs of Porter's Lake Bridge,	£2	18	6
“ Daniel Hattie over-expenditure in 1846,	15	0	0
“ Antoine Fouchette for repairs of Chezetcook Bridge,	3	10	0
“ Toler for damage done by Road through his Land,	10	0	0
“ this amount advanced out of the Casualty Fund in 1846, 1847, and 1848,	98	7	4
	<hr/>		
	£129	15	10

67. 10s. Road in Earltown.

XIII. *And be it enacted*, That the sum of Six Pounds and Ten Shillings, appropriated out of the Road Money for Colchester in One Thousand Eight Hundred and Forty-four, to repair the Road from Paul McDonald's to the Pictou County Line, and not yet expended, and reported undrawn, be applied to repair the Road from McKay's Mill to Widow Ross's, in Earltown.

127. Road in Co. Shelburne.

XIV. *And be it enacted*, That the sum of Twelve Pounds, granted in the last Session for the repair of the Road from Andrew Smith's to the Main Road in the County of Shelburne, and remaining undrawn, be applied to the alteration of the Road from John Nickerson's to the Great Bend, (so called).

XV.

XV. *And be it enacted*, That the Board of Revenue shall allow a Drawback upon all Wines imported for, or consumed by, the Commissioned Officers of the Army, composing the several Regimental Messes of the Garrison at Halifax, or shall relinquish the Duties upon all such Wines, upon proof being made, to the satisfaction of the Board, that the Wines, whereon Drawback or relinquishment of Duties is claimed, were imported for, or consumed by, such Officers of the Army—provided the whole amount do not exceed the sum of Three Hundred Pounds in the year.

Drawback on Wines imported for Regimental Messes.

XVI. *And be it enacted*, That if any of the Bridges on the Main Post Roads of this Province shall give way during the recess, or any of such Roads shall be unexpectedly obstructed by any unforeseen obstacle or accident, it shall be lawful for the Governor to order a Commissioner to repair or rebuild such Bridges, or to remove such obstructions; and it shall be lawful further for the Governor to draw Warrants on account and in favor of such Commissioner—provided the sum so to be drawn shall not exceed for the year the sum of Five Hundred Pounds; and the respective sums so drawn shall be charged at the next Session of Assembly as against the several Counties in which the same shall be respectively expended.

Repairs of Bridges and Roads during recess.

XVII. *And be it enacted*, That the sum of One Pound per day be granted and paid to each and every Member of the House of Assembly, for his attendance in General 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 days attendance.

Pay, Members of Assembly.

XVIII. *And be it enacted*, That the Ninth, Twelfth, Sixteenth, and Eighteenth Clauses or Sections of the Act 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 Fourth Year of the Reign of His late Majesty King William the Fourth, 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 is hereby continued in force, in as full and ample a manner as if herein repeated word for word, until the First day of April, which will be in the Year of Our Lord One Thousand Eight Hundred and Forty-nine, and no longer.

Parts of Act 41, Geo. 3, and Act 4, Wm. 4, continued.

CAP. XX.

An Act to enable the Governor in Council to make Orders and Regulations towards establishing an uniform Rate of Postage throughout British America.

(Passed the 11th day of April, 1848.)

WHEREAS, it has been intimated by Her Majesty's Government that the Postmaster General should resign his control over the Post Offices in the North American Provinces, on the following conditions: *First*—That no Transit Postage shall be chargeable on Letters forwarded between any of the North American Provinces, for the cost of conveyance through any one of those Provinces.

Preamble.

Secondly—That the uniform internal Colonial Rate of Two Pence, Sterling, the half ounce, shall remain in operation as regards Letters transmitted in the British Mails between the United Kingdom and the North American Provinces, and that the same uniform Rate shall be extended to the Correspondence of those Countries with which Great Britain has Postal Conventions, in case such Countries shall establish Packets of their own, and Her Majesty's Government shall demand in their favor the concession of such a privilege—the Rate to be collected according to the British Scale. *Thirdly*—That the pre-payment, or payment on delivery, of Postage, shall still remain optional with respect to the Correspondence transmitted between each of the Provinces respectively, but that each Province shall keep, as now, the amount it collects, in order to avoid complicated accounts and heavy expenses for exchanging Offices, for the purposes of ascertaining the actual Revenue to which each is entitled for the unpaid Letters transmitted to either of the other Provinces, and for prepaid Letters received from those Provinces for delivery; and with respect to the Correspondence transmitted between the North American Colonies and the United Kingdom, a similar optional payment shall still remain wherever it is practicable, and the existing modes of account be retained with respect to the British Packet Postage, and the uniform internal Colonial Rate of Two Pence.

Preamble

And whereas, the Right Honorable the Earl of Elgin, Governor General of the British North American Provinces, with the concurrence of the Lieutenant-Governors of Nova-Scotia, New Brunswick, and the Island of Prince Edward, did appoint certain Commissioners to enquire into the practicability of establishing an uniform and efficient Post Office System throughout British America, in accordance with the views of Her Majesty's Postmaster General aforesaid—which Commissioners did, in the Month of October last, deliver their Report—a copy of which has been submitted to the Legislature in the present Session.

Preamble

And whereas, the House of Assembly did, on the Twenty-first day of March, in the present Session, adopt a Resolution, that it was for the interest of the people inhabiting this extensive and important portion of Her Most Gracious Majesty's Dominions, to have established one uniform Rate on Letters sent by Mail to any part of British America, of Three Pence, Currency, when not exceeding half an ounce—two such Rates when exceeding half an ounce, and not exceeding one ounce—and an additional Rate for every half ounce over and above one ounce—and a Rate of One Penny, Currency, for every Letter dropped into a Post Office for delivery only:

Regulations for uniform Rate of Postage through the Colonies.

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 Lieutenant-Governor, or Administrator of the Government of this Province, for the time being, by and with the advice of Her Majesty's Executive Council, by any Orders to be from time to time made for that purpose, to make such regulations, and to give such directions, orders, and instructions, to any Officers, or other persons whomsoever, as shall or may be deemed proper and necessary, for the carrying into effect the purposes of Her Majesty's Postmaster General aforesaid, and of said Commissioners aforesaid, and of the Resolution of the Assembly aforesaid, so as to establish forthwith an uniform Rate of Postage on Letters sent by Mail between the British North American Colonies, referred to in the Communication and Report aforesaid, and to bring the Post Office Department under Provincial control, and a system of Postal management among the said Colonies—any Law, usage, or custom, to the contrary notwithstanding.

Publication of Orders.

II. And be it enacted, That all Orders from time to time made under and by virtue of this Act, and published in the Royal Gazette, shall have the full power and authority of Law, as much as if herein set forth and enacted.

Duration of Act.

III. And be it 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.

CAP. XXI.

An Act to render the Judges of the Supreme Court, and the Master of the Rolls, independent of the Crown, and to provide for their removal.

(Passed the 3rd day of April, 1848.)

WHEREAS, it is expedient to render the Judges of the Supreme Court of Preamble.
Judicature, in this Province, and the Master of the Rolls, independent of the Crown :

I. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly,* Judges of Sup. Court and Master of the Rolls to hold Office during good behaviour.
That the Judges of the Supreme Court, and also the Master of the Rolls, shall, from and after the passing of this Act, hold their Offices during their good behaviour, notwithstanding the Commissions which have heretofore been granted to them, or either of them, may specify that the Office is to be held during the pleasure of Her Majesty, and that from and after the passing of this Act, the Commissions to the Judges of the Supreme Court, and the Master of the Rolls, shall be made to them respectively, to hold during their good behaviour, and that the Commissions of the said Judges of the Supreme Court, and Master of the Rolls, for the time being, shall be, continue, and remain in full force during their good behaviour, notwithstanding the demise of Her Majesty, or any of Her Heirs and Successors, any Law, usage, or practice, to the contrary thereof in any wise notwithstanding: *Provided always,* That it may be lawful for the Governor to remove any Judge of the said Supreme Court, or the Master of the Rolls, upon the Address of the Legislative Council, and House of Assembly, and in case any Judge so removed shall think himself aggrieved thereby, it shall be lawful for him, within Six Months, to appeal to Her Majesty, in Her Privy Council, and such a motion shall not be final until determined by Her Majesty in Her Privy Council. Removable on Address of Assembly and Legislative Council.

II. *And be it enacted,* That when any Judge of the said Supreme Court, or Master of the Rolls, shall die, or shall resign his Office, or be removed, in the manner authorised by this Act, it shall be lawful for the Governor, notwithstanding anything hereinbefore contained, to appoint by Commission, under the Great Seal of this Province, some fit and proper person to hold the said Office until the Royal pleasure shall be made known, and that such appointment shall be held to be superseded by the issuing of a Commission under the Great Seal of this Province, in the terms first directed by this Act, to the same person, or to such other person as Her Majesty, Her Heirs or Successors shall appoint, in the place of any Judge who has died, or resigned, or been removed, in the manner authorised by this Act, or by the signification, within the Province, of the Royal decision in the Privy Council, restoring to his Office any Judge who may have been so removed. Appointment on vacancies by death, removal, &c.

III. *And be it enacted,* That nothing herein contained shall be of any force or effect until Her Majesty's assent shall be signified hereto. Suspending Clause.

CAP. XXII.

An Act to provide for the more accurate Audit and Inspection of Public Accounts in this Province, and for the appointment of certain Public Officers therein.

(Passed the 11th day of April, 1848.)

WHEREAS, by a certain Act passed by the Imperial Parliament in the Ninth Preamble.
and Tenth years of Her present Majesty's Reign, power was conferred upon this Legislature to repeal certain Duties of Customs upon Articles imported into this

this Province, which power has been fully exercised by a certain Act of the General Assembly, made and passed in the Tenth year of Her Majesty's Reign, entitled, An Act to repeal certain Duties of Customs: *And whereas*, the whole Revenue of this Province will henceforth be collected at one Provincial Department, independent of the control of the Imperial Government, whereby the checks and guards hitherto in force have been withdrawn, and the vigilant and impartial audit of all Accounts, by and under the direction of the Lords of the Treasury have ceased: *And whereas*, it is necessary for the faithful and effectual collection and expenditure of the Revenue, to revise and remodel the Departments charged therewith, so as to give the people of this Province the benefit of a rigid inspection and audit of Public Accounts, and at the same time relieve the Commercial Classes from all unnecessary restrictions:

Appointment of Receiver General, his Salary, &c.

I. *Be it enacted, by the Lieutenant-Governor, Council, and Assembly*, That from and after the passing of this Act, it shall be lawful for the Governor in Council, to appoint one fit and proper person to hold office during pleasure, and to be called the Receiver General, who shall give Bond in the sum of Four Thousand Pounds, with Four sufficient Sureties in the sum of One Thousand Pounds each, for the faithful discharge of his duties, and who shall be entitled to receive a Salary of Six Hundred Pounds per annum, by quarterly payments, clear of all deductions and charges for the necessary expenses of his Department.

Appointment of Financial Secretary, his Salary, &c.

II. *And be it enacted*, That it shall be lawful for the Governor in Council, to appoint one other fit and proper person to hold office during pleasure, and to be called the Financial Secretary, who shall give Bond in the sum of Two Thousand Pounds, with Two sufficient Sureties in the sum of One Thousand Pounds each, for the faithful discharge of his duties, and who shall be entitled to receive a Salary of Six Hundred Pounds per annum, by quarterly payments, clear of all deductions and charges for the necessary expenses of his Department.

Office of Treasurer of Province and Board of Revenue to be abolished.

III. *And be it enacted*, That from and after the passing of this Act, the Office of Treasurer of the Province shall be abolished, and the functions of the present Board of Revenue shall cease and determine, and that the duties now by Law imposed upon the Treasurer of the Province, so far as the same are not affected or altered by this Act, shall be fulfilled and discharged by the Receiver General, to be appointed as aforesaid.

Duty of Receiver General.

Appointment of Clerk to Receiver General, his Salary, &c.

IV. *And be it enacted*, That the Receiver General shall have a principal Clerk to assist him in the business of his Office, who shall also be the Cashier of the Savings' Bank, and shall give Bond in the sum of One Thousand Pounds, with Two sufficient Sureties in the sum of Five Hundred Pounds each, for the faithful discharge of his duties, and shall be entitled to a Salary of Two Hundred and Fifty Pounds per annum, payable quarterly—such Clerk to be appointed by the Governor in Council, and to hold Office during pleasure.

Appointment of Clerk to Financial Secretary, his Salary, &c.

V. *And be it enacted*, That the Financial Secretary shall have a principal Clerk to assist him in the business of his Office, who shall give Bond in the sum of One Thousand Pounds, with Two sufficient Sureties in the sum of Five Hundred Pounds each, for the faithful discharge of his duties, and shall be entitled to a Salary of Two Hundred Pounds per annum, payable quarterly—such Clerk to be appointed by the Governor in Council, and to hold Office during pleasure.

Board of Revenue to consist of Receiver General, Financial Secretary, and three others.

VI. *And be it enacted*, That it shall be lawful for the Governor in Council, to appoint the said Receiver General to be the President of, and along with the Financial Secretary, and Three other fit and proper persons, to constitute a Board of Revenue in and for this Province, who shall have and exercise, all the powers and authorities by Law now, or hereafter to be vested in the Board of Revenue—and whose duty it shall further be, to watch over and superintend the working and practical effects of the system of Revenue now, or hereafter to be established, and to report thereon from time to time, as occasion shall arise, to the Governor in Council,

cil, and to the Legislature—such Board to hold Office during pleasure, and the Seats thereat to be considered as honorary appointments.

VII. *And be it enacted*, That it shall be the duty of the Financial Secretary to examine and check, from time to time as they shall come in, all Accounts of public Receipt and Expenditure in this Province, of every kind and description—that the Accounts of the Revenue Officers and Collectors of Light Duties at Halifax, and in the Out Ports, shall regularly pass under his supervision, and any error or mistake therein be immediately pointed out and rectified, and the attention of the Governor in Council, if necessary, directed thereto ; and that no Account of any Public Expenditure whatsoever, for Road Work, Public Buildings, Light Houses, Education, or otherwise, shall be paid by the Receiver General, until the same shall have been carefully examined and certified to be correct, or any mistake or error therein pointed out and rectified by the said Financial Secretary, or in case of his absence or indisposition by his principal Clerk.

Duties of Financial Secretary.

VIII. *And be it enacted*, That such Accounts, so examined and certified under the hand of the Financial Secretary, or in case of his absence or indisposition, under the hand of his principal Clerk, shall be necessary vouchers previous to the issue of a Warrant for the payment of the sums therein expressed, or for the payment thereof under any general Warrant previously issued therefor.

Certificate of Financial Secretary requisite to issue of Warrants.

IX. *And be it enacted*, That the principal Revenue Officer at Halifax, and the said Receiver General, shall furnish, quarterly, Accounts of all sums received and paid by them respectively, to be examined and checked by the Financial Secretary, and that the said quarterly Accounts shall be collected and formed into one general Account, to be presented by the said principal Revenue Officer and Receiver General to the General Assembly in every year within the first Ten days of each Session, and to be audited according to Law by a Joint Committee to be drawn from the Legislative Council and House of Assembly as heretofore.

Examination of Accounts of Revenue Officer and Receiver General, &c.

X. *And be it enacted*, That it shall be competent for the Governor in Council, from time to time, on the Report of the Financial Secretary, to issue such orders for the more economical expending of the Public Monies, by the taking of Contracts after due advertisement, or by such other guards and provisions as may appear most judicious for the checking of any abuse, and the more vigilant and faithful husbanding of the Public Monies.

Orders for Expenditure of Public Monies.

XI. *And be it enacted*, That it shall be competent for the Governor in Council, to direct from time to time, in which of the said Offices the said Accounts shall be filed or deposited, and in what form the Books to be opened thereat shall be kept ; but one General Cash Book shall be kept by the said Receiver General, in which there shall be entered from day to day, all Monies received and paid by him, with the names of the parties who received or paid the same—and which Book shall be open at all times to the inspection of the Members of the Executive Government, or of any Member of the Legislature.

Officers Accounts, Books, &c. Inspection thereof.

XII. *And be it enacted*, That the said Receiver General and Financial Secretary shall be Members of the Provincial Administration for the time being, and that the acceptance of either of the said Offices by a Member of the House of Assembly shall vacate his Seat therein, but shall not prevent his re-election as a Member thereof.

Receiver General and Financial Secretary tenure of Office.

XIII. *And be it enacted*, That nothing herein contained shall be of any force or effect until Her Majesty's assent shall be signified hereto.

Suspending Clause.

CAP. XXIII.

An Act relating to the Crown Land Department of this Province.

(Passed the 11th day of April, 1848).

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That when and so soon as this Act shall come into operation, the respective Offices of Surveyor General and Commissioner of Crown Lands for the Island of Cape-Breton shall cease and determine; and thereafter the Offices of Surveyor General and Commissioner of Crown Lands for the whole Province of Nova-Scotia, including the said Island of Cape-Breton, shall be united in, and held by one person; and the present Surveyor General and Commissioner of Crown Lands for Nova-Scotia proper, shall be, during pleasure, such Surveyor General and Commissioner of Crown Lands for the whole Province, and shall receive and be paid for the period of Five years next ensuing the commencement hereof, or for such part of that time as he shall hold the said Office, an annual Salary of Four Hundred and Eighty Pounds, Sterling, to be in the first place chargeable upon, and paid out of the proceeds of the Sales of the Crown Lands in every year—and in case of any deficiency of such proceeds to meet the various charges thereon in any one year, then the balance of such annual Salary shall be paid out of the Treasury by Warrant drawn in the usual manner.

Offices of Surveyor General and Commissioner of Crown Lands for Cape Breton abolished, &c.

Their duties transferred to the Surveyor General, Nova-Scotia.

His Salary.

Allowance for Clerks and Contingencies of Office.

II. *And be it enacted,* That the allowance for Clerks and Contingencies in the said Office of Surveyor General and Commissioner of Crown Lands as hereby established, shall, for the said period of Five years, be Two Hundred Pounds, Sterling, per annum, to be chargeable upon the same Funds, and paid in the same manner, in all respects, as hereinbefore provided, with regard to the Salary of such Surveyor General and Commissioner of Crown Land.

Appointment of person to take charge of Plans, &c. Cape Breton.

III. *And be it enacted,* That it shall be lawful for such Surveyor General and Commissioner of Crown Lands, to appoint some competent person to take charge of the Plans, Papers, and Records, in the respective Offices of the Surveyor General and Commissioner of Crown Lands in Cape-Breton, hereby abolished, for and during the period of Two years next following the commencement hereof, and whose duty it shall be to attend to the various subordinate services theretofore performed in the said Offices respectively, under and subject in all respects, to the control of the said Surveyor General and Commissioner of Crown Lands as hereby established; and such person so appointed, shall receive an annual Salary of Eighty Pounds, Sterling, to be chargeable upon the same Funds, and paid in the same manner in all respects as hereinbefore provided, with regard to other Salaries and allowances.

His Salary.

Retiring Allowance Surveyor General Cape-Breton.

IV. *And be it enacted,* That during his life time, there shall be paid to Thomas Crawley, Esquire, the present Surveyor General of Cape-Breton, a retiring allowance of One Hundred Pounds, Sterling, per annum, without any abatement or deduction on the acceptance of any other Office; which annual allowance, shall, in the first place, be chargeable upon, and paid out of the Casual and Territorial Revenues of this Province in every year—and in case of any deficiency, the same shall be paid by Warrant on the Treasury in the usual manner.

Retiring Allowance Commr. Crown Lands C. Breton.

V. *And be it enacted,* That during his life time, there shall be paid to Henry W. Crawley, Esquire, the present Commissioner of Crown Lands for the Island of Cape-Breton, a retiring allowance of Two Hundred and Forty Pounds, Sterling, per annum, to be chargeable upon, and paid out of the same Funds, and in the same manner in all respects, as the Salary of the said Surveyor General and Commissioner of Crown Lands as hereby established, and hereinbefore provided for—such annual allowance to cease and determine, however, upon the acceptance by

by such Officer of an Office under the Government of equal or greater emolument than the amount of such retiring allowance.

VI. *And be it enacted*, That nothing in this Act contained, shall be of any force or effect until Her Majesty's assent shall be given hereto, and signified by publication thereof in the Royal Gazette at Halifax, from which time this Act shall come into and be in operation. Suspending Clause.

CAP. XXIV.

**An Act to commute the Crown Revenues of Nova-
Scotia, and to provide for the Civil List thereof.**

(Passed the 11th day of April, 1848.)

WHEREAS, Her Majesty's most gracious pleasure has been signified that upon provision made for the Civil List of this Province by the Legislature thereof, all Her Majesty's Casual and Territorial Revenues shall be placed under the control and management of this Legislature: *And whereas*, Her Majesty's faithful and loyal subjects, the House of Assembly of this Province, are desirous, as far as the circumstances of this Province, and the ability of its Inhabitants will permit, to provide suitably for the due support and independence of the necessary Officers of Her Majesty's Government, and therefore have resolved to make a permanent allowance for the Salaries of the Lieutenant-Governor, the Judiciary of the Province, and Law Officers of the Crown, and the Secretary of the Province, and also to grant for the other Officers of the Government a proper and liberal support annually; and, subject to Her Majesty's assent thereto, to provide for the surrender and transfer of the Casual and Territorial Revenues now collected and received for, and on behalf of, Her Majesty, unto and for the use and benefit of this Province, and to be disposed of and managed as in and by any Act of the General Assembly for the time being shall be ordered and directed. Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly*, That when and so soon as Her Majesty's assent shall be given to this Act, and such assent shall be signified by publication of the same in the Royal Gazette, at Halifax, then, but not before, this Act shall come into, and be in full force and operation. To come into operation on Her Majesty's assent.

II. *And be it enacted*, That towards making an adequate and permanent provision, according to the means and ability of the People of this Province, for the support and independence of the principal Officers of the Civil and Judicial Establishment, necessary to be maintained in this Colony, and for enabling Her Majesty to make a suitable compensation for their services, there shall be granted and paid unto Her Majesty, Her Heirs and Successors, out of the Public Funds and Revenue of this Province, and in every year which shall hereafter be, or happen, such sum of Money as will suffice to pay unto the several and respective persons who now hold or possess, or hereafter shall hold or possess, the several Offices and Appointments in this Province hereinafter mentioned, or execute the duties thereof, the several Salaries and allowances following—that is to say:

Unto the present Lieutenant-Governor and Commander in Chief of this Province, the sum of Three Thousand Five Hundred Pounds, Sterling money of Great Britain, for the Salary of that Office during his incumbency. Present Lieut. Gov. £3500, Stg.

Unto any person who shall hereafter be appointed, or become the Governor, Lieutenant-Governor, or Commander in Chief of this Province for the time being, the sum of Three Thousand Pounds, Sterling money as aforesaid, for the Salary of that Office. Future Lieut. Gov. £3000, Stg.

Unto

- Present Chief Justice £380, Stg. Unto the present Chief Justice of Her Majesty's Supreme Court of Judicature of this Province, the sum of Eight Hundred and Eighty Pounds, Sterling money as aforesaid, for the Salary of that Office during his incumbency, but without any fees of Office whatsoever.
- Future Chief Justice £640, Stg. Unto any person who shall hereafter be appointed Chief Justice for the time being, of Her Majesty's said Supreme Court of this Province, the sum of Six Hundred and Forty Pounds, Sterling money as aforesaid, for the Salary of that Office, without any fees of Office whatsoever.
- Assistant Justices £560, Stg. Unto every person now appointed, or hereafter to be appointed an Assistant or Puisne Justice of Her Majesty's said Supreme Court, the sum of Five Hundred and Sixty Pounds, Sterling money as aforesaid, for the Salary of that Office, without any fees of Office whatsoever.
- Master of the Rolls £560, Stg. Unto the present or any future Master of the Rolls, the sum of Five Hundred and Sixty Pounds, Sterling money as aforesaid, as and for the Salary of that Office, without any fees of Office whatsoever.
- Attorney General £400, Stg. Unto the present or any future Attorney General of the said Province, as and for the Salary of that Office, the sum of Four Hundred Pounds, Sterling money as aforesaid.
- Solicitor General £100, Stg. Unto the present or any future Solicitor General of the said Province, as and for the Salary of that Office, the sum of One Hundred Pounds, Sterling money as aforesaid.
- Secretary of the Province £560, Stg. Unto the present or any future Secretary of the Province, the sum of Five Hundred and Sixty Pounds, Sterling money as aforesaid, as and for the Salary of that Office, without any fees of Office whatsoever.
- Salaries to include those already allowed. III. *Provided always, and be it enacted*, That the said several sums of money, or Salaries, hereinbefore mentioned, shall always be held and deemed to include and comprehend the several sums and Salaries already by Law applied or appropriated for and towards the Salary of the Governor, Lieutenant-Governor, or Commander in Chief of this Province for the time being, and for the Salaries of the respective Puisne or Assistant Justices of the Supreme Court, and the Master of the Rolls, for the time being.
- Miss Cox, Pension, £100, Stg. IV. *And be it enacted*, That in order to defray the Pension heretofore usually allowed to Miss Cox, out of the Casual and Territorial Revenues, during the remainder of her natural life, there shall be paid, as aforesaid, annually, the sum of One Hundred Pounds, Sterling money as aforesaid.
- Sir R. D. George, retiring allowance, £400, Stg. V. *And be it enacted*, That so soon as this Act shall come into operation, there shall be annually paid to Sir Rupert Dennis George, Baronet, the late Secretary of the Province, during the term of his natural life, the sum of Four Hundred Pounds, Sterling money as aforesaid, as and for a retiring allowance, for which it shall be lawful for the Governor, from time to time, to draw Warrants on the Treasury of the Province, by four quarterly payments in every year—the first of such payments to be considered as due on the First day of April, in this year of our Lord One Thousand Eight Hundred and Forty-eight.
- Salaries to be charged on Provincial Funds. VI. *And be it enacted*, That the collective amount of the said Salaries and sums of money by this Act so allowed, as aforesaid, shall, during the continuance of this Act, be and be deemed part of the Civil List and Establishment of this Province, and shall always be borne thereupon, and shall be and become a yearly charge upon the Public Funds, Income, and General Revenue of this Province; and shall in every year be issued, paid, and satisfied, out of the Public Treasury thereof, in Sovereigns, or in such other current monies of this Province from time to time paid or payable into, or being within the said Treasury, at and after the rate of One Pound Five Shillings, Currency of this Province, for every Sovereign or Pound Sterling, of such Salaries or sums of money.
- VII. *And be it enacted*, That if it shall happen that this Act shall come into operation,

operation, then the said several Salaries and sums of money hereinbefore fixed, allowed, and specified, shall be deemed and taken to begin and commence on the First day of January, in this year of Our Lord One Thousand Eight Hundred and Forty-eight, and shall be payable from that time to the said several Officers and persons aforesaid, and in and by quarterly portions or instalments of the said Salaries respectively, which shall be and be considered due on the last day of March, June, September, and December Quarters, in every year.

To commence on 1st
Jany., 1848, and to
be paid quarterly.

VIII. *And be it enacted*, That it shall and may be lawful for the Governor, at or immediately after the expiration of any of the said quarters of the year, to draw Warrants on the Treasury of the Province for, or in favor of, the respective Officers aforesaid, or such person as shall be named therein, for their respective quarterly payments of the yearly Salaries to them allowed and granted, as aforesaid.

To be paid by War-
rants on Treasury.

IX. *And be it enacted*, That after this Act shall come into operation, the proceeds of all the Casual and Territorial Revenues of the Crown, in this Province, as hereafter designated, from the First day of January, in this Year of Our Lord One Thousand Eight Hundred and Forty-eight, and all the proceeds of such Revenues which shall thereafter accrue and be, and be collected and received, shall become payable, and be paid into the Treasury of this Province, to be thence paid or applied for such public uses and purposes as the Public Revenue of this Province is now paid and applied, or shall be made applicable to, under and by virtue of any Act of the General Assembly now or hereafter to be in force.

Casual and Territo-
rial Revenues to be
paid into Treasury,
and applied to pub-
lic uses.

And for the more plainly and distinctly declaring the several Casual and Territorial Revenues of the Crown, and the monies and funds and other rights which are by the General Assembly understood and desired to be now severally and respectively surrendered to, and placed at, their disposal, for the use of this Province, under and by virtue of this Act :

X. *Be it enacted*, That all rents, sums of money, returns, profits, and emoluments, arising, reserved, due, owing, or in any manner whatsoever, which shall have theretofore accrued, and shall be in hand, or shall be thereafter to be received from, for, or in respect of any lease, demise, sale, grant, transfer, or occupation, of any of the Crown Lands, Mines, Minerals, or Royalties, of Her Majesty, within this Province, whether in the Island of Cape-Breton, or in any other part of this Province, of whatsoever nature or description ; and also, all and singular the fees and payments, and commutation therefor, at the Office of the Secretary of the Province, received or payable for, or in respect of all or any Writings, Licenses, Instruments, Commissions, or Patents, there made or issued, and on which fees were heretofore payable and established for the Lieutenant-Governor and Secretary of the Province ; and lastly, all fines, penalties, and forfeitures, by or under any Laws or Acts of this Province, imposed and applicable to, or for the use of Her Majesty, shall be, and the said several rents, sums of money, returns, profits and emoluments, fees and payments, fines, penalties and forfeitures, respectively above mentioned, and all proceeds thereof or therefrom, respectively, then collected and in hand, are hereby declared to be the Casual and Territorial Revenues of the Crown, which, if this Act shall come into operation, shall, from the first day of January, in this Year of Our Lord One Thousand Eight Hundred and Forty-eight, be, and become surrendered and transferred to this Province, and become, and be payable into the Treasury thereof, as hereinbefore mentioned.

Casual and Territo-
rial Revenue—
what considered to
constitute.

XI. *And be it enacted*, That so soon as this Act shall come into operation, all the right and title of Her Majesty, whether in reversion or otherwise, of, in, to, and out of, all and singular the Mines of Gold, Silver, Iron, Coal, Iron Stone, Lime Stone, Slate Stone, Slate Rock, Tin, Copper, Lead, and all other Mines and Minerals and Ores, within this Province, which, by Indenture of Lease bearing date on or about the Twenty-fifth day of August, in the year of Our Lord One Thousand Eight Hundred and Twenty-six, were granted, demised, and leased, by or on the

All Mines within the
Province transfer-
red to General As-
sembly of Pro-
vince.

part of his late Majesty King George the Fourth, to his late Royal Brother the Duke of York and Albany, to hold to his said Royal Highness, and his Assigns, for the term of Sixty Years from the date of the said Lease, at and under certain rents and renders therein contained, as by reference to said Lease will at large appear; and also all rents, and arrears of rent, and returns due, or to become or grow due, by virtue of the said Lease, with all powers, rights and authorities, when ther of entry for forfeitures or breach of condition, or otherwise in the said Lease reserved or contained, in respect of the breach of any condition thereof; and also all the estate, right, and title of Her Majesty, reversionary or otherwise, of, in, and to, all such Coal Mines in the Island of Cape-Breton, or of, in, and to, all such reserved Mines at Pictou, which were agreed to be leased and demised by His said late Majesty for the yearly rent of Three Thousands Pounds, Sterling, and certain other rents or reservations payable for the use of His said late Majesty—and which said Mines, under such agreement, are in possession of, and were, or are now in operation, and worked by, or for a certain Company or Partnership, called the General Mining Association; and likewise the said yearly rent of Three Thousand Pounds, Sterling, and all other rents and reservations by the said agreement, reserved or payable, and all rights, powers and authorities, whether of entry upon forfeiture, or breach of condition, or otherwise in the said agreement contained or reserved, in respect of any breach of the condition thereof; and also, all Mines of Gold, Silver, Iron, Coal, Iron Stone, Lime Stone, Slate Stone, Slate Rock, Tin, Copper, Lead, and all other Mines, Minerals, and Ores, within this Province, including the Island of Cape-Breton, of which the title is now in Her Majesty, shall be, and the said several enumerated premises are hereby respectively assigned, transferred, and surrendered to the disposal of the General Assembly of this Province, and shall and may be (subject only to the existing rights of the Lessees and persons entitled under the said lease and agreement as hereinbefore referred to, and of all persons lawfully claiming under them or any of them), managed, leased, disposed of, made available, paid, and applied, in such and the like manner, and to and by such Officers and persons, and to and for such public uses and purposes as in and by any Act of the General Assembly for the time being shall be ordered and directed.

Management of Revenues, &c.

XII. *And be it enacted*, That it shall be lawful, when and so soon as such surrender, transfer, and assignment, shall take effect as aforesaid, and come into operation, for the General Assembly of this Province, by any Act to be passed for that purpose, to provide for the managing, collecting, and receiving, of the said Revenues, and other matters hereby surrendered and transferred, and to appoint proper Officers for the said Revenues.

Collection and enforcing payment thereof.

XIII. *And be it enacted*, That for the more easy collection and enforcing payment of any such Revenues, due, or to become due as aforesaid, it shall be lawful for the Officers or persons charged with the collection or management of the Revenue, in the name of Her Majesty, Her Heirs or Successors, but to the use of this Province, to have and take all such lawful ways and means, by information, suit, or proceeding, at Law or in Equity, as by or on behalf of Her Majesty, Her Heirs and Successors, might, or could be adopted, for or in respect of the said Revenues, or any the Lands, Monies, or Royalties, chargeable therewith; if the surrender, transfer, and assignment aforesaid, had never been made to; or for the use of this Province.

Act not to affect the grant or disposal of Crown Lands by Her Majesty.

XIV. *Provided always, and be it enacted*, That nothing herein contained shall extend, or be construed to extend, to interfere with the grant, sale, lease, or disposal of any of the ungranted Lands of the Crown in this Province, (save and except only the Mines and Minerals hereinbefore specified), by or on behalf of Her Majesty, Her Heirs and Successors, but that all such grants, sales, leases, or other disposal of such ungranted Lands, and the management, direction, and

and control thereof, shall remain, and be invested in such Officers as Her Majesty, Her Heirs and Successors shall deem proper, or as may be directed by any Act of this Province, and that the nett proceeds only of such grant, sales, leases, or disposal of such ungranted Lands, after deducting the necessary expenses of managing the same, shall be paid over to the Treasury of this Province : *Provided also*,^{Proviso.} that an account of such expenses shall be annually submitted to the General Assembly, and the Salary or allowance of the Officers employed, and other expenses of the Department, be subject to the control and regulation of the said General Assembly ; and that no other or greater Salary or allowance, or expenses, shall, on any pretence be taken, than such as shall be fixed and allowed or sanctioned thereby.

And whereas, it is intended that the Salaries allowed to the Chief Justice and Assistant Justices of the Supreme Court, shall be in full of all fees, perquisites, and emoluments, whatsoever, save and except the travelling fees allowed by Law :^{Justices of Supreme Court to receive no fees.}

XV. *Be it therefore enacted*, That after this Act shall come into operation, it shall not be lawful for the Chief Justice, or any Assistant or Puisne Justice of the Supreme Court, to take or receive, or for the Prothonotary, Deputy Prothonotary, or any other Officer, for or on behalf of the said Chief Justice, or any such Assistant or Puisne Justice, to demand, take, or receive any fee, perquisite or emolument, whatsoever, for, or in respect of the issuing, endorsing, or marking of any Writ, or of the filing of any Declaration, or entry of any Cause, or of the trial of any Cause, or of the signing of any Judgment, or taxing any Bill of Costs, or for or in respect of any other proceeding had in any Cause in the said Supreme Court, but thereafter, the demanding or taking of any such fee, perquisite, or emolument, shall absolutely cease and determine : *Provided always*, that such Chief Justice, and Assistant or Puisne Justices, shall receive the travelling fees by Law allowed, or which may hereafter be allowed.^{Exception as to travelling fees.}

XVI. *Provided always, and be it enacted*, That if the office of Lieutenant-Governor, or Chief Justice, shall become vacant after the passing of this Act, in this Province, and before the assent of Her Majesty shall be signified thereto, and published as aforesaid, and another Lieutenant-Governor, or Chief Justice, have been appointed in the meantime, such other Lieutenant-Governor, or Chief Justice, shall receive the Salary hereby provided for any future Lieutenant-Governor, or Chief Justice, and no more.^{Salary of successor to Lieut. Governorship, or Chief Justiceship on vacancy before assent to Act.}

And whereas, certain arrears of Salaries, which were and are chargeable and charged upon the Funds and Revenues hereby assigned and transferred, are due as hereinafter expressed, and it is right that the same, in consideration of such transfer, should be charged upon, and made payable out of, the General Funds and Revenues of this Province—such Salaries being, since the passing of an Act made by this Legislature in the Seventh Year of Her present Majesty's Reign, entitled, "An Act to provide for the Civil List of Nova-Scotia, and to commute the Casual and Territorial Revenues," where therein referred to, calculated upon the amount thereof respectively thereby established, the said Act not having been disallowed by Her Majesty, on account of the insufficiency of any of such Salaries :^{Preamble.}

XVII. *Be it enacted*, That so soon as this Act shall come into operation, it shall be lawful for the Governor to draw Warrants on the Treasury of this Province for payment of the several amounts following, in favor of the parties thereto respectively entitled, or their respective representatives, in full of their arrears of Salary chargeable on the Funds and Revenues hereby transferred, as aforesaid, that is to say :^{Governor to draw Warrants for payment of Arrears.}

Unto the Right Honorable Lucius Bentinck Viscount Falkland, late Lieutenant-Governor of this Province, the sum of Seven Hundred and Fifty Pounds, Current money of this Province.^{Viscount Falkland late Lieut. Governor, £750 Cy.}

Unto the present Chief Justice the sum of Three Hundred and Twenty-eight Pounds, Current money as aforesaid.^{Chief Justice, £328 Cy.}

Unto

James B. Uniacke,
former Solicitor
General, £92 14s.
2d. Cy.

Unto the Honorable James Boyle Uniacke, formerly Solicitor General of this Province, the sum of Ninety-two Pounds Fourteen Shillings and Two Pence, Current money as aforesaid.

Clerk of the Crown,
£92 14s. 2d. Cy.

Unto the present Clerk of the Crown, the sum of Ninety-two Pounds Fourteen Shillings and Two Pence, Current money as aforesaid.

Surveyor General,
Nova Scotia, £130
1s. 2d. Cy.

Unto the present Surveyor General for Nova-Scotia Proper, the sum of One Hundred and Thirty-nine Pounds One Shilling and Two Pence, Current money as aforesaid.

Surveyor General,
Cape Breton, £130
1s. 2d. Cy.

Unto the present Surveyor General for Cape-Breton, the sum of One Hundred and Thirty-nine Pounds One Shilling and Two Pence, Current money as aforesaid.

Superintendent
Mines, Cape Bre-
ton, £92 14s. 2d.
Duration of Act.

Unto the Superintendent of Mines, Cape-Breton, the sum of Ninety-two Pounds Fourteen Shillings and Two Pence, Current money as aforesaid.

XVIII. *And be it enacted*, That this Act shall continue and be in force and operation until Eighteen Months after the demise of Her present Majesty, (whom, God long preserve), and thereafter, every matter, clause, and thing herein contained, and the transfer, surrender, and assignment hereby made, shall cease and absolutely determine.

Suspending Clause.

XIX. *And be it enacted*, That nothing herein contained shall be of any force or effect until Her Majesty's assent hereto shall be given, and shall be signified by publication thereof in the Royal Gazette at Halifax.

CAP. XXV.

An Act concerning the Electric Telegraph.

(Passed the 1th day of April, 1848.)

Preamble

WHEREAS, the Political and Commercial Interests of the Empire render the transmission of intelligence of the greatest importance, and the establishment of a Line of Electric Telegraph from the Atlantic shore to the St. Lawrence, through British Territory, will greatly facilitate the same, and tend to unite more closely British America with the Mother Country :

Appointment of
Commissioners.

I. *Be it enacted, by the Lieutenant-Governor, Council, and Assembly*, That it shall be lawful for the Governor in Council, to appoint and commission Five fit and proper persons to be, during pleasure, Commissioners for establishing a Line of Electric Telegraph from the City of Halifax to the Line dividing this Province from the Province of New Brunswick, and to extend the same, if necessary, until it communicates with the Line established from the City of Quebec to the frontier or boundary Line of New Brunswick, and from time to time, as vacancies occur in such office of Commissioners, either by revocation, death, resignation, continued absence from Halifax, or otherwise, to supply the same by new appointments.

Their power, autho-
rity, and duties.

II. *And be it enacted*, That such Commissioners, or any two of them, shall have full power and authority to take and receive, in the name and to the use of Her Majesty, Her Heirs and Successors, Gifts, Grants, and Donations, and to purchase Lands, Tenements, and Hereditaments, and also to sell any of the said Lands, Tenements, and Hereditaments, purchased for the purposes aforesaid; and any Person, Bodies, Politic or Corporate, or Communities, may give, grant, bargain, sell or convey to the said Commissioners, acting for and on behalf of Her Majesty, any Lands, Tenements, and Hereditaments, for the purposes aforesaid; and the said Commissioners, or any two of them, shall be, and are hereby authorised and empowered, from and after the passing of this Act, by themselves or their Deputies, Contractors, Agents, Officers, Workmen, and Servants, to make and complete an Electric Telegraph, to be called "The Acadian Telegraph,"

from

from the City of Halifax to the Line dividing the two Provinces of Nova-Scotia and New Brunswick, at such point or place as may by the said Commissioners be found most advisable, and to establish, if necessary, a continuation thereof under Legislative authority through the Province of New Brunswick, until it meets and joins the Electric Telegraph from Quebec to the Frontier, or Boundary of Canada and to construct Station Houses and Observatories at either termination, and at such other places on the Line of the said Telegraph as they may deem expedient.

