

# Technical and Bibliographic Notes / Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming are checked below.

- Coloured covers / Couverture de couleur
- Covers damaged / Couverture endommagée
- Covers restored and/or laminated / Couverture restaurée et/ou pelliculée
- Cover title missing / Le titre de couverture manque
- Coloured maps / Cartes géographiques en couleur
- Coloured ink (i.e. other than blue or black) / Encre de couleur (i.e. autre que bleue ou noire)
- Coloured plates and/or illustrations / Planches et/ou illustrations en couleur
- Bound with other material / Relié avec d'autres documents
- Only edition available / Seule édition disponible
- Tight binding may cause shadows or distortion along interior margin / La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure.
- Blank leaves added during restorations may appear within the text. Whenever possible, these have been omitted from filming / Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées.
- Additional comments / Commentaires supplémentaires: Various pagings.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- Coloured pages / Pages de couleur
- Pages damaged / Pages endommagées
- Pages restored and/or laminated / Pages restaurées et/ou pelliculées
- Pages discoloured, stained or foxed / Pages décolorées, tachetées ou piquées
- Pages detached / Pages détachées
- Showthrough / Transparence
- Quality of print varies / Qualité inégale de l'impression
- Includes supplementary material / Comprend du matériel supplémentaire
- Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image / Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible.
- Opposing pages with varying colouration or discolourations are filmed twice to ensure the best possible image / Les pages s'opposant ayant des colorations variables ou des décolorations sont filmées deux fois afin d'obtenir la meilleure image possible.

This item is filmed at the reduction ratio checked below / Ce document est filmé au taux de réduction indiqué ci-dessous.

10x		14x		18x		22x		26x		30x	
							✓				
	12x		16x		20x		24x		28x		32x

THE  
STATUTES OF NOVA SCOTIA,

PASSED IN THE THIRD SESSION OF THE

GENERAL ASSEMBLY

Of the Twenty-fifth Year of the Reign of Her Majesty

QUEEN VICTORIA,

HELD ON THE

THIRTEENTH DAY OF FEBRUARY, 1862.



HALIFAX, N. S.

E. M. McDONALD, QUEEN'S PRINTER.

1862.



# TABLE

OF

## STATUTES OF NOVA SCOTIA.

25° VICTORIÆ.

1862.

---

### PUBLIC STATUTES.

CAP.	TITLES.	PAGE.
1	An Act relating to the Gold Fields.....	1
2	An Act for the incorporation and winding up of Joint Stock Companies.....	20
3	An Act to continue and amend the Law regulat- ing Customs Duties.....	25
4	An Act to continue the Laws imposing Light House Duties.....	26
5	An Act to amend Chapter 126 of the Revised Statutes, "Of the Supreme Court and its Officers".....	27
6	An Act for the amendment of the administration of Criminal Law.....	28
7	An Act to prevent Frauds on Creditors by Secret Bills of Sale.....	30
8	An Act to amend Chapter 18 of the Revised Statutes, "Of the Exportation of Goods, and of Drawbacks".....	32
9	An Act in reference to the Militia.....	33
10	An Act to alter and amend Chapter 46 of the Revised Statutes, "Of County Assessments".....	51
11	An Act to amend Chapter 23 of the Revised Statutes, "Of the Post Office".....	51
12	An Act for imposing an Excise Duty on certain articles manufactured within this Province...	53
13	An Act to amend Chapter 95 of the Revised Statutes, "Of River Fisheries".....	57
14	An Act to prevent the Distillation of Intoxicating Liquors, and for protecting the Public Revenue	58
15	An Act to regulate Labor on the Highways.....	59
16	An Act to amend Chapter 157 of the Revised Statutes, "Of Offences against Religion".....	65

CAP.	TITLES.	PAGE.
17	An Act to amend Chapter 73 of the Revised Statutes, "Of Commissioners of Sewers, and the Regulating of Diked and Marsh Lands..."	65
18	An Act to legalize certain proceedings relative to County Assessments.....	67
19	An Act to amend Chapter 62 of the Revised Statutes, "Of laying out Roads other than certain Great Roads".....	67
20	An Act to regulate the sale of Staves, Bricks, and other articles.....	68
21	An Act to amend Chapter 89 of the Revised Statutes, "Of the Settlement and Support of the Poor".....	68
22	An Act in addition to Chapter 92 of the Revised Statutes, "Of the Preservation of Useful Birds and Animals".....	69
23	An Act to amend Chapter 92 of the Revised Statutes, "Of the Preservation of Useful Birds and Animals".....	69
24	An Act to amend Chapter 46 of the Revised Statutes, "Of County Assessments.....	70
25	An Act to continue and amend Chapter 60 of the Revised Statutes, "Of Public Instruction" ..	74
26	An Act to amend Chapter 78 of the Revised Statutes, "Of Pilotage, Harbors, and Harbor Masters.....	75
27	An Act to amend Chapter 120 of the Revised Statutes, "Of Patents for Useful Inventions	76
28	An Act to regulate the size of Apple Barrels.....	77
29	An Act to authorize the construction of a Line of Electric Telegraph, for Military Purposes, from Halifax to the Boundary Line of New Brunswick.....	77
30	An Act for vesting all Estates and Property, occupied by or for the Naval Service of the United Kingdom of Great Britain and Ireland, in the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral of the said United Kingdom, for the time being.....	79
31	An Act in respect of Executive and Legislative Disabilities.....	82
32	An Act to continue the Act to authorize a Provincial Loan.....	83
33	An Act to authorize a Loan for the Public Service, and to provide for the repayment thereof.....	83
34	An Act to provide for defraying certain expenses of the Civil Government of this Province.....	85

## LOCAL ACTS.

CAP.	TITLES.	PAGE.
35	An Act for the Prevention of False Alarms of Fire within the City of Halifax.....	89
36	An Act to divide an Electoral District in the County of Halifax.....	89
37	An Act to amend the Act to restrain the erection of Wooden Buildings within certain portions of the City of Halifax.....	90
38	An Act to Sell and Convey a portion of the Halifax Common.....	94
39	An Act in amendment of the Act relative to the Water Supply of the City of Halifax.....	95
40	An Act to amend the Act respecting Assessments in the City of Halifax.....	97
41	An Act respecting the Medical Officer of the City of Halifax .....	97
42	An Act for the establishment of Police Regulations in the Town of Dartmouth.....	99
43	An Act to provide for building a Bridge in Hants County.....	100
44	An Act concerning the County of Hants.....	101
45	An Act to establish a line between two Polling Districts in the County of Cumberland.....	103
46	An Act relating to Poor Districts in the County of Cumberland.....	104
47	An Act to provide for Rebuilding a Bridge in the County of Digby.....	104
48	An Act to provide for Rebuilding Albert Bridge in the County of Cape Breton.....	105
49	An Act to establish an additional Polling District in the County of Guysborough.....	105
50	An Act to provide for improving a Road in the County of Guysborough.....	106
51	An Act to provide for improving certain Roads in the County of Guysborough.....	106
52	An Act to define the Rear Line of the Township of Barrington.....	107
53	An Act to authorize the erection of a County Court House on a portion of the land formerly used as a Public Cemetery in the Town of Yarmouth.....	107
54	An Act to amend the Act to authorize a loan for the erection of a Court House and Jail in Yarmouth.....	108
55	An Act relating to Common Lands in the Township of Lunenburg.....	108

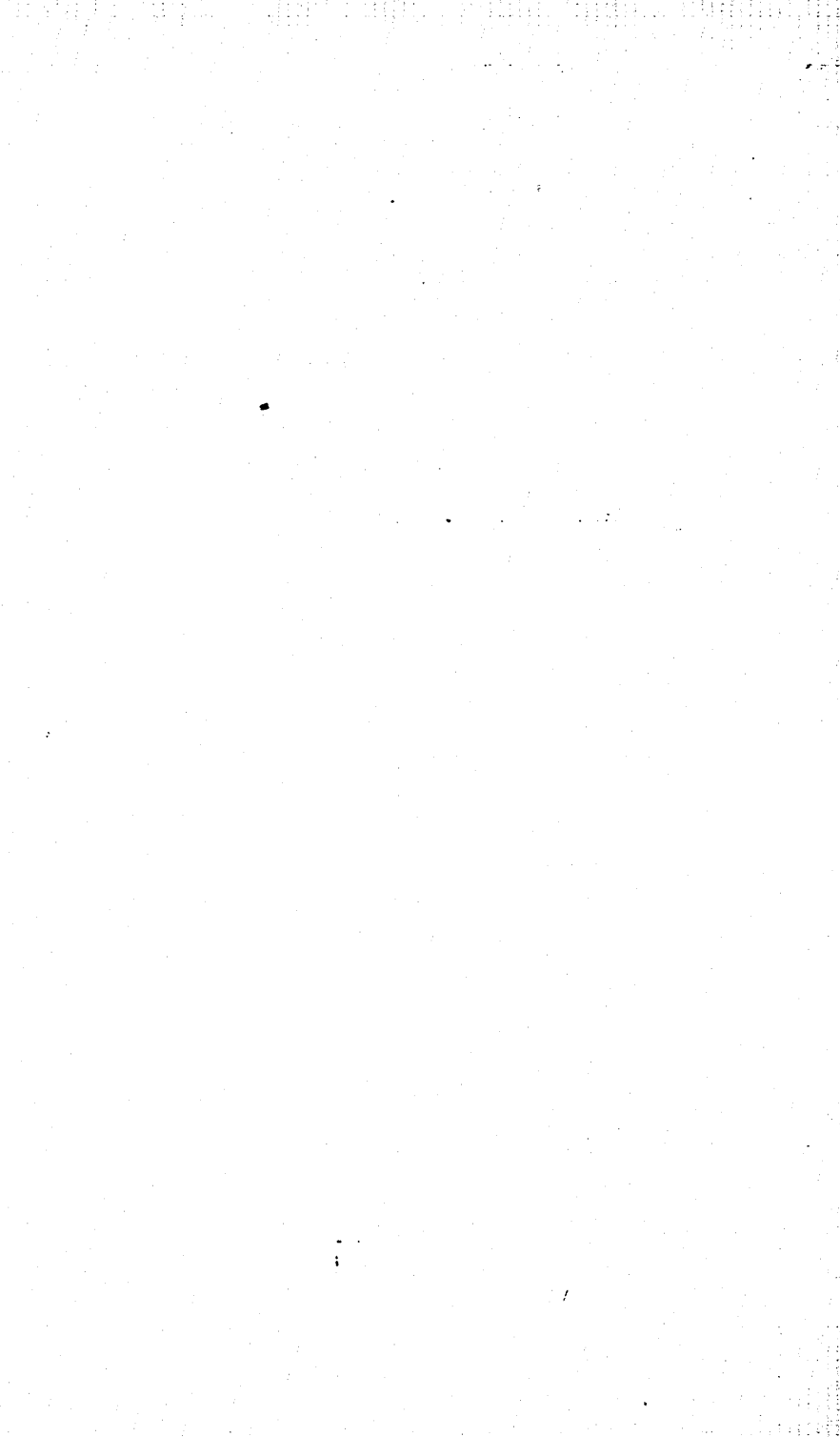
CAP.	TITLES.	PAGE.
56	An Act farther to amend the Act for the regulation of the Town Marsh at Annapolis.....	112
57	An Act to provide for rebuilding a Bridge in the County of Pictou.....	112
58	An Act to alter a Polling District and certain Polling places in the County of Pictou.....	113
59	An Act to regulate Highway Labor within the limits of the Commissioners of Streets for the Town of Pictou.....	113
60	An Act for the appointment of a Stipendiary Magistrate and Police Constable in the Town of Pictou.....	115
61	An Act to amend the Act for the building of certain Bridges, and the improvement of certain Roads, in the County of Pictou.....	116
62	An Act to provide for improving certain Roads in the County of Sydney.....	117
63	An Act to provide for the erection of Lockeby Bridge.....	117
64	An Act to amend the Act for improving a Road in Queen's County.....	118
65	An Act to amend the Act relating to Port Hawkesbury, in the County of Inverness....	118
66	An Act to establish an additional Polling District in the County of Victoria.....	119
67	An Act to authorize the sale of a School Lot in the Township of Barrington.....	119

PRIVATE ACTS.

68	An Act concerning the Congregations of the Presbyterian Church of the Lower Provinces of British North America.....	123
69	An Act to amend the Act to incorporate the Nova Scotia Electric Telegraph Company, and the Acts in amendment thereof.....	125
70	An Act to amend the Act to incorporate the Halifax Relief Steamboat Company.....	125
71	An Act to amend the Act to incorporate the Victoria Coal Mining Company.....	126
72	An Act to incorporate the Glace Bay Mining Company.....	127
73	An Act to incorporate the Directors of the Institution for the Deaf and Dumb at Halifax....	129
74	An Act to incorporate the Minas Marine Insurance Company.....	129
75	An Act to incorporate the Arichat Mutual Marine Insurance Company.....	133

CAP.	TITLES.	PAGE.
76	An Act to incorporate the Congregational Union of Nova Scotia and New Brunswick, so far as relates to the Province of Nova Scotia....	135
77	An Act to incorporate the Acadia Fire Insurance Company.....	137
78	An Act to incorporate the Union Protection Company.....	141
79	An Act to incorporate the Halifax Club.....	142
80	An Act to amend the Act incorporating the Chubucto Marine Railway Company.....:	143
81	An Act to incorporate the Messenger Wharf Company .....	143
82	An Act to incorporate the Dartmouth Mechanics' Institute.....	144
83	An Act to Naturalize certain Aliens.....	146





At the General Assembly of the Province of Nova Scotia, begun and holden at Halifax on Thursday the 13th day of February, 1862, in the twenty-fifth 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 twenty-third General Assembly convened in the said Province.\*

\* In the time of His Excellency the Earl of Mulgrave, Lieutenant-Governor; Edward Kenny, President of the Legislative Council; A. C. McDonald, Speaker of the Assembly; Joseph Howe, Provincial Secretary; and Alexander James, Clerk of Assembly.

## CHAPTER I.

### An Act relating to the Gold Fields.

(Passed the 31st day of March, A. D. 1862.)

#### SECTION.

1. After passing of Act orders of Council to be of no effect. Rights reserved.
2. Definition of terms "Mine." "To Mine."
3. "Gold Bearing Quartz."
4. "Gold elsewhere than in rock."
5. "Uncultivated lands."
6. Chief Gold Commissioner and Deputies how appointed—their jurisdiction, &c. To have power of Justice of the Peace. Proviso.
7. Duration of Office. Bonds required. Salaries.
8. Incapable of sitting or voting in House of Assembly. Forfeiture, how recovered.
9. Penalty for voting or using influence at elections. How recoverable.
10. Shall have no interest in Mines or act as agent of party interested. Penalty, how recovered.
11. Shall keep a book of record, form of, &c. Book open to inspection. Application to be entered therein. Return of Deputies.
12. Deputies to enter the application for areas granted. To be entered in order of dates.
13. Plans to be prepared and kept and areas marked thereon. Duplicate plan to be sent in with weekly return. General plan.
14. Application, form of, &c., time of receipt to be endorsed—to be in writing, accompanied by instalment. Exceptions. Receipt of Deputy.
15. Quartz mines to be laid off in areas. Area No. 1. Area No. 2. Area No. 3. Area No. 4.

#### SECTION.

16. Areas how laid out—measurement.
17. Rents.
18. Lease to contain one area.
19. Larger areas, how granted.
20. Rights of parties in land not within a Gold District. Priority. Time in which application to be made. When lands included in district rights of occupants to be respected.
21. Proceeding on discovery of alluvial or placer diggings. Size of lots, &c. Proviso.
22. Lots in alluvial digging—how laid off, &c. Rents.
23. Rents of lots 1000 feet square.
24. Rents how payable.
25. Royalty. Only to be paid if it exceeds rent.
26. Leases of alluvial lots—how renewable, &c.
27. Other leases—how forfeited, &c.
28. Terms of leases.
29. Discoverer entitled to free lease.
30. New mines—definition of.
31. Reservations in leases.
32. Damages to private proprietors to be a charge on Treasury. When payable.
33. Gold district—how established, &c.
34. When title to uncultivated lands not in Crown, Commissioner to report therein. Contents of report to be accompanied by plan. Governor in Council may order uncultivated lands to revert in Crown.
35. Commissioners to negotiate with owners for purchase. Proceedings in case they cannot agree.

## SECTION.

36. If owner will not consent to appraisal, to be referred to arbitrators. Appointment of—Umpire.
37. If owner is unknown or refuses to appoint arbitrator.
38. Joint owners.
39. Award to be transmitted to Governor in Council.
40. Proceedings of award rejected—if confirmed.
41. Remuneration to proprietors.
42. When agreement or award confirmed title to pass to the Crown.
43. Rights of present lessees.
44. Cases in which owners entitled to free mines, &c. When allotted.
45. Commissioners may make other terms with approval of Governor in Council.
46. Lessee may surrender. His liability.
47. Penalty for mining, after notice for-bidding same.
48. Each day's mining a distinct offence.
49. Proceedings of Justice on complaint of illegal mining. May adjourn.
50. Appeal.
51. Gold, &c., unlawfully mined to be considered property of owner of mine. Proceedings to recover same.

## SECTION.

52. Other remedies of owners, &c., not affected.
53. Lessee may use area for necessary purposes.
54. Lessee on Crown Land to be lessee of soil.
55. Disputes relative to mines—how settled, &c. Appeal.
56. Proceedings on Appeal.
57. Pending an Appeal, holder of mine to keep account and give bonds, &c.
58. Appeals—how tried, &c.
59. Papers to be sent to Prothonotary.
60. Jury.
61. Decision of Judge not final. Appeal—No stay of proceedings. Bond to be given.
62. New trial—Costs.
63. Bailiff and Deputies—Appointment of—power to—
64. Police force—Appointment of—powers, &c.
65. Lock-up house.
66. Lessees paying larger rent than established by this act to have credit for surplus.
67. In cases not provided for—rules to be made by Governor in Council. Proviso.

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

After passing of Act—order of Council to be of no effect.

Rights reserved

Definition of terms, "Mine,"

"To mine,"

"Gold bearing Quartz,"

"Gold elsewhere than in rock,"

"Uncultivated lands."

1. From and after the passing of this Act, all rules, regulations and orders of Council relating to the gold fields of Nova Scotia, and the claims of applicants, shall cease and be of no effect, saving always, nevertheless, and reserving the rights of all persons created thereby and thereunder, except so far as the same are or may be affected or qualified by this Act.

