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

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

An Act for applying certain Monies therein mentioned for the Service of the Year of Our Lord One Thousand Eight Hundred and Thirty-Eight, and for other purposes therein specified.

(Passed 17th day of April, 1838.)

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

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 200l. to the Speaker of the House of Assembly, in full for his Salary, as Speaker, during the present year.

200l. Speaker of Assembly

And a further sum of 150l. to the Attorney-General, for his services for the present year.

150l. Attorney General

And a further sum of 100l. to the Solicitor-General, for his services for the present year.

100l. Solicitor General

And a further sum of 600l. to the Treasurer of the Province for his Salary, and as Comptroller and Auditor of Public Accounts, and in lieu of Office Rent, Clerks, and all other contingent expenses, for the same year.

600l. Treasurer

And a further sum of 200l. to the Clerk of the House of Assembly, for his services in the same year.

200l. Clerk of Assembly

And a further sum of 25l. to the Venerable Archdeacon Willis, D. D. for his services as Chaplain to the Legislative Council during this and the last Session.

25l. Dr. Willis

And a further sum of 25l. to the Clerk of the House of Assembly, to enable him to pay 6l. 5s. to each of the Clergymen who have attended the House of Assembly as Chaplains during this and the last Session.

25l. Chaplains of Assembly

And a further sum of 100l. to the Assistant Clerk of the House of Assembly, for his services for this and the last Session.

100l. Ast. Clerk of Assembly

And a further sum of 50l. to Matthew Forrester, for his service as Sergeant at Arms to the House of Assembly for this and the last Session.

50l. M. Forrester

And a further sum of 30l. to John Jennings, for his services as Assistant Sergeant at Arms to the House of Assembly for this and the last Session.

30l. J. Jennings

And a further sum of 40l. to the Messenger of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and the Executive and Legislative Councils for the present year.

40l. Messenger of Governor

And

301. J. Gibbs And a further sum of 30*l.* to John Gibbs, for his services as Messenger to the House of Assembly during the present Session and the last Session.
451. Clerk of Revenue Board And a further sum of 45*l.* to the Clerk of the Commissioners of the Revenue, for his services for the present year.
- 100*l.* Adj. & Qr. Mr. Gen. Militia And a further sum of 100*l.* at the disposal of His Excellency the Lieutenant-Governor, for the purpose of paying the Adjutant-General of Militia the sum of 60*l.* and to the Quarter Master General the sum of 40*l.* for their respective services in the years One Thousand Eight Hundred and Thirty-seven, and One Thousand Eight Hundred and Thirty-eight.
- 200*l.* Guager and Weigher And a further sum of 200*l.* to the Guager and Weigher, for the Collector of Impost and Excise for the District of Halifax, for his services for the present year.
- Allowance to Waiters And a further sum, to be paid on the Certificate of the Commissioners of the Revenue, at the rate of 7*s.* 6*d.* per day to such person or persons as shall be employed during the present year by the Collector of Impost and Excise for the District of Halifax, as extra Waiter or Waiters for the Port of Halifax; 5*s.* per day to such extra Waiter or Waiters when un-employed, and at the rate of 5*s.* per day to Temporary Waiters.
- 600*l.* Transient Poor And a further sum of 600*l.* for the support of the Transient Poor for the present year, to be paid to the Commissioners of the Poor at Halifax.
- 350*l.* J. Howe And a further sum of 350*l.* to John Howe, Esquire, Printer, for printing for Government and the General Assembly for the present year.
- 60*l.* Keeper of Assembly And a further sum of 60*l.* to the Keeper of the Assembly House and Council Chamber, and Law Library, for the present year.
- 40*l.* L. Kavanagh And a further sum of 40*l.* to Lawrence Kavanagh, Esq. to be drawn from the Treasury when it shall be certified by a Judge of the Supreme Court that he has conveyed the Judge or Judges to the several Circuit Courts in Cape-Breton during the present year.
- 100*l.* Indians And a further sum of 100*l.* at the disposal of His Excellency the Lieutenant-Governor or Commander in Chief for the time being, to be applied in such way as he may deem most proper for the relief of the Indians of this Province.
- 25*l.* School in Poor House And a further sum of 25*l.* 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.
- 40*l.* Parrsboro' Packet And a further sum of 50*l.* to the Owners of the Packet running between Windsor and Partridge Island, to encourage the running of the said Packet between the said places, under such regulations as may be made and ordered by the Justices in their Sessions for the County of Hants, for the present year.
- 50*l.* Guysboro' Packet And a further sum of 50*l.* to such person or persons as will run a proper Packet between Guysborough and Arichat, touching occasionally at Fox Island and Canso, under such regulations as shall be established by the General Sessions of the Peace for the County of Guysborough, to be paid upon the Certificate of the said General Sessions that such Packet has been properly kept and run during the present year.
- 400*l.* Sable Island And a further sum of 400*l.* to the Commissioners of Sable Island, for the support of that Establishment for the present year.
- 200*l.* Steam Boat And a further sum of 200*l.* in aid of the Halifax Steam Boat Company for the present year.
- 300*l.* Horton Academy And a further sum of 300*l.* to the Managing Committee of the Horton Academy, in aid of that Institution for the present year.
- 100*l.* Arichat Academy And a further sum of 100*l.* in aid of the Arichat Academy for the present year, to be placed in the hands of Trustees appointed by His Excellency the Lieutenant-Governor.
- 100*l.* Rev. R. F. Uniacke And a further sum of 100*l.* to the Reverend R. F. Uniacke, to enable him to defray the expenses incurred to support Schools for Poor Children in the North Suburbs of the Town of Halifax.
- 100*l.* Yarmouth Academy And a further sum of 135*l.* to the Trustees of the Yarmouth Academy, in aid of that Institution for the present year.
- 50*l.* Schools Lunenburg And a further sum of 50*l.* to the Commissioners of Schools for the County of Lunenburg, for the support of the National School in the Town of Lunenburg for the present year.
- 100*l.* School Sidney And a further sum of 100*l.* to the Trustees of the combined Common and Grammar School in the Town of Sydney, in aid of the said School for the present year.
- 50*l.* Infant School And a further sum of 50*l.* to the Ladies, Managers of the Infant School at Halifax, in aid of that Institution for the present year.

And a further sum of 50*l.* to the Mechanics' Institute and Mechanics' Library, 30*l.* to the Institute, and 20*l.* to the Library, for the support of these Establishment for the present year.

50*l.* Mechan-
ics' Institute

And a further sum of 50*l.* to Doctors Grigor and Stirling, in aid of the Halifax Dispensary for the present year; Provided they keep during the year a sufficient quantity of Vaccine Matter.

50*l.* Dispensa-
ry

And a further sum of 20*l.* 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.

20*l.* Canso
Ferry

And a further sum of 20*l.* to aid the Inhabitants of Douglas, at the Mouth of the River Shubenacadie, in supporting a suitable Boat to run between Londonderry and that place; the said Boat to run under the regulations of the General Sessions for the County of Hants, to be paid by Warrant from His Excellency the Lieutenant-Governor, upon Certificate from said Sessions that such Boat has been running at least twice a week for four months, to the satisfaction of the said Sessions under their regulations.

20*l.* Shubena-
cadie Ferry

And a further sum of 950*l.* for the several Roads and Bridges in the County of Halifax, to be applied and expended agreeably to a Resolution passed in the House of Assembly on the twenty-seventh day of March, in this year of Our Lord One Thousand Eight Hundred and Thirty-eight, and agreed to by the Legislative Council.

Road and
Bridge Service
District of Ha-
lifax

And a further sum of 750*l.* for the several Roads and Bridges in the County of Hants, to be applied and expended as aforesaid.

Hants

And a further sum of 750*l.* for the several Roads and Bridges in the County of King's County, to be applied and expended as aforesaid.

King's

And a further sum of 450*l.* for the several Roads and Bridges in the County of Annapolis, to be applied and expended as aforesaid.

Annapolis

And a further sum of 450*l.* for the several Roads and Bridges in the County of Digby, to be applied and expended as aforesaid.

Digby

And a further sum of 460*l.* for the several Roads and Bridges in the County of Yarmouth, to be applied and expended as aforesaid.

Yarmouth

And a further sum of 460*l.* for the several Roads and Bridges in the County of Shelburne, to be applied and expended as aforesaid.

Shelburne

And a further sum of 530*l.* for the several Roads and Bridges in the County of Queen's County, to be applied and expended as aforesaid.

Queen's

And a further sum of 700*l.* for the several Roads and Bridges in the County of Lunenburg, to be applied and expended as aforesaid.

Lunenburg

And a further sum of 720*l.* for the several Roads and Bridges in the County of Colchester, to be applied and expended as aforesaid.

Colchester

And a further sum of 510*l.* for the several Roads and Bridges in the County of Cumberland, to be applied and expended as aforesaid.

Cumberland

And a further sum of 760*l.* for the several Roads and Bridges for the County of Pictou, to be applied and expended as aforesaid.

Pictou

And a further sum of 460*l.* for the several Roads and Bridges in the County of Sydney, to be applied and expended as aforesaid.

Sydney

And a further sum of 460*l.* for the several Roads and Bridges in the County of Guysborough, to be applied and expended as aforesaid.

Guyshorough

And a further sum of 450*l.* for the several Roads and Bridges for the County of Richmond, to be applied and expended as aforesaid.

Richmond

And a further sum of 570*l.* at the disposal of His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, to be expended on the several Roads and Bridges in the County of Cape-Breton.

Cape-Breton

And a further sum of 570*l.* at the disposal of His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, to be expended on the several Roads in the County of Inverness.

Inverness

And a further sum of 120*l.* in aid of the erection of the Bridge at Margaree, and to be expended thereon, in addition to the private subscription therefor.

120*l.* Bridge
Margaree

And a further sum of 250*l.* at the disposal of His Excellency the Lieutenant-Governor, to enable him to defray the expense of the exploration and survey, so far as the same has been performed

250*l.* Survey of
new Eastern
Road

performed, of the proposed new line of Road between Dartmouth and the Gut of Canso, and of the Plan and Estimate of the probable expense of opening and completing certain sections of said Road, made in pursuance of a Resolution of the House of Assembly during the Session of the year One Thousand Eight Hundred and Thirty-seven.

150*l.* Road
Queen's County
And a further sum of 150*l.* for the expenditure on the Road which lies between Liverpool and the Western bounds of Queen's County, pursuant to the Resolution of the House of Assembly during the Session of the year One Thousand Eight Hundred and Thirty-seven.

25*l.* Bridge
Argyle
And a further sum of 25*l.* to repair the Bridge and Aboiteau over Abraham River at Argyle.

150*l.* Avon
Bridge Company
And a further sum of 150*l.* at the disposal of His Excellency the Lieutenant-Governor, to reimburse the Avon Bridge Company the outlay of that sum in completing the Public Highway connecting the Avon Bridge with a Main Road in Falmouth, pursuant to a Resolution of the Session of the year One Thousand Eight Hundred and Thirty-seven.

200*l.* Comrs.
of Poor
And a further sum of 200*l.* to the Commissioners of the Asylum for the Poor, towards paying the debts contracted by them for the support of the Establishment, agreeably to the report of the Committee.

30*l.* J. McGre-
gor
And a further sum of 30*l.* to John McGregor, to compensate him for his services in arranging the Records and Papers in the Court of Chancery, agreeably to the prayer of his Petition.

125*l.* Colored
People
And a further sum of 125*l.* at the disposal of His Excellency the Lieutenant-Governor, to relieve the Colored Population at Preston, Hammond's Plains and Beech Hill, and to procure Seed for them the ensuing Spring.

100*l.* Dr. Ges-
ner
And a further sum of 100*l.* at the disposal of His Excellency the Lieutenant-Governor, to repay the advance made to Doctor Gesner, pursuant to a Resolution of the Session of the year One Thousand Eight Hundred and Thirty-seven.

Bounty on
Oatmills
And such further sum, at the disposal of His Excellency the Lieutenant-Governor, as will enable him to pay 20*l.* towards the erection of one or more Oatmills in each County, upon the recommendation of the Members; Provided, that no more than 20*l.* be drawn for any one County, and that the Mills be erected and put in operation under the same rules and subject to the same conditions as were in force with regard to Oatmills for which Bounties were first granted.

12*l.* 10*s.* W.
Ross
And a further sum of 12*l.* 10*s.* to William Ross, to aid him in erecting a Grist Mill at Sherbrooke, which Mill has recently been, by accident, destroyed by Fire; said sum not to be paid until certified by three Magistrates of Chester that said Mill has been erected and in operation.

12*l.* 10*s.* G.
and J. Hiltz
And a further sum of 12*l.* 10*s.* to George Hiltz and Jacob Hiltz, to aid them in erecting a Grist Mill at Sherbrooke, which Mill has been recently, by accident, destroyed by Fire; said sum not to be paid until certified by three Magistrates of Chester that said Mill has been erected and in operation.

49*l.* 3*s.* 6*d.*
Overseers of
Poor, Pictou
And a further sum of 49*l.* 3*s.* and 6*d.* to the Overseers of the Poor for the Township of Pictou, to remunerate them for expenses incurred in the support and relief of Transient Paupers.

10*l.* 10*s.* 7*d.*
Overseers of
Poor, Windsor
And a further sum of 10*l.* 10*s.* and 7*d.* to the Overseers of the Poor for the Township of Windsor, to remunerate them for expenses incurred in the support and relief of Transient Paupers.

16*l.* 16*s.* 9*d.*
Overseers of
Poor Maxwel-
ton
And a further sum of 16*l.* 16*s.* and 9*d.* to the Overseers of the Poor for the Township of Maxwelton, to remunerate them for the expenses of Transient Paupers relieved and supported by them.

60*l.* Revenue
Boat Annapolis
And a further sum of 60*l.* at the disposal of His Excellency the Lieutenant-Governor, for the purpose of employing a Revenue Boat at the entrance of Annapolis River during the present year, under the direction of the Collector of the Customs at Digby.

94*l.* 8*s.* 9*d.*
Robert Gruber
And a further sum of 94*l.* 8*s.* and 9*d.* to Robert Gruber, in accordance with the Report of the Committee on his accounts respecting Bridewell.

11*l.* 18*s.* P. H.
Ahern and T.
Jost
And a further sum of 11*l.* 18*s.* to P. H. Ahern and Thomas Jost, for support and aid afforded to Shipwrecked Mariners in the County of Cape-Breton.

3*l.* 15*s.* W.
McCormick
And a further sum of 3*l.* 15*s.* to William McCormick, in accordance with the prayer of his Petition and the report of the Select Committee thereon.

6*l.* 5*s.* 6*d.* J.
McKinnon
And a further sum of 6*l.* 5*s.* and 6*d.* to John McKinnon, Esquire, in conformity with his Petition.

- And a further sum of 20*l.* to Daniel Durland, a Settler on the Main Road between Queen's County and Annapolis, to aid him in preparing for the better accommodation of Travellers on said Road, by building a Barn at the place where he resides; one third of said sum to be paid in advance to the said Daniel Durland, and the remainder when it shall be certified to the satisfaction of His Excellency the Lieutenant-Governor, by a Member from each of Counties of Queen's County and Annapolis, that such Barn has been built and completed. 20*l.* D. Durland
- And a further sum of 5*l.* to William Leigh, in pursuance of the Report of the Committee on his Petition. 5*l.* W. Leigh
- And a further sum of 25*l.* to Thomas Whittemore, as a Bounty for the introduction of the first Machinery for the Manufacture of Wool Cards, according to the prayer of his Petition. 25*l.* Thomas Whittemore
- And a further sum of 20*l.* at the disposal of His Excellency the Lieutenant-Governor, to enable Goreham Paul and Lewis Paul, and other Micmac Indians at Shubenacadie, to procure Nails and other materials for building a Chapel at that place. 20*l.* Indian Chapel
- And a further sum of 68*l.* 14*s.* and 3*d.* to William Reuill, pursuant to the report of the Committee. 68*l.* 14*s.* 3*d.* W. Reuill
- And a further sum of 750*l.* to build a Light-House on the West side of the entrance of Yarmouth Harbour—said Light-House to be built by Contract. 750*l.* Light Yarmouth
- And a further sum of 30*l.* for the purpose of placing Spar Buoys on the Ledges in West Passage and the Beach Channel, and Cockawit Pass, in Barrington, to be expended under the direction of Commissioners to be appointed by His Excellency the Lieutenant-Governor. 30*l.* Buoys Barrington
- And a further sum of 10*l.* in addition to the sum granted in the year One Thousand Eight Hundred and Thity-seven, for building a Beacon on Wedge Island, to be applied for erecting a Beacon on the Devil's Island, near Halifax Harbour. 10*l.* Beacon Devil's Island
- And a further sum of 10*l.* to Cornelius Craig, to enable him to keep up a Ferry across the Narrows at the entrance of Sable River, in the County of Shelburne. 10*l.* C. Craig
- And a further sum of 20*l.* to complete the entrance to Porter's Lake, and finish the embankment. 20*l.* Entrance Porter's Lake
- And a further sum of 40*l.* to the Reverend John Quinnan and others, Inhabitants of Tracadie, for aid in clearing the entrance of Tracadie Harbour, according to the prayer of their Petition. 40*l.* Rev. J. Quinnan
- And a further sum of 200*l.* at the disposal of His Excellency the Lieutenant-Governor, to aid the Inhabitants of Arisaig, in the County of Sydney, in erecting a new Pier or Breakwater, in addition to the unexpended balance of the money formerly voted; Provided, that before any amount be drawn from the Treasury under this grant, the sum of 100*l.* shall be contributed by the Inhabitants in labor and materials, or otherwise, for the same purpose. 200*l.* Arisaig Pier
- And a further sum of 50*l.* to the Inhabitants of Marshall's Cove, Wilmot, to enable them to build a Breakwater, agreeably to their Petition; to be drawn when it shall be certified to His Excellency that the sum of 100*l.* has been expended of the money subscribed for that purpose. 50*l.* Breakwater Marshall's Cove
- And a further sum of 50*l.* to aid the Inhabitants at Gates' Mountain, and the upper part of Wilmot, in building a Breakwater there commenced; to be paid when it shall be made to appear to His Excellency the Lieutenant-Governor that a like sum has been contributed by the Inhabitants and actually expended in the said work. 50*l.* Breakwater Gates' Mountain
- And a further sum of 150*l.* to aid the Inhabitants of Givan's Cove to erect a Wharf or Pier at that place, but not to be drawn from the Treasury until it shall certified to the satisfaction of His Excellency that the sum of 200*l.* has been raised by the Inhabitants of Cornwallis and expended in the said work. 150*l.* Pier at Givan's Cove
- And a further sum of 200*l.* to James H. Tidmarsh, a return of duties paid by him on Spermaceti, agreeably to Report of the Committee. 200*l.* J. H. Tidmarsh
- And a further sum of 73*l.* 19*s.* and 3*d.* to Robert Lawson, a return of duties paid by him on Sheet Iron manufactured into Nails. 73*l.* 19*s.* 3*d.* Robert Lawson
- And a further sum of 35*l.* 11*s.* and 10*d.* to Henry Goudge, Esquire, for a return of Foreign Duties paid on British Goods by mistake, agreeably to his Petition and the Report of the Committee thereon. 35*l.* 11*s.* 10*d.* H. Goudge
- And a further sum of 25*l.* to Major George Ruxton, for the return of duties for a Traveling Carriage, paid from mistake, agreeably to the prayer of his Petition. 25*l.* Major Ruxton
- And a further sum of 9*l.* 18*s.* to Peter Morrissey, for a return of duties on Goods destroyed by Fire, agreeably to the prayer of his Petition. 9*l.* 18*s.* Peter Morrissey
- And