III. *And be it enacted*, That for the purposes aforesaid, the said Commissioners, their Deputies, Servants, Contractors, Agents and Workmen, are hereby authorized and empowered to enter into and upon the Lands, Grounds, and Premises, leave and license therefor being first had and obtained of the Queen's Most Excellent Majesty, or of any person, Bodies, Politic, Corporate or Collegiate, or Communities whatsoever, and survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended Telegraph, and all such other works, matters, and conveniences, as they shall think proper and necessary for making, effecting, and preserving, improving, completing, and maintaining, and using the said intended Telegraph and other Works; and also to bore, dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel, or sand, or any other matters, or things which may be dug, or got in making the said intended Telegraph or other Works, in or out of the Lands adjoining or lying convenient thereto, and which may be proper, requisite, or necessary, for making or repairing the said intended Telegraph or Works incident or relative thereto, or which may hinder, prevent, or obstruct the making, using, or completing, extending, or maintaining the same respectively, according to the intent and purpose of this Act and to build, erect and set up, in or upon the Lands to be acquired for that purpose under this Act, such and so many Station Houses and Observatories, Watch-houses, and other Works, ways, roads and conveniences, as and where the said Commissioners shall think requisite and convenient for the purposes of said Telegraph; and also from time to time to alter, repair, divert, enlarge, and extend the same, and to construct, erect, and keep in repair, any bridges, arches, and other works, upon or across any river or brook, for the making, using, maintaining and repairing the said intended Telegraph, and to construct, erect, make, and do all other matters and things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and easy using of the said intended Telegraph and other Works, in pursuance of, and according to, the true intent and meaning of this Act, they, the said Commissioners, doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner hereinafter mentioned to the Owners or Proprietors of, or the persons interested in the Lands, Tenements, or Hereditaments, water, water courses, brooks or rivers respectively, which shall be taken, used, removed or prejudiced, or for all damages to be by them sustained, in or by the execution of all or any of the powers of this Act; and that whensoever and wheresoever the said Telegraph do or shall pass through any wood or forest, the trees and underwood shall be cut down for the space of fifty feet on each side of the said Telegraph by the Proprietors of the Lands upon which such trees and underwood may be, and in default thereof, that the said Commissioners may cause the said trees and underwood to be cut at the cost of such Commissioners, and this Act shall be sufficient to indemnify the said Commissioners and their Servants, Contractors, Agents, and Workmen, and all other persons whomsoever, for what they or any of them shall do by virtue of the powers hereby granted, subject nevertheless, to such provisions and restrictions as are hereinafter mentioned: *Provided always*, that such trees and underwood so cut down as aforesaid,

Surveys of Lands—
making and repairing
Telegraph—
erection of Station
Houses, &c.

shall continue the property of the Proprietor of the said Lands if not required for the said Works.

Map of Line of Telegraph, &c., and Book of Reference to be filed in Prov. Secy's Office.

IV. *And be it enacted*, That for the purposes of this Act, the said Commissioners shall and may, by some sworn Surveyor, cause to be taken and made surveys of the Lands through which the said intended Telegraph is to be carried, together with a Map or Plan of the Line of such Telegraph, and of the course or direction thereof, and of the Lands through which the same is to pass, and also a Book of reference for the said Telegraph, in which shall be set forth a description of the said several Lands and the names of the owners, occupiers, and proprietors thereof, and in which shall be contained every thing necessary for the right understanding of such Map or Plan, which said Map or Plan and Book of reference, shall, on the completion of said Telegraph, be made, or caused to be made, and certified by said Commissioners, who shall deposit copies thereof in the Office of the Provincial Secretary for the Province of Nova-Scotia, and also retain one copy for the said Board of Commissioners; and all persons shall have liberty to resort to such copies so to be deposited as aforesaid, and make extracts or copies thereof as occasion shall require, paying to the said Provincial Secretary for the time being, at the rate of One Shilling for each search, and Six Pence, Current money of the Province, for every hundred words; and the said copies of the said Map or Plan and Book of reference, so certified, or a true copy thereof, certified by the said Provincial Secretary aforesaid, shall severally be, and are hereby declared to be good evidence in the Courts of Law and elsewhere.

Erection of Posts on Public Roads.

V. *Provided always, and be it enacted*, That the said Commissioners shall have full power and authority to set up posts for supporting the Wires of the said Telegraph, in and upon any Public Road, Street, or Highway, and to make the necessary excavations in the same for placing such posts or poles; and such posts or poles, and all Wires and other apparatus therewith connected, shall be, and be deemed to be, to all intents and purposes, the property of the Queen's Most Excellent Majesty, as shall also all such posts or poles, or apparatus as shall be set up by the said Commissioners for the purposes aforesaid, although the Lands on which the same are set up be not property purchased or obtained by the said Commissioners under this Act.

Sale of Lands to Commissioners.

VI. *And be it enacted*, That after any Lands or Grounds shall be set out and ascertained, and the Line of the said Telegraph designated in manner aforesaid for making and completing the said Telegraph and other Works, and other the purposes and conveniences hereinbefore mentioned, it shall and may be lawful for all Bodies, Politic, Corporate or Collegiate, Corporations, aggregate or sole, Communities, Guardians, Curators, Executors, Administrators, and all other Trustees or Persons whatsoever, not only for and on behalf of those they represent, whether infants, issue unborn, lunatics, idiots, femmes covert, or other persons who are or shall be seized, possessed of, or interested in any Lands or Grounds which shall be set out and ascertained as aforesaid, or any part thereof, or upon or across which the said Commissioners shall have occasion to set up any posts or poles, or other apparatus, or to acquire the right of way or other easement or servitude, or right to contract for, sell, and convey unto the said Commissioners, acting for and on behalf of Her Majesty, to Her Majesty the Queen, Her Heirs and Successors, all or any part of such Lands or Grounds which from time to time be set out and ascertained, as aforesaid, or the right, easement, or servitude, so required by the said Commissioners; and that all Contracts, Agreements, Sales, Conveyances, and Assurances so to be made, shall be valid and effectual in Law, to all intents and purposes whatsoever, any Law, usage, statute, or custom to the contrary thereof in any wise notwithstanding; and all Bodies, Politic, Corporate or Collegiate, or Communities, and all Persons whatsoever so contracting and conveying as aforesaid, are hereby indemnified for what they, or any of them, shall respectively

pectively do, by virtue of, or in pursuance of this Act; and that all such Contracts, Agreements, Sales, Conveyances and Assurances, or Notarial copies thereof, shall, at the expense of the said Commissioners be deposited in the Office of the Provincial Secretary, as aforesaid, and true copies thereof shall be allowed to be good evidence in all Courts whatsoever.

VII. *Provided always, and be it enacted*, That any Body, Politic, Community, Corporation, or other person whosoever, who cannot, in common course of Law, sell or alienate any Lands or grounds so set out and ascertained, shall agree upon a fixed annual rent as an equivalent, and not upon a principal sum to be paid for the Lands or grounds so set out and ascertained as necessary for making the said Telegraph and other purposes and conveniences relative thereto, and connected therewith; and in case the amount of rent shall not be fixed by voluntary agreement or compromise, or by arbitration, between the parties, it shall be fixed as hereinafter provided, and all proceedings and litigations in Courts, shall, in that case, be regulated as hereinafter prescribed; and for the payment of the said annual rent, and every other annual rent agreed upon or ascertained for the purchase of any Lands or grounds, the said Telegraph, and the Tolls and Emoluments to be levied and collected thereon, or arising therefrom, shall be, and are hereby made liable and chargeable in preference to all other claims or demands thereon whatsoever.

Lease of Lands—
amount of Rent,
&c.

VIII. *And be it enacted*, That it shall be lawful for the said Commissioners to apply to Her Majesty, and all the several owners of the Estates, Lands, and grounds through which such Telegraph is intended to be carried, and to agree with such owners respectively touching the compensation to be paid to them by the said Commissioners for the purchase thereof, or for the right, easement, or servitude required by the said Commissioners in or upon the same, and for their respective damages; and in case of disagreement between the said Commissioners and the said Owners, or any of them, then all questions which shall arise between the said Commissioners and the several Proprietors of, and persons interested in any Estate, Lands or grounds that shall or may be taken, affected, or prejudiced by the execution of any of the powers hereby granted, or any indemnification for damages which may or shall be at any time sustained by any Bodies, Politic or Corporate, or Communities, or any other persons respectively, being Owners of, or interested in any Estate, Lands or Grounds, for or by reason of the making, repairing, or maintaining the said Telegraph or other Works, incidental or relative thereto or connected therewith, shall and may be settled by agreement of the parties, or by arbitration; or if either of the parties shall not be inclined to make an agreement, or to appoint arbitrators, or by reason of absence shall be prevented from treating, or through disability by non-age, coverture, or other impediment, cannot treat or make such agreement, or enter into such arbitration, or shall not produce a clear Title to the premises which they claim an interest in, then, and in every such case, it shall be lawful for the said Commissioners to apply either in Term time, or vacation, to any one or more Justices of Her Majesty's Supreme Court in this Province, by Petition, stating the nature and situation of the Lands and Property, and the Estate or interest therein they desire to acquire, and the proceedings had with respect to the same, and the names and abode of the Owners; Proprietors, and Tenants thereof respectively, so far as they can be ascertained, and praying for the appointment of Appraisers to value the Property and Estate, and interest therein so required by said Commissioners, and praying also the transfer and conveyance, or renting thereof to the said Commissioners for and on behalf of the Queen, whereupon, the said Justice or Justices shall appoint a time and place for considering the said Petition with respect to each several Lot referred to therein, and shall direct notice to be given to all parties interested in each particular Lot petitioned for, who may have their abode in this Province, or in the case of the absence of any such parties, then to the person entrusted with the care, or management, and control

Compensation to
owners of Land by
agreement, arbitration,
application to Justices of Sup.
Court, &c. &c.

control of such Lots, Lands, or grounds respectively, requiring the parties respectively interested to attend before them in person, or by their Attorney, or Agent, at the time appointed for the purpose ; and at the time so appointed, shall require the said Commissioners to nominate one Appraiser, and the party interested in said Lots, Lands or Grounds, to nominate also on his part one Appraiser ; and the said Justice or Justices shall name one other Appraiser, and shall by an order in writing, constitute and appoint the persons so chosen and named to act and be Appraisers of the value or rent, as the case may be, of the several and respective Lots, Parcels or Pieces of Land, Ground, or Tenements, and Premises, by the Petition respectively referred to ; and in case the parties, collectively, interested in any Lot, Parcel, or Piece of Land, Ground, Tenement, or Premises, so required by the said Commissioners, or having in the absence of the Proprietor, control and management thereof as aforesaid, shall fail to attend at the time and place appointed, or shall neglect or refuse to name an Appraiser as aforesaid, the said Justice or Justices shall name one fit and discreet person to act as Appraiser on behalf of the party so failing to appear, or declining, or neglecting to make such nomination as aforesaid ; and the persons so named and chosen as aforesaid, shall, before they enter upon the duties of their appointment, severally subscribe an affidavit, and make an oath before the said Justice, or one of the said Justices, or any other Justice of the Supreme Court, or a Master in Chancery, faithfully and impartially to perform the trust and duties so required of them by the order of the said Justice or Justices—which affidavit, with the said Petition, shall be filed in the Office of the Prothonotary of the Supreme Court at Halifax ; and the said Appraisers, or a majority of them, shall make a just and equitable valuation and appraisement of the fair and reasonable value in money, of the fee simple, inheritance, or annual rent, as the case may be, of each several Lot, Piece, or Parcel of Land, Ground, or Tenements in the said Petitions referred to and applied for, or the gross sum which ought to be paid for the Lease thereof ; and shall certify and return their award, appraisement, and determination, in writing, touching the value, price, or rent aforesaid, and of each several Lot, Piece, or Parcel of Land, under their hands, or the hands of the majority of them, into the Office of the said Prothonotary, whereupon, if the Supreme Court at Halifax, in Term time, or any one or more Justices thereof, in vacation, shall be of opinion that the said award and valuation hath been fairly, equitably, and impartially made ; and if no sufficient cause shall be shown against such award and valuation, the said Court or Justice, or Justices, shall confirm the same, and thereupon the said Commissioners shall pay, and satisfy to the persons entitled to receive the same, the full amount of such award or valuation, together with such costs and expenses as the said Court or Justice, or Justices, shall deem it reasonable to adjudge to be paid by the said Commissioners.

Powers of Supreme Court relative to proceedings on appraisements, &c.

IX. *And be it enacted*, That the said Justice or Justices, and also the said Supreme Court, shall have, with respect to the proceedings touching such appraisement and estimation of damages by means aforesaid, and with respect to the allowance and taxation of Costs to or against the parties, all necessary discretion, powers and authority, and shall and may enquire into the proceedings, by oath of witnesses or otherwise, and shall and may also, on good cause shown, set aside any such award and appraisement, and either direct the parties Appraisers again to view, estimate, and decide on the value of such Lands, yearly or otherwise, as aforesaid ; or otherwise, if it shall be deemed expedient, may nominate other Appraisers, and make an order for their making a new appraisement and valuation of the same respectively ; and the Appraisers so nominated shall be sworn as aforesaid, and the award or appraisement so by them, or the majority of them, made and returned in writing, when approved and confirmed by the Court, or Justice or Justices aforesaid, shall be final between the parties, and may be carried into effect accordingly.

X. *Provided always, and be it enacted,* That the award made on the second appraisement shall be final and conclusive to all intents and purposes whatsoever.

Award on 2d appraisement to be final.

XI. *And be it enacted,* That immediately upon payment of the sum awarded, and the costs being made as aforesaid, for any Lot, Piece, or Parcel of Land, referred to in any such Petition, the same shall be and be deemed vested in Her Majesty the Queen, Her Heirs and Successors, if the said award be for the purchase thereof, or for such term as in the said award may be set forth, so far as the true and rightful ownership of said Land, Ground, or Tenements may have been correctly set forth in said Petition, and thereupon, on application of the said Commissioners, it shall be lawful for the said Court, or any one or more Justices thereof, on proof made of such payment by any order to be made in the matter of said Petition, to require the party in possession of or claiming title to any Lots, Pieces or Parcels of Land, Ground or Tenements, for which such payment has been made, to deliver up possession of the same to the said Commissioners, or to authorize the said Commissioners to enter into such Lot, by any of the Officers, Servants, Contractors, Agents, or Workmen of the said Commissioners, and to retain such possession; and further, if need be, by any order of the said Court, or Justice or Justices, to empower the Sheriff, or his Deputy, to put the said Commissioners, by their Officers or Servants, into quiet possession of such Lot, Piece or Parcel of Land, Ground, or Tenement, and likewise by any order of the said Court or Justice, or Justices, to require and direct any such persons so interested in any such Parcel or Lot, so valued and paid for as aforesaid, or in case of their absence from the Province, or other disability, then the person in charge thereof as aforesaid, to make, sign, seal and execute, all such deeds, grants, conveyances, demises, or other documents, as may be necessary for the purposes of conveying the same, and legally investing the same in Her Most Gracious Majesty the Queen, Her Heirs and Successors, and in case of neglect or refusal on the part of any person to comply with any such orders, then, as the case may require, obedience to, and compliance with the same, shall be enforced by the usual process therefor, to be issued by the said Court, or Justice, or Justices.

Title to Land referred to in award. Delivery of Possession and execution of Conveyances thereof, &c.

XII. *And be it enacted,* That all Agreements, Sales and Conveyances, and all determinations by arbitration as aforesaid, or notarial copies thereof, when the same may be passed before Notaries, and also the said appraisements, and judgments, or orders thereon, by the said Court, or Justice, or Justices, shall be transmitted to, and registered in the Registry Office for the County in which the Lands, Tenements, or Hereditaments shall be situated, and that the same shall be therein registered at full length, having been proved as Deeds and Conveyances of Real Estate, are now, or shall be hereafter proved under the Laws of this Province; and all persons shall have liberty to inspect the same, paying for each inspection Six Pence, Currency, and to have and obtain copies thereof, paying for every copy thereof, not exceeding one hundred words, the sum of Six Pence, Currency, and so in proportion for any number of words; and immediately on payment of such purchase money, or rent as aforesaid, and entry or registration of such Agreements, Sales, Conveyances, determinations by arbitration, orders, judgments of the said Court, or Justice, or Justices, all the Estate, right, title, interest, use, trust, property, claim, and demand, in Law and Equity, of the person for whose use such money or rent shall be paid in, to, and out of the Lands, Grounds, Tenements, Hereditaments and Premises, shall vest in Her Majesty the Queen, Her Heirs and Successors, and they shall be respectively deemed in Law to be in actual possession and seizin of the same, to all intents and purposes whatsoever, as fully and effectually as if every person having an Estate therein had been able to convey, and had actually conveyed the same to them by the most effectual legal conveyance, and such payment shall bar all right, title, interest, claim and demand of the person to whose use the same shall be made, Bodies, Politic, Corporate or Collegiate, Ecclesiastical, or Civil Communities, Women subject to marital authority, minors,

Registry of Agreements, Conveyances, &c.—inspection thereof, &c. &c.

interdicted persons or absentees, who may have or claim to have, any right, title, interest, claim or demand therein, and of every other person whomsoever, any Law to the contrary notwithstanding.

Applications for indemnity.

XIII. *And be it enacted*, That applications to the said Court, or Justice, or Justices, for indemnity for any damage or injury sustained by reason of the power and authority given under and by this Act, shall be made within Six Months next after the time of such supposed damage sustained, or in case there shall be a continuation of damage, then within Six Months next after the doing or committing such damage shall cease, and not afterwards; and the Defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon, and may aver that the same was done in pursuance and by the authority of this Act.

Penalty for obstruction of Telegraph.

XIV. *And be it enacted*, That if any person shall by any means, or in any manner or way whatever, wilfully obstruct or interrupt the free use of the said Telegraph, or the other Works incidental or relative thereto, or connected therewith, such person shall for every such offence incur a forfeiture or penalty of not less than Five Pounds, nor exceeding Ten Pounds, Currency—one half of which penalty and forfeiture to be recovered before one or more Justices of the Peace for the County, shall go to the Prosecutor or Informer, and the other half shall belong to Her Majesty, Her Heirs and Successors, and shall be paid into the hands of the Treasurer, and be applied for the public uses of this Province, and the support of the Government thereof.

Wilful damage to Telegraph adjudged Felony.

XV. *And be it enacted*, That if any person shall wilfully and maliciously, and to the prejudice of said Telegraph authorized to be made by this Act, break, throw down, damage, or destroy the same, or any part thereof, or any of the Station Houses, Watch Houses, Observatories, Ports, Poles, Wires, or other Apparatus, Works or Devices, incidental or relative thereto, or connected therewith, or do any other wilful hurt or mischief, or shall wilfully and maliciously obstruct and interrupt the free use of the said Telegraph, or any of the appurtenances thereof, or obstruct, hinder, or prevent the carrying on, completing, supporting and maintaining, using, or working of the said intended Telegraph, such person shall be adjudged guilty of felony, and the Court by and before whom such person shall be tried and convicted, shall have power and authority to cause such person to be punished in like manner as felons are directed to be punished by the Laws in force in this Province, or in mitigation thereof, to award such sentence as the Law directs in cases of simple larceny, as to such Court shall seem fit.

Three Commrs. to form a quorum.

Proviso.

XVI. *And be it enacted*, That any meeting of the said Commissioners, at which not less than Three Commissioners shall be present, shall be competent to do and perform all and any of the powers hereby vested in said Commissioners: *Provided always*, that such Board of Commissioners shall from time to time be subject to the examination and control of the Governor in Council, and shall pay due obedience to all such orders and directions, in and about the premises, as they shall from time to time receive from the said Governor in Council—such orders and directions not being contrary to any express directions or provisions in this Act contained.

Appointment of Clerks, Agents, &c.

XVII. *And be it enacted*, That it shall be lawful to and for the said Commissioners, and they are hereby authorised from time to time to appoint and nominate Clerks or Agents, and all other such servants as they may deem necessary—assign to them respectively such duties as they may think fit, taking such security for the due execution of their respective offices as they may think proper, and at pleasure to revoke such appointments, and dismiss from their employ any of such Clerks, Agents, or other servants.

Rates and Dues to be appointed by Governor in Council.

XVIII. *And be it enacted*, That it shall be lawful to and for the said Commissioners, or any Three of them, from time to time, and at all times hereafter, to ask, demand, take, and recover, to and for the use of Her Majesty, for all communications

cations transmitted through the Line of Telegraph, such rates and dues as shall be from time to time fixed and appointed by the Governor in Council, which shall be paid to such persons, and at such places, near to the place where such service may have been performed, in such manner, and under such regulations, as the said Commissioners shall direct and appoint; and in case of denial or neglect of payment of any such rate or dues, or any part thereof, on demand, to the person appointed to receive the same as aforesaid, the said Commissioners may sue for and recover the same in their own names, or the names of any two of them, or in the name of Her Majesty, Her Heirs and Successors, in any Court having competent jurisdiction; and the Governor in Council shall have full power from time to time to lower or reduce any of the said rates and dues, and again to raise the same, as often as it shall be deemed necessary for the interests of the said undertaking.

XIX. *And be it enacted*, That if any person shall wilfully obstruct or impede said Commissioners, or any of them, or any Officer, Agent, or Contractor, appointed by said Commissioners, in the execution of their duty with regard to the said Telegraph, or to the using thereof, or of any Apparatus or Works thereto belonging or appertaining, or upon or in any of the Stations, or other Works, or Premises connected therewith, or if any person shall wilfully trespass upon the said Telegraph, or any of the Stations or other Works or Premises connected with the said Telegraph, and shall refuse to quit the same upon request to him made by any of said Commissioners, or any Officer, Agent, or Contractor of the said Commissioners, every such person so offending, and all others aiding and assisting therein, shall and may be seized and detained by any such Commissioner, Officer, or Agent, or Contractor, or any person whom he may call to his assistance, until such offender can be conveniently taken before some Justice of the Peace for the County wherein such offence shall be committed, and when convicted before such Justice as aforesaid, (who is hereby authorized, and required, upon complaint to him upon oath, to take cognizance thereof, and to act summarily in the premises), shall, in the discretion of such Justice, forfeit to Her Majesty any sum not exceeding Ten Pounds; and in default of payment thereof, shall be imprisoned for any term not exceeding Two Months—such imprisonment to be determined on payment of the amount of penalty.

cil—recovery thereof by Commissioners, &c.

Penalty for obstruction of Commrs. &c. in execution of duty.

XX. *And be it enacted*, That all fines and forfeitures inflicted by this Act, or which shall be inflicted by virtue of any order to be made in pursuance thereof, of which order when produced, all Justices are hereby required to take notice, the levying and recovering of which fines and forfeitures are not particularly herein directed, shall, upon proof of the offence before any one or more Justice or Justices of the Peace for the County, either by the confession of the party, or by the oath or affirmation of any one credible witness, (which oath or affirmation such Justice or Justices are hereby empowered and required to administer without fee or reward), be levied by distress and sale of the offender's Goods and Chattels, by Warrant, under the hand and seal, or hands and seals of such Justice or Justices; and all such respective fines, forfeitures, or penalties, by this Act imposed and inflicted, or authorised to be imposed and inflicted, the application whereof is not herein before particularly directed, shall be paid into the hands of the Treasurer of this Province, and shall be applied and disposed of for the use of the said Telegraph or Undertaking; and the overplus of the money raised by such distress and sale, after deducting the penalty and expenses of the levying and recovering thereof, shall be rendered to the owner of the Goods so distrained and sold, and for want of sufficient Goods and Chattels whereof to levy the said penalty and expenses, the offender shall be sent to the Common Jail for the County, there to remain without bail or main prise for such term not exceeding One Month, as such Justice or Justices shall think proper, unless such penalty or forfeiture, and all expenses attending the same, shall be sooner paid and satisfied.

Mode of levying and recovery, and application of Fines not herein particularly directed.

Appeal from Justices
to Sup. Court.

XXI. *And be it enacted*, That if any person shall think himself aggrieved by any thing done by any Justice of the Peace, in pursuance of this Act, every such person may, within Four Months after the doing thereof, appeal to the Supreme Court of Judicature for this Province.

Limitation of Suits
brought under Act,
&c. &c.

XXII. *And be it enacted*, That if any Action or Suit shall be brought or commenced against any person for any thing done, or to be done, in pursuance of this Act, or in the execution of the powers and authorities, orders and directions, hereinbefore given or granted, every such Action or Suit shall be brought or commenced within Six Months next after the fact committed, or in case there shall be a continuation of damage, then within Six Months next after the doing or committing such damage shall cease, and not afterwards; and the Defendant 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 thereon, and that the same was done in pursuance and by the authority of this Act; and if it shall appear to have been done so, or if any Action or Suit shall be so brought after the time so limited for bringing the same, or if the Plaintiff shall be nonsuit, or discontinue his Action or Suit after the Defendant shall have appeared, or if judgment shall be given against the Plaintiff, the Defendant shall have full costs, and shall have such remedy for the same as any Defendant has for costs of Suit in other cases.

And in order to ensure the establishment of a continuous Line of Telegraphic Communication between Halifax and Quebec:

Comms. to co-ope-
rate with Govern-
ments of Canada
and New Brun-
swick.

XXIII. *Be it enacted*, That the said Commissioners shall be authorised to enter into any arrangement, and co-operate with the Governments of Canada and New Brunswick, or any Company or Companies which may be formed, to undertake the construction of a Line or Lines of Electric Telegraph in those respective Provinces; and the Commissioners aforesaid shall have power, if they shall deem it advisable, to treat with such Governments or Companies, or enter into such arrangements, as may be necessary to unite the several interests on this subject on such advantageous and liberal terms, for the use of the Telegraph within the limits of this Province, as may enable the said Governments or Companies to complete the direct Line from the Northern limit of this Province to Quebec, and to support the same without pecuniary loss, so far as it may be found advisable and expedient so to do: *Provided*, that no arrangements, contracts, or agreements, shall have full force and effect until approved of by the Governor, in Council.

Electric Telegraphs
not to be made
without sanction
of Legislature.

XXIV. *And be it enacted*, That it shall not be lawful for any Person, Body Politic, Corporate, Community, or Company whatsoever, directly or indirectly, to make and complete any Electric Telegraphs, Stations, and appurtenances in any part of this Province, unless by the previous sanction, and under the authority of the Legislature of this Province: *Provided always*, that it shall be lawful for the Governor in Council, from time to time, to authorize and empower the said Commissioners to build and construct such branches, in connection with such Line, in the Province of Nova-Scotia, as may hereafter appear necessary and expedient, and to establish and construct new Lines under Legislative authority previously given.

Proviso.

Act to be deemed a
public Act.

XXV. *And be it enacted*, That this Act shall be deemed and taken as a Public Act, and as such shall be judicially taken notice of by all Judges, Justices of the Peace, and others, without being specially pleaded, and shall be evidence in full proof thereof in all Courts of Justice.

Act 10, Vic. repealed.

XXVI. *And be it enacted*, That the Act passed in the Tenth Year of the Reign of Her present Majesty, entitled, An Act to Incorporate the Nova-Scotia Electric Telegraph Company, and every matter, clause, and thing therein contained, be, and the same are hereby repealed.

CAP. XXVI.

An Act to authorise Assessments for the relief of Distressed Settlers, in certain cases.

(Passed the 11th day of April, 1848.)

WHEREAS, during the two past Years, in consequence of the failure of the Potatoe and other Crops in particular sections of certain Counties of this Province, great distress and destitution have prevailed among portions of the resident Inhabitants thereof, and in order to relieve the same, special Grants have been afforded by the Executive, or portions, and in some cases the whole of the Road Monies in such Counties have been set apart for such purpose: *And whereas*, it has been found by experience that the said system of relief is open to abuse and mismanagement, and is therefore inadequate for the necessary and benevolent purposes intended:

I. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly,* That hereafter if any distress or destitution shall prevail in any County or District in this Province, in consequence of the failure of the Crops, or otherwise, so as to render public relief indispensable to any particular portion of the resident Inhabitants, it shall be lawful for the Custos Rotulorum, by and with the advice, and at the request of four other Justices of the Peace in said County or District, to summon a Special Sessions, to be held in not less than five days after due notice thereof shall be given, at which Sessions, after like notice, the Grand Jury shall be duly summoned to attend, and that it shall be lawful for said Sessions, after a due presentment of the sum required to be raised to relieve the destitution and distress, as aforesaid, then prevailing, be made to them by said Grand Jury, to order and direct the said sum so presented, or a less sum, to be assessed, levied, and collected in said County or District, in the same way and manner in every respect as if a Poor Rate were to be assessed, levied, and collected therein.

II. *And be it enacted,* That at the time such order is made, as aforesaid, it shall be lawful for the said Sessions to apportion and divide the whole of the said sum to be assessed in said County or District among the several Townships or Settlements therein set apart for the support of the Poor, in such sums and proportions, respectively, as to them may appear just and equitable, and also to direct to which Overseers of the Poor, in particular, in the various Townships or Settlements, the different amounts, when collected, shall be paid over.

III. *And be it enacted,* That after said order is made, and the proportions adjusted and divided, as aforesaid, the said several sums shall be assessed, levied, and collected in each of said Townships or Settlements set apart for the support of the Poor by the same Assessors and Collectors, and under the same Rules and Regulations as if the same had been a Poor Rate, ordered to be assessed, levied, and collected, under and by virtue of the several Acts of the Province for such purpose made and provided.

IV. *And be it enacted,* That the sums so assessed, levied, and collected, as aforesaid, shall be paid over to such Overseers of the Poor, and in such amounts, respectively, as may be directed by such order of Sessions, as aforesaid, and shall be distributed and accounted for by such Overseers of the Poor, respectively, in the same manner, and under the same Rules and Regulations as if the same had been a Poor Rate, assessed, levied, and collected under and by virtue of the said several Acts for such purpose made and provided.

V. *Provided always, and be it enacted,* That nothing herein contained shall extend to comprehend or in any manner affect the City of Halifax.

CAP. XXVII.

An Act relating to the Naturalization of Aliens within this Province.

(Passed the 3rd day of April, 1848.)

Preamble.

WHEREAS, by an Act of the Imperial Parliament, made and passed in the Tenth and Eleventh Years of Her present Majesty's Reign, entitled, 'An Act for the Naturalization of Aliens,' it was enacted, that all Laws, Statutes, and Ordinances, which should thereafter be made and enacted by the Legislatures of any of Her Majesty's Colonies, or Possessions abroad, for imparting to any person or persons the privileges, or any of the privileges of naturalization, to be by such person or persons exercised and enjoyed within the limits of any such Colonies and Possessions respectively, should within such limits have the force and authority of Law, provided nevertheless, that all such Laws, Statutes, and Ordinances, should be made and enacted in such manner and form, and subject to, and in conformity with, all such Rules as then were, or thereafter should be in force in respect to other Laws, Statutes, or Ordinances enacted, or to be enacted by any such Legislatures respectively, and should and might be confirmed or disallowed by Her Majesty, in such and the same manner, and subject to the same Rules and Regulations as extended, or should thereafter extend, to the confirmation or disallowance of any other such Laws, Statutes, or Ordinances :

Before Naturalization Oath of Allegiance to be taken and subscribed in Duplicate.

I. *Be it enacted, by the Lieutenant-Governor, Council, and Assembly,* That before any person shall become entitled to the privileges, or any of the privileges of naturalization under any Act of this Province, passed, or to be passed under the authority of the said Act of Parliament, or of any Act of Parliament in amendment thereof, such person shall take, and subscribe in Duplicate, the Oath of Allegiance to Her Majesty Queen Victoria, and Her Successors, before the Chief Justice, or a Puisne Judge of the Supreme Court for the time being, in open Court, who shall, under his hand, attest the taking and subscribing of the said Oaths ; and the Chief Justice, and Puisne Judges of the said Court for the time being, are hereby severally empowered to administer all such Oaths in open Court as often as occasion shall require.

To be entered and filed by Prothonotary and in Secretary's Office—Fees therefor, &c.

II. *And be it enacted,* That the said Oath of Allegiance, when made and subscribed, and attested, shall forthwith thereafter be entered and filed in the Court wherein the same shall be administered, by the Prothonotary, or Deputy Prothonotary, acting in the said Court, who shall also forthwith transmit the Duplicate of the said Oath of Allegiance made and subscribed, and attested as aforesaid, and authenticated under the Certificate of the said Prothonotary, or Deputy Prothonotary, and the seal of the said Court, to the Provincial Secretary, to be by him entered and filed in the Secretary's Office at Halifax ; and the said Prothonotary, or Deputy Prothonotary shall, for such services, (including the making out of such Duplicate Oath), be entitled to receive from such naturalized person a fee of Twenty Shillings ; and any such Alien to whom the privileges, or any of the privileges of naturalization shall have been imparted by virtue of any Act of this Province, after having made and subscribed such Oath of Allegiance in the manner and form herein provided, shall be entitled to receive from the Prothonotary, or Deputy Prothonotary acting for the time being in the said Court wherein the said Oath was administered, a Certificate under his hand and the seal of the said Court, that the said Oath of Allegiance had been taken, made, and subscribed by such naturalized person, in conformity with the provisions of this Act, and such Certificate shall be taken *prima facie* to be legal evidence of the making and subscribing of the said Oath agreeably hereto, and for every such Certificate, the Prothonotary, or Deputy Prothonotary granting the same, shall be entitled to a further fee of Ten Shillings.

CAP.

CAP. XXVIII.

An Act to Naturalize Frederick Mantovani, Silas Bliss Wing, Charles P. Allen, and John B. Fay.*(Passed the 11th day of April, 1848).*

WHEREAS, Frederick Mantovani, Doctor of Laws in the University of Pavia, now of Windsor, in the County of Hants, and Silas Bliss Wing, of Walton, in the same County, Artizan; Charles P. Allen, of Dartmouth, in the County of Halifax, Chair Manufacturer; and John B. Fay, of the City of Halifax, Merchant, being respectively Aliens, are desirous of having their permanent abode and domicile in this Province, where they have resided and been employed, or conducted business for many years past; and have prayed that they may be admitted to the privileges of Naturalization within this Province, and have given satisfactory assurance that they are willing and desirous to assume and fulfil all the duties and responsibilities that shall attach to them as faithful subjects of our Gracious Sovereign Queen Victoria, and Her Successors: *And whereas*, it is for the public benefit that persons of good character, learning, industry, and skill, should be encouraged to settle within the Province:

1. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly,* By virtue and under the authority of an Act of the Imperial Parliament, passed in the Tenth and Eleventh Years of Her present Majesty's Reign, entitled, 'An Act for the Naturalization of Aliens,' that they, the said Frederick Mantovani, Silas Bliss Wing, Charles P. Allen, and John B. Fay, respectively, so soon after the passing of this Act as they severally shall take and subscribe the Oath of Allegiance to Her Majesty Queen Victoria, and Her Successors, in manner and form as shall be required and prescribed in and by any Act of this Province, made and passed at the present Session of the General Assembly, shall, within the limits of this Province of Nova-Scotia, be, and become, and be held and adjudged to be, respectively, Naturalized Subjects of Her Majesty, entitled to all the rights and privileges of such subjects, as fully as the same rights and privileges can or may be conferred under or by virtue of the said Act of Parliament.

Preamble.

Fredk. Mantovani,
Silas B. Wing,
Chas. P. Allen, &
John B. Fay, nat-
uralized.

CAP. XXIX.

An Act to continue and alter the Acts for granting Duties on Licenses for the Sale of Spirituous Liquors.*(Passed the 30th day of March, 1848.)*

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Seventh Year of the Reign of His late Majesty King William the Fourth, entitled, An Act for granting Duties on Licenses for the Sale of Spirituous Liquors, except as altered by the Acts hereinafter mentioned, or by this Act; also, the Act passed in the Second Year of Her present Majesty's Reign, entitled, An Act to continue and alter the Act for granting Duties on Licenses for the Sale of Spirituous Liquors; except as altered by the Acts hereinafter mentioned, or by this Act; also, the Act passed in the Sixth Year of Her present Majesty's Reign, entitled, An Act continuing and amending the Acts for granting Duties on Licensed Houses, except as altered by the Act hereinafter mentioned, or by this Act; and also, the Act passed in the Tenth Year of Her present Majesty's Reign, entitled, An Act to continue and amend the Acts for granting Duties on Licenses for the Sale of Spirituous Liquors, except as altered by this Act—which

Act 7, Wm. 4, and
Acts 2, 6, and 10,
Vic. as altered,
continued.

said

said several Acts will continue in force until the Thirty-first day of March, in this year of Our Lord One Thousand Eight Hundred and Forty-eight, shall remain thenceforth in operation, and the same, and every matter, clause, and thing therein contained, except as aforesaid, are hereby respectively further continued until the First day of April, which will be in the Year of Our Lord One Thousand Eight Hundred and Forty-nine, and no longer.

Penalties not exceeding £20 nor less than £1.

II. *And be it enacted*, That instead of the penalties heretofore imposed, any person who may at any time hereafter be convicted of a breach of any of the provisions of the Acts herein mentioned, shall pay for every offence a sum not exceeding Twenty Pounds, nor less than One Pound.

Licenses not to be granted if Grand Jury or Court of Sessions have refused the same.

III. *And be it enacted*, That hereafter no License of any kind shall be granted by any General or Special Sessions, under and by virtue of the Eighth Clause or Section of the Act passed in the Second Year of the Reign of His late Majesty William the Fourth, entitled, An Act concerning Persons licensed to keep Public Houses or Shops, and the Duties thereon, or under any of the provisions in such Act, or in any of the Acts hereby continued and amended, to any person who shall have previously made application to the Grand Jury and Court of General Sessions for the County or District, and upon which application the Grand Jury shall have declined to recommend that a License should be granted to such person, or upon the Grand Jury having recommended the same, the Court shall have refused to grant such License.

Recovery of Penalties, &c.

IV. *And be it declared and enacted*, That all penalties incurred under any of the Acts herein mentioned, may be sued for and recovered, by and in the name of any person who will sue for the same, in the same manner, and with the like costs of suit, as if the same were a private debt due to such person, except only that the summons therefor shall be in the form contained in the said Act passed in the Seventh Year of His said late Majesty's Reign, with such alterations as may be rendered necessary where the suit shall be in the name of any person other than the Clerk of the Licenses: *And provided*, that nothing herein contained shall affect the competency of any witness under any of the said Acts.

Duration of Act.

V. *And be it enacted*, That this Act shall continue and be in force until the First day of April, which will be in the Year of Our Lord One Thousand Eight Hundred and Forty-nine, and no longer.

CAP. XXX.

An Act in amendment of the Act to establish the Toll to be taken at Grist Mills.

(Passed the 21st day of March, 1848.)

Preamble.

WHEREAS, certain Penalties are in and by the Sixth Clause of the Act passed in the last Session of the General Assembly, entitled, 'An Act to establish the Toll to be taken at Grist Mills,' imposed upon Millers refusing to grind Grain or Corn brought to their Mills, or refusing to hull Barley when required: *And whereas*, the erection of Steam Mills is attended with great expense, and it would subject the owners thereof to much inconvenience and annoyance if obliged at all times to grind Grain or hull Barley brought to them in small quantities:

Owner of Steam Mill not obliged to receive Grain for grinding, or Barley for hulling.

I. *Be it enacted, by the Lieutenant-Governor, Council, and Assembly*, That hereafter no Miller or other person in charge of, or conducting any Steam Mill, shall be obliged to receive any Grain or Corn for the purpose of grinding, or to receive any Barley for the purpose of hulling, nor shall any such Miller or other person as aforesaid,

aforesaid, be subject to any of the Penalties in the said Act hereby amended contained, for refusing to grind any Grain or Corn, or to hull any Barley : *Provided always*, that if any such Miller shall have received any such Grain or Corn for the purpose of grinding, or any such Barley for the purpose of hulling, and shall then neglect or refuse to grind or hull the same respectively, he shall be liable to all the Penalties in that behalf by the said Act imposed.

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

CAP. XXXI.

An Act to amend the Act to make provision for a Harbor Master at Spanish River, Cape-Breton.

(Passed the 21st day of March, 1848.)

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That instead of the Rates expressed in the Second Section of the Act passed in the Eighth Year of Her present Majesty's Reign, entitled, 'An Act to make provision for a Harbor Master at Spanish River, in the County of Cape-Breton,' the fees to be hereafter received and taken, and recovered under and in conformity with the provisions of the said Act, and subject to the exemptions therein contained, shall be as follows and no more, that is to say—for Vessels exceeding One Hundred Tons and not exceeding One Hundred and Fifty Tons, Five Shillings ; for Vessels exceeding One Hundred and Fifty Tons and not exceeding Two Hundred and Fifty Tons, Ten Shillings ; and for Vessels exceeding Two Hundred and Fifty Tons, Twenty Shillings : *Provided*, that no Vessel employed in the Coast-
ing Trade shall be liable to pay any fees whatever to such Harbor Master. Harbor Master's Fees at Spanish River, C. B.

II. *And be it 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. Duration of Act.

CAP. XXXII.

An Act to continue and alter the Act to regulate the Harbor of Saint Mary's.

(Passed the 21st day of March, 1848.)

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Tenth Year of Her present Majesty's Reign, entitled, 'An Act to regulate the Harbor of Saint Mary's,' and every matter, clause, and thing therein contained, except as altered by this Act, shall be continued, and the same, except as aforesaid, are hereby continued for Three Years, and thence to the end of the then next Session of the General Assembly. Act 10, Vic., as altered, continued.

II. *And be it enacted*, That it shall be lawful for the Justices of the Peace, in their General Sessions of the Peace for the District of Saint Mary's, in the County of Guysborough, or any Special Sessions thereof, at which not less than three Justices shall be present, from time to time as occasion may require, to License so many fit and proper persons, (not less than Four in number), as may be deemed necessary to act as Pilots for the said Harbor of Saint Mary's, and from time to time to make and publish such Orders and Regulations for the government, and Appointment of Pilots for Harbor of St. Mary's—orders, regulations, &c. &c.

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 herein provided, and to annex penalties for the breach of any of the Orders and Regulations so by them to be made—which penalties shall not exceed for any one offence the sum of Five Pounds, and shall be sued for, recovered, and applied, in the same manner as other penalties imposed under the said Act hereby altered are directed to be sued for, recovered, and applied : *Provided always*, that all Orders or Regulations made hereunder may be appealed from, annulled, and abrogated, in the same manner, and to the same extent as other Orders made under the Act hereby altered : *And provided also*, that nothing herein, or in the said Orders, or any of them, contained, shall have the effect of compelling any Coasting Vessel to take a Pilot either into, or out of the said Harbor, or to pay any proportion of Pilotage in case of refusal so to do, but in case of a Pilot being voluntarily taken on board, then such Coasting Vessels shall become and be subject to such Rules, and the Rates of Pilotage hereby established.

Proviso.

Rate of Pilotage.

III. *And be it enacted*, That the Rates of Pilotage to be received and taken by the Licensed Pilots at the said Harbor, for conducting any Vessel into or out of the same, shall be at and after the rate of Three Shillings and Six Pence for every foot of the draught of water of such Vessel.

Pilot entitled to half pay on refusal of services.

IV. *And be it enacted*, That on every Vessel approaching the said Harbor, and being One Mile outside of Wedge Island when spoken, the Licensed Pilot who has first hailed her shall be entitled to one half of the Pilotage hereby established, if his services be not accepted.

Pilotage outwards-

V. *And be it enacted*, That in cases where a Licensed Pilot shall have brought a Vessel in from sea, and shall be in attendance when such Vessel shall be ready for Sea, and offer his services to pilot her out, he shall, if his services be not accepted, be entitled to one-half of the Pilotage hereby established : *Provided always*, that such Pilot shall not have been convicted of the breach of any of the Harbor or Pilot Regulations of the said Harbor; and where such Pilot shall not be in attendance and offer his services as aforesaid, the first Licensed Pilot who shall offer shall be entitled, if his services be not accepted, to such one-half Pilotage; and the Pilotage of all outward bound Vessels shall, if required by the Pilot, be paid into the hands of the Harbor Master, or Consignee of the Vessel, before she shall leave the Port, for the use of such Pilot.