2. The word "mine" in this Act, shall mean any locality in which any vein, stratum, or natural bed of auriferous earth or rock, shall be worked. The verb "to mine," in this Act, shall include any mode or method of working whatsoever, whereby the earth, or soil, or any rock may be disturbed, removed, washed, sifted, smelted, refined, crushed, or otherwise dealt with, for the purpose of obtaining gold, and whether the same may have been previously disturbed, or not.

3. Gold bearing quartz shall be held to mean all auriferous rock *in situ*.

4. Gold elsewhere than in rock *in situ*, shall mean alluvial or placer diggings.

5. The term uncultivated land, shall be held to mean, if upland, unploughed lands; if intervale or meadow lands, such as are in a natural state, or such as have not been stamped

or grubbed, and thereby made fit for swarth. It shall not be held to mean marsh, dyked or undyked.

6. The Governor in Council is hereby authorized to select and appoint a suitable person to act as chief Gold Commissioner for the Province, and suitable persons to act as Deputy Gold Commissioners, as occasion may require, in the several districts, and to define the limits of their jurisdiction respectively and by virtue of and during the continuance of such appointment, such Gold Commissioner within all the Gold Districts, and such Deputy within the districts to which he is appointed, shall exercise the power of a Justice of the Peace; provided always that no such Commissioner shall act as a Justice of the Peace at any Court of General or Special Sessions, or in any matter out of session, except for the administering of affidavits, the preservation of the peace, the prevention of crimes, the detection and commitment of offenders, and in carrying out the provisions of this Act.

7. The Gold Commissioner and his deputies shall hold office during pleasure, and shall give bonds for the faithful discharge of their duties in such sums as may be fixed by the Governor in Council. The salary of the Gold Commissioner shall be two thousand dollars. The salaries of the Deputy Commissioners shall be fixed by the Governor in Council, not to exceed three dollars per day, while actually employed.

8. The Gold Commissioner and Deputy Gold Commissioners appointed under this Act, shall be incapable of being elected to, or of sitting or voting in the House of Assembly, and any such Gold Commissioner and Deputy Gold Commissioner who shall sit or vote as a member, shall forfeit two hundred dollars for every day in which he shall so sit or vote, to be recovered in the Supreme Court.

9. No Gold Commissioner or Deputy Gold Commissioner appointed under this Act, shall vote or take any part, or use any influence, directly or indirectly, in the election of any representative to sit in the Assembly, under a penalty of two hundred dollars for every such offence, to be recovered in the Supreme Court.

10. No Gold Commissioner or Deputy Gold Commissioner shall be directly or indirectly interested in any gold mine, or in the proceeds or profits thereof, nor shall he act as the agent or attorney of any person interested therein, under a penalty of one thousand dollars for every offence, to be recovered by proceedings in the Supreme Court.

11. The chief Gold Commissioner and each Deputy shall be provided with a Book of Record, uniformly ruled (See Schedule A.), wherein shall be entered all applications for areas, with the precise time of their being made, showing the description of area applied for, the amount paid, the name or names of the applicants in full, with the name of the party

Chief Gold Commissioner and Deputies—how appointed, their jurisdiction, &c.

To have power of Justice of the Peace.

Proviso.

Duration of office Bonds required.

Salaries.

Incapable of sitting or voting in House of Assembly.

Forfeiture.

How recoverable.

Penalty for voting or using influence at elections.

How recoverable.

Shall have no interest in mines or act as agent of party interested.

Penalty.

How recovered.

Shall keep a book of record—form of, &c.

Book open to inspection.

Applications to be entered therein.

Return of Deputies.

Deputies to enter the application for areas granted.

To be entered in order of dates.

Plans to be prepared and kept, and areas marked thereon.

Duplicate plan to be sent in with weekly return. General plan.

Application—form of, &c.—time of receipt to be endorsed, to be in writing and accompanied by instalments, &c. Exceptions.

Receipt of Deputy.

Quartz mines to be laid off in areas.

Area No. 1.

Area No. 2.

paying, which shall be open, at all reasonable times, to the inspection of all persons desiring to see the same; and as each applicant shall pay for and file his written application for a mine, the name of the applicant shall be written on the area or areas applied for; and each deputy shall make a return weekly, or oftener, if required, to the chief Gold Commissioner, of all applications so made, and of the names written on the plan required by the 13th section, and remit the amounts paid.

12. It shall be the duty of the Deputy Gold Commissioner for each district, as soon as may be after the passing of this Act, to enter in such Book of Record the applications of parties to whom areas have already been granted, with all particulars as nearly as may be in conformity with the provisions of the preceding section, and all entries shall be in the order of the dates of the applications.

13. It shall be the duty of each Deputy Gold Commissioner to prepare and keep a plan of the gold field or fields within his jurisdiction, with the areas that shall have been laid off, all distinctly marked out thereon; and with his weekly or other return to the chief Gold Commissioner, he shall forward a duplicate plan of all surveys made during the week, and the chief Gold Commissioner shall cause such plan to be forthwith copied upon a general plan to be prepared and kept by him, of the gold fields in question.

14. The form of an application for a mining area shall be as in Schedule B., or to that effect, and the Deputy Commissioner shall endorse thereon the precise time when received; but no application shall be valid unless made in writing, defining the area applied for, and accompanied (except in case of free claims by discovery or otherwise, under the provisions of this Act,) by payment of a first instalment as hereinafter provided for such area; or, in case of a lot of one thousand square feet in alluvial or placer diggings, by payment of the entire yearly rental. A receipt signed by the Receiver-General, acknowledging payment at his office, shall be taken, when presented to the Deputy Gold Commissioner of the district, as equivalent to the production of the money therein specified, and thereupon such Deputy Commissioner shall deliver to the applicant a receipt, as in form Schedule C.

15. Quartz mines shall, so far as local peculiarities or other circumstances may permit, be in general laid off in areas, and be subject to the rents and royalties hereinafter specified.

Area number one shall be one hundred and fifty feet along a lead by two hundred and fifty feet across;

Area number two shall be one hundred and fifty feet along a lead by five hundred feet across;

Area number three shall be three hundred feet along a lead by five hundred feet across; Area No. 3.

Area number four shall be four hundred and fifty feet along a lead by five hundred feet across. Area No. 4.

16. Areas shall be laid out as far as possible uniformly, and in quadrilateral and rectangular shapes. Measurements of areas shall be horizontal, and each area shall be bounded by lines vertical to the horizon. Areas—how laid out—measurement.

17. The rents per annum of these areas shall be, for area number one, forty dollars; area number two, eighty dollars; area number three, one hundred and sixty dollars; and for area number four, two hundred and forty dollars. Rents.

18. No more than one area shall be included in one lease; but such area may be of any of the classes above named. Lease to contain one area.

19. Under special circumstances, leases of larger areas, and on modified terms, may be granted, with the approval of the Governor in Council. Larger areas—how granted.

20. In lands not lying within any proclaimed gold district, the rights of parties shall be governed as far as possible by the spirit and provisions of this Act. Parties occupying and staking off areas corresponding in size with those prescribed hereby, shall be entitled to priority in the order of their occupation, so as each occupant shall apply to the chief Gold Commissioner for the area occupied by him, and pay for the same at the rate prescribed by this Act within the time allowed hereby. Every such applicant shall be entitled to one week, and thereafter to twenty-four hours' time for making his application, for every fifteen miles distance of the mine applied for, from the office of the chief Gold Commissioner at Halifax. In case the lands so applied for shall afterwards be included within any gold district, and laid off as prescribed by this Act, the rights of the occupants shall be respected so far as is consistent with the terms of this Act, on adjusting the boundary lines between the parties in occupation. Rights of parties in land not within a gold district.

21. When any alluvial or placer diggings are discovered, it shall be the duty of the Gold Commissioner, or some other person duly appointed by the Governor for the purpose, to examine and report upon the same, and upon such report the Governor in Council may declare the same to be sufficiently auriferous to be worked in small lots, and order them to be laid off accordingly. In such case the diggings shall be laid off in lots of one thousand square feet, but the shape of the lots in each locality shall be governed by the circumstances and situation of the locality, to be decided by the Gold Commissioner; provided always, that if at any future time such diggings or any part thereof should prove not sufficiently auriferous to be worked, such order may be repealed or modified, as occasion may require. Priority.

22. Alluvial or placer diggings, not ordered to be laid off Time in which application to be made.

When lands included in district, rights of occupants to be respected.

Proceedings on discovery of alluvial or placer diggings.

Size of lots, &c

Proviso.

22. Alluvial or placer diggings, not ordered to be laid off

Lots in alluvial digging—how laid off, &c.

Rents.

Rents of lots 1000 feet square.

Rents—how payable.

Royalty.

Only to be paid if it exceeds rent.

Leases of alluvial lots.

How renewable, &c.

Other leases.

How forfeited, &c.

Terms of leases.

Discoverer entitled to free lease.

New mines, definition of.

in lots of one thousand square feet, shall be laid out as far as local peculiarities will allow, as directed in case of quartz mines, east and west lines being substituted for length along a lead, and the rents and royalties shall be the same as those of quartz mines.

23. The rents of lots of one thousand square feet in alluvial diggings, shall hereafter be five dollars per year, payable in advance. The rents of lots in quartz already granted, of one thousand square feet, shall hereafter be two dollars per year, payable in advance.

24. All rents except those of lots of one thousand square feet, shall be payable, quarterly, in advance.

25. On all grants or leases of gold mines, there shall be reserved a royalty of three per cent. upon the gross amount of the gold mined. If the royalty exceeds the rent, the royalty only shall be paid. If it does not exceed the rent, the rent only shall be paid.

26. Leases of alluvial lots containing one thousand square feet, shall be for the term of one year only, but shall be renewable, from year to year, at the option of the lessee or his assigns, on payment in advance, at or before the termination of the existing year, of the rent of a succeeding year.

27. All other leases shall be for the term of twenty-one years, renewable, (subject to such reservations and modifications as the Legislature may impose), at the option of the lessee or his assigns. Such leases shall contain all the ordinary provisions of mining leases, and shall be forfeited on failure to pay the stipulated rents and royalties, or to keep employed annually, on the premises demised, the amount of days' labor specified herein, that is to say: On area number one, one hundred days; on area number two, two hundred days; on area number three, four hundred days; and on area number four, six hundred days; or, on failure to perform any other condition, stipulation, covenant or agreement, or to make any return or returns, or do any other act or thing contained in or required by such lease; and such lease shall also be subject to forfeiture, in case of any return of royalties required thereby, being falsely and fraudulently made.

28. Leases for terms of one year shall be in the form Schedule D., and leases for a longer period in the form of Schedule E., hereto annexed, or to that effect.

29. The discoverer of any new mine shall be entitled, according to the nature of the mine discovered, to a lease for twenty-one years, free from rent or royalty, of a lot of one thousand square feet, or of an area of class number one, as prescribed by section fifteen of this Act.

30. No person shall be considered the discoverer of a new quartz mine, unless the place of the alleged discovery shall be distant, if on a lead, at least three miles from the nearest

known mine on the same lead, and if not on a lead at least one mile at right angles from the course of the lead; if in alluvial workings, at least two miles distant from any previously discovered mine.

31. In leases of areas reservations shall be made of necessary ways and watercourses over the area, and whether such reservations be expressly made or not, all parties taking leases shall be considered as accepting the same, subject to such reservations, and also to such regulations for the transmission of water, or the making and using of ways over and across the same, or the diversion of water therefrom, as the Governor in Council may, from time to time, consider expedient.

Reservations in leases.

32. The rents and royalties prescribed by this Act, are irrespective of the rights of, and compensation to, private proprietors. The damages of such proprietors, when ascertained, whether by agreement between them and the Gold Commissioner, or by any process now existing or hereinafter provided for ascertaining the same, shall be a charge on the public treasury, and payable within thirty days after the same shall be ascertained.

Damages to private properties to be a charge on Treasury.

When payable.

33. The Governor in Council, on being satisfied of the discovery of gold in any locality, whether made previously or subsequently to the passing of this Act, may, by proclamation in the "Royal Gazette," declare such locality to be a gold district, and assign limits and boundaries to such district, and from time to time enlarge, contract, or otherwise alter such limits.

Gold district—how established, &c.

34. Wherever the title to the soil of any uncultivated lands in such district shall not be in the Crown, but the gold therein shall belong to the Crown or its lessees, it shall be the duty of the Gold Commissioner by himself, or by some deputy by him specially authorized thereto, to visit and examine the district, and to make a report on the same to the Governor in Council. In such report he shall set forth as nearly as they can be ascertained, the exact limits and boundaries of such of the uncultivated lands as will probably be required to be laid off in areas for mining purposes; the rivers, brooks, streams, ravines, hills, and other physical peculiarities in such lands, the names and residences so far as they can be ascertained of the persons owning the same, and the quantities respectively owned by them, and the value of such lands (distinguishing those of each proprietor), such value to be estimated irrespective of any enhancement thereof from the supposed existence of gold therein, or in lands in the neighbourhood thereof; and he shall specify the nature and character of the mines; and state whether in his opinion it would be for the interest as well of the proprietor as of the Crown that such uncultivated lands, or any portion thereof, (specifying the same), should be re-vested in the Crown, and such report shall be accompanied

When title to uncultivated lands not in Crown, Commissioner to report thereon.

Contents of report.



To be accom-  
panied by plan.

Governor in  
Council may  
order unculti-  
vated lands to  
revest in Crown

Commissioners to  
negotiate  
with owners for  
purchase.

If proceedings in  
case they can-  
not agree.

If owners will  
not consent to  
appraisement,  
to be referred  
to arbitrators.

Appointment of  
Umpire.

by a plan of such lands, and of so much of the adjoining lands as may be necessary to render the same intelligible, and so many of the particulars required to be set forth in the report as can be conveniently exhibited on a plan, shall be delineated thereon; and the cultivated lands, if any, owned by the proprietors, together with the houses or other buildings thereon, shall be laid down on such plan. The Governor in Council may set aside, modify, alter, or confirm such report, and may order that the uncultivated lands specified therein, or any defined portion thereof, shall be revested in the Crown.

35. When lands are ordered to be revested, and in any other case when thereto required, the Gold Commissioner, or the Deputy Gold Commissioner, shall negotiate with the owners, if they are known and can be found, for the purchase of their lands, or of so much thereof as may from time to time be required, on the terms of payment for the same, being made out of the Treasury, as each area shall be leased at a certain fixed rate per area, of class number one; and as regards any cultivated or other lands for ascertaining the amount to be paid in full, in respect of any damage thereafter to accrue from the working of the mines, payment to be made in like manner. In case the Commissioner cannot agree with a proprietor, he shall make an appraisement in writing of the actual value per area of class number one, of the uncultivated land ordered to be revested, and of the damages per area of the rest of the land required for mining purposes. Such appraisement, if approved by the Governor in Council, shall be published for at least thirty days in the "Royal Gazette" newspaper, and by handbills posted up in at least three public places in the gold district. If the proprietor shall within thirty days after such publication in the "Royal Gazette" signify in writing to the Commissioner his assent to the terms of such appraisement, he shall be entitled to receive out of the treasury, as each area shall be leased, the appraised value thereof, together with an addition of twenty-five per cent. thereto, and shall also be entitled to free claims, as hereinafter provided.

36. In case of such assent from any cause not being signified, the Governor in Council shall appoint one arbitrator, and the proprietor another, who shall be sworn in the form Schedule F., hereto annexed, to the impartial discharge of the duties assigned them, and who shall award the compensation per area, to be paid as aforesaid, estimating the value of the same irrespectively of any enhancement thereof from the supposed existence of gold therein, or in the neighborhood. In case the arbitrators cannot agree, they may select a third arbitrator. If they cannot agree in such selection, the Custos of the County in which the property lies, shall name the third arbitrator, who shall be sworn as aforesaid, and the award of any two of the three arbitrators, made in writing, shall be valid.

37. When the proprietor is unknown or cannot be found, or upon notice refuses or declines to appoint an arbitrator, or when, for any other reason, no arbitrator is appointed by the proprietor, the Custos of the County may appoint one for him.

If owner is unknown or refuses to appoint arbitrator.

38. Persons jointly interested in the land may unite in the appointment of an arbitrator; on failure to do so, the Custos of the County may nominate an arbitrator for them.

Joint owners.

39. On the award being returned to the Gold Commissioner, he shall transmit the same to the Governor, who, in Council, may confirm or reject the same.

Award to be transmitted to Governor in Council.

40. In case of the same being rejected, the proceedings may commence *de novo*. In case of confirmation, the award shall be entered by the Gold Commissioner on record; in the books of registry of the gold district.

Proceedings if award rejected. If confirmed.

41. The proprietor of the soil shall be entitled, as each area is leased, to the amount fixed by the agreement with the Commissioner; or, in case of an award, to the amount fixed thereby, together, in the last case, with twenty-five per cent. additional.

Remuneration to proprietors.

42. When any agreement or award shall have been confirmed, the title to the soil of each area shall, as the same is leased, be divested out of the owner, and pass to the Crown in fee, and thereupon the lessee shall be tenant for the period of the lease, as well of the soil as of the mines of the area.

When agreement or award confirmed, title to pass to the Crown.

43. Lessees of mines leased before the passing of this Act, or before the confirmation of any agreement or award for re-vesting the title of lands in which they are situate, shall, from and after the date of such confirmation, be construed to possess the same rights over the soil as if the lease had passed after such confirmation.

Rights of present lessees.

44. In case the proprietor of any lands shall have entered into an agreement with the Gold Commissioner, which shall have been confirmed by the Governor in Council, or, in case of an award, if the amount per area awarded by the arbitrators appointed under this Act, together with twenty-five per cent. additional, shall exceed, by one-sixth, the amount fixed by the Gold Commissioner in his appraisalment, the proprietor of the soil shall, on application, be entitled to receive a free mine of class number one for every twenty-five acres of land which shall be re-vested. The first area shall be allotted to him as soon after the confirmation of the agreement or award as the same may be applied for; the second so soon after areas to the extent of twenty-five acres shall have been laid out and leased, as he shall apply for the same, and so on for every additional lot to which he may be entitled hereunder.

Cases in which owners entitled to free mines, &c.

When allotted.

45. Nothing herein contained shall prevent the Gold Commissioner, or Deputy Gold Commissioner, from making any agreement subject to the approval of the Governor in Council, for the purchase and re-vesting in the Crown any tract of land,

Commissioners may make other terms, with approval of Governor in Council.

to be paid for in such other and different terms as may be agreed upon.

Lessee may  
surrender.

46. The holder of any lease of a mining area, may, at any time, surrender the same by notice in writing signed by him and filed in the office of the Deputy Gold Commissioner, thereupon the interest of such holder shall forthwith revert in the Crown, and he shall cease to be liable for any rent beyond the quarter then unexpired; but nothing herein contained shall be construed to discharge him from liability in respect of any covenants in the lease, for or in respect of any act, matter, or thing for which at the date of such surrender he was under the terms of the lease liable, or from any liability for the quarter's rent then unexpired.