- 15l. 3d. N. Clough And a further sum of 15*l.* and 3*d.* to Nathaniel Clough, Esquire, pursuant to the Report of the Committee on his Petition, being the amount of duties actually paid on Goods consumed, in his Store, by Fire.
- 51l. 18s. 9d. J. Munro And a further sum of 51*l.* 18*s.* and 9*d.* to John Munro, in return of duty paid by him, agreeably to the prayer of his Petition.
- 74l. 4s. 4d. S. Binney And a further sum of 74*l.* 4*s.* and 4½*d.* to Stephen Binney, Esquire, being Drawback of 1*s.* and 3*d.* Sterling on nine hundred and fifty gallons of Wine, agreeably to his Petition and the Report of the Committee thereon.
- 92s. 2s. 3d. J. G. Marshall And a further sum of 239*l.* 2*s.* and 3*d.* to John George Marshall, Esquire, to enable him to defray the expenses incurred by him for printing, paper, &c. in the publication of a Work called "The Justice of the Peace and County and Township Officer," and the sum of 50*l.* additional to the said John George Marshall, Esquire, as a compensation for his own services in compiling and preparing the said Book for publication.
- 59l. Do. And a further sum of 150*l.* towards supporting and maintaining the Steam Boat between Pictou, Prince Edward's Island and Miramichi, for the present year, upon the same conditions as last year.
- 150*l.* Steam Boat Pictou
- 100*l.* J. Whitney And a further sum of 100*l.* to James Whitney, for running the Steam Boat between Annapolis and Digby and Saint John the present year, under the same regulations and in the same manner as heretofore.
- 253*l.* 13*s.* 8*d.* Comrs. Public Buildings And a further sum of 253*l.* 13*s.* and 8*d.* to be drawn by the Commissioners of Public Buildings, to pay the balance due the late Commissioners, and to pay sundry accounts now due for services performed on the Public Buildings.
- 164*l.* 5*s.* J. Howe & Son And a further sum of 164*l.* 5*s.* to Messieurs J. Howe and Son, for printing Journals of the Council and for extra printing in the last year, agreeably to their Accounts.
- 7*l.* Clerks of Peace And such further sum to the Secretary of the Province as will enable him to pay 7*l.* to each of the Clerks of the Peace to whom His Excellency directed Road Commissions and Bonds in the years One Thousand Eight Hundred and Thirty-six, and One Thousand Eight Hundred and Thirty-seven.
- 7*l.* 15*s.* Law Books Assembly And a further sum of 7*l.* 15*s.* to the Clerk of the House of Assembly, to pay for Law Books imported for the use of the Assembly.
- 10*l.* L. Kavanagh And a further sum of 10*l.* to Lawrence Kavanagh, Esq. for his services as Chairman of Committees of the whole House for the last and present Session, to be added to his pay ticket.
- 15*l.* Speaker of Assembly And such further sum, as will suffice to pay 15*l.* Sterling, in London, to the Speaker of the House of Assembly, to enable him to procure the Acts of Parliament, Journals of the House of Commons and Parliamentary Papers for the last year, as also a copy of the latest edition of Hatsell's Precedents, and of Hammond's Practise in Parliament.
- 30*l.* Expenses of Council And a further sum of 30*l.* for defraying the expenses of the Legislative Council in General Assembly for the present year, to be paid on the Certificate of the President of the Legislative Council, and not otherwise.
- 10*l.* J. J. Sawyer And a further sum of 10*l.* to John James Sawyer, Esq. High Sheriff of the County of Halifax, for his expenses as such Sheriff at the opening and closing of the last and present Session of the General Assembly.
- 75*l.* Stationary &c. And a further sum, not exceeding 75*l.* to the Clerk of the House of Assembly, to defray the expenses of Stationary and binding of Laws and Journals for the Council and House of Assembly during the last and present Session.
- 165*l.* Extra Messengers of Council And a further sum, not exceeding 165*l.* to defray the expenses of extra Messengers to the Council and House of Assembly, and for Fuel and sundry other articles and services for the Council and House of Assembly, according to estimate; the said sum to be drawn and applied by the Clerk of the House of Assembly, under the sanction of the President of the Council and Speaker of the House of Assembly.
- 100*l.* Clerk & Ast. Clerk of And a further sum of 100*l.* each to the Clerk and Assistant Clerk of the House of Assembly, for their extra services during this and the last Session.
- And whereas it is indispensable to keep up the Post Communication for the present year, and for that purpose to grant a sum of money as heretofore until the decision of Her Majesty's Government on the future regulation thereof shall be made known:
- II. *Be it further enacted*, That a sum, not exceeding 1500*l.* be granted and paid for defraying

fraying the expenses of Post Communication for the year One Thousand Eight Hundred and Thirty-eight, in the same manner it was kept up and defrayed the last year; and the further sum of 40*l.* to extend the Post Communication direct from Truro to Tatamagouche and Wallace.

1500*l.* Post
Communication

And whereas the Inhabitants of the Towns of Halifax and Yarmouth have contributed upwards of 400*l.* to alleviate the sufferings and wants of the Wives and Children of the Soldiers who have marched from this Garrison to aid in suppressing the Insurrection in the Canadas, which sum is nearly exhausted, although the claim for benevolent assistance is enhanced rather than diminished:

III. *Be it therefore enacted*, That the sum of 200*l.* shall be granted and paid to the Committee who have dispensed the private subscriptions, to be expended in the above charitable purpose.

200*l.* Soldiers'
Wives

And whereas the Great Eastern and Western Post Road leading from the Capital of the Province to the Interior of the Country is greatly out of repair, and many of the Bridges in a dilapidated state, and several alterations which have been commenced yet remain incomplete, and much more money will be required to accomplish the aforesaid purpose than can possibly be applied from those portions of Road Money appropriated to the Counties through which said Post Roads pass:

IV. *Be it therefore enacted*, That the sum of 1075*l.* be granted for the said Post Roads, and placed at the disposal of His Excellency, to be applied as follows, viz:—

1075*l.* Post
Roads

| | |
|--|-----|
| On the Western Road from Halifax to Hants County line | £50 |
| From Halifax County line, through Hants County, to King's County line | 150 |
| From Hants County line through King's County | 100 |
| From King's County line, through Annapolis and Digby | 100 |
| From Hants County, on the Post Road to Lunenburg and Queen's County, Western line | 100 |
| On the Eastern Road from Halifax to Fultz's | 25 |
| And from Fultz's, through Halifax and Colchester, and to complete the alteration near Black Rock Hills, so called | 250 |
| From Colchester to Guysborough, one third thereof for the County of Pictou, one third for the County of Sydney, and the remaining third for the County of Guysborough | 200 |
| And from Colchester line through Cumberland | 100 |
| And that the further sum of 100 <i>l.</i> be granted and paid to repair the Great Post Road from Queen's County line to Barrington, and the further sum of 100 <i>l.</i> to complete the Bridge over Sydney River. | |

And whereas, the sum of 271*l.* was expended in completing the alteration at the Black Rock Hills, upon the Great Eastern Road, over the sums granted for that service, of which 100*l.* have been advanced by order of His Excellency the Lieutenant-Governor, and the sum of 171*l.* still remains due to the Commissioner, Samuel Archibald, Esquire:

V. *Be it therefore enacted*, That the sum of 250*l.* granted for the repair of the said Hills, and the further sum of 21*l.* part of the sum appropriated for that line of Road, making the sum of 271*l.* aforesaid, be placed at the disposal of His Excellency, to repay the said sum of 100*l.* advanced by his order, and the balance to the said Commissioner in full of his account for the said service.

250*l.* and 21*l.*
S. Archibald

And whereas the Bridge at the head of LaHave River is in a decayed state, and it is necessary that a new Bridge should be built as soon as possible:

VI. *Be it therefore enacted*, That the sum of 100*l.* be granted and paid for the purpose of procuring materials, in the early part of next Winter, for the building of the same—said sum to be taken out of Road Monies to be hereafter granted and appropriated for the service of Roads and Bridges in the County of Lunenburg.

100*l.* Bridge
LaHave River

VII. *And be it further enacted*, That His Excellency the Lieutenant-Governor be authorised, by and with the advice of the Executive Council, on any declaration of War by the Government of the Mother Country against the United States, or any other Foreign Power, or by any such Powers against her, or upon any hostile invasion of the Province, to advance from the Provincial Chest during the recess of the General Assembly, a sum not exceeding 10,000*l.* to be expended in the purchase of arms, ammunition and accoutrements, and organizing and disciplining the Militia.

10,000*l.* War
or Invasion

And

Preamble

And whereas, by Resolution of the Legislature during the Session of the year of Our Lord One Thousand Eight Hundred and Thirty-seven, there was granted the sum of 100*l.* to be placed at the disposal of His Excellency the Lieutenant-Governor, for the purchase of, and importing from England and Scotland, Seed Oats and Field Peas for agricultural purposes; *and whereas*, said Oats and Field Peas have been imported, and by order of the House of Assembly sold for the purpose intended :

100*l.* Seed
Wheat

VIII. *Be it therefore enacted*, That the nett proceeds of the Sale thereof, deducting the amount of the several charges of Importation, Commissions on the Sale, and other incidental expenses, be granted and placed at the disposal of His Excellency, together with such further sum in addition, as to make the whole amount not exceeding 100*l.* for the purpose of obtaining from the Northern States of America the most approved kinds of Summer Wheat for Seed.

2000*l.* Bounty
on Whale
Fishery

IX. *And be it further enacted*, That a sum not exceeding 2000*l.* be granted and paid as Bounties to the first six Vessels which shall hereafter fit out for the Whale Fishery, under the following conditions: the Vessel to be of the registered burthen of two hundred tons at least, owned, provisioned and equipped, in this Province, to cross the Equator in the prosecution of such Whaling Voyage, and to be engaged therein not less than two years, unless previously full—the Bounty to be paid to the owners on proof of her having been so engaged during two years, or upon her return to this Province—the first Vessel to be fitted out within one year, and the Bounty to attach in the order in which the Vessels sail—the Bounty to be Two Pounds per ton of the registered tonnage, and out of said Bounty of Two Pounds per ton a sufficient sum to be reserved to pay for the encouragement of such Individuals, being natives of this Province, as shall proceed as Seamen on board of such Vessel, the sum of Seven Pounds Ten Shillings, to be paid on return from the first voyage, and Twenty Pounds on return from the second Voyage performed by them respectively; Provided each Seaman, claiming such Bounty, shall produce satisfactory Certificates and evidence of good conduct during said voyage, and of having diligently exerted himself to acquire a competent knowledge of Seamanship in the business of said Fishery, towards qualifying himself to serve as an Officer on board a Whale Ship; and provided also, that the Bounty be only paid to the ten best Seamen in the Ship.

500*l.* Road
Emergencies

X. *And be it further enacted*, That if any accident shall happen to any of the Bridges on the Main Roads in this Province, or any unforeseen obstruction to travelling shall arise from the fall of trees or otherwise, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to order a Commissioner or Commissioners to repair or rebuild such Bridge or to remove such obstructions, and it shall be further lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to draw Warrants on account, and in favour of, such Commissioner or Commissioners; Provided the same shall not exceed 500*l.*

Duties on cer-
tain articles
imported from
U. S. applied
to the support
of the Poor

XI. *And be it further enacted*, That the Collector of Impost at the Port of Halifax shall, and he is hereby required and directed to, keep a distinct account of all duties by him collected upon the importation from the United States of America of Live Stock, Apples, Onions, Fruit, Biscuit and Bread, under the Act of the General Assembly, passed in the sixth year of His late Majesty's Reign, entitled, An Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce and Fisheries thereof, and that the said Duties upon the above specified articles during the present year shall be paid quarterly to the Commissioners of the Poor for the use of the Poor of the Town of Halifax; Provided such payment do not exceed the sum of 1000*l.* during the present year.

Change of
Road appro-
priation

XII. *And be it further enacted*, That out of the sum of 20*l.* granted to repair the Road from the Roman Chapel to Abuptic River, in the County of Yarmouth, 10*l.* be applied to repair the Road from Abuptic River to John Ryder's.

Preamble

And whereas, by the Act, passed in the last Session of the General Assembly, entitled, An Act to continue the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and for Sales by Auction, to persons resident in the Town of Halifax, part of the Auction Duties thereby levied are appropriated towards the completion and construction of the new line of Road and Bridge leading southwardly over the Fresh Water Run, and the residue of such Duties are not by the said Act specifically appropriated :

XIII.

XIII. *Be it therefore enacted*, That all such Auction Duties levied in the Town of Halifax be placed at the disposal of His Excellency the Lieutenant-Governor, to be applied for the said line of Road hereinbefore mentioned, and for the new Road round Bedford Basin, in such manner as His Excellency may deem most beneficial to the public, either by payment of the over-expenditure or otherwise.

Auction Duties placed at disposal of Lieut. Governor

XIV. *And be it further enacted*, That the sum of 12s. 6d. per day be granted and paid to each and every of the Members of the House of Assembly, for their attendance in General Assembly for the last and 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 sixty-four days attendance.

Members pay

XV. *And be it further enacted*, That the ninth, twelfth, sixteenth and eighteenth Sections or Clauses of the Act, made and passed in the forty-first year of the Reign of His late Majesty King George the Third, entitled, An Act for applying certain Monies therein mentioned for the service of the year of Our Lord One Thousand Eight Hundred and One, and for appropriating such part of the Supplies granted in this Session of the General Assembly as are not already appropriated by the Laws or Acts of this 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 thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-nine, and no longer.

Sections of Act 41, Geo. III. and of Act 4, Wm. IV. continued

CAP. II.

An Act respecting the Culling of Dry Fish.

(Passed the 17th day of April, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That so much and such part of the Act, passed in the second year of the reign of His late Majesty King George the Third, entitled, An Act for regulating the Exportation of Fish, and the assize of Barrels, Staves, Hoops, Boards, and all other kind of Lumber, and for appointing Officers to survey the same, as relates to the Culling of Dry Fish, shall be, and the same are hereby repealed.

Part of Act 2. Geo. III as relates to Culling of Fish repealed

II. *And be it further enacted*, That it shall and may be lawful for the Court of General Sessions thereof in this present year, and thereafter annually, at the Term or Sessions of the said Court, whereto Town Officers shall be appointed, upon the recommendation of the Grand Jury, to nominate and appoint so many fit persons as may be proper and necessary to be Cullers of Dry Fish, who shall be severally sworn to the faithful discharge of their duty before some Justice of the Peace for the said County.

Sessions to appoint Cullers of Fish

III. *And be it further enacted*, That if any Culler of Fish, appointed under this Act, shall make any Certificate false or untrue in any particular, or shall be guilty of any default, neglect, or dereliction of duty in the performance of his duty, he shall forfeit and pay for every offence a penalty of Five Pounds, which shall be recovered, upon complaint or information, before any Two Justices of the Peace for the County in which such Culler of Fish shall reside, upon due conviction of the offender or offenders, and be levied by warrant of distress, and sale of the goods and chattles of such offender or offenders, and be applied, one moiety to the use of the person who will complain or inform for the same, and the other moiety to the use of the Poor of the Township; *Provided always*, That if no goods and chattles can be found to satisfy such Warrant of Distress, the offender or offenders shall be committed to the Common Jail of any such County, there to remain for a period not less than thirty days, unless the penalty hereby imposed be sooner paid.

Penalty to which Cullers of Fish are liable for neglect of duty, &c.

Allowance to
Culler

IV. *And be it further enacted*, That each Culler (when employed) shall be entitled to demand, and shall be paid, the sum of Ten Shillings for each and every day he shall be actually employed in the Inspection and Culling of Fish, and no more.

CAP. III.

An Act to extend to the Town of Pictou, the provisions of an Act, entitled, An Act to prevent Boys and others from Coasting and Sliding down the Hills in the Streets of Halifax.

(Passed the 17th day of April, 1838.)

Act 52 Geo.
III extended
to Pictou

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act of the General Assembly, made and passed in the fifty-first year of the reign of His late Majesty King George the Third, intituled, An Act to prevent Boys and others from Coasting and Sliding down the Hills in the Streets of Halifax, and all the several clauses, matters and things, contained therein, shall be extended, and the same are hereby extended to, and declared to be in force in, the Town of Pictou, to be there acted upon, the same as if the said Town of Pictou had been originally named in the said Act.

Justices to
make Regula-
tions

II. *And be it further enacted*, That it shall and may be lawful for the Justices of the Peace for the County of Pictou, in their General Sessions of the Peace, from time to time, to make regulations pursuant to the first clause of the said Act, for the purpose of carrying the same into effect in the said Town of Pictou.

CAP. IV.

An Act to establish the Standard Weight of Grain, and to repeal the enactments now in force.