Proviso

Harbor Master's Fees.

VI. *And be it enacted*, That hereafter the Fees to be taken and received by the Harbor Master at the said Harbor of Saint Mary's, shall be as follows, and no more, that is to say : For Vessels exceeding One Hundred Tons and not exceeding One Hundred and Fifty Tons, Five Shillings; for Vessels exceeding One Hundred and Fifty Tons and not exceeding Two Hundred and Fifty Tons, Ten Shillings; and for Vessels exceeding Two Hundred and Fifty Tons, Twenty Shillings : *Provided* that no Vessel employed in the Coasting Trade shall be liable to pay any fees whatever to such Harbor Master.

Proviso

Duration of Act.

VII. *And be it 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.

CAP. XXXIII.

An Act for the Regulation of the Salmon Fishery in the Rivers of this Province.

(Passed the 11th day of April, 1848.)

Salmon not to be speared, &c. above tide mark.

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That hereafter no person shall take, or endeavour to take, by Spearing, or by sweeping with

with any Net or Seine of any kind or description, any Salmon in any of the Rivers, Streams, Lakes, or Water-courses in this Province, above where the tide usually rises and falls.

II. *And be it enacted*, That hereafter no Nets for the purpose of taking Salmon above the usual rise and fall of the Tide in any such River, Stream, or Water Course, shall be set or placed, except on one side thereof at a time, under the regulations of the Sessions as hereinafter mentioned. Setting of Nets above tide mark.

III. *And be it enacted*, That hereafter no Stake, Seine, Weir, Net of any kind or description, or other contrivance whatever for the purpose of taking Salmon, shall be set or placed within the space of One Quarter of a Mile next below any Mill, or other Dam erected across any such River, Stream, or Water Course. Nets, &c., below Mill or Dam.

IV. *And be it enacted*, That no Net when set for the purpose aforesaid, shall in any case be extended more than one-third of the distance in a straight line across any such River, Stream, or Water Course. Net, how far to extend.

V. *And be it enacted*, That in every County or District of this Province, the Justices in their General Sessions of the Peace, and before the next Sittings of such General Sessions in any such County or District, any Special Sessions at which not less than Five Justices shall be present, shall be, and they are hereby respectively authorized and empowered to make Rules and Regulations, to be in force within such County or District, in relation to the side of any River, Stream, or Water Course, above the rise and fall of the Tide, on which any such Stake, Weir, Seine, Net, or other contrivance for the purpose aforesaid, shall be set or placed, and touching the setting or placing thereof on each side of any such River, Stream, or Water Course alternately; and also in relation to the setting of such Stakes, Nets, Seines, Weirs, or other contrivances as aforesaid, in any such River, Stream, or Water Course, below where the Tide flows, or in any Harbor or Creek at the mouth thereof. Sessions to make Rules and Regulations.

VI. *And be it enacted*, That every person who shall in any respect violate the provisions of this Act, or any of such Rules and Regulations so to be made as aforesaid, shall forfeit and pay for every such offence a penalty of not less than One Pound, nor more than Ten Pounds, in the discretion of the Justices before whom the same shall be tried, which penalty shall be sued for and recovered, with costs of suit, by and in the name and for the use of any person who will sue for the same, before any two Justices of the Peace for the County or District where the offence shall be committed, in the same manner as if it were a private debt due to the person so suing therefor; and if, upon conviction, the amount of such penalty and costs be not paid or recovered by due course of Law, the party offending shall be forthwith committed to the County Gaol, to be there imprisoned for one day for every Five Shillings of such amount: *Provided always*, That any party dissatisfied with the decision of such Justices, may appeal to the Supreme Court, in the same manner, and under the same regulations and restrictions, as in ordinary cases of debt; and such appeal shall be in like manner prosecuted and determined, and the taking and perfecting such appeal shall stay all proceedings upon the judgment until the same be determined. Penalties for infringement of Rules—recovery thereof, &c.

VII. *And be it enacted*, That in addition to and over and above any penalty incurred hereunder, or under any of the said Rules or Regulations, all Spears and other Implements, Canoes, Boats, Nets, Seines, Weirs, or other contrivances, used or employed in or about or preparatory to the taking of Salmon, contrary to the provisions of this Act, or of any of such Rules or Regulations, shall be liable to forfeiture, and may be seized upon in the first instance under Warrant from such Justices, and detained until the trial of the offender, when the same may be by the Justices declared forfeited, and sold at Public Auction; and the proceeds thereof, after deducting expenses, paid to the person who shall have sued for the penalty incurred in relation thereto, or otherwise applied to the use of the Poor of the Township. Proviso.
Canoes, Nets, &c. used in taking Salmon forfeited.

ship or place within which the same shall have been seized, as to the said Justices may seem meet : or if such Justices, upon the hearing shall see fit so to do, they may order such articles to be restored to the owner thereof : *Provided* that where an appeal shall be taken from the judgment of the Justices hereunder, the owner or possessor of any such articles so declared forfeited shall be entitled to restoration thereof, upon giving security to the satisfaction of such Justice to pay into their hands, for application thereof, in manner aforesaid, the full value of such articles, to be there estimated by such Justices, in case the judgment appealed from shall be confirmed.

Proviso.

Person found equipped at night for Salmon taking.

VIII. *And be it enacted*, That every person discovered at night with a Spear and Torch, or with a Torch alone, in or about any River, Stream, Lake, or Water Course, above the rise and fall of the Tide, either in a Boat or Canoe, or otherwise, and apparently equipped for taking or Spearing Salmon, shall be considered *prima facie* in the Act of Spearing for Salmon, and the burthen of disproving the same shall be thrown upon the party so discovered.

CAP. XXXIV.

An Act for the regulation of Juries.

(Passed the 11th day of April, 1848.)

Qualification for Grand and Petit Jurors.

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That from and after the passing of this Act, all persons not hereinafter exempted, or who may not otherwise by Law be exempted, who shall have been actually resident within the County for which they shall be summoned, at least Twelve Months, and shall own and be possessed, if within the County of Halifax, of a Freehold Estate within the same of the clear yearly value of Thirty Pounds, or a Personal Estate of the value of Five Hundred Pounds ; and if in any other County, a Freehold Estate within the same of the clear yearly value of Fifteen Pounds, or a Personal Estate of the value of Three Hundred Pounds, shall be liable to serve as Grand Jurors within such Counties respectively ; and all persons otherwise qualified and not exempted as aforesaid, and whether liable to serve as Grand Jurors or otherwise, who shall have been actually resident at least Twelve Months within the County for which he shall be summoned, and shall own and be possessed of Real or Personal Estate, or both together, within the said County, of the value of Two Hundred Pounds, shall be liable to serve as Petit Jurors : *Provided always*, that the Members of the Executive and the Legislative Councils, and of the House of Assembly, the Treasurer and the Secretary of the Province, the Surveyor General of Crown Lands, the Registrar of Deeds, the Officers of Her Majesty's Courts, Justices of the Peace, and Members of the Corporation of the City of Halifax, the Officers composing the Staff of the Army, the Clerks belonging to the several Departments of the Army, the Officers and Clerks belonging to, and Laborers actually employed in the Naval Yard or Her Majesty's Ordnance, or the Departments of the Customs, or Excise, or Post Office, Ministers, Attornies, Physicians, Surgeons, Keepers of Light Houses, Millers, Licensed Ferrymen, Licensed Schoolmasters, Engine Men, and Fire Men, Persons above Sixty Years of age, and the Cashiers, or Accountants and Tellers actually employed in the several Banks, shall be, and all such persons are hereby exempted from serving on Juries : *Provided also*, that no person shall be liable to serve on Grand or Petit Juries more than once in Three Years respectively, unless in cases where a new Summons shall be issued for Jurors to supply the place of Jurors not attending as hereinafter directed.

Persons exempted from service.

II. *And be it enacted,* That at the First General Sessions of the Peace to be held in every County or District of this Province, next after the passing hereof, there shall be selected by the Justices present thereat, Five of their number, resident as far as may be in different Sections of such County or District, who shall be duly sworn to the faithful and impartial discharge of their duties, and shall be a Committee for the purpose of preparing the Lists of Jurors as hereinafter mentioned; and shall forthwith prepare Two separate Lists, the one thereof of all fit and competent persons, properly qualified as aforesaid, to serve as Grand Jurors within each of the several Townships and Settlements within the County or District, and the other thereof, of all fit and competent persons qualified to serve as Petit Jurors as aforesaid, (including on such Petit Jury List all persons on such Grand Jury List as aforesaid), and on which Lists, the persons respectively composing the same, shall be carefully designated by their particular place of residence, and trade, calling, or employment, and whether senior or junior, or by any other appellation by which they may be usually called and known, so as to distinguish between different persons of the same name; and such Committee, in order to make up such Lists, shall have the right of free access to all Public Documents in the custody of whomsoever they may be; and as soon as such Lists have been completed, they shall return the same to the Prothonotary of the Supreme Court.

Appointment of Committees to prepare Jury Lists, &c.

III. *And be it enacted,* That the said Courts of General Sessions may from time to time alter or change any one or more of the Justices composing the said Committee, and select other Justices in their room, who shall be sworn as aforesaid.

Alteration of Committee.

IV. *And be it enacted,* That the said several Lists of Grand and Petit Jurors respectively, shall be annually revised by the said Committee at such Sittings of the General Sessions of the Peace in every County and District, as may by the Justices in Sessions be deemed most convenient, and when so revised shall be immediately made up and returned to the Prothonotary of the Supreme Court in manner aforesaid.

Revision of Lists, &c.

V. *And be it enacted,* That in the County of Halifax, in addition to the said two Lists, the Committee shall make up in manner aforesaid a List of fit and competent persons, not qualified to be placed on either of the said other two Lists, and return the same to the Clerk of the Peace—which said List shall be annually revised in manner aforesaid, and shall be the List from which the Petit Juries for the Court of Sessions of the Peace at Halifax shall be drawn, summoned, and sworn, in the same manner, and under and subject to the same Rules, Regulations, and Penalties, as herein provided, in relation to Petit Juries in the Supreme Court.

Petit Juries for Sessions Peace, Halifax.

VI. *Provided always, and be it enacted,* That no person living more than Fifteen miles from the City of Halifax shall be placed on any of the said Lists either of Grand or Petit Jurors for the County of Halifax.

Proviso.

VII. *And be it enacted,* That the said Court of General Sessions in every County or District of this Province, or the Committee thereof, as aforesaid, shall from time to time, as they may think requisite, fix and determine what number of such persons qualified to serve as Grand Jurors for each of the Townships or Settlements in such County or District shall be annually summoned to serve as such; and the Prothonotary shall, at each time of drawing a Jury to serve, have the names of the said Jurors for each of the Townships and Settlements written on distinct and similar pieces of paper, compared with the Lists, so folded as to conceal the names thereon, and placed in separate boxes, wherein such names shall be kept; and at every time of drawing a Grand Jury to serve, the Prothonotary shall draw from such boxes respectively, in open Court, the number so fixed and determined by such Court of Sessions, or such Committee, as aforesaid.

Summoning of Grand Jurors, Drawing of Juries, &c.

VIII. *And be it enacted,* That the Grand Juries for the several Counties shall be drawn from the said boxes, in the Supreme Court, during the last Term which shall

Drawing Grand Juries, Lists thereof, Writs of Venire Facia, &c. &c.

shall be held in every year, and before drawing the Petit Jury thereat; and the Lists thereof shall be signed by the presiding Judge, and the Prothonotary shall issue Writs of *Venire Facias* for the summoning of such Juries, and deliver the same to the Sheriff at least Thirty days before the Term or Sittings of the Supreme Court or General Sessions of the Peace at which the Grand Jury are bound to attend, which shall next happen in the ensuing year; and the Jurors being afterwards summoned, and sworn at the said next ensuing Term of the Supreme Court or General Sessions, shall serve on such Grand Jury during the whole of that year.

Choosing Foreman
of Grand Jury,
&c.

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

Drawing Petit Ju-
ries, Lists thereof,
Writs of Venire
Facias, &c. &c.

X. *And be it enacted*, That the Prothonotary shall cause the names of all persons on the said Petit Jury List, so made up and returned as aforesaid, to be written on distinct and similar pieces of paper, which shall be then severally folded up and put together in the Petit Jury box, to be kept for that purpose—and from which box the Petit Jury for the County shall be drawn by the Prothonotary, in open Court, at each Term of the Supreme Court for the Term then next ensuing, setting aside the names of all who shall have served on either the Grand or Petit Jury within the two years then next preceding, and of all then serving on, or drawn for, the Grand Jury, and the presiding Judge shall sign the List of such Petit Jury; and the Prothonotary shall issue Writs of *Venire Facias* for the summoning thereof, and deliver the same to the Sheriff at least thirty days before the said next Term.

Penalty for non-
attendance, Grand
Juror 20s., Petit
Juror 10s.

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

Provisions in case of
non-attendance of
Grand or Petit Ju-
rors.

XII. *And be it enacted*, That if from any cause a sufficient number of persons summoned, either as Grand or Petit Jurors, should not be likely to attend in any particular Term, Sessions, or Year, it shall be in the discretion of the Court to return the names of the persons so summoned, or of such of them as the Court may think fit, into the Box as though they had not been drawn, and to draw others in their stead, who shall be immediately summoned by the Sheriff, and bound to attend forthwith, and be subject to all the consequences of non-attendance as before provided, notwithstanding the want of notice for the time before required; and in every case where a full Jury for the trial of any cause shall not appear, or appearing shall, by challenge of either of the parties, or otherwise prove deficient, a *tales de circumstantibus* shall be awarded, and immediately returned at the instance of either party in manner heretofore practised: *Provided*, that no *tales de circumstantibus* shall be awarded, unless at least Seven persons named on the regular panel shall have first answered to their names, except in cases where such *tales* shall be assented to by both parties, or their Counsel.

Proviso.

Right of Challenge.

XIII. *And be it enacted*, That in all cases of the trial of any Issues, Actions, or Prosecutions, Civil or Criminal, by Petit Juries, and of the Assessment of Damages, on the finding of inquisitions by Sheriff's Juries, it shall be the right of the Plaintiff or Prosecutor, and of the Defendant or Prisoner, peremptorily to challenge without

without cause assigned, any number of the Jurors or Talesmen who may be called for the trial, not exceeding Four on each side if in the County of Halifax, and Three on each side if in any other County, as the Jurors or Talesmen respectively come to be sworn—and such right of challenge, and to the same extent, shall apply to Talesmen called to fill up Special Juries: *Provided always*, that this Act shall in no manner apply to Prisoners or Defendants in Criminal Trials who are now allowed or entitled peremptorily to challenge a large number of the Jurors called for their trial: *And provided also*, that nothing herein contained shall affect or abridge the rights of challenge to Juries or Jurors now existing, or the right of objecting to Jurors or Talesmen upon cause assigned as now practised.

XIV. *And be it enacted*, That in all Civil Causes hereafter tried by a Petit Jury, instead and in lieu of the Fees now payable, every Juror who has been sworn and tried the same, shall be entitled in cases where a verdict shall be agreed upon, and before the same is given, to receive as follows, that is to say—in any Summary or Appeal Cause, or on any Assessment of Damages under the Absconding Debtors' Acts, the sum of One Shilling, and in all other Civil Causes, the sum of Two Shillings and Six Pence, and in case of a non-Suit, one half of the said sums respectively: *Provided*, that no Jury shall hereafter be allowed in any Summary, or Appeal Cause, at the instance of either party, until the party applying therefor shall have paid into the hands of the Prothonotary the full sum of Twelve Shillings, to be applied to the payment of the Fees of such Jury—such sum to be eventually repaid by, or taxed against the unsuccessful party in cases where he shall not have paid the same; and in case of a settlement before trial, or where the full amount shall not be required to pay such Fees, the same or the balance thereof shall be returned by the Prothonotary to the party who shall have paid the same.

XV. *And be it enacted*, That instead of the number heretofore composing the panel of Petit Jurors, the number of names to be drawn under this Act for the formation of the panel of every Petit Jury, shall be in the County of Halifax, Forty-eight, and in other Counties, Thirty-six, except as hereinafter mentioned.

XVI. *And be it enacted*, That in the County of Halifax there shall be drawn Two such panels of Forty-eight Jurors each, for attendance at every Sittings of the Supreme Court for the trial of Causes therein, of which panels the first drawn shall be summoned and bound to attend on the First Wednesday in such Sittings, and thence until the Second Wednesday thereof, and the other shall be summoned and bound to attend on the Second Wednesday in such Sittings, and thence until the termination thereof.

XVII. *And be it enacted*, That at the Sittings of the Supreme Court at Pictou, in June Term, and at Amherst, in October Term, respectively in every year, there shall be drawn Two panels of Twenty-four Jurors each—the first drawn of which shall be summoned and bound to attend in the First week of the Term then next succeeding in each of such Counties, and the other shall attend on the Monday in the Second week of the Sittings of such respective Courts to serve therein during the continuance of such Courts respectively.

XVIII. *Provided always, and be it enacted*, That in all cases, whether in Halifax or elsewhere, where such Second panel in consequence of the Docket having been previously gone through, or otherwise shall not be called upon and serve as a Jury, their names shall be again returned into the Boxes as if not drawn.

XIX. *And provided also, and be it enacted*, That no Jury impanelled on the trial of any Cause which shall go over into the Second week of the Term or Sittings, whether at Halifax or elsewhere, shall be discharged until the determination of such Cause by Verdict or otherwise.

XX. *And be it enacted*, That the whole panel of Jurors in every County shall be called on the First day on which they are summoned to appear, and before any Cause

Proviso.

Fees allowed Petit Jurors.

Petit Jury Panel, Number of.

Drawing and Summoning Panel in County of Halifax, &c.

Drawing and Summoning Panels, Pictou and Amherst, &c.

Proviso, where second Panel not called on.

Discharge of Panel.

Panel to be called on first day, &c.

Cause to be tried by a Jury shall be proceeded in, and all Jurors not then in attendance shall be subject to the Fines hereby imposed.

Drawing of Petit Juries, &c.

XXI. And be it enacted, That hereafter the Prothonotary, before any Jury Cause is called, shall cause the names of all the Petit Jurors summoned to attend as aforesaid, to be written on distinct and similar pieces of paper, and the same having been carefully folded up shall be placed in a box to be kept for that purpose, and when the first Cause shall be called in which a Jury shall be required, he shall proceed to draw the same from such box until the necessary number appearing, exclusive of such as may be challenged, shall be drawn; whereupon, he shall return the names of all such as may have been so challenged, or who shall not appear, into the box; and when another Cause shall be called, the Jury for the trial thereof shall be drawn in like manner from the names remaining in the box, and the names of all persons challenged or not appearing having been again returned, the drawing for any further Juries shall be proceeded in in the same way until the whole of the names shall have been drawn, when the names of such as shall have served upon previous Juries shall again be put into the box and drawn in manner aforesaid.

Allowance of Special Juries.

XXII. And be it enacted, That it shall be lawful for the Supreme Court in any Cause, Civil or Criminal, to order a Special Jury for the trial thereof, and a Special Jury may in like manner be allowed on the Assessment of Damages where the Writ of Inquiry is executed before such Court, and they shall think fit to order the same upon motion made on behalf of either party Plaintiff or Defendant: *Provided*, that the motion for such Special Jury shall be made, if in Halifax, within the first Five days, and if elsewhere, on the First day of the Term at which the process shall have been returnable and the Defendant been bound to appear, unless the Court upon sufficient cause shewn for the delay shall think proper to allow such Jury at any future day.

Drawing and Summoning Special Juries, &c., Prothonotary's Fee, &c.

XXIII. And be it enacted, That such Special Juries when ordered shall be drawn by the Prothonotary from the same box from which the Petit Jury is drawn, and from which drawing no person shall be exempt unless he shall be serving on the Grand Jury for that year—and Forty-eight names having been drawn, and the same having been reduced in manner now practised to Twenty-four, shall be the Jury summoned and returned for the trial of the Cause, or Assessment of Damages, and shall be summoned to attend at least Forty-eight hours before the time appointed for such Trial, or Assessment of Damages; and the Prothonotary for such drawing and striking, and for copies of the Lists so drawn to be furnished to the respective parties, and all other services connected therewith, shall be entitled to a Fee of Ten Shillings.

Fees allowed Special Jurors

XXIV. And be it enacted, That every Special Juror who shall have tried any Cause in which a Verdict shall be given, or Assessed the Damages on any inquiry, shall be entitled to receive a Fee, if in the County of Halifax, of Five Shillings, and if elsewhere, of Two Shillings and Sixpence, and in case of a non-Suit, one half of such amounts respectively.

Drawing of Special Juries.

XXV. And be it enacted, That hereafter, in every Cause to be tried, or Assessment of Damages to be made by a Special Jury, the Prothonotary shall cause the names of all such Special Jurors to be written on distinct and similar pieces of paper, and having carefully folded them up and placed them in a box shall proceed to draw the Jury therefrom, and the Twelve whose names shall be first drawn and who shall be in attendance, shall be the Jury for the trial of the Cause, or the Assessment of Damages: *Provided however*, that the whole panel shall be first called by the Prothonotary in every case, and those not in attendance having been duly summoned, shall forfeit and pay, if within the County of Halifax, a Fine not less than Forty Shillings, nor more than Sixty Shillings, and if in any other County, a Fine not exceeding Ten Shillings.

Proviso

XXVI. *And be it enacted,* That all Fines imposed under this Act for the non-attendance of Jurors, shall be levied by Warrant of Distress and Sale, which Warrant it shall be the duty of the Prothonotary to make out and deliver to the Sheriff immediately upon the imposition of every such Fine, and such Sheriff shall proceed at once to enforce the same, and shall forthwith, together with such Warrant, return to the Prothonotary a written statement of all Fines received by him—which statement shall also set forth specifically the reasons why such Fines (if any) have not been collected, and shall also at the same time pay over to such Prothonotary the full amount by him received, deducting thereout ten per cent. for his services in collecting the same, and the Prothonotary shall immediately lay such statement before the Court, if then sitting, or otherwise at the next Term thereof in the County; and he shall also at the end of each Term pay over all Fines so by him received, deducting thereout Five per cent. on the original amount of such Fines so to him paid for his services in making out the Warrants, and otherwise in the collection thereof to the County Treasurer, and shall take his receipt therefor which shall be laid before the Court at its next Sitting; and all Fines so paid over to the County Treasurer shall be from time to time applied by the Justices in Sessions for the use of the County.

Levy of Fines—
Fees for collection
—Application
thereof, &c.

XXVII. *Provided always, and be it enacted,* That the Court, or presiding Judge, shall have power to relieve any person from any Fine imposed hereunder, or to reduce the amount thereof, but only on sufficient reason therefor being shewn by affidavit, to be made before the Court, or a Judge, or Commissioner thereof, or any Justice of the Peace.

Relief from reduction
of Fines.

XXVIII. *And be it enacted,* That the word 'Prothonotary' whenever herein used shall be construed to extend to, and include the Prothonotary of the Supreme Court at Halifax, and his several Deputies throughout the Province, and in cases where the sense shall require it, the Clerk of the Peace for the County or District.

Word 'Prothonotary'—construction
of.

XXIX. *And be it enacted,* That the Act passed in the First Year of Her present Majesty's Reign, entitled, 'An Act for the regulation of Juries;' also the Act passed in the Third Year of Her Majesty's Reign, entitled, 'An Act to continue and amend the Act for the regulation of Juries, and to render valid the proceedings of certain Grand Juries;' also the Act passed in the Seventh Year of Her Majesty's Reign, to continue and amend the said Acts; also the Act passed in the Eighth Year of Her Majesty's Reign, entitled, 'An Act to amend the Act for the regulation of Juries;' also the Act passed in the Ninth Year of Her Majesty's Reign, entitled, 'An Act to continue and amend the Acts for the regulation of Juries;' and also the Acts passed in the Tenth Year of Her Majesty's Reign, severally entitled, 'An Act in addition to an Act for the regulation of Juries so far as relates to certain Counties therein named;' and 'An Act to continue the Acts for the regulation of Juries,' shall be, and the same are hereby severally repealed.

Acts 1, 3, 7, 8, 9, &
10, Vic. repealed.

XXX. *Provided always, and be it enacted,* That until the return of the Lists hereinbefore mentioned, in the several Counties and Districts, the Grand, Petit, and Special Juries therein, shall be drawn, struck, summoned, and bound to appear, in the same manner and under the same penalties, and be sworn and act as such Jurors in the same way, and be entitled to the same Fees, as if this Act had not been passed, and the said Acts hereby repealed were in full force; and that all such respective Jurors now serving, summoned, or struck, shall continue to serve, and be summoned and bound to appear and act as such Jurors, in like manner as if this Act had not been passed.

Until return of Lists
Juries to be drawn,
&c. as heretofore.

XXXI. *And provided also, and be it enacted,* That during the present year, until such Lists shall have been returned within the County of Halifax, the Petit Juries within and for the same shall be drawn and summoned in the same manner, and be bound to appear under the like penalties, and be sworn and act in like manner,

Until return of Lists
Petit Juries, Halifax,
to be drawn,
&c. as heretofore.

manner, at and for the several Sittings of the Supreme Court for trials therein, as was prescribed and directed during the last year in and by the Act passed in the last Session of the General Assembly, entitled, 'An Act to provide for the drawing of Petit Juries for the Supreme Court in Halifax for the present year,' the whole of the provisions of which are hereby extended and made applicable to the drawing, summoning, and attendance of such Juries for the present year, in the same manner and to the same extent as if herein re-enacted for the present year word for word.

Duration of Act.

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

CAP. XXXV.

An Act to Incorporate a Temperance Hall Company in Halifax.

(Passed the 11th day of April, 1848.)

Preamble.

WHEREAS, the erection of a Temperance Hall in Halifax will be of great public advantage, inasmuch as it will afford accommodation for holding Public Meetings convened for moral and useful purposes : *And whereas*, the several persons hereinafter named, and others, have entered into a subscription to raise in Shares such sum as may be requisite as a Joint Stock or Fund for that purpose :

The Halifax Temperance Hall Company Incorporated.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly*, That Robert Noble, William M. Brown, John W. Barss, Charles B. Naylor, Samuel Carten, William C. Silver, Eddy Tupper, Edward Jost, Joseph Bell, Samuel Story the third, William H. Marvin, Archibald Patterson, John Whitman, William J. Coleman, and Charles Robson, and all and every such person or persons as shall from time to time become Proprietors of Shares in the Company and Undertaking hereby established, and their respective Successors, Executors, and Administrators, and Assigns, shall be, and they are hereby declared to be a Body Politic and Corporate, by the name of 'The Halifax Temperance Hall Company,' and by that name shall have perpetual succession and a Common Seal, and by that name shall and may sue and be sued, plead or be impleaded, in all Courts of Law and Equity within this Province.

Company to hold Lands, &c.—make Bye Laws, &c.

II. *And be it enacted*, That the said Company shall and may take, purchase, and hold any Lands, Houses, Tenements, and Hereditaments, in fee simple or otherwise, and also Rents, Monies, Securities for Monies, Goods and Chattels, and shall and may demise and let, sell and convey, or mortgage the same, or any part thereof, subject to the restrictions hereinafter mentioned, and do and execute all other things in and about the same, which may be necessary and proper for the benefit of the said Company ; and shall have full power and authority to make and establish such Bye Laws and Ordinances as may from time to time be required, and to alter or amend the same : *Provided* such Bye Laws and Ordinances be not contradictory or repugnant to the Laws and Statutes of this Province.

Proviso.

Real Estate not to exceed £10,000.

III. *Provided always, and be it enacted*, That the said Company shall not hold and possess, at any one time, Real Estate to a greater value than Ten Thousand Pounds.

Amount of Shares—transfer thereof—to be Personal Property, &c.

IV. *And be it enacted*, That the Capital of the said Company shall be divided into Shares of Five Pounds each Share ; and such Shares shall be assignable and transferable in such manner and upon such terms as by the said Bye Laws may be provided and directed ; and that notwithstanding any Real Estate which the said Company

Company may hold at any time, the Shares and Interest of the several Shareholders of and in the Capital Stock and Funds of the said Company, shall be held and deemed to be Personal Property to all intents and purposes.

V. *And be it enacted*, That the several persons who now are, or hereafter may become Subscribers toward the said Undertaking, shall, and they are hereby required to pay the sums of money by them respectively subscribed, in such proportion, and at such times and places as shall be directed by the said Bye Laws; and in case any person 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 competent jurisdiction: *Provided always*, that it shall not be lawful for the said Company to call for, or require any Shareholder in the said Company to contribute or pay any larger sum than the amount of the Share or Shares held by him as aforesaid.

Payment of Subscriptions—mode of enforcing same.

Proviso.

VI. *And be it enacted*, That the Joint Property or Stock of the said Company shall be alone liable for its debts or engagements, and that no Proprietor or Shareholder in the said Company shall be, or become responsible, chargeable, or accountable, by any ways or means for any other or greater sum of money than the amount of the Shares which he shall actually and *bona fide* possess, or be entitled to in the Capital or Joint Stock of the said Corporation.

Responsibility of Shareholders limited to amount of Shares.

VII. *And be it enacted*, That all such Lands and Real Estate as the said Company may hold at any time, or so much thereof as may be necessary to satisfy any Writ of Execution issued upon any judgment obtained against the said Company, shall and may be taken upon such Writ, and sold in the same manner, and with like Notices, Proceedings, and Equity of Redemption, as the Lands of private persons may be taken, levied on, and sold according to Law; and the Sheriff shall immediately after such sale make and execute a Deed to the purchaser, which Deed shall convey and transfer all the Estate and interest of the said Corporation in the Lands so taken, sold, and conveyed.

Levy, Sale, Conveyance, &c. of Real Estate under Execution.

VIII. *And be it enacted*, That the General Annual Meeting of the said Company shall be held on the First Monday of March in every year, after this present year, at some convenient place in the City of Halifax, to be appointed and duly notified to the Company by the Board of Directors; and that Special Meetings of the Company shall be summoned by the Directors when they shall deem the same necessary, or whenever a requisition in writing therefor shall be delivered to the Board signed by Twenty Shareholders, and specifying the object of such Meeting: *Provided always*, that at least Ten days notice of such Special Meeting, and of the object thereof shall be given in some Two of the public Newspapers published at Halifax aforesaid, and that all such General or Special Meetings may be adjourned from time to time, and from place to place, as may be found expedient.

Annual and Special Meetings.

Proviso.

IX. *And be it enacted*, That at any Annual or Special Meeting of the Company, each Proprietor or Shareholder having paid up all calls on him made, and then due and payable, shall be entitled to vote as follows, namely—the owner of One Share to have One vote, the owner of Four Shares to have Two votes, and the owner of Eight Shares, or greater number of Shares, to have Three votes and no more—and the said Proprietor may give such vote or votes by his proxy, duly constituted according to the Bye Laws, such proxy being a Shareholder and 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 at every Meeting of the Board of Directors each Director shall have One vote only, and every question, matter, or thing, which shall be discussed 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 so happen that at any General or Special 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

Votes of Shareholders, Proxies, Directors, President, &c.

of the Board, shall be entitled to a casting vote in addition to his own personal vote.

Notice of First General Meeting—
Formation of Company—Election of Officers, &c.

X. *And be it enacted*, That as soon after the passing of this Act as may be convenient, and deemed expedient, the said Fifteen persons first named in this Act, or any Three of them, shall, by public advertisement to be printed in at least two of the Newspapers in Halifax, during Ten days, appoint a day and place for the first General Meeting of the Subscribers, and shall assemble such Meeting, and a Chairman thereof being chosen from among the Subscribers present, with a Secretary, 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 prescribed, proceed to elect Seven Directors, (one of whom shall be chosen by the said Directors by ballot, as President), and a Secretary; and the said Directors and Secretary so to be elected, shall hold, exercise, and enjoy, and retain their respective offices from the day of such their election until the first Annual General Meeting thereafter, and thence continually until a new choice of Officers be made by the Company, pursuant to this Act, and the Bye Laws of the said Company: *Provided always*, that no person shall at the said Meeting, or at any subsequent Meeting at which Officers shall be elected, be deemed eligible to office, unless such person shall be at the time of such election of Officers a member of some Temperance Society in the City of Halifax.

Proviso.

Election of Directors at Annual Meeting.

XI. *And be it enacted*, That at the General Annual Meeting of the Company in each year, the Directors of the said Company for the ensuing year shall be elected by ballot in the following manner, viz: the Shareholders shall first elect Three Directors out of the Seven who have served for the preceding year, provided they shall be willing again to accept office, and shall then elect Four others from the Shareholders of the Company indiscriminately; and if all or any of the retiring Directors shall refuse to be re-elected, the said Shareholders shall proceed to the election of others of the Company until the full number of Directors be completed.

No one contracting with Company eligible as Director.

XII. *Provided always, and be it enacted*, That no person concerned or interested in any Contract under the said Company, shall be capable of being chosen, or if chosen, of continuing a Director of the said Company; and no person, during such time as he shall be such Director, shall be capable of taking any Contract under the said Company.

Directors to supply vacancy by death, &c. of any of their body.

XIII. *And be it enacted*, That when and so often as any Director named or elected by virtue of this Act, shall die, or shall resign, or shall become disqualified or incompetent to act as such Director, before his term of office shall have expired, it shall be lawful for the remaining Directors to elect some other Proprietor duly qualified to fill up such vacancy.

Directors to hold office until new appointment made.

XIV. *And be it enacted*, That if from neglect, or any other cause, the said Annual General Meeting should not be held, the Directors last chosen shall continue to act, and have the same powers that they had and were possessed of, until the next Annual General Meeting, or until new Directors shall be chosen or appointed as aforesaid.

To draw up Bye Laws, Rules, &c. to be confirmed by Committee.

XV. *And be it enacted*, That the Directors who shall first be chosen under the provisions of this Act, shall, with all convenient speed, proceed to draw up a code of Bye Laws, Rules, and Regulations, for the government of the said Company, and the conduct and management of its affairs and business, and shall submit the same to be altered, amended, and confirmed, by a Committee selected and appointed at the first General or some other Meeting of the said Company, to superintend the same.

Company authorised to sell further Shares.

XVI. *And be it enacted*, That it shall be lawful for the said Company from time to time, and as often as may be deemed necessary, for the purpose of carrying on the business of the said Corporation, to sell further Shares therein; and every purchaser

purchaser of such Shares shall be entitled to all the privileges and advantages of other Shareholders in the said Company.

XVII. And be it enacted, That the Directors of the said Corporation shall be authorized and empowered at any time, by and with the assent of Two-thirds of the Shareholders, to be given in writing at any General or Special Meeting regularly convened, and not otherwise, to borrow on mortgage of the Property belonging to the said Corporation such sums of money as may be required for the uses thereof, or absolutely to sell and dispose of the Real Estate and Property of the said Company if deemed expedient; and the said Directors are hereby authorized to convey in mortgage any Lands or Real Estate of the said Corporation, for the purpose of securing the monies so to be borrowed as aforesaid, or in case of an absolute sale of the said Real Estate, or any part thereof, to grant and convey the same, and to make the necessary Deeds and Conveyances for that purpose.

Mortgage and sale of Property of Corporation, &c.

XVIII. Provided always, and be it enacted, That nothing herein contained shall be held or construed to give the said Company the privilege of dealing in the lending of money by way of discount or otherwise, or of engaging in any Banking operation whatsoever, or to effect any Insurance upon any Ship, or Vessel, or Marine risk, or upon any Loss by Fire, or upon any Life or Lives.

Proviso.

CAP. XXXVI.

An Act to limit the responsibility of Co-partners in certain cases.

(Passed the 11th day of April, 1848.)

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That it shall and may be lawful for any Two or more persons to enter into and form limited Partnerships for the transaction of any Mercantile, Mechanical, or Manufacturing business within this Province, upon the terms with the rights and powers and subject to the conditions and liabilities herein prescribed: *Provided nevertheless,* that nothing herein contained shall be construed to authorize any such Partnership to engage in any Banking operation whatsoever, or to become Insurers upon any Marine risk, or upon Loss by Fire, or upon any Life or Lives.

Limited Partnerships legalized.

Proviso.

II. And be it enacted, That such Partnerships may consist of one or more persons who shall be called General Partners, and shall be jointly and severally responsible as General Partners now are by Law, and of one or more persons who shall contribute in actual Cash payments a specific sum as Capital to the Common Stock; who shall be called Special Partners—and such Special Partners shall not be liable for the Debts of the Partnership beyond the Fund so contributed by him or them to the Capital, except in the cases hereinafter mentioned.

Liability of Partners therein, &c.

III. And be it enacted, That the General Partners only shall be authorized to transact the business of the Co-partnership, and bind the same by the signature of the Partnership name or otherwise.

Transaction of business.

IV. And be it enacted, That all persons desirous of forming such Partnership shall, before the same shall go into operation, make, and severally sign a Certificate which shall contain the name of the Firm under which such Partnership is to be conducted; the general nature of the business intended to be transacted, the names of all the General and Special Partners interested therein, distinguishing which are General and which are Special Partners, and their respective places of residence, the amount of Capital which each Special Partner shall have contributed to the Common Stock, and the period at which the Partnership is to commence, and the period at which it will terminate.

Certificate to be made of name of Firm, nature of Business, &c.

To be acknowledged before Judge Sup. Court, &c.

V. *And be it enacted*, That such Certificate shall be acknowledged by the several persons signing the same before a Judge of the Supreme Court, the Master of the Rolls, a Master in Chancery, or the Mayor of the City of Halifax, or a Custos Rotulorum of any County in this Province—and such acknowledgments shall be certified in writing on such Certificate by the person before whom the same is made.

To be filed and recorded in Registrar's Office, &c.

VI. *And be it enacted*, That the Certificate so acknowledged and certified shall be filed in the Office of the Registrar or Deputy Registrar of Deeds of the County or District in which the principal place of business of the Partnership shall be situated, and shall be recorded at large by him in a book to be kept for that purpose, open to public inspection; and if the Partnership shall have places of business situated in different Counties, then a transcript of the Certificate, and of the acknowledgment thereof, duly certified by the Registrar, or Deputy Registrar, in whose Office it shall be filed under his hand, shall be filed and recorded in like manner in the Office of the Registrar, or Deputy Registrar of every such County or District.

Affidavit to be filed by Partners.

VII. *And be it enacted*, That at the time of filing the original Certificate with the evidence of the acknowledgment thereof as before directed, an affidavit of one or more of the General Partners, and also one or more of the Special Partners shall also be filed in the same Office, stating that the sums specified in the Certificate to have been contributed by each of the Special Partners to the Common Stock, have been actually and in good faith paid in Cash.

Partnership not formed until filing of Certificate and Affidavit.

VIII. *And be it enacted*, That no such Partnership shall be deemed to have been formed until a Certificate shall have been made, acknowledged, filed, and recorded, nor until an Affidavit shall have been filed as above directed; and if any false statement be made in such Certificate or Affidavit, all the persons interested in such Partnership shall be liable for all the engagements thereof as General Partners.

Publication of terms of Partnership.

IX. *And be it enacted*, That the terms of every such Partnership when registered shall be published at least Six weeks immediately after such registry in the Royal Gazette, and one other Newspaper published in Halifax, and by Handbills posted up in some public places in the Township in which the business of the Partnership shall be carried on—and if such publication be not so made, every such Partnership shall be deemed general.

Filing of Affidavits of publication, &c.

X. *And be it enacted*, That Affidavits of the publication of such Notice by the printers of the Newspapers in which the same shall be published, and by the persons by whom the Handbills were posted up, may be filed with the Registrar, or Deputy Registrar, with whom the Certificate of the Partnership shall have been filed—which Affidavits shall be taken before one of Her Majesty's Justices of the Peace, and shall be evidence of the facts therein contained in all Courts of Law and Equity in this Province.

Renewal of Partnerships to be recorded, &c., Affidavit and Notice required, &c.

XI. *And be it enacted*, That every renewal or continuance of such Partnership beyond the time originally fixed for its duration, shall be certified, acknowledged, and recorded, and an Affidavit of a General and Special Partner shall be made and filed, and Notice be given in the manner herein required for its original formation—and every such Partnership which shall be otherwise renewed or continued shall be deemed to be a General Partnership.

Alteration deemed a dissolution.

XII. *And be it enacted*, That every alteration which shall be made in the names of the Partners—in the nature of the business, or in the Capital or Shares thereof, or in any other matter specified in the original Certificate, shall be deemed a dissolution of the Partnership; and every such Partnership which shall in any manner be carried on after any such alteration shall have been made, shall be deemed a General Partnership, unless renewed as a Special Partnership according to the provisions of the last Section of this Act.

XIII. *And be it enacted,* That the business of the Partnership shall be conducted under a Firm in which the names of the General Partners only shall be inserted without the addition of the word Company, or any other general term—and if the name of any Special Partner shall be used in such Firm with his privity, he shall be deemed a General Partner. Name of Firm.

XIV. *And be it enacted,* That Actions and Suits at Law and in Equity, in relation to the business of the Partnership, may be brought and conducted by and against the General Partners in the same manner as if there were no Special Partners. Actions by and against Partnership.

XV. *And be it enacted,* That no part of the sum which any Special Partner shall have contributed to the Capital Stock shall be withdrawn by him, or paid, or transferred to him in the shape of dividends, profits, or otherwise, at any time during the continuance of the Partnership; but any Partner may annually receive lawful interest on the sum so contributed by him, if the payment of such interest shall not reduce the original amount of such Capital—and if after the payment of such interest any profit shall remain to be divided, he may also receive his portion of such profit. Special Partner not to reduce his Capital.

XVI. *And be it enacted,* That if it shall appear that by the payment of interest or profits to any Special Partner the original Capital has been reduced, the Partner receiving the same shall be bound to restore the amount necessary to make good his share of Capital, with interest. To make good his share of Capital.

XVII. *And be it enacted,* That every Special Partner may from time to time examine into the state and progress of the Partnership concerns, and may advise as to their management, but he shall not transact any business on account of the Partnership, nor be employed for that purpose as Agent, Attorney, or otherwise; and if he shall interfere contrary to these provisions, he shall be deemed a General Partner. Rights of Special Partners.

XVIII. *And be it enacted,* That General Partners shall be liable to account to each other, and to the Special Partners, for their management of the concern, both in Law and Equity, as other Partners now are by Law liable. General Partners accountable for management.

XIX. *And be it enacted,* That every Partner who shall be guilty of any fraud in the affairs of the Partnership, shall be liable civilly to the party injured to the extent of his damage, and shall also be liable to an indictment for a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the Court by which he shall be tried. Fraud in Partnership affairs.

XX. *And be it enacted,* That every sale, assignment, or transfer, of any of the property or effects of such Partnership, made by such Partnership when insolvent or in contemplation of insolvency, or after or in contemplation of the insolvency of any Partner, with the intent of giving a preference to any Creditor of such Partnership or insolvent Partner over other Creditors of such Partnership, and any Warrant of Attorney executed, and every judgment confessed, lien created, or security given, by such Partnership under the like circumstances, and with the like intent, shall be void as against the Creditors of such Partnership. Preferential assignment, &c. by Partnership to be void.