His liability.

Penalty for  
mining after  
notice forbid-  
ding same.

47. When a gold district shall have been proclaimed, any person found mining in any lands therein belonging to the Crown, or on any land thereon of a private proprietor, the gold in which belongs to the Crown, or entering thereon for the purpose of mining after being forbidden by the Gold Commissioner, by notice personally served upon him, forbidding mining or entry upon the lands specified therein, shall be liable to a penalty for each offence of not less than ten dollars nor more than fifty dollars.

Each day's min-  
ing a distinct  
offence.

48. Parties violating the provisions of the preceding section, shall be considered guilty of a distinct offence for every day they shall unlawfully mine.

Proceedings of  
Justice on com-  
plaint of illegal  
mining.

49. On complaint in writing made to any Justice of the Peace of the County in respect of such unlawful mining or entry to mine, the Justice shall issue his warrant to apprehend the offender and bring him before the Justice to answer the complaint; such Justice shall thereupon forthwith enter upon the investigation of the complaint, and in case he shall find the party guilty, impose such fines or penalties as the party may have incurred under the provisions of this Act. In case the defendant requires time for the production of witnesses for the defence, the Justice may adjourn the investigation to any period not exceeding six days, on being satisfied by affidavit that such time is required for that purpose, and in such case the defendant shall be committed to gaol unless he gives security to the satisfaction of the Justice to appear at the time and place appointed for such adjourned investigation.

May adjourn.

Appeal.

50. The decision of such Justice shall be subject to appeal, as in ordinary cases, but before such appeal shall be allowed, the appellant shall give bonds to the Deputy Gold Commissioner to pay the costs of the appeal, in case of a decision against him, and also to pay such fines or penalties as the Court of Appeal may impose.

51. Gold in quartz or otherwise, unlawfully mined on the property of any lessee of the Crown, shall be considered in

law the personal property of the owner of the mine, and a search warrant may be issued for the same by any Justice of the Peace for the county, in the same manner as for stolen goods; and, upon the recovery of any gold under such warrant, the Justice shall make such order for the restoration thereof to the proper owner, as he shall consider right.

Gold, &c., un-  
lawful mining  
considered prop-  
erty of owner  
of mine.

Proceeding to  
recover same.

52. Nothing herein contained shall deprive the Crown lessee of the mine, or any proprietor of the soil, of any remedy existing at or before the passing of this Act, for damages or redress in respect of the matters above specified.

Other remedies  
of owners, &c.,  
not affected.

53. The lessee of gold mines in lands of private proprietors shall be entitled to use the area within the limits of his lease, for all purposes necessary for the convenient working of the mines therein.

Lessee may use  
area for neces-  
sary purposes.

54. The lessee of any gold mine in the lands of the Crown, or in any lands which, under this Act or by purchase, shall become revested in the Crown, shall be a lessee of the soil for the term for which he holds the mine.

Lessee on  
Crown land to  
be lessee for  
soil.

55. All disputes relative to the possession of any mine may be investigated and decided in a summary way without costs before the Gold Commissioner or the deputy for the district; in cases of difficulty, and in any case where the Deputy Gold Commissioner, or either of the parties desires it, the deputy shall remit the enquiry to the chief Gold Commissioner and report to him the facts; and the Gold Commissioner shall, on such report, or upon an investigation, to be conducted by himself in the district, as he shall deem best for the interests of justice, decide upon such disputes, and the decision, when made, shall be communicated by the deputy forthwith to the parties affected thereby, and shall be enforced and executed by the bailiff of the district; but either party, if dissatisfied, may appeal from the decision to the Supreme Court, provided the party appealing shall, within ten days from the decision, give notice to the other of his appeal; but such appeal, when perfected, shall be no stay of proceedings.

Disputes rela-  
tive to mines, &c.,  
how settled, &c.

Appeal.

56. In case of an appeal the appellant, or in case of his absence his agent, before the appeal shall be allowed, shall make an affidavit in writing that he is dissatisfied with the judgment and feels aggrieved thereby, and shall file the same with the Deputy Gold Commissioner, and the party so appealing, or in his absence, his agent, shall, within two days thereafter, enter into a bond with two sufficient securities in the penalty of fifty dollars, with a condition that the appellant shall enter and prosecute his appeal according to the provisions of this Act, and pay all costs which may be adjudged against him by the Court of Appeal.

Proceedings on  
Appeal.

57. In cases where the Commissioner decides to remove a party in possession of any mine, and such decision is appealed from, the Commissioner may order such decision to be carried

Pending an  
Appeal, holder  
of mine to keep  
account and  
give bonds, &c.

out forthwith; but before he shall put the appellee in possession of the mine, such appellee, or in his absence, his agent, shall enter into and file with the Deputy Gold Commissioner, a bond to the appellant with two sufficient sureties in the penalty of one hundred dollars, or such larger sum as the Commissioner shall deem adequate; conditioned that the appellee shall keep a strict and accurate account of the gold and gold-bearing quartz that shall be mined on the area pending the appeal, and that he shall deliver the same over to the appellant in case the Court of Appeal shall decide in his favor and pay the costs if the ultimate decision is against him.

Appeals—how tried, &c.

58. In case the gold district shall be entirely within one county, the appeal shall lie to the Supreme Court of that county. If it shall include portions of more than one county, it shall lie to the Court which shall be first held in any of such counties. All such appeal causes may be heard and tried before a Judge at Chambers, in vacation, at Halifax, if the appellant or appellee shall desire to bring on the trial before the next sittings of the Supreme Court to which the appeal lies. Ten days' notice shall, in such case, be given to the appellant or appellee, of the time and place of trial.

Papers to be sent to Prothonotary.

59. On appeal being perfected, the Commissioner shall forward the papers in the cause to the Prothonotary of the Court to which the appeal lies, who shall, when required by the appellant or appellee, and on payment of the necessary postages, transmit the same to the Prothonotary at Halifax.

Jury.

60. If the Judge at Chambers shall be of opinion that the matter in dispute should be tried by a jury, he may give an order accordingly, and in such case the appeal shall be remitted to the county to which it originally lay, to be dealt with as in other cases of appeals.

Decision of Judge not final.

61. The decision of a Judge on appeal shall be subject to the review of the whole Court, agreeably to the eighth section of the Act of the last session of the Legislature, entitled "An Act to amend Chapter 134 of the Revised Statutes, 'Of Pleading and Practice in the Supreme Court,'" but, in the mean time, his decision shall be carried out, and any appeal to the Court shall be no stay of proceedings; but, before the party in whose favor the decision shall be made shall be put in possession of the mine, he shall execute to the other a bond conditioned as prescribed by section fifty-seven.

Appeal no stay of proceedings.

Bond to be given.

New trial—

62. The Judge at Chambers, or the Court on review, may decide as to the hearing of the cause, and order a new trial on such terms as may seem just, or order judgment to be entered for either party, or try the cause *de novo*, and may make such order as to the costs of the appeal, and as to amendments or other matters connected therewith, as he or they may think fit.

Costs.

63. The Governor in Council shall, in each gold district, appoint an officer to be called the Bailiff of the District, with such remuneration as may be thought adequate to the office: and such Bailiff shall have power to appoint one or more deputies, and such Bailiff and his deputies within the district, by virtue of and during their appointments, shall be constables for any county within which the gold district, or any part thereof lies, and shall be clothed with all the power and immunities of constables, appointed for such counties in the ordinary way.

Bailiff and Deputies—Appointment of—power to—

64. In case the Bailiff or his deputy or deputies may, at any time, be found insufficient for the preservation of peace and good order in any gold district, the Governor in Council may appoint for the district any policemen or police force of such numbers as may be adequate to the occasion, and make regulations for the management, discipline, and pay of such force: and persons so appointed shall have all the powers, authorities and immunities of constables and peace officers appointed in the ordinary way, and such additional powers and authorities as the Governor in Council may confer on them.

Police force—Appointment of—powers, &c.

65. The Governor in Council may authorize the erection of a lock-up house in any gold district when the same may become necessary, and the expenses of erecting the same shall be paid out of the Treasury. The Bailiff shall have the charge and keeping of such lock-up house.

Lock up house.

66. In cases when payment shall have been made for areas either in quartz or alluvial mines at rates higher than those provided by this Act, the lessee of mines shall be entitled to have such surplus payments passed to the credit of the mines upon which such payments shall have been made according to the rents by this Act, provided as rent and royalty prepaid.

Lessee paying larger rent than established by this act to have credit for surplus.

67. In cases unprovided for by this Act, the Governor in Council is hereby authorized to make rules and regulations relative to Gold Districts and Gold Mines, and to the working, management, care, possession, and disposal of the same, and also as to ditches, water-privileges, roads, ways, and other matters connected with the same; and all such rules and regulations when published in the Royal Gazette, shall have the force of law till repealed by the Legislature, provided such rules and regulations shall not be repugnant to the laws of the Province or the provisions of this Act; and such rules and regulations may, in like manner, be altered, modified or cancelled, as circumstances shall require.

In cases not provided for—rules to be made by Governor in Council.

Proviso.

## SCHEDULES REFERRED TO IN THE FOREGOING BILL.

## A.

*Applications for Gold Areas at*

No. of Application	Date of Application and paym't.	Applicant's name.	By whom money paid.	Amount paid.	Description of Area.

## B.

*Gold District.*

Application is hereby made for a lease for one year, from the        day of        186 , of Lot No.        , at Gold District, measuring        feet by        feet—subject to the terms and conditions of the act relating to the Gold Fields.

Dated this        day of        , A. D., 186

OR—

Application is hereby made for a lease of a Mining Area of class No.        , in the above named Gold District, being composed of the following areas No.        laid off therein, [or in case the same shall not have been laid off in the areas for a lease of a Mining Area of class No.        , described as follows (*here define the area applied for*), or that area of class No.        , which, when the mines shall be laid off in district areas, shall include within its lines the centre of the lot above defined.]

## C.

*Office of Commissioner for Gold District,*  
day of        186

\$        Received from        the sum of        dollars, paid for a mine in said district, containing the area of class No.        , known as area No.        , measuring        feet by        feet, being the        in advance, as required by law.

Comm'r.

## D.

THIS INDENTURE, made this        day of        in the year of our Lord one thousand eight hundred and

sixty , between our Sovereign Lady the Queen of the  
 one part, and of , in the County of  
 , of the other part :

Witnesseth, that our said Sovereign Lady the Queen has  
 demised and let, and by these presents doth demise and let  
 to the said all the mines of gold in that cer-  
 tain lot situate in the gold district, known as  
 lot : To have and to hold the same to the said  
 , his executors, administrators and assigns, for  
 and during the term of one year from the date hereof, yield-  
 ing and paying to our said Sovereign Lady the Queen, at the  
 office of the Deputy Gold Commissioner for said district, the  
 yearly rent or sum of dollars, payable in advance,  
 upon the execution and delivery of these presents; and also  
 yielding a royalty on the gold mined of three hundredth  
 parts, the whole into one hundred equal parts to be divided, in  
 case royalty shall become payable under the terms and provi-  
 sions of the Act relating to gold fields. And it is hereby  
 declared that this demise is granted and accepted on the con-  
 dition and understanding that all the provisions of the said  
 Act in reference to the tenure, rents, royalties, rights of re-  
 newal, and other matters therein declared applicable to  
 mines, of the character of those herein demised, shall be ap-  
 plicable to and govern the rights of both parties under the  
 lease.

In witness whereof, our said Sovereign Lady the Queen  
 has caused , chief Gold Commissioner for the  
 Province of Nova Scotia, to subscribe his hand and seal of  
 office to this Indenture, and the said has sub-  
 scribed his hand and seal thereto.

Signed, sealed and delivered, by the }  
 said Gold Commissioner, in pre- }  
 sence of }  
 By the said }  
 in presence of }

E.

THIS INDENTURE, made this day of  
 in the year of our Lord one thousand eight hundred and  
 , between the Queen's Most Excellent Majesty of the  
 one part, and of , in the County of  
 of the other part:

Witnesseth, that in consideration of the rents and royal-  
 ties hereby reserved, and of the covenants and agreements  
 herein contained, and on the part and behalf of the said  
 , his executors, administrators and assigns, to  
 be observed and performed, our Sovereign Lady the Queen,  
 of her special grace, certain knowlege, and mere motion,  
 doth grant and demise unto the said , his exec-



utors, administrators and assigns, all that certain tract of land situate at \_\_\_\_\_ in the County of \_\_\_\_\_ known and described as follows, that is to say :

[*Here describe area.*]

And also, all and singular the beds, veins, and seams of gold, gold-bearing quartz, and other gold-bearing rocks, and all the gold whether in quartz, grain, or otherwise, situate and being within the limits of the said tract, and within, under, or upon the same, [*or as the case may be, all and singular the beds, veins and seams of gold, gold-bearing quartz, and other gold-bearing rocks, and all the gold whether in quartz or otherwise, situate in, under, or upon that certain tract of land lying and being at \_\_\_\_\_, in the County of \_\_\_\_\_, known and described as follows, that is to say : here describe area.*]

To have and to hold the said tract of land, and the said beds, veins, and seams of gold, and gold-bearing quartz, and all other the gold-bearing rocks, and gold whether in quartz or otherwise, in, under, and upon the same, to the said \_\_\_\_\_, his executors, administrators and assigns, for, during, and unto the full end and term of twenty-one years, to commence and be computed from the day of the date hereof, and fully to be complete and ended : yielding and rendering unto our Sovereign Lady the Queen, her heirs and successors, yearly and every year during the continuance of this demise, at the office of the Gold Commissioner at Halifax, or to the Deputy Gold Commissioner of the district, the yearly rent of \_\_\_\_\_ dollars, payable in four equal and quarter yearly payments, each of said quarter yearly payments to be made in advance at the beginning of the quarter ; and also yielding and paying yearly during the continuance of this demise three full hundredth parts, the whole into one hundred equal parts to be divided, of all the gold which shall be obtained, mined, had, wrought, or gotten from or out of the said demised premises, or out of any quartz, slate rock, mineral, or earth mined, obtained, had, or gotten out of the same. Provided always, nevertheless, that in case such three hundredth parts so reserved as royalty shall, in any one year of the term hereby granted and demised, exceed in value the amount herein reserved as yearly rent, then and in such case, such royalty only shall be paid, and the rents which may have been paid in advance, shall be considered as having been paid as part and parcel, and on account of such royalty ; and in case such three hundredth parts shall not exceed in value the said amount herein reserved as yearly rent, then and in such case the said royalty shall not be demanded, but the said rent alone shall be payable, under the terms of this demise.

And the said \_\_\_\_\_ doth hereby covenant, promise

and agree, to and with our said Sovereign Lady the Queen, her heirs and successors, that the said \_\_\_\_\_, his executors, administrators and assigns; shall and will well and truly pay, or cause to be paid, to our Sovereign Lady the Queen, her heirs and successors, at the time and place and in the manner aforesaid, the said yearly rent hereby reserved, in case the same shall, under the terms and provisions of this lease, be payable; or in case royalty shall become payable under the terms and provisions of this lease, then shall and will well and truly pay and deliver as aforesaid the amount and value of the said royalty.

And also, that the said \_\_\_\_\_, his heirs, executors, administrators and assigns, shall and will, during the continuance of this demise, keep, or cause to be kept, one or more book or books of account, wherein true entries shall be made of all such gold and gold-bearing quartz, and other rock containing gold, and all gold in grain or otherwise, as shall from time to time be mined, wrought, had, gotten, or obtained out of the said demised premises, and also of the names of the men actually employed in the working of the said demised premises, and the number of days' labor performed by such men, with the respective dates thereof; and also, that such book or books of account shall at all times be open and subject to the inspection and examination of the Gold Commissioner, or of the Deputy Gold Commissioner of the district, and also of any other person or persons thereto specially appointed, under the sign-manual of the Lieutenant-Governor for the time being; and also that he, the said \_\_\_\_\_, his executors, administrators or assigns, shall yearly, and every year during the continuance of this demise, deliver or cause to be delivered to the Gold Commissioner at Halifax, or the Deputy Gold Commissioner of the district, one or more affidavit or affidavits, to be made by two or more suitable persons principally employed in or about the working or management of the mines hereby granted and demised, that the entries which shall from time to time be made in such book or books of account, contain a full and true account of the quantities of all such gold and gold-bearing quartz, and other rocks containing gold, and all gold in grain or otherwise, as shall be mined, wrought, or gotten, or had or obtained, in each and every year in all or any part of the demised premises, which affidavit shall be sworn before the Deputy Gold Commissioner of the district, or before a Justice of the Peace.

And likewise, that the said \_\_\_\_\_ shall annually cause to be employed on the demised premises so many men as shall make the whole labor performed thereon during the year in opening and working the said mines amount in all to the number of \_\_\_\_\_ days' labor; and also shall and will, during the continuance of this grant and demise, work the

said mines in a good and workmanlike manner, and shall and will from time to time, and at all times during the continuance of this grant or demise, well and effectually maintain and support all and every the working-pits, shafts, levels, drifts, and water-courses of and belonging to the said mines, with all such timber and deals and other materials as shall be requisite or necessary for that purpose, and so as to prevent the same and the roofs of the said mines from falling in or being otherwise damaged; and shall and will at the end or other sooner determination of the said term, peaceably and quietly yield and deliver unto the Deputy Gold Commissioner of the district, or such other person or persons as the Lieutenant-Governor for the time being shall appoint under his sign manual to receive and take possession thereof, all the said mines, and all and singular other the premises hereinbefore mentioned, except such furnaces, engines, mills, forges, founderies, railroads, implements, houses and buildings, as shall not be attached to the freehold, in such good order, plight and condition, as fair-wrought mines ought to be left, with such timber, deals, and other materials as aforesaid, (such mines as during the term hereby granted shall be abandoned by reason of their being unproductive only excepted.) Provided always, and it is hereby agreed and declared, and the said \_\_\_\_\_, for himself, his heirs, executors administrators and assigns, doth accept this grant or demise under the condition that in case default shall be made by the said \_\_\_\_\_, his executors, administrators, or assigns, in keeping such book or books of account, or in making such entries therein, or in delivering such affidavit or affidavits as aforesaid, or in payment of the said rents or royalties hereby reserved for the space of forty-two days after the periods hereinbefore appointed for paying the same, or in the keeping annually employed on the demised premises the amount of labor herein above specified; or if the affidavits herein before set forth and required to be made shall be false and fraudulent, or any other covenant herein contained shall not be kept and observed, then, and in every or any or either of the said cases, these presents, and all and every the powers and privileges hereby granted shall be utterly null and void, anything to the contrary thereof in these presents notwithstanding.