(Passed the 17th day of April, 1838.)

Certain Enact-
ments respect-
ing Grain or
Corn repealed

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the second, third and fourth Sections or Clauses of the Act, passed in the thirty-second year of the reign of His late Majesty King George the Third, entitled, An Act for establishing the standard weight of Grain, and for appointing proper Officers for measuring Grain, Salt and Coals, and ascertaining the standard size of Bricks, and the quantity of Lime to be contained in a Hogshead; and also, so much and such parts of the fifth, sixth and seventh, Clauses or Sections of the Act, passed in the fifty-sixth year of the reign of His late Majesty King George the Third, entitled, An Act in addition to, and in amendment of, an Act, passed in the second year of His Majesty's reign, entitled, An Act for regulating the Exportation of Fish, and the Assize of Barrels, Staves, Hoops, Boards, and all other kind of Lumber, and for appointing Officers to survey the same; and also, an Act, passed in the thirty-second year of His Majesty's reign, entitled, An Act to revive and amend an Act for establishing the standard weight of Grain, and for appointing proper Officers for measuring Grain, Salt and Coals, and ascertaining the standard size of Bricks, and the quantity of Lime to be contained in a Hogshead, as relates to Grain or Corn, shall be, and the said Clauses or Sections, and every matter and thing therein contained, so far as respects Grain or Corn, are hereby respectively repealed.

Weight of
Grain & Corn
per Bushel
established

II. *And be it further enacted*, That all Grain or Corn hereinafter mentioned, shall not be deemed or considered Merchantable, unless the same shall be respectively of the undermentioned weight, that is to say:—

Wheat, sixty pounds Averdupois per bushel.

Barley, when foreign or imported, fifty-two pounds Averdupois per bushel.

Of the production of this Province, forty-eight pounds Averdupois, per bushel.

Rye,

Rye, fifty-six pounds Averdupois, per bushel.

Indian Corn, fifty-eight pounds Averdupois, per bushel.

Oats, thirty-four pounds Averdupois, per bushel.

Malt, thirty-nine pounds Averdupois, per bushel.

III. *And be it further enacted*, That all Wheat and Barley, not of the growth or production of this Province, imported into this Province, shall hereafter be sold by weight, and the number of pounds weight hereby established as the standard weight of a Bushel of such Wheat or Barley respectively, shall be deemed and esteemed to be equal to, and to represent, a bushel of Wheat or Barley.

Wheat and Barley not of growth of Province, to be sold by weight

IV. *And be it further enacted*, That every Measurer and Weigher of Grain shall be entitled to, and shall be paid, for Measuring or Weighing, and Inspecting all Grain or Corn, at the following rates, that is to say:—For every hundred bushels of Wheat, of Foreign production, and Oats, whether of Foreign production or otherwise, two Shillings, and for every hundred bushels of all other Grain or Corn hereinbefore mentioned, except Wheat of Foreign production, and Oats, Four Shillings.

Allowance to Measurer and Weigher

VI. *And be it further enacted*, That all such rates shall be paid by the Seller of any Grain or Corn, as aforesaid, and in case of the said Grain or Corn being sold on board of any Ship or Vessel, and to be delivered therefrom, it shall be, and is hereby declared to be imperative upon the Seller, to have such Grain or Corn weighed or measured by some sworn measurer, agreeably to this Act, but upon the sale of any Grain or Corn in Store, or in any other place, and to be delivered therefrom, it shall not be necessary to have the same measured or weighed by some sworn Measurer, unless the purchaser shall desire the same.

Grain and Corn sold from Vessel must be measured by sworn Measurer—from Store need not be

VI. *And be it further enacted*, That it shall not be imperative to inspect, weigh or measure, any Grain or Corn exported from this Province, by a sworn Measurer, before the exportation thereof.

Grain or Corn exported

VII. *And be it further enacted*, That if, upon the weighing or measuring of any Grain or Corn, it shall be found that the same is heated, or in any other respect unmarketable, the sworn measurer shall be, and he is hereby required to report the same to the purchaser, and shall refuse to measure, or weigh, or mark, or take any account of the same, unless specially directed and authorized by the purchaser so to do.

Unmarketable Grain or Corn

VIII. *And be it further enacted*, That if any person shall sell and deliver any Grain or Corn, which, by or under the provisions of this Act, should or ought to be measured or weighed by some sworn Measurer of Grain, without having the same so measured or weighed, such person shall forfeit and pay a penalty of six pence for each and every bushel of Grain or Corn so sold and delivered, to be recovered upon complaint or information, made before any two Justices of the Peace, upon due conviction of the party offending, to be levied by Warrant of Distress and Sale of the offender's Goods and Chattles, and to be paid and applied, one half to the party complaining or informing for the same, and the other half to the use of the Poor of the Township or place wherein such offence shall be committed.

Penalty for violation of Act

IX. *And be it further enacted*, That if any sworn Measurer shall be guilty of any neglect or dereliction of duty in the exercise of his office, or shall undertake to attend the admeasurement of or weighing of Grain from more than one Vessel at one and the same time, he shall forfeit and pay a penalty of Five Pounds, to be recovered on the complaint of any person who shall sue for the same, upon conviction of the offender, before any one Justice of the Peace, to be levied by Warrant of Distress, of the offender's Goods and Chattles, and to be applied as hereinbefore directed, and for want of Goods and Chattles to satisfy such Warrant of Distress, the offender shall be committed to the Common Jail of the County, for a period of not more than twenty days.

Penalty to which Measurer may be subjected

CAP. V.

An Act for taking the Census of this Province.

(Passed the 17th day of April, 1838.)

WHEREAS, it is expedient to obtain a more correct Census of the Inhabitants of this Province, and it is necessary to provide for the expense thereof: Preamble

I.

Appointment of Persons to take Census

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That the Courts of General or Special Sessions of the Peace, to be held in the several Counties of this Province, shall be, and are hereby authorized and required to appoint and order either the Overseers of Statute Labor, the Collectors of County Rates, or the Assessors thereof, or such other persons as the Grand Juries shall recommend, to take the Census of all the Inhabitants residing in the several parts or districts in said County for which they are appointed, and to make return thereof under oath, to the Clerk of the Peace, on or before the first day of December next, as hereinafter directed.

Description of Census to be taken

- Shewing the number of Males who are heads of Families, their names and occupations.
- The number of Male Children under six years of age.
- The number of Female Children under six years of age.
- The number of Males under fourteen years of age.
- The number of Females under fourteen years of age.
- The number of Females above fourteen years of age.
- And the number of Males above fourteen years of age, who are not heads of Families.

Expence of Census how to be defrayed

II. *And be it further enacted,* That the General Sessions of the Peace, held in the several Counties, are hereby authorized and empowered, by and upon the recommendation of the Grand Jury, to direct to be assessed in the same manner as and together with other County Rates and Taxes, a just and reasonable sum of money off said County, to pay the persons appointed as aforesaid, for taking the said Census, and also, for paying the Clerks of the Peace for services imposed by this Act.

Persons appointed to take Census refusing to Act

III. *And be it further enacted,* That every person appointed for taking said Census as aforesaid, who shall refuse or neglect to act as hereinbefore directed, shall forfeit and pay a fine of Two Pounds, one moiety of which to be for the use and benefit of the poor of the Township where the person so offending shall reside; the other moiety to the use and benefit of the person prosecuting for the same, to be sued for before any one of Her Majesty's Justices of the Peace in said County, in the same way and manner as though such fine were a debt due to the person prosecuting.

Vacancies how to be filled up

IV. *And be it further enacted,* That in case of death, removal or refusal to serve, of any person who shall be appointed as aforesaid, to take said Census, it shall and may be lawful for any General or Special Sessions to appoint another in his place, who shall be liable to serve under the like penalty, to be recovered and applied in the same manner as prescribed by the last preceding clause.

Form of Census prescribed

V. *And be it further enacted,* That the persons to be appointed respectively to take the Census hereinbefore directed, in the several Settlements or Districts of each County, shall make a return to the Clerk of the Peace of such Census so taken, in the form prescribed by the Table to this Act annexed, on or before the first day of December next, after the passing of this Act, which returns, accompanied by a general Abstract, of the numbers of Inhabitants in every such Settlement in the form, also in the Table to this Act annexed prescribed, to be made by the Clerk of the Peace, shall be transmitted to the office of the Secretary of the Province, to be submitted to the Legislature.

Census to be returned under oath

VI. *And be it further enacted,* That every person appointed to take such Census as aforesaid, shall annex to such return an oath in writing, in the form following:—To be sworn before some Justice of the Peace for the County in which he shall be so appointed.

I of do solemnly swear, that the account of the Inhabitants of the Township (or Settlement, as the case may be,) of is made up either from my own knowledge or from the information of the heads of Families therein named, or from their near neighbours, and contains nothing I actually know or have reason to believe to be untrue.

Sworn at before me, this } A. B.
day of A. D. 1838. }

E. F. Justice of the Peace.

Table referred to in the foregoing Act.

FORM OF RETURNS TO BE MADE TO THE CLERK OF THE PEACE.

Return of Census for the Township (or Settlement, as the case may be,) of _____ in the County of _____ made pursuant to the Act, passed in the first year of the reign of Her Majesty Queen Victoria, entitled, "An Act for taking the Census of this Province." Form of Re-
turn

| Names of heads of Families. | Occupation. | No. of Male Children under six years of age. | No. of Female Children under six years of age. | No. of Males under fourteen years of age. | No. of Females under fourteen years of age. | No. of Males above fourteen yrs. of age not heads of Families | No. of Females above fourteen years of age | Total number in Family. |
|-----------------------------|-------------|--|--|---|---|---|--|-------------------------|
| | | | | | | | | |

FORM OF GENERAL ABSTRACT.

General Abstract of Census for the County of _____ made pursuant to the Act, passed in the first year of the reign of Her Majesty Queen Victoria, entitled, "An Act for taking the Census of this Province." Form of Ge-
neral Abstract

| Names of Settlements. | No. of Male heads of Families. | No. of Males under six years of age. | No. of Females under six years of age. | No. of Males under fourteen years of age. | No. of Females under fourteen yrs of age. | No. of Females above fourteen yrs of age. | No. of Males above fourteen years of age not heads of Families. | Total in Settlements. |
|-----------------------|--------------------------------|--------------------------------------|--|---|---|---|---|-----------------------|
| | | | | | | | | |

CAP. VI.

An Act to continue the Act respecting the Trial of Issues in the Supreme Court, and for regulating the times of holding the Circuits of the said Court, and the Act in amendment thereof, and further to amend the same.

(Passed 17th day of April, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth Year of the Reign of His late Majesty King William the Fourth, entitled, An Act respecting the Trial of Issues in the Supreme Court, and for regulating the times of holding the Circuits of the said Court in the several Counties and Districts of this Province, and every matter, clause and thing, therein contained, except so far as the same have been altered by an Act, passed in the Fifth Year of the Reign of His said late Majesty King William the Fourth, entitled, An Act to discontinue one Sitting of the Supreme Court in each Year in the Upper and Lower Districts of the County of Sydney, and for altering the Sittings of the said Court in the said County, and in the County of Cape Breton, and except also, in so far as the same are altered by the Act hereinafter mentioned; also, the Act, passed in the last Session of the General Assembly, to continue and amend the said first mentioned Act, and every matter, clause and thing, therein contained, shall be continued, and the said several Acts, except as aforesaid, are hereby respectively continued for One Year, and from thence to the end of the then next Session of the General Assembly.

Acts continued

II. *And be it further enacted,* That hereafter there shall be had and held one Term or Sitting of the Supreme Court at Digby, in the County of Digby, to commence on the first Tuesday of September in each and every year, in the manner prescribed by the said Act first herein continued, and at the next Sitting of the Court of General Sessions of the Peace at Digby aforesaid, in the July Term, a Grand Jury and Petit Jury shall be respectively drawn before the first Justice of the said Court in manner prescribed in relation to the Supreme Court, by the Act for the regulation of Juries, and such Juries so drawn shall be, and shall

One Term of Supreme Court to be held annually in Digby

shall be summoned to attend as the Grand and Petit Juries respectively for said first Term of said Supreme Court at Digby, and shall have all and the like powers and authorities, and be subject to the same duties and penalties for non-attendance and otherwise, respectively, as other Grand and Petit Juries have or are subject to by Law in this Province.

CAP. VII.

An Act in further amendment of the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges.

(Passed the 17th day of April, 1838.)

Preamble

WHEREAS, by the Act, passed in the Fourth and Fifth year of the reign of His late Majesty King George the Fourth, entitled, An Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, the Commissioners appointed to expend sums of money on Roads and Bridges are required to give good and sufficient security by Bond, with two Sureties, in double the amount of the sum to be expended under their direction, faithfully to lay out and account for such sum according to law, and by such Act Commissioners are authorized to draw one third of the sum to be expended immediately, but the residue must be retained until the work is certified to have been finished and completed, as in the said Act is directed. *And whereas*, for small sums the giving such Bonds is unnecessary and attended with vexation and trouble, and the drawing one third part of the money is of no advantage :

Road Votes under £15 to be retained in Treasury until Work is completed

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the passing of this Act, in every case where the sum which any Commissioner shall be appointed to expend, shall not exceed Fifteen Pounds, it shall not be necessary for such Commissioner to give any such Security as is required by the said Act hereby amended, nor shall such Commissioner be entitled to draw any part of such sum so to be by him expended as aforesaid in advance, but the Treasurer of the Province shall retain the whole sum to be expended, until it shall be certified or made to appear as required by the said Act, that such sum has been well and honestly and faithfully applied to the purpose for which it was granted.

Continuation of Act

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

CAP. VIII.

An Act for altering the Representation in General Assembly, as respects the County of Inverness.

(Passed the 17th day of April, 1838.)

Preamble

WHEREAS, the County of Inverness, though it has a numerous population, and is of large extent, is represented only by one Member in General Assembly, having no Township Member therein :

An additional Member allowed for Inverness

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That the said County shall be entitled to return one other Member to the Assembly of this Province, from and after the dissolution of the present General Assembly, and that it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to issue a Writ for the Election of two Members, to serve in the next General Assembly, for the said County of Inverness.

Her Majesty's assent required

II. *Provided always, and be it further enacted*, That nothing herein contained shall be of any force or effect till Her Majesty's pleasure shall be signified thereon.

CAP. IX.

An Act for regulating the Internal Postage of this Province.*(Passed the 17th day of April, 1838.)*

WHEREAS, the Internal Postage received on Letters within this Province appears by the Post Office Accounts to realize a large sum of money, and which, in the opinion of the Legislature, would nearly defray the expense of conveying the Mail throughout the different Counties as it is now carried; *And whereas*, the Legislature in consideration of the Salaries of the Deputy Post Master General, and of his Assistant, and of the allowance for Office Rent, Fuel and Stationary, being paid out of the Postage of Letters sent to and received from England, are willing that the Mails to and from Canada, New-Brunswick and Prince Edward Island, should be carried throughout the Province as heretofore, at the expense of the Province, and without charge to the Mother Country, but are desirous to have the accounts of the Internal Postage, Riding Work, and other necessary expenses, kept separate and distinct, and under the direction of the Assembly:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall be the duty of the Deputy-Post-Master-General at Halifax, from and after the time when this Act shall come into operation, to keep a distinct, particular and true account of the Postage received by him and his Deputies throughout the Province, on all Letters and Packages transmitted through the Post-Office within the same, not including therein the postage on Letters and Packages received or sent by Her Majesty's Packets, or by any other Vessels or Ships to or from Great Britain and Ireland, or any other part of Europe, or any Foreign part; and likewise, a particular and true account of all Monies expended under the direction of the General Assembly, for Riding Work, and the due and regular transmission of the mail throughout the Province, as the same has been heretofore, or may be hereafter carried, and for other necessary expenses and charges; and such accounts, duly authenticated, to render in each and every year to the Governor, Lieutenant-Governor or Commander in Chief for the time being, in order that the same may be submitted to the Assembly, and examined in the same manner with the other public accounts of this Province, and if any balance shall appear thereon in favour of the Province, the same shall be paid by the Deputy Post Master General into the Provincial Treasury; and any balance that may appear thereon against the Province, shall be satisfied and paid out of and from the said Treasury, and with the public monies from time to time therein, and it shall be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, in each and every year, to draw his warrant therefor in favor of the Deputy Post Master General, so as a regular line of Communication may be kept up, and Her Majesty's Mail duly and regularly transmitted to and from and throughout the different parts of the Province, and may be extended from time to time as has been heretofore practised.

Internal Postage to be accounted for to General Assembly

Riding Work

Balances

II. *And be it further enacted*, That nothing herein contained shall be of any force or effect until Her Majesty's pleasure shall be signified thereto.

CAP. X.

An Act to enable the Inhabitants of the Town of Lunenburg to procure a Fire Engine, with other utensils and materials necessary for extinguishing Fires.*(Passed the 17th day of April, 1838.)*

WHEREAS, a fire has recently occurred in the Town of Lunenburg, which has shewn that the Fire Engine and Hose are greatly defective, and that urgent necessity exists for remedying such defects without delay; and also, for procuring many other utensils and materials which are requisite to protect the said Town from the danger to which it is exposed in time of Fire:

Preamble

I.

Special Sessions to be held I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for any two Justices of the County of Lunenburg, upon the request of the majority of the Firewards for the Town of Lunenburg, to summon the Justices resident in the Township of Lunenburg to attend at a Special Sessions of the Peace at any time after the passing of this Act, and before the next Term or Sitting of the General Sessions of the Peace in the said County.

Expense of Engine, &c. to be defrayed by assessment II. *And be it further enacted,* That it shall and may be lawful for such Special Sessions, at which at least three Justices of the Peace shall attend, to appoint and direct to be assessed by the order of such Sessions, upon the vote of the majority of the Justices thereat, such sum and sums of money as may by such Sessions be deemed requisite and necessary for procuring a new Engine, with new Hose and other things thereto necessarily appurtenant, or for repairing the old Engine, or for procuring new Hose, or such quantities of Buckets, Fire Hooks, Ladders and other materials and utensils useful and necessary in extinguishing Fires, and for the due ordering, keeping in repair and safe custody of the same.