XXI. *And be it enacted,* That every such sale, assignment, or transfer, of any of the property or effects of a General or Special Partner, made by such General or Special Partner when insolvent, or in contemplation of insolvency, or after or in contemplation of the insolvency of the Partnership, with the intent of giving to any Creditor of his own, or of the Partnership, a preference over Creditors of the Partnership—and every judgment confessed, lien created, or security given, by any such Partner under the like circumstances, and with the like intent, shall be void as against the Creditors of the Partnership. Preferential assignment, &c. by General or Special Partner to be void.

XXII. *And be it enacted,* That every Special Partner who shall violate any provision of this Act, or who shall concur in, or assent to, any such violation by the Partnership, or by any individual Partner, shall be liable as a General Partner. Violation of Act by Special Partner.

XXIII.

Claim of Special Partner on insolvency of Partnership.

XXIII. *And be it enacted,* That in the case of the insolvency or bankruptcy of the Partnership, no Special Partner shall, under any circumstances, be allowed to claim as a Creditor until the claims of all the other Creditors of the Partnership shall be ratified.

Dissolution of Partnership—Notice thereof, &c.

XXIV. *And be it enacted,* That no dissolution of such Partnership by the acts of the parties shall take place previous to the time specified in the certificate of its formation, or in the certificate of its renewal, until a notice of such dissolution shall have been filed and recorded in the Registrar or Deputy Registrars Office, in which the original certificate was recorded, and published once in each week for Four weeks in the Royal Gazette, and in some other Newspaper printed in Halifax, and by Handbills in each of the Counties where the Partnership may have places of business.

Duration of Act.

XXV. *And be it 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.

CAP. XXXVII.

An Act to amend the Act to facilitate Proceedings before Justices of the Peace, and others.

(Passed the 3d day of April, 1848.)

Preamble

WHEREAS, doubts exist whether, under the Act passed in the Fifth Year of the Reign of His late Majesty King William the Fourth, entitled, An Act to facilitate Proceedings before Justices of the Peace, and others, appeals are allowed from the decision of Justices of the Peace on prosecutions for common Assaults and Batteries, and for breach of the Law respecting Licenses for the sale of Spirituous Liquors: therefore, for removing such doubts—

Appeal to Sup. Court from Fines imposed by Justices of Peace

I. *Be it enacted and declared, by the Lieutenant-Governor, Council, and Assembly,* That in all cases whatsoever, when any conviction shall take place before any of Her Majesty's Justices of the Peace, whether for common Assaults and Batteries, or for breach of the provisions of any of the Acts respecting Licenses for the sale of Spirituous Liquors, or for any other offence within the jurisdiction of any one or more of the said Justices, and a fine or penalty shall be imposed by them, it shall be lawful for the person or persons upon whom such fine or penalty shall be imposed, to appeal against the judgment of the said Justices to the then next Supreme Court to be holden in the County where such judgment shall have been given; and such appeal shall be granted by such Justices upon the same terms and conditions, and subject to the same provisions as appeals are now granted under the said Act hereby amended.

CAP. XXXVIII.

An Act to continue the Act additional concerning Nuisances.

(Passed the 21st day of March, 1848.)

Act 5. Wm 4. continued.

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

CAP.

CAP. XXXIX.

An Act to consolidate the Acts respecting the Incorporation of the City of Halifax.

(Passed the 11th day of April, 1848.)

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act made and passed in the Fourth Year of Her present Majesty's Reign, entitled, An Act to Incorporate the Town of Halifax; also the Act made and passed in the Ninth Year of Her present Majesty's Reign, entitled, An Act to amend and continue the Act to Incorporate the Town of Halifax, and every matter, clause, and thing in the said several Acts contained, shall be, and the same are hereby respectively repealed, save and except so far however as relates to any Election, Appointment, Bye Law, Ordinance, Rule, Regulation, Rate, Tax, Act, Deed, Matter, Action, Suit, Proceeding, or thing heretofore had, done, passed, and made, or now pending, in progress, and undetermined, under or by virtue of the said several Acts, or either of them, which shall remain in full force, and be respectively observed, and fulfilled, proceeded with, and determined, unless as is hereinafter otherwise directed, in the same manner, and to the same effect and purpose as if the said Acts had not been repealed.

Acts 4 & 9, Victoria repealed, except as to matters now pending, &c.

II. *And be it enacted*, That the Mayor, Aldermen, Common Council-men, Assessors, and other Officers of the City, heretofore elected or appointed, and who shall or may be in Office at the time of the passing of this Act, shall remain and continue in Office, and be respectively liable and compelled to serve in their said respective Offices, and perform their several duties, and shall exercise their several powers and authorities for the respective terms for which they may have been severally elected or appointed, as in and by the said several Acts directed and provided, unless as may be hereinafter otherwise declared and enacted, in the same manner, and under the same penalties and forfeitures, to be enforced, collected, and recovered, in the same manner, unless hereinafter otherwise enacted, as if the said Acts hereby repealed had continued and remained unrepealed and in full force.

Present Mayor Aldermen, &c. to remain in office.

III. *And be it enacted*, That the inhabitants of the said Town of Halifax, and their Successors, inhabitants of the same, within the limits hereinafter mentioned, shall be, and they are hereby constituted a Body, Corporate and Politic, in fact and in name, by and under the name, style, and title of the City of Halifax—and as such shall have perpetual succession, and a Common Seal, with power to break, renew, change, and alter the same at pleasure, and shall be capable of suing, and being sued, and of impleading, and being impleaded, in all Courts of Law and Equity, and other places, in all manner of Actions, Causes, and matters whatsoever; and of accepting, taking, purchasing, and holding Goods and Chattels, Lands and Tenements, real and personal, moveable and immoveable Estates; and of granting, selling, alienating, assigning, demising, and conveying the same, and of entering into, and becoming a party to Contracts; and of granting and accepting any Bills, Bonds, Judgments, or other instruments or securities, for the payment or securing of the payment of any money borrowed or lent, or for the performance or securing the performance of any other duty, matter, or thing whatever; and to do and execute all acts, and possess and enjoy all powers and immunities incident to such a Corporation, or which may be for the benefit and advantage thereof, subject to the regulations and provisions hereinafter appointed.

City of Halifax Incorporated, &c.

IV. *And be it enacted*, That from and after the passing of this Act, the Town and Peninsula of Halifax, as limited and defined by an Act passed in the Second Year of the Reign of His late Majesty William the Fourth, entitled, An Act to establish the limits of the Town and Peninsula of Halifax, shall hereafter be described and known as the City of Halifax.

Limits of City.

- Division into Wards. **V. And be it enacted,** That for the purposes of this Act, the said City of Halifax shall be, and hereby is divided into Six Wards, to be called respectively the First, Second, Third, Fourth, Fifth, and Sixth Wards.
- Limits of Wards. **VI. And be it enacted,** That the said Six Wards of the City of Halifax shall be divided, bounded, and limited as follows, that is to say :
- Number One. **NUMBER ONE.**—To commence on the shore on the East side of Water Street at a point opposite to the centre of Wallace Street ; thence Westwardly through the centre of said Street to Barrington Street ; thence Northwardly through the centre of the said Street to the Street known as the Spring Garden Road ; thence by the centre of the said Street Westwardly to the termination thereof ; thence Southwardly to the Road which leads to the North West Arm past Studley ; thence Westwardly by the centre of said Road to the North West Arm ; thence by the shore Southwardly and Easterly by the courses of the shore to the place of beginning.
- Number Two. **NUMBER TWO.**—To commence on the Harbor of Halifax at the centre of Noble's Wharf ; thence Westwardly by the centre of Sackville Street until it intersects the Road which crosses the Common in the rear of Citadel Hill ; thence Northwardly and Westwardly through the centre of the said Road past the Windmill Hill to the shores of the North West Arm ; thence Southwardly by the courses of the said shore to the centre of the Road which leads to the North West Arm by Studley, being the Northern bounds of Ward Number One ; thence Eastwardly by the centre of the said Road and by the Spring Garden Road to Barrington Street ; thence Southwardly through the centre of the said Street to Wallace Street ; thence Eastwardly through the centre of the said Street to the point of commencement of Ward Number One ; thence by the Harbor to the place of beginning.
- Number Three. **NUMBER THREE.**—To commence on the Harbor of Halifax, at the centre of Ryan's Wharf ; thence Westwardly by the centre of Duke Street across the Citadel Hill to the Road which crosses the Common in the rear thereof ; thence Southwardly by the centre of the said Road until it is intersected by Sackville Street ; thence Eastwardly through the centre of Sackville Street to the point of commencement of Ward Number Two ; thence by the Harbor to the place of beginning.
- Number Four. **NUMBER FOUR.**—To commence on the Harbour of Halifax, at the centre of Leppert's Wharf ; thence Westwardly by the centre of Jacob Street to Barrack Street ; thence Northwardly through the centre of that Street to the Street which leads Westwardly past the Barrack Stores to the Road which crosses the Common in the rear of Citadel Hill ; thence Southwardly by the said Road to the Northern line of Ward Number Three ; thence Eastwardly by said line until it strikes the centre of Duke Street ; thence through the centre of the said Street Eastwardly to the place of commencement of Ward Number Three ; thence by the Harbour to the place of beginning.
- Number Five. **NUMBER FIVE.**—To commence on the Harbor of Halifax at the South-western corner of the Dock Yard Wall ; thence Westwardly by the centre of Gerrish Street to Gottingen Street ; thence Northwardly by the centre of Gottingen Street to North Street ; thence Westwardly by the centre of North Street until it reaches the Dutch Village Road ; thence through the centre of the said Road until it reaches the Brook which runs into the North West Arm ; thence Southwardly by the shore of the said Arm until it meets the Northern line of Ward Number Two ; thence by the said line, Eastwardly, through the centre of the Wind Mill Hill Road to the Road which crosses the Common in the rear of Citadel Hill ; thence Northwardly by said Road until it is intersected by the Road which runs Westwardly from Barrack Street past the North Barracks ; thence Eastwardly through the centre of said Street to Barrack Street ; thence Southwardly by the centre of said

said Street to the centre of Jacob's Street; thence Eastwardly by the centre of said Street to the place of commencement of Ward Number Four; thence by the Harbor to the place of beginning.

NUMBER SIX.—To commence at the South-western corner of the Dock Yard Wall; thence running Northwardly on the Eastern side of the Dock Yard by the shores of the Harbor and Basin, Northwardly to the place where the Basin Road is intersected by the Road running through the Dutch Village by Titus Smith's; thence Southwardly by the said Road until it intersects the Road leading from the Town of Halifax past Hosterman's Mills; thence Eastwardly through the centre of said Road until it meets North Street; thence Eastwardly through the centre of North Street until it intersects Gottingen Street; thence by the centre of Gottingen Street until it is intersected by Gerrish Street; thence Eastwardly by the centre of Gerrish Street to the place of commencement at the South West corner of the Dock Yard. Number Six.

VII. *And be it enacted,* That at all times hereafter, as occasion may require, it shall be in the power of the City Council of the said Corporation, by any Ordinance, to alter or change the limits of the said Wards, or any of them: *Provided* that no Ordinance for effecting such change in the limits of any of the Wards of the said City, shall have any force or effect until sanctioned by order of the Governor in Council: *And also provided* that an interim of at least five years shall always elapse between any such changes. Alteration of Wards.
Proviso.

VIII. *And be it enacted,* That the administration of the fiscal, prudential, and municipal affairs, and the government of the said City, shall be vested in One principal Officer who shall be and be styled the Mayor of the City of Halifax; and Six persons who shall be and be styled Aldermen of the City of Halifax; and of Twelve persons who shall be and be styled Common Council-men of the City of Halifax, to be severally elected as hereinafter provided—and such Mayor, Aldermen, and Common Council-men for the time being, shall be and be called the City Council. Administration of
City affairs, &c.

IX. *And be it enacted,* That there shall be annually appointed, elected, and chosen, Two Officers for each Ward of the said City, to be named Assessors; and that no person shall be eligible to be chosen to that Office unless he be resident in the Ward for which he may be elected, and in all respects qualified in the manner and to the extent required in the case of Councillors in and by this Act. Election of Assessors, &c.

X. *And be it enacted,* That the numerical list of Aldermen directed to be formed, and which has been formed by the City Council agreeably to the said Act herein first mentioned, and hereby repealed, shall still continue to be, and to be acted on as such list, the repeal of the said Act notwithstanding, and the said list shall be ever kept up—the names of the Aldermen hereafter from time to time to be elected being placed at the foot thereof in such order as the City Council may direct, except in the case of Aldermen appointed to supply accidental vacancies, who shall occupy the place in the said list held by those whose vacancies they shall supply respectively. List of Aldermen to
be still acted upon.

XI. *And be it enacted,* That the list of Common Council-men placed in numerical succession under their respective Wards as prescribed and directed by the said Act herein first mentioned, and hereby repealed, already formed by the City Council agreeably to the said Act shall, notwithstanding the repeal of such Act, remain and continue to be, and to be acted upon as the list of Common Council-men, and shall be ever after kept up—the Common Council-men hereafter from time to time elected, and not chosen Aldermen, being placed under their respective Wards, and below the names then standing there; and where more than one name shall be added to the list in any one Ward, the order of standing of the newly added names shall be directed by the City Council: *Provided always,* that Common Council-men elected to supply accidental vacancies shall occupy the places List of Common
Council-men to be
still acted upon.
Proviso.

places in the said list held by those whose vacancies they shall supply respectively.

Two Assessors and
Six Common
Council-men to
retire annually.

Provided.

XII. *And be it enacted*, That on the First day of October next after the passing of this Act, and on the First day of October in every succeeding year, the Two Assessors for each Ward shall go out of office; and on the said First day of October next after the passing of this Act, and on the same day in each succeeding year, Six of the Common Council-men shall go out of Office, being those standing as the first for each Ward on the list of Common Council-men: *Provided*, if it shall happen that the whole number of Six cannot so be made up, then and in such case, the remainder of the said Six out-going Common Council-men shall be taken from those marked as the second on the said list, beginning with the Ward having the greatest number of Council-men then in Office, and among those that are equal in number, beginning with the Common Council-men longest in Office, and when there is an equality also in this respect, then making up the required number of out going Common Council-men from those marked second on the list, in such manner as the City Council shall determine; and on the said First day of October next, after the passing of this Act, and on the same day in each succeeding year, each of the said Six Wards shall elect one fit and duly qualified person to serve in the City Council, whose names shall be entered in the said list of Common Council-men under their respective Wards, and at the foot of any other name or names which may then be standing under the same Wards respectively, and shall also elect two fit and duly qualified persons to serve as Assessors.

Election of Successors, &c.

Three Aldermen to
retire each second
year—Election of
Successors, &c.

XIII. *And be it enacted*, That on the First day of October, in the year One Thousand Eight Hundred and Forty-nine, and in each succeeding second year, the Three Aldermen whose names are at the head of the said list of Aldermen hereinbefore mentioned, shall go out of Office, and the Ward or Wards by which they had respectively been elected to serve in the City Council shall return a like number of duly qualified persons to serve in the City Council, in addition to the Common Council-men annually to be elected by each Ward, under the provisions of this Act, as aforesaid, and the names of such Three persons, when elected and returned, shall be entered on the list of Common Council-men under their respective Wards in the manner hereinbefore provided.

Election of Aldermen, &c.

XIV. *And be it enacted*, That on the Third day of October, One Thousand Eight Hundred and Forty-nine, and in every succeeding year, or as soon thereafter as all the elections and returns of the nine persons who, by the provisions of this Act are required to be elected to serve in the City Council in the said year of One Thousand Eight Hundred and Forty-nine, and in every succeeding second year, shall be duly determined and made, the City Council shall elect from the City Councillors Three duly qualified persons to be Aldermen, with the Three Aldermen then continuing in Office, whose names shall be entered at the foot of the said list of Aldermen, and shall be removed from the said list of Common Council-men.

Election of Mayor,
&c.

XV. *And be it enacted*, That on the Third day of October next, after the passing of this Act, and on the same day in every succeeding year, or if the annual elections and returns shall not in any year be then complete, then and in every such case, within Ten days after they shall be perfected, the Aldermen and Common Council-men of the said City shall elect out of the Aldermen of the said City, by a majority of votes, by ballot or otherwise, a fit person to be Mayor of the said City, who shall continue in Office until the Third day of October, in the next subsequent year, or longer, as hereinafter provided; and in case a vacancy shall occur in the said Office of Mayor, by reason of any person who shall have been elected to that Office not accepting the same, or by reason of his dying or ceasing to hold the said Office, the Aldermen and Common Council-men of the said City shall, within Ten days after such vacancy, elect out of the Aldermen of the said City another fit person to be Mayor thereof for the remainder of the period for which the Mayor whose place

place is to be supplied was to serve: *Provided*, that no person shall be capable of being appointed Mayor of the said City, who shall not, at the time of his election, in every respect be qualified in such manner as would entitle him to be then elected an Alderman of the said City, conformably to the provisions of this Act: *And provided also*, that after any such election, the former Mayor shall occupy the Office and place in the City Council of the Mayor then elect, and go out of Office at the time and in the manner such Mayor elect might or would have done if not elected Mayor, unless the out going Mayor shall desire to retire from the City Council, and shall, within two days after the Mayor elect shall be approved and sworn into Office as hereinafter directed, give notice in writing of his resignation to the City Council, in which case a Councillor shall be elected by the Ward by which the Mayor elect was elected in manner herein prescribed.

XVI. *And be it enacted*, That immediately after the election of any person to fill the Office of Mayor, under this Act, the name of the Mayor elect shall be transmitted in writing by the City Clerk to the Secretary of the Province for the approval of the Governor; and in case such approval is given, the Mayor elect shall be sworn into Office as hereinafter provided; and in case such approval is not given, a new Election shall take place in the manner hereinbefore provided for the election of a Mayor, until such approval is obtained; and no election of Mayor shall be complete, nor shall any person act, or have authority to act as Mayor, until such approval shall first have been given and procured conformably hereto.

XVII. *And be it enacted*, That the Mayor, Aldermen, and Common Councilmen, and Assessors, shall, before entering on the duties of their Offices respectively, be sworn, by taking and subscribing the Oath of Allegiance and Oath of Office; and such Oaths shall be administered to the Mayor elect by the Governor, in the presence of Three Members of the City Council, or in his absence before the Chief Justice or One of the Judges of the Supreme Court in the presence of Three Members of the City Council; and such Oaths shall and may be administered to the Aldermen, and Common Councilmen, and Assessors, by the Mayor, being himself first sworn as aforesaid; and a Certificate of such Oaths having been taken, shall be entered by the City Clerk on the City Minutes; and the said Oath of Office shall be in the following form—“ I, A. B. do swear, that I am duly qualified as required by Law for the Office of _____ to which I have now been elected or appointed, and that I am seized or possessed for my own use of real or personal Estate, or both, in the City of Halifax, after the payment or deduction of my just debts, of the value of _____ pounds, (as the Office may be), and that I have not fraudulently or collusively obtained the same, or a title to the same, for the purpose of qualifying myself to be appointed or elected to the said Office, or any other Office in the said City; and I do swear, that I will diligently, faithfully, and impartially, and to the best of my ability, discharge the several duties which appertain to the said Office of _____ while I hold the same. So help me God.” And into which Oath shall be filled in the foregoing blanks, before being sworn, the title of Office and the sum of money required by this Act as the qualification of the Officer making the Oath.

XVIII. *Provided always, and be it enacted*, That after such Election as aforesaid, and until the approval shall be given, and the new Mayor sworn into Office, as hereinbefore provided, and no longer, the Mayor for the time being, and at the time of such election in office, shall continue to be, and have full power and authority to act as Mayor of the said City.

XIX. *And be it enacted*, That no person shall at any time be capable of being appointed or elected Mayor, or an Alderman of the said City, unless at the time of his election he shall be, and for Twelve Months next immediately previous thereto shall have been, actually within the said City, in his own right; the bona fide tenant and occupier, under some tenure not less than a tenancy for One year;

of an entire and separate dwelling house of the bona fide yearly rent or value of Fifty Pounds or upwards ; or of a share or interest in a dwelling house, such share or interest being of the bona fide yearly rent or value of Fifty Pounds, or upwards, and resident within the said City ; and also unless he shall at the time of such Election be seized or possessed, in his own right, of real or personal Estate, or both, within the said City, after payment or reduction of his just debts, of the value of One Thousand Pounds Currency.

Qualification of Common Council-men and Assessors.

XX. *And be it enacted*, That no person shall at any time be capable of being appointed or elected a Common Council-man or Assessor of the said City of Halifax, unless at the time of his election he shall be, and for Twelve Months next immediately previous thereto shall have been actually within the said City, in his own right, the bona fide tenant or occupier under some tenure not less than a tenancy for One year, of an entire and separate dwelling house of the bona fide yearly rent or value of Thirty Pounds or upwards ; or of a share or interest in a dwelling house, such share or interest being of the bona fide yearly rent or value of Thirty Pounds, or upwards, and resident, or have his place of business within the Ward of the City for which he shall be elected ; and also unless he shall at the time of such Election be seized or possessed, to his own use, of real or personal Estate, or both, within the said City, after payment or deduction of his just debts, of the value of Five Hundred Pounds Currency.

Officers and Electors to be subjects of Her Majesty.

XXI. *And be it enacted*, That no person shall be capable of being appointed or elected Mayor, Alderman, Councillor, Assessor, or Auditor of the said City of Halifax, or of voting at any Election of City Officers, who shall not be a natural born or naturalized subject of Her Majesty, and of the full age of Twenty-one years ; nor shall any person be capable of voting or of being elected, at any such Election, who shall have been attainted for treason or felony in any Court of Law within any of Her Majesty's Dominions.

Persons not eligible as Common Council-men.

XXII. *And be it enacted*, That no person being in Holy Orders, or being a Minister or Teacher of any dissenting or religious sect or congregation ; nor any Judge or Clerk of any Court, nor any of the Ministerial Law Officers of the Crown, nor any person accountable for the City Revenues, or receiving any pecuniary allowance from the City for his services ; nor any Officer or person presiding at an election of a Councillor or Councillors, while so presiding ; nor any Clerk or Assistant employed by him at any such Election, while so employed—shall be capable of being appointed or elected a Common Council-man for the said City.

Election of City Councillors and Assessors.

XXIII. *And be it enacted*, That the City Councillors and Assessors of the said City of Halifax, at the periods hereinafter appointed, shall be elected and chosen by the majority of votes of such persons not hereinbefore disqualified, who being qualified as hereinafter prescribed, shall have been resident within the said City of Halifax for one year next before the said Election, and of such persons who not being resident therein, and not hereinbefore disqualified from voting, shall be qualified as hereinafter directed, and shall have carried on business in the said City for the period of one year next before the said Election, and who shall respectively, at the time of such Election, have been rated to or in respect of the Rates or Assessments laid on the said City.

Qualification of Electors.

XXIV. *And be it enacted*, That every such person, as is hereinbefore mentioned, being a male of the age of Twenty-one years or upwards, who shall be an inhabitant householder within the Ward for which such Election shall be held, and shall be possessed and be actually in the occupation as the bona fide tenant and occupier at the time of the Election, and for not less than one month next before such Election, of a dwelling house within the said Ward, held by him in freehold, or for a term of years, or for a term not less than one year, shall be entitled to vote at such election for Councillors and Assessors ; and that part of a dwelling house in which any such person shall reside as a house holder, and not as a boarder or lodger, and having

having an outer door by which a separate communication with the street may be afforded, shall be considered a dwelling house within the meaning of this clause.

XXV. *And be it enacted,* That every such person, as is hereinbefore mentioned, being a male of the age of Twenty-one years or upwards, who shall be an inhabitant within the Ward for which such Election shall be held, and shall be possessed and in the actual occupation as the bona fide tenant and occupier at the time of the Election, and for not less than one month next before such Election, of some share, part, or interest, in some dwelling house not having a separate communication with the street, held in freehold, or for a term of years, or for a term not less than one year, the bona fide yearly rent or value of which share, part, or interest, shall be Fifteen Pounds or upwards; or who, being an inhabitant householder, shall occupy a shop and dwelling house, both being one and the same tenement, and under one and the same roof, with a communication between the two, within the Ward for which he claims a right to vote, the bona fide yearly rent or value of which shop and house shall be Fifteen Pounds or upwards; or who, not being an inhabitant householder, shall have occupied for one year at least next before the said Election within the Ward for which he claims a right to vote as the bona fide tenant and occupier, or as the owner and occupier in his own right of any warehouse, counting-house, or shop, office, field, or wharf, of the bona fide yearly rent or value of Fifteen Pounds, or the bona fide tenant and occupier, or the owner and occupier in his own right of some share, part, or interest, in some warehouse, counting-house, or shop, office, field, or wharf, the bona fide yearly rent or value of which share, part, or interest, shall be Fifteen Pounds or upwards; or who, not being an inhabitant householder, but having been a resident within the said City for the time aforesaid, and being then resident, shall be rated in respect to the Rates and Assessments laid upon the said City at, or immediately before the time of such Election, and shall have annually paid his Rates or Taxes for and upon the sum of Fifty Pounds or upwards, shall be entitled to vote at any such Election for City Councillors and Assesors to be hereafter had as aforesaid.

Qualification of Electors.

XXVI. *Provided always, and be it enacted,* That no person shall be entitled to vote at any such Election as aforesaid, unless he shall have fully paid the amount of all Rates and Assessments within the said City that may have been due and payable by him before the holding of such Election, of which payment the evidence shall be the receipt of the City Treasurer produced at the time of voting, and then lodged with the Returning Officer at any such Election.

Proviso.

XXVII. *And be it enacted,* That persons claiming to vote on any of the respective property qualifications hereinbefore mentioned, shall vote within that particular Ward in which the property on which they claim to vote is situate, and not otherwise; and if any person shall occupy property entitling him to vote in two or more Wards, he shall be entitled to vote in one Ward, and no more; and any person claiming to vote in respect to his being rated for the sum of Fifty Pounds and upwards, shall vote in that Ward of the City wherein he may be resident, and in no other.

Place of giving vote.

XXVIII. *And be it enacted,* That on the First day of October, which will be next after the passing of this Act, and on the same day in every succeeding year, the inhabitant householders, and persons qualified to vote as aforesaid, shall openly assemble in the several Wards aforesaid, and elect from the persons qualified to be Aldermen, Common Council-men, and Assessors, respectively, such and so many fit and proper persons to be City Councillors and Assessors for each of such Wards respectively, or so many as shall be required to supply the places of those who shall then go out of office.

Election of Aldermen, &c.

XXIX. *And be it enacted,* That the election of Councillors and Assessors to be had as aforesaid on the First day of October next, after the passing of this Act, and all subsequent elections of Councillors to be had under the provisions of this Act,

Place of holding Elections.

Act; shall, after notice, as hereinafter prescribed, be held at convenient places in the said several Wards of the said City, and respectively be held by and before such of the Aldermen or Councillors of the said City, as may by the Mayor of the said City for the time being be appointed; or in the case of vacancy in the office of Mayor, by the Aldermen of the said City.

Notice thereof

XXX. *And be it enacted*, That of the time and place of holding every Election respectively, and of the names of the respective persons so to be appointed as hereinbefore mentioned to hold such Elections, public notice shall be given by and under the hand of the Mayor, or in the case of vacancy in the office of Mayor, by and under the hand of the senior Alderman for the time being, by publishing such notice in the public Newspapers printed in the said City, and by handbills in the several Wards, for Ten days previous to such Elections.

Proceedings thereof.

XXXI. *And be it enacted*, That at such Elections so to be held as hereinbefore appointed, the Poll shall be opened at Nine o'clock in the forenoon, and shall continue open till Five o'clock in the afternoon of the same day, unless sooner closed as hereinafter provided; and the voting at such Polls shall be conducted by way of open voting in public, in the manner practised in the election of Members of the General Assembly; and the name of each elector voting at such Election, shall be written in Poll Lists to be kept at such Election by the Officer or person holding the same; and after finally closing the Poll at any such Election, the Officer or person by whom the same shall be held, shall forthwith proceed publicly to declare the number of votes given for each candidate or person for whom votes shall have been taken, and shall declare the person or persons having the majority of votes in his or their favour to be duly elected; and if there shall be at the final closing of the Poll an equal number of votes polled for two or more persons; it shall be lawful for the Officer or person holding such Election, and he is hereby required, whether otherwise qualified or not, to give a vote for one or other of the persons having such equality of votes, in order to give a majority to one of them, and determine the Election; and the Poll Lists kept at such Election shall, by the Officers or persons holding the same, be delivered on the day next after the conclusion of such Elections, unless such day shall be Sunday, Christmas Day, or Good Friday, and then on the day next thereafter, to the Clerk of the City, to remain in his Office, where they shall be open for inspection to any elector on the payment of the fee of One Shilling.

Proviso

XXXII. *Provided always, and be it enacted*, That the Officer or person holding such Election shall not be bound to keep the Poll open until Five o'clock in the afternoon, in any case where no voter shall come forward to poll within one hour after proclamation made, that unless within an hour some voter shall come forward to poll, the Poll will be closed, but such Officer or person shall, in every such case, finally close the Poll at the expiration of the said hour.

Demand of scrutiny.
&c.

XXXIII. *And be it enacted*, That if at the close of the Poll any Candidate at such Election, or any person who shall have voted thereat, shall publicly demand a scrutiny, the Officer or person holding such Election shall note such demand on his Poll Book; and if such scrutiny be persevered in, it shall finally be determined by the City Council, or any Three or more of them, and who shall have power to hear witnesses on oath, which they or any of them are hereby authorized to administer, and to appoint a Chairman with a right to vote, and if need be to give a casting vote; and also shall have power to summon witnesses before them, which witnesses shall be bound to attend, or be liable to be proceeded against by Warrant, to be issued by the order of the City Council by the City Clerk, and liable to a fine of Two Pounds, or to be imprisoned for contempt in not attending in pursuance to such Summons, for any period not exceeding Ten days: *Provided however*, that no Councillor elect, whose Election is disputed, shall sit upon or act in the determination of any such scrutiny.

Proviso.

XXXIV.

XXXIV. *And be it enacted,* That no vote shall be scrutinized but such as has been marked as having been objected and sworn, or objected only; and that all scrutinies shall be proceeded in on the third day next after the close of the said Elections, and thenceforth day by day, sitting each day from Ten o'clock in the forenoon until Four o'clock in the afternoon, without interruption, (Sundays, Christmas Day, and Good Friday excepted), until all the scrutinies, if more than one, shall be determined; and if there be more than one scrutiny, such scrutinies shall be severally taken up in the numerical order of the respective Wards from the Elections for which the same shall arise, and be so proceeded in as aforesaid, no one scrutiny being allowed to occupy more than Four days.

Proceedings on
scrutiny, &c.

XXXV. *And be it enacted,* That the Officer or person holding every Election as aforesaid, shall immediately after the close thereof, make return to the City Clerk, to be laid before the City Council, of the names of the persons having the majority of votes, and declared by him elected at such Election—which returns, if there be no scrutiny, the City Council shall cause to be published in the next Gazette; and if there be any scrutiny or scrutinies, then after the determination thereof, such Returns, as amended or altered by such scrutinies (if such be the case), shall be so published in the then next Gazette.

Election Returns—
publication thereof.

XXXVI. *And be it enacted,* That it shall be the duty of the Presiding Officer, at any Ward Meeting for any such Election to be now or hereafter as aforesaid appointed, and he shall and is hereby declared to have full power and authority to preserve order and decorum, and to repress all riotous, tumultuous, and disorderly conduct therein, and for that purpose to call to his aid any Constable or other Peace Officer, and also to command the aid and assistance of any person who may be present; and any Peace Officer or other person neglecting or refusing to afford such aid, shall be taken and deemed to be guilty of a misdemeanour; and such Presiding Officer shall, for the time being, have the power and authority of a Justice of the Peace, and shall have authority to cause any person who shall be guilty of any riotous, tumultuous, or disorderly conduct, at any such meeting, to be taken into custody and committed to Gaol: *Provided however,* that such imprisonment or restraint shall not at any time continue longer than Forty-eight hours after the adjournment or dissolution of such meeting: *And provided also,* that the person so guilty of such disorderly conduct shall be liable, notwithstanding such restraint, to be prosecuted and punished in the same manner as if such arrest had not been made.

Duties and powers
of Presiding Officers.

Proviso.

XXXVII. *And be it enacted,* That every person desirous of voting at any Election for Councillors or Assessors, as hereinbefore mentioned, shall, before his vote be entered on the Poll Lists, if required by the Officer or person holding any such Election, or by any person qualified to vote at the same, make oath to the particulars of his qualification, and that he has not before voted at such Election, in one of the several forms of oaths hereinafter set forth, which oath the Officer or person holding such Election, is hereby authorised and required to administer as follows—that is to say: In cases where the question shall be in respect of a dwelling house as defined and explained in and by this Act, as follows:

Elector to make oath
to qualification, if
required.

I do solemnly swear that I have resided in this City for One year or upwards, now next preceding, unless temporarily absent, and that I am of the age of Twenty-one years or upwards, and am a natural born subject of our Lady the Queen, or have been naturalized, or made denizen, (as the case may be); and that I now am, and for One Month or upwards now next preceding, have been possessed, and in the actual occupation of a dwelling house as defined and explained in and by the Act passed in the Eleventh Year of the Reign of Queen Victoria, entitled, An Act for consolidating the Acts respecting the Incorporation of the City of Halifax, in this Ward for which I now claim to vote, which in my own right I now hold, and for all that period have held in freehold, or for a term of years, or for a term not

Forms of Oath—
In respect of dwelling house.

less than One year, (as the case may be, and which the voter shall at such time declare); and that I have not before voted at this Election, or any other Election which is at this time being held for any other Ward. So help me God.

And in all cases where the question shall be in respect of some part, share, or interest, in some dwelling house not having a separate communication with the street, or of a shop and dwelling house, as follows :

Share in dwelling
house, &c.

I do solemnly swear that I have resided in this City for One year or upwards, now next preceding, unless temporarily absent, and that I am of the age of Twenty-one years or upwards, and am a natural born subject of our Lady the Queen, or have been naturalized, or made denizen, (as the case may be); and that I am, and for one month or upwards, now next preceding, have been severally possessed, and in the actual occupation of some share, part, or interest, not having a separate communication with the street, but of the actual bona fide rent or value of Fifteen Pounds or upwards, of and in some dwelling house in this Ward for which I now claim to vote; or that I am now, and for One month and upwards now next preceding, have been possessed, and in the actual occupation of a shop and dwelling, both being one and the same tenement, and under one and the same roof, with a communication between the two, of the actual bona fide rent or value of Fifteen Pounds or upwards, within this Ward for which I now claim to vote, which in my own right I now hold, and for all that period have held, in freehold, or for a term of years, or for a term not less than One year (as the case may be, and which the voter shall at such time declare); and that I have not before voted at this Election, or any other Election which is at this time being held for any other Ward. So help me God.

And in all cases where the voter shall be resident within the City, and the question shall be in respect of a warehouse, counting house, or shop, office, field, or wharf, or of a part, share, or interest therein, as follows :

Warehouse, shop,
&c. or share there-
in.

I do solemnly swear that I have resided in this City during One year, or upwards, now next preceding, unless temporarily absent, and am a natural born subject of our Lady the Queen, or have been naturalized or made denizen (as the case may be); and that I am, and for Twelve Months or upwards now next preceding have been, severally possessed and in the actual occupation of an entire and separate warehouse, counting house, or shop, office, field or wharf, of the actual and bona fide yearly rent or value of Fifteen Pounds, or upwards, within this Ward, for which I now claim to vote; or that I am, and for Twelve months or upwards now next preceding have been, possessed and in the actual occupation of some share, part, or interest, of an actual and bona fide yearly rent or value of Fifteen Pounds or upwards, of and in some ware house, counting house, or shop, office, field, or wharf, within this Ward, for which I now claim to vote, which in my own right I now hold, and for all that period have held, in freehold, or for a term of years, or for a term of not less than One year (as the case may be, and which the voter shall at the time declare); and that I have not before voted at this Election, or any Election which is at this time being held for any other Ward. So help me God.

And in all cases where the voter shall not reside within the City, but shall carry on business therein, and the question shall be respecting a warehouse, counting house, or shop, office, field or wharf, or of a part, share, or interest therein, as follows :

Non-residence, but
carrying on busi-
ness in City.

I do solemnly swear that I reside at _____ that I am of the age of Twenty-one years and upwards, and that I have been carrying on business in the City during One year or upwards now next preceding, and am a natural born subject of our Lady the Queen, or have been naturalized or made denizen (as the case may be); and that I am, and for Twelve months or upwards now next preceding have been, severally possessed and in the occupation of an entire and separate warehouse, counting house, or shop, office, field, or wharf, of the actual or bona fide yearly rent or value of Fifteen Pounds or upwards, within this Ward for which I

I now claim to vote; or that I am, and for Twelve months or upwards now next preceding have been, possessed and in the actual occupation of some share, part or interest, of an actual and bona fide yearly rent or value of Fifteen Pounds or upwards, of and in some warehouse, counting house, or shop, office, field, or wharf, within this Ward for which I now claim to vote, which in my own right I now hold, and for all that period have held, in freehold, or for a term of years, or for a term not less than One year, (as the case may be, and which the voter shall at the same time declare); and that I have not before voted at this Election, or any other Election which is at this time being held for any other Ward. So help me God.

And in all cases where the voter shall claim to vote in respect to being assessed and paying rates on Fifty Pounds and upwards, as follows:

I do solemnly swear that I have resided in this City for One year and upwards, unless temporarily absent, and that I am of the age of Twenty-one years or upwards, and am a natural born subject of our Lady the Queen, or have been naturalized or made denizen (as the case may be); and that in the last assessment laid upon the City I have been rated, and have paid rates or taxes for and upon the sum of Fifty Pounds or upwards; and that I am really and truly the person named in the receipt of the City Treasurer now produced by me, and delivered to the Officer holding this Election; and that I actually now reside, and for One month past have resided in this Ward, for which I claim a right to vote; and that I have not before voted at this Election, or at any Election which is at this time being held for any other Ward. So help me God.

Assessment and paying Rates.

And in every such case the Officer or person holding such Election, shall note in his Poll Book that the vote was sworn, and which of the said qualifications herebefore mentioned he swore to.

To be noted in Poll Book.

XXXVIII. *And be it enacted*, That if any person shall knowingly swear falsely as to any of the particulars of his alleged qualifications, or if he shall knowingly swear falsely in taking any or either of the oaths prescribed by this Act, he shall be deemed guilty of wilful and corrupt perjury, and suffer the pains and penalties imposed by Law in such cases.

Penalty for false swearing.

XXXIX. *And be it enacted*, That if the day fixed by this Act for any Election appointment, or other matter or thing hereby directed to be held, done, or had, under this Act, shall happen to be a Sunday, Christmas day, or Good Friday, then, and in every such case, such Election appointment, or other matter or thing, shall be held, done, had, or take place, on the next following day.

Postponement day falling on Sunday, &c.

XL. *And be it enacted*, That all Officers of the City, who, by the provision of this Act, shall go out of office, shall be capable of immediate re-election, if then qualified as required by this Act: *Provided* that no person shall be re-elected to the office of Mayor until at least One year after the termination of his last occupancy of the office.

Re-election of Officers.

Proviso.

XLI. *And be it enacted*, That if at any election of Councillors as aforesaid, any person shall be elected a Councillor for more than one Ward of the said City, he shall, within three days after notice thereof, make his option, or on his default the Mayor of the said City shall declare for which one of the said Wards such person shall serve as Councillor, and, thereupon, such person shall be held to have been elected in that Ward only, and in no other; and another Election shall thereupon be held in the Ward for which such person shall not elect to serve, as in other cases of extraordinary vacancies.

Election of same person for more than one Ward.

XLII. *And be it enacted*, That on the Third day of October, in the year next after the passing of this Act, and in every succeeding year, or as soon thereafter as the returns of the Members elect shall be complete, the Members of the said Council shall elect from persons qualified to be Common Council-men, by a majority

Election of Auditors.

ity

rity of votes, two persons, who shall be and be called Auditors of the said City of Halifax, whose duties shall be prescribed by the Bye Laws of the said Corporation, and every such Auditor shall continue in office until the First day of October, in the year following his election: *Provided always*, that no Member of the City Council, nor the Mayor, nor the City Clerk, nor any paid Officer of the said City, shall be capable of being elected an Auditor as aforesaid.

Elections on extra-ordinary vacancy.

XLIII. *And be it enacted*, That if any extraordinary vacancy shall occur in the office of Aldermen, Common Council-men, Auditors, or Assessors, of the said City, the persons qualified to vote shall, on a day to be fixed by the Mayor, (such day not being later than ten days after such vacancy, but whereof at least four days notice shall be given), elect from the persons qualified to fill such office, another person duly qualified to supply such vacancy; and such Election shall be held, and the voting and other proceedings be conducted in the same manner, and subject to the same provisions, as are hereinbefore enacted with respect to the elections of the like Officers to be had as aforesaid; and every person so elected shall hold such office until the period at which the person in the room of whom he shall have been chosen, would, in the ordinary course, have gone out of office, when he shall go out of office.

Penalty for non-acceptance of offices.

XLIV. *And be it enacted*, That every person duly qualified, who shall be appointed or elected to the Office of Mayor, Alderman, Common Council-man, Auditor, or Assessor of the said City, shall accept the office to which he shall have been so appointed or elected, or shall, in default thereof, pay to the Treasurer of the said City, to and for the use of the said City, a fine as follows, that is to say: For the non-acceptance of the office of Alderman or Common Council-man, a fine of Twenty-five Pounds; for non-acceptance of the office of Auditor or Assessor, a fine of Twenty-five Pounds; and for non-acceptance of the office of Mayor, a fine of Fifty Pounds; and the election to any of the said offices shall be held *prima facie* evidence of qualification on the part of the person elected, unless such person shall make oath before the Mayor, who is hereby authorised to administer such oath, that he is not possessed of the qualification for the office required by this Act, in some particular to be stated in such oath; and every person so elected shall accept such office, by taking the Oath of Allegiance, and Oath of Office hereinbefore mentioned, within Five days after the notice of his election, as hereinbefore directed, and in default thereof shall be liable to pay the fine aforesaid, as for his non-acceptance of such office, and such office shall thereupon be deemed to be vacant, and shall be filled up by a new Election to be made in the manner hereinbefore prescribed: *Provided always*, that no person disabled by lunacy, or imbecility of mind, shall be liable to such fine as aforesaid: *And provided also*, that every person so elected to any such office, who shall be above the age of Sixty-five years, or who shall already have served such office, or paid the fine for not accepting such office within Five years next preceding the day on which he shall be so re-elected; also every person who shall be a Member of the Legislature of this Province, or who shall be a Member of the Executive Council, or who shall have been at any former time a Member of the Executive Council, or of the Legislative Council, if in any of such cases the said person shall claim such exemption within five days after notice of such, his election shall be exempted from accepting or serving the same office, (if he shall claim such exemption within Five days after notice of his election): *And provided also*, that no military, naval, or marine Officer in Her Majesty's Service on full pay, nor the Surveyor General, the Adjutant General of Militia, the Provincial Secretary, Clerks in Public, Civil, or Military Departments, the Post Master General and his Deputies, Custom House Officers, the Sheriff and Coroners, the Clerks and Commissioned Officers of the Legislature, and of the Executive Council, and Schoolmasters, shall be held, or bound to accept any such office as aforesaid, or any other office in the said City.