Provided always nevertheless, that it shall and may be lawful for the said \_\_\_\_\_, his executors, administrators and assigns, at any time or times hereafter when so minded to give notice in writing to, and file the same in the office of, the Deputy Gold Commissioner of the district, setting forth that he is desirous of surrendering this lease; and in such case, so soon as any such notice shall be so filed in the office of the Deputy Gold Commissioner, the interest and

estate of the said \_\_\_\_\_ in the demised premises shall forthwith revert in her said Majesty, and the said his executors and administrators, shall thenceforth cease to have any interest therein, or to be liable under the terms and provisions of this lease for any rent except the rent then due, and that of the quarter then current and unexpired.

Provided also further, and it is the true intent and meaning of these presents that the said \_\_\_\_\_, his executors and administrators, shall continue and remain liable under the conditions of this lease for and in respect of any matter or thing herein or hereby covenanted to be done or performed, and for which a liability shall have existed at the date of such surrender, and also shall continue and remain liable for the rent of the current quarter unexpired at the date of his surrender.

In witness whereof, &c.

### F.

*County of*

A. B. of \_\_\_\_\_ in the County of \_\_\_\_\_ and C. D. of \_\_\_\_\_ in the County of \_\_\_\_\_ chosen as arbitrators to estimate the value of the land required for mining purposes, situated and contained within the following description, viz.:

do hereby severally solemnly swear that they will faithfully and impartially discharge the duties assigned them, in accordance with the terms of the Act relating to Gold Fields, estimating such lands irrespectively of any enhancement in the value thereof from the supposed existence of gold therein, or in the neighborhood.

Sworn at \_\_\_\_\_ this \_\_\_\_\_ day of }  
 186 \_\_\_\_\_, before me, }  
 J. P.

## CHAPTER 2.

## An Act for the Incorporation and winding up of Joint Stock Companies.

(Passed the 31st day of March, A. D., 1862.)

## SECTION.

1. Declaration required on formation of Company by five or more—its contents, &c. Restrictions.
2. Declaration to be in duplicate—how signed. To be filed in offices of Registrar of Deeds and Provincial Secretary.
3. On compliance with foregoing Sections, parties to be a body Corporate.
4. When to go into operation.
5. Term of existence.
6. Liability of Shareholders. Liability after transfer of shares.
7. If dividend paid out of Capital Directors liable for debt. Director filing objection exempt.
8. Meeting for increasing Capital stock—how called, &c.
9. Proceedings at—Twenty-five per cent. to be paid in.
10. New stock—how taken up.
11. Contents of declaration.
12. To be in duplicate and filed.

## SECTION.

13. Not to be filed until half stock subscribed.
14. Names of Stockholders to be entered in book of Company. Remainder of stock—how taken up.
15. Upon compliance with Act, new Stockholder to be a member of the Corporation.
16. Bye Laws and Transfers to be certified and filed. Transfer not complete until filed.
17. Declaration required for the formation of a Company by three or more. Liability.
18. Company must go into operation within one year.
19. Proceedings to wind up company if insolvent, or has suspended, or not commenced business for a year, &c. Court may appoint a receiver, and make necessary orders.
20. Gas and Water Companies.
21. Title of Act.

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

Declaration required on formation of company by five or more—its contents, &c.

1. Any five or more persons who desire to form a Joint Stock Company, and to become incorporated, may make and sign a declaration thereof, in writing, according to the form in Schedule A, in which they shall state the names and residences of the subscribers—the number and amount of shares of which the capital stock is to consist—the number of shares taken by each subscriber—the corporate name of the company, not being that of any previously existing company—the object for which the same is formed—the name of the town or place where the business of the company is to be carried on—and the amount of capital to be paid up before the company shall go into operation ; but no company shall be thus incorporated for banking, insurance, or ordinary mercantile and commercial business ; nor shall any company incorporated under this Act engage therein.

Restrictions.

Declaration to be in duplicate—how signed.

2. Such declaration shall be signed in duplicate by the parties desirous of being incorporated by themselves, or an agent, or agents thereunto duly authorized in writing ; and in such case the power of attorney shall, if executed out of the Province, be duly authenticated by a notarial certificate ; and

such power of attorney and certificate shall be attached to the declaration; and the declaration shall in all cases be, and purport to be, executed in the presence of a subscribing witness to each signature; and one of the duplicates, with the original power of attorney attached, shall be filed in the office of the Registrar of Deeds for the County, or District, wherein the proposed place of business is situate; and the other duplicate, with a copy of such power of attorney, shall be filed in the office of the Provincial Secretary at Halifax.

To be filed in offices of Registrar of Deeds and Provincial Secretary.

3. When the formalities prescribed in the foregoing sections have been complied with, the persons signing the said declaration, their associates, and successors, shall be a body corporate, by the name therein mentioned, to the same extent as companies incorporated by Act of the Legislature, and be subject to Chapter 87 of the Revised Statutes, "Of General Provisions respecting Corporations," except as herein provided.

On compliance with foregoing sections, parties to be a body corporate.

4. Before any such company shall go into operation, twenty-five per cent. of the subscribed capital shall be actually paid up in cash; and a certificate thereof, verified by oath of the President and Treasurer of the company, shall be filed in the office of the Registrar of Deeds for the County.

When to go into operation.

5. The term of such company's existence shall not extend beyond the year A. D. 1875.

Term of existence.

6. Every shareholder shall be liable in his person and separate estate, during membership, to an amount equal to double the stock held by him, deducting therefrom the amount actually paid to the company on such stock, unless he shall have made himself liable for a greater amount by becoming surety for the debts of the company. But no shareholder, who may have transferred his interest in the stock of any such company, shall cease to be liable for any contracts of the company entered into before the filing of the certificate of transfer, provided by the sixteenth section of this act, so as any action in respect of such liability shall be brought within six months after the filing of such certificate.

Liability of shareholders.

Liability after transfer of shares.

7. If the directors declare and pay any dividend when the company is insolvent, or whereby the company is rendered insolvent, or which would diminish the amount of its capital stock, they shall be jointly and severally personally liable for all the debts of the company then existing, and for all debts subsequently created during their tenure of office; but any director who objects to the payment of such dividend, may, before such payment, file with the Secretary of the company, and with the said Registrar, a written statement of such objection, and shall be thereby exempt from such liability.

If dividend paid out of capital, directors liable for debts.

Director filing objections exempt.

8. Whenever the whole capital stock has been taken up,

Meeting for increasing capital stock—how called. &c.

and a majority of the directors of a company, by their votes, resolve and declare that the capital stock of such company is insufficient for the purposes thereof, they may call a general meeting of the stockholders of the company, giving at least thirty days' notice of such meeting, by a written notice, signed by the Secretary, and addressed to each of the shareholders, or their representatives, and transmitted through the Post Office, and by advertisement thereof in a public newspaper, published nearest to the place where the company's affairs are transacted, and continued to be so published until the day of meeting.

Proceedings at—

9. At such meeting a majority of the stockholders, holding a majority of the shares in the company, may by their votes given thereat, in person or by proxy, pass a resolution authorizing the directors of the company to increase the capital stock thereof to such amount as they deem necessary for the purposes of the company, the amount whereof shall be expressed in such resolution; and thereupon the said directors may pass a bye-law for the purpose of increasing the capital stock to the amount mentioned in the resolution of the general meeting of stockholders as aforesaid, and for declaring the number of shares into which such capital stock shall be divided, and the time and manner of payment of the several calls to be made for the payment of such new stock—twenty-five per cent. at least of which shall be actually paid up in cash.

Twenty-five per cent. to be paid in.

New stock—how taken up.

10. Upon the passing of such bye-law, all persons who desire to become holders of any share or shares of such new stock, may make and sign a declaration in which shall be set forth:

Contents of declaration.

11. The amount of such new stock. The total amount of the company's capital stock, including the new stock. The number of shares of such new stock. The total number of old and new shares of stock. And which declaration shall also contain a column wherein shall be set in figures opposite to the signature of each subscriber the number of shares for which he subscribes.

To be in duplicate and filed.

12. Such declaration shall be signed in duplicate, shall be certified and filed in the office of the Provincial Secretary, and in the District or County Registry of Deeds' office, in the manner mentioned in the second section of this Act.

Not to be filed until half stock subscribed.

13. The declaration shall not be so filed or certified until at least one half of the new stock has been subscribed.

Names of stockholders to be entered in books properly.

14. When the declaration has been so filed, the name of every stockholder contained therein shall forthwith be entered in the books of the company, as that of a stockholder, with the date of subscription, and number of shares subscribed for; and so long as any of the said stock remains unsubscribed for, any person desirous of becoming a stockholder may

subscribe his name to the declaration filed in the Registry office, for one or more of such unsubscribed shares; and the name of such subscriber shall forthwith be entered into the books of the company in manner aforesaid.

Remainder of stock—how taken up.

15. Upon the performance of the several acts mentioned in the next preceding section, and payment of the instalments as required by the tenth section, every such stockholder whose name has been subscribed to the declaration, shall immediately thereupon become a member of the corporation, and from thenceforth shall have and enjoy the same rights and privileges, and be subject to the same conditions, restrictions and liabilities, to which the original stockholders are thenceforth entitled or liable; and such new shares of stock shall from thenceforth be subject to all the provisions of this act, relative to such companies, in the same manner as if they had formed a part of the stock originally subscribed.

Upon compliance with Act new stockholder to be a member of the corporation.

16. The bye-laws of the company, and all the amendments thereof, made therein from time to time, and the names of all future shareholders in the company, and the transfers of all shares, with the dates of such transfers, shall be certified in duplicate by the President under his hand, which certificate shall, within one month, be transmitted to the Provincial Secretary's office, and filed in the office of the Registrar of Deeds of the County or District; which transfer shall not be complete until such certificate is filed.

Bye laws and transfers to be certified and filed.

17. If three or more parties shall desire to be incorporated for any lawful purpose or business, and shall make, execute, and file a declaration similar to that referred to in the first section, except that no reference need be made to the proposed capital, and shall state therein that they do not seek under such incorporation to become free from personal responsibility, such parties shall thereupon become a body corporate, and shall be entitled forthwith to go into operation; but in that case the members thereof shall be personally liable for all debts and undertakings of the company.

Transfer not complete until filed.

Declaration required for the formation of a company by three or more.

18. No company shall become incorporated under this Act, or be entitled to the privileges thereof, unless it shall go into operation within one year from the filing of the declaration first hereinbefore referred to.

Liability.

Company must go into operation within one year.

19. Whenever it shall be made to appear to the Supreme Court, or a Judge, upon affidavit, by a shareholder that such company is insolvent, and that shareholders representing two-thirds of the paid up capital are desirous of winding up the affairs of the company, or that the company has suspended business for a year, or has not commenced business within a year after the filing of the said declaration, or upon affidavit of a creditor of the company, that his debt is unpaid, that the company is insolvent, and that one month's notice of the application has been given to the Secretary, an order may

Proceedings to wind up company if insolvent, or has suspended, or not commenced business for a year, &c.



Court may appoint a receiver.

And make necessary orders.

Gas and water companies.

Title of Act.

issue to appoint a receiver, as in ordinary cases of co-partnership, and thereupon the whole matter shall be referred to a master, with power to cite parties with books and papers to take evidence and report; and if it shall appear that the said company is insolvent, the said Court or a Judge may make calls upon the shareholders to the extent of their liability, for all sums needful for discharging the debts of the company, and the costs of winding it up, and may order payment thereof; and may, if deemed fit, order all suits pending against the company, at or after such application, to be stayed, and may order such a distribution of the funds of the company, and make all such further orders for winding up the company, as may appear just and right, and may dismiss such application with or without costs.

20. No gas or water companies shall be incorporated under this act within the City of Halifax.

21. This Act may be cited as—"The Joint Stock Companies' Act of 1862."

SCHEDULE A.

Be it remembered that on this            day of            A. D. 18   we the undersigned shareholders have agreed and resolved to form ourselves into a company, to be called "            " according to the provisions of chapter S7 of the Revised Statutes, and an act of the Province, entitled, "An Act for the Incorporation and winding up of Joint Stock Companies," for the purpose of

And we do hereby declare that the capital stock of said company shall be            dollars, which may be increased from time to time, to be divided into            shares, of the value of            dollars each, and that twenty-five per cent. at least of such capital stock shall be actually paid up before the said company shall go into operation.

And we the undersigned stockholders do agree to take and accept the number of shares set by us opposite our respective signatures; and we do hereby agree to pay the calls thereon, according to the requirements of the said Act, and of any rules, regulations, or bye-laws of the said company, to be made or passed in that behalf.

And we do hereby appoint            to be the place for holding the annual and other meetings of the said company.

Name.	Place of abode.	Number of shares.	Amount.

CHAPTER 3.

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

(Passed the 31st day of March, A. D. 1862.)

SECTION.

1. Chap. 1, Acts 1860, as amended, continued.
2. Duties altered.
3. Ale, Porter, &c.
4. Burning Fluid, Rock and Coal Oils.
5. Spirits not pure Alcohol.

SECTION.

6. Patent Medicines.
7. Goods now liable to pay 10 per cent. duty, to pay 2½ additional. Appropriation.
8. Duties abolished, and inconsistent parts of amended Chapter repealed.

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

1. Chapter one of the Acts of 1860, entitled, "An Act to regulate Customs Duties," as amended by Chapter sixteen of the Acts of 1861, and as hereinafter amended, is continued, together with such amendments respectively, until the first day of April, in the year one thousand eight hundred and sixty-three.

Chap. 1, Acts 1860, as amended, continued.

2. The goods enumerated in this section shall hereafter pay the duties set forth in figures opposite the respective articles, instead of the duties now payable thereon, viz. :

Duties altered.

Coffee, green, per lb.....	\$0	4
Geneva and Whiskey, not exceeding the strength of proof by Sykes' hydrometer, and so in proportion for any greater strength of proof, per gallon.....	0	70
Leather, viz., Sole Leather, including hides, and skins partially dressed therefor, per lb.....	0	4
Rum, not exceeding the strength of proof by Sykes' hydrometer, and so in proportion for any greater strength of proof, per gallon.....	0	40
Spirits, viz., Brandy, Cordials, and other Spirits, except Rum, Geneva and Whiskey, not exceeding the strength of proof by Sykes' hydrometer, and so in proportion for any greater strength of proof, per gallon.....	0	90
Teas: Souchong, congou, pekoe, bohea, pouchong, and all other black teas, per lb.....	0	6
Gunpowder, hyson, young hyson, twankay, and all other green teas, per lb.....	0	11
Tobacco, manufactured, except snuff and cigars, per lb.....	0	5

Wines, viz., Hock, constantia, malmsey, tokay, champagne, burgundy, hermitage, sauterne, claret and moselle, costing \$2 and upwards, per gallon.....	}	1 40
Madeira, port and sherry, and all other wines of which the first cost is £20 sterling per pipe, and upwards, per gallon.....		
All wines of which the first cost is under £20 sterling, per pipe, per gallon.....	}	0 40
Cigars and snuff, for every \$100 of the value.....		
		20 00

Ale, Porter, &amp;c.

3. Ale, beer, and porter, in casks or bottles, shall pay a duty of six cents per gallon.

Burning Fluid, Rock and Coal Oils.

4. Burning fluid, and rock and coal oils, shall pay a duty of ten cents per gallon.

Spirits not pure alcohol.

5. Spirits or strong waters not otherwise enumerated, not being pure alcohol, mixed with any ingredients, and although thereby coming under some other denomination, with the exception of varnish, shall be deemed spirits or strong waters, and shall pay a duty of fifty cents per gallon.

Patent Medicines.

6. Patent medicines shall, for every \$100 of the value, pay a duty of twenty dollars.

Goods now liable to 10 per cent. duty, to pay 2½ additional.

7. All goods now liable to a duty of ten per cent. advalorem, and not subjected by this Act to a higher rate of duty, shall hereafter pay an additional duty of two and a-half per cent advalorem; and such additional duty shall be specifically appropriated to the liquidation of the balance of expenditure over revenue, at the thirty-first day of December, 1861.

Appropriation.

Duties abolished, and inconsistent parts of amended Chap. repealed.

8. The duty of fifteen per cent. advalorem on wines, is abolished, and so much of Chapter One of the Act of 1860, as is inconsistent with this Act, is repealed.

## CHAPTER 4.

An Act to continue the Laws imposing Light House Duties.

(Passed the 31st day of March, A. D. 1862.)

SECTION 1.—Cap. 21 Revised Statutes, as amended, continued.

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

Cap. 21 Revised Statutes, as amended, continued.

1. Chapter Twenty-one of the Revised Statutes, "Of Light House Duties, as amended by Chapter Twenty-six of the Acts of 1859, and as amended by Chapter Two of the Acts of 1860, is hereby continued with such amendments respectively, until the first day of April, in the year one thousand eight hundred and sixty-three.

## CHAPTER 5.

## An Act to amend Chapter 126 of the Revised Statutes, "Of the Supreme Court and its Officers."

(Passed the 12th day of April, A. D. 1862.)

## SECTION.

1. In case of large arrears of business, when term of Circuit Court concluded, Judge may adjourn to future day. Not to exceed five days.
2. Adjournments to be published.
3. Petit Juries for adjourned term, how drawn, &c.

## SECTION.

4. Penalty for non-attendance. Compensation.
5. Causes to be tried.
6. Proceedings in case Judge should not arrive.
7. Last day of term.

Whereas in some of the Counties of this Province, large arrears of untried Jury Causes at issue in the Supreme Court, have accumulated on Circuit, and it is expedient that the same should be disposed of:

Preamble.

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

1. The presiding Judge, if such large arrears shall be found to exist at the end of the term or sitting of any Circuit Court that may hereafter be held by him, having regard to the time which other official duties may leave at the disposal of himself or of some other Judge, may, if he shall think fit, proclaim in open Court on the last day of such term or sitting, (notwithstanding the period now by law limited therefor), an adjournment thereof, from such day of proclamation to some future day, being a Tuesday, to be then and there named by him, when such term or sitting shall be continued and held by adjournment accordingly, and which continuance thereof shall in no case extend beyond five days, except for such further time as may be requisite in consequence of any trial being protracted beyond such last mentioned period.

In case of large arrears of business, when term of Circuit Court concluded, Judge may adjourn to future day.

Not to exceed five days.

2. The Prothonotary of such Court shall thereupon, with all convenient despatch, cause such adjournment to be published by notice posted in his office, and on the Court House door.

Adjournment to be published.