Engine, &c. to be procured III. *And be it further enacted,* That it shall and may be lawful for any General Sessions of the Peace for the said County of Lunenburg, to be hereafter held upon the request of a majority of the Firewards of said Town, from time to time to appoint and direct to be assessed by any order or orders of such Court, such sum or sums of money for the several purposes above mentioned, or for any of them respectively, as may be deemed necessary and sufficient.

Assessment—by whom to be made IV. *And be it further enacted,* That all such sum or sums of money so appointed and directed to be assessed as hereinbefore mentioned, shall be assessed for the current Year, by the Assessors of Poores' Rates already appointed for the Township of Lunenburg, or any future year by the Assessors who may be appointed for that year, on the Inhabitants resident within the limits of the jurisdiction of the Commissioners of Streets for the Town of Lunenburg, and such sum and sums of money in like manner, when so assessed, shall be collected by the Collectors appointed or to be appointed for collecting the Poores' Rates in said Township.

Collectors of Assessment V. *And be it further enacted,* That all such sum and sums of money so to be directed and appointed to be assessed as aforesaid, shall be assessed and apportioned upon, and collected, levied, recovered and received, from the Inhabitants aforesaid, by the same persons, and by the like means, provisions, rules and regulations, and under the same penalties, as if such sum or sums were monies to be assessed and apportioned, collected, levied, recovered and received, for the use of the Poor for the said Township, and all the powers, authorities, liabilities, duties and penalties by Law given to, or imposed on, Assessors or Collectors of Poores' Rates, or for assessing and collecting Poores' Rates, are hereby applied and made applicable, so far as the same can or may be so applied, to the assessing and collecting of monies to be collected under or by virtue of this Act.

Money collected to be paid to Firewards VI. *And be it further enacted,* That all monies to be raised and collected under this Act, shall, when and as the same shall be received and collected, be paid over to one of the Firewards of the said Town, who shall be appointed by the said Firewards as their Treasurer, by whom a separate and distinct account of such monies shall be kept, and such monies shall form a separate and distinct fund in the hands of the said Treasurer, to be paid for the purposes for which the same have been assessed, under the order and direction of the Firewards of the said Town of Lunenburg, upon the written order or receipt of the Chairman of said Firewards.

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

CAP. XI.

An Act to extend, for a further space of time, certain provisions of the Act to afford relief to the Poor Settlers in this Province.

(Passed the 17th day of April, 1838.)

WHEREAS, by the provisions of the eleventh Clause or Section of the Act, passed in the last Session of the General Assembly, entitled, An Act to afford relief to the poor Settlers in this Province, the payment of monies due by persons under that Act, by labour on the Roads, is confined to the then present year. *And whereas*, from the distress of the Country and other causes, many of the persons who received relief and became Debtors, under the said Act, were unable, during the last year, to comply with the provisions contained in the said Act, and in consequence thereof the poor Settlers who obtained relief, under the said Act, are, in many parts of the Province, exposed to the risk of Suits on their respective Notes; and it is therefore expedient to extend, for a further time, the provisions of the said Act, for enabling the said persons to pay the sums due by them respectively, by labor on the Roads.

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That if any person who shall be indebted, under the said Act, shall be desirous of paying the whole or part of what may be due by him by labor on the Roads and Bridges, during the present year, such persons shall and may make application for permission so to do in the same manner, and such proceedings shall be had upon such application, as if the same had been made in conformity with the provisions of the said Act, during the last year.

Debtors to whom may pay whole or part in labour

II. *And be it further enacted*, That the powers, authorities, duties, acts and proceedings, by the said Act conferred and imposed upon, or required from, the Commissioners appointed under the said Act, or upon or from any Commissioner for the expenditure of Road Money, shall be conferred and imposed upon, and exercised by, the said respective Commissioners, in the same manner as if the said Act had originally authorized such powers, authorities, duties, acts and proceedings, to be had, done and exercised, during this present year.

Powers of Commissioners

III. *And be it further enacted*, That all the provisions of the said Act for payment of the said Monies, for returning accounts with the several Counties, by the Provincial Treasurer, for deducting the amount due by each County from the Road Money granted for such County, for enforcing payment of the Notes of the persons receiving relief, for assessing the sums remaining due, or for any other matter or proceeding remaining to be had or done under the said Act, shall be, and the same are hereby, postponed and extended until the next Session of the General Assembly.

Proceedings postponed

IV. *Provided always, and be it further enacted*, That if on the first day of October next, after the passing of this Act, any person shall have neglected or failed to make payment of the whole or any part of the Note due from him by labor on the Roads and Bridges, or otherwise, then the County Treasurer shall enforce payment of the Note or the balance or portion remaining unpaid, of the said Note, without further delay, any thing herein before contained to the contrary notwithstanding.

Proviso—as respects payment of Notes

V. *Provided always, and be it further enacted*, That nothing in this Act contained shall extend, or be construed to extend, to discharge any Surety or Sureties upon any of the said Notes, but such Sureties, and each of them shall be and be held liable for payment of the said Notes, until the same shall be paid or discharged in the same manner as if this Act had not been passed.

Liability of Sureties continued

CAP. XII.

An Act for the better regulation of Sable Island in this Province.

(Passed the 17th day of April, 1838.)

WHEREAS, an Establishment on the Isle of Sable for the relief of persons who may have been there unfortunately Shipwrecked, and also for preserving Shipwrecked property

Preamble

property cast on shore at that place, has been for many years sustained at the expense of this Province, and by and under the direction of certain Commissioners and Superintendants appointed by the Lieutenant-Governor of this Province, and paid from the General Funds and Revenue of Nova-Scotia. *And whereas*, Her Majesty's Government, in consideration of the vast benefits afforded already, not only to the Trade of all Her Majesty's Dominions, but also to the cause of humanity generally by the said Establishment, have agreed to appropriate an equal amount towards the support thereof to that granted by this Province. *And whereas*, no sufficient provisions are made by Law, as to the powers and authority of the Commissioners and Superintendant or Superintendants of Sable Island, and it is therefore expedient to define, limit and declare, the powers, authorities and rights, of the said Commissioners and Superintendants, to regulate the mode of appointment of such Commissioners and Superintendants, and otherwise, to provide for the due ordering and governing of the said establishment, and the preservation and disposition of Shipwrecked property.

Appointment of Commissioners and Superintendants

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the Governor, Lieutenant-Governor and Commander in Chief for the time being, to nominate and appoint and commission, from time to time, two or more persons to be Commissioners for taking charge of and managing Sable Island, and one or more person or persons to be resident Superintendant or Superintendants on the said Island, and from time to time, as occasion may require, to add to the numbers of the said Commissioners or Superintendants, or to remove any one more of them, or any of them, and any vacancies to supply and fill up. *Provided always*, that the number of such Commissioners shall not at any one time exceed three.

Duties and powers of Commissioners

II. *And be it further enacted*, That it shall be the duty of the said Commissioners to visit and inspect the said Island as often as may be necessary, and whenever, in particular, they or any of them shall be directed so to do by the Governor, Lieutenant-Governor or Commander in Chief for the time being, and that they, every and each of them, shall have and exercise all the power and authority on the said Island, and in relation to persons found thereon, which, by the Eighth Section of the Act, passed in the Forty-first year of the Reign of His late Majesty King George the Third, entitled, An Act for the security of Navigation, and for preserving all Ships, Vessels and Goods, which may be found on shore, wrecked or stranded upon the Coasts of this Province, and for punishing persons who shall steal Shipwrecked Goods, and for the relief of persons suffering loss thereby, is given to the Visitor and Inspector of Sable Island therein mentioned, in relation to Sable Island, and to Persons and Goods found thereon.

Regulations for government of Sable Island

III. *And be it further enacted*, That the said Commissioners, and a majority of them, shall have authority from time to time to make rules and regulations for the government of the said Island, and the regulation of the resident Superintendant or Superintendants thereon, and for the preservation of the lives, and the shelter, sustenance and removal of Shipwrecked persons, and for the preservation and removal of Shipwrecked Goods and property found thereon, and for preventing any persons, not duly authorized by the Governor, Lieutenant-Governor or Commander in Chief of this Province or Her Majesty's Government, from taking up either a permanent or temporary residence thereon, and generally for the good and efficient management of the said Island. *Provided always*, that no such rules shall have any force or efficacy until the same shall have been approved of by the Governor, Lieutenant-Governor or Commander in Chief for the time being.

Commissioners and Superintendants to have the power of Justices of the Peace

IV. *And be it further enacted*, That the said Commissioners and the said Superintendant or Superintendants respectively, who shall or may at any time or times hereafter be appointed as herein provided, and each of them shall have and exercise either on the said Island or elsewhere, all the power or authority in relation to wrecked or stranded Ships, Vessels or Goods, which a Justice of the Peace in any part of this Province has or may have in relation to Shipwrecked Goods, under and by virtue of the said hereinbefore mentioned Act, or any other Law now in force, or which may be hereafter in force, and also upon the said Island, or the banks, bars and coasts thereof, shall have and exercise all the powers and authority in every respect which a Justice of the Peace has or can exercise or claim within the limits of his jurisdiction.

And to remove doubts as to the duty and authority of the said Commissioners :

V. *Be it further enacted*, That in all cases where Vessels or Goods shall be stranded on Sable Island or its bars or coasts, and the assistance of the Commissioners or of the Superintendent or Superintendants of said Island or either of them, or their Servants, or any others under their authority, shall be afforded towards aiding in the saving thereof, and any such Goods shall be saved, the said Goods shall be taken in charge by the Superintendent on the said Island for the time being, and securely kept by him, and shall be removed and sent to Halifax, there to be received, kept and disposed of, by the Commissioners of Sable Island for the time being, for the benefit of the owner of the said Goods, after payment of Salvage to the said Establishment at Sable Island, and of expenses incurred in their safe keeping, removal or disposal, agreeably to the provisions of the said in part recited Act, unless the said Commissioners shall give orders to the said Superintendent to the contrary; and all Goods saved as in this clause is mentioned, shall be held to be in the possession of the Commissioners of Sable Island for the time being, and no part thereof shall on any pretence be taken out of such possession or out of the charge or keeping of the Superintendent or other officer or servants employed by him, or by the said Commissioners, except by the order of the said Commissioners, and until the payment of Salvage and expences; *Provided always*, that such Goods shall be liable to all duties by any Act or Acts from time to time in force in this Province imposed thereon.

In cases of Vessels and Goods stranded on Sable Island

VI. *And be it further enacted*, That in all Indictments, Informations, Actions, Suits or other Proceedings whatsoever, whether Civil or Criminal, in any Court of Law or Equity, or other place whatsoever, the said Isle of Sable shall be taken, deemed, and adjudged to be within, and to form part of the County of Halifax, in this Province, and any person who shall be charged with any Murder, Piracy, Felony, or other Criminal offence whatsoever, done or committed in said Island, or on the Shores, Banks, Bars or Coasts thereof, shall and may be prosecuted, proceeded against, and tried, in the same manner as if the said Island were actually within the body of the said County of Halifax.

Isle of Sable constituted part of County of Halifax

VII. *And be it further enacted*, That all sums of money granted for the support of the Establishment upon the said Island of Sable, either by the Government of Great Britain or by any Act or Acts of the General Assembly of this Province, shall be applied and expended from time to time by the said Commissioners thereof, who shall render an annual account of the same to the Governor, Lieutenant-Governor or Commander in Chief for the time being, to be submitted to the Legislature when required.

Expenditures to be accounted for

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

Continuation of Act

IX. *And be it further enacted*, That the Act, passed in the sixth year of the Reign of His late Majesty King William the Fourth, entitled, An Act for the better regulation of Sable Island and Seal Islands in this Province, and every matter, clause and thing, therein contained, shall be, and the same are hereby, repealed.

Act 6, Wm. IV repealed.

CAP. XIII.

An Act to authorize the Incorporation of Company for making a Navigable Ship Canal across the Isthmus of Cumberland, in Nova-Scotia.

(Passed the 17th day of April, 1838.)

WHEREAS, the making and maintaining a navigable Ship Canal or Water Communication, across such parts of the Isthmus of Cumberland, as are comprehended within the limits of the Province of Nova-Scotia, between the navigable waters of that part of the Bay of Fundy, which is known as Cumberland Basin on the west, and those parts of the waters of the Gulph of Saint Lawrence, which are known as the Baye Verte and Tignish River, to head of the tide waters thereof, on the east from, by or near, to the River called the LaPlanche, in the Township of Amherst, on the River known as the Missiquashe, or from any part

Preamble

part or portions of the River called the Aulac, in the adjacent Province of New-Brunswick, across the said Isthmus of Cumberland, to the water of the River Tignish and Baye Verte aforesaid, will be most highly beneficial, not only to those parts of Nova-Scotia which lie upon the Bay of Fundy, the Isthmus and Gulph aforesaid, but also, in an eminent degree, to the adjacent Provinces of New-Brunswick and Prince Edward Island, and will tend most powerfully to the advancement of the Commerce, Intercourse, Fisheries, and general prosperity of all the said Colonies, and other Territories adjacent thereto. Yet, such Ship Canal, although of great public utility, cannot be accomplished without the aid and authority of the General Assembly, to be granted to such persons as shall be willing to unite themselves into a Company to be incorporated for this purpose.

And whereas, it is expedient to encourage the early formation of such Company, by providing therefor, when established, the powers and privileges of a Corporation authorized by this Act.

Company may be incorporated when one fifth of the Capital required is subscribed

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That whenever a sufficient number of persons shall have associated themselves together, for opening and making a navigable Ship Canal, cut or water communication across such parts of the Isthmus of Cumberland as lie within this Province, and between any part of Cumberland Basin aforesaid, on the west, and the said Baye Verte on the east, and by, along or near, to the Channels and water courses of, or at any requisite distance from, the said River LaPlanche and Tignish, or Rivers Missiquash or Aulac, or the Lakes with or between the same intervening or connected, or wholly or partly in the course or direction of the said Basin, Bay, Rivers and Lakes respectively, or any the waters thereof; and by any agreement in writing, signed by such persons, shall have bound and obliged themselves to raise sufficient funds for the purpose of such Ship Canal, or shall have subscribed for Shares in such Company, to the extent at least of one fifth part of the sum hereinafter appointed to be the Capital Stock of the said Company, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, at any time, within ten years from the passing hereof, by Letters Patent, under the Great Seal of this Province, to make, erect and incorporate, all and singular the persons who from time shall be adventurers in, or parties to, the said undertaking, and their Assigns, into one Body, Politic and Corporate, in deed and in name, under the title of *The Cumberland Canal Company*, and by that name to have succession, to sue and to be sued, to have a Common Seal, and to possess and enjoy such powers with respect to the choice of a President and other Officers, making bye-laws and regulating the affairs of said Company, as shall be expressed in the same Letters Patent; *Provided always*, that the same be respectively in accordance with this Act, and shall in no case be repugnant to the Laws of this Province.

Powers and Privileges of Company

Proviso

Real Estate of Company

Monies, Goods, &c. of Company

II. *And be it further enacted,* That over and above the value of the Lands occupied from the soil, site and location, of the said Ship Canal, and the several Embankments, Dams, Locks, Bridges, Reservoirs, Houses, and other works thereof, or therewith connected, the said Company, when so incorporated, shall be, and they are hereby declared, and made capable in Law, to have, hold, purchase, receive, possess, enjoy and retain, Lands, Rents and Tenements, to the amount of Two Hundred and Fifty Thousand Pounds, and no more at one time; and also, Monies, Goods, Chattles and Effects, to the amount of One Hundred Thousand Pounds, and no more at any one time; and also, that the said Corporation, by the same methods, and in like manner as an individual person can do, shall have full and entire power and authority, and are hereby, to all intents and purposes, authorized and enabled, upon the Resolution of the Board of Directors of the Corporation, and by any Instrument under their Seal, and signed by their President and Secretary thereof, for the time being, or by any Instrument duly executed by any person or persons thereto authorized by any Letter or Power of Attorney made under the Resolution of the said Board, and the Seal of the Corporation, and the Signatures of such President and Secretary, to sue, charge, mortgage, grant, demise, for life or lives or for years, alien or otherwise dispose of such Lands, Tenements, Rents, Monies, Goods, Chattles and Effects, at their free will and pleasure; and also, to charge or mortgage the said Canal, and the works, tolls and profits thereof, for or with the repayment of any sum or sums of money whatsoever, advanced or lent to the Corporation for the purposes thereof.

Company may sell Lands, &c.

III. *And be it further enacted,* That the Capital or Joint Stock of the said Corporation shall, in the first instance; and subject to be increased in future if need be, be established at, and be the sum of Two Hundred Thousand Pounds of Sterling Money of Great-Britain, or Two Hundred and Fifty Thousand Pounds of the Currency now used in Nova-Scotia, of Sixteen Shillings Sterling to the Pound Currency, and shall be divided into Five Thousand Shares or Portions, each of Forty Pounds Sterling, or Fifty Pounds Currency; and such Shares in the Capital Stock shall be, and be deemed in every respect, Personal Estate and not Real, and the same shall pass by operation of Law, or be transferable, and be conveyed in such manner, and under such restrictions and conditions, as in such bye-laws shall be appointed.

Capital Stock
Share

IV. *And be it further enacted,* That the amount of the Capital Stock from time to time to be subscribed for in the said Corporation, shall be raised from, and paid by, the several Shareholders or Subscribers therefor, at such times respectively, and by such calls, rates or assessments, payable on each Share, as shall be ordered by the Board of Directors of the Corporation.

Payment of
Shares

V. *And be it further enacted,* That the said sum of Forty Pounds Sterling, or Fifty Pounds Currency, shall include all the calls or assessments to be made on any one Share in the Corporation, and that no other or greater sum shall be paid for or upon any one Share on the Capital or Joint Stock of the Corporation; and that no holder of any such Share shall, under any rates or assessments to be made thereon, or in any way, or by any means, be liable to the payment of any greater or larger sum in the whole than Forty Pounds Sterling, or Fifty Pounds Currency, on and for each several Share subscribed for, or held by, or standing in the name of such Subscriber or Shareholder at the time of ordering each rate or assessment.