Proviso.

XLV.

XLV. *And be it enacted*, That if any person holding the Office of Mayor, Alderman, or Common Council-man, shall be declared bankrupt, or shall apply to take the benefit of any Act for the relief of Insolvent Debtors, or shall compound by deed with his creditors, or shall be absent from the said City, if Mayor, for more than One Month, if an Alderman, for more than Two Months, and if a Common Council-man, for more than Three Months, at one and the same time, without leave of the City Council first had and obtained, (unless in case of illness), then, and in every such case, such person shall immediately become disqualified, and shall cease to hold his office of Mayor, Alderman, or Common Council-man, as aforesaid—and in the case of such absence, shall be liable to the same fine, to be recovered and applied in the same manner as if he had refused to accept the said office.

Disqualification for office.

XLVI. *And be it enacted*, That the said Mayor and Aldermen for the time being shall, during their continuance in such offices, be and be deemed within the limits of the said Corporation Justices to keep the Peace in and for the City of Halifax, and shall have, use, and exercise, the same and the like powers and authorities as if they were respectively nominated and commissioned Justices of the Peace in and for the said City: *Provided*, that nothing in this Act contained shall be construed to give them authority as Justices of the Peace over the County, or beyond the limits of the said City: *And provided also*, that nothing herein contained shall be construed to affect the jurisdiction within the said City of Justices of the Peace for the Province, or Justices of the Peace for the County of Halifax, now or hereafter to be appointed.

Mayor and Aldermen to act as Justices.

Proviso.

XLVII. *And be it enacted*, That there shall be paid from and out of the monies belonging to the said City, to the said Mayor for the time being, in lieu of all fees and perquisites, a salary not exceeding Three Hundred Pounds, Currency.

Salary of Mayor.

XLVIII. *And be it enacted*, That it shall be lawful for the said City Council on the Fifteenth day of October next, and annually thereafter on the Fifteenth day of October, by ballot, or otherwise, to elect a City Clerk, an Assistant City Clerk, a City Treasurer, a Clerk of the License, and a City Marshall, Two Constables for each Ward, a Clerk of the Market, One or more Supervisors of Streets, and One Collector for each of the Wards of the said City, and One or more Pound Keepers for the said City, and such other Officers as they may think necessary to enable them to carry into execution the powers vested in them by this Act, and to prescribe and regulate the duties of all such Officers respectively, and at their pleasure to remove any such Officer and appoint another in his place; and the said Council shall take such security for the due execution of the offices of City Clerk, Treasurer, or other Officer, as they shall think proper, and shall grant and allow in every year, to the City Clerk, Assistant Clerk, and other Officers to be appointed as aforesaid, such salary, allowance, or other compensation for their services as they may think fit: *Provided*, that no person shall be capable of acting as City Treasurer until he shall have been sworn before the Mayor faithfully to perform the duties of his office, nor until he shall have executed a Bond to the City of Halifax, with Two sufficient sureties to be approved by the City Council, in the sum of Two Thousand Pounds, conditioned for the faithful performance of the duties of his office, in such form as the Mayor may approve or any Bye Law require.

Election of City Clerk, &c. &c.

Proviso.

XLIX. *Provided always, and be it enacted*, That upon the death or insolvency of any surety of the City Treasurer for the time being, or whenever, in the opinion of the City Council it shall be necessary, the City Treasurer shall from time to time be required by the City Council to renew the Bond given by him, and find other sureties—and upon his neglecting to do so within Ten days after being so required by the order of the City Council, he shall be forthwith removed from his office, and another person shall be appointed City Treasurer in his stead and place, who shall be compelled, before he shall be capable of acting, to give such Bond in the like amount as is hereinbefore mentioned.

Renewal of Surety by Treasurer.

Restrictions on Officers.

L. *And provided also, and be it enacted,* That whenever in the opinion of the City Council such restriction may be necessary, it shall be lawful for the said City Council to make it imperative upon any of the Officers hereinbefore named, that he shall not be engaged in, or carry on any other business, employment, or occupation, without the leave of the said City Council for that purpose, first had and obtained in writing, on pain of forfeiting his office, whatever the same may be.

Unauthorized assumption of duties of Officers.

LI. *And be it enacted,* That if any person shall assume the duty, or attempt, or presume to exercise the functions of any Officer of the said City whom the City Council are, or may be directed, or authorized to appoint, without having been duly appointed as such Officer by the said City Council, or after being lawfully dismissed from his office for any cause, shall continue to assume the duties, and exercise the functions of such Officer, every such person shall, for such offence, pay a fine not exceeding Ten Pounds, and the costs of prosecution—and in case of non-payment of such fine and costs, shall be liable to be committed to the County Gaol for any time not exceeding Thirty days.

Payments by Treasurer.

LII. *And be it enacted,* That the Treasurer of the said City shall not pay any monies in his hands as such Treasurer, otherwise than upon an order in writing of the Council of the said City, signed by the Mayor, or in his absence by the presiding Alderman, and countersigned by the Clerk of the City.

Of Rates, &c. to be collected by Treasurer—Commission therefor.

LIII. *And be it enacted,* That the said City Treasurer shall receive and collect all Rates, Taxes, and Assessments, which shall be levied or imposed upon, or payable by the inhabitants of the said City, in the manner, and with all the powers and authorities heretofore vested by Law in, or exercised by, the Treasurer for the Town and County of Halifax, under and by virtue of the several Acts of Assembly now in force, and shall be entitled to receive a commission of Five Pounds per cent. on all monies collected by him, by virtue of this Act, in lieu of any salary and commission to which he might be otherwise entitled under any Act of Assembly now in force relating to the office of Treasurer for the Town and County of Halifax: *Provided,* that such commission shall not in any one year exceed Three Hundred Pounds.

Proviso.

Regulations relative to delivery of Accounts &c. of Officers to City Council, &c.

LIV. *And be it enacted,* That the Clerk, Treasurer, and other Officers of the said City appointed by the Council as aforesaid, shall respectively at such times during their continuance in office, and also within Three Months after they shall respectively cease to be in office, and in such manner as the said Council shall direct, deliver to the said Council, or to such person as they shall authorize to receive the same, a true account in writing of all matters committed to their charge, by virtue or in pursuance of this Act; and also of all monies which shall have been by them respectively received, by virtue, or for the purposes of this Act, and how much thereof shall have been paid and disbursed, and for what purposes, together with proper vouchers for such payments, and every such Officer shall pay all such monies as shall remain due from him to the Treasurer for the time being, or to such person as the said Council shall authorize to receive the same; and if any such Officer shall refuse, or wilfully neglect to deliver such account, or the vouchers relating to the same, or to make payment as aforesaid, or shall refuse, or wilfully neglect to deliver to the said Council, or to such persons as they shall authorize to receive the same, within Three days after being thereunto required by the said Council, all books, documents, papers, and writings, in his custody or power as such Officer as aforesaid, then, and in every such case, on complaint made on behalf of the said Council, by such person as they shall authorize for that purpose, of any such refusal or wilful neglect, as aforesaid, to any Justice of the Peace for the District or County wherein such Officer shall reside or be, such Justice of the Peace shall be and is hereby authorised and required to issue a Warrant, under his Hand and Seal, for bringing any such Officer before any two Justices of the Peace for such District or County; and upon the said Officer not appearing, or not being found,

Remedy for refusal to deliver same.

it shall be lawful for the said Justices to hear and determine the matter in a summary manner; and if it shall appear to such Justices that any monies remain due from such Officer, such Justices may and they are hereby authorised and required on non-payment thereof, by Warrant under their Hands and Seals, to cause such monies to be levied by distress and sale of the Goods and Chattels of such Officer; and if sufficient Goods and Chattels shall not be found to satisfy the said monies, and the charges of the distress, or if it shall appear to such Justices that such Officer has refused or wilfully neglected to deliver such account, or the vouchers relating thereto, or that any books, documents, papers, or writings, which were or are in the custody or power of such Officer in his official capacity, have not been delivered, as aforesaid, or are wilfully withheld, then, and in every such case, such Justices shall, and they are hereby required to commit such offender to the common Gaol for the District or County where such offender shall reside or be, there to remain without bail until he shall have paid such monies as aforesaid, or shall have made satisfaction to the said Council, or until he shall have delivered a true account as aforesaid, together with such vouchers as aforesaid, or until he shall have delivered up such books, documents, papers, and writings, or have given satisfaction in respect thereof to the said Council: *Provided always*, that no person so committed shall be detained in person, for want of sufficient distress only, for a larger space of time than Three months: *And provided also*, that nothing in this Act contained shall prevent or abridge any remedy by action against any such Officer so offending as aforesaid, or against any surety for any such Officer.

LV. *And be it enacted*, That the Treasurer of the said City shall, in books to be kept for that purpose, enter true accounts of all sums of money by him received and paid as such Treasurer, and of the several matters for which such sums shall have been received and paid; and the books containing the said accounts shall at all reasonable times be open to the inspection of any of the Aldermen or Councillors of the said City; and all the accounts of the said Treasurer, with all vouchers and papers relating thereto, shall, in the months of May and November, in every year, be submitted by such Treasurer to the Auditors selected for the said City as aforesaid, and to such number of the said Council as the Mayor of the said City shall name, on the First day of May in every year, or in case of any extraordinary vacancy of office within Ten days next after such vacancy, for the purpose of being examined and audited from the First day of November in the year preceding to the First day of May, and from the First day of May to the First day of November in the year in which the said Auditors shall have been elected and named; and if the said accounts shall be found to be correct, the Auditors shall certify the same to be so; and after the said accounts shall have been so examined and audited in the month of November in every year, the Treasurer shall make out in writing, and cause to be printed, a full abstract of his accounts for the year, and a copy thereof shall be open to the inspection of all the rate payers of the said City; and copies thereof shall be delivered to all rate payers of the said City applying for the same, on payment of a reasonable price for each copy.

Treasurer's Accounts,
Inspection, Examination and Auditing thereof, &c.

LVI. *And be it enacted*, That in all meetings of the said Council, to be held in pursuance of this Act, a majority of the Members present at such meetings shall determine all questions and matters submitted to, or under the consideration of, the said Council—provided that the number present at the said meetings be not less than two-third parts of the entire number of persons composing the said Council; and at all such meetings the Mayor of the said City, if present, shall preside; and in case of his absence such Alderman, or in the absence of all the Aldermen, such Common Council-man as the Members of the Council, so assembled, shall choose to be Chairman of any such meetings, shall preside at the same; and in case of an equality of votes the Mayor or Chairman presiding shall have a casting vote.

Questions in Council
to be decided by
majority.

Proviso.

LVII.

Quarterly Meetings
of Council.

LVII. *And be it enacted*, That there shall be in every year Four quarterly meetings of the said Council, which shall be held on such days in every year as shall be provided by any Bye Law in that behalf; and the said meetings shall not at any one time be held for a longer period than three successive days, in which Sunday shall not be included.

Special Meetings.

LVIII. *And be it enacted*, That it shall be lawful for the Mayor of the said City to call a special meeting of the said Council when and as often as he may deem proper, after Three days previous notice thereof; and in case the said Mayor should refuse to call any such meeting, after a requisition for that purpose signed by Five or more Members of the said Council, it shall be lawful for such Five or more Members to call a meeting of the said Council, after Three days previous notice—which notice shall specify the business for which the proposed meeting is to be held, and shall be signed by the said Members; and in all cases of such special meetings as aforesaid, a summons to attend the said Council, specifying the business to be transacted at such meetings, and signed by the City Clerk, shall be left at the usual place of abode of every member of the said Council, three days at least before such meeting.

Minutes of Proceedings.

LIX. *And be it enacted*, That the Minutes of the proceedings of all meetings to be held as aforesaid, shall be drawn up and fairly entered in a book to be kept for that purpose, and shall be signed by the Mayor, Alderman, or Councillor presiding at such meeting; and the said Minutes shall be open to the inspection of all persons qualified to vote at the election of Councillors on payment of a fee of One Shilling, and the said meetings shall be held with open doors.

Appointment of Committees.

LX. *And be it enacted*, That it shall be lawful for the said Council to appoint from out of the Members composing such Council, such and so many Committees, consisting of such number of persons as they may think fit, for the better transaction of the business before such Council, and for the discharge of such duties within the scope of their powers, as may by the said Council be prescribed, but subject in all things to the approval, authority, and control of the said Council.

Making of Bye Laws,
Imposition of
Fines, Assessment
of Monies, &c. &c.

LXI. *And be it enacted*, That it shall be lawful for the said City Council, at any meeting of the said Council composed of not less than two-thirds of the Members thereof, to make such Bye Laws as to them shall seem meet for the good rule, peace, welfare, and government of the said City; and to impose by any such Bye Law, such fine, not exceeding Five Pounds, and such imprisonment, not exceeding Thirty days, as they may deem proper for enforcing the same, and for raising, assessing, and applying such monies as may be required for the execution of the powers with which the said Council is hereby invested; and for maintaining in the said City a good and efficient system of Police, in such manner as may by Law be provided, either by imposing Tolls and Rates to be paid in respect of any public works within the said City, or by means of a Rate or Assessment, to be assessed and levied as hereinafter particularly directed and prescribed, on Real Estate, and the inhabitants of said City, in respect of their ability or capacity as hereinafter defined, or upon the sale of Goods by public Auction within the said City: *Provided*, that such assessment shall not in any one year exceed Sixpence in the Pound on the assessed value of the property lying in the said City: *And provided*, that not more money, in the whole, than Five Thousand Pounds shall in any one year be assessed or levied on, to be collected or raised from the said City by authority of the City Council; and that if for any purpose the City Council shall deem a larger amount to be requisite or proper, the said City Council shall make application to the Governor in Council for leave to increase such amount, who shall thereupon have power, by an order, from time to time, on such application to be made and passed, to authorize the City Council to assess or levy on, or collect and raise from the said City, a further sum for the object and purposes expressed in the application of the City Council in that behalf, and which shall be expressed in said order,

Provisoes.

order, not to exceed Two Thousand Pounds, additional : *And provided*, every such application shall be passed in the City Council by a majority of the Board present on the occasion, and that the number of the Members of the City Council then present, who shall have voted for such application being made, shall be at least twelve : *And provided*, every such Member shall have signed in the Record of the said City Council's proceedings the Resolution passed in favor of making such application, and shall also sign the application to be therefor made to the Governor in Council, as aforesaid ; *And provided also*, that no Bye Law or Ordinance of the said City Council for the imposition of Tolls or Taxes upon any goods, produce, manufacture, or articles whatsoever, brought either by land or water into the said City, or for the limitation of the time or manner of sale thereof, nor upon any cart, carriage, vehicle, boat, or vessel, conveying the same, or engaged in the transport thereof, shall have any force or effect until submitted to, and sanctioned by, the three branches of the Legislature.

LXII. *Provided always, and be it enacted*, That a copy of every Bye Law to be made by virtue of this Act, shall be transmitted with all convenient speed, after the making thereof, to the Governor ; and it shall be lawful for the said Governor in Council, within Three months from and after the receipt of such copy, to disallow any such Bye Law—and such disallowance shall, without delay, be signified to the Mayor of the said City—and thenceforward such Bye Law shall be void, and of no effect. ; *Provided also*, that all Bye Laws repugnant to any Law of the land, or to any Act of the Legislature of this Province, shall be and become null and void ; and no Bye Law shall have any force or effect until after the same shall have been so transmitted as aforesaid, and then approved, or until after the said Three months, without disapproval.

Bye Laws to be approved of by Governor.

Proviso.

LXIII. *And be it enacted*, That the City Marshall shall, before he shall enter upon the duties of his office, be sworn before the Mayor, and also shall give Bonds in such sum of money, and in such form as shall be directed by the Bye Laws, with Two sufficient sureties to be approved by the City Council, for the faithful discharge of the duties of the said office, to be renewed when required as heretofore provided, in respect to the City Treasurer ; and that it shall be the duty of the said City Marshall, or his Deputy, to attend the City Council, and the Mayor's Court, whenever they shall meet, and at all times to be at the command of the Mayor, or Officer presiding at the Police Court, and on all occasions to be active and aiding in the preservation of the Peace, and good order of the City, and the observance of all Laws, Bye Laws, and Ordinances in force therein ; and he shall serve and execute all Writs, Process, Warrants, or Orders, issuing out of the Mayor's Court, or the Police Court ; and shall be entitled to all the fees and emoluments heretofore received, or by Law payable to the Constable of the Commissioners Court ; and that the said City Marshall shall be the High Constable of the said City, and shall have the superintendance and government of all the City Constables, and shall, within the said City, have all the powers and authority in all matters criminal, and in cases of breach of the peace, and for preserving quiet and good order, which Sheriffs, by Law, have within their bailiwicks, and Constables, within their jurisdictions ; and shall perform and discharge such other duties, and receive such fees and emoluments therefor as shall and may be appointed by any Bye Laws or Ordinances of the City.

City Marshal to be sworn, give bonds, &c.—his duties, privileges, &c.

LXIV. *And be it enacted*, That the administration of Police within the said City, and all the executive powers of the said Corporation, generally, together with all the powers heretofore vested by them in the Police Magistrate of the Town of Halifax, shall be, and are hereby vested in the Mayor and Aldermen of the said City, and that the said Mayor, or in his absence, one of the Aldermen next in rotation, shall daily attend in some public office for that purpose to be appointed, and constantly, between the hours of Ten o'clock in the forenoon, and Four o'clock in

Administration of Police—Police Court—Proceedings thereat, &c.

the afternoon, hold a Police Court for the said City, and therein hear and determine all and every criminal offence and prosecution heretofore cognizable before the Police Magistrates of Halifax, or before One or more Justices of the Peace, and shall and may do, perform, and execute, each and every act, matter, and thing, appertaining to the office of Justice of the Peace, necessary for the apprehension, committal, conviction, and punishment of criminal offenders, and for carrying into effect the Laws in force, and the Ordinances and Bye Laws of the said City Council, made for the preservation of peace and good order; and also in a summary manner hear and determine all petty thefts, assaults, batteries, riots, petty trespasses, and breaches of the peace, committed within the said City, and riots, or disturbances at Elections, and the offender upon conviction thereof, to punish by imprisonment in the Common Gaol, or House of Correction, not exceeding Thirty days, or by fine, not exceeding in any case the sum of Five Pounds, exclusive of costs of prosecution—and in the case of non-payment of the fine and costs, pursuant to such conviction, to commit the offender to the Common Gaol, or House of Correction, for any time not exceeding Thirty days: *Provided always*, that the said offences shall be prosecuted in every case within Two months after the commission thereof: *And provided also*, that no such conviction shall be quashed for want of form, and no Warrant of commitment shall be held void by reason of any defect therein, so as it be therein alleged that the party has been convicted, and there has been a good and valid conviction in point of fact to authorize the same: *And Provided also*, that nothing herein contained shall prevent the said Police Court from binding persons charged with such offences as aforesaid, or any other offence under recognizance, with sureties to appear and answer to the same in Her Majesty's Supreme Court, or the Court of Sessions at Halifax: *And provided also*, that in no case where the said Police Court shall sentence any party to punishment, by fine, or by imprisonment, or by fine and imprisonment, as hereinbefore provided, shall any appeal be allowed from such sentence except by Writ of Certiorari or Habeas Corpus cum causa.

Provisoes.

Mayor's Court—
powers, jurisdiction,
process, &c.

LXV. *And be it enacted*, That all the powers by Law heretofore vested in, and exercised by, the Commissioners Court in Halifax, for the summary trial of Civil Actions of limited amount within the limits aforesaid, shall be vested in, and exercised by, a Court of the said Corporation, to be styled the Mayor's Court, to be holden on the second and fourth Tuesdays of every month before the Mayor and one Alderman, in rotation, or in the absence of the Mayor, before two Aldermen, in rotation—which Court shall continue in Session not longer in each Term than two days, and shall have power and jurisdiction within the City over all Suits in which the whole cause of action or dealing shall have arisen within the Township of Halifax, and shall not exceed Ten Pounds; and in cases of debts or accounts where the Defendant shall prove an offset of greater amount than the amount proved by the Plaintiff, to give judgment for the Defendant for the balance due him; and also over all Actions of trover, assault and battery, trespass on lands where the title is not in question, and for slander, wherein respectively the damage claimed shall not exceed Five Pounds—and shall award costs in all cases in favour of the party succeeding; and the process of the said Court shall be Writs of Summons, Capias and Execution, which shall be tested in the name of the Mayor, and be issued by the Clerk under a Seal which the said Court is hereby authorized to make and use, and in such forms as shall be established by the City Council, and shall be directed to the City Marshal, or his Deputy: *Provided always*, that whenever the judgment of the said Court shall exceed Twenty Shillings, exclusive of costs, the party aggrieved may appeal to the Supreme Court, upon notice being given in open Court, and execution and all other proceedings shall be stayed, upon sufficient security, by recognizance being given on or before the Saturday following the sitting of said Court, to prosecute the appeal and abide the judgment of the

Appeal to Supreme
Court.

Supreme

Supreme Court—which recognizance the said Mayor, or any Alderman, shall have power to take, and the party appellant shall enter his appeal, and proceed thereon before the said Supreme Court at the first term thereafter, and shall bring up the judgment from the Court below, which, on his default, the appellee also may do; and the said Supreme Court shall try the cause de novo, or order the same to be tried by a Jury, as shall seem fit to the said Court: *Provided also*, that no Suit for any debt or dealings, the whole amount of which shall not exceed Ten Pounds, and which shall have arisen within the jurisdiction of the said City Court, shall be brought in any other Court, except by way of appeal to the Supreme Court as aforesaid: *And provided also*, that the same fees shall be taxed and allowed in the Mayor's Court, as were payable in the Commissioner's Court under and by virtue of the Act made and passed in the Fifth year of the Reign of His late Majesty King George the Fourth, entitled, "An Act relating to the Court of Commissioners at Halifax;" and that all such fees, except the Constables fees, shall be received by the City Clerk, and paid to the City Treasurer, and form part of the funds of the City.

Debts not over £10
to be sued in
Mayor's Court—
Court Fees, &c.

LXVI. *And be it enacted*, That when any person has been heretofore, or hereafter shall be committed to Jail under any Writ of Execution, or Mesne Process, issued by or from the Mayor's Court, the said Court, or the Mayor and any Alderman, or any Two Aldermen, shall and may extend to such person the benefit of the Act made and passed in the Ninth year of Her present Majesty's Reign, entitled, "An Act for relieving Insolvent Debtors from imprisonment, or any other Act to be hereafter passed; by the same ways and means, and in as full and ample a manner as any Judge, Justices, or Commissioners, named in the said Act, are thereby authorised and empowered to proceed.

Relief of Insolvent
Debtors.

LXVII. *And be it enacted*, That the authority of the City Officers, and jurisdiction of the City Courts, shall extend unto and over all acts, matters, and things, civil or criminal, done upon the Harbor of Halifax, and the South-east Passage, and the North-west Arm: *Provided*, such acts, matters, and things, if done within the limits of the City, would be within the authority and jurisdiction of any of the Officers or Courts of the said City; and the Process, civil and criminal, which under this Act, or any other Act, or under any Bye Law or Ordinance of the City, any Court, or any Officer of the said City, herein or hereafter to be appointed, may have power to issue, or execute, shall and may be executed, upon the Harbor of Halifax, the South-east Passage, and the North-west Arm; and for the purposes in this Section mentioned, the Harbor of Halifax shall be considered as extending from Mauger's Beach to Ferguson's Cove, and across the Narrows above the Dock Yard, but not to include McNab's Island, Duggin's Island, or George's Island.

Jurisdiction of Court.

Proviso.

LXVIII. *And it be enacted*, That it shall be lawful for the said Council of the said City, in each and every year, on the Fifteenth day of October, if they shall think fit so to do, to appoint a fit and proper person, not being a Member of the Council, to be the Recorder of the said City, and at their pleasure to remove the present incumbent, or any other that may be appointed, and appoint another in his place—such person so appointed being a Barrister of the Supreme Court of Nova-Scotia of at least Three years standing, whose duty it shall be to afford legal advice and assistance to the Mayor and Council of the City in the performance of their respective offices, and in the business of the Police Court, when occasion shall require such advice therein, to attend all meetings of the City Council, and to assist in hearing and determining cases before the Mayor's Court; and the said Recorder shall receive an annual salary of Two Hundred Pounds from the City Funds: *Provided*, that no person shall have any authority to act or hold the said office until his election and appointment shall be approved by the Governor in the same manner as hereinbefore prescribed in the case of Mayor, and after such approval,

Appointment of Re-
corder.

Proviso.

approval, until he shall have been sworn before the said Governor, or in his absence the Chief Justice, in the same manner as herein directed in the case of the Mayor, faithfully to perform the duties of his office.

Management of Public Property of City vested in Corporation.

LXIX. *And be it enacted,* That from and after the passing of this Act, and so long as the same shall continue and be in force, all the rights and powers heretofore vested in, or which could have been claimed or exercised by the Trustees of Public Property in Halifax, or the Justices of the Peace for the District of Halifax, or any of them in General or Special Sessions, or the Commissioners of Town Property, under the Act passed in the Third year of His late Majesty's Reign, hereinafter mentioned and referred to, or otherwise, or in or by the Grand Jury, in and over the Real Estate, or properties, hereditaments, or appurtenances, or any part thereof, in this section hereinafter mentioned, and the care of managing and leasing the same, or any part thereof, which are now vested in, and were transferred to the said Corporation, and directed to be exercised by the City Council in and by the Fifty-eighth clause or section of the said Act in this Act first mentioned, and hereby repealed, shall continue and remain transferred to the said Corporation, and be exercised by the City Council, and be regulated, directed, and controlled, by the Bye Laws, Ordinances, and Rules, of the said Corporation, heretofore passed, and now in force, or hereafter to be passed under or by virtue of this Act, and shall not be claimed, or in any manner used or exercised by the said Trustees, Justices, Commissioners, or Grand Jury; and hereafter all and singular the lands, tenements, hereditaments, real estate, and property whatsoever, and all houses, buildings, and erections whatsoever, thereon respectively now being, which at any time heretofore have or hath been granted, assigned, purchased, or conveyed, to or by any Body Politic or Corporate, or to any person whomsoever, in trust for the use and benefit of the Town of Halifax, or of the Inhabitants of the Town or Peninsula, or for any public use and purpose within the same, or used or appropriated for any such public purposes; and all lots and parcels of Land originally laid out or allotted, or now held for any such public purpose, or wherein the Town of Halifax, or the Inhabitants, or any Body Politic or Corporate, or other person on behalf of the Town, or for any public use have or hath, or can or may claim any title, interest, right or benefit, at Law or in Equity, (whether such Real Estate and Property was designed for, or is now used as, the sites, or for the purposes of the County Court House, Public Markets, Poor House, Bridewell or House of Correction, Public Landing Places, or Slips, the new Cemetery on the Common, the Common on the Peninsula, or of any other public objects and purposes whatsoever,) and all the Estate, right, title, and interest therein, whether at Law or in Equity, of any Body Politic and Corporate, or Person whomsoever, and the reversions and remainders, rents, issues, profits and advantages thereof, shall continue and remain, and the same are hereby declared to be absolutely vested in and transferred to the said Corporation or City of Halifax, and shall be by the said Corporation or City of Halifax held, used, and occupied, so long as this Act shall remain in force and be in operation, in fee simple, to and for the public and common benefit and uses of the City of Halifax, according to the true intent and meaning of the original grant, purchase, conveyance, or assignment of the same Real Estate or Properties, any of them, or any part thereof whatsoever, and notwithstanding the title, claim, interest and demand of the said Trustees, or Body Politic or Corporate, under and by virtue of the said Act made and passed in the Third Year of the Reign of His late Majesty King William the Fourth, entitled, "An Act for the appointment of Trustees for the Public Property of the Town of Halifax, and for other purposes," and under certain Letters Patent, Deeds and Conveyances, passed and made in pursuance of the said Act, or of any person whomsoever, in, to, or out of the same Real Estate or Properties, or any, or any part thereof, but subject nevertheless to and saving any interest, property, possession

sion or right, which may have been acquired by any Body Politic or Corporate, or any Person; under or by virtue of the several Statutes of Limitations in force in this Province, or any of them, previous to the passing of this Act; and also subject to and saving and reserving to all or any Body Politic or Corporate, or Person whomsoever, all and every charges, incumbrances, claims and demands, whether at Law or in Equity, now subsisting upon or against the said Real Estate or Properties, or any part thereof, and the same, after passing of this Act, shall be and become a charge, claim and demand, upon and against the said Corporation and City of Halifax, its estates, property, and effects whatsoever: *Provided always*, that nothing herein contained shall effect or extend to, or be construed to effect or extend to the Public Penitentiary or Bridewell lately erected within the said City, or the Jail, or any grounds whereon the same respectively may be built, or thereto belonging: *And provided also*, that nothing in this clause contained shall affect Churches or other places of worship; and the ground pertaining thereto, Glebes, School Houses, and the grounds thereto appertaining, and the Burial Grounds heretofore in use in the said Town.

LXX. *And be it enacted*, That all debts heretofore due and owing by the Town of Halifax to any person whomsoever, or to any Body Politic or Corporate, on any account whatsoever; and all debts and sums of money borrowed on behalf of the Town of Halifax, and under or by virtue of any Resolution of any General or Special Sessions of the Peace for the County of Halifax, for the purchase of any such Real Estate, or for any other purpose whatsoever, shall be transferred to and become the debts of the said City, and for the payment of which the Real Estate, and all other funds of the said City shall be held liable: *Provided always*, that nothing herein contained shall affect, or in any wise vacate or alter the provisions contained in the Eleventh clause or proviso of the Act passed in the Second year of the Reign of His late Majesty King William the Fourth, entitled, An Act to authorize the erection of a Public Slaughter House for the use of the Town of Halifax.

LXXI. *And be it enacted*, That if the City Council shall see fit so to do, it shall and may be lawful for the said City Council to call in all certificates heretofore issued by the Commissioners of Streets for the Town of Halifax, under and by virtue of an Act made and passed in the Second year of the Reign of His late Majesty King William the Fourth, entitled, An Act to authorize the Commissioners of Streets at Halifax to borrow money for certain purposes, and to issue new certificates or debentures, for and in lieu of the certificates so heretofore issued and now in existence, in the name of the respective persons holding the present certificates, and payable to such persons respectively, or their endorsees or assigns, which certificates or debentures shall bear interest at a rate to be specified therein, of not more than Six Pounds per centum per annum, and shall be issued under the hands of the Mayor and any two or more Aldermen of the City, and under the City Seal, and countersigned by the Clerk, and shall be as near as may be in the same form, (stating, however, that the sum therein expressed is chargeable generally upon the City of Halifax, and all the funds and property thereof), and shall be registered, and the interest therein be made and expressed to be payable in the same manner as is directed and prescribed in respect to the said certificates issued under the authority of the said Act passed in the said Second Year of His said late Majesty's Reign, in and by that Act.

LXXII. *And be it enacted*, That if any persons holding such existing certificates shall refuse to receive in lieu thereof such new certificates or debentures as aforesaid, then, and in such case, it shall be lawful for the City Council to borrow upon the best terms that can be obtained such sums of money as may suffice to pay off the parties so refusing, and thereupon to issue to the lenders of such money new certificates or debentures for the amount so loaned by them respectively, at such rate of interest, not exceeding six per cent. as aforesaid, as may be agreed upon.

New Certificates to be chargeable on City, &c.

LXXIII. *And be it enacted,* That from and immediately after the issue of such new certificates or debentures, the amounts therein respectively expressed shall be and become chargeable in and upon the City of Halifax—and for the payment thereof all the Real Estate, property and funds of the said City whatsoever, shall be held and deemed liable and bound; and thenceforth all monies arising from compositions for labor on the Highways, or from persons licensed to sell Spirituous Liquors, shall be and become, and be treated and disposed of as part of the general funds of said City—any thing in the said Act passed in the said Second year of His said late Majesty's Reign, or in any other Act, to the contrary notwithstanding.

To be payable in Ten years.

LXXIV. *And be it enacted,* That all such new certificates shall be and shall, on the face thereof, express that they shall be redeemable and payable in Ten years from the respective dates thereof.

Council to assess City, &c.

LXXV. *And be it enacted,* That the said City Council shall have power to assess the City of Halifax, and for all the same specified purposes and objects for which the Grand Jury and Court of Sessions, or either of them, or any Special Sessions, or Justices of the Peace, or the Inhabitants or Freeholders at any Town or Township meeting, or any other persons, before the passing of the Act hereby first mentioned, and hereby repealed, might or could assess or amerce the Town of Halifax by any Law specifying such purposes.

Not to affect Presentment of Sessions and Grand Jury.

LXXVI. *And be it enacted,* That for and notwithstanding any thing in this Act contained, it shall be lawful for the General Sessions and Grand Jury for the County of Halifax to present and confirm all such sums of money necessary to be assessed for the said County, and upon the Inhabitants thereof, under the Acts in force relative to the assessing for County and District Rates, in the same manner as if this Act had not been passed.

Assessment for support of Poor.

LXXVII. *And be it enacted,* That hereafter it shall be lawful for the said City Council, upon the requisition of the Commissioners of the Poor, and without any Town meeting, to direct and order to be assessed upon the Inhabitants of the said City, as hereinafter directed, all such sums of money as may be by the said Commissioners deemed and certified to be necessary and requisite to be assessed upon the said City, for the support of the Poor for every respective year.

Election of City Assessors, &c.

LXXVIII. *And be it enacted,* That the said City Council shall, within Ten days after the passing of this Act, (if not already done,) and at some convenient time in every respective year afterwards, select from and out of the Twelve Assessors already elected, and now in office as by this Act directed, to be elected by the several Wards of the said City, Two persons, who shall have been so elected, who shall be and shall be called and known as City Assessors, and who shall, after notice thereof given to them respectively, be sworn before the Mayor, or some Alderman of such City, to perform their duty as such City Assessors according to the best of their judgment, and to make a fair and impartial assessment of and upon the said City.

Election of Ward Assessors, &c.

LXXIX. *And be it enacted,* That the said Assessors so annually elected by the several Wards of the said City shall, within Fifteen days after notice of their election in every respective year, assemble at the Mayor's office, and then and there, in the presence of the said Mayor, or acting Alderman, proceed to nominate, select, and appoint, by ballot, or otherwise, One Assessor from each of the Wards, to be called and known as Ward Assessors, which said Ward Assessors shall then and there, by the Mayor, or acting Alderman aforesaid, be duly sworn faithfully to perform their duty as such Ward Assessors according to the best of their judgment, and to make a fair and impartial assessment of their respective Wards.

Penalty for refusal to act.

LXXX. *And be it enacted,* That if any Assessor heretofore chosen and selected as a City or Ward Assessor, or any Assessor who shall hereafter be so chosen and

and selected as a City or Ward Assessor, as aforesaid, shall have refused or neglected, or shall refuse or neglect to be sworn into office, as aforesaid, or shall neglect or refuse to perform the duties of his office as hereinafter specified; or any of such duties respectively, such Assessor shall forfeit and pay for every such offence a penalty of Twenty-five Pounds.

LXXXI. *Provided always, and be it enacted,* That if any City or Ward Assessor shall from illness be incapacitated for the performance of his duties, the said City Council shall, out of the Four Assessors so elected, or to be elected by the Wards of the City, who shall not have been chosen as City or Ward Assessors, select and appoint One to supply the place of the City or Ward Assessor so incapacitated as aforesaid, which Assessor, so to be selected and appointed, shall be sworn into office, and perform the several duties hereinbefore required of him upon the pain of forfeiting for any refusal or neglect, either to be sworn into office, or in the performance of his respective duties, the penalty of Twenty-five Pounds.

Proviso on incapacity from illness.

LXXXII. *And be it enacted,* That the said City Assessors shall, upon the order of the City Council, proceed forthwith to make an assessment on the respective Wards of the said City for all sums of money legally authorized and directed to be assessed upon the said City, whether for such City purposes and rates as are mentioned and prescribed in this Act, or for Poor Rates, or for such proportion of County Rates or Taxes as may be chargeable on that part of the County of Halifax contained within the limits of the said City, calling upon, and associating themselves with the Ward Assessors for every respective Ward in rotation, in the making of such assessment.

Duties of Assessors.

LXXXIII. *And be it enacted,* That the assessment for every respective Ward shall be signed by the City Assessors; and by the Ward Assessor for that Ward, or by any two of them, and shall shew distinctly the amount of the assessment made upon each individual, distinguishing the amount assessed for City Rates, Poor Rates, and County Rates, respectively, and that for such service the City Assessors shall each receive and be paid out of the funds of the City Seven Pounds Ten Shillings.

Making of Assessment—Assessors Fees, &c.

LXXXIV. *And be it enacted,* That when and so soon as the said Ward Assessments shall have been so made and returned, the City Assessors shall proceed to make up the Assessment Books, and shall return the assessment for City Rates, and for Poor Rates to the office of the City Clerk, and the assessment for County Rates to the office of the Clerk of the Peace for the County, within Forty-five days, and shall attest to the same before the Mayor or one of the Aldermen; and for such service said City Assessors shall be allowed the further sum of Seven Pounds Ten Shillings.

Assessment Books—return of Assessment, &c.

LXXXV. *And be it enacted,* That it shall be lawful for the said City Council to appoint and regulate the manner and times of making assessments for the said City, of the notices of, and appeals from the same, of the collections and returns touching and relating thereto, and of all matters and things for the better and more orderly collection of Assessments.

Manner and time of making Assessment, &c.

LXXXVI. *And be it enacted,* That the said Assessors shall assess the sums to be borne and assessed by and upon the inhabitants of the respective Wards of the said City, as well for City Rates as for Poor and County Rates, in the most just and equal manner such Assessors can devise, by an equal Pound Rate upon the value of the Real Estate whereof such inhabitants shall respectively be in the occupation and possession, regard being had to the rental of such Real Estate as hereinafter mentioned; and further, upon such inhabitants, according to the ability or capacity of every respective inhabitant, to pay and contribute towards such assessment, to be computed upon and in respect of the personal property and effects hereinafter particularly specified and mentioned.

Assessment to be made for City, Poor and County Rates, &c.

LXXXVII. *And be it enacted,* That in making the assessment on Real Estate,

tate,

Computation of value
of Real Estate.

tate, the said Assessors shall, for settling the value of such Real Estate, first ascertain by the best method and means in their power, either from the rents then actually paid for such Real Estate, or otherwise, when necessary, what is, or would be, the fair bona fide annual rent for such Real Estate, and shall then compute the value of such Real Estate, in all cases, by reference to such rent, calculating such rent as equivalent to ten per cent.; or one-tenth of the whole value.

Computation of
ability.

LXXXVIII. *And be it enacted,* That the ability or capacity of every respective inhabitant hereinbefore mentioned, shall be computed for, upon, and in respect of his personal property and Estate, which, for that purpose, shall include and consist of, and shall be deemed and construed to include and consist of, all Goods, Chattels, moveable effects, and monies owned by such inhabitant, and situate and being within the City; all ships or vessels, whether at home or abroad, or any parts or shares thereof, owned by such inhabitant, deducting Ten per cent. from the value of such ships or vessels, or shares thereof; and all Bank Stock; all monies invested in the Public Stocks of this Province; the interest accruing from monies invested within the City on Mortgage, and all profits, salaries, or emoluments, arising or accruing from any profession, office, or employment whatsoever, amounting to the sum of One Hundred and Fifty Pounds or upwards, per annum: *Provided always,* that no such inhabitant shall be assessed in respect of his personal property or Estate, unless the same shall exceed Fifty Pounds in value; and where the value of the personal property and Estate of any inhabitant, or the aforesaid profits, salary, or emolument of any inhabitant, cannot be otherwise ascertained by the Assessors, such inhabitant may be required by them to make a declaration thereof before the Mayor, or one of the Aldermen of the City, in order to assist them in forming their judgment thereon without the same being held conclusive; and in case of neglect or refusal to make such declaration, after the party has been required so to do, then, and in such case, the Assessors shall ascertain and assess the value of such personal property and Estate, and the amount of such profit, salary, or emoluments, as aforesaid, according to their best discretion and ability.

Proviso.

Assessment how to
be enforced.

LXXXIX. *And be it enacted,* That upon the refusal or neglect of any person to pay the amount of the assessment so to be made upon such person, it shall be lawful to levy for that sum on the personal property of the party so neglecting or refusing to pay; and in case no personal property of such party can be found on which to levy, he shall be liable to be committed to the County Gaol till the amount of such assessment be paid: *Provided always,* that every such person so committed to Gaol shall be entitled to all the benefit of the Acts now or hereafter to be in force relating to Insolvent Debtors, in the same manner as in ordinary cases of debts of the like amount.

Proviso.

Form of Warrant.

XC. *And be it enacted,* That the Warrant to be issued against the property or person of any party, shall be issued by the City Treasurer, and shall be in the form following, that is to say:

City of Halifax.

To or any of the Constables of the City of Halifax:

Whereas, in and by a Rate of Assessment allowed and published according to the Statute in that case made and provided, A. B. of Halifax, was duly rated and assessed for the present year for City, County, and Poor Rates, and Assessment, the sum of Pounds: And whereas, the said A. B. was duly notified of the said Rates and Assessment, and of the said amount thereof, and required to pay the same, and had due opportunity afforded to appeal against the same according to Law: And whereas, the said Rates and Assessments have (or have not, as the case may be,) been appealed against, and now stand at the sum of in the whole: And whereas, the said A. B. has been duly notified and summoned to pay the last mentioned amount, or that otherwise a Warrant would be issued for collection of the same, with the addition of ten per cent. on the amount thereof, agreeably to Law;

Law;

Law, but hath neglected to pay the same, or any part thereof, and the same, with the addition of ten. per cent., amounts to _____ which the said A. B. is liable to pay, by virtue of the Act of Assembly in such case made. These, therefore, are to require you forthwith to make distress of the Goods and Chattels of the said A. B. for that amount; and if within the space of seven days after such distress by you taken, the said sum last mentioned, together with the reasonable charges for taking and keeping the said distress, not exceeding Three Shillings per day, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and out of the money arising by such sale, that you detain and pay to me the said sum of _____ and also detain your reasonable charges, not exceeding as aforesaid, of taking, keeping, and selling the said distress, rendering to him, the said A. B., the overplus; and in case no personal property of the said A. B. can be found on which to levy, you are hereby required to commit the said A. B. to Gaol, at Halifax, there to remain till _____ pay the said sum of _____ with your fees, as aforesaid, or be otherwise discharged by due course of Law. Given under my hand and seal this _____ day of _____ 18 _____

City Treasurer."