3. That officer shall also, in open Court, on such day of proclamation, draw in manner as is now by law appointed, a panel of Petit Jurors, consisting of the number of twenty-four, for the remainder of such adjourned term or sittings, and shall have the list signed by the presiding Judge, and shall immediately thereafter issue writs of *venire facias*, for the summoning such Jury, and deliver them to the Sheriff of the County at least ten days before such adjourned day, and the

Petit Juries for adjourned term how drawn, &c.

Sheriff shall cause such Jurors to be summoned at least five days before such adjourned day.

Penalty for non-attendance.

4. The Jurors so summoned, shall be bound to attend accordingly, and be subject to such fines and penalties, and entitled to such fees and compensation as are now by law respectively provided, in respect of Petit Jurors.

Compensation.

causes to be tried.

5. At such adjourned term or sittings, all Jury Causes, civil and criminal, (and those only,) which shall be at issue and ready for trial when such proclamation of adjournment shall have been made, shall be tried and disposed of without any new notice of trial.

Proceedings in case Judge should not arrive.

6. In case some one of the Judges shall not arrive on the appointed day to hold such adjourned term or sittings, the Sheriff shall give public notice that the Court will meet on the day next following such day, and shall continue to give such notice from day to day, for three successive days, unless a Judge shall, in the meantime, arrive.

Last day of term.

7. Notwithstanding this Act, the said day of proclamation shall be considered the last day of the term, except as regards matters arising during the said adjourned term or sittings.

## CHAPTER 6.

### An Act for the amendment of the Administration of Criminal Law.

(Passed the 12th day of April, A. D. 1862.)

#### SECTION.

1. Judge may reserve question of law. Proceedings when question reserved.
2. Judge shall state and sign case to be sent to Halifax.

#### SECTION.

3. Supreme Court shall hear same, and make order thereon.
4. Judgment and order to be certified and sent to sheriff. Sheriff to act in accordance therewith.
5. Judgments how delivered.

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

Judge may reserve question of law.

1. When a person has been convicted of criminal treason, felony, or misdemeanor, before any Court of Oyer and Terminer, or Gaol delivery, the Judge before whom the case was tried may, in his discretion, reserve any questions of law which arose on the trial, for the consideration of the Justices of the Supreme Court at Halifax, and thereupon may respite execution of the judgment on such conviction, or postpone the judgment until such question has been considered and decided; and in either case the Court at which the trial took place shall, in its discretion, commit the person convicted to prison, or take a recognizance of bail, with one or two sufficient surety or sureties in such sums as the Court thinks fit, conditioned for his appearance at such time as the Court

Proceedings when question reserved.

directs, to receive judgment, or to render himself in execution, as the case may be.

2. The Judge shall thereupon state, in a case to be signed by him, the question or questions of law so reserved, with the special circumstances upon which the same arose; and such case shall be transmitted by the Judge to the Prothonotary of the Supreme Court at Halifax, on or before the first day of the term of such Supreme Court at Halifax, next after the time where such trial was had.

Judge shall state and sign case, to be sent to Halifax.

3. The Justices of the Supreme Court shall hear and finally determine the said questions, and reserve, affirm, or amend any judgment given on the indictment or inquisition on the trial whereof such questions arose, or shall avoid such judgment or order, an entry to be made on the record that in the judgment of the said Justices the party convicted ought not to have been convicted, or shall arrest the judgment; or, if no judgment has been given, shall order judgment to be given thereon at some future session of Oyer and Terminer, or Gaol delivery, or shall make such other order as justice may require.

Supreme Court shall hear same and make order thereon.

4. The judgment and order of the said Justices shall be certified under the hand of the Chief Justice, or senior Judge, of such Court, to the Clerk of the Crown of the County in which the trial took place, who shall enter the same on the original record in proper form; and a certificate of such entry, under the hand of the Clerk of the Crown, in the form as near as may be, or to the effect mentioned in the Schedule annexed to this Act, with the necessary alterations to adapt it to the circumstances of the case, shall be delivered or transmitted to him by the Sheriff or Gaoler in whose custody the person convicted is; and the said certificate shall be sufficient warrant to such Sheriff or Gaoler, and all other persons, for the execution of the judgment as so certified to have been affirmed or amended, and execution shall therefore be executed on such judgment; or if the judgment has been reversed, avoided or arrested, the person convicted shall be discharged from further imprisonment, and the next Court of Oyer and Terminer, or Gaol Delivery, shall vacate the recognizance of bail, if any.

Judgment and order to be certified and sent to sheriff.

Sheriff to act in accordance therewith.

5. The judgments of the Justices of the said Supreme Courts shall be delivered in open Court, after hearing counsel, or the parties, in case the prosecutor or person convicted thinks it fit that the case should be argued in like manner as the judgments of the said Supreme Court are delivered.

Judgments—how delivered.

#### SCHEDULE.

Whereas at the Supreme Court for the County of \_\_\_\_\_ held on \_\_\_\_\_, before the Honorable \_\_\_\_\_, one of the Justices of the said Court, A B, late of \_\_\_\_\_, having been

found guilty of felony and judgment thereon given, that (*state the substance*) the Court before whom he was tried reserved a certain question of law for the consideration of the Justices of the Supreme Court at Halifax, and execution was thereupon respite in the meantime (*as the case may be*). This is to certify that the Justices of the Supreme Court at Halifax, having met at Halifax in \_\_\_\_\_ term, it was considered by the said Justices there that the judgment aforesaid should be annulled, and an entry made on the record that the said A B ought not, in the judgment of the said Justices, to have been convicted of the felony aforesaid, and you are hereby required forthwith to discharge the said A B from your custody.

(Signed)

E. F.

## CHAPTER 7.

## An Act to prevent Frauds on Creditors by Secret Bills of Sale.

(Passed the 12th day of April, A. D. 1862.)

## SECTION.

1. Bills of Sale or copies, to be filed with Registrar of Deeds, where maker resides. Only to take effect from date of filing.
2. Defeasance to be filed.
3. Bills of Sale, when filed, to be numbered and indexed. Fee for inspection.

## SECTION.

4. Discharge, how entered, &c.
5. Registry fees.
6. Meaning of terms used in the Act.
7. "Bills of Sale."
8. "Personal chattels."
9. "Apparent possession."
10. Act repealed.

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

Bills of Sale or copies to be filed with Registrar of Deeds, where maker resides.

1. Every Bill of Sale of personal chattels made after the passing of this Act, either absolutely or conditionally, or subject or not subject to any trust, and whereby the assignee shall have power, either with or without notice, on the execution thereof, or at any subsequent time to take possession of any property and effects comprised in or made subject to such Bill of Sale, and every schedule annexed thereto, or therein referred to ; or a true copy of such Bill of Sale and schedule shall be filed with the Registrar of Deeds of the County or District where the maker resides ; and in case a copy be filed, the same shall be accompanied by an affidavit of the execution of the original Bill of Sale, otherwise such Bill of Sale as against the assignees of the grantor, under the Insolvent Debtor's Act, or for the general benefit of his creditor, or as against the execution creditors, or sheriffs, and constables, and other persons levying on or seizing the property comprised therein, under process of law, shall only take

only to take effect from date of filing.

effect and have priority from the time of the filing thereof.

2. In case such Bill of Sale is subject to any defeasance the same shall be considered as part thereof, and such defeasance, or a copy thereof, shall be filed with the Bill of Sale, or copy, otherwise such Bill of Sale shall be null and void, as against the same persons, and as regards the same property and effects, as if such Bill of Sale, or copy thereof, had not been filed according to the provisions of this Act.

Defeasance to be filed.

3. The Registrar of Deeds shall cause the Bills of Sale, or copies thereof, so deposited with him, to be numbered and indexed, and an alphabetical list thereof to be made in a book to be kept by him for that purpose, containing the name and description of the grantor and grantee, the date of execution and filing, and the sum for which the same has been given, and every Bill of Sale and copy may be inspected by any person paying a fee of twenty cents therefor.

Bills of Sale, when filed, to be numbered and indexed.

4. When a Bill of Sale shall have been discharged, an entry of such discharge may be made in the Registry list upon the production of a certificate from the holder of such Bill of Sale, duly attested to by the oath of a subscribing witness, made before the Registrar of Deeds, or any Justice of the Peace, or otherwise, as required for the Registry of Deeds of Real Estate, and such certificate shall be indexed and entered on the list, and on the files kept by the Registrar.

Fee for inspection.

Discharge, how entered, &c.

5. The Registrar shall be entitled to twenty cents for his trouble in filing, indexing, and entering every Bill of Sale and copy, and to twenty cents for administering every oath under this Act, and to twenty cents for entering and indexing every certificate of discharge of a Bill of Sale.

Registry fees.

6. In construing this Act, the following words and expressions shall have the meanings hereby assigned to them, unless there be something in the subject or context repugnant to such constructions. (That is to say):

Meaning of terms used in Act.

7. The expression "Bills of Sale," shall include bills of sale, assignments, transfers, declarations of trust without transfer, and other assurance of personal chattels, and also powers of attorney, authorities or licenses to take possession of personal chattels as security for any debt, but shall not include the following documents, that is to say, assignments for the general benefit of the creditors of the person making or giving the same; marriage settlements, transfers, or assignments of any ship or vessel, or any share thereof; transfers of goods in the ordinary course of business of any trade or calling; bills of sale of goods in foreign parts or at sea; bills of lading; warehouse keeper's certificates; warrants or orders for the delivery of goods, or any other documents used in the ordinary course of business as proof of the possession or control of goods, or authorizing or purporting to authorize,

"Bills of Sale."



either by indorsement or by delivery, the possessor of such document to transfer or receive goods thereby represented.

"Personal chattels."

8. The expression, "personal chattels," shall mean goods, furniture, fixtures, and other articles capable of complete transfer by delivery, and shall not include chattel interests in real estate, nor shares or interests in the stock funds, or securities of any government, or in the capital or property of any incorporated or joint stock company, nor choses in action.

"Apparent possession."

9. Personal chattels shall be deemed to be in the "apparent possession" of the persons making or giving the Bill of Sale, so long as they shall remain or be in or upon any building, land, or other premises occupied by him, or as they shall be used and enjoyed by him in any place whatsoever, notwithstanding that formal possession thereof may have been taken by or given to any other person.

Act repealed.

10. The Act passed in the year of Our Lord One Thousand Eight Hundred and Sixty-one, entitled "An Act to prevent Frauds upon Creditors by Secret Bills of Sale of Personal Chattels," is hereby repealed.

## CHAPTER 8.

An Act to amend Chapter 18 of the Revised Statutes, "Of the Exportation of Goods and of Drawbacks."

(Passed the 12th day of April, A. D. 1862.)

### SECTION I.—Drawback on Tobacco.

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

Drawback on Tobacco.

1. Tobacco imported, and upon which duty has been paid, in any quantity, not less than three hundred pounds, shall be entitled to a drawback of the whole duty in the terms of Section Eight of Chapter 18 of the Revised Statutes, "Of the Exportation of Goods and of Drawbacks."

## CHAPTER 9.

## An Act in reference to the Militia.

(Passed the 12th day of April, A. D. 1862.)

## SECTION.

1. Persons to be enrolled.
2. Companies for enrollment—how assembled, &c. Penalty for non-attendance.
3. Every person to give in his name on becoming liable to be enrolled. Penalty.
4. Fine for non-attendance when not enrolled.
5. In case of difference, man to prove same.
6. In case of removal beyond limits of Company.
7. Removal as regards Halifax Regiments.
8. Man to give notice of removal.
9. Non-commissioned officers, &c., appointment of, &c.
10. Organization, &c., Regiments, Battalions—formation of.
11. Companies. Officers.
12. Districts for Battalions, Companies, &c. how limited, &c.
13. In case of invasion to be called into actual service.
14. Proceeding in case of sudden attack.
15. Duties to be regulated by rosters.
16. Local duties—how distributed. Penalty for refusal.
17. Men to be paid if on duty more than six days or nights in one year.
18. Penalty for false alarm.
19. Men for actual service—how furnished.
20. Commander-in-Chief may select officers to command them, and form Battalions, &c.
21. Ability of men to be ascertained. Vacancies—how supplied, &c.
22. Men may be drilled, &c., if not called into actual service. Number of days' drill.
23. Men required for service to be taken from Volunteers.
24. Duration of drills. Distance to travel.
25. Fine for non-attendance.
26. Defence of New Brunswick.
27. Armed boats—how provided, &c.
28. First class may be disciplined. Number of days' drill.
29. First class to be first armed.
30. Roster, formation of, &c.
31. Men for service—how furnished, &c. Penalty.

## SECTION.

32. Not liable to serve twice in 4 years unless all effectives have served.
33. Effect of removal on roster.
34. Clerk, &c., in Army or Navy departments—how drafted, &c.
35. Assessment—how collected, &c.
36. Necessaries, how supplied, &c. If man unable to furnish them.
37. Volunteer companies, how formed, &c. May choose officers.
38. Members classified.
39. Oath of allegiance, by whom administered, &c.
40. May make regulations, &c.
41. Fines, &c., how collected.
42. Dress to be at their own costs.
43. May be combined with Militia, or organized separately.
44. Inspecting officers, appointment of &c.
45. Adjutant.
46. Quarter Master.
47. Quarter Master's accounts.
48. Quarter Master's Sergeant.
49. Musters. Militia may be disciplined. Number of days' drill.
50. Notice of muster. Vexatious appeals.
51. Order for reassembling.
52. Captain to report men excused. Penalty.
53. Drill of Volunteers.
54. Boards of appeal. Their meetings.
55. Persons fined to be notified of meeting of Board.
56. Board may remit fines, &c.
57. In case of emergency, arms, &c., may be produced.
58. Volunteers to be first supplied with arms.
59. Bond to be given.
60. Arms, where deposited. To be returned after service. Penalty.
61. Colonels, &c., responsible for arms.
62. Penalty for not returning arms.
63. Penalty for disposing of and receiving arms, &c. How applied.
64. Arms, &c., to be inspected, and a return made.
65. On removal arms to be returned. Penalty.
66. Fine for having arms unserviceable.
67. Until distributed to be stored.
68. Returns, when to be made.

SECTION.	SECTION.
69. Arms for Volunteers, how issued, kept, &c.	102. Court Martial of Volunteers. Evidence, how given.
70. Meetings of officers.	103. May investigate complaints for misconduct.
71. Penalties for neglecting to attend meetings.	104. Recommendation of Court, when approved, final.
72. Officers to obey superiors. Penalty.	105. Courts Martial may administer oaths and punish for contempt.
73. Persons exempted from attending musters. To be provided with arms, and liable for actual service.	106. Expenses of Courts of Enquiry, how defrayed.
74. Privileges when on duty.	107. Penalty for abetting desertion, &c., how recovered.
75. Privileges of Adjutant General.	108. Officer making false returns to be cashiered.
76. Volunteer effective officers exempted from Statute Labor.	109. Penalty for non-attendance at musters, refusing duties, &c.
77. Of two sons liable for service at one time, one excused.	110. If ordered for actual service.
78. Those on whom aged persons and widows are dependant for support, exempt.	111. Misbehavior at meetings, &c., how punished. Form of warrant.
79. No Quaker to be fined, but liable to pay for a substitute.	112. Penalty for refusing to escort prisoner and receive him.
80. Exemption of Volunteers from Statute Labor, how certified, &c.	113. Mileage payable to escort.
81. Militia men employed in conducting enrollments exempt from Statute Labor. Not to exceed two in each Company.	114. Persons interrupting men on duty may be imprisoned and fined.
82. When on service articles of war applicable.	115. Officer's penalty for neglecting returns.
83. General Courts Martial.	116. For neglecting orders.
84. Oath.	117. Limitation of actions.
85. Judge Advocate. Oath.	118. Fines, how recoverable.
86. Rank of officers composing Court.	119. Application of fines.
87. Officer of Regular Forces not to sit on Court Martial. Sentence of death.	120. Justice not entitled to fees.
88. Field Officer unattached, or removing from District, liable to do duty.	121. Amendment of process.
89. Officers who have been dismissed, &c., liable to service, &c., as provided.	122. Account of fines to be rendered to Adjutant General.
90. Persons incapable of sitting on Court Martial.	123. Inquiry as to men claiming exemption on excuse of sickness, &c. Medical certificate required.
91. Do.	124. Penalty for giving false certificate.
92. Sentence to be approved.	125. Pay and rations when on service.
93. Twelve to concur in sentence of death.	126. Provision for those wounded while on duty.
94. To be executed under Governor's warrant.	127. For widow and family, in case of death.
95. Mode of execution.	128. Form of returns.
96. Warrant to be read aloud.	129. Applications of money voted for service of militia.
97. Power of General Court Martial on appeal.	130. Accounts and vouchers to be rendered to Fin. Sec'y.
98. Of appeal without cause.	131. Drill and examination of officers.
99. Regimental Court Martial.	132. Meaning of terms used—Regiment; Colonel; Captain; Man.
100. Power of Court.	133. Cap. 29, Rev. Stat.; Cap. 43, Acts 1859; Cap. 11, Acts 1860; and Cap. 17, Acts 1861; repealed. Proviso.
101. Sentence to be approved by commanding officer.	

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

1. Every man of the age of sixteen, and not over sixty years of age, except Clergymen, Members of the Executive Council, Judges of the Supreme Court, the Receiver General,

the Financial Secretary, and the Provincial Secretary, shall be enrolled in the Militia.

2. The Commander-in-Chief may make orders for the assembling of each Company at some suitable place within their district once in each year, for enrolment, and any man neglecting to attend thereat after receiving due notice, shall be subject to the same penalties as are prescribed in the Act for non-attendance at drill.

Companies for enrollment—how assembled, &c.

Penalty for non-attendance.

3. The Captain shall enroll every man residing within the limits of his Company, who is liable to serve therein, and every man who shall not, within one month after his becoming liable to serve, give in his name and place of residence to the Captain of his district, in order to be enrolled, shall forfeit two dollars.

Every person to give in his name on becoming liable to be enrolled.

Penalty.

4. If any man shall neglect to enroll himself, and shall, in consequence, be absent from any muster, then, in addition to the fine for not enrolling himself, he shall be liable to the fine for non-attendance at such muster.

Fine for non-attendance when not enrolled.

5. If any difference shall arise between the Captain and any man concerning his age, it shall be incumbent on the man to prove his age.

In case of difference, man to prove age.

6. Any man moving without the limits of his Company, shall, within ten days thereafter, give in his name, age, and place of residence to the Captain of the district into which he shall have removed, for the purpose of being enrolled therein, under a penalty of two dollars.

In case of removal beyond limits of Company.

7. Every man in the Halifax Regiments shall be bound to do his duty in the Company in which he was enrolled before the first day of October, in every year, and shall be deemed to belong to that Company for the year next following, notwithstanding any change of residence within the limits of his Regiment.

Removal as regards Halifax Regiments.