Liability of
Shareholders
limited

VI. *And be it further enacted,* That the Joint Stock and Real and Personal Estate of the said Corporation shall be liable for, and subject to, the payment of all debts contracted by the Company, and none of the Shareholders of the said Company shall be liable for the payment of any debt contracted by the Company, beyond the amount due upon and unpaid of the Shares or Stock held by such individual member.

Liability of
Join Stock

VII. *And be it further enacted,* That for constructing the said proposed Ship Canal, and for managing, ordering, transacting and performing, all and every the business and affairs of the said Corporation, there shall be a Board of Directors, in whom the whole government of the Corporation shall be vested: and that the said Board at all times, except in case of absence, or of vacancies arising by death or resignation, shall consist of seven Directors, and no more, and of the Secretary of the Corporation, or person acting in his stead, and that such Board of Directors, and the Secretary, shall always be holders of such number of Shares in the Capital Stock of the Corporation as the Letters Patent shall prescribe to be held by each.

Directors and
Secretary

VIII. *And be it further enacted,* That, of the said seven Directors, one shall be styled the President of the Corporation, and, when present, shall preside at every Meeting of the Board and of the Corporation, or in his absence, the senior Director present shall preside, and any five Members of the said Board present at any Meeting thereof, shall be competent to the transaction of any business of the Corporation.

President of
Corporation

IX. *And be it further enacted,* That, in such Letters Patent, the Directors and the Secretary of the Corporation shall be designated, and shall hold their respective offices during the term of one whole year, and thence continually until a new choice of the said Directors or Secretary shall be made by the Corporation; and that thereafter, on every vacancy in their several offices, the choice of such future Directors and Secretary shall be made in the manner by the said Letters Patent, or bye-laws of the Corporation to be ordained.

Term of ser-
vice of Direc-
tors and Secre-
tary

X. *And be it further enacted,* That it shall be lawful for the persons who shall become Shareholders in the Corporation, by the Letters Patent hereby authorized to be created, and for all and singular other the persons who, from time to time, can or shall become Subscribers, Parties, Shareholders or Proprietors of, or in the said Corporation, or who shall acquire and retain any part, share or interest therein, to assemble themselves, and meet together at such several times, and at such places respectively, either in Nova-Scotia or New-Brunswick, as to the majority of them shall seem fit and expedient, as well for the constituting the said Corporation, as for managing, ordering, consulting and settling, the affairs and business thereof,

Meetings of
Shareholders
—subjects for
consideration

thereof, and shall and may have, possess and enjoy, full and perfect liberty, power and authority, to frame, ordain, make, constitute, and put in execution, all bye-laws, rules, statutes, ordinances, regulations and constitution, necessary or proper, in the opinion of the Shareholders present, or voting, by written proxy, for declaring, settling and establishing, in all matters not provided for by this Act, the constitution, rule, officers, servants and government, of the said Corporation, or for the conduct or management of the affairs thereof, or for raising, procuring, borrowing or obtaining, the necessary funds and monies for making, opening, constructing and completing a navigable Ship Canal or Water Communication, of a depth not less than nine feet, and of width and dimensions commensurate with that or any greater depth adopted therefor across the said Isthmus of Cumberland, from the navigable waters of any part of the Basin of Cumberland to the navigable waters of the Baye Verte, and for levying and assessing upon the Shareholders of the Corporation, all calls, rates and assessments, hereafter to be ordered or made for the sums of money to be subscribed for making and constructing and sustaining such navigable Ship Canal, and the works thereof, or for defraying the expense attendant thereon, or the management of the affairs of the Corporation, and support of the navigation, and likewise for conducting and ordering the operations of the said Corporation, their servants and officers, in cutting and forming the said Canal, and all the proceedings, works and doing, therewith connected, and for managing and ordering all the details, affairs and business, of the said undertaking, and for maintaining, repairing and upholding, the said navigable communication, and for using and navigating the same, and for the good rule and government of the said Corporation, and of all the officers belonging thereto or therein concerned, and for the further public good, common profit, benefit and regulation, of the said Corporation, and for the better preserving, maintaining, using, disposing, letting or managing, the said navigable Canal, and all and singular the works thereof or therewith connected, and the tolls, rents, income and profits thereof, and other property, whether real or personal, to the said Company hereafter to belong, and all other matters and things whatsoever, touching or concerning the intended Corporation, or the estate, right, or interest of the same.

Bye-laws may
be revoked,
&c.

XI. *And be it further enacted*, That all the said bye-laws, ordinances, statutes, regulations and constitutions, so made and ordained, shall and may, in like manner, at any of the said meetings, be revoked, repealed, annulled or amended, in such manner as to the majority of the Shareholders personally, or by proxy present thereat, may seem right or expedient.

Bye-laws must
be approved of
by Governor

XII. *Provided always, and be it further enacted*, That no bye-law of the said Corporation shall be in force or executed, until the same is approved of by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and no alteration, amendment or repeal, of any such rules or bye-laws of the said Corporation, shall be of any force or effect whatsoever, unless the same shall be also allowed and approved of by the said Governor, Lieutenant-Governor, or Commander in Chief for the time being, in such and the like manner, as by the said Letters Patent shall be appointed, with respect to the original bye-laws.

Capital Stock
not to be ap-
plied to pay-
ment of Divi-
dends

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

Obligations of
Corporation

Books and Ac-
counts of Cor-
poration to be
open for in-
spection

XIV. *And be it further enacted*, That the Books and Accounts of the said Corporation shall at all times be open to the examination of such person or persons as the Governor, Lieutenant-Governor, or Commander in Chief shall appoint to inspect the same.

Annual Meet-
ings of Com-
pany

XV. *And be it further enacted*, That an annual meeting of the Shareholders of the Corporation shall be held yearly between the first day of January and last day of February, after the issuing the said Letters Patent, and at some place to be appointed by the Board for the choice of Officers, the consideration of, and to discuss and consult upon, the affairs and condition of the Corporation, the making, altering or repealing, the bye-laws and ordinances thereof, and for the general superintendance of its affairs and business; also, to exercise all the powers, privileges and authorities of the Letters Patent or this Act, designed to be vested in

in the Shareholders and not committed to the Board of Directors; and also, that special meetings of the Shareholders for any particular purpose of business shall be held, when desired by the Board, or by any one Director, or by a requisition therefor, signed by ten Proprietors; but the time and place for such special meeting shall be fixed by the Board, the time not exceeding twenty days from the receipt of the requisition therefor.

XVI. *And be it further enacted,* That such number of Members of the Board of Directors as shall be appointed in the rules and bye-laws of the said Corporation, shall go out of office on the first day of March in every year, but may again be re-elected to the same office by the annual meeting of the same year; and the persons chosen in their stead, or to fill any vacancies in the said offices not previously supplied, shall come into office on that day.

Directors may
be re-elected

XVII. *And be it further enacted,* That whenever it shall happen from any circumstance, that the annual meeting is not held within the time appointed by this Act, and whensoever it shall happen that a new election of any officer or officers has been omitted to be made at the annual meeting by which they ought to be chosen, or the election fails from any cause, then, and as often as such omission occurs, a general annual meeting shall be held at such time and place as the Board direct, and each person in office shall continue to hold the same until such election shall be made, after which the person newly elected shall come into office at such time as the Board direct.

Annual Meetings not held
at appointed
time—omission of Election
of Officers

XVIII. *And be it further enacted,* That the Books of the Corporation shall be made up to and balanced on, the thirty-first day of December, in every year, and that, at every annual meeting, a full, explicit and correct, account of the affairs, debts, engagements, property and state, of the said Corporation, shall be by the said Board of Directors, prepared and laid before the Stockholders, who, if they think proper, may at such time, or at any future meeting, choose fit and proper persons to examine and audit such accounts, and all the books, papers, accounts, vouchers and documents, of the Corporation, necessary for that inspection and audit, shall be produced before, and be submitted to, such Auditors by the person having the same in charge.

Books made
up to 31st Dec.

XIX. *And be it further enacted,* That upon complaint, made on oath, to the Judges of the Supreme Court, at any of its sittings in Halifax, that any person holding any office in the said Corporation has been guilty of any fraud or Criminal misconduct in managing the affairs of the said Corporation, or the Stock funds or property, real or personal, belonging thereto, it shall be lawful for the said Supreme Court to examine into the subject matters of such complaint, and to hear and try the same, either by a Jury, or in a summary way, and, upon conviction, to remove the person or persons so convicted from the office held by him or them in the said Corporation.

Officers of
Company guilty
of frauds

XX. *And be it further enacted,* That every vacancy occasioned in the Board of Directors or other officers of the Corporation, by the death, resignation or removal from the Province of the person filling the same, or by judgment of the said Supreme Court, shall be supplied by the choice of another officer, at some general meeting of the Company to be specially convened for that purpose by the Board of Directors, agreeably to the bye-laws.

Vacancies

XXI. *And be it further enacted,* That the said Corporation under this Act, and by the Letters Patent, hereinbefore authorized, intended to be formed and constructed, under the name of the Cumberland Canal Company, and the Shareholders and Board of Directors thereof, shall be, and they are hereby, fully authorized and empowered, from and after the passing of such Letters Patent, at their own proper costs and expenses, by their Engineers, Deputies, Agents, Workmen and Assigns, to make and maintain a Ship-Canal, to be called the Cumberland Canal, for the navigation of large Sea-going Ships and Vessels, of Ships and Boats impelled by Steam or by any other power or machinery, and of all other Vessels, Boats and Barges, from and out of the waters of the Cumberland Basin, so called, or from and out of the Waters or Channels of any one or more of the Rivers called La Planche, Missiquashe or Aulac, or any other of the Rivers, into the said Basin flowing or discharging themselves, or therewith communicating across the said Isthmus of Cumberland, in any course or courses, direction or directions, that may be deemed most suitable for the purpose of such Canal, and by any one or more cuts or channels through the intervening extent of marsh land dyked or undyked, bogs, land covered with water, creeks, ponds or lakes, woodland or other soil whatsoever, in the said County of Cumberland, in the Province of Nova-Scotia, or, in the adjacent County of Westmorland, in New-Brunswick, lying or contained,

Formation of
Cumberland
Canal

to join and communicate with the waters of said Gulph of Saint Lawrence, in the Baye Verte, where the same may be navigable for Ships of large burthen, and either along the channel of the River Tignishe and the shores of the Bay Verte, or by or through or across the water course, channel or navigable tideway of the said River or Bay, and also, to make and construct such Ship Canal, between Cumberland Basin and the Baye Verte, on such line or directions as the nature of the intervening lands may permit, or as may, in the opinion of competent persons, be deemed the shortest or most advantageous route or course for the said Canal, and likewise to occupy for the site thereof, and the works therewith to be connected, as well the whole or any part of the Shores and Channels of the said Basin and Bay, as the whole or any parts or portions of the Channels and water courses of the said Rivers La Planche, Missiquashe, Aulac, and Tidnish, or of any other river or Stream in the said Basin or Bay, flowing or therewith connected, and the Channels and water courses of all Streams and Lakes in anywise connected with or discharging into the above named, or any other, rivers as aforesaid, and moreover, to acquire and occupy, for the site of the intended Canal and its works, a piece of land, extending in length from the western to the eastern outlet thereof, and of such width along the whole line as may be by the Engineer of the said Company deemed sufficient for the said Canal, and the various constructions thereof, and the beneficial use of the same, and also, to acquire and occupy such other pieces of land of such length and width as may be found necessary for the sites of the reservoirs, feeders, collateral cuts, aqueducts, dams, embankments, roads, towing paths, and other works connected with the intended Canal, and furthermore, to make and construct such and so many reservoirs, feeders, cuts and aqueducts, intended to be filled with water, as may be deemed necessary for the said Canal, and also, to fill such reservoirs, feeders, cuts and aqueducts, with water, from all such springs as may be found in making the same, and to supply the said intended Canal at all times soever while making, and after the same shall be made either with the tide waters of Cumberland and of Baye Verte, or with the waters of the river above named, or of any other rivers, ponds or lakes, thereto adjacent, or with water from all such brooks, springs, streams, rivulets, waters and water courses, adjacent to the intended Canal or its reservoirs, or which are or shall flow to, or be found in digging or making the said Canal, and likewise, to make, sink and drive, such and so many wells, soughs, tunnels, levels and perforations, feeders and aqueducts, and to make, erect, and set up, such and so many weirs, dams or embankments, across the said Baye Verte and the River Tidnish, and across the said other rivers above named or referred to, for damming and penning up the waters thereof, for the purposes of the intended Canal, and to erect and set up such and so many other weirs, dams and embankments, and Steam Engines, water wheels, and other machines, with proper shafts and tunnels thereto, for supplying the said Canal and Reservoirs with water, and for conveying water to or from the same, or either of them, or to or from one to the other of them, and for the purpose of navigation, or for any other purpose necessary for the better making and maintaining such intended Canal, as the said Corporation shall from time to time think proper and expedient.

Canal—Channels or Rivers leading to it—power of Company respecting same

XXII. *And be it further enacted*, That the said Corporation by this Act designed, when established by such Letters Patent, shall be, and they are hereby authorized and empowered for effectuating the purposes hereof, to enlarge, widen, alter or vary, such roads or ways, and the course of any or either of such rivers above mentioned, or other rivers of said Isthmus, brooks, streams, and water courses, which are or shall be situated within the line or tract of the said intended Canal, or the works thereof, or any subsequent variation or change thereof, or any feeders, cuts or aqueducts therefrom, or which shall or may hinder, prevent, or otherwise obstruct the making of the said Canal, and for the purposes aforesaid, or any of them, the said Corporation, their Engineers, Deputies, Servants, Agents and Workmen, are hereby authorized, and empowered, to enter into and upon the lands and grounds of any person or persons, or body politic whatsoever, and to survey and take levels of the same, or of any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended Canal, and the works and conveniences hereby authorized to be made, or necessary for the construction, support or beneficial use thereof, and there to bore, dig, cut, trench and sough, and also, to remove, take, carry away and lay, any earth, clay, stone, soil, rubbish, trees, roots, beds of gravel or sand, or any other matters or things which may be got in making, or which may hinder, prevent or obstruct,

obstruct, the making, carrying on, maintaining, repairing and beneficially using the said intended Canal, or its towing paths, roads, reservoirs, feeders, tunnels, aqueducts, locks, and other works respectively, according to the true intent and meaning of this Act; and also, to make carriage roads and other ways, as well for the carrying and conveying of all manner of materials necessary or intended for the making, erecting, finishing, altering, repairing, widening, enlarging or improving, the said Canal and other works hereby authorized, as also, for the purposes of the said intended navigation, and for the passage of Ships, Vessels and Boats, of all kinds through the same, and its works, and for the carrying and conveying of goods, wares, merchandize, and other things, through, upon, to or from, the said Canal, or any part of the works thereof.

XXIII. *And be it further enacted,* That it shall and may be lawful for the said Corporation, when constituted as aforesaid, at any time or times hereafter, to form, make and maintain, the said Ship Canal or navigation of such depth not less than nine feet, and of such extent, width and dimensions, as they, from time to time, shall think proper, and either in part or wholly over land, and at such distances from the Rivers LaPlanche, Missiquash, Aulac, Tidnish, and other rivers and streams of the said Isthmus, as shall be deemed expedient, and either wholly or partially, on the right or left banks of the said designated rivers, or other rivers or streams of the said Isthmus, or of any lakes or ponds thereof, or in any part or wholly in the respective channels, water courses or tideways thereof, or of the said Cumberland Basin and Baye of Verte, whereon the respective entrances of the said Ship Canal shall be established, and also, at such places respectively, as may be deemed most suitable for the navigation aforesaid, between those parts of Cumberland Basin, where at low water or tide the same may be navigated by Ships drawing fifteen feet of water, where the same bay is crossed by a line to be drawn between points on each bank thereof, situated respectively fifty chains northward and eastward of the Ferry Houses there, and as well in any part of the overland course or deviation to be adopted for the said Canal or near thereto, as also, in, through, along, over or across, or upon the respective water courses, channels or tideways, banks or shores, of the said basin, bay, and rivers designated, and of any other river, lake, pond, creek, stream or brook, of the said Isthmus, or which enters into the said basin, bay, and rivers designated, wheresoever such works may appear necessary or expedient, and there, or in any or every of such place, the said Corporation is hereby fully authorized and empowered to provide suitable foundations for, and to make, build, drive, erect set up, execute and maintain, such and so many piles, piers, dams, weirs, aboiteau or batoidaux, pens for water, reservoirs, aqueducts, bridges, arches, banks, embankments, excavations, tunnels, cuts, soughs, sluices, culverts, flood-gates, locks, wharves, basins, docks, machines, and other works, landing places, ways, roads, fences, and other conveniences, for the purposes of the said Canal or navigation, as and when the said Corporation shall think proper; and further, to widen, enlarge, straiten, contract, obstruct, direct, change or alter, in whole or in-part, the course and channels of the said several designated rivers, creeks, brooks, lakes, ponds and streams respectively, and to lead the waters thereof into other and different channels; and further, from time to time to alter, repair, amend or discontinue, the said works or constructions or any of them; and further, to place, lay, work or manufacture, any materials, on the lands or grounds adjoining to the places where any of the said works may be carrying on; and likewise, to make, let out and appoint, such towing paths, banks, roads and ways, on any parts of the whole Canal, line or leading thereto, for bringing materials for the works aforesaid, or for the towing, hauling, and drawing of Ships, Vessels, Boats, Lighters, Barges or Rafts, passing upon any part of the said navigation, with men, horses, or otherwise, and such convenient places in which to turn, lie, or pass each other, to construct, as the said Corporation may deem fit; and moreover, from time to time, to make, build, erect, and keep in repair, any bridges, piers, arches, aqueducts, and other works, in, upon, over or across, any roads, rivers, brooks or valleys, for making, carrying on, using, maintaining or repairing, of the said Canal and towing paths; and furthermore, to abate, remove, and take away, all wood, timber, beach, stone, or other impediments, piers or constructions, which may be found in the course of the said Canal line, or of the rivers or streams aforesaid, by which the works, constructions, or use of the navigation, may be obstructed, or injured; and moreover, to retain, dam up and confine, the waters of the rivers, lakes and streams aforesaid, in the natural basins, courses or reservoirs, to be made by the said Corporation

Depth of Canal
—courses,
dams, aboi-
teau, &c.

poration, and to lessen or reduce the actual surface waters or depths of such lakes, rivers or streams, wherever necessary or proper, for the purposes of the said Canal or Water Communication; and likewise, to use and appropriate the waters of the said basin, bay, rivers, lakes and streams, and the channel and water courses thereof, to and for the use and benefit of, and for rendering effectual, navigable and useful, the said intended Ship Canal or Water Communication, across the Isthmus aforesaid; and generally, to have, use and exercise, all and singular the rights, powers, authorities and privileges, which, by this Act, or by the Letters Patent to be granted in virtue thereof, may be conferred on the said Corporation.