Assessment on Banking, Insurance Companies, &c.

XCII. And be it enacted, That the Assessors in making an assessment upon any public or private Banking Company, or any Water, Gas, or Fire, or Marine, or Life Insurance Company, or Association, or Joint Stock Company, or Body Politic or Corporate, whether they or any of them shall carry on business as a Co-partnership, or shall be established in this Province by any Statute made therein, or shall be established in any place out of Nova-Scotia, and shall transact their business by any President, Secretary, Manager, Cashier, Agent, or any other Servant or Agent, by whatsoever name or title he may be called or known, as to the amount to be taxed or assessed upon such Banking Company, or Water, Gas, or Fire, or Marine, or Life Insurance Company, or Association, or Joint Stock Company, or Body Politic or Corporate, for the ability or capacity thereof, to pay and contribute towards any City, County, or Poor Rates, or assessments, beyond the Real Estate they shall respectively occupy and possess, shall have regard alone to the amount of the net profits or income derived by such Banking Company, or Water, Gas, or Fire, or Marine, or Life Insurance Company, or Association, or Joint Stock Company, or Body Politic or Corporate—and such net profits or income, where the same cannot be otherwise ascertained by the Assessors, shall be declared by the President of the Banking Company, or Water, Gas, or Fire, or Marine, or Life Insurance Company, or Association, or Joint Stock Company, or Body Politic or Corporate, or by the Manager, Secretary, Cashier, or Agent, or other the principal Officer conducting the business thereof within the City of Halifax—such declaration to be made before the Mayor, or one of the Aldermen of the said City; and in case of neglect or refusal to make such declaration after the party has been lawfully required so to do, then, and in such case the Assessors shall ascertain and assess the amount of such net profits or income according to their best discretion and ability.

Warrant to enforce payment thereof.

XCIII. And be it enacted, That if any such Company, or Association, or Body Politic or Corporate, shall neglect or refuse to pay the amount so assessed, the City Treasurer shall issue a Warrant for the levying and collecting the amount of such assessment in the form following, that is to say :

" City of Halifax.

Form.

To _____ or any of the Constables of the City of Halifax :

Whereas, in and by a rate of assessment allowed and published according to the Statutes in that case made and provided _____ of Halifax, was duly rated and assessed for the present year, for City, County, and Poor Rates, and Assessments, the sum of _____ And whereas, the said _____ was duly notified of the said rates and assessments, and of the said amount

amount thereof, and required to pay the same; and had due opportunity afforded to appeal against the same according to Law : And whereas, the said rates and assessments have, (or have not, as the case may be), been appealed against, and now stand at the sum of _____ in the whole : And whereas, the said

_____ has been duly notified and summoned to pay the last mentioned amount, or that otherwise a Warrant would be issued for the collection of the same, with the addition of Ten per cent. on the amount thereof, agreeably to Law, but hath neglected to pay the same, or any part thereof, and the same with the addition of Ten per cent. amounts to _____ which the said _____ is liable to pay by virtue of the

Act of Assembly in such case made : These therefore are to require you forthwith to make distress of the Goods and Chattels of the said _____ for that amount ; and if within the space of Seven days after such distress by you taken, the said sum last mentioned, together with reasonable charges for taking and keeping the said distress, not exceeding Three Shillings per day, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and out of the money arising by such sale, that you detain and pay to me the said sum of _____ and also detain your reasonable charges, not exceeding as aforesaid, of taking, and keeping, and selling the said distress, rendering to the said _____ the overplus. Given under my hand and seal this

day of _____

18 _____

City Treasurer."

Warrant to be levied on Goods of Company—recovery by suit, &c.

XCIII. *And be it enacted,* That the person or Constable to whom such Warrant shall be directed, shall levy the same upon the Goods, Chattels, and Furniture, of any such Company and Association ; and in case sufficient Goods, Chattels, or Furniture, to satisfy the full amount of such Warrant shall not be produced and pointed out to the Officer of the said Treasurer having the execution of the said Warrant, all sums of money so assessed and due, after the time of appeal shall be expired, shall be recoverable, with the costs incurred, in the name of the City of Halifax, against any of the said Banks, Fire or Marine Assurance Associations, or Joint Stock Companies, in the same manner as debts are now recoverable from any of the said Banks, Fire or Marine Association, or Joint Stock Companies respectively ; and suits for the recovery thereof, whether at Law or in Equity, may be commenced and prosecuted, where necessary, against any Association or Joint Stock Company, whether incorporated or not incorporated, doing business in the said City by means of any agent as aforesaid, in manner provided in and by a certain Act passed in the Fifth year of the Reign of his late Majesty King William the Fourth, entitled, ' An Act concerning suits against Foreign Bodies Politic or Corporate, and to repeal the Acts now in force.'

Appeal to City Council

XCIV. *Provided always, and be it enacted,* That any person, or any such Company or Association, or Body Politic or Corporate, complaining of being over-rated or over-assessed, may appeal to the City Council, and it shall be lawful for the City Council, or those of them appointed to hear such appeals as aforesaid, to adjust such assessment as they may, under all the circumstances, deem proper and just, either by reducing the amount, or by confirming the same ; and in case of reduction the reduced amount only shall be claimed, levied, and collected.

And whereas, it may so happen that persons shall be liable to assessments in different sections of the said City, and doubt and dissatisfaction may arise as to the just amount of his ability or capacity :

Assessment of persons rateable in different parts of City

XCIV. *Be it therefore enacted,* That any person who is so rateable in different portions of the said City, shall not be assessed for his ability or capacity until the assessment for his Real Estate shall first be completed ; and he shall only be assessed once in each general assessment for his ability or capacity, unless the same shall arise through or by his being a shareholder in some or one of the said Banking,

ing, Fire, or Marine Assurance Associations, or Joint Stock Companies—in which case such assessment shall be adjusted in manner and form aforesaid by the City Council, or the parties to be appointed as aforesaid.

XCVI. *Provided always, and be it enacted,* That in making such assessment for and in respect of the ability or capacity of any person as aforesaid, the Assessors shall set down in writing, opposite to and against the name of such person, the personal property whereon such ability or capacity shall be by them computed as aforesaid, distinguishing the respective descriptions of personal property hereinbefore enumerated, with the values of each description respectively, whereon such person shall be assessed by them the said Assessors in respect to his ability or capacity, so that in the said assessment it may distinctly appear to each person so assessed upon what particular description or descriptions of personal property hereinbefore mentioned and enumerated, and upon what amount and value of each particular description such person shall have been or may be assessed, for or in respect of his ability or capacity as aforesaid. Proviso.

XCVII. *And be it enacted,* That it shall be lawful for the said City Council, at any meeting of the said City Council composed of not less than two-thirds of the Members thereof, to make such Bye Laws, Orders, and Regulations, as to them shall seem meet, for the protection of the property and inhabitants of the said City of Halifax, by lighting the said City, and by establishing a sufficient watch at night, and to make such Rules, Regulations, and Orders, for the lighting and watering of the said City, and for the due forming, establishing, conducting, and governing of the said watch, as they may deem expedient, and to impose a fine not exceeding Twenty Shillings, on any person who shall transgress any of the Bye Laws, Ordinances, and Regulations, so made by the City Council as aforesaid: *Provided always,* that a copy of such Bye Laws, Orders, or Regulations, to be made by virtue of this Act, shall be transmitted with all convenient speed after the making thereof, to the Governor, and shall be approved as hereinbefore provided: *And provided also,* that the Bye Laws, Rules, Orders, or Regulations, heretofore made and now in force, respecting a Night Watch, shall not be, and shall not be deemed to be, in any wise avoided or affected hereby. Lighting and Watering City—establishment of Watch, &c.

XCVIII. *And be it enacted,* That every person appointed to watch by such Bye Laws; Orders, or Regulations, heretofore made, or hereafter to be made and approved as aforesaid, shall, during all the time he shall be so appointed, possess all the powers and authority of a Constable; and all opposition and resistance offered to any person so appointed during the time he shall be in the execution of his duty as a Watchman, shall be prosecuted and punished as offences committed against Constables in the execution of their office. Proviso.

XCIX. *And be it enacted,* That all such sums of money as may be necessary for lighting and watering the said City, and for establishing and supporting the said Watch, shall be paid out of the general funds of the City; and the amount necessary therefor shall be included in the general assessment, and levied and collected as part thereof. Authority of Watchmen, &c.

C. *And be it enacted,* That the said Mayor, and a majority of the Aldermen, shall have full power to grant Licenses to Innholders, Victuallers, Retailers and Confectioners, within the said City; and also Licenses for the sale of Liquors of any kind, in all cases wherein the Court of Sessions for the County of Halifax, on the recommendation of the Grand Jury, or otherwise, or any Special Sessions, or any Justices of the Peace have heretofore been authorized to grant Licenses for any such purposes; and in granting such Licenses it shall be lawful for the Mayor and Aldermen to annex thereto, such reasonable conditions in regard to time and place, and other circumstances under which such License shall be acted upon, as in their judgment, the peace, quiet, and good order of the City may require; and also to take Bonds of all persons so licensed, in reasonable sums, and with sufficient Expenses of Lighting and Watering City.

Granting of Licenses—Regulations relative thereto—Penalties—Clerks Fees, &c.

cient sureties, to be approved by the said Mayor and Aldermen, conditioned for a faithful compliance with the terms of their said Licenses, and of all Laws and Regulations respecting such Licenses ; and the said Mayor and Aldermen, after the granting of any such License, shall have power to revoke or suspend the same, if, in their judgment, the order and welfare of the said City require it ; and any person who shall presume to pursue either of the said employments within said City, without having first obtained a License therefor, or in any manner contrary to the terms of the said License, or after the same shall have been revoked or suspended, such person shall be liable to the same penalties and forfeitures, and be prosecuted in the same manner as now by Law provided in case of exercising either of the said employments without the License now by Law required, and shall also be taken and deemed to have forfeited their Bonds respectively given as aforesaid, upon which, Suits may be instituted against such Licensed persons, or their sureties, at the discretion of the said Mayor and Aldermen, and in such manner as they may direct, for the purpose of enforcing such forfeitures ; and all Innholders, Retailers, Confectioners, Victuallers, and all other licensed persons, under or in pursuance of this Act, shall be liable for, and pay the same License duty now imposed by Law, or which may hereafter be imposed, to the Clerk of the License of the said City, in the same way and manner as the same was by Law required to be paid to the Clerk of the License of the Town of Halifax, or other person authorized to receive the same ; and the said Clerk of the License for the City shall exercise all the powers and authority and duties heretofore vested by Law in the Clerk of the License for the Town of Halifax, and shall be entitled to all the fees heretofore payable to that Officer ; and the License granted, and the Bonds to be taken under this Act, shall be in the same form as is prescribed and appointed under the Act passed in the Second Year of the Reign of His late Majesty King William the Fourth, entitled, " An Act concerning persons Licensed to keep Public Houses or Shops, and the duties thereon," with such alterations as may be found necessary to suit the circumstances of the said Corporation, and shall be signed by the Clerk of the License of the City, and approved of by the Mayor ; and the City Clerk of the License shall keep a correct List of the Licenses granted in every year, with the names, additions, and residences of the parties Licensed, and also of their sureties, and the amounts of the License duty payable on every such License, and shall return to the Mayor once in every quarter the sums of money due and in arrears for License duty ; and all arrears of License duty shall be recovered in the Mayor's Court in the name of the City of Halifax, with costs of Suit, by the usual process as in Civil Suits ; and once in every quarter the said Clerk of License shall pay over to the City Treasurer the amount of License duty, and shall produce and file in the City Court a particular account of the monies received by him in every quarter for such License duty, and also the receipt of the City Treasurer for the same ; and all penalties incurred and recovered for breach of any part of the License Laws, or of the Bye Laws or Ordinances of the City, made in reference thereto, shall be recovered before the Mayor's Court, and shall be paid and applied, one half to the person who shall inform or sue for the same, and the remainder to the City Clerk of License, to be by him accounted for, and paid over to the City Treasurer ; and all monies raised and paid, under and by virtue of this Act, shall be paid and applied by the City Treasurer, in the manner, and for the services now prescribed by Law, or by this Act prescribed, for the appropriation of the License duty raised in the Town of Halifax : *Provided always*, that the City Clerk of License shall be entitled to the commission heretofore allowed by Law to the Clerk of the License : *Provided*, that he shall not in any one year receive, together with his fees for such commissions, a larger amount than One Hundred and Fifty Pounds, both for his fees on Licenses, and his said commissions, and the balance, if any, arising from such commissions and fees, shall be paid in to the City Treasurer.

CI. And be it enacted, That in any case where judgment shall be given against any person selling Liquors without Licence, and such person shall consider himself aggrieved by such judgment, it shall be lawful for him to appeal from such judgment to the Supreme Court at its next Term—the said person so appealing having first filed a recognizance taken as hereinbefore provided, with Two sufficient sureties, to respond the judgment of the said Supreme Court, in case the said judgment should be confirmed. Appeal to Supreme Court.

CII. And be it enacted, That the Mayor shall have power to license all Theatrical Exhibitions, and all Public Shows, and all Exhibitions of whatever name or nature, to which admission is obtained on payment of money, on such terms and conditions as to him may seem just and reasonable, and to regulate the same, from time to time, in such manner as to him may appear necessary to preserve order and decorum, and to prevent the interruption of peace and quiet; and any person who shall set forth, establish, or promote, any such Exhibition or Show, or publish, or advertise the same, or otherwise aid or assist therein without a License so obtained as aforesaid, or contrary to the terms or condition of such License, or whilst the same is suspended, or after the same is revoked by said Mayor, shall be liable to such forfeitures as the City Council may, by any Bye Law made for that purpose, prescribe: *Provided always,* that the person obtaining such License shall pay therefor such fee or sum of money as shall be prescribed by any Bye Law or Ordinance of the said City; and that it shall be at all times optional with the said Mayor either to grant or refuse such License. Theatrical Exhibitions, &c. to be licensed and regulated by Mayor.

CIII. And be it enacted, That all Licenses not hereinbefore provided for, which were heretofore by Law required, or appointed to be granted for any purposes within the Town of Halifax, shall be granted by the Mayor and any two Aldermen of the said City; and the duties and fees thereupon payable shall be paid unto the City Treasurer, and by him appropriated as by Law directed—and in all cases where the same or any part thereof shall not be specially appropriated, the same shall form part of the City Funds. Proviso.

CIV. And be it enacted, That hereafter no person shall keep or drive in the said City of Halifax, or in or upon any of the Streets or Lanes thereof, any Carriage, Waggon, Gig, Chaise, Sleigh, or Conveyance, for the carriage of passengers for hire, or to ply, or intended to ply, as a Hackney Carriage, Cab, or Omnibus, in, through, and upon the Streets or Lanes of the said City, or any of them respectively, unless such person shall first have obtained a License for such purpose from the Mayor, and some Two Aldermen of the said City, under a penalty of Twenty Shillings for every offence; and the carriage of every respective passenger to be deemed and adjudged a separate offence, and punished accordingly. Granting of Licenses not herein provided for—Fees thereon, &c.

CV. And be it enacted, That the said City Council shall have power and authority by any Bye Laws or Ordinances, to regulate the keeping, driving, plying, and general conduct of all such Carriages, Waggon, Gigs, Chaises, Sleighs, or Conveyances, for carrying passengers for hire, or plying, or intended to ply, as Hackney Carriages, Cabs, or Omnibuses, in, upon, and through the Streets or Lanes of the said City, and the fares and prices to be charged and taken by the keepers, owners, or drivers thereof, and to impose any fine or penalty for breach of any regulation in such Bye Laws or Ordinances contained, not exceeding Five Pounds, or any imprisonment not exceeding Thirty days. Hackney Carriages, &c. to be licensed.

CVI. And be it enacted, That the said City Council shall, within one month after the passing of this Act, and thereafter annually, as soon after the Third day of October in each year as may be, nominate and appoint two fit and proper persons from and out of the inhabitants of every respective Ward of the said City, who shall be qualified, by being respectively sworn to the faithful performance of their duties before the Mayor or one of the Aldermen of the said City within four days after notice from the City Clerk of the appointments, and shall, with the Mayor Penalty.

Regulation of Hackney Carriages, &c.—Fares & Prices.

Nomination of Board of Health—Powers, duties, &c..

Mayor and Aldermen of the said City for the time being, constitute and form the Board of Health for the City and Harbor of Halifax, and its out-harbors and precincts; and that all the powers, authorities, and duties, vested, imposed, or confined, in and upon the Board of Health for the Town of Halifax by the several Acts of this Province heretofore in such case made and provided, and now in force, shall hereafter be and become vested, imposed, and confined, in and upon the said Mayor and Aldermen, with such respective persons to be by the City Council nominated and appointed as aforesaid.

Proviso.

CVII. *Provided always, and be it enacted,* That no act, order, or proceeding, of the said Board of Health hereby constituted shall be illegal, or be deemed or held illegal or insufficient by reason of the absence, neglect, or refusal to act, of any Member thereof; but any act, order, or proceeding, of such Board shall be deemed and held legal and sufficient, notwithstanding the absence, neglect, or refusal to act, of any Member thereof, so that the majority of the Aldermen of the said City shall have been present at the passing or making of the said act, order, or proceeding, of the said Board of Health.

Appointments of Fire Wards and Fire Constables—Management of Engine Men and Axe Company, &c. &c.

CVIII. *And be it enacted,* That the said City Council shall elect or appoint Three Firewards and Six Fire Constables for each Ward of the said City, who shall exercise all the power and authority now vested by Law in the Firewards and Constables of the City of Halifax; and that the said Constables, whenever a Fire shall occur, shall attend with their staves upon, and be under the direction of, the Firewards of the Ward to which they belong; and that the said City Council shall have power to make all such Bye Laws and Ordinances, as shall be necessary to prevent the occurrence, increase, or spreading of Fires in the said City, and shall have the management and control of the Engine Men and Axe Company, and may from time to time make all such Bye Laws and Ordinances as they may deem necessary, as regards increasing or diminishing of the number thereof, or for the regulation thereof, as they shall see fit.

Penalty for refusal to act as Fire Ward, Fire Constable, or Board of Health.

CIX. *And be it enacted,* That it shall be lawful for the City Council to impose a fine not exceeding Five Pounds on any Fireward or Fire Constable, or person appointed to the Board of Health, or any other Officer nominated or elected by the said City Council, upon whom no specific fine is by this Act imposed, who shall refuse or neglect the duties of such office, or shall refuse to qualify himself for the same, agreeably to this Act: *Provided always,* that no such Officer shall be obliged to serve more than one year in succession, or shall be liable to any fine for not serving for a period of Five years, after he has so served or paid such fine.

Proviso.

Regulation of Streets, Lanes, Alleys, &c.

CX. *And be it enacted,* That the City Council shall have the exclusive power to regulate, repair, amend, and clean, the Streets, Lanes, and Alleys, of the said City, and of putting drains and sewers therein, and to prevent the encumbering of the same in any manner, and to protect the same from encroachment and injury by such Bye Laws and Ordinances as they may from time to time pass for that purpose.

And whereas, the practice of sending substitutes to perform Statute Labor is attended with much inconvenience, and is found to be prejudicial to the interests of the said City:

Amount to be paid in lieu of performance of Statute Labor.

CXI. *Be it therefore enacted,* That hereafter Statute Labor in the said City shall be performed by the person himself notified to perform the same, or by his hired yearly or monthly servant, to be approved of by the Overseer; and in case the Statute Labor be not performed by the party in person, or by his hired yearly or monthly servant, duly approved of by the Overseer, then the sum of Three Shillings per day, for every day's labor such person shall be bound to perform, shall be paid to the collector of the Road Tax within Ten days after he shall be notified to perform such Statute Labor.

CXII. *And be it enacted,* That the said City Council shall, for the future, have the

the sole control and management of the Common belonging to the said Town, subject nevertheless to the rights and privileges of Her Majesty the Queen retained therein, and to the estate, right, title, interest, and property, legally acquired by any other person therein, or in any part thereof; and that the said City Council shall have, use, possess, and enjoy, in and over the same, and every part thereof, all the powers and authority heretofore possessed and enjoyed by any former Commissioners thereof, for the due regulation, management, and control of the same, or vested in such Commissioners for any purpose whatever.

City Council to have sole management of Common.

CXIII. *And be it enacted,* That the said City Council shall, for the future, have the sole control and management of the Public Cemetery now belonging to, or which hereafter may be appointed for the said City; and that the said City Council shall use, possess, and enjoy, in and over the same, all the powers and authority heretofore possessed and enjoyed by the present or any former Commissioners thereof, for the due regulation, management, and control of the same, or vested in them for any purpose whatever.

To have sole management of Public Cemetery.

CXIV. *And be it enacted,* That the appointment of all Officers of, or pertaining to, the said City, who were formerly nominated by the Grand Jury, and appointed by the Court of Sessions in pursuance of the several Provincial Statutes in such case made and provided, shall be vested in the City Council, and the persons so by them appointed shall have and exercise all the power and authority which could have been enjoyed by the said Officers respectively, under the former mode of appointment: *Provided always,* that the said City Council shall exercise and enjoy full power and authority from time to time to decide upon the expediency of filling up any such office, and to prescribe the duties of all such Officers, and to fix the rate of compensation to be paid to, or received by, each of them respectively, as they may see fit; and that nothing in this section contained shall be construed to abridge the authority which, by virtue hereof, the City Council would otherwise possess over the said offices, or their respective Officers.

To appoint City Officers formerly nominated by Grand Jury.

Proviso.

CXV. *And be it enacted,* That all and every the powers and authority which at the time of the passing of the Act herein first mentioned, and hereby repealed, could by Law be exercised in and over the Town of Halifax, and the government or management thereof, or its local or municipal concerns, by the Grand Jury and Court of Sessions, or either of them, shall be vested in, and exercised by, the said City Council, as fully as if herein particularly specified; and the Grand Jury and Court of Sessions, or either of them, or any Special Sessions or Justices of the Peace shall not, so long as this Act shall be in force, exercise any of the powers or authorities heretofore by Law granted to, or inherent in them, which by the said Act hereby repealed were, and by this Act are transferred and granted to the City Council.

To exercise all powers over City heretofore belonging to Grand Jury and Court of Sessions.

CXVI. *And be it enacted,* That from and after the passing of this Act, the Justices and Clerk of the Police Court for the Town of Halifax, the Commissioners of the Common, the Commissioners of the Public Cemetery, the Board of Health for the Town of Halifax, the Commissioners Court for the Town of Halifax, the Clerk or Officers thereof; the Town Treasurer, so far as relates to the receipt or collection of any taxes raised, or to be raised and collected within the limits of the City; the Commissioners of the Streets; the Firewards of the Town of Halifax, and all other Officers whose powers and authority were under and by virtue of the said Act hereby repealed, transferred to the City of Halifax, or to any of the several Officers to be appointed thereunder, and are hereby continued so transferred, shall not, so long as this Act shall continue and be in force, exercise any of the powers and authorities heretofore by Law granted to or inherent in them, which were by the said Act, or are by this Act, transferred and granted to the City Council or the Officers of the said City as aforesaid.

Justices of Police Court—Commissioners of Common, &c. for Town not to act during continuance of Act.

CXVII. *And be it enacted,* That the Commissioners of the Poor shall once in every

Commissioners of
Poor to file Ac-
counts with City
Clerk, &c. &c.

every year at least, not later than the Fifteenth day of December, render to and file in the office of the City Clerk, an account of all monies received and expended by them, which Accounts shall be examined and audited by the City Council, in the manner hereinbefore prescribed for the passing of Accounts, and subject to such Bye Laws and Regulations as may be made relative thereto.

Accountability of
Officers, &c. act-
ing under Corpo-
ration, Public in-
spection of Ac-
counts of Corpo-
ration, &c. &c.

CXVIII. *And be it enacted,* That all Boards, Commissioners, and Officers, appointed to act under the authority of the said Corporation, and entrusted with the collection and expenditure of any public money, shall be accountable therefor to the said Corporation in such manner as may be ordained and directed by the Bye Laws and Ordinances of the said City; and that the Books of Account of said Corporation, showing the amount, particulars, state, and circumstances, and also the receipts and expenditures of, and on account of, the property, funds, taxes, effects, and fees, belonging and accruing, or payable to the said Corporation, or any of its Officers, shall be deposited and kept in the office of the City Clerk, and shall be there open and exhibited on the first Monday of every month, from the hours of Ten o'clock in the forenoon to Four o'clock in the afternoon, for inspection and examination by every elector of the City who may on that day apply to see and inspect the same.

Publication of Ac-
counts.

CXIX. *And be it enacted,* That the said City Council, after the Accounts of the said City and Corporation shall be checked, audited, discussed, and approved by the said Council, shall cause the same to be published in detail, countersigned by the Mayor and City Clerk, in such way and manner as may appear the best adapted to make generally known the said Accounts.

Not to repeal juris-
diction of Quarter
Sessions, Special
Sessions, &c. &c.

CXX. *And be it enacted,* That nothing herein contained shall repeal or vacate, or shall be construed to repeal or vacate, the Jurisdiction or Sittings of the Court of Quarter Sessions, or of any Special Sessions of the Peace, or of any Justices of the Peace, or of the Grand Jury, as the Grand Inquest of the County, within the said City, in matters of criminal nature, and not affecting the fiscal, prudential, or municipal affairs of the said City, which are not hereby transferred or granted to the said Corporation, or some of its Officers.

Competency as wit-
ness of Citizen or
Officer of City.

CXXI. *And be it enacted,* That in Actions, Suits, Indictments, Informations, or Prosecutions, whatever, Civil or Criminal, at Law or Equity, or otherwise, in which the said City or Corporation shall be a party concerned, it shall not be received or allowed as an objection to the competency of any witness that he is a citizen or officer of the said City or Corporation, but such objection shall go to the credit only; nor shall any such objection be allowed in any such case as aforesaid against any person as a Juror therein.

Assessments to be
chargeable with
debts of Town and
City of Halifax,
&c. &c.

CXXII. *Provided always, and be it enacted,* That all and every the public monies raised or to be raised by assessment as aforesaid, and all monies due and payable as aforesaid, as well as all other monies hereafter to be raised by and under the authority of this Act, shall be charged and chargeable with the debts which heretofore have been legally contracted by the Authorities of the Town of Halifax, or the said City of Halifax, and remain due and unpaid, and with the debts and sums of money which heretofore have been or may be incurred and become payable, from and out of the public monies raised or to be raised for public uses within and for the said Town of Halifax, or the said City of Halifax, or either of them, under the provision of Law in this behalf made, or by or under the authority of the Justices of the Peace for the County of Halifax, or any of them, or by or under the authority of the Acts hereby repealed, or either of them; and all such debts and sums of money shall be payable from and out of the monies aforesaid, except as hereinbefore excepted.

Council not to bor-
row money on cre-
dit of City.

CXXIII. *And be it enacted,* That it shall not be lawful for the said City Council to borrow, on the credit of the said City, any sum of money whatever, unless as is herein otherwise particularly provided.

CXXIV.

CXXIV. *And be it enacted,* That the Members of the said City Council, and two Supervisors of Streets, to be appointed by the Commissioners of Streets, shall be exempt from serving on any Jury within the said City.

Members of Council and Supervisors of Streets exempt from Jury service.

CXXV. *And be it enacted,* That the following persons shall be entitled to, and shall receive from and out of the funds and monies from time to time to be in the hands of the City Treasurer, of and belonging to the said City, and of and from and chargeable on the said City, during their respective lives, if this Act shall so long continue in force and be in operation, the pensions following, for and in lieu of the salaries and emoluments of the respective offices hereinafter mentioned, formerly held by them, that is to say :

Pensions to former Officers.

John Liddell, Esquire, the sum of Two Hundred and Fifty Pounds per annum, in lieu of his salary and emoluments as Police Magistrate.

J. Liddell £250 per annum.

David Shaw Clarke, Esquire, the sum of Three Hundred Pounds per annum, in lieu of his salary and emolument as Clerk of the Police.

D. S. Clarke £300 per annum.

CXXVI. *And be it enacted,* That it shall be lawful for any person holding the office of Alderman or City Councillor, to resign his said office at any time by a declaration to that effect under his hand—and thereupon, if the person so having resigned his office shall be an Alderman, a Councillor shall be elected in the manner hereinbefore provided, for the Ward for which such Alderman was elected ; and after the return of such Councillor, an Alderman shall be elected by the City Council in manner also hereinbefore provided, and shall take the place of the Alderman so having resigned his office ; and if the person so having resigned his office shall be a Councillor, then a Councillor shall be elected in manner aforesaid, for the Ward for which the Councillor so having resigned his office was elected : *Provided always,* that any person so resigning the office of Alderman or City Councillor, shall forfeit and pay a fine or penalty of Twenty-five Pounds.

Resignation of Alderman or Councillor.

Proviso.

CXXVII. *And be it enacted,* That if any person holding the office of Alderman, or City Councillor, shall be appointed to, and shall accept any office, place, or situation, the person holding which is by this Act declared incapable of being appointed or elected a Councillor of the said City, then, and in every such case, the person so appointed to, and accepting such office, place, or situation, shall be, and be deemed disqualified from further acting as, or holding the office of Alderman or City Councillor, and a new Election shall be had for another Councillor in his place, in the same manner as hereinbefore prescribed and directed in the case of the resignation by an Alderman or City Councillor of his said office.

Disqualification of Alderman or Councillor.

CXXVIII. *And be it enacted,* That if any person holding the office of Alderman or City Councillor shall be elected or appointed to, and shall accept of, any office, place, or situation, which would under this Act exempt any person holding the same from serving as a City Councillor when thereto first elected, it shall and may be lawful for such person, if he shall see fit, by a declaration under his hand to that effect, to resign his office of Alderman or City Councillor without being liable to, or paying any fine or penalty—and in any such case, a new Election shall take place in the manner hereinbefore provided in and for other cases of resignation.

Resignation of Alderman or Councillor on election to office exempting from service.

CXXIX. *And be it enacted,* That all fines and penalties imposed by this Act, of upwards of Ten Pounds, and for the recovery whereof no provision is made by this Act, shall and may be sued for and recovered by Action of Debt in the Supreme Court, in the name of the City of Halifax.

Recovery of Fines and Penalties over £10.

CXXX. *And be it enacted,* That all fines and penalties amounting respectively to Ten Pounds, or below that sum, by this Act, or by any Bye Law or Ordinance of the City Council now in force, or hereafter to be passed, as hereinbefore provided imposed, or to be imposed, and for the recovery whereof no provision is made by this Act, shall be sued for and recovered in the name of the City of Halifax before the Mayor's Court, in the same manner, and by the same way and means,

Recovery of Fines and Penalties not over £10.

means, and with the like right of appeal, as any debts can be collected, sued for, and recovered in the said Court.

Defendant entitled to benefit of Insolvent Acts.

Proviso.

CXXXI. *Provided always, and be it enacted,* That in every such Suit, whether in the Supreme Court, or in the Mayor's Court, the Defendant shall be entitled to the benefit of the Acts of this Province, from time to time in force, for the relief of Insolvent Debtors: *Provided also, however,* that when in and by this Act any period of imprisonment is limited, prescribed, and specified, or may be ordered or directed upon non-payment of any such fine or penalty, the Defendant shall not be entitled to his discharge from imprisonment until such period so limited, prescribed, and specified, or ordered and directed, shall have elapsed.

Application of Fines and Penalties.

CXXXII. *And be it enacted,* That all fines and penalties by this Act, or any such Bye Law or Ordinance as aforesaid, imposed, or to be imposed, which shall be received or recovered as aforesaid, and for the application whereof, provision is not by this Act, or by some other Act otherwise made, shall be paid over to the City Treasurer, and be and become, and form part and portion of the general Funds and Revenues of the said City of Halifax.

Not to affect Rights of Her Majesty.

CXXXIII. *Provided always, and be it enacted,* That nothing in this Act contained, shall in any manner derogate from, or affect, or be construed to affect, the rights of Her Majesty, Her Heirs or Successors, except in so far as the same may be specially affected by the provisions of this Act.

Duration of Act.

CXXXIV. *And be it enacted,* That this Act shall continue and be in force until the First day of April, which will be in the Year of Our Lord One Thousand Eight Hundred and Forty-nine, and no longer.

CAP. XL.

An Act for granting Duties of Impost for the support of Her Majesty's Government within this Province.

(Passed the 21st day of March, 1848.)

Commencement and duration of Act.

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That upon, from, and after the Thirty-first day of March, in this year of Our Lord One Thousand Eight Hundred and Forty-eight, this Act shall come into, and be in operation, and shall remain and continue in operation until the First day of April, which will be in the Year of Our Lord One Thousand Eight Hundred and Forty-nine, and no longer.

Duties to be levied by Table hereto annexed.

II. *And be it enacted,* That upon, from, and after the day appointed for this Act to come into operation, and during the continuance thereof, and instead and in lieu of all other duties whatsoever and howsoever denominated, there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs, and Successors, for the use of the Province, and the support of the Government thereof, and other public purposes within the same, for and upon all Goods, Wares, and Merchandize, imported or brought into this Province by sea, or inland carriage, or navigation, on and after the time when this Act shall come into operation, and during the continuance thereof, the several and respective Impost Duties, Rates, and Impositions, inserted, described, and set forth in figures in the Table of Duties hereinafter contained, denominated, 'Table of Duties,' opposite to and against the respective articles in the said Table mentioned, described, and enumerated, and according to the value, number, or quantity, of such articles therein specified.

Beef and Pork for Stores shipped free of duty.

III. *And be it enacted,* That salted Beef and Pork, duly warehoused at any Port or place within this Province, may be delivered out of such Warehouse to be shipped as Stores, and which shall and may be so shipped without entry or payment

ment of any duty, for every Ship of the burthen of Sixty tons at least, bound on a voyage to any Port or place out of this Province, the probable duration of which, out and home, will not be less than Forty days : *Provided always*, that such Beef and Pork shall be borne upon the Ship's clearance, and shall be shipped in such quantities, and subject to such directions and regulations as the Collector of Impost and Excise at the Port of shipment shall direct and appoint : *Provided also*, that the surplus Stores of such Beef or Pork may be delivered into the charge of the Searcher, or other proper officer of Impost and Excise, to be re-shipped as Stores, under such rules and regulations as such Collector or other proper Officer of Impost and Excise may see fit to direct ; and any such Beef or Pork shipped contrary to such directions shall be forfeited.

Provisoes.

IV. *And be it enacted*, That there shall be raised, levied, collected, and paid unto Her Majesty, Her Heirs, and Successors, for the purposes aforesaid, for and upon all Rum, and 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 specifically enumerated and described, the several duties therein stated.

Duties on Liquors distilled in Province according to Table.

V. *And be it enacted*, That the several and respective Goods, Wares, and Merchandize, mentioned in the Table hereinafter contained, denominated, 'Table of Exemptions,' shall respectively be held free of any duties by this Act imposed.

VI. *And be it enacted*, That all Goods derelict, *flotsam, jetsam*, and wrecked, 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 : *Provided always*, 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 also*, that all such Goods as cannot be sold for the amount of duty 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.

Duties on Goods derelict, flotsam, &c.

Proviso.

VII. *And be it enacted*, That all the said duties hereby imposed, shall be collected, paid, and received, according to the British weights and measures now in use in this Province ; and that in all cases where the said 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 to be paid by British weights and measures.

VIII. *And be it enacted*, That the said 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 now or hereafter to be passed, and from time to time in force, concerning the securing, paying, levying, collecting, recovering, and applying, the said duties.

Duties to be ascertained, levied, &c. as appointed by Acts of Assembly.

IX. *And be it 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.

Warehousing of Goods.

X. *And be it 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 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 duties hereby imposed on the like Goods and Merchandize.

Goods in Warehouse on commencement of Act to pay duties imposed thereby.

Drawbacks on ex-
portation of Goods.

XI. *And it be enacted*, That upon the exportation from this Province of any Goods by this Act charged with duties, there shall be allowed and granted a drawback of the whole amount of the 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 drawback be observed in respect of the Goods exported.

Allowance of draw-
backs granted prior
to Act.

XII. *And be it 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, shall remain and continue, and be allowed, with respect to such Goods, in the same manner as if the Act whereby such drawbacks were allowed had continued in force after the commencement hereof.

Duties and draw-
backs to be man-
aged by Board of
Revenue.

XIII. *And be it enacted*, That all duties imposed by this Act, and all drawbacks allowed by this or any former Act, 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, or is, or shall be by Law prescribed.

Payment of duties
into Treasury, &c.

XIV. *And be it enacted*, That all the monies arising from the duties by this Act imposed after deduction made of the legal allowances in respect to 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 other, 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.

To be drawn by Go-
vernor's Warrant.

XV. *And be it enacted*, That all monies arising from the said duties, and paid into the public Treasury, shall from time to time be drawn by the Governor, by Warrant under his Hand and Seal, pursuant to the instructions and directions of Her Majesty, and in payment and discharge of any monies appropriated or to be appropriated by any Act of the General Assembly.

Duties on Goods im-
ported and penal-
ties incurred prior
to Act.

XVI. *And be it enacted*, That all duties on Goods imported, or to be imported before the coming of this Act into operation, and imposed by any Act of the General Assembly of this Province, passed for raising a Revenue, and which has expired, or shall expire at or after the coming of this Act into operation ; and all penalties and forfeitures incurred or inflicted under the provisions of such former Act, shall be collected, paid, raised, levied, recovered, and enforced, according to the several and respective provisions of such former Act whereby such duties, penalties, and forfeitures, were imposed—the expiration or repeal of such former Act, or anything therein contained, to the contrary notwithstanding.

Reduction of duties
into Provincial
Currency.

XVII. *And be it enacted*, That all the said several duties hereby imposed, and in the said Table of Duties mentioned and contained, shall be estimated, calculated, and reduced into the currency of this Province as follows, that is to say : all the several specific duties imposed by the said Table of Duties upon any article therein mentioned according to the weight, measure, or tale thereof, shall be considered and deemed to be imposed and charged in sterling money, and the same shall be reduced and converted into the currency of this Province, by adding to the aggregate amount of the duty imposed and payable on any such article, according to the rate of duty charged and imposed thereon, one-fourth part of the said aggregate amount ; and in calculating all duties by the said Table imposed upon any article, according to the value thereof, One Hundred Pounds sterling shall in all cases be deemed, and taken to represent, and be equivalent to One Hundred and Twenty-five Pounds currency of this Province.

XVIII.

XVIII. *And be it enacted*, That all such duties, when so reduced and converted into currency, shall and may be paid and received at the Provincial Treasury, or by or to any Collector of the Colonial Revenue, in Treasury Notes of this Province, at and after the rate of Twenty Shillings for every One Pound currency, in Doubloons of full weight and fineness at and after the rate of Four Pounds currency, and in British Sovereigns and British Silver Coins at and after the rate of Twenty-five Shillings currency for every Sovereign, and in the like proportion for such British Silver Coins: *Provided*, that no greater sum than Fifty Shillings currency shall be tendered or received, or paid in such British Silver Coins, at any one time, in discharge of such duties as aforesaid.

XIX. *And be it enacted*, That any animal hereby charged with duty, which shall be imported for the purpose of improving the Breed, and which shall be certified to be so imported by the President and Secretary of any Agricultural Society, shall be wholly free of any duty by this Act imposed.

Duties payable in Treasury Notes, Doubloons, Sovereigns, or British Silver.

Proviso.

Animals imported to improve Breed to be free of duty.

TABLE OF DUTIES.

ARTICLES.	Duties in Sterling Monies.
Apples, fresh or dried, per barrel,	£0 4 0
Bacon, per cwt.	0 9 0
Beef, salted, per cwt.	0 6 0
“ fresh, per cwt.	0 5 0
Biscuit Fine, called Crackers or Cakes, per cwt.	0 3 4
Butter, per cwt.	0 8 0
Candles, wax, spermaceti, or composition, per lb.	0 0 3
“ tallow, per lb.	0 0 1
Cattle, viz: Horses, Mares, or Geldings, each,	2 0 0
Neat Cattle, viz: Oxen, or other Neat Cattle three years old or upwards, each,	1 10 0
Cows, and cattle under three years old,	0 10 0
Sheep, each,	0 3 0
Hogs, over 100 lbs. weight, each,	1 0 0
“ of 100 lbs. weight and under, each,	0 2 0
Cheese, per cwt.	0 5 0
Chocolate, or Cocoa Paste, per lb.	0 0 1
Coffee, Green, per lb.	0 0 1
“ Roasted, Burned, or Ground, per lb.	0 0 2
Clocks, on all Clocks costing under 20s.	0 5 0
“ on all others,	0 10 0
Hams, smoked or dried, per cwt.	0 9 0
Lard, per cwt.	0 8 0
Leather, Sole Leather, including Hides and Skins, partially dressed therefor, per lb.	0 0 1
Upper Leather of all sorts, including Hides and Skins, partially dressed therefor, per lb.	0 0 2
Molasses, per gallon,	0 0 2
Onions, per cwt.	0 2 6
Pears, fresh or dried, per bbl.	0 4 0
	Pork,

Pork, salted, per cwt.	£0 6 0
“ fresh, per cwt.	0 4 0
Raisins, in boxes, per lb.	0 0 0½
“ in other packages, per lb.	0 0 0¼
Spirits, viz : Brandy, Gin, Rum, or other Spirituous Liquors, which by any way or method whatsoever, shall be manufactured, compounded, or extracted, distilled, or made within this Province, not exceeding the strength of Proof by Sykes' Hydrometer, and so in proportion for any greater strength than the strength of Proof, per gallon,	0 1 1
Brandy, Whiskey, Gin, Cordials, and other Spirits, (except Rum), not exceeding the strength of Proof by Sykes' Hydrometer, and so in proportion for any greater strength than the strength of Proof, per gal.	0 2 8
Rum not exceeding the strength of Proof by Sykes' Hydrometer, and so in proportion for any greater strength than the strength of Proof, per gallon,	0 1 6
Shrub, or Santee, per gallon,	0 1 4
Sugar, Refined, per cwt.	0 14 0
“ Crushed, and Bastard Facings, per cwt.	0 10 0
“ Brown, or Muscovado, not refined, per cwt.	0 7 0
Tea, viz : Souchong, Congo, Pekoe, Bohea, Pouchong, and all other Black Teas, per lb.	0 0 1½
Gunpowder, Hyson, Young Hyson, Twankay, and other Green Teas, per lb.	0 0 3
Tobacco, Manufactured, (except Snuff and Cigars), per lb.	0 0 1½
Tongues of Cattle, dried or pickled, per cwt.	0 9 0
Wines, viz : Hock, Constantia, Malmsey, Tokay, Champagne, Burgundy, Hermitage, Claret, called Lafitte, Latour, Lafayette, Margeaux, or Hautbrian, per gallon,	0 3 0
Madeira and Port, per gallon,	0 2 6
Sherry Wine, of which the first cost is £20 per pipe, or upwards, per gallon,	0 2 6
Other Claret Wines, Barsac, Sauterne, Vin de Grave, Moselle, and other French Wines, and Lisbon and German Wines, per gallon,	0 1 3
All other Sherry Wines, Teneriffe, Marsala, Sicilian, Malaga, Fayal, and all other Wines, per gallon,	0 1 3
Clocks, viz : all Wheels, Machinery, and materials for manufacturing Clocks,	} 20 0 0
Hay and Straw,	
Cigars and Snuff,	} For every £100 of the value,
Currants and Figs,	
Leather, viz : Boots, Shoes, and Leather Manufactures of all sorts,	
Meat, fresh,	} For every £100 of the value,
Poultry of all sorts, dead,	

Anchors,

<p>Anchors, Grapnels, and Anchor-Palms, Cables of Hemp, or other vegetable substance, or of Iron, Copper, viz : in Plates, Sheets, Bars, or Bolts, for ship building, wrought or cast for machinery, pure or without other metal ; Copper Castings of every description for Machinery for Mills or Steamboats ; Copper and Composition Nails and Spikes for ship building, Cordage, tarred or untarred, and whether fitted for rigging or other- wise, Iron, viz : in Bars or Bolts ; Castings for Mills or Steam En- gines ; and cast or wrought Pipes and Tubes ; Sheet Iron, Oakum, Pitch, Sail Cloth of all kinds, Canvas included, Tar,</p>	<p>£2 10 0</p>
<p>All other Goods, Wares, and Merchandize, not otherwise charg- ed with duty, and not enumerated in the Table of Exemptions,</p>	<p>5 0 0</p>
<p>For every £100 of the value, For every £100 of the value,</p>	

TABLE OF EXEMPTIONS.