8. Any man in the Halifax Regiments who shall move out of the limits of his Company, shall, within one week, give notice of the same to the Captain of the Company of his new place of residence, under a penalty of two dollars.

Man to give notice of removal.

9. The non-commissioned officers and staff of Companies shall be appointed by the Colonel, acting by the authority of the Commander-in-Chief.

Non-commissioned officers, &c.—appointment of, &c.

10. The Militia shall be formed into Regiments by Counties, and the Regiments where the Counties are sufficiently populous, shall be divided into battalions.

Organization, &c.—Regiments, Battalions, formation of.

11. Battalions shall be formed into Companies by districts. For every Company of not more than sixty men, there shall be one Captain and two subalterns, and every larger Company may have an additional subaltern.

Companies.

Officers.

12. The Commander-in-Chief shall fix the limits comprising the Regiments or Battalions, and the Field Officers and Captains shall fix the limits of the districts of Companies, and

Districts for Battalions, Companies, &c.—how limited, &c.

the number of men to be enrolled in each Company, whose names shall be registered by the proper officer, in a book to be kept by him for the purpose, which shall be ready at all times for the inspection of the officers.

In case of invasion to be called into active service.

13. In case of invasion made or threatened, the Commander-in-Chief may call into actual service the Militia, and may order any part thereof to march from one part of the Province to another.

Proceeding in case of sudden attack.

14. In case of any sudden attack made or threatened, where the Commander-in-Chief cannot be immediately consulted, the Commanding Officer shall, if he thinks it necessary, call out the Militia for active service; and if any invasion or attack shall be made or threatened in any place where the officer commanding in the County cannot be consulted, the Militia may be called out by the commanding officer on the spot, who shall forward a report to the Commander-in-Chief, notifying the danger and strength and motions of the enemy; and the Commanding Officer may impress in such service men, horses, boats, and carriages, as the nature of the case may require, a reasonable compensation for which shall be made to the owners, and the Governor in Council, on the certificate of the Commanding Officer and any two Captains, shall draw on the Treasury for the amount.

Duties to be regulated by rosters.

15. When any part of the Militia shall be called into active service, all duties, except in cases of great emergencies, shall be regulated by rosters, to be framed as hereinafter directed.

Local duties—how distributed.

16. Local duties shall be equally distributed amongst able bodied men of the district, as well officers and those exempted from muster as others, according to a roster to be kept by the Captain of every Company; and every person refusing to perform his term of duty shall forfeit two dollars.

Penalty for refusal.

Men to be paid if on duty more than six days or nights in one year.

17. When by the direction of the Commander-in-Chief guards shall be kept so that the local duties performed by any one man shall exceed six days or nights in one year, the Commander-in-Chief may pay every such man for the excess over that time according to the rate in this Act mentioned, upon certificate of the Colonel.

Penalty for false alarm.

18. Every person wilfully making a false alarm shall forfeit Forty Dollars.

Men for actual service—how furnished.

19. If upon any emergency arising from invasion made or threatened upon this Province, or the Province of New Brunswick, it shall be necessary to call into actual service any of the Militia, the Commander-in-Chief may order the Colonel of any Regiment to furnish two hundred men for every six hundred of the first class, or the like proportion for any greater or less number; such men to be furnished either from drafts of the Regiment or by Volunteers.

20. The Commander-in-Chief may select from the Regiments to which they belong Captains and Subalterns to command the men furnished under the last Section, and may form any of the men furnished by the different Regiments into a Regiment or Battalion for actual service, and appoint Field and Staff Officers and an Adjutant, for the same, and order such Regiment or Battalion into Barracks or Camp, and adopt measures to render them efficient for actual service.

Commander-in-Chief may select officers to command them.

And form Battalions, &c.

21. Upon calling out any body of the Militia into actual service, the Commander-in-Chief may direct the necessary measures to be adopted to ascertain the ability of every man to perform his duty, and if any man shall be found unable to serve, his place shall be supplied by the Colonel, and if such man shall be a substitute, the person in whose stead he served shall procure another substitute, under the same penalty as for refusing to go into actual service, or find a substitute; or, if the man has been originally drafted for the Regiment, the Colonel shall take the next man standing for actual service in the same Company, who shall go or find a substitute, under the same penalty.

Ability of men to be ascertained.

Vacancies—how supplied.

22. The Governor may order drafts to be selected and the names returned to him, and the men to be drilled and disciplined, without calling them into actual service, and may select officers to command such men, and may direct the measures to be adopted, and make such orders as may be necessary for that purpose, but the number of days' drill shall not exceed fifteen in any one year.

Men may be drilled, &c. if not called into actual service.

Number of days' drill.

23. When the Governor shall order any number of men for actual service, from any Regiment or Battalion, they shall be drafted from the Volunteer Companies, and where such Volunteer Companies shall have been formed, they shall, in all cases, be considered for the first class for actual service, and no drafts shall be made from other than Volunteer Companies, until the whole of such Companies have been called into actual service.

Men required for service to be taken from Volunteers.

24. No man shall be required to attend drill at any squad drill for more than three hours in one day, nor to travel more than four miles from his house to attend such drill, nor to attend any Company drill for more than four hours in one day, nor to travel more than twelve miles from his home to attend such Company drill.

Duration of drills.

Distance to travel.

25. If any man, being duly notified, shall not attend any squad drill, and shall not have a reasonable excuse to be adjudged of by his Captain, he shall be fined in a sum not exceeding two dollars.

Fine for non-attendance.

26. The Governor may accept the voluntary service of any of the embodied Militia, for the defence of New Brunswick, against the common enemy.

Defence of New Brunswick.

Armed boats—  
how provided,  
&c.

27. In any district exposed to attack by water, the Sessions, on presentment of the Grand Jury, may assess the sum necessary for providing armed boats for defence, to be under the direction of the Commanding Officer, and when no longer necessary, they may be disposed of by the Sessions.

First class may  
be disciplined.

28. The Commander-in-Chief may make orders for the disciplining of the Militia of the first class, prescribing the number of days for drill, not to exceed eight days in the year, and the mode and time of assembling of each Regiment or Battalion.

First class to be  
first armed.

29. In case a sufficiency of arms shall not be provided by the Province for the whole of the Militia, the whole of the first class shall be provided with arms and accoutrements before any of the second class.

Roster, forma-  
tion of, &c.

30. The Captain shall cause a ballot to be made of the first class for forming a roster, or list, whereby the men may be called into actual service in manner following:

First. Each name shall be written on a piece of paper, which shall be rolled up and put into a box or hat, and well mixed; all pieces of paper so used to be of equal size, and rolled up in the same manner.

Second. Pieces of paper of equal size, rolled up in the same manner, and numbered from one to the extent of the number of the men, shall be mixed together in another box or hat.

Third. Two persons to be nominated by the Captain shall alternately, until the whole are drawn, publicly draw the names, and a list shall be made of such names as they are drawn, and as each name is drawn the number thereof shall be put opposite to such name, and from such list a roster shall be formed.

Men for ser-  
vice, how fur-  
nished, &c.

31. When the Commander-in-Chief shall order any number of men for actual service, they shall be furnished in as exact proportion as possible to the number of effective men, and every Company or Troop shall furnish its proportion from the first class according to the roster; and every man liable to serve, unless prevented by sickness or other sufficient cause, shall go, or find an approved substitute; and in default, shall be liable to a penalty of forty dollars; and if the same shall not be paid, may, by the Commanding Officer, be imprisoned for three months, and the next man on the roster shall serve in his place, who shall have the whole of the fine (if paid), and he shall go, or find a substitute; but if he refuse or neglect to go, he shall be liable to the same fine and imprisonment, and the next man shall be called out, and he shall have the last mentioned fine (if paid), if he by himself or a substitute shall serve; and so on, as each case shall happen: but no man shall receive more than one fine.

32. If any part of the Company shall be called out oftener than once in four years, no man who has served shall be liable to serve again until all the effective men shall have served personally or by substitute.

Not liable to serve twice in 4 years until all Effectives have served.

33. When any man shall remove from the limits of the Company to any place within the limits of another Company, he shall fall in, on the roster, immediately before the man who has drawn the same number.

Effect of removal on Rosters.

34. Whenever a proportion of the Militia of Halifax shall be called into service, the Colonel of the Regiment to which clerks, storekeepers, mechanics or laborers, belong, who are employed in any department of the army or navy, may apportion the number of drafts which they ought to furnish, and procure substitutes in their places on the most reasonable terms, and the expenses shall be assessed on them in proportion to their daily pay, by the Colonel, with the assistance of the two Captains.

Clerk, ac., in Army or Navy departments, how drafted, ac.

35. Every person assessed under the preceding Section, shall, on notice, pay the amount to the Colonel, and, on refusal, any Justice, upon complaint of the Commanding Officer, may issue his Warrant of Distress upon the offender's goods, and sell the same, and for want of goods may commit him to Jail, until the amount assessed be paid; but any such person may procure a substitute, or serve personally, and may, on receiving due notice of the duty required of him, declare such intention, but shall serve until a substitute be procured.

Assessment, how collected, ac.

36. Every man called into actual service shall supply himself with such necessaries as the Commander-in-Chief shall direct, and appear with them when he shall be ordered; and if, upon the certificate of the Captain, approved by the Colonel, it shall appear that any man is not able to supply himself, the proper officer shall furnish him with the same at the public cost (not exceeding ten dollars), and the amount shall be stopped from his pay by gradual deductions.

Necessaries, how supplied.

37. The Commander-in-Chief may authorize the formation of Artillery and Rifle Companies, to be composed of Volunteers between the ages of eighteen and forty-five, in the several Regiments or Battalions; and any Company may choose its own officers, subject to the approval of the Commander-in-Chief.

If man unable to furnish them.

Volunteer Companies, how formed, ac.

May choose officers.

38. Members of Volunteer Corps shall be divided into three classes: Effectives, Non-effectives, and Honorary Members. The qualifications of Effectives shall be prescribed by the Commander-in-Chief.

Members classified.

39. Every person enrolled in any Volunteer Company shall take the oath of allegiance to Her Majesty; which oath any officer of the Company duly authorized by the Commander-in-Chief may administer.

Oath of allegiance, by whom administered, ac.



May make regulations, ac.

40. Volunteer Companies may make regulations for their government in time of peace, and impose fines for the breach of any such Bye-laws; but no such Bye-laws shall be a fine till approved of by the Commander-in-Chief.

Fines, ac., how collected.

41. Fines imposed under any Bye-law, and dues and liabilities incurred by any Volunteer, may be sued for in the name of the Commanding Officer of the Corps, as a private debt, before one or more Justices of the Peace, or before the Supreme Court, according to the amount claimed.

Dress to be at their own costs.

42. The dress of Volunteer Companies, and the horses of Volunteer Troops of Cavalry, shall be provided at their own expense.

May be combined with Military, or organized separately.

43. The Commander-in-Chief may combine the Volunteer Companies of any County with the Militia Regiments of the County, or may organize and drill them as a separate and distinct force, in Companies, Regiments, or Brigades.

Inspecting officers, appointment of, etc.

44. The Governor may appoint officers to inspect and command all or any of the Regiments of Militia throughout the Province, and such officers, when commissioned and published in General Orders to the Militia, shall be obeyed in all things lawful by all persons who shall be so placed under their respective commands.

Adjutant.

45. A fit and proper person shall be appointed Adjutant of every Regiment, who shall perform the duties of Adjutant, and whose military qualifications shall be subject to the approval of the Commander-in-Chief.

Quarter Master.

46. The Regimental Quarter-Master shall be appointed by the Colonel, and shall give bonds, with two sureties, to the Colonel, for the faithful discharge of his duties, and for accounting for and applying all monies and stores he may receive, and he shall be entitled to five per cent. upon all fines received by him.

Quarter Master's accounts.

47. The Quarter-Master shall, annually, at the General Meeting of the Officers, and also upon three other occasions in the year, if required by the Colonel, exhibit his accounts.

Quarter Master Serjeant.  
Militia may be disciplined.

48. The Colonel may appoint a Quarter-Master Serjeant.

49. The Commander-in-Chief may make orders for the disciplining of the Militia, prescribing the number of days for drill, not to exceed eight days in any one year, and the mode, time, and place of assembling, of each Regiment or Battalion.

Number of days' drill.

Notice of muster.

50. Every man shall receive at least three days' notice of the musters at which he shall be required to attend, to be given to him in person by any commissioned or non-commissioned officer, or private, having the written orders of the Captain; or if he cannot be found, to be left at his abode; but in the latter case, if the man shall not receive the notice, he may prove his ignorance thereof either to the Captain or to the Board of Appeal. But any man making a vexatious,

trivial, or unfounded appeal, shall pay double penalties at discretion of the Board.

51. The Commanding Officer at any muster may name another day for re-assembling, and his orders thus given shall be a notice to every man who shall have been notified of the first day of meeting.

Order for reassembling.

52. When a Captain shall accept of an excuse for non-attendance at muster, he shall, if required by the Colonel, make a written report thereof, and for neglecting to do so shall forfeit ten dollars.

Captain to report men excused.

Penalty.

53. The Commander-in-Chief may make orders for the calling out for drill of the Volunteer Companies, and may prescribe the number of days during the year on which such Companies are to meet for the purpose.

Drill of Volunteers.

54. The Colonel may form Boards of Officers to hear appeals from fines for not attending at musters, to consist of one Field Officer and two Captains; or of three Captains; or of two Captains and three Subalterns; or of one Captain and four Subalterns; and shall by Regimental order appoint a day for the meeting, not to be longer than thirty days after musters, and every Captain shall have notice thereof.

Boards of appeal.

Their meetings.

55. The Captain shall notify every person fined for non-attendance, either personally, or by writing left at his last place of abode, that, at a certain time—the same not to be less than four days after such notice, and at a place therein to be mentioned—a Board of Officers will hear appeals.

Persons fined to be notified of meeting of Board.

56. The Board may remit any fine on proof of sickness of the man or one of his family requiring his attendance, or of unavoidable accident rendering it impossible for him to reach the place of meeting. All fines confirmed by the Board shall be certified in a schedule, to be signed by the President.

Board may remit fines, &c.

57. The Governor in Council may, in case of any emergency, provide, at the expense of the Province, such additional number of firearms and accoutrements—not to exceed eight thousand dollars—for the use of the Militia, as shall be deemed advisable.

In case of emergency, arms, &c. may be provided.

58. In case of arms being distributed to the Militia within any Regiment or Battalion, such Volunteer Companies as shall have been formed shall be first furnished with arms.

Volunteers to be first supplied with arms.

59. Any Militia man receiving arms and accoutrements shall give a bond in the following form:

Bond to be given.

“Know all men by these presents that we, A. B. and C. D. are held and firmly bound to our Sovereign Lady the Queen, in the sum of fifty dollars, to be paid to Her Majesty, her heirs or successors, for which payment, well and truly to be made, we bind ourselves, and either of us by himself, our and each of our heirs, executors and administrators, firmly by these presents, sealed with our seals, and dated at the

day of A. D. 18 . The condition of this obligation is such that if the above bounden A B shall at all times hereafter safely keep in good and serviceable order and condition, and have ready to return when called for by the Commanding Officer of the Regiment (*or Battalion, as the case may be, specifying the particular Regiment or Battalion to which such persons may belong*) one musket, &c., (*specifying the arms which may have been received by such person*) which have been issued to him under the Acts relating to the Militia, and shall in all things perform the provisions of such Act touching such arms and accoutrements, then this obligation shall be void.

Signed, Sealed, and delivered, &c.

A B (L. S.)

C D (L. S.)

Arms, where deposited.

To be returned after service.

Penalty.

Colonels, ac., responsible for arms.

Penalty for not returning arms.

Penalty for disposing of and receiving arms, ac.

How applied.

Arms, ac., to be inspected, and a return made.

On removal arms to be returned.

60. The Captain shall lodge the arms and accoutrements in a suitable place, to be delivered to the men, as he shall order, and every man shall return such arms to the place of deposit within twenty-four hours after the performance of the service for which he received the same, under a penalty of one dollar for every day's neglect.

61. Colonels of Regiments and Captains of Troops, or Artillery Companies, shall be responsible for arms and accoutrements delivered for them, for which they shall give a receipt or bond, as required from Head Quarters.

62. Every man, when thereunto required by the Captain, shall return his arms and accoutrements in good condition, under a penalty of twenty dollars; and if the bond be not forthcoming, the receipt of the Captain shall be a discharge thereof.

63. Every man who shall convey any such arms or accoutrements out of the limits of the Regiment, except when on duty, or shall dispose thereof, and any person who shall receive the same, shall forfeit twenty dollars for every musket or rifle, and two dollars for every article of accoutrement; and every person who, without authority, shall convey any such arms or accoutrements on board of any vessel, to carry them out of the country, and any person who shall receive them for such purpose, shall forfeit five hundred dollars, payable one half to the informant, and the other half to the use of the Company.

64. The Colonel shall, once in every year, and oftener, if he shall think it necessary, order an inspection of the arms, accoutrements, and ammunition of the several Companies under his command, to be made by one officer of each Company, calling at the abode of each man, and making a return of their condition.

65. Before removing out of the limits of his Company, every man shall return to the Captain the arms and

accoutrements which he shall have received, in good and serviceable condition, under a penalty of twenty dollars.

66. Should any man's arms be in a dirty or unserviceable condition, he shall pay not less than one dollar, nor more than two dollars.

67. Until arms shall be ordered for distribution, the Commander-in-Chief may make any order for storing and keeping them in order.

68. Every Captain shall, before the first day of November in every year, and oftener if the Colonel shall require it, make returns of the strength of the Company, and of the arms thereof; and the Colonel shall, before the first day of December, make out for the Adjutant General a return of the strength of his Regiment, and of the arms and of the amount of fines collected, and of the expenditure thereof, with vouchers.

69. The Commander-in-Chief may regulate the issue of the necessary arms and accoutrements for Volunteer Companies, and prescribe the mode of keeping the same, and the security to be given for their return into store at the expiration of the period set apart for drill.

70. Once in every year, and oftener on the advice of three Captains if he shall think fit, the Colonel shall require the officers to meet at such time and place as he shall appoint, and there confer with him for the better regulation of their Companies for establishing the limits of the Company districts, and prescribing the number of men in each Company for appropriating fines, for establishing or altering the uniform of the officers, and making such rules as the major part may deem proper for the promotion of military discipline. But all these proceedings shall be subject to the approval of the Commander-in-Chief.

71. If any officer shall neglect to attend any board or meeting ordered by the Colonel under this Act, without a reasonable excuse, he shall forfeit, if a Field Officer, twenty dollars, if a Captain twelve dollars, and if a Subaltern eight dollars.