Powers vested
in Company
by Letters Patent

XXIV. *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by whom such Letters Patent of Incorporation shall be granted, to give and convey thereby to the said Corporation all such other powers, privileges, authorities and immunities, in regard to the making, executing, repairing and sustaining, such Ship Canal or Water Communication as are commonly and usually granted to such Canal Companies, though not expressly enumerated in this Act, and as shall appear to him to be reasonable, fit and proper, in this behalf; and further, to impose such restrictions and conditions on the said Corporation as may be proper or expedient, in regard to the size and dimensions of the said Canal, and the Locks and Works thereof, the Rates or Tolls to be taken, or other subjects connected with such Canal.

Rights and Interests of Corporation secured forever

XXV. *And be it further enacted,* That the course and Channels of such Canal or Water Communication, and the Dams, Weirs, Embankments, Sluices, Locks, Lock-pits or Chambers, Lock-gates, Reservoirs and Basins, by the said Corporation to be erected and made as aforesaid, and the Waters and Streams of the said River and Lake, so far as the same are or may be required or necessary, to be used, retained, directed or appropriated, to and for the use and benefit of such Canal, and the beneficial enjoyment thereof; and all Lands or Real Estate purchased or obtained for such Canal, and through which it shall be made, and the towing or tracking paths or roads aforesaid, along the said Canal, Rivers and Lakes; and also, all water powers, privileges and all quantities of water, to be procured by means of any Wear, Dams, Embankments, Aboiteaux or other Works, now or hereafter to be by the said Company built, constructed, raised or formed, in, upon, across or near, to the said Navigation, on the said Cumberland Basin, Baye Verte, Rivers, Creeks, Streams or Brooks, of the said Isthmus, and all deposits of Soil, Accretions and Alluviums, in the present Channels, caused by, or necessarily consequent upon, any of such their Works; and all Estate, Right, Title, Interest, whatsoever, be, or to the same respectively, legally acquired by the said Corporation, shall be, and the same are hereby, respectively declared to be and become vested in the said Corporation forever, and shall or may be sold, leased or otherwise disposed, appropriated and applied, for such payments, and under such conditions, as to them shall seem fit.

Rivers, &c.
connected with
Canal

XXVI. *And be it further enacted,* That all such parts of the said Baye Verte, Tignish River, LaPlanche, Missiquashe and Aulac River, and others the Rivers and Streams of the said Isthmus, flowing into or connected with Cumberland Basin and Baye Verte, or the Rivers above named, and all the Lakes and Ponds of the said Isthmus whatsoever, as shall be made navigable by the works of the said Corporation, shall be and be deemed part and parcel of the Cumberland Canal or Navigation hereby authorized to be constructed.

Satisfaction to
be made for injuries

XXVII. *Provided always, and be it further enacted,* That in making, constructing, repairing, maintaining and using, the said intended Ship Canal, and each and every of the various works and constructions thereof, or therewith connected, it is the true intent and meaning of this Act that the said Corporation, their Engineers, Deputies, Agents, Servants and Workmen, shall do as little damage as may be in the execution of the several powers to them hereby granted; and shall make satisfaction in manner hereinafter mentioned to the Owners or Proprietors, Tenants or Occupiers of, and all persons interested in, the Lands, Tenements Hereditaments, Waters, Mill Streams, Water Courses, Brooks or Rivers, respectively, which shall be taken and removed, diverted or prejudiced, for all damages to be by them respectively sustained in or by the execution of all or any of the powers of this Act; and this Act shall be sufficient to indemnify the said Corporation, and all the Shareholders therein, and their Engineers, Deputies, Agents, Servants, Workmen, and all other persons whomsoever, for what he or they or any of them shall do, by virtue of the powers hereby granted, subject nevertheless to such provisoes and restrictions as are hereinafter mentioned.

XXVIII.

XXVIII. *Provided always, and be it further enacted,* That a way and passage in, through and along, the said Ship Canal or Water Communication, and all navigable parts thereof, or therewith connected, and the Locks, Gates and Passages thereof, and in and upon the Towing-paths, Roads or Side-paths, of the said Canal, by the said Company to be constructed or made for the use and benefit of the said Canal, shall be at all convenient times and seasons free and open to all Her Majesty's Subjects, with their Ships, Boats, Vessels and Goods, and Horses or Cattle, towing or drawing the same, upon payment or tender of the Toll or Pass-money which shall be established and ordained by the said Corporation, upon and for the several parts of the said Communication.

Canal open to
Public upon
payment of
Toll

XXIX. *And be it further enacted,* That the several Rates, Tolls, and Pass-monies, hereafter to be ordained or established by the said Corporation upon the line of the said Canal, shall be subject and liable to the regulations of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, in the manner to be directed by the said Letters Patent.

Toll Rates

XXX. *And be it further enacted,* That if the said Corporation, at, upon, near to, or in connexion with any Wear, Dam, Embankment or Aboiteaux, or other construction, for the purposes of the said Canal by them to be built or erected in or across the said Baye Verte or the River Tignish, or other of the Rivers above designated, or others of the Isthmus aforesaid, at any part of the said Baye Verte, or of the course of the other Rivers referred to above respectively, shall think proper to construct and provide substantial and sufficient Bridge or Bridges for the passage of Cattle, Carriages, Property and Passengers, across the said Baye Verte and Rivers aforesaid, it shall and may be lawful for the said Corporation to erect and construct such Bridge or Bridges at their proper costs and charges, and upon the same respectively being fully complete and opened for public use, to have, demand, receive and levy, from all persons, and for all Carriages, Cattle and Property, passing across the said Bridge or Bridges, such Rates, Tolls and Pass-money, as shall be therefor established by the said Corporation, and approved by the Governor, Lieutenant-Governor or Commander in Chief for the time being, and upon payment thereof the said Bridge or Bridges shall be at all times free and open for the passage of Her Majesty's Subjects.

Bridges may
be erected—
Toll allowed

XXXI. *And be it further enacted,* That wheresoever the course, line or direction, of such intended Canal or Water Communication, or any of the works therewith connected, shall be crossed by any Public Highway now or hereafter to be established under the provisions of the present or any future Laws of this Province, the said Corporation shall be, and is hereby, required and made subject and liable to build and erect at the proper costs and charges of such Corporation such sufficient and substantial Bridges or Draw-Bridges as shall be necessary for the convenient use of the said Highways where they cross the said Canal respectively, or the works thereof, and such Bridges or Draw-bridges respectively shall, from time to time be kept in repair, and sustained by the said Corporation, and be free and open to all Her Majesty's Subjects at all times and seasons.

Highways in-
terrupted by
Company

XXXII. *And be it further enacted,* That wheresoever the line of such intended Ship Canal, or the works, thereof, shall be crossed or intersected by any private way, or shall pass through Land owned by any one of Her Majesty's Subjects on both sides of the said Canal, or the Works thereof, or whenever in future any private way shall be required to be made across such Canal, or the Works therewith connected, then and in every such case the right or privilege of erecting and sustaining a Bridge or other mode of crossing such Canal, or its works, for the use of the party entitled or requiring such private way or passage, and the proceedings for obtaining such right or privilege shall be obtained, regulated and be pursued, in such and the like manner, and under such and the like conditions, as private ways may now or shall, by any future Laws of this Province, be procured, regulated or established.

Private Ways

XXXIII. *And be it further enacted,* That none of the present Public Roads within the said Isthmus of Cumberland, crossing the line or position of the intended Canal, or of any of the works thereof, shall be shut up or discontinued until the Roads which shall be intended to remain, or be the Public Roads in future, and the Bridges thereof, shall be set out in due and proper manner, and until the same shall be properly formed, and made safe and convenient for Horses, Carts and Carriages; and in like manner, no Mill Stream or Watercourse, for whose waters a new channel shall be designed by the Corporation, and whose waters are or shall at the time be in use of, or appropriated by, any person or persons whomsoever, shall

Present Public
Roads not to
be shut up un-
til others are
opened

be

be turned or diverted from its ancient and accustomed channel until the new course or channel therefor shall be fully completed.

Lands to be protected from injury

XXXIV. *And be it further enacted,* That the said Corporation shall, and they are hereby required, at their own costs and charges, to cause to be made such Arches, Tunnels, Culverts, Drains or other passages, over, under, by the side of, or into, the said Canal, and the Trenches, Streams and Watercourses, communicating therewith, and the Towing-paths on the sides thereof respectively of such depth, breadth and dimensions, as shall be sufficient at all times to convey the water clear from the lands adjoining, or lying near to the said Canal, and the works thereof, without obstructing or impeding the flow of such water ; and shall also cause to be made such Back Drains as may be necessary and sufficient to carry off any water which may ooze or pass through any of the banks of the Canal, to the prejudice of any of the Lands contiguous or near thereto; and all such Arches, Tunnels, Drains, Back Drains, Culverts and other Passages, shall from time to time be supported, cleansed and kept, in good and sufficient repair by the said Corporation; and if at any time default shall be made in complying with any of the provisions of this Section, it shall be lawful for the party thereby injured to make complaint to any one of Her Majesty's Justices of the Peace, who, upon view of the premises shall, by his order in writing, to be delivered to any Director, Chief Manager or Engineer of the Company, direct the provisions of this Section to be complied with by the Corporation, in respect to the subject of the complaint and within a reasonable time in such order to be stated; and if the said Corporation fail to comply with the said order, then and in every such case the said Justice may order the party complainant to procure to be done, as directed by such order, such works as will remove the said Waters, or prevent the injury to arise therefrom to the Complainant's Land, so far as may be practicable, without obstructing the Canal Works, and the reasonable expense attending the same, with all charges, shall and may be recovered by the Complainant in the same manner as if the amount thereof were a debt due to him by the said Corporation. *Provided always,* that nothing in this Section contained shall extend to authorize the interference of the Complainant with, or in the making of, any works of the Corporation, or enforce the admitting of any water arising from floods in the said Canal which may injure the said Navigation; nor shall this Section extend to any case where the party injured shall, for the damages sustained, seek to obtain compensation by the means hereinafter provided, or by other legal remedy.

Proviso

Materials required for Works of Canal

XXXV. *And be it further enacted,* That whensoever in the making or opening of such Ship Canal, and performing any or either of the works thereof, it shall be necessary for the said Corporation, or their Servants, to procure materials for the said works from any uncultivated Lands lying on, or contiguous to, the said Canal, or its works, or the Rivers, Ponds, Streams or Lakes, of the said Isthmus, or on or near to any of the shores of the Basin or Baye aforesaid; and the owner of such uncultivated Lands shall be absent, or no agreement can be made with him, then, and in every such case, it shall and may be lawful for the said Corporation, and their Servants, to enter with Workmen, Carts, Carriages and Cattle, upon such uncultivated Lands, and thereon and therefrom to dig up, take and carry away, stones, earth and gravel, and to cut down and carry away therefrom trees and brushwood, logs, poles and brushes, for the works of such Canal, and the damage thereby done shall be appraised and ascertained by the judgment of three indifferent Freeholders, to be nominated by the nearest Justice of the Peace for that purpose, and the sum so ascertained shall be paid or tendered by the Corporation to the owner of the Soil, if demanded within three months from such appraisement.

Preamble

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

Reparation of injuries to Canal

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

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

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

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

Company liable for injuries to property of individuals

Appraisement of injuries

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

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

XL. *And be it further enacted,* That when and so often for the purposes of making or constructing the said intended Canal or Navigation, or any the Reservoirs, Feeders, Aqueducts or other works or erections, which by this present Act or their Letters Patent of Incorporation, the said Corporation are empowered to erect or make, or for the more convenient or beneficial use of the said Canal or works aforesaid, or for Roads and Ways thereto, before or after the construction of the said Canal or Works, the said Corporation shall deem it necessary or expedient to obtain and be invested with the title or possession of or in any Lots or Parcels of Land or Premises whatsoever, lying in the vicinity of, or contiguous to, or near to the course or line by the said Corporation to be at any time determined upon, or adopted for the said Canal or Navigation, or in the vicinity of or near to any the Works, Constructions or Erections aforesaid, then, and in every such case, it shall be lawful for the Board of Directors, by their Order, to authorize and empower any person or persons to enter into and upon the required Lands, and to survey, mark out and admeasure, so much and such parts thereof as the Board of Directors shall deem necessary, for all or any of the purposes aforesaid, and to make and return a correct Plan, Admeasurement and Description of each Lot or Parcel of Land, so required for the purposes of the Corporation, with the lines, courses and boundaries thereof; and also, on account of the person or persons in whom, by the Registry of Deeds or otherwise, the title and possession thereof may appear to be, together with an estimate of the fair and reasonable value of the same in money to a purchaser; and thereupon the said Corporation is hereby authorized to treat and agree with the Owner or Owners of such Lot or Parcel of Land for the absolute purchase of the fee simple or inheritance thereof, or for a demise thereof for such term of years, and under such rent or other conditions as may be deemed reasonable.

XLI. *And be it further enacted,* That it shall be lawful for all Persons, Bodies, Politic or Corporate, and all Feoffees or Trustees for any purpose public or private, Mortgagees, Tenants for life or in tail, and for the Husbands, Guardians, Trustees, Committees, Curators or Attornies, of such of the Owners or Proprietors of, or persons interested in, any such Lands or Premises required for the purposes aforesaid, as shall be Femes Covert, Infants, Lunatics, Idiots or Persons beyond the Seas, or otherwise incapable of acting for themselves, to contract and agree with the said Corporation, either for the absolute purchase of the fee simple, or inheritance, of and in such respective Lots or Parcels of Land required as aforesaid, or for demise thereof, for any term of years at, under and subject to such price, rents and conditions, as may be ascertained and settled by Appraisers, in the mode hereinafter provided; and to fulfil and carry into effect such Contracts and Agreements, by granting, selling and conveying, absolutely in fee simple, or leasing and demising for a term of years, as the case may be, such Lots and Parcels of Land with their Appurtenances unto the said Corporation, or in trust therefor, as may be deemed fit, and all such Grants, Deeds, Conveyances and Leases, shall be valid and effectual in law to all intents and purposes whatsoever.

XLII. *And be it further enacted,* That in case any such Bodies or other Persons hereby authorized to contract and convey on behalf of themselves or others as aforesaid, or any other person or persons interested in any such Lots or Parcels of Land so required for the purposes aforesaid, shall refuse or decline to treat or agree, or by reason of absence shall be prevented from treating or agreeing with the Corporation as aforesaid, or shall refuse to accept such price or consideration money for the absolute purchase thereof, or such annual rent or sum for the Lease thereof, as shall be offered by the Corporation, then and in every such case it shall and may be lawful for the Corporation to apply either in Term time or

Proviso—second appraisement conclusive

Lands required by Company

Conveyances and Leases of Lands

Refusal to dispose of Lands to Company

or Vacation, to any two Justices of Her Majesty's Supreme Court of 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 the Company, and praying also, the transfer, and conveyance thereof to the Corporation; and to the Petition shall be annexed a copy of the plan, admeasurement and description, account of the proprietors and estimate of the value of the respective Lots and Premises mentioned and referred to in every such Petition which may relate to one or more separate Lots or Parcels of the Land required, and to the several owners thereof, whereupon the said Judges shall appoint a time and place for considering the said Petition, with respect to each several Lot referred to, and shall direct to be given to all parties interested in each particular Lot petitioned for, who may have their abode in this Province, or to whom, if not resident therein, notice may reasonably be given, whether such parties be persons interested in their own Right, or be such Bodies Corporate, or persons as by this Act hereinbefore authorized to contract and convey for themselves, or for persons absent, or under disability, which persons so authorized being in all cases to be deemed the parties interested in any such Lot, for the purposes of this Act, proper notices in writing requiring the parties respectively interested to attend before them in person, or by their Attorney, at the time appointed for the purpose; and at the time so appointed shall require the Board of Directors on their behalf to nominate one or two Appraisers, and the party or parties interested in each particular Lot referred to, to nominate also, on his or their part, one or two Appraisers, as the said Judges may deem necessary; and the said Judges shall name another Appraiser, and shall, by an order in writing, constitute and appoint the persons so chosen and named to act, and be Appraisers of the value or Rent as the case may be, of the several and respective Lots or Parcels of Land, by the Petition respectively referred to, and in case the party or parties collectively interested in any Lot or Parcel of Land so required by the Company shall fail to attend at the time and place appointed, or shall neglect or refuse to name an Appraiser or Appraisers as aforesaid, or such party or parties, or any of them, shall be absent from the Province, the said Judges shall name a fit and discreet person or persons as the case may require, to act on behalf of the person or party or parties so failing to appear, or absent from the Province, or declining or neglecting to make such nomination when called on as aforesaid; and the persons so named and chosen shall, before they enter upon the duties of their appointment, severally subscribe an affidavit, and make oath before a Judge of a Court of Record, or some Master in Chancery, faithfully, and impartially to perform the trust and duties so required of them, by the order of the said Judges; which affidavit, with the said Petition and other Papers in the matter, shall be filed in the Office of the Prothonotary of the said Court at Halifax; and the said Appraisers, or a majority of them, shall make a just and equitable valuation and appraisal of the fair and reasonable value in money of the Fee Simple and Inheritance of each several Lot or Parcel of Land in the said Petition referred to, and applied for, or of the just and fair annual rent or gross sum which ought to be paid for the lease thereof, according as the Appraisers shall determine, whether it would be most equitable for the Company to acquire the use of the said Lands, by purchasing the Fee Simple thereof, or by a demise for a term of years only, and shall certify and return their award, appraisal and determination in writing, touching the value, price or rent aforesaid, and of each several Lot, under their hands, or the hands of the major part of them, into the office of the said Prothonotary appointed therefor—whereupon if the Supreme Court at Halifax, in Term time, or any two Judges 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 Judges shall confirm the same, and thereupon the said Corporation shall pay and satisfy either to the person or persons whom the Court or Judges shall find entitled to receive the same, or into such Bank, or to such Officer as the Court or two Judges may order, the full amount of such award or valuation, together with such costs and expences as the said Court or two Judges shall deem it reasonable to adjudge to be paid by the said Company, and the receipt of the person or persons, Bank or Officer, appointed to receive the sum awarded, shall be

to all intents and purposes a sufficient acquittance and discharge therefor, to the said Corporation.