- Ashes, viz : Pot Ashes and Pearl Ashes.
- Asses and Mules.
- Baggage and Apparel of Passengers not intended for sale.
- Barilla and Soda Ash.
- Beans.
- Biscuit or Bread.
- Books not prohibited to be imported into the United Kingdom.
- Bullion, Gold or Silver.
- Burr Stones.
- Coal.
- Cocoa.
- Coin, Gold and Silver Coins, and British Copper Coins.
- Copper, viz : Copper Ore, or in Pigs or Bricks, old or worn, or fit only to be re-
manufactured.
- Corkwood.
- Corn, viz : Wheat, Rye, Indian Corn, Barley, Oats, Rice and Buckwheat,
unground ; Wheat Flour, Barley Meal, Rye Meal, Oat Meal,
Indian Meal, Buckwheat Meal, Peas, Beans, and Calavances.
- Fish, viz : Fresh, salted, dried, or pickled.
- Fish Hooks.
- Fish Oil, viz : Train Oil, Spermaceti Oil, Head Matter, and Blubber, Fins, and
Skins, the produce of Fish or creatures living in the Sea.
- Flax.
- Furniture that has actually been in use, Working Tools and Implements, the pro-
perty of Immigrants or persons coming to reside in this Province, and
not intended for sale.
- Hemp.
- Hides, or pieces of Hides, raw, not tanned, curried, or dressed.
- Horns.

Horses

Horses and Carriages of travellers, and Horses, Cattle, Carriages, and other Vehicles, when employed in carrying merchandize, together with the necessary Harness and Tackle, so long as the same are *bona fide* in use for that purpose.

Iron, viz : Unwrought or Pig Iron, Ores of Iron of all kinds, Iron Rails for Railroads, Boilers, Plates, and Plough Moulds.

Lentils.

Lime and Lime Stone.

Lines, for the Fisheries, of all kinds.

Manures of all kinds.

Maps and Charts.

Nets, Fishing Nets and Seines of all kinds.

Ores of all kinds.

Paintings.

Palm Oil.

Plants, Shrubs, and Trees.

Plate, of Gold and Silver, old, and fit only to be re-manufactured.

Potatoes.

Rags, viz : Old Rags, Old Rope, Junk, and old Fishing Nets.

Rosin.

Sails or Rigging saved from Vessels wrecked on the coast of this Province.

Salt.

Seeds, of all kinds.

Skins, Furs, Pelts, or Tails, undressed.

Stone, unmanufactured.

Sugar, of the Maple.

Tallow.

Twines and Lines, used in the Fisheries.

Tobacco, unmanufactured.

Tow.

Turpentine.

Whale Fin, or Bone.

Wood, viz : Boards, Planks, Staves, Square Timber, Shingles, and Firewood.

CAP. XLI.

An Act for altering and improving the Practice of the Supreme Court.

(Passed the 11th day of April, 1848.)

Preamble

WHEREAS, many of the Rules of Practice in the Supreme Court of this Province have become obsolete, and it is expedient to revise the same, and to introduce other Rules suited to our own Legislation, and to the circumstances of the country :

All Rules of Court abolished.

Proviso.

I. *Be it enacted, by the Lieutenant-Governor, Council, and Assembly, That* all Rules heretofore made by the said Supreme Court shall be, and the same are hereby abolished and made void : *Provided always*, that all proceedings heretofore commenced and had, under and by virtue of the said Rules, or any of them, shall be held valid and binding, notwithstanding the passing of this Act.

Court to make Rules in addition to Regulations by Act.

Proviso.

II. *And be it enacted, That* it shall be lawful for the said Court at Halifax, from time to time to make such Rules, in addition to the Rules, in this Act as to them may seem expedient and proper for regulating the management and practice thereof : *Provided*, that all such Rules shall be published, immediately after the same

same are so made, in the Halifax Royal Gazette, and that the same shall be binding and obligatory on the said Court, and shall be construed and enforced in all respects as if they had been enacted by the General Assembly.

III. *And be it enacted*, That in all cases not provided for in this Act, or in any Act of this Province now or hereafter to be in force, or in such Rules to be made by the said Court, and published as aforesaid, under their authority, the proceedings and practice in the said Court shall be as near as may be conformable to the proceedings and practice of the Superior Courts of Common Law in England, which were in force therein previous to the First Year of the Reign of His late Majesty King William the Fourth, or have been since introduced into the said Courts, not being founded on, or deriving their authority from, any Act of Parliament enacted in the First Year of the said Reign, or subsequent thereto; and that in all cases where the proceedings and practice of the Superior Courts of Common Law in England differ from each other now, or differed from each other at the period aforesaid, those of Her Majesty's Court of Queen's Bench shall be preferred and followed by the said Supreme Court.

In Cases not provided for Practice to conform to that of Common Law Courts in England prior to 1, Wm. 4.

IV. *And be it enacted*, That the following Orders, Rules, and Regulations, shall be hereafter observed and followed in and by the said Supreme Court, and shall extend to all Actions whatsoever, now pending or hereafter to be prosecuted therein.

Future Orders, Rules, and Regulations to be observed in Supreme Court.

PLEADINGS.

Whereas, Declarations in Actions on Bills of Exchange, Promissory Notes, and the Counts usually called the Common Counts, occasion unnecessary expense to parties by reason of their length, and the same may be drawn in a more concise form now for the prevention of such an expense:

1.—*It is ordered*, That if any Declaration in Assumpsit hereafter filed and delivered, being for any of the demands mentioned in the Schedule of Forms and Declarations annexed to an order of the said Superior Courts of Common Law in England, in the year 1831, or demands of a like nature, shall exceed in length such of the said Forms set forth, or directed in the said Schedule as may be applicable to the case; or if any Declaration in debt to be so filed or delivered for similar causes of Action, and for which the Action of Assumpsit would lie, shall exceed such length, no costs of the excess shall be allowed to the Plaintiff if he succeeds in the cause; and such costs of the excess as have been incurred by the Defendant shall be taxed and allowed to the Defendant, and be deducted from the costs allowed to the Plaintiff.

2.—On the taxation of costs as between Attorney and Client, no costs shall be allowed to the Attorney in respect of any such excess of length; and in case any costs shall be payable by the Plaintiff to the Defendant on account of such excess, the amount thereof shall be deducted from the amount of the Attorney's bill.

3.—In all Actions by and against Assignees of a Bankrupt, or Insolvent, or Executors, or Administrators, or persons authorized by Act of Parliament to sue or be sued as nominal parties, the character in which the Plaintiff or Defendant is stated on the record to sue or be sued, shall not in any case be considered as an issue, unless specially denied.

4.—In any Action against an acceptor of a Bill of Exchange, or the maker of a Promissory Note, the Defendant shall be at liberty to stay proceedings on payment of the debt and costs in that Action only.

5.—In all Actions upon Bills of Exchange, or Promissory Notes, or other written instruments, any of the parties to which are designated by the initial letter or letters, or some contraction of the christian or first name or names, it shall be sufficient in every affidavit to hold to bail, or for an attachment, and in the Process or Declaration to designate such persons by the same initial letter or letters,

or contraction of the christian or first name or names, instead of stating the christian or first name or names in full.

6.—No plea in abatement for misnomer shall be allowed in any personal Action; but in all cases in which a misnomer could heretofore have been pleaded in abatement in such Actions, the Defendant shall be at liberty to cause the Declaration to be amended at the costs of the Plaintiff, by inserting the right name upon a Judge's Summons, founded upon an affidavit of the right name; and in case such Summons shall be discharged, the costs of such application shall be paid by the party applying, if the Judge shall think fit.

7.—No entry of continuances by way of imparlance, curia advisari vult, or comes non misit breve, or otherwise, shall be made upon any record or roll whatever, or in the pleadings: *Provided*, that in all cases in which a plea puis darrein continuance is now by law pleadable, the same defence may be pleaded with an allegation that the matter arose after the last pleading; or the issuing of the Jury Process, as the case may be.

8.—No entry shall be made on record of any Warrants of Attorney to sue or defend, nor of pledges to prosecute; and such pledges shall not, in future, be stated at the conclusion of the Declaration.

9.—The name of a County shall in all cases be stated in the margin of the Declaration, and shall be taken to be the venue intended by the Plaintiff; and no venue shall be stated in the body of the Declaration, or in any subsequent pleading: *Provided*, that in cases where local description is now required, such local description shall be given.

10.—In a plea or subsequent pleading intended to be pleaded in bar of the whole Action, generally, it shall not be necessary to use any allegation of *lacionem non*, or to the like effect, or any prayer of judgment, nor shall it be necessary in any replication or subsequent pleading intended to be pleaded in maintenance of the whole Action, to use any allegation of *precludi non*, or to the like effect, or any prayer of judgment; and all pleas, replications, and subsequent pleadings, pleaded without such formal parts as aforesaid, shall be taken unless otherwise expressed, as pleaded respectively in bar of the whole Action, or in maintenance of the whole Action: *Provided*, that nothing herein contained shall extend to cases where an estoppel is pleaded.

11.—No formal defence shall be required in a plea, and it shall commence as follows: "The said Defendant by his Attorney, (or in person &c), says that."

12.—It shall not be necessary to state in a second or other plea, or avowry, that it is pleaded by leave of the Court, or according to the form of the Statute, or to that effect.

13.—No protestation shall hereafter be made in any pleading, but either party shall be entitled to the same advantage in that or other Actions, as if a protestation had been made.

14.—All special traverses, or traverses with an inducement of affirmative matter, shall conclude to the country: *Provided*, that this regulation shall not preclude the opposite party from pleading over to the inducement, when the traverse is immaterial.

15.—The entry of proceedings on the record for trial, or on the judgment roll, shall be taken to be, and shall be in fact, the first entry of the proceedings in the cause, or of any part thereof, upon record.

16.—A Plaintiff shall be deemed out of Court, unless he declare within One year after the Process is returnable.

17.—A Defendant shall not be at liberty to waive his plea without leave of the Court or Judge.

18.—In Actions of trespass, *quare clausum fregit*, the close or place in which,

which, &c., must be designated by name, or abutals, or other description—in failure whereof, the Defendant may demur specially.

19.—No rule for further time to plead shall be granted upon the application of Counsel alone, nor unless the grounds of such application be disclosed by affidavit, and it shall then rest with the Court, in its discretion, to grant such rule under the special circumstances of each particular case.

20.—With any plea, and other subsequent pleadings, delivered in any Cause, in term, on vacation, the party so pleading shall be at liberty to serve a notice to the following effect, annexed thereto: “Fourteen days are given to the Plaintiff or Defendant to reply, rejoin, &c., in this Cause,” signed A. B., Pltff’s. or Def’t’s. Attorney—which notice shall supersede, and be in place of, the rule to plead heretofore taken out; and thereupon, if the party thus notified shall neglect to file his replication, rejoinder, or other pleadings, as the case may be, within Fourteen days from the time of service of such notice, and to deliver a copy of the same to the opposite Attorney, the party giving such notice shall, after the expiration of that time, be at liberty, being Plaintiff in the Cause, to mark a default as for want of a plea, or being Defendant, to sign judgment of *non-pros*. *Provided however*, that the said Court, or any Judge thereof, may, as heretofore, upon application, grant further time to plead, and may also, upon proper cause alleged and verified, order such default or *non-pros* to be set aside upon such terms as shall be thought reasonable and just; *And provided further*, that the Court, or any Judge thereof, may, in such cases as require it, give a rule or order to reply, &c., within any shorter period than Fourteen days.

21.—The form of a demurrer shall be as follows: “The said Defendant by his Attorney, (or in person, &c.,) (or Plaintiff,) says that the said declaration (or plea, &c.,) is not sufficient in Law,” showing the special cause of demurrer, if any. The form of a joinder in demurrer shall be as follows: “The said Plaintiff (or Defendant) says that the said declaration (or plea, &c.,) is sufficient in Law.”

22.—In the margin of every demurrer, before it is signed by the Attorney or Counsel; some matter of Law intended to be argued shall be stated; and if any demurrer shall be delivered without such statement, or with a frivolous statement, it may be set aside as irregular, by the Court or a Judge, and leave may be given to sign judgment as for want of a plea. *Provided*, that the party demurring may, at the time of the argument, insist upon any further matters of Law, of which notice shall have been given to the Court by entry on the margin of the demurrer book at the time of filing the same.

23.—No rule for joinder in demurrer shall be required, but the party demurring may demand a joinder in demurrer; and the opposite party shall be bound within Four days after such demand to deliver the same, otherwise judgment.

24.—It shall be imperative on the party, Plaintiff or Defendant, to deliver to the opposite party, or his Attorney, as well as to file all pleadings within the time limited therefor.

PRACTICE.—AFFIDAVITS.

25.—The addition and place of residence of every person making an affidavit, except where the same is made in a Cause by any of the parties thereto, shall be inserted therein.

26.—No supplemental affidavit shall be allowed to supply any deficiency in the affidavit to hold to bail.

ARGUMENTS AND MOTIONS.

27.—All Causes for argument, whether upon demurrers, special verdicts, cases made, or rules *nisi*, which have been granted, must be entered with the Prothonotary

tary at Halifax, on or before the Tuesday preceding the First day of the term—and such entry shall be deemed notice to the opposite party to be prepared for the argument.

28.—The demurrer book, special verdict, case, Judge's report, or affidavits, upon which such rules *nisi* have been granted, must also be on file on the said Tuesday before the First day of the term at Halifax, that the opposite party may peruse them.

29.—No rule *nisi* for a new trial shall be argued at the commencement of the term at Halifax, unless the Judge's report of the facts proved, or the points reserved, shall have been filed on the Tuesday preceding the term, which either party requiring the same shall apply for to the Judge, and the Judge will deliver his report to the Prothonotary, who will furnish copies thereof to the parties so requiring the same; and as the argument will be confined to the facts therein stated, it shall be competent for either party, on notice to the adverse party, to apply to the Judge to alter or amend the same by his original notes, or otherwise by consent of parties, or on affidavit.

30.—On the first day of the term, at Halifax, the Court will pronounce judgment, if prepared so to do, upon such cases as have been fully argued—after which they will hear motions, which do not require to be entered for argument in the order in which motions are now heard, beginning with the Attorney General, and so proceeding through the Bar, according to seniority.

31.—When rules *nisi* are moved for on the first day of the term, at Halifax, the Court, on sufficient cause being shown, will grant the same without consuming any part of the first day in hearing the argument.

32.—The subsequent days of the term, at Halifax, shall be devoted to hearing arguments upon the cases duly entered with the Prothonotary, in the following order: The first case upon the Attorney General's list—secondly, the first case on the Solicitor General's list, and so on through the whole Bar, according to seniority.—After the first case upon the junior Barrister's list has been heard, then the second case upon the Attorney General's list, and so on until all the cases entered for argument have been heard. No *concilium* to be moved for upon demurrers, which will take their turn with other cases entered for argument. The Prothonotary will deliver to the Court a docket of the cases for argument, thus arranged; on the Second day of the term, in which order the Court will call them, when it will be expected that both sides shall be ready, unless some special reason be assigned for their not being so.

33.—The party who has obtained the rule *nisi* shall briefly bring under the notice of the Court the grounds upon which the rule was granted. The opposite party shall then show cause, and the party supporting the rule shall reply, unless the Court specially direct a different course.

34.—The Attornies in the several causes for argument must provide each of the Judges with copies of all papers necessary to be perused by them before the argument commences.

ARRESTS.

35.—After *non-pros*, nonsuit, or discontinuance, the Defendant shall not be arrested a second time without the order of a Judge.

36.—Where the Defendant is described in the process or affidavit to hold to bail by initials, or by a wrong name, or without a christian name, the Defendant shall not be discharged out of custody, or the bail bond be delivered up to be cancelled, on motion for that purpose, if it shall appear to the Court that due diligence has been used to obtain knowledge of the proper name.

37.—Where a debtor is committed to jail on mesne process, and the Plaintiff does not proceed to trial in the same term to which the writ is returnable, or in the sittings thereafter the Defendant shall be discharged on filing common bail on the last

last day of such term or sittings thereafter: provided he was ready for trial at such term or sittings, and had pleaded issuably, and given notice of his readiness for trial; and provided the cause had been called for trial; and also provided the Court shall not, on sufficient cause shown on affidavit, be of opinion that the Defendant ought not to be discharged.

BAIL.

38.—In all cases where the writ of execution against the Defendant in any Action is returned *non est inventus*, and an Action is prosecuted against his bail upon their recognizance, they shall be allowed to render their principal in discharge thereof at any time within the first Four days after the return day of the process against them: *Provided*, they pay to the Plaintiff the costs which have been incurred in the Action against them upon their said recognizance.

BRINGING MONEY INTO COURT.

39.—In all cases in which by the practice of the Court of King's Bench, previous to the English Act Third and Fourth, William the Fourth, Chapter Forty-second, and which prevailed in this Province, money could be paid into Court in certain Actions, by obtaining a side bar rule for such payment—no such rule shall hereafter be necessary therefor.

40.—In all personal Actions, (except Actions for malicious arrest or prosecution, criminal conversation, or debauching the Plaintiff's daughter or servant), the Defendant, by leave of the Court or a Judge, may pay into Court a sum of money by way of compensation or amends:

41.—When money is paid into Court, such payment shall be pleaded in all cases, and in any stage of the cause, and as near as may be in the following form, *mutatis mutandis*:

C. D.) The Plaintiff on the day of
 at s.)
 A. B.) The Defendant by his Attorney, (or in person, &c.,) says (or in case it be pleaded as to part only, as to £ being part of the sum in the declaration or bill, or count mentioned, or as to the residue of the sum of £), that the Plaintiff ought not further to maintain his Action, because the Defendant now brings into Court the sum of £ ready to be paid to the Plaintiff; and the Defendant further says, that the Plaintiff hath not sustained damages, (or in Actions of debt, that he never was indebted to the Plaintiff), to a greater amount than the said sum, &c., in respect of the cause of Action in the declaration mentioned, (or in the introductory part of this plea mentioned), and this he is ready to verify—wherefore, he prays judgment, if the Plaintiff ought further to maintain his Action thereof.

42.—When money is paid into Court, the same shall be paid to the proper Officer, who shall give a receipt for the amount in the margin of the plea; and the said sum shall be paid out to the Plaintiff on demand.

43.—The Plaintiff after delivery of a plea of payment of money into Court, shall be at liberty to reply to the same, by accepting the sum so paid into Court in full satisfaction and discharge of the cause of Action, in respect of which it has been paid in; and he shall be at liberty in that case to tax his costs of suit, and in case of non-payment thereof, (within Twenty-four hours), to sign judgment for his costs of suit so taxed; or the Plaintiff may reply that he has sustained damages, (or that the Defendant was, and is indebted to him, as the case may be), to a greater amount than the said sum; and in the event of an issue therein being found for the Defendant, the Defendant shall be entitled to judgment, and his costs of suit.

COSTS.

44.—All bills of costs when taxed shall be filed among the bills of costs of the term ; and a copy of every bill of costs taxed on any rule or proceeding in a country cause argued at Halifax, shall be filed immediately after taxation at Halifax, otherwise no execution shall issue for enforcing payment of any such costs.

45.—On all rules made absolute, or discharged, the costs of the rule shall be allowed to the successful party, unless the Court shall otherwise direct.

46.—Before taxation of costs in Halifax, one day's notice shall be given to the opposite party, his Council, or Attorney, and the bill, with all affidavits and papers substantiating the charges therein, shall be filed with the Prothonotary previously to the giving of such notice ; but notice of taxing costs shall not be necessary in any case where the Defendant has not appeared in person, or by his Attorney or Guardian.

47.—No costs shall be allowed on taxation to a Plaintiff upon any counts or issues upon which he has not succeeded ; and the costs of all issues found for the Defendant shall be deducted from the Plaintiff's costs.

48.—If a new trial be granted without any mention of costs in the rule, the costs of the First trial shall not be allowed to the successful party, though he succeed on the Second.

49.—An application to compel the Plaintiff to give security for costs must, in ordinary cases, be made before issue joined.

50.—The charge for drawing a brief and copy, where a brief is necessary, shall be regulated by the Judge who taxes the same, according to the length and importance thereof, but shall in no case be taxed at less than Seven Shillings and Six Pence, nor more than Five Pounds, for such brief and copy.

51.—Where a party is served with a declaration in ejectment, and files a consent rule, he shall be entitled to his costs against the lessor of the Plaintiff for not proceeding in the said Action, although such lessor shall refuse or neglect to sign the consent rule.

52.—When a Defendant in ejectment obtains judgment, or a rule absolute, with costs, he shall be entitled to take out an execution therefor against the lessor of the Plaintiff.

EJECTMENT.

53.—*Whereas*, by the common consent rule in Actions of ejectment, the Defendant is required to confess, lease, entry and ouster, and insist upon his title only : *And whereas*, in many instances of late years Defendants in ejectment have put the Plaintiff, after the title of the lessor of the Plaintiff has been established, to give evidence that such Defendant was in possession (at the time the ejectment was brought), of the premises mentioned in the ejectment, and want of such proof has caused such Plaintiff to be nonsuited : *And whereas*, such practice is contrary to the true intent and meaning of such consent rule, and of the provisions therein contained, for the Defendants insisting upon the title only : *It is therefore ordered*, That henceforth in every Action of ejectment the Defendant shall specify in the consent rule for what premises he intends to defend, and shall consent in such rule to confess upon the trial that the Defendant (if he defends as tenant, or in case he defends as landlord, that his tenant) was at the time of the declaration in possession of such premises ; and that if, upon the trial, the Defendant shall not confess such possession, as well as lease, entry, and ouster, whereby the Plaintiff shall not be able further to prosecute his suit against the said Defendant, then no costs shall be allowed for not further prosecuting the same, but the said Defendant shall pay costs to the Plaintiff in that case to be taxed.

54.—Declarations in ejectment shall be served the same number of days before the return day of the term as is required for the service of declarations in other causes,

causes, and judgment by default be marked against the casual ejector, as judgment by default may be marked in other causes, and subject to the like rules.

JUDGMENTS.

55.—All judgments, whether interlocutory or final, shall be entered of record of the day of the month and year, whether in term or vacation, when signed, and shall not have relation to any other day, excepting only in such cases where there may have been a trial, and the signing of judgment deferred upon special application of Plaintiff or Defendant—and that in all such cases the relation of such judgment shall be and remain as if this Act had never been passed.

56.—All judgments of default may be signed on the morning after the day on which the time for pleading has expired.

57.—Judgment may be ordered as in case of nonsuit, for not duly proceeding to trial, and notice therefor may be given, notwithstanding a previous trial or trials of the cause may have taken place.

58.—In all causes hereafter commenced and prosecuted in the said Court at Halifax, when a copy of the declaration and notice to appear and plead shall have been duly served and filed, the Plaintiff shall be at liberty to mark a default, unless the Defendant shall appear and plead within Four days after the filing of the declaration against him.

NOTICE OF TRIAL.

59.—A notice of trial shall be given to the Defendant, or his Attorney, in every cause where the Defendant resides within the County, at least Eight days, and where he resides out of the County, at least Fourteen days, before the First day of the term, or of the sittings thereafter; and if the Plaintiff shall not proceed to trial, pursuant to such notice, he shall be liable to pay to the Defendant the costs of not proceeding to trial, unless he can show good cause to the contrary, or shall have given to the Defendant, or his Attorney, (in case he has appeared), notice of countermand of such trial at least Four days before the First day of such term, or of the sittings thereafter, but the Plaintiff shall, notwithstanding such countermand, pay all such costs and expenses to which the Defendant has actually been put prior to such notice of countermand: *Provided*, that in all causes in the said Court at Halifax, wherein the Defendant resides in any part of the Island of Cape-Breton, the Defendant shall be entitled to Twenty-one days notice of trial, and Fourteen days notice of countermand of trial, where the Plaintiff sees fit to give notice of countermand.

PARTICULARS.

60.—With every declaration containing counts in *indebitatus assumpsit*, or debt on simple contract, the Plaintiff shall deliver full particulars of his demand under those counts, when such particulars can be comprised within three folios; and where the same cannot be comprised within three folios, he shall deliver such a statement of the nature of his claim, and the amount of the sum or balance which he claims to be due, as may be comprised within that number of folios: and to secure the delivery of particulars in all such cases, it is further ordered, that if any declaration or notice shall be delivered without such particulars, or such statement as aforesaid, and a Judge shall afterwards order a delivery of particulars, the Plaintiff shall not be allowed any costs in respect of any summons for the purpose of obtaining such order, or of the particulars he may afterwards deliver.

61.—A summons for particulars, and order thereon, may be obtained by a defendant before appearance, and may be made, if the Judge think fit, without the production of any affidavit.

62.—A Defendant shall be allowed the same time for pleading, after the delivery of

of particulars under a Judge's order, which he had at the return of the summons; nevertheless, judgment shall not be signed 'till the day after the delivery of the particulars, unless otherwise ordered by the Judge, and the Judge may order for ther time.

SUMMARY CAUSES.

63.—No trial shall take place in a summary cause in Halifax, unless the process by which the Action has been commenced shall have been served upon the Defendant, if residing within the County Eight days; and if without the County, Fourteen days; and if within the Island of Cape Breton, Twenty-one days, before the day appointed for the trial of summary causes.

64.—In future the summary causes prosecuted in the said Court in all the Counties, except Halifax, shall be brought to trial and heard on the First day of the respective terms of such Courts, and the jury causes taken up immediately after the disposal of such summary causes.

65.—The list of summary causes for trial at Halifax, shall be hereafter given in to the Prothonotary on the last Thursday of every term, and the cause shall be set down and tried on the following Tuesday, being the First day of sittings after each term.

66.—In all continued summary and appeal causes, a notice of trial shall be given as in declaration cases.

67.—In all summary causes where the Defendant has given bail to the Sheriff, he may make defence without filing special bail; and the bail to the Sheriff shall continue liable, until they render the Defendant, which they shall be at liberty to do, without filing special bail.

TRIALS.

68.—In all causes the Plaintiff may file the issue at any time previous to the trial of the cause.

69.—The court will hear one counsel only on each side upon any motion arising during the trial of a cause; and if cases be cited in opposition to such motion, one counsel will be heard in reply.

70.—No new trial shall be granted on account of evidence having been improperly received on any trial hereafter had, if, in the judgment of the Court, there be other evidence sufficient to sustain the verdict.

71.—The docket of causes for trial shall be called but once, both at the sittings in Halifax and on the circuits.

72.—In making up the docket of civil causes for trial, the Prothonotary will be guided by the following Rules:

1st. Where the declarations are filed on the same day, the priority of the causes will be regulated by the dates of the issue of the respective writs.

2d. Where the declarations are filed on different days, the priority will be regulated by the filing of the declarations.

3d. In ejectment cases the day of the service of the declaration, verified by affidavit, will be deemed equivalent to the issue of the writ, and priority of the cause will be governed by the 1st or 2d rules, as the case may be.

73.—The list of jury causes for trial at Halifax, after each term, shall be given in to the Prothonotary on the last Thursday in each term; and the trial of jury causes shall commence on the following Wednesday, being the Second day of the sittings after each term, beginning with the trial of such summary and appeal causes as shall have been ordered to be tried by jury.

MISCELLANEOUS.

74.—In all cases in which any particular number of days, not expressed to be clear days, is prescribed by the rules or practice of the Court, the same shall be reckoned

reckoned exclusively of the first day, and inclusively of the last day, unless the last day shall happen to fall on a Sunday, Christmas Day, Good Friday, or a day appointed a public Fast or Thanksgiving, in which case the time shall be reckoned exclusively of that day also.

75.—The Prothonotary shall not permit any original paper to be taken out of his custody without a written order from one of the Judges of the Court—which order shall be placed on the file with the other papers in the cause, until such paper be returned to the Prothonotary.

76.—The Deputies to the Prothonotary in the Country, shall not transmit original papers to the office in Halifax, without a special order from a Judge, but shall, when required by any Suitor, or his Attorney, provide him with certified copies of such original papers as may be deposited in his office, to be used instead of the originals on any argument in Halifax.

77.—To entitle the Plaintiff to discontinue after plea pleaded, it shall not be necessary to obtain the Defendant's consent, but the rule shall contain an undertaking on the part of the Plaintiff to pay the costs when taxed, and judgment therefor may be entered forthwith.

78.—When a Judge's order is made a rule of Court, it shall be a part of the rule of Court that the costs of making the order a rule of Court shall be paid by the party against whom the order is made: *Provided*, an affidavit be made and filed that the order has been served on the party, or his Attorney, and disobeyed.

79.—In all cases of depositions to be taken before any Judge of the said Court, or any Commissioner, pursuant to the Statute in that behalf, at least Twenty-four hours notice, in writing, shall be given to the adverse party, or to his Attorney, where such party, or his Attorney, resides within the County, otherwise, at least Eight days notice shall be given as aforesaid—and such notice shall in all cases contain the names of the witnesses to be so examined.

80.—It shall not be necessary to file Warrants of Attorney to prosecute or defend, previous to, or at the time of signing interlocutory or final judgment, or at any stage of the cause.

81.—The Prothonotary shall not be obliged to issue, or deliver from his office, any execution until the fees and costs due to him on the judgment be paid.

82.—On the First day of every sitting of the said Supreme Court in the several Counties of this Province, the Prothonotary and Clerk of the Crown, or his Deputy, shall make out, and deliver in open court, a true and correct statement of all fines and amercements which shall have been imposed by the Court at the preceding term, together with a statement of all such as shall have been collected and paid in to him by the Sheriff, since the last preceding term.

83.—A calander of the Criminal Causes shall be sent by the Clerk of the Crown, or his Deputy, to the Grand Jury, upon their first sittings in each term, together with the depositions taken in each cause, and the names of the different witnesses; and indictments are not to be made out till the Grand Jury shall so direct.

V. *And be it enacted*, That all Acts of the General Assembly, or any parts or portions thereof, inconsistent with this Act, shall be, and the same are hereby repealed. Repeal of previous Acts.

VI. *And be it enacted*, That this Act shall come into force on the First day of July next. Commencement of Act.

CAP. XLII.

An Act to Regulate Immigrant Vessels and Passengers.

(Passed the 21st day of March, 1848.)

Preamble.

WHEREAS, large numbers of destitute and diseased Immigrants have recently been landed in this Province, and have become burthensome, and introduced disease among the Inhabitants thereof; and it has in consequence become necessary to make temporary regulations to mitigate and provide against such evils:

Head Money to be paid by Master of Immigrant or Passenger Vessel.

I. *Be it enacted, by the Lieutenant-Governor, Council, and Assembly,* That the Master or person having charge of any Ship or Vessel which may arrive at any Port or Place in this Province, from any Port or Place whatever, with Passengers or Immigrants, or from which any Passenger or Immigrant shall have been landed in this Province, shall, at the time of reporting such Ship or Vessel, pay to the Collector or other Officer of the Customs at the Port or Place where such Ship or Vessel may arrive, the sum of Ten Shillings for every such Passenger or Immigrant then on board, or so landed as aforesaid: *Provided,* such Ship or Vessel shall be reported to the Collector or other Officer of the Customs at the Port or Place of arrival between the Thirty-first day of March and the First day of September, in any year; and if any Ship or Vessel with Passengers or Immigrants, as aforesaid, shall be so reported, as aforesaid, between the Thirty-first day of August and the First day of October in any year, then the Master or person having charge of such Ship or Vessel shall at the time of reporting as aforesaid, pay as aforesaid the sum of Fifteen Shillings for every such Passenger or Immigrant; and if any Ship or Vessel with Passengers or Immigrants as aforesaid, shall be so reported as aforesaid, between the Thirtieth day of September in any year, and the First day of April in the succeeding year, then the Master or person having charge of such Ship or Vessel shall, at the time of reporting as aforesaid, pay as aforesaid the sum of One Pound for every such Passenger or Immigrant—all which several sums the said Collector and Officer of the Customs are hereby authorized and required to demand and receive.

Additional amount payable if Ship be put in Quarantine.

II. *And be it enacted,* That if any Ship or Vessel arriving at any Port or Place in this Province, from any Port or Place whatever, with Passengers or Immigrants, shall be placed in Quarantine on any other account than merely for the purpose of cleaning or observation, the Master or person having charge of any such Ship or Vessel, in addition to, and over and above all other sums required to be paid as hereinbefore provided, shall also pay as aforesaid the further sum of Five Shillings for every Passenger or Immigrant on board such Ship or Vessel; and if any such Ship or Vessel so placed in Quarantine as aforesaid, shall be detained in such Quarantine for any longer period than Ten days, then the Master or person having charge of such ship or Vessel, in addition to, and over and above all other sums required to be paid by this Act, shall pay as aforesaid, the further sum of Five Shillings for every Passenger or Immigrant on board such Ship or Vessel—which said additional and further sums the said Collector or other Officer of the Customs respectively are also hereby authorized and required to demand and receive.

Recovery of Head Money on Masters refusal to pay the same.

III. *And be it enacted,* That upon the refusal or neglect of the Master or person having charge of any Ship or Vessel arriving with Passengers or Immigrants as aforesaid, to pay the said several sums for every Passenger or Immigrant, as provided by the two preceding Sections, it shall be lawful for the Collector or other Officer of the Customs, as the case may be, to sue for and prosecute the same before any two Justices of the Peace, in any County in which such Ship or Vessel has arrived, in a summary way, which Justices are hereby empowered to try the same, and on conviction, the same shall and may be levied by Warrant of Distress, under the hands and seals of any two Justices of the Peace, directed to any Sheriff, Marshall, or Constable,

stable, at or near the place where the said Ship or Vessel may be, and by sale under the said Warrant, of the guns, boats, anchors, chains, tackle, apparel, and furniture, of such Ship or Vessel, and the overplus (if any) of such Distress and Sale, after deducting the costs, shall be paid to the Master or person having charge of such Ship or Vessel: *And provided also*, that no Ship or Vessel, which may have arrived at any Port or Place in this Province, with Passengers or Immigrants as aforesaid, shall be cleared out or proceed to sea, until all sums of money due and payable for and on account of such Passengers or Immigrants, by virtue or authority of the two preceding Sections, shall be first paid to the Collector or other Officer of the Customs, at the Port or Place where such Ship or Vessel may have arrived.

Ship not to be cleared out until payment of Head Money.

IV. *And be it enacted*, That the owner and charterer of every such Ship or Vessel, so arriving with Passengers or Immigrants as aforesaid, as well as such Ship or Vessel, shall be bound and answerable for the payment of all such sums of money as are payable under the said two first Sections, with costs of Suit.

Owner and Charterer liable for Head Money.

V. *And be it enacted*, That whenever any Ship or Vessel shall arrive at, or come to any Port or Place within this Province, the Master or Commander of such Ship or Vessel; immediately after the arrival thereof, and before any such Ship or Vessel shall be admitted to an entry, and before any Passenger shall be landed therefrom, shall either make and subscribe a Declaration before the Collector, or other principal Officer of the Customs for the Port or Place where such Ship or Vessel shall arrive, as aforesaid, that no Passenger embarked or sailed on board of such Ship or Vessel on her said voyage, or otherwise shall make out and deliver to the said Collector or other Principal Officer, a Schedule or List in writing, to be signed by him, setting forth the name, age, trade, occupation, profession, or employment, of every Passenger respectively, who may have embarked or sailed on board of such Ship or Vessel on her said voyage; and also the name, age, trade, occupation, profession, or employment, of every Passenger respectively who may have arrived, or been landed from any such Ship or Vessel in any Port or Place within this Province.

Declaration, Schedule, &c. relative to Passengers to be made by the Shipmasters before entry.

VI. *And be it enacted*, That all monies which shall be collected and received by the Collector or other Officer of the Customs under the provisions of this Act, shall be from time to time, and 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.

Monies collected under Act to be paid into Treasury.

VII. *And be it enacted*, That it shall be lawful for the Governor, by Warrant under his Hand and Seal, to draw from the Treasury from time to time such monies, and to pay and apply the same in such manner and to such uses and purposes for the benefit of poor Immigrants 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 the then next Session of the General Assembly.

To be drawn by Governor and applied for benefit of poor Immigrants.

VIII. *And be it enacted*, That if any Master or Commander of any Ship or Vessel, with Passengers on board, arriving at any Port or Place within this Province, shall neglect or refuse to make out, sign, and deliver to the Collector or other principal Officer of the Customs, such Schedule or List, in writing, as is hereinbefore required, or shall fraudulently make and subscribe any such Declaration, or make out and deliver any such Schedule or List which shall be false in any particular, then, and in every such case, such Master or Commander shall forfeit and pay a penalty not exceeding Fifty Pounds.

Penalty for infringement of Act by Master.

IX. *And be it enacted*, That any Master or other person in charge of any such Ship or Vessel which may arrive at any Port or Place within this Province, who, not being compelled thereto by absolute necessity, (to be adjudged of by the Collector or other principal Officer of the Customs at such Port or Place), shall land,

Penalty for landing Passengers before entry and Declaration.

or

or shall knowingly suffer to land, or be landed, any Passengers in any Port or Place within this Province, before making the entry and Declaration hereinbefore 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.

Act not to extend to Ships of War, Packets, Transports, &c.

X. *Provided always, and be it enacted*, That nothing in this Act contained shall extend, or be construed to extend, to any of Her Majesty's Ships of War, or Her Majesty's Steam or other Packets, or to any Ship or Vessel actually engaged or employed as a Transport or Store Ship for the transport or conveyance of Her Majesty's Troops or Military Stores, or otherwise in the employment or service of Her Majesty's Government.

Computation of Passengers.

XI. *And be it enacted*, That for the purpose and within the meaning of this Act, Two Children, each being under the age of Fourteen years, shall, in all cases, be computed as one Passenger; and that Children under the age of One year, shall not be included in the computation of the number of Passengers.

Owner, Charterer, and Master of Vessel not bound for Province liable for relief afforded by Overseers of Poor.

XII. *And be it enacted*, That if any Passenger, landed from any Ship or Vessel which shall not have been cleared for any Port or Place in this Province, shall have required aid, either from the Public Treasury or the Poor Fund, or from any Overseers of the Poor of any Township or Settlement in this Province, and such aid shall have been provided for the support and sustenance of such Passenger, the Owner and Charterer, and also the Master or Commander of such Ship or Vessel, shall be liable and responsible to the extent of the monies so advanced; and the said Ship or Vessel shall not be cleared out, or suffered to depart from this Province until such monies shall have been fully repaid.

Wreck, Furniture, & Appurtenances to be applied to support of Passengers.

XIII. *And be it enacted*, That in case any Ship or Vessel having Passengers on board shall at any time hereafter be wrecked on the coasts of this Province, and such Passengers be liable to become chargeable on the said Province, and any part of the said Ship or Vessel or her furniture or appurtenances be saved, and the Owner, Charterer, Master, or other Person in charge shall not provide for the sustenance of the said Passengers, and their transport to their place of destination, it shall be lawful for the Collector or other principal Officer of the Customs at the Port nearest to the place where such wreck shall take place, or such other person as the Governor shall appoint for such purposes, to take charge of the said wreck and the furniture and appurtenances thereof, and sell the same, and out of the proceeds of such sale, after paying any amount that may be due for salvage and the wages of the seamen, to deduct such sum as may be required to defray the necessary sustenance of the said Passengers, and their expenses to their place of destination, and to pay over the balance (if any) to the owner, if present, and in his absence to the Master or Commander of such vessel.

Governor in Council may remit payment of Head Money.

XIV. *And be it enacted*, That it shall be lawful for the Governor in Council on the arrival of any Ship or Vessel at any Port or Place in this Province with Passengers or Immigrants, and liable to the Quarantine or Head Money by the Second section of this Act imposed, to relieve the Owner, Charterer, Captain, or Agent of said Ship or Vessel from the payment of the said Quarantine or Head Money in whole or in part, as to the said Governor in Council as aforesaid may appear just and reasonable, and on such terms as they may think it necessary to impose.

Act not to apply to Natives, &c., of Province, and transient persons.

XV. *And be it enacted*, That this Act shall not be construed to apply to any person in or on board of any such Ship or Vessel arriving with Passengers or Immigrants as aforesaid, who shall have been born or domiciled in this Province, nor to any resident or inhabitant of the United States, or any of the Colonies of British North America, who come to this Province only for a temporary purpose, whether of pleasure or business, and who have a *bona fide* intention of returning to their place of residence, and shall make the same appear to the satisfaction of the Collector, or other Officer of the Customs, as aforesaid.

XVI.