72. All officers shall yield obedience to the commands of their superior officers, and shall observe the written regulations made at the meetings hereinabove mentioned, under a penalty of twenty dollars, to be adjudged at the next meeting.

73. The following persons shall be exempted from attending all musters unless they hold commissions, viz., the members of the Legislative Council, the members of the House of Assembly, the Attorney General and Solicitor General, the Clerks of the respective Houses, Justices of the Peace, High Sheriffs, Coroners, the Commissioners of Crown Lands, officers of the Customs, officers of the Colonial Revenue, Physicians

Penalty.

Fine for having arms unserviceable.

Until distributed to be stored.

Returns, when to be made.

Arms for Volunteers, how issued, kept, &c.

Meetings of officers.

Penalties for neglecting to attend meetings, &c.

Officers to obey superiors.

Penalty.

Persons exempted from attending musters.

and Surgeons, all Clerks, Storekeepers, Mechanics, Laborers, and others employed in the Civil and Military Departments of the Army and Navy, who may be exempted by the Commander-in-Chief; one Miller to every Grist Mill, licensed Ferrymen, the Chief Railway Commissioner and the persons employed in this Department, Telegraphic Operators, the Deputy Post-Masters, and all Mail Couriers; all Firemen and Enginemen, Quakers certified by their Society, and all Professors of Colleges, Teachers of Academies, and licensed School Masters; but, wherever arms and accoutrements shall be distributed, they shall be compelled, under the penalties provided for default—unless exempted from enrolment—to provide for themselves the required arms, and keep them in order, and shall be liable to be called out, and perform the duties of Militia men when called into actual service, or find substitutes.

To be provided with arms, and liable for actual service.

Privileges when on duty.

74. Militia men going to and returning from duty, shall be entitled to a free passage across any licensed ferry or toll bridge, and shall be free from arrest under civil process, and any officer arresting them shall be liable to an action for damages.

Privileges of Adjutant General.

75. The Adjutant General shall be exempt from serving on juries or in any civic office, and his correspondence on Militia duty shall be exempt from postage.

Volunteer effective officers exempted from Statute Labor.

76. No member of a Volunteer corps, except an "Effective" or a Commissioned or Non-commissioned officer, shall be exempted from Statute Labor under any Act relating to Highway Labor.

If two sons liable for service at one time, one excused.

77. When there are two or more sons residing in the family of their father or mother for one year preceding, who shall be liable to be ordered for service at the same time under the 31st Section of this Act, one shall be excused, and the next on the list shall be called.

Those on whom aged persons and widows are dependant for support, exempt.

78. If any person aged sixty years or upwards, or any widow, shall have a son, grandson, or apprentice, on whom he or she shall be dependant for support, living with him or her for twelve months preceding, he shall be exempted from being ordered for service, so long as he resides in the family, and contributes to the support of the same.

No Quaker to be fined, but liable to pay for a substitute.

79. No Quaker shall be subject to the fine imposed by this Act for not serving or finding a substitute; but in case he shall refuse to go or to find a substitute, the Captain may procure a substitute for him, and the Quaker shall pay the expense thereof, the same not to exceed forty dollars.

Exemption of Volunteers from Statute Labor, how certified, &c.

80. Exemptions of Volunteers from Highway Labor shall be certified by the Commanding Officer of the Company, or the Clerk of the Peace, yearly, on or before the fifteenth day of April; and the Clerk of the Peace shall, when required, give to the party exempted a certificate that his name is

included in the list of exemptions, and such certificate, when produced to the Surveyor of Highways, shall entitle the party to the exemption allowed him by law.

81. Militia men (not being Commissioned Officers,) employed in conducting enrolments shall be entitled to exemption from Statute Labor to the same extent as effective Volunteers are exempted, and a certificate of the Commanding Officer of the Company of such employment shall be sent by him on or before the fifteenth day of April, in each year, to the Clerk of the Peace, as prescribed by the last preceding Section, and such further proceedings may be had as provided in that Section; but no more than two persons in any one Company shall be entitled to such exemption.

Militia men employed in conducting enrolments exempt from Statute Labor.

82. In case of an invasion, or imminent danger thereof, when the Militia shall be called out for actual service, such of the Articles of War for the government of Her Majesty's forces as the Governor in Council shall consider applicable, shall be binding upon the Militia, and shall be judicially taken notice of by the Courts.

Not to exceed two in each Company.

When on service articles of war applicable.

83. The Commander-in-Chief may, by warrant, constitute general Courts Martial for the trial of all offences made cognizable therein by the Law, or the Articles of War applicable to the Militia, to consist of not less than thirteen Commissioned Officers, the President to be a Field Officer.

General Courts Martial.

84. Every such officer, before any trial, shall take the following oath, to be administered by the Judge Advocate:

Oath.

I, A. B. do swear that I will duly administer justice according to the laws for regulating the Militia, without partiality, favor or affection, and that I will not divulge the sentence of this Court until it shall be approved by the Commander-in-Chief, and that I will not disclose the vote or opinion of any particular member of the Court Martial, unless required to give evidence thereof as a witness by a Court of Justice.

85. The Governor may appoint any Justice of the Peace, or any other fit person, to be Judge Advocate, at any such General Court Martial, who may issue subpoenas to enforce the attendance of witnesses, as in civil cases, and shall, previously to any proceeding being taken by the Court, take the following oath, to be administered by the President:

Judge Advocate.

"I, A. B., do swear that I will not disclose the vote or opinion of any particular member of this Court Martial, unless required to give evidence thereof as a witness by a Court of Justice.

Oath.

86. No officer under the rank of a Captain shall sit on a Court Martial for the trial of a field officer.

Rank of officers composing Court.

87. No officer in Her Majesty's regular forces shall sit in any Court Martial in the Militia service; nor shall any sentence of general Court Martial extend to death unless for desertion to the enemy for mutiny, traitorous correspondence

Officer of Regular Forces not to sit on Court Martial.

with the enemy, or traitorously delivering up to the enemy any garrison, fortress, post, or guard.

Field Officer unattached, or removing from district, liable to do duty.

88. Every field officer who shall remove from the district, or who from other causes is not attached to any regiment, but retains a commission in the Militia, shall be liable to sit on Courts Martial and to perform the other duties of his rank when required by his superior officer, and may in case of necessity or vacancy be ordered to take his station in the regiment of the district where he resides; and in case of his neglect to obey such orders, may be tried by a general Court Martial and deprived of his commission.

Officers who have been dismissed, &c., liable to service &c., as private.

89. No officer cashiered by the sentence of a general Court Martial, or who may resign his commission, or who has been dismissed from Her Majesty's service, or who shall neglect within six months to qualify himself for the duties of his station, and shall on that account upon the representation of the Colonel, be deprived of his commission by the Commander-in-Chief, shall be entitled to any rank or privilege from having held such commission, or be exempted from enrollment, or from the performance of the duties of a private.

Persons incapable of sitting on Court Martial.

90. No person shall sit on a Court Martial who shall be related to the prosecutor or person accused within the fourth degree.

Do.

91. The accuser shall not sit as a member of the Court Martial for trial of the person by him accused.

Sentence to be approved.

92. No sentence of any Court Martial shall be carried into execution until approved of by the Commander-in-Chief.

Twelve to concur in sentence of death.

93. No sentence of death shall be given against any offender by such general Court Martial unless twelve officers shall concur therein.

To be executed under Governor's warrant.

94. No sentence of death passed by such general Court Martial shall be executed until the order of the Governor, by warrant under his hand and seal, shall be given, which warrant shall direct the time and place and the manner of executing the sentence.

Mode of execution.

95. All sentences of death shall be executed by hanging or shooting the offender, as the warrant shall direct.

Warrant to be read aloud.

96. The Governor's warrant shall be a sufficient authority for executing any sentence of death, and such warrant shall be read aloud in the presence of the bystanders before such execution at the time and place fixed for the same.

Power of General Court Martial on appeal.

97. General Courts Martial, upon appeal being made from any regimental Court Martial, may inquire into and confirm or annul the sentence.

Of appeal without cause.

98. If, in the opinion of the general Court Martial, any such appeal shall be made without sufficient cause, they may increase the appellants punishment by imprisonment for a term not exceeding thirty days.

99. Any officer not under the rank of a Captain, commanding a regiment, battalion or detachment, may order a regimental Court Martial for the trial of any offence cognizable thereby, the Court to consist of at least five members, and the President not to be under the rank of Captain.

Regimental  
Court Martial.

100. Such Courts Martial may fine any offender in a sum not exceeding twenty dollars, or may imprison him for a time not exceeding thirty days.

Power of Court.

101. No such sentence shall be carried into effect until approved in writing by the officer in command of the regiment, battalion, or detachment.

Sentence to be  
approved by  
commanding  
officer.

102. The Commander-in-Chief may appoint Courts Martial of Volunteers, either as general or company Courts, which shall have full power and authority to inquire into any matter or subject touching the organization, discipline, or conduct of the Volunteer Corps, or touching any differences or disputes between different Volunteer Corps, which may be submitted to them by the Commander-in-Chief. And all Volunteers shall, when required, by summons from the President of any Court, be bound to attend and give testimony on any subject under inquiry; such testimony to be given in the mode practised in Courts of Inquiry in Her Majesty's regular forces; and any Volunteer refusing without reasonable excuse, to be approved by the Court to attend or to give evidence on such inquiry, shall be subject to a penalty of ten dollars for each offence.

Court Martial  
of Volunteers.

Evidence, how  
given.

103. Complaints relative to the misconduct of any Volunteer while on duty or on parade may, when submitted thereto by the Commander-in-Chief, be investigated before any such Court—and in case of such misconduct being proved, the Court may recommend the expulsion of the offender.

May investigate  
complaints for  
misconduct.

104. The recommendation of the Court of Inquiry on any subject submitted, either by the Commander-in-Chief, if approved by him, shall be final.

Recommendation  
of Court,  
when approved,  
final.

105. All Courts Martial under this chapter may administer oaths to witnesses in the same manner as is the custom in Courts Martial in the British Army, and they may punish for contempt of Court either by disobedience of its orders or abuse of the Court in its presence, by a fine not exceeding twenty dollars, or imprisonment not exceeding thirty days.

Courts Martial  
may administer  
oaths and  
punish for contempt.

106. The Governor may draw upon the Treasury for the sums necessary to defray the expenses of Militia Courts of Inquiry.

Expenses of  
Courts of En-  
quiry; how  
defrayed.

107. The Colonel may prosecute either in the Supreme Court or before any two Justices of the Peace any person who shall abet the desertion of a man on actual service under his command, or harbor or assist a deserter, knowing him to be such, and if convicted before the Supreme Court the offender shall pay eighty dollars, or be imprisoned for three

Penalty for  
abetting de-  
sertion, &c.,  
how recovered.



months, or if convicted before the two Justices he shall pay twenty dollars, or be imprisoned for twenty days, such imprisonments, however, to terminate in either case upon payment of the penalty.

Officer making false returns to be cashiered.

108. Any officer wilfully making a false return shall be cashiered by sentence of a general Court Martial.

Penalty for non-attendance at musters, refusing duties, &c.

109. Any man who shall upon notice neglect to attend any muster authorized by this Act without sufficient excuse, shall pay for the first offence two dollars, for the second three dollars, and for every subsequent offence, four dollars. Every man on parade refusing to perform the duty required of him, or departing from his company without leave from the Colonel or Captain, shall pay not less than one nor more than four dollars, to be imposed by the Colonel or Captain.

If ordered for actual service.

110. Whenever any of the Militia shall be ordered into actual service, any man who shall refuse or neglect to obey the order, and shall not march and proceed to perform such service as may be required, either by himself or his substitute, shall be confined by the Commanding Officer, and be subjected to a fine of forty dollars, and in default of payment to three months imprisonment.

Misbehavior at meetings, &c., how punished.

111. If any man shall misbehave at any meeting, or while engaged in Militia duty, the Commanding Officer may impose a fine of not less than one nor more than four dollars, or commit him to jail for not more than three days, and shall send with him the following warrant: "To the Sheriff or the Keeper of the jail for the County of \_\_\_\_\_, you are hereby required to receive C. D. of my \_\_\_\_\_ who was guilty of (state offence) on the \_\_\_\_\_ day of \_\_\_\_\_, while engaged in Militia duty under my command, and him closely confine in your jail for the space of \_\_\_\_\_ from the time of his being delivered into your custody, and at the expiration thereof, you are to release the said C. D. on his paying your fees, and this shall be your sufficient warrant."

Form of warrant.

Penalty for refusing to escort prisoner and receive him.

112. If any Non-commissioned Officer ordered to escort such man to jail shall neglect to do so, he shall forfeit eight dollars and be reduced to the ranks, and any private who shall neglect to perform such duty two dollars and be subject to the same imprisonment, and any Sheriff or Jailor who shall refuse to receive and detain him for the time specified in the warrant, shall forfeit twenty dollars.

Mileage payable to escort.

113. Each person of the escort shall receive five cents per mile for conveying the offender to jail, to be paid by the offender before he shall be discharged, and if unable to pay he shall be detained in jail for twenty-four hours for every dollar of the amount, and in that case the Quarter-Master shall pay the escort the fee out of the fines.

Persons interrupting men on duty may be imprisoned and fined.

114. The Commanding Officer may confine any person interrupting Militia men when on duty until the duty shall be

performed, and the offender shall pay two dollars for each offence.

115. Any Colonel neglecting to make the return prescribed by the sixty-eighth Section of this Act shall forfeit eighty dollars, and every Captain neglecting to make the return prescribed by such Section, shall forfeit twenty dollars.

Officer's penalty for neglecting returns.

116. Every Colonel who shall neglect to give orders for the assembling of his regiment by companies as required by the general orders for training, shall forfeit eighty dollars, and every Captain who shall neglect to obey the orders in this respect shall forfeit twenty dollars.

For neglecting orders.

117. All actions for anything done or authorized to be done, or personally incurred under this Act, shall be commenced within three months after the cause of action arose, and the defendant may plead and give this Act and the special matter in evidence.

Limitation of actions.

118. All fines, unless otherwise directed, when not exceeding twelve dollars, shall be recovered before one Justice; and when above twelve dollars before two Justices, and if payable by a Militia man may be recovered in the name of the officer commanding the company, and if payable from an officer in the name of his Commanding Officer; and the amount in either case may be levied with costs by distress, and for want of goods, the offender shall be committed to jail for the term prescribed for the offence; and if no term shall be prescribed he shall be committed for two days for every dollar of the penalty.

Fines, how recoverable.

119. All fines shall be collected by the Quarter-Master, to be applied under the direction of the Colonel towards defraying the expenses of the regiment.

Application of fines.

120. No Justice of the Peace shall take any fee for any service performed under this Act.

Justice not entitled to fees.

121. Any process for the recovery of a fine under this Chapter may be amended until final judgment.

Amendment of process.

122. An account of all fines, with their appropriation, shall be rendered to the office of the Adjutant-General of Militia by the Colonel, under the penalty of twenty dollars for default.

Account of fines to be rendered to Adjutant General.

123. When any man shall complain that by reason of sickness or infirmity, he is unable to perform the duties required, the Colonel shall order a board of one Field Officer and two Captains, or of three Captains, to inquire into the complaint, and the Court shall cause the man to apply to a Physician or Surgeon for his certificate, which shall be given without fee under a penalty of eight dollars, and if the board shall report that such man is unable to perform his duty, the Colonel shall exempt him therefrom until his disability shall cease.

Inquiry as to men claiming exemption on excuse of sickness, &c.

Medical certificate required.

124. Any medical man giving a false certificate under the preceding Section, shall forfeit forty dollars.

Penalty for giving false certificate.

Pay and rations when on service.

125. When on actual service, the officers, non-commissioned officers, trumpeters, drummers, pipers, buglers, fifers, and privates, shall be entitled to the same pay, allowances, and rations as Her Majesty's regular troops, to be reckoned from the day they march on actual service until dismissed by the Commander-in-Chief; and at the time of their dismissal, they shall be allowed a number of days pay to defray their expenses to their usual places of abode, according to their distances at the rate of fifteen miles a day.

Provision for those wounded while on duty.

126. If any person in actual service be wounded or disabled while on duty he shall be supported out of the public funds of the Province as long as the disability shall continue.

For widow and family, in case of death.

127. In case of the loss of any officer or man while on actual service, provision shall be made for the widow and family out of the public funds.

Form of returns.

128. All returns shall be in the form prescribed by the Commander-in-Chief.

Applications of money voted for service of militia.

129. All amounts voted for Militia service shall be placed at the disposal of the Commander-in-Chief, for the purpose of employing Staff Officers and Drill Sergeants who have been trained in the British Army, in the training and drilling of the Militia and Militia Officers, and for the encouragement and maintenance of Volunteer Corps, for the storage and preservation of the arms furnished by the Imperial Government, and generally in such other services as may from time to time appear to the Commander-in-Chief necessary for the effectual organization of the Militia or Volunteer force.

Accounts and vouchers to be rendered to Fin. Sec'y.

130. Accounts with Vouchers for all sums voted for the Militia service shall be rendered quarterly to the Financial Secretary, to be audited by him, and laid before the Committee of Public Accounts.

Drill and examination of officers.

131. The Commander-in-Chief may make regulations for the attendance of Militia Officers at drill, and may appoint boards for the examination of such officers as to their qualifications—and officers refusing to comply with such regulations, or not undergoing satisfactory examinations, shall be superseded.

Meaning of terms used—

Regiment.  
Colonel.  
Captain.  
Man.

132. The following terms and expressions where used in this Act shall have the interpretations following, that is to say: " 'Regiment,' any regiment or battalion of Militia; 'Colonel,' the Colonel, Lieutenant-Colonel, or the Commanding Officer of any regiment or battalion; 'Captain,' the Captain or Commanding Officer of any company, and 'Man,' any person enrolled in the Militia under the rank of a Commissioned Officer."

Cap. 29, Rev. Stat.; Cap. 43, Acts 1859; Cap. 11, Acts 1860; and Cap. 17, Acts 1861; repealed.

133. Chapter 29 of the Revised Statutes of the Militia; Chapter 43 of the Acts of One Thousand Eight Hundred and Fifty-nine, entitled an Act to amend the Law relating to the Militia; Chapter 11 of the Acts of One Thousand Eight

Hundred and Sixty, entitled an Act to provide for the organization of a Volunteer Militia force for the defence of the Province; and Chapter 17 of the Acts of One Thousand Eight Hundred and Sixty-one, entitled, an Act to amend Chapter 29 of the Revised Statutes "Of the Militia" are hereby repealed; but all Companies organized under such Acts, and all other proceedings had or done thereunder, shall (so far as circumstances will permit) come under the provisions of this Act.