Application of
39th Section of
Act to ap-
praisements
for damages

XLIII. *And be it further enacted,* That all and singular the provisions of the thirty-ninth Section of this Act hereinbefore prescribed, with respect to the proceedings, touching the appraisement of damages occasioned by the acts of the Corporation, shall be applicable to and be observed, and in force, with regard to all the proceedings hereby authorized to be taken for vesting Lands in the said Corporation, and as fully as if the said thirty-ninth Section were herein repeated for that purpose.

Possession of
Lands deliver-
ed up to Cor-
poration

XLIV. *And be it further enacted,* That immediately upon payment of the sum awarded, and the costs being made as aforesaid, for any Lot or Parcel of Land referred to in any such Petition, the said Corporation shall be and be deemed the rightful purchasers and owners of the Fee Simple and Inheritance of such Lot or Parcel of Land, with the Appurtenances, if the award be for the purchase thereof, or otherwise, the Tenants thereof, for such term as in their Petition, or the award may be set forth, so far as the true and rightful ownership of the said Lot or Parcel of Land may have been correctly set forth in such petition.

And thereupon, on the application of the Board of Directors, it shall be lawful for the said Supreme Court, or any two Judges thereof, on proof made of such payment, by any order or orders to be made in the matter of the said Petition, to require the party or parties in possession of, or claiming title to, any Lot or Parcel of Land for which such payment has been made, to deliver up possession of the same to the Corporation, or to authorize the Board of Directors to enter into such Lot by any the Officers or Servants of the Corporation, and to retain such possession: and further, if need be, by any order or orders of the said Court, or two Judges, to empower the Sheriff or his Deputy, to put the said Corporation, by its Officers or Servants, into quiet possession of such Lot, and likewise by any order or orders of the said Court or Judges to require and direct any such persons, Bodies, Politic or Corporate, or other persons hereinbefore authorized to contract on behalf of themselves or others as aforesaid, or any other person or persons interested in any such Lot or Parcel so valued and paid for, to make, sign, seal and execute, all such Deeds, Grants, Conveyances, Demises and Leases, as they are hereinbefore empowered to make and execute; and in case of neglect or refusal on the part of any person or persons 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 Courts. And in order to provide for the just dispositions of all monies awarded for or in respect of damages occasioned by means of works of the Company, under the provisions of this Act; or for or in respect of the value of any lands or Premises, or any term therein acquired by the said Company, under the provisions of this Act, and for appropriating all monies so awarded to the use and benefit of the respective parties entitled to, or interested in, the Lands damaged or acquired by the said Company.

Monies award-
ed for Lands
not paid di-
rectly to per-
sons entitled to
same

XLV. *Be it further enacted,* That in all cases where the sums awarded shall not have been paid directly to the person or parties interested in such Land, but into any bank, or to any officer or person appointed to receive the same, for the use of those who, according to their interests in the land, may be entitled thereto, it shall be lawful for any person interested in, or entitled to, the benefit of any money so paid, as last aforesaid, or to the interest or produce thereof, to apply, by motion or petition, either to the said Supreme Court or any two Judges thereof, or to the Court of Chancery, in respect of the said money, and the right, thereto, and thereupon the said Court or Judges are hereby authorized and empowered in a summary way, and upon reading the proceedings had upon the application for the appraisement of the damages of the land, and receiving such further satisfaction as they shall think necessary to make, and pronounce such orders and directions for paying the said money or any part of the same, or for placing out such part thereof as shall be principle in any public funds or public or real securities, and for payment of the dividends or interest thereof, or any part thereof, to the respective persons entitled to receive the same, or for laying out the principle or any part thereof in the purchase of other lands, to be conveyed and settled to, for and upon, the same uses, trusts, interests and purposes, as the said Lands so damaged or taken, stood settled at the time of the payment of such money awarded as aforesaid, as near as the same can be done, or otherwise concerning the disposing of the said money, or any part thereof, and the interest of the same, or any part thereof, for the benefit of the person or persons respectively

ively, or for appointing any person or persons to be a Trustee or Trustees for all or any of such purposes as the said Courts or Judges shall think fit and reasonable.

XLVI. *And be it further enacted,* That the lands or grounds to be taken without the consent of the owner or owners thereof respectively, by any of the means aforesaid, for the making and using the said Canal and the reservoirs, feeders, locks, tow-paths and other works hereof, shall not exceed one hundred yards in bread, measured from the general outside lines of either and of each side of the embankments, locks, land ditches, reservoirs, docks, and other works of the Canal, and from the extremities of any dams, aboiteaux or batoideaux, weirs or constructions, formed for the purposes of the said navigation.

Lands taken without consent of Owners limited to specified extent

XLVII. *And be it further enacted,* That if in making the said navigation Canal, or any the works whatsoever thereof, or therewith connected, any parcels of ground shall be cut through and divided, so that what shall be left on each or either side of the said Canal or the works thereof shall be less than four rods in breath, then and in every such case the said Corporation shall also take and purchase the piece or pieces of ground so left on each or either of the sides of the said Canal and the works thereof, being less than four rods in breadth, and shall pay for the same after the same rate, and in the same manner, as they shall pay for the land or ground adjoining thereto, which shall have been taken or used for making the said Canal and its works, provided the owner or owners, or person or persons entitled to the possession, or to the rents or profits of such small parcels of land, shall require the said Corporation to purchase the same, but not otherwise.

Portions of Land which must be purchased by Company

XLVIII. *And be it further enacted,* That it shall and may be lawful for the Board of Directors of the said Corporation, from time to time, to make such rules, regulations and orders, for the well and orderly using the said Canal when completed, and the tunnels, locks, sluices, weirs, hatches, reservoirs, aqueducts, railways, rollers, feeders, wells, trenches levels, dams, aboiteaux or batoideaux, wharves, cranes, warehouses, towing paths, ways, roads, gates, bridges, culverts, engines, and other works thereto belonging, and for regulating the commencement, suspension, continuance, cessation, turn and order, of the passing and re-passing and navigating of all Ships, Steam-ships and Vessels, Boats, Barges and Rafts, Persons, Horses and Carriages, and the structure, dimensions, forms, and manner of building and constructing of all such Vessels, Boats, Barges and Rafts, as shall from time to time be used upon the said Canal, towing path, road ways or wharves, and of the oars, poles, wheels, engines and other implements, to be used above or with the same respectively, and the conveying of all goods, wares and merchandize, which shall be navigated and conveyed thereon, and for the orderly behaviour of all Bargemen, Watermen, Boatmen, Seamen, Sailors and others, who shall be employed for or on board of any Ships or Vessels, Steam Vessels, or other Barges or Boats using the said navigation, or who shall be employed in carrying or conveying any such goods, wares or merchandize, and for the superintendance and management of the said Cumberland Canal, in all other respects whatsoever, and from time to time to alter and repeal such rules, orders and regulations, or any of them, or to make others, and to impose and inflict such reasonable fines and forfeitures upon all persons offending against such rules, orders and regulations, or any of them, not exceeding the sum of ten pounds for any one offence, as to the said Board of Directors shall seem meet and convenient, and the said Corporation or the party injured may sue for and recover the amount of any such penalty or forfeiture, as if the same were a debt due to the said Corporation or party grieved, and before any Court or Justice of the Peace having jurisdiction in matters of debt to the amount of the penalty claimed, and all such rules, orders and regulations, so to be made as aforesaid, being first sanctioned and approved by the Governor, Lieutenant-Governor, or the Commander in Chief, as required for the bye-laws of the Corporation, shall be binding upon, and be observed by, all persons using or in any wise concerned in the said works, and shall be sufficient in any Court of Law or Equity to justify all persons who shall act upon the same. Provided that such rules, orders and regulations, be not repugnant to the Laws of this Province, or to any of the express directions of this Act; and provided, that copies of such rules, orders or regulations, or of such of them as shall relate to the using of the said Canal and works, and the tunnels, locks, reservoirs and aqueducts, roads and ways, belonging thereto, or to the conduct or behaviour of Sailors, Seamen, Bargemen, Boatmen, Watermen or others, conveying goods thereon, or with Ships or other Vessels or Boats passing through or using the same, or to the conduct and behaviour of any officers

Rules and Regulations to be made by Company

officers, servants, or other persons employed in or about the said Canal or works, or of the persons resorting to or making use thereof, shall be written or printed in large characters, and shall be affixed and continued in some conspicuous place or places upon, or near adjoining, all the locks on the said Canal, and renewed as often as they shall be obliterated or defaced.

Vessels of certain dimensions to use Canal

XLIX. *And be it further enacted,* That no person or persons shall use or navigate on the said Canal or the works thereof, any Ship or Vessel, whether impelled by steam or by sails, or any other Vessel, Boat, Barge or Raft whatsoever, but such as shall be of such length, breadth and dimensions, and shall be so built and constructed, as in no respect to injure or damage the walls, stone work, lining, puddling, or works of the said Canal.

No aid in formation of Canal to be afforded by Provincial Government

L. *And be it further enacted,* That nothing herein contained shall extend, or be construed to extend, to pledge the Government of this Province to have any concern, share or interest, in the proposed Canal or Water Communication, or to give the said Corporation or any of the persons composing the same, any claim of any sort or kind upon the Treasury or Government of this Province, for any monies or pecuniary aid—it being the true intent and meaning of this Act, that those who may engage therein should proceed upon their own responsibility, and opinion of the advantages and practicability thereof.

Continuation of Act, conditional

LI. *And be it further enacted,* That unless the said Corporation, within the space of ten years from the passing of this Act, shall have made such progress towards the completing the said navigation, as shall satisfy the Governor, Lieutenant-Governor, or Commander in Chief, that there is reasonable prospect that such Corporation will, within a limited period, be able to complete a navigable Canal, then, and in such case, this Act, and every matter and thing therein contained, shall cease and be no longer in force.

CAP. XIV.

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

(Passed the 17th day of April, 1838.)

Act 7, Geo. IV continued

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

CAP. XV.

An Act for establishing the Boundary line between the Counties of Cumberland and Colchester.

(Passed the 17th day of April, 1838.)

Preamble

WHEREAS, it is deemed necessary to have a more distinct and perfect line of division that now exists between that part of the Counties of Cumberland and Colchester, which lies between the back line of the Township of Londonderry and the North Shore:

Division Line established

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That the said Counties shall be there divided by a line, to commence at the Bridge on Dewar's River, near Tatamagouche, and from thence to run southwardly in a direct line to the west side of Matitall's Lake, and from thence southerly in a direct line to the western line of John McDonald's Farm, and from thence in a direct line to the Point where the northern line of the Township of Londonderry crosses the Folly River.

CAP.

CAP. XVI.

An Act to continue the several Acts concerning the Bridewell and Police in Halifax.*(Passed the 17th day of April, 1838.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fifty-fifth year of the reign of His late Majesty King George the Third, entitled, An Act for establishing a Bridewell or House of Correction for the County of Halifax, and for the better and more effectual Administration of the office of Justice of the Peace in the Township of Halifax, and for providing a Police Office in said Town, with proper officers to attend the same, and every matter, clause and thing, therein contained, save and except the tenth Section of the said Act; and also, An Act passed in the tenth year of the reign of His late Majesty King George the Fourth, entitled, An Act to amend and continue the Act concerning the Bridewell and Police in Halifax, and every matter, clause and thing, therein contained, save and except the fourth section of the said Act; and also, an Act passed in the eleventh year of the reign of His late Majesty King George the Fourth, entitled, An Act to amend and continue the Act concerning the Bridewell and Police in Halifax, and every matter, clause and thing, therein contained; also, the Act passed in the second year of the reign of His late Majesty King William the Fourth, to continue the said Acts, and to alter and amend the same, and every matter, clause and thing, therein contained, shall be continued, and the said Acts are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 55, Geo. III (except Sec. 10) continued

Act 10, Geo. IV (except Sec. 4) continued

Acts 11, Geo. IV & 2, Wm. IV continued

CAP. XVII.

An Act to make valid certain Marriages heretofore celebrated in the Island of Cape-Breton.*(Passed 17th day of April, 1838.)*

WHEREAS, in the Island of Cape-Breton, from the absence of Clergymen and Magistrates duly authorized to solemnize Marriages, very many persons have been married irregularly, but have lived together as Man and Wife, as if they had been legally united in the Bonds of Matrimony: For remedy whereof—

Preamble

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That all Marriages heretofore celebrated in the said Island of Cape-Breton, bona-fide, or which have been contracted by civil agreement, before one or more witnesses, and wherein the parties did truly and honestly believe themselves to be entering into the Marriage Contract, and where the parties so married have co-habited together as man and wife, by reason and virtue thereof shall be deemed and taken, and are hereby declared to be, from the time of the entering into such Marriage Contract, for all intents and purposes whatsoever, valid and lawful, as if the same had been solemnized with all the forms and requisites required by law.

Marriages declared valid

CAP. XVIII.

An Act relating to certain Acts and Proceedings had, passed and pending, in the last Session of the General Assembly.*(Passed the 6th day of April, 1838.)*

WHEREAS, Her Most Gracious Majesty the Queen having been pleased to direct that an Executive and Legislative Council should be established in this Province, His Excellency the Lieutenant-Governor was pleased to nominate and appoint provisionally, on or about the 16th day of January, in the year of Our Lord One Thousand Eight Hundred and

Preamble

and Thirty-eight, a Legislative Council, consisting of nineteen Members. *And whereas*, such Legislative Council was in the last Session of the General Assembly convened in General Assembly, and did, together with the House of Assembly, sit and act in General Assembly during the said last Session, until the prorogation thereof, on the Second day of April, in this year of Our Lord One Thousand Eight Hundred and Thirty-eight. *And whereas*, Her Majesty was pleased, by Letters Patent, under the Great Seal of the United Kingdom, bearing date at Westminster on the Sixth day of February now last past, to appoint the Right Honorable John George, Earl of Durham, Knight Grand Cross of the Most Honorable Order of the Bath, to be Captain General and Governor in Chief in and over this Province. *And whereas*, after therein reciting Her Majesty's pleasure, that there should be two distinct and separate Councils, to be respectively called the Legislative Council and the Executive Council of the said Province, Her Majesty, by the said Letters Patent, did direct and declare Her Royal pleasure to be that the powers formerly vested in the Council of the said Province, as far as respected the enactment of Laws, should be and were thereby vested in the said Legislative Council, and that all other powers whatever, vested in the said Council, should be and were vested in the said Executive Council, and did declare that the said Councils should consist of such and so many Members as Her Majesty should from time to time nominate and appoint under Her Royal Sign Manual and Signet, or as should be provisionally appointed by the said Earl of Durham, until Her Majesty's pleasure should be known, provided that the number of Members for the time being, resident within the said Province of the said Executive Council, should not be more than nine, and of the said Legislative Council should not be more than fifteen, by any such provisional appointments. *And whereas*, Her Majesty hath been pleased to transmit to His Excellency the Lieutenant-Governor of this Province, the said Letters Patent, and to vest in His Excellency, in the absence of the said John George, Earl of Durham, as Her Majesty's Lieutenant-Governor in and over the said Province, all the powers and authorities which by the said Letters Patent are granted to the said Earl of Durham. *And whereas*, His Excellency the said Lieutenant-Governor, in virtue of the authority so vested in him, and for carrying into effect Her Majesty's Royal intentions, and fulfilling the object of the said Letters Patent in that behalf, having thought fit provisionally to appoint a Legislative Council consisting of fifteen Members; the said Legislative Council so provisionally appointed under and in virtue of such Letters Patent, is now duly convened by His Excellency's Proclamation in General Assembly. *And whereas*, in the last Session of the General Assembly, and before the Prorogation thereof, certain Acts were passed by the said General Assembly. *And whereas*, it is proper to prevent any doubt as to the validity or effect of the said Acts:

Acts passed during last Session declared to be in full force

I. *Be it therefore declared and enacted, by the Lieutenant-Governor, Council and Assembly*, That all Acts passed in the last Session of the General Assembly shall have and be deemed, and adjudged to have had, from and after the passing thereof respectively, full force, power, efficacy and authority, as Acts of the General Assembly, to all intents and purposes whatsoever, according to the intent, purport, provisions, and enactments of such Acts respectively, and the same, together with every matter and thing, had or done under the same respectively, shall be, and are hereby declared to be, in all respects, and in every particular, severally and respectively ratified, confirmed and established.

Preamble

And whereas, many Bills, Resolutions, Orders, Proceedings, Matters and Things, were had, passed and agreed to, and pending and undetermined in the Legislative Council and in the House of Assembly, and it is expedient to facilitate the business of the present Session, that such Bills, Resolutions, Orders, Proceedings, Matters and Things, should be revived and be acted upon with as little delay as possible:

Proceedings of Council and Assembly of last Session revived, and declared to be subsisting

II. *Be it therefore enacted*, That all Bills, Resolutions, Orders, Proceedings, Matters or Things, had, done, passed, and agreed to in the Legislative Council or in the House of Assembly, either jointly, or by each House separately, or which at the time of the Prorogation of the General Assembly at its last Session were respectively subsisting, pending and undetermined, in any stage thereof, whether before either House, or before a Select Committee thereof, or a Committee of the whole House, as well as all such Committees as aforesaid, which have not finally reported, shall be, and the same are hereby revived and declared to be subsisting, and shall and may be continued and opened, and finally settled, determined and disposed of, in the same manner as if instead of the Prorogation of the last Session, and the opening

opening of another Session of the General Assembly, the Legislative Council and the House of Assembly had been and were respectively adjourned from the day of the close of the said last Session, until the day of the opening of this present Session, any law, usage or custom, to the contrary notwithstanding.