XVI. *And be it enacted,* That all penalties imposed by this Act for offences against the same, may be sued for and recovered by the Collector or other Officer of Her Majesty's Customs, or by any person commissioned for that purpose by the Governor, by bill, plaint, or information, in any Court of Record in this Province, or before two or more Justices of the Peace for the County in which the offence shall have been committed, or cause of complaint shall have arisen, or in which the offender or party complained against shall happen to be; and upon complaint being made in a case over which two Justices have jurisdiction as aforesaid, before any one Justice of the Peace, he shall issue a summons, requiring the party offending or complained against to appear on a day, and an hour, and place, to be named in such summons; and every such summons shall be served on the party offending or complained against, or shall be left at his last house, place of residence, or business, or on board any Ship to which he may belong, and either upon the appearance or default to appear by the party offending or complained against, it shall be lawful for any two or more Justices to proceed summarily upon the case, and either with or without any written information; and upon proof of the offence, or of the Complainant's claim, either by confession of the party offending or complained against, or upon the oath of one or more credible witnesses, (which oath such Justices are hereby authorised to administer,) it shall be lawful for such Justices to convict the offender, and upon such conviction, to order the offender or party complained against to pay such penalty as the Justices may declare to have been incurred, and also to pay the costs attending the information or complaint; and if, forthwith, upon any such order, the monies thereby ordered to be paid be not paid, the same may be levied, together with the costs of the distress and sale, by distress and sale of the Goods and Chattels of the party ordered to pay such monies—the surplus, if any, to be returned to him upon demand; and any such Justices may issue their Warrant accordingly, and may also order such party to be detained and kept in safe custody until return can be conveniently made to such Warrant of Distress, unless such party give security to the satisfaction of such Justices for his appearance before them on the day appointed for such return, such day not being more than eight days from the time of taking such security; but if it shall appear to such Justices, by the admission of such party, or otherwise, that no sufficient distress can be had whereon to levy the monies so adjudged to be paid, they may, if they think fit, refrain from issuing such Warrant of Distress in such case; or if such Warrant shall have been issued upon the return thereof, such insufficiency shall be made to appear to the Justices, or any two or more of such Justices as aforesaid, then such Justices shall, by Warrant, cause the party ordered to pay such monies and costs as aforesaid, to be committed to Jail, there to remain without any bail for any term not exceeding Three Months, unless such monies and costs ordered to be paid, and such costs of distress and sale, as aforesaid, be sooner paid and satisfied.

Recovery and Application of Penalties, &c.

XVII. *And be it enacted,* That where any distress shall be made for any Penalty, Monies, or Costs, to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party making the same be deemed a trespasser, *ab initio*, on account of any irregularity which shall be afterwards committed by the party so distraining, but the person aggrieved by such irregularity may recover full satisfaction for the special damages in an action upon the case.

Irregularity in distress.

XVIII. *And be it enacted,* That it shall be lawful for the Governor in Council, in any port or place in this Province, where no Officer of the Customs is situate, to appoint and commission a fit and proper person, or agent, who shall be thereby empowered to carry out and enforce the provisions of this Act.

Appointment of Agent where no resident Officer of Customs.

XIX. *And be it enacted,* That the Act made and passed in the Sixth Year of the Reign of Her present Majesty Queen Victoria, entitled, An Act relating to Passengers arriving in this Province; and also the Act passed in the Seventh

Acts 6 & 7, Victoria, repealed.

Year of Her present Majesty's Reign, in amendment thereof, and every matter, clause, and thing, in the said respective Acts contained, shall be, and the same are hereby repealed.

Duration of Act.

XX. *And be it 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.

CAP. XLIII.

An Act to empower the Presbyterian Congregation at River John, in the County of Pictou, to appoint Trustees for the purpose of holding Lands for the use of the said Congregation.

(Passed the 11th day of April, 1848.)

Preamble.

WHEREAS, the Presbyterian Congregation at River John, in the County of Pictou, holding communion with 'The Presbyterian Church of Nova-Scotia,' and being in ecclesiastical connexion therewith, have erected a House for Divine Worship at River John aforesaid, designated and known as the 'Belle-vue Church,' and in which the Reverend James Waddell at present officiates, on a certain piece of Land there situate, belonging to William Matheson, Esquire, he having given his assent thereto in and by a certain instrument in writing, bearing date the Tenth day of July, One Thousand Eight Hundred and Thirty-four: *And whereas*, the said Instrument does not transfer and assure the title of the said piece of Land for the use of the said Congregation in as full and ample a manner as intended by the said William Matheson; and the said William Matheson is now willing to dedicate and convey for the use of the said Congregation, as well the said piece of Land whereon the said House of Worship has been erected, as also another valuable piece of Land situate near the same, to Trustees appointed by such Congregation: *And whereas*, the said Congregation are desirous of securing and vesting the title thereof, and also the title of such other Lands, Tenements, and Hereditaments, as they may hereafter purchase or be entitled unto, in certain Trustees to be appointed by, and subject to the control of the said Congregation as hereinafter provided: Now, therefore, in order to effect said objects:

Pew-holders to nominate Five Trustees of Lands, &c., of Congregation.

I. *Be it enacted, by the Lieutenant-Governor, Council, and Assembly*, That it shall be lawful for the said Presbyterian Congregation, at any Public Meeting of the said Congregation to be held in said building erected as aforesaid, or at a convenient place in the vicinity, to be appointed for such purpose, and of the time, place, and purpose, whereof due notice shall have been given to such Congregation in their House of Worship during the time the same shall be open for Divine Service, on the Two Sundays next previous to such Meeting, by a vote of the majority of the Pew-holders of the said Congregation present at such Meeting, to nominate and appoint fit and proper persons, not exceeding Five in number, to take charge of, and hold in possession, the Lands and Buildings now belonging to the said Congregation, or which may hereafter be given, granted, or bequeathed to, or purchased by, or erected for, the said Congregation, and also for such other purposes as are hereinafter specified: *Provided always*, that Three of said Trustees shall form a *quorum*, and that nothing in this Act contained shall affect or prejudice the rights (if any such there be) of any person not herein mentioned, their Heirs or Assigns, in and to the Lands and Premises now in the possession of the said Congregation.

Proviso.

II. *And be it enacted*, That it shall be lawful for the said Congregation, whenever they may think it necessary, at any Public Meeting called and conducted as herein prescribed, to fill up any vacancy that may have been made in the said Trust, by death, resignation, or otherwise, or if they think proper to remove any one or more of the said Trustees from the office of the said Trust, and appoint others in their place, and the same power of the former Trustees shall vest in the succeeding Trustees without any assignment or conveyance, for all purposes whatsoever mentioned in this Act; and at every Public Meeting held for the purposes of this Act, some fit person shall be chosen Chairman, and some fit person as Clerk, and all 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 persiding as Chairman, and by the Clerk of the Meeting, and proof of such entry so signed shall be deemed sufficient evidence in all Courts and places whatsoever of such proceedings, and of the regularity thereof respectively.

Supply of vacancies, removal of Trustees, Election of Chairman, Clerk, &c., &c.

III. *And it be enacted*, That for the purposes of this Act, the said Trustees when so nominated and appointed, and their successors in office, in all cases where necessary so to do, shall be named and styled "The Trustees of Belle-vue Church at River John."

Name of Trustees.

IV. *And be it enacted*, That by a vote and direction of the majority of the said Congregation present, at any lawful Meeting thereof, called and conducted in manner aforesaid, the said Trustees and their successors in office shall, and they are hereby required and empowered in and by their name of office as aforesaid, to purchase, take, have, hold, and possess, any Lands, Hereditaments, or Real Estate, which a majority of the said Congregation present at any such Meeting shall, by vote, think proper to purchase or accept, and shall in any way provide the Funds to pay for; and shall also grant, sell, lease, mortgage, or convey, to such persons, and for such prices, sums, rents, and for such terms of years, or absolutely as by a majority of the said Congregation present at any such Meeting, shall be agreed on, any Lands, Hereditaments, or Real Estate, now or hereafter belonging to the said Congregation, which a majority of the said Congregation present at any such Meeting, shall think proper to sell, lease, mortgage, or dispose of; and every deed, lease, mortgage, or other conveyance of any such Property, executed to or by such Trustees for the time being, shall be sufficient and valid in Law, to vest all the Estate and Title of the vendors, in, to, or out of, all such Lands, Hereditaments, and Real Estate, so purchased or accepted, in the said Trustees for the time being, and their successors in office, or to convey to the grantees, lessees, mortgagees, or purchasers thereof, respectively, either in perpetuity, pledge, or for a term of years, or otherwise as the case may be, all such Estate, Title, Interest, and Property, therein, as the said Congregation, or the Trustees thereof for the time being, and their successors in office, have had, held, or were entitled to, in, to, or out of such Lands, Hereditaments, and Real Estate, so sold, leased, mortgaged, or disposed of, or as the said Congregation designed by such deed, lease, mortgage, or conveyance, to vest in the grantees, lessees, mortgagees, or purchasers named therein.

Duties, powers of Trustees, &c., &c.

V. *And be it enacted*, That the said Trustees, and their successors in office shall, and they are hereby respectively authorised, in their name of office aforesaid, to bring or defend, or cause to be brought or defended, any action, suit, or prosecution, at Law or in Equity, touching or concerning any Lands, Hereditaments, or Real Estate of, or belonging to, the said Congregation, held or to be held under this Act; and such Trustees and their successors in office shall, in any such action, suit, or prosecution, sue and be sued, implead and be impleaded, defend and be defended, as Trustees, under their name and designation of office aforesaid, and no such suit, action, or prosecution, shall abate or be discontinued by the death, resignation, or removal from office, of any or all such Trustees, but the same shall

Trustees to bring or defend a Suit, &c.

be

be proceeded in, or defended by or against the succeeding Trustees—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 commenced, prosecuted, or defended by such Trustees, as shall be in office at the time of the award, settlement, or final adjudication thereof; and such receipts and payments shall be held to have been received and made for, and on account of, the said Congregation, and by the said Trustees shall be accounted for to them; and all such sums of money as the said Trustees shall, for any purpose, be lawfully required to pay for the said Congregation, over and above what may be by them received for the use thereof, shall be reimbursed to them from the funds of the said Congregation.

On nomination of Trustees, Real Estate to be transferred to them, &c., &c.

VI. *And be it enacted*, That when and so soon as the said Congregation shall have nominated and appointed Trustees, under the provisions of this Act; the possession of all Lands, Hereditaments, and Real Estate, wherever the same may be situate, which shall then belong to the Congregation, or be held by any person for the use thereof, shall, by virtue hereof, be transferred to and held to be in the said Trustees, and that the same Lands, Hereditaments, and Real Estate, together with all such other Lands, Hereditaments, and Real Estate, as shall be purchased by, or become the Estate and Property of the said Congregation, under the provisions of this Act; and also, all Houses and Buildings now or hereafter to be built thereon, or any part thereof, shall for all purposes whatsoever, with in the meaning and intention of this Act, be held, deemed, and taken to be in the possession of the said Trustees and their successors in office, and by them to be held to and for the use of the said Congregation, to be by the said Congregation enjoyed, used, occupied, and disposed of, in such way or manner, and to and for such purposes, as the said Congregation at any lawful Public Meeting, called and conducted in manner aforesaid, shall, by a vote of the majority thereof present at any such Meeting, from time to time order, limit, or direct.

Qualification of Voters.

VII. *And be it enacted*, That at the Meetings of the said Congregation for the purposes of this Act, no person shall be entitled to vote who is not at the time of such Meetings a Pew-holder, nor shall any such Pew-holder be entitled to vote who is in arrears for pew rent, or his stipulated share of Minister's stipend, for more than Twelve months next before the time of any such Meeting.

CAP. XLIV.

An Act for regulating the Court House Ground at Amherst, in the County of Cumberland.

(Passed the 11th day of April, 1848.)

Preamble.

WHEREAS, by Deed bearing date the Twelfth day of August, in the Year of Our Lord One Thousand Seven Hundred and Eighty-eight, William Freeman, late of Amherst, in the County of Cumberland, granted, bargained, and sold unto Edward Barron, William Black, and Charles Baker, Esquires, Justices of the Peace in the said County, and their associates, for and in trust for said County, One acre and a half of Land in the Lot number Sixty, joining the Roads leading through Amherst, and also leading to the Bridge over Leplaunch River, described as follows, namely: beginning at the South-westernmost corner of the old Court House, running thence South Sixty-one degrees West Fifty feet to the Highway; thence South Twenty degrees East One hundred and Eighty-one and one half feet on said Highway, North Thirty-nine degrees East Three Hundred and Ninety-eight feet, North Twenty degrees West One hundred and Thirty-two feet, South

South Seventy degrees West Three hundred and Forty-six feet; thence South Twenty degrees East One hundred and Thirty-two feet to the first mentioned line on said Highway: *And whereas*, a new Court House and Jail have been erected upon the said piece of Land so conveyed as aforesaid, and in consequence of the death of all the said Trustees in such Deed named, it is advisable that new Trustees should be appointed and empowered to take charge of such Land and Buildings now or hereafter to be erected thereon, in manner and under the restrictions hereinafter expressed concerning the same:

I. *Be it enacted, by the Lieutenant-Governor, Council, and Assembly*, That at the next or any subsequent General Sessions of the Peace to be held at Amherst, it shall be lawful for the Grand Jury to nominate Six persons residing within the County, out of whom the Justices present, or a majority of them, shall appoint Three to be Trustees of the said piece of Land so conveyed as aforesaid, and the Buildings thereon erected and being—which said Three persons so appointed, and such persons as may from time to time be appointed to succeed them in manner hereinafter mentioned, shall be, and are hereby declared to be a Body Corporate, in deed and in name, by the name of “The Trustees of the Amherst Court House Ground,” and by that name shall have perpetual succession, and by that name shall and may sue and be sued, defend and be defended, in any Court or place whatever.

Trustees of the Amherst Court House Ground Incorporated.

II. *And be it enacted*, That the legal estate and title of and in the said Lands and Buildings thereon now, or hereafter to be erected, shall become and be vested in such Trustees for the purposes originally intended in and by such Deed, and generally for the benefit of the Inhabitants of the said County of Cumberland: *Provided always*, that nothing herein contained shall extend, or be construed to extend, to interfere with the use of the said Court House and Jail for County purposes, as the same have heretofore been used therefor, or with the necessary management and control thereof vested and being in the High Sheriff of the said County for the time being; and that nothing herein contained shall extend, or be construed to extend, to deprive any person, or Body Politic or Corporate, of any right, interest, property, or possession, in him or them by law vested and being.

Legal Estate in Lands, &c., to vest in Trustees.

Proviso.

III. *And be it enacted*, That whenever any vacancy or vacancies shall occur in such Trust hereby created by the death, resignation, or removal from office, or permanent removal from the said County, of any of the said Trustees (and which removal from office the Court of General Sessions of the Peace, upon the presentment of the Grand Jury for the said County, are hereby authorised to make), it shall be lawful for the Grand Jury, at any Court of General Sessions, as aforesaid, to nominate Two or more persons as may be necessary, being double the number of Trustees required, out of whom the said Justices in manner aforesaid shall appoint One or more person or persons to supply such vacancy or vacancies, so that the number of the said Trustees may always be Three.

Vacancies in Trustees, how to be supplied.

IV. *And be it enacted*, That the said Trustees or any Two of them, shall have power from time to time to make, alter, annul, and make anew, such Bye Laws, Rules, and Ordinances, as they may deem necessary for the better protection of the Property and Estate hereby in them vested, and the carrying out of the purposes of the Trust, and to affix penalties for breaches thereof: *Provided*, such Bye Laws, Rules, or Ordinances, be not contradictory or repugnant to Law: *And provided also*, that no such Bye Law, Rule, or Ordinance, or revocation thereof, shall be of any force or effect until the same shall have been submitted to, and approved by, the Justices in General Sessions as aforesaid—and, whereupon, the same shall be filed with the Clerk of the Peace.

Trustees to make Bye Laws, Rules, &c.

Proviso.

V. *And be it enacted*, That it shall be lawful for the said Trustees from time to time to make and execute Leases for any period not exceeding Five years, to the persons at present in possession, or others who may desire to hire the same, of any portion

To make Leases not exceeding Five years.

Proviso.

portion of the said Lands, not interfering with the full use of the said Court House and Jail, at such rents, and upon such terms, and under such restrictions, as may be thought proper: *Provided always*, that if any person at present in possession of any part of the said Lands shall not desire to lease the same, it shall be lawful for him to remove any building by him thereon erected or held—the same being done with all convenient speed after notice given by such Trustees—and that such buildings may in like manner be removed at the expiration of any lease which may be first made after the passing hereof, unless otherwise agreed upon in such lease; but if any such lease shall be afterwards renewed, the fee simple of and in the building shall be deemed to be vested in the said Trustees.

Recovery of Rents,
Penalties, &c.

VI. *And be it enacted*, That all rents, in and by said leases reserved or agreed upon, and all penalties incurred for breach of any such Bye Law so to be made as aforesaid, may be sued for and recovered by and in the name of the said Trustees, before any one or more Justices of the Peace for the said County, in proportion to the amount thereof, in the same manner as ordinary debts are recoverable; and any two Justices of the Peace shall have jurisdiction over the same, although the sum sought to be recovered may exceed Ten Pounds, subject, however, in all cases to appeal to the Supreme Court as in ordinary cases.

Application of Rents,
&c.

VII. *And be it enacted*, That all rents and monies received by such Trustees shall be paid and applied towards insuring, and keeping insured, against loss or damage by fire, at all times hereafter, the said Court House and Jail, or such other Court House and Jail, or other Public Buildings as may be hereafter erected on said Lands, and to the improvement of the remainder of the said Lands, or such other purposes for the general benefit of the Inhabitants of the said County as may be approved by the Justices in their General Sessions of the Peace.

Accounts of Trustees

VIII. *And be it enacted*, That the said Trustees shall annually submit an account of all monies received and paid by them to the said Court of General Sessions of the Peace—which account, after being audited and confirmed by the Justices present, shall be filed in the office of the Clerk of the Peace.

Duration of Act.

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

CAP. XLV.

An Act for the regulation of the County Gaol at
Halifax.

(Passed the 3d day of April, 1848.)

Justices of Peace to
make regulations
relative to Gaol,
&c.

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That from and after the passing of this Act, the Justices of the Peace for the County of Halifax, at their General Quarter Sessions, or at any Special Sessions held for such purpose, shall have power to make such Rules and Orders as shall from time appear to them to be necessary and proper, for the internal regulation of the County Gaol now erected, or hereafter to be erected, at Halifax, and for the guidance of the Gaoler, Turnkeys, and other subordinate officers, employed therein, in the discharge of their respective duties, and for securing the due control and government, comfort, cleanliness, and temperance of the prisoners, who may from time to time be confined therein.

To fix amount of
Gaoler's salary,
fees, &c., &c.

II. *And be it enacted*, That the said Justices in Session shall have power by rule or order in such behalf, with the assent of the Grand Jury, to regulate the amount of salary to be allowed to the Gaoler and other subordinate officers, employed in the Gaol respectively, for their services; and to make such regulations respecting the payment

payment of Fees to the Gaoler by the Prisoners confined in the Gaol, or otherwise to abolish such Fees, or any of them, as they shall see fit and proper.

III. *And be it enacted*, That true copies, certified under the hand of the Custos of the County for the time being, of all such Rules, Orders, and Regulations, as shall be from time to time made by the said Justices in Session, under and by virtue of the preceding clauses of this Act, shall be immediately after the passing thereof, delivered by the Clerk of the Peace to the Prothonotary of the Supreme Court at Halifax, and the said Court shall have power at the next subsequent Term thereof, to confirm, amend, or alter, or to remit the same to the next General Quarter Sessions for further consideration; and if the Supreme Court shall not at the next subsequent Term, after the delivery thereof to the Prothonotary as aforesaid, confirm, amend, alter, or remit the same to the Sessions in manner aforesaid, such Rules, Orders, and Regulations, shall thenceforth have full force and effect in like manner as if the same had been expressly passed or confirmed by Rule of the Supreme Court.

Rules, Orders, &c.,
to be submitted to
Supreme Court.

IV. *Provided always, and be it enacted*, That nothing in this Act contained, shall extend, or be construed to extend, to authorise the said Justices in Session to fix and ascertain the extent and limits of the Gaol yard, nor to pass any Rule or Order, whereby the security of the Prisoners confined in the said Gaol, may be diminished, or whereby the Sheriff may be prevented from making proper arrangements for the safe-keeping of any Prisoners confined therein; nor shall anything herein contained, nor Rule, Order, or Regulation, made by the said Justices in Session, under and by virtue of this Act, extend, or be construed to extend, to limit, or in any degree lessen the responsibility of the Sheriff, for the safe-keeping of any Prisoner so in his custody as aforesaid, or to interfere with the general management and control of such Sheriff over the Prisoners in the said Gaol, subject to the Rules and Regulations passed as aforesaid.

Limitation of powers
of Justices, &c.

CAP. XLVI.

An Act to enable the Halifax Water Company to construct a Reservoir on the Common of Halifax.

(Passed the 11th day of April, 1848.)

WHEREAS, the Halifax Water Company have commenced laying down the necessary Pipes for conducting Water into the City of Halifax, and have expended a large sum of money in the execution of said Works: *And whereas*, it has become necessary that a Distributing Reservoir should be constructed in the Suburbs of Halifax to reduce the pressure on the Service Pipes to be laid through the Streets of the said City, and a suitable site has been found on the North-west end of the Camp or Windmill Hill, so called, on the Common of Halifax:

Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council, and Assembly*, That the hereinafter described piece of Land, part and parcel of the Common of Halifax aforesaid, shall be appropriated for the purpose of constructing such Reservoir, that is to say—all that lot or piece of Land, situate on the Windmill Hill aforesaid, on the said Common, on the East side of the Highway running along the West side of said Common, and bounded and described as follows: beginning at a point Twenty feet to the Eastward of the East side line of said Highway, which point is distant One hundred and Fifty feet Northward of the North line of the lot reserved for Military purposes; thence from the said point of beginning to be bounded by a Line measuring Eastwardly on a course parallel with the North line of said Military Ground Three hundred and Thirty feet; thence at right angles

Description of Land
granted for Reser-
voir.

angles with the last course and on a line parallel with the Highway aforesaid Three hundred and Thirty feet ; thence Westwardly Three hundred and Thirty feet ; thence parallel with said Highway Southwardly to the place of beginning, comprehending within this description about Two acres and One half of an acre, more or less, with the appurtenances thereof.

Enclosure of Land,
&c., &c.

II. *And be it enacted*, That the said Company may, and they are hereby authorized and empowered, to enclose the hereinbefore described lot or piece of Land for a Reservoir, by a Wall, or otherwise, and to plant and embellish the said ground after the said Reservoir shall have been constructed and finished, and to preserve, uphold, repair, and maintain the said Reservoir, and the said Wall, or other enclosure, from time to time as they shall deem proper.

Not to extend to any
other part of Com-
mon, &c., &c.

III. *And be it enacted*, That nothing in this Act contained shall extend, or be construed to extend, to any other part of the said Common, or any reservations or grants, or leases of parts thereof for Sepulture or Military purposes, or to give to said Company any right, title, or interest, in the said lot hereby appropriated, for a longer period than their continuance as a Water Company, nor for any other purpose than a Reservoir as aforesaid.

Rent to be paid by
Company, &c.

IV. *And be it enacted*, That the said Company, during their holding of such piece of Ground hereunder, shall pay to the City of Halifax, in the nature of a Rent therefor, as follows, that is to say : for the term of Seven years, to commence and be computed from the First day of October next, the annual sum of Fifteen Pounds, payable in quarterly instalments, to become due on the First days of January, April, July, and October, in every year ; and at the expiration of the said term of Seven years, in lieu thereof, the annual sum of Twenty-five Pounds, or such less sum as the City Council, having a just regard to the state of affairs, business, and profits of the Company, shall agree to take—such annual sum to be also payable quarterly on the respective days aforesaid in every year ; and all such sums shall form and be a lien on the Funds and Stock of the Company ; and shall be distrainable upon their Works and Appurtenances in the same manner as other Rents are distrainable.

CAP. XLVII.

An Act to provide for the building of Wallace Bridge.

(Passed the 11th day of April, 1848).

Preamble

WHEREAS, it is necessary to erect a new Bridge over the Wallace River, near Rindress', in the County of Cumberland, and the expense thereof will exceed the sum which can be set apart out of the Road monies allotted to that County during the present year, having a due regard to the various other Roads and Bridges therein, by the sum of Two Hundred Pounds or thereabouts ; and it is advisable that a Loan for the balance should be authorised and made chargeable upon the Fund hereinafter mentioned.

Appointment of
Commissioner for
Wallace River
Bridge.

I. *Be it enacted, by the Lieutenant-Governor, Council, and Assembly*, That when and so soon as it shall be made appear to the satisfaction of the Governor in Council, that such sum has been advanced, or agreed to be advanced, by any person, as will suffice with the monies set apart from the Road monies allotted to the said County of Cumberland, during the present year, to complete the said new Bridge over Wallace River, and will be forthwith provided and advanced when and as required, during the progress of the work, it shall be lawful for the Governor to appoint a Commissioner or Commissioners for the purpose of superintending the expenditure of such monies, and who shall proceed to lay out the same, and make

make return of such expenditure, in manner as Commissioners for the expenditure of monies, by Law applied for the service of Roads and Bridges, are required to do.

II. *And be it enacted*, That until all monies advanced by any such person for the completion of the said Bridge, with legal interest thereon, shall be repaid, there shall be annually appropriated from and out of the monies granted for the service of Roads and Bridges, in the said County of Cumberland, one half of the said sum so advanced and expended, as aforesaid, together with legal interest on the principal sum from time to time remaining due, to be paid to the person who shall lend and advance the same, in whose favour it shall be lawful for the Governor to draw warrants on the Treasury for such yearly amount; and in case the monies so allotted shall be less than the said one half, with interest thereon, in any one year, then, in every such year, the whole monies so allotted shall be appropriated towards paying off the amount so advanced.

Half of Road Money to be annually appropriated to pay advances.

III. *Provided always, and be it enacted*, That no greater sum in the whole than Two Hundred Pounds shall be borrowed hereunder; and that in case hereafter no monies shall be granted for the service of Roads and Bridges, in the said County of Cumberland, nothing herein contained shall be held, or deemed to be, any pledge, guarantee, or lien of, or for, or upon, the Public Funds or Revenue of this Province, or of or upon the Public, for the repayment of any monies, which may have been advanced for the completion of such Bridge, and which may remain unpaid.

CAP. XLVIII.

An Act relating to the Grandique Ferry, in the County of Richmond.

(Passed the 11th day of April, 1848.)

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That it shall be lawful for the Court of General Sessions of the Peace, in the County of Richmond, or for any Special Sessions to be holden for that purpose, to make from time to time such further Rules and Regulations as may be found necessary, for the control and management of the Grandique Ferry, and for the purpose of removing or altering the places of landing at such Ferry, and the Station Houses of the Ferrymen, and to appoint and direct, under the recommendation of the Grand Jury for the County, the erection of such Station Houses, Wharves, Slips, or Buildings, as may be deemed necessary for the more convenient use of the said Ferry, and to direct and apply thereto the expenditure of such sums as may be appropriated therefor by the Government, or raised by subscription, assessment, or otherwise, and the labor and materials that may be contributed therefor.

Sessions to make Regulations—appoint landing places, &c.

II. *And be it enacted*, That the Custos of the said County shall, as soon as may be convenient after the passing of this Act, and as often as may be deemed necessary, call a Special Sessions of the Peace for the purposes aforesaid—which Special Sessions shall consist of Five Justices at least; and that it may be lawful for the Grand Jury of the said County, at any time after the passing of this Act, either in Sessions of the Peace or in the Supreme Court, to assess upon the said County in manner as County Rates are now provided, such sums of money as may be requisite for the uses aforesaid.

Custos to call Special Sessions.

CAP. XLIX.

An Act to authorize an Assessment on the Township of Sydney.

(Passed the 11th day of April, 1848.)

Preamble.

WHEREAS, John Ferguson, one of the Overseers of the Poor for the Township of Sydney, in the County of Cape-Breton, during the years One Thousand Eight Hundred and Forty-four and One Thousand Eight Hundred and Forty-five, did necessarily pay out and expend the sum of Seventy-five Pounds Nineteen Shillings and Eight Pence, or thereabouts, in and about the support of certain paupers, chargeable on the said Township, for which amount the Inhabitants of the said Township have declined making an assessment, and it is therefore proper that provision should be made for enforcing the same :

Expenditure by John Ferguson to be assessed on Township of Sydney.

I. *Be it enacted, by the Lieutenant-Governor, Council, and Assembly,* That at the next or any subsequent General Sessions of the Peace for the County of Cape-Breton, it shall be lawful for the Grand Jury to present, and for the Court of General Sessions of the Peace to confirm, such sum of money, not exceeding the said sum of Seventy-five Pounds Nineteen Shillings and Eight Pence, as may satisfactorily appear to have been so laid out and expended by the said John Ferguson, as such Overseer of the Poor as aforesaid, and not to him refunded; and such sum of money so presented and confirmed, shall be assessed upon, and shall be raised, levied, and paid, from and by the Inhabitants of the said Township of Sydney, and in such and the like manner as other sums for the support of the Poor within the said Township, after being voted and presented, are by Law appointed to be raised, assessed, and collected, in and from the said Inhabitants, and when collected, shall be paid over to the said John Ferguson, in full of his claim as aforesaid.

CAP. L.

An Act to authorise the Grand Juries in the Counties of Halifax and Pictou to assess said Counties for the erection of Hospitals therein.

(Passed the 11th day of April, 1848.)

Grand Juries, Halifax and Pictou, to assess sum requisite for Hospital.

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That it shall be lawful for the Grand Juries in each of the Counties of Halifax and Pictou to assess the Inhabitants of each of said Counties respectively, in such sums as they may deem expedient, for the erection of an Hospital to be built in each of said Counties—the same in every respect as the County Taxes now collected and levied are assessed, levied, and collected, in said Counties.

Appointment of Board of Commrs., &c

II. *And be it enacted,* That it shall be lawful for His Excellency the Lieutenant-Governor, in Council, to nominate and appoint a Board of Commissioners in each of said Counties to purchase a Lot of Land for the erection of each of such Hospitals, and to erect, build, and complete the same, and to hold the same in trust—subject to such Rules and Regulations as the Legislature may hereafter provide for the conduct and management of said Hospitals respectively.

CAP. LI.

An Act additional to the Act to regulate certain Landings in the County of King's County.*(Passed the 11th day of April, 1848.)*

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the provisions of the Act passed in the Eighth Year of the Reign of His late Majesty William the Fourth, entitled, An Act to regulate certain Landings in the County of King's County, shall be, and they are hereby extended to all the Public Harbors and Public Landings within the Township of Cornwallis, in the said County; and it shall be lawful for the Grand Jury of the said County to assess such sums of money as may be requisite to pay to the Harbor Masters, appointed under the said Act, such compensation as shall be fixed and regulated by the Justices of the Peace of the said County, in their General Sessions.

Ac 8, Wm. 4, extended to Township of Cornwallis.

CAP. LII.

An Act to amend the Act to authorize the appointment of a new Board of Governors for Dalhousie College.*(Passed the 11th day of April, 1848.)*

WHEREAS, it is expedient to amend the Act passed in the Fourth Year of Her present Majesty's Reign, entitled, 'An Act to authorize the appointment of a new Board of Governors of the Dalhousie College at Halifax':

I. Be it enacted, by the Lieutenant-Governor, Council, and Assembly, That, on the passing of this Act, it shall be lawful for the Governor in Council to appoint a new Board of Governors of Dalhousie College, to consist of not less than Five, nor more than Seven Members—which Board shall hold office during pleasure—and to take such other steps for rendering the Institution useful and efficient as to His Excellency may seem meet; and from and after the appointment of such new Board, the Board at present acting therefor shall cease to have any power or authority whatever; and the persons so newly appointed, and their successors, shall have all the powers and authorities as Governors of the said College, by the said Act hereby amended; conferred upon the present Board; and vacancies at such new Board shall be supplied in the same manner.

Preamble.

Appointment of new Board—its number, powers, &c.

CAP. LIII.

An Act to continue the several Acts to provide for the Accommodation and Billeting of Her Majesty's Troops, or of the Militia, when on their March from one part of the Province to another.*(Passed the 30th day of March, 1848.)*

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act 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

Acts 48, 51, & 53, Geo. 3, as amended, and Act 6, Vic. continued.

leting 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 addition to, and amendment thereof, and every matter, clause, and thing, in the said Acts contained, except so far as the same may be altered or amended by the Act hereinafter mentioned; and also, the Act passed in the Sixth Year of the Reign of Her present Majesty Queen Victoria, to continue and amend the said Acts, and every matter, clause, and thing, therein contained, shall be continued—and the same, except as before excepted, are hereby respectively continued for One year, and thence to the end of the then next Session of the General Assembly.

CAP. LIV.

An Act to continue the Act to extend to the Town of Dartmouth the Act to amend the Act to regulate the Assize of Bread.

(Passed the 30th day of March, 1848.)

Act 6, Vic., continu-
ed. **BE** it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Sixth Year of Her present Majesty's Reign, entitled, 'An Act to extend to the Town of Dartmouth the Act to amend the Act to regulate the Assize of Bread'—and every matter, clause, and thing, therein contained, shall be continued, and the same are hereby continued for Three years, and thence to the end of the then next Session of the General Assembly.

CAP. LV.

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

(Passed the 30th day of March, 1848.)

Acts 11, Geo. 4, 1 &
2, Wm. 4, and 8,
Vic., as altered,
and Act 10, Vic.,
continued. **BE** it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Eleventh Year of the Reign of His late Majesty King George the Fourth, entitled, 'An Act to regulate the Pilotage of Vessels at the Port of Halifax,' and the several Acts passed in the First and Second Years respectively of the Reign of His late Majesty King William the Fourth, in amendment of, and additional to, the said Act, except so far as the same may be altered or amended by the Acts hereinafter mentioned; also, the Act passed in the Eighth Year of Her present Majesty's Reign, to continue and amend the said Acts, except as altered by the Act hereinafter mentioned; and also, the Act passed in the Tenth Year of Her present Majesty's Reign, to continue and amend the said Acts, shall be continued—and the said several Acts, and every matter, clause, and thing, therein contained, except as before excepted, are hereby continued for Three years, and thence to the end of the then next Session of the General Assembly.

CAP. LVI.

An Act to continue the Act to direct and ascertain the mode of Assessing County and District Rates, and for other purposes, and the Acts in amendment thereof.

(Passed the 30th day of March, 1848.)

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Fifth Year of the Reign of His late Majesty King William the Fourth, entitled, 'An Act to direct and ascertain the mode of Assessing County and District Rates, and for other purposes,' except the Eighth Clause or Section thereof, and also except as hereinafter excepted; also the Act passed in the Sixth Year of His said late Majesty's Reign, entitled, 'An Act to amend the Act to direct and ascertain the mode of Assessing County and District Rates, and for other purposes;,' also the Act passed in the First Year of Her present Majesty's Reign, entitled, 'An Act to continue the Act to direct and ascertain the mode of Assessing County and District Rates, and for other purposes, and the Act in amendment thereof;,' and also the Act passed in the Second Year of Her present Majesty's Reign, entitled, 'An Act to continue and further amend the Act to direct and ascertain the mode of Assessing County and District Rates, and for other purposes, and the Act in amendment thereof,' save and except so far as the said Acts, or any of them, may be altered or amended by any other of the said Acts subsequent thereto, shall be continued, and the said several Acts, and every matter, clause, and thing, therein contained, except as before excepted, are hereby continued for Three years, and thence to the end of the then next Session of the General Assembly.

Acts 5 & 6, Wm. 4th, & Acts 1 & 2, Victoria, as altered, continued.

CAP. LVII.

An Act to continue the Act relating to the Courts of Probate, and to the Settlement and Distribution of the Estates of Deceased Persons.

(Passed the 30th day of March, 1848.)

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Fifth Year of the Reign of Her present Majesty Queen Victoria, entitled, "An Act relating to the Courts of Probate, and to the Settlement and Distribution of the Estates of Deceased Persons," except so far as the same may be altered or amended by the Acts passed in the Sixth Year of Her present Majesty's Reign, entitled, respectively, "An Act in addition to, and in amendment of, the Act relating to the Courts of Probate, and to the Settlement and Distribution of the Estates of Deceased Persons," and, "An Act to regulate the Practice of the Courts of Probate within this Province," or by either of the said Acts, or by the Act passed in the Seventh Year of Her present Majesty's Reign, entitled, "An Act in relation to the Law concerning Courts of Probate," shall be continued, and the said first mentioned Act, and every matter, clause, and thing, therein contained, except as before excepted, are hereby continued for Three Years, and thence to the end of the then next Session of the General Assembly.

Acts 5, 6, & 7, Victoria, as altered, continued.

CAP. LVIII.

An Act to continue the Act to make Regulations to prevent Geese going at large.*(Passed the 21st day of March, 1848.)*

Act 5, Victoria, continued.

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Eighth Year of Her present Majesty's Reign, entitled, An Act to make Regulations to prevent Geese going at large; and every matter, clause, and thing, therein contained, shall be continued, and the same are hereby continued for Three years, and thence to the end of the then next Session of the General Assembly.

CAP. LIX.

An Act to continue the Act for dividing the Township of Digby into separate Districts for the support of the Poor.*(Passed the 21st day of March, 1848.)*

Act 6, Victoria, continued.

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Sixth Year of Her present Majesty's Reign, entitled, An Act for dividing the Township of Digby into separate Districts for the support of the Poor; and every matter, clause, and thing, therein contained, shall be continued, and the same are hereby continued for Three years, and thence to the end of the then next Session of the General Assembly.

CAP. LX.

An Act to continue the Act in relation to the expenditure of Public Monies on the Highways.*(Passed the 21st day of March, 1848.)*

Act 9, Victoria, continued.

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Ninth Year of the Reign of Her present Majesty Queen Victoria, entitled, An Act in relation to the expenditure of Public Monies on the Highways; and every matter, clause, and thing, therein contained, shall be continued, and the same are hereby continued for Three years, and thence to the end of the then next Session of the General Assembly.

CAP. LXI.

An Act to continue the Act to Incorporate Agricultural Societies.*(Passed the 21st day of March, 1848.)*

Act 8, Victoria, continued.

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Eighth Year of Her present Majesty's Reign, entitled, An Act to Incorporate Agricultural Societies; and every matter, clause, and thing, therein contained, shall be continued, and the same are hereby continued for Three years, and thence to the end of the then next Session of the General Assembly.

CAP. LXII.

An Act to continue the Acts now in force relating to Trespasses.*(Passed the 30th day of March, 1848.)*

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Third Year of the Reign of His late Majesty King George the Fourth, entitled, "An Act for consolidating and reducing into one Act all the Acts heretofore made relating to Trespasses;" also, the Act 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 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 the Reign of His late Majesty King William the Fourth, to amend and continue the said Acts; also, the Act passed in the Third Year of the Reign of His said late Majesty King William the Fourth, entitled, "An Act in further amendment of the Acts relating to Trespasses;" also, the Act passed in the Sixth Year of the Reign of His said late Majesty King William the Fourth, entitled, "An Act further to amend the Act relating to Trespasses;" and also, the Act passed in the Second Year of Her present Majesty's Reign, entitled, "An Act in further amendment of, and additional to, the Acts relating to Trespasses;" and every matter, clause, and thing in the said Acts contained, except in so far as the provisions of the said Act, or any of them, may be altered or amended by any other of the said Acts subsequent thereto, shall be continued, and the same, except as aforesaid, are hereby continued for Three years, and thence to the end of the then next Session of the General Assembly.

Acts 3, 4, 5, & 9,
Geo. 4th, Acts 2,
3, & 6, Wm. 4th,
& Act 2, Victoria,
as altered, continu-
ed.

CAP. LXIII.

An Act to continue the Acts in force relative to the Inspection of Pickled Fish.*(Passed the 11th day of April, 1848.)*

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Ninth Year of the Reign of His late Majesty King George the Fourth, entitled, "An Act for the more effectually enforcing the Inspection, and encouraging the Exportation of Pickled Fish," except as altered or amended by the Acts hereinafter mentioned; also, the Act passed in the Tenth Year of His said late Majesty's Reign, in amendment of the said Act, except as altered or amended by the Acts hereinafter mentioned; also, the Act passed in the Seventh Year of the Reign of His late Majesty King William the Fourth, entitled, "An Act to continue, alter, and amend, the several Acts now in force relative to the Inspection of Pickled Fish," except as altered or amended by the Act passed in the Second Year of Her present Majesty's Reign, entitled, "An Act respecting Inspectors of Pickled Fish, and Guagers of Fish Oil," shall be continued, and the said Acts, and every matter, clause, and thing, therein contained, except as before excepted, are hereby continued for Three years, and thence to the end of the then next Session of the General Assembly.

Acts 9 & 10, Geo.
4th, & Act 7, Wm.
4th, as altered,
continued.

CAP. LXIV.

An Act to continue the Act relating to Marriage Licenses.*(Passed the 21st day of March, 1848.)*

Act 2, Wm. 4th, as altered, continued.

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Second Year of the Reign of His late Majesty King William the Fourth, entitled, 'An Act relating to Marriage Licenses,' and every matter, clause, and thing, therein contained, except as altered or amended by the Act passed in the last Session of the General Assembly, to amend the said Act, shall be continued, and the same, except as aforesaid, are hereby continued for Three years, and thence to the end of the then next Session of the General Assembly.

CAP. LXV.

An Act to continue the Act in relation to the Support of the Poor in certain parts of the Township of Egerton.*(Passed the 21st day of March, 1848.)*

Act 10, Victoria, continued.

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Tenth Year of Her present Majesty's Reign, entitled, An Act in relation to the Support of the Poor in certain parts of the Township of Egerton; and every matter, clause, and thing therein contained, shall be continued, and the same are hereby continued for Two years, and thence to the end of the then next Session of the General Assembly.

CAP. LXVI.

An Act to continue the Act in relation to the gathering of Sea Manure in the Township of Digby.*(Passed the 21st day of March, 1848.)*

Act 8, Victoria, continued.

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Eighth Year of Her present Majesty's Reign, entitled, An Act to authorise the Sessions of the Peace for the County of Digby to make Regulations for the gathering of Sea Manure in the Township of Digby; and every matter, clause, and thing, therein contained, shall be continued, and the same are hereby continued for Three years, and thence to the end of the then next Session of the General Assembly.

CAP. LXVII.

An Act to continue the Acts for regulating the Militia.*(Passed the 21st day of March, 1848.)*

Acts 4 & 9, Victoria, continued.

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act passed in the Fourth Year of the Reign of Her present Majesty Queen Victoria, entitled, 'An Act for regulating the Militia,' except as altered or amended by the Act hereinafter mentioned; and also the Act passed in the Ninth Year of Her present Majesty's Reign, entitled, 'An Act to continue and amend the Act entitled, 'An Act for regulating the Militia,' shall be continued, and the said Acts, and every matter, clause, and thing, therein contained, except as before excepted, are hereby continued for One year, and thence to the end of the then next Session of the General Assembly.

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TO
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OF THE
PROVINCE OF NOVA-SCOTIA.

ANNO UNDECIMO VICTORIÆ REGINÆ.

1848.

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