Proviso

## CHAPTER 10.

An Act to alter and amend Chapter 46 of the Revised Statutes, "Of County Assessments."

(Passed the 12th day of April, A. D. 1862.)

## SECTION.

1. Persons unable to pay need not be entered on roll.

## SECTION.

2. Proceedings against single defaulter—how taken, &c., &c.

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

1. In making up the Assessment Roll the Assessors shall not be required to enter upon it the name of any person whom the Assessors shall deem to be unable to pay the rate.

Persons unable to pay need not be entered on roll.

2. In any case in which a Collector of Poor and County Rates shall deem it necessary to apply for a warrant against a defaulter, before the demand has been made upon all the persons named in the Collector's roll, such Collector shall make oath before a Justice of the Peace that he has demanded the rate from such defaulter, and that he deems it necessary, in order to obtain payment thereof, that such warrant should issue; and thereupon the Justice shall issue a warrant of distress against such defaulter, to be executed in manner prescribed by Section 49 of the Chapter hereby amended.

Proceedings against single defaulter—how taken, &c., &c.

## CHAPTER 11.

An Act to amend Chapter 23 of the Revised Statutes, "Of the Post Office."

(Passed the 12th day of April, A. D. 1862.)

## SECTION.

1. Chapter 23, Sec. 7, repealed.
2. Prepayment compulsory.
3. Postage on Letters to U. S. by Packet.
4. Postage on Letters to Bermuda and Newfoundland.
5. Foreign newspapers.
6. Meaning of term newspaper.

## SECTION.

7. Foreign Periodical, in what instances free.
8. Governor in Council may make regulations relative to money orders and postage business.
9. Bonds valid.

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

Chapter 23, Sec. 7, repealed.

1. Section Seven of Chapter 23 of the Revised Statutes, "Of the Post Office," is repealed.

Prepayment compulsory.

2. Hereafter the prepayment of Provincial Postage shall be compulsory.

Postage on Letters to U. S. by packet.

3. Letters mailed at Halifax, to be forwarded by packet to the United States, shall be charged at a rate of ten cents, which shall be prepaid by stamp, of which rate one cent and a half shall belong to the Nova Scotia office.

Postage on Letters to Bermuda and Nfld.

4. Letters mailed at Halifax for Bermuda, or Newfoundland, shall be charged with a rate of ten cents per half ounce, to be prepaid by stamp, of which one cent and a half shall belong to the Nova Scotia office.

Foreign newspapers.

5. Newspapers printed and published in any Foreign country, when received in mails addressed to this Province, and directed to any place in the Province, shall be charged with a rate of one cent each.

Meaning of term newspaper.

6. For the purposes of this Section the word "Newspaper" shall be held to mean periodicals published not less frequently than once in each week, and containing passing events.

Foreign Periodicals in what instances free.

7. Periodicals printed and published in a Foreign country, other than newspapers, when specially devoted to Religious Education, to general Education, to Agriculture, to Temperance, or to any branch of Science, and addressed directly from the office of publication, shall be transmitted to any place in Nova Scotia to which they are addressed free of charge.

Governor in Council may make regulations relative to money orders and Postal business.

8. The Governor in Council may make orders and regulations for providing, when he deems it expedient, means :

*First*, For avoiding the risk of transmitting small sums of money through the Post, by establishing a system of money orders to be granted by one Postmaster or Officer of the Department on another, and fixing the terms on which such orders may be obtained.

*Second*, For sanctioning and enforcing the arrangements already made, and established in this Province for that purpose.

*Third*, For extending the money order system so as to include the granting of money orders on Postmasters in the United Kingdom and the British Provinces of North America, and the payment of money orders drawn by such Postmasters on Postmasters in this Province, on such terms and conditions as he may deem expedient.

*Fourth*, For rendering the money order system available for the transmission from Halifax to the Shiretown of each County, and from Shiretowns to Halifax, of all monies connected with the service of Roads, of Education, of the collec-

tion of the Revenue, and of other branches of the public service, required to be transmitted to or from such Shiretown to or from Halifax, and for taking securities from the various officers employed in such transmission in respect thereof; and generally to make such regulations as he deems necessary for the due and effective working of the Post and postal business and arrangements, and for carrying into effect the provisions of the chapter hereby amended and of this Act; and any such order and regulation may from time to time be repealed or amended by any subsequent order or regulation made in like manner; and any such order or regulation shall, until it be otherwise ordered by any subsequent regulation, have force and effect as if it formed part of the provisions of the chapter hereby amended and of this Act.

9. Any bond or security required or authorized by such chapter, or by any such regulation, or by any order of the Governor in Council, in any matter relating to the Provincial Post Office, or to the money order system, shall be valid, and may be enforced according to its tenor and effect on the breach of the condition thereof

Bonds valid

## CHAPTER 12.

An Act for imposing an Excise duty on certain articles manufactured within this Province.

(Passed the 12th day of April, A. D. 1862.)

### SECTION.

1. Duty on Ale and Porter.
2. On Cordials.
3. On Tobacco, Cigars, and Snuff.
4. License—how granted, &c. Bond.
5. Penalty for manufacturing without License.
6. Machinery, stock, &c., to be forfeited.
7. Returns—when made, &c. Duties, when payable.

### SECTION.

8. Power and duties of Revenue Officers.
9. Time given to take out Licenses, &c. Application of Oath.
10. Regulation, &c.,—how made. Application of penalties.
11. Making false return perjury.
12. Duration of Act.

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

1. From and after the passing of this Act, all ale, porter, and other malt liquors, brewed or manufactured in this Province, shall pay a duty of two cents per gallon.

Duty on Ale and Porter.

2. All cordials, wines, and strong drinks by whatever name known, in the preparation of which alcohol, spirits of wine, or other spirituous liquors are used, and which shall be made, manufactured, compounded, rectified, flavored, or mixed in this Province, and offered, or intended for sale, shall pay a duty of ten cents per gallon.

On Cordials.

3. All tobacco leaf manufactured into tobacco, cigars or snuff, within this Province, shall pay a duty of one cent per pound.

On Tobacco, Cigars, and Snuff.

Licenses—how granted, &c.

4. Licenses for the brewing and manufacturing of ale, porter, and other malt liquors—for the making, manufacturing, compounding, rectifying, or mixing of cordials, wines, and other strong drinks, and for the manufacture of tobacco, shall be granted by the Governor in Council, and shall be as in form A. and signed by the President of the Board of Revenue or his principal clerk, and every such license shall expire on the first day of April in each year. Before any such license shall be granted, the party applying for the same shall enter into a bond with two good sureties as in Schedule B.

Bond.

Penalty for manufacturing without License.

5. Any person by himself, his servants and agents, engaged in manufacturing or brewing ale, porter, or other malt liquors, or making, manufacturing, compounding, rectifying, or mixing cordials, wines, or strong drink, or manufacturing tobacco, intended for sale, without a license, first had and obtained, shall forfeit and pay a sum of four hundred dollars to be recovered in the name of Her Majesty the Queen; and each day he shall be so engaged shall be considered a separate offence and subject him to a further and like penalty.

Machinery, stock, &c. to be forfeited.

6. In addition to any penalty so incurred, the tubs, vats, utensils, and stock, about to be used for malting, with all ale, porter, and other malt liquor manufactured or brewed; the liquors, materials, stock, and utensils, about to be used for making, manufacturing, compounding, rectifying, or mixing of all cordials, wines, and other strong drinks, made, manufactured, compounded, rectified, or mixed, and the machinery and stock about to be used in manufacturing tobacco, and all tobacco manufactured, found upon the premises of any person or persons who shall not have taken out a license as above provided, and who shall be discovered illicitly preparing or manufacturing any of the above named articles upon which duty is hereby imposed, may be seized and confiscated as provided in case of the illicit importation, or possession of contraband or smuggled goods.

Returns, when made, &c.

7. Four times each year, viz.: in the first week of July, October, January, and April, every person having obtained a license for manufacturing or preparing any of the articles above named, shall file in the office of the Board of Revenue a return upon oath as in Schedule C. of all the articles and goods and the quantities manufactured or prepared and liable to duty under this Act, for the three months next preceding the first day of the month in which such return shall be made, in accordance with the condition of his bond, and shall thereupon pay over to the Receiver General the amount of duty payable upon the articles so prepared or manufactured and returned, or enter and warehouse the same, or the portion upon which the duties remain unpaid, and in case of exporta-

tion he shall be entitled to a drawback where the duties have been paid, and the value of the goods so exported at any one time, shall amount to forty dollars. In case of neglecting to make such return, or in case of false return being made, or in case of duties remaining unpaid which are due, the bond so given shall be forfeited.

Drawback.

8. Revenue officers are hereby authorized to enter into and upon any premises or places where there shall be reasonable grounds of suspicion that persons are engaged or about to engage in the illicit manufacturing, or preparing of any of the articles above mentioned, in the same way as provided in section two of chapter 19 of the Revised Statutes, and may also take an account of stock; and they may also enter any building or the premises of any person holding a license under this Act, and take an account of stock as provided by section four of chapter 19 of the Revised Statutes; and the remaining provisions of such chapter for the seizure, condemnation, and confiscation of goods, and for the protection of Revenue officers, are hereby made applicable to this Act.

Power and duties of Revenue Officers.

9. Thirty days after the passing of this Act are given to parties engaged in manufacturing or preparing any of the foregoing articles to provide themselves with licenses and file bonds, and the first quarterly returns to be made shall embrace a period commencing from the date of the license so obtained. The oath to be annexed to the first quarterly return shall apply only from the date of such license.

Time given to take out Licenses, &amp;c.

10. The Board of Revenue are hereby authorized to make any and all regulations which may be considered necessary for carrying out the objects of this Act, and collecting the duties imposed thereby, and shall annex penalties for the breach thereof as may be found requisite; and all penalties recovered under this Act may be appropriated as the Board shall order.

Application of Oath.

Regulations, &amp;c., how made.

Application of Penalties.

11. Any false return made hereunder, shall, in addition to any penalty herein provided, render the offender liable for perjury, and subject to the punishment therefor.

Making false return perjury.

12. This Act shall continue in force until the first day of April, in the year One Thousand Eight Hundred and Sixty-three.

Duration of Act.

### SCHEDULE A.

COUNTY OF

License is hereby granted to A. B. of

in the County of \_\_\_\_\_, to brew and manufacture ale, porter, and other malt liquors, or to make, manufacture, compound, rectify, and mix cordials, wines, and other strong drinks—or to manufacture tobacco, (as the case may be), conformably to law, on his premises, situate, (here describe particularly the premises,) until the first day of April, 186

Dated this

day of

A. D. 186



## SCHEDULE B.

*Bond, common form, with two sureties, made payable to Her Majesty the Queen for \$2000.*

## CONDITIONS.

The condition of the above bond is as follows :

Whereas a license has this day been obtained for (*as the case may be*). Now if the said A. B. shall make a true and correct return of all, (*as the case may be*) pay the duties by law imposed, and in all other respects comply with the provisions of an Act entitled, "An Act for imposing an Excise duty on certain articles manufactured within this Province," then this bond shall be void, otherwise to be and remain in full force, virtue and effect.

Signed, sealed, and delivered }	A. B. (L. S.)
In presence of }	C. D. (L. S.)
	E. F. (L. S.)

## SCHEDULE C.

A return of all ale, porter, and other malt liquors brewed or manufactured ; of all cordials, wines, and strong drinks made, manufactured, compounded, rectified or mixed ; of all tobacco manufactured, (*as the case may be*), by the undersigned, or for or on his account or benefit, within this Province, between the day of , 186 , and day of 186 , made in conformity with, and under, and by virtue of a Statute passed in the year 1862, entitled, "An Act for imposing an Excise duty on certain articles manufactured within this Province."

COUNTY of ss.

I. A. B. do solemnly swear that the above and foregoing is a just, true, and full account and return of the entire number of gallons of number of pounds of tobacco, (*as the case may be*), brewed and manufactured—made, manufactured, compounded, rectified, or mixed—manufactured—(*as the case may be*), during the time above set forth, and that the foregoing return is made in conformity with the requisitions of the Act above referred to, and that the same is correct and true. So help me God.

Sworn to at this	} A. B.
day of A. D. 186 , before me }	

If there be a Co-partnership firm, then the license, bond, return, and affidavit, to be adapted to the case, and the affidavit to be sworn to by one of the members of the firm.

## CHAPTER 13.

## An Act to amend Chapter 95 of the Revised Statutes, "Of River Fisheries."

(Passed the 12th day of April, A. D. 1862.)

## SECTION.

1. Section two extended to Trout and small Mackerel.
2. Fish ways—how placed and controlled.
3. Penalty for refusing to erect fish way.
4. How recoverable, &c.

## SECTION.

5. Powers of Sessions under Sec. four enlarged.
6. Spearing and sweeping Salmon prohibited.
7. Prisoner not entitled to limits or relief as insolvent debtor.

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

1. The operation of Section Two of the Chapter hereby amended shall extend to Trout and small Mackerel, as well as to the other species of fish named in that section.

Section two extended to trout and small mackerel.

2. The Sessions in the several Counties or Districts may order sufficient fish or slopeways to be placed in dams situated in rivers to which fish resort, and the building of such ways, conformably to the order of the Sessions, shall be under the direction of the Warden or Overseers of the Fisheries, who shall also be charged with keeping open and repairing the same.

Fish ways—how placed and controlled.

3. The owner or occupier of any mill or other dam, who at any time between the first day of May and the first day of September in each year, shall neglect or refuse, after thirty days' notice from the Warden or Overseer, to build a sufficient fish or slope way, shall forfeit forty dollars for such neglect or refusal; and the continuance of such neglect or refusal for twenty days thereafter shall be considered a new offence, but no notice shall be given between the first day of September and the first day of May in any year.

Penalty for refusing to erect fish way.

4. The forfeitures under the preceding Section shall be recoverable in a summary manner as a private debt, in the name of the Warden or Overseer, and shall be payable one-half to the plaintiff and one half to the Overseers of the Poor for the District.

How recoverable, &c.

5. The Sessions may, from time to time, make orders for securing a free passage or fish way in mill dams, in addition to the powers bestowed upon them under Section 4 of the chapter hereby amended.

Powers of Sessions under sec. four enlarged.

6. No person shall, by spearing or sweeping with net or seine, take or attempt to take any salmon in any river, stream, lake or watercourse; and so much of Section 5 of

Spearing and sweeping salmon prohibited

the chapter hereby amended as is inconsistent herewith, is repealed.

Prisoner not entitled to limits or relief as insolvent debtor.

7. No person imprisoned for any breach of the fishery regulations shall be entitled to jail limits, or to the benefit of Chapter 137 of the Revised Statutes, "Of the Relief of Insolvent Debtors," but shall be dealt with according to the fishery regulations established by the Sessions of the County.

CHAPTER 14.

An Act to prevent the Distillation of Intoxicating Liquors, and for protecting the Public Revenue.

(Passed the 12th day of April, A. D. 1862.)

SECTION.

- 1. Distillery prohibited.
- 2. Penalty.
- 3. Proceedings to search suspected places.

SECTION.

- 4. Seized liquors forfeited.
- 5. Duty on mixed liquors.
- 6. Porter, ale, beer, or cider, not included.

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

Distillery prohibited.

1. It shall not be lawful hereafter in this Province to distil, manufacture, or rectify any alcohol, rum, gin, or other intoxicating liquor or strong waters.

Penalty.

2. Any person violating the provisions of the preceding Section, or suffering the same to be violated on his premises, shall be liable to a penalty of not less than two thousand dollars, nor more than six thousand dollars.

Proceedings to search suspected places.

3. Places fitted, or suspected to be fitted, for the distillation of intoxicating liquors, or for the manufacturing or rectifying of alcohol, rum, gin, or other intoxicating liquors or strong waters, may be entered and searched by any Revenue Officer, or by any person specially authorized by the Board of Revenue; but before such entry shall be made information shall be furnished on oath before a Justice of the Peace of the grounds of suspicion, and the certificate of such Justice obtained that he is of opinion such entry and search should be made.

Seized liquors forfeited.

4. All alcohol, rum, gin, and other intoxicating liquors or strong waters, distilled, rectified or manufactured in this Province, may be seized and forfeited in the same manner, and by the same proceedings, as if the same were smuggled.

Duty on mixed liquors.

5. All liquors or liquid goods, mixed, compounded or adulterated abroad, and so imported into this Province, shall be liable to the same rate of duty upon the whole quantity as if the goods wholly consisted of that article in the compound which, if imported separately, would pay the highest rate of duty; but this provision shall not include varnish.

6. Intoxicating liquors and strong waters in this Act shall not include porter, ale, beer or cider.

Porter, ale, beer and cider not included.

## CHAPTER 15.

### An Act to regulate Labor on the Highways.

(Passed the 12th day of April, A. D. 1862.)

#### SECTION.

1. To go into operation 1st Sept. Acts repealed.
2. Districts.
3. Persons liable to two days work.
4. Persons liable to additional work.
5. Males over sixty years.
6. Persons exempt.
7. Property in hands of trustees, executors, &c.
8. Surveyor may require teams. Number of days.
9. Labor to be done in eight days, if required.
10. Number of hours in day.
11. Time of performing labor. Notices Overseers &c., &c.
12. Absentees.
13. In case road obstructed—or bridge carried away. Forfeiture.
14. Commutation for labor.
15. Forfeiture.
16. Residents on an Island.
17. Sessions may give permission to do work on particular roads. Certificate required.

#### SECTION.

18. Highway not to be altered without consent of two Justices.
19. Breaking roads in winter. Forfeiture. Proviso.
20. Return of Surveyors and Commissioners.
21. When owner resides in different district from his property.
22. Proceedings to make up roll of persons able to work, &c.
23. Expenditure of moneys collected—If by days work to be attested to.
24. Surveyor liable for neglect in double amount. How recovered & applied.
25. Penalty.
26. Pay of Surveyors.
27. Forfeiture by Minors &c., recoverable against parents, &c.
28. Forfeitures how recovered and applied.
29. Form of returns.
30. General Inspector—Appointment, Salary, &c.
31. Blank Forms—how furnished. Return of Clerk of the Peace.
32. Clerk of Peace to prosecute Surveyors.
33. Town of Pictou exempted.
34. Operation of Act.

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

1. This act shall come into operation on the first day of September, in the year one thousand eight hundred and sixty-two, and immediately thereupon Chapter 63 of the Revised Statutes, "Of Surveyors of Highways and Highway Labor, except in Halifax," and Chapter 40 of the Acts of 1860, in amendment thereof, shall be severally repealed, except so far as relates to the statute labor for the year one thousand eight hundred and sixty-two.

To go into operation, 1st Sept.

Acts repealed.

2. The Districts as now established for the performance of