CAP. XIX.

An Act to enable the Proprietors of a certain Meeting-House in Merigomish, in the County of Pictou, to sell the same.

(Passed the 17th day of April, 1838.)

WHEREAS, at a meeting of the Members of the Presbyterian Congregation at Merigomish, in the County of Pictou, whereof the Reverend William Patrick is the Pastor, all the Members of such Congregation, with the exception of two or three persons, did consent and agree that a new Meeting House should be built at or near the site of the present Meeting House, and that the present Meeting House should be sold or taken down, to provide funds or materials for the new Building, and it is expedient to give the said Congregation authority to sell or take down such old Building, and make it applicable for the new Building to be erected :

Preamble

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Male Members of such Congregation, at any meeting to be held by them, after public notice thereof previously given on two several Sundays in the said Meeting House while the Congregation shall be therein assembled for Divine Worship, and at which meeting at least two thirds of the whole of the said Male Members shall be present, to nominate and appoint a Committee of five in number, who shall be authorized, and such Committee when so appointed, is hereby authorized to make sale of the said old Meeting House at Public Auction, or to take down the same, and to apply the materials whereof it is built, most advantageously, for the benefit of the new Meeting-House intended to be erected in such manner, (and if directed to be sold after such notice of the said sale,) as by the said meeting or a majority thereof shall be directed.

Committee of Congregation authorized to sell old Meeting House

Jan CAP. XX.

An Act to alter and amend the Act to regulate and support the Pictou Academy.

(Passed the 17th day of April, 1838.)

WHEREAS, an Act was made and passed in the second year of the reign of His late Majesty King William the Fourth, entitled, An Act to regulate and support the Pictou Academy. *And whereas*, in and by the fifteenth clause of the said Act, an annual sum of Four Hundred Pounds is granted to the Trustees of the said Academy for a certain term therein mentioned, whereof the sum of Two Hundred and Fifty Pounds is directed to be paid to the Reverend Thomas MacCulloch, Doctor in Divinity, Principal of the said Academy, in each and every year during his continuance in such office. *And whereas*, it is in contemplation to remove the said Reverend Thomas MacCulloch to the Dalhousie College at Halifax :

Preamble

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That when and so soon as the said Reverend Thomas MacCulloch shall cease to be the Principle of the said Pictou Academy, the said annuity of Two Hundred and Fifty Pounds, in the said fifteenth clause of the said recited Act mentioned, shall cease and determine, and that thereupon, the sum of Two Hundred Pounds, parcel of the said sum of Four Hundred Pounds, in the said fifteenth clause of the said recited Act mentioned, shall be paid in each

Provision made towards Support of Dalhousie College and Pictou Academy upon Dr. CcCulloch ceasing to be Principal of Pictou Academy and

and every year during the time therein specified, to the Governors of the said Dalhousie College towards the support and endowment of the said College, and that the sum of Two Hundred Pounds, being the remainder of the said sum of Four Hundred Pounds, shall continue to be paid to the Trustees of the said Pictou Academy, or such person as they may appoint, towards the support and endowment thereof, to be used and applied to the purposes of the said Institution, in such way and manner as the said Trustees or the major part of them, acting in the trust, shall deem most meet and beneficial, any thing in the said recited Act to the contrary notwithstanding; the said several sums of money respectively to be payable from the Treasury of this Province in four equal quarterly payments in each year, to be drawn for by the warrant of the Governor, Lieutenant-Governor or Commander in Chief for the time being.

CAP. XXI.

An Act to continue the Act concerning the Inferior Courts of Common Pleas within this Province.

(Passed the 17th day of April, 1838.)

Act 2, Wm.
IV continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the second year of the reign of His late Majesty King William the Fourth, entitled, An Act concerning the Inferior Courts of Common Pleas within this Province, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence until the end of the then next Session of the General Assembly.

CAP. XXII.

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

(Passed the 17th day of April, 1838.)

Act 10, Geo.
IV continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the tenth Year of the reign of His late Majesty King George the Fourth, entitled, An Act to regulate the Weighing of Beef, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XXIII.

An Act to continue the Act for the encouragement of Schools, and the Act in amendment thereof, and also further to amend the same.

(Passed the 17th day of April, 1838.)

Acts con-
tinued

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 for the encouragement of Schools, save and except the fifth Clause or Section thereof which was repealed; and also, save and except so far as the same is altered or amended by the Act hereinafter mentioned, or by this present Act; also, the Act passed in the sixth year of His said late Majesty's reign, entitled, An Act to continue and amend the Act for the encouragement of Schools, except as hereinafter amended, shall be continued, and the said Acts, and

and every matter, clause and thing, therein contained, except as hereinbefore excepted, are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

II. *And be it further enacted*, That instead of the sum of Four Thousand Pounds in and by the second Clause or Section of the Act herein first mentioned directed to be annually granted and paid, and to be distributed and applied in manner, and for the purposes therein and in the said several Acts directed, there shall be annually granted and paid in manner and for the purposes aforesaid, the sum of Five Thousand Pounds to be distributed and applied among the several Counties of this Province, as follows:—For the County of Halifax, Three Hundred and Sixty Pounds; for the County of Colchester, Three Hundred and Fifty Pounds; for the County of Pictou, Four Hundred and Fifty Pounds; for the County of Annapolis, Three Hundred and Twenty Pounds; for the County of Digby, Two Hundred and Forty Pounds; for the County of King's County, Three Hundred and Ninety Pounds; for the County of Hants, Three Hundred and Fifty Pounds; for the County of Shelburne, Two Hundred Pounds; for the County of Yarmouth, Two Hundred and Sixty-six Pounds; for the County of Queen's County, Two Hundred and Sixty-two Pounds; for the County of Lunenburg, Three Hundred and Sixty-six Pounds; for the County of Sydney, Two Hundred and Seventy Pounds; for the County of Guysborough, Two Hundred and Ten Pounds; for the County of Cumberland, Two Hundred and Sixty-six Pounds; for the County of Cape-Breton, Two Hundred and Fifty Pounds; for the County of Inverness, Two Hundred and Fifty Pounds; and for the County of Richmond, Two Hundred Pounds.

£5000 appropriated to the encouragement of Schools

And to prevent all doubts as to the rate of Commission to be received by the Clerk, under the thirteenth Section of the Act herein first mentioned:

III. *Be it enacted*, That such Clerk shall be entitled to receive five per cent. on the amount actually paid out by him of the Monies to be received under the said Acts or under this Act, for the purposes of the said Acts and of this Act, and no more.

Allowance to Clerks to Commrs. of Schools

IV. *And be it further enacted*, That in the County of Halifax, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint, if he shall deem it expedient, two or more Boards of Commissioners, with distinct and separate Districts assigned to each Board, and to allot and apportion the money hereby distributable or applied for such County, among and to, and for, each District and Board of Commissioners, in such sums and proportions according to the population and necessities of such population as he may deem just and proper.

County of Halifax may be divided into two Districts, and Boards of Commrs. appointed by Governor

V. *And be it further enacted*, That when any Board of Commissioners may deem it expedient or necessary, it shall be lawful for the said Board to establish an itinerating School or Schools, under such regulations as by the said Board may be prescribed, and to allow for such School or Schools a portion of the Monies to be allotted to such Board for the purposes of the said Acts.

Itinerating Schools may be established

VI. *And be it further enacted*, That where a Female Teacher can be more advantageously employed than a Male Teacher, it shall be lawful for the Board of Commissioners to extend aid under the said Acts, to any School taught by a Female Teacher, agreeably to the provisions of the said Acts.

Female Teachers may be employed

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

Continuation of Act

CAP. XXIV.

An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts in amendment thereof and additional thereto.

(Passed the 17th day of April, 1838.)

Be it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the eleventh year of the reign of His late Majesty King George the

Acts 2, Geo. IV, and 1 and 2, Wm. IV, continued

Fourth

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, shall be continued, and the said Acts, and every matter, clause and thing, therein contained, are hereby severally and respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XXV.

An Act to continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax.

(Passed the 17th day of April, 1838.)

Act 6, Wm.
IV continued

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

CAP. XXVI.

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

(Passed the 17th day of April, 1838.)

Act 4, Geo.
IV continued

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

CAP. XXVII.

An Act to increase the number of Engine-men in the Town of Halifax.

(Passed the 17th day of April, 1838.)

Authorises
employment of
80 additional
Engine Men

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful to increase the number of Engine-men for the Town of Halifax, by appointing, as by law directed, twenty additional Engine-men, so that the numbers of such Engine-men may hereafter be enlarged to eighty instead of sixty, as now limited by Law, and when appointed, such Engine-men shall be, and held entitled and liable to, all the same privileges and exemptions, duties and responsibilities, rules and regulations, as the Engine-men heretofore appointed.

CAP. XXVIII.

An Act to continue the Act to repeal the Act to amend the Acts respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof.

(Passed the 17th day of April, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the sixth year of the reign of His late Majesty King William the Fourth, entitled, An Act to repeal the Act to amend the Acts respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 6, Wm.
IV continued

CAP. XXIX.

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

(Passed the 17th day of April, 1838.)

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

Act 7, Geo.
IV continued

CAP. XXX.

An Act to continue the Act concerning the Terms of the Supreme Court at Halifax.

(Passed the 17th day of April, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the tenth year of the reign of His late Majesty King George the Fourth, entitled, An Act concerning the Terms of the Supreme Court at Halifax, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 10, Geo
IV continued

CAP. XXXI.

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

(Passed the 17th day of April, 1838.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the forty-eighth year of the reign of His late Majesty King George the Third, entitled, An Act to provide for the accommodation and billeting of His Majesty's Troops or of the Militia, when on their march from one part of the Province to another, and also, the Acts, passed in the fifty-first and fifty-third years of His said late Majesty's reign, in amendment thereof, and every matter, clause and thing, in the said Acts contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 48, 51 &
53, Geo. III
continued

CAP. XXXII.

An Act to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages.

(Passed the 17th day of April, 1838.)

Act 50, Geo.
III continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fiftieth year of the reign of His late Majesty King George the Third, entitled, An Act in addition to an Act, passed in the thirty-third year of the reign of His late Majesty King George the Second, entitled, An Act for regulating the Rates and Prices of Carriages, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XXXIII.

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

(Passed the 17th day of April, 1838.)

Act 53, Geo.
III continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the fifty-eighth year of the reign of His late Majesty King George the Third, entitled, An Act for the better preservation of the Property of the Inhabitants of the Town of Halifax, by providing for a sufficient Watch at Night, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XXXIV.

An Act to continue the Act to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets of Halifax or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned.

[Passed the 17th day of April, 1838.]

Act 4, Geo.
IV continued

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, An Act to prevent Disorderly Riding, and to regulate the driving of Carriages on the Streets of Halifax or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned, and every matter, clause and thing, in the said Act contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XXXV.

An Act to continue the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, and the Acts in amendment thereof.

(Passed the 17th day of April, 1838.)

Act 5, Wm.
IV. continued.
(with excep-
tions)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an 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 so far as the same is altered or amended by the Acts hereinafter mentioned, and also except the Eighth Clause or Section thereof, which is hereby repealed; also, the Act, passed in the Sixth Year of the Reign of His said late Majesty, entitled, An Act

Act to amend the Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, so far as respects the District of Halifax; also, the Act, passed in the same 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, shall be continued, and the said Acts, and every matter, clause and thing, in the said Acts respectively contained, except as aforesaid, are hereby severally continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 6, Wm. IV—as respects District of Halifax continued
Act 6, Wm. IV continued

II. *And be it further enacted*, That, instead of the course of procedure upon non-payment of the assessment of any person or persons prescribed in the Eighth Clause or Section of the said Act herein first mentioned, every Collector shall make a general return, to some Justice of the Peace within the County or District, of each and every person, who, after demand made, shall have neglected or refused to pay the Sum assessed upon such person, and shall make oath in writing before such Justice, specifying the name of every person so neglecting or refusing to pay, and the sum assessed upon such person, and also stating that a demand hath been made upon such person for the sum so assessed, and that notwithstanding such demand, the said person hath neglected or refused to pay the sum so assessed, and thereupon such Justice shall forthwith issue a general Warrant of Distress against the said several persons named in such Affidavit and return of the said Collector, directed to some Constable, commanding him to levy from the Goods and Chattles of each and every person named in the said Warrant, the sum therein mentioned, as assessed against such person, with the Fees of the Constable for Travel and levying such Warrant. *Provided always*, that if any person or persons shall feel aggrieved by any such assessment or the levying thereof as aforesaid, he, she or they, may appeal for redress to the next General Sessions held in, and for the County or District in which such assessment was made, or to any Special Sessions held therein as by the said Act provided, for hearing such appeals, giving at least eight days notice thereof to the Clerk of the Peace of such appeal, who is hereby required to appear and support the rate or assessment so made as aforesaid; and on the hearing of such appeal, the said General or Special Sessions may, without setting aside the whole or any other part of the said assessment, either set aside or lower the rate assessed on such person or persons, or otherwise finally determine the said appeal as to the said Justices shall seem lawful and right, and in case any money has been paid by such person or persons for or on account of such rate, or the levying thereof, and the said Justices shall adjudge that the same or any part thereof be returned to such person or persons, the same shall, by order of the said Justices, be repaid to him, her or them, out of any money collected and received from the general assessment on the County or District, wherein such appeal took place, but no such appeal shall in any case delay or prevent the collection or recovery of the sum assessed upon any such person or persons as aforesaid; but the same proceedings as hereinbefore directed, shall be had and pursued for the collection or recovery of the same, as if no such appeal had been made.

Return to be made of Delinquents

Warrant of Distress to be issued against Delinquents

Appeal against assessment allowed

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

Continuation of Act

CAP. XXXVI.

An Act to revive and continue the Acts respecting the Militia of the Province.

(Passed the 17th day of April, 1838.)

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, forty-third, forty-fourth, forty-fifth, and forty-sixth Clauses or Sections of the Act, passed in the first and second year of the reign of His late Majesty King George the Fourth, entitled, An Act to provide for the greater security of this Province, by a better regulation of the Militia, and to repeal the Militia Laws now in force, shall be revived and continued, and the said Clauses or Sections, and every matter or thing therein contained, are hereby revived and continued until the thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-nine and no longer.

Sections of Act 1 and 2, Geo. IV. revived and continued

II.

Act passed last Session revived and continued

II. *And be it further enacted*, That the Act, passed in the last Session of the General Assembly, entitled, An Act respecting the Militia of this Province, and every matter, clause and thing, therein contained, shall be revived and continued, and the same are hereby revived and continued until the thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and thirty-nine, and no longer.

Returns of Arms, &c. to be made

III. *And be it further enacted*, That once in every year, during the continuance of this Act, that is to say, on or before the last day of October in each year, or at such times as he shall be ordered by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, each Adjutant belonging to any Battalion or Regiment, shall inspect and make out and transmit to the officer commanding the Battalion or Regiment to which such Adjutant belongs, a return of the number of Arms, and the state and condition thereof, and of the accoutrements belonging to the said Battalion.

Charge of Arms

IV. *And be it further enacted*, That the Arms belonging to every Regiment or Battalion shall be stored and kept in good order and condition, under the charge of the officer commanding such Regiment or Battalion, who shall be entitled to receive from the Treasury of the Province the sum of Sixpence for each and every stand of Arms so placed under his care and direction, to be drawn upon the Certificate of the Adjutant-General, that a due and proper return of such Arms, and the state and condition thereof, has been made by such Commanding Officer by Warrant from the Governor, Lieutenant-Governor, or Commander in Chief for the time being.

Allowance for taking care of Arms

V. *And be it further enacted*, That each and every Adjutant performing such duties as by this Act are imposed, or as shall be required of him by the Commanding Officer of the said Regiment or Battalion, shall be required of him by the Commanding Officer of the said Regiment or Battalion, shall be allowed as a full compensation for all such services at the rate of Fifteen Shillings per day, not exceeding the sum of Five Pounds in any one year each, and no more, to be paid out of the Provincial Treasury by warrants from the Governor, Lieutenant-Governor or Commander in Chief for the time being, on a Certificate of the Commanding Officer of the Regiment or Battalion to which such Adjutant belongs.

Allowance to Adjutants

VI. *And be it further enacted*, That as soon after the publication of this Act as the Governor, Lieutenant-Governor, or Commander in Chief for the time being shall appoint, and thereafter in time of war, between the tenth and twentieth days of March, in each and every year, unless otherwise directed by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, the Officers commanding the several Regiments or Battalions of Militia, shall cause the Captains or Commanding Officers of Companies in their respective Regiments or Battalions, to divide the men enrolled in such Companies into two Classes, the first Class to consist of all the able men from the age of twenty to forty years inclusive, which is to be considered the first Class for service, and the second Class to consist of men above the age of forty years and under the age of twenty years which is to be considered the second class for service, and in case of a sufficiency of Arms and Accoutrements shall not be provided at the expense of the Province or otherwise, for arming the whole of the Militia, the men of the first Class shall be completed with Arms and Accoutrements before any other person shall be furnished therewith.

Classification of Militia

VII. *And be it further enacted*, That the Colonel or Commanding Officer of any Regiment or Battalion, shall as often as with the advice of three Captains of his Regiment, he shall judge fit, require the Field Officers, Captains and Officers commanding Companies, to meet at such time and place as he shall appoint, and there with them confer and take order for the better regulation of their Companies for establishing and altering the limits of Company Districts, and prescribing the number of men in each Company, and to make such rules and regulations as to them, or the major part of them, may seem meet for the promotion of Subordination and Military discipline in the Regiment or Battalion to which they belong, and all Officers shall yield obedience to the Warrants and Commands of their Superior Officers, and shall observe such regulations, being in writing, as may be made at the meetings herein prescribed, under a penalty not exceeding Five Pounds, to be adjudged at the next meeting as aforesaid; *Provided always*, that no Officer shall be bound by any regulation regarding his dress or appointments, unless two thirds of all the Commissioned Officers of the Regiment or Battalion shall have concurred therein.

Meetings of Officers of Regiments—the objects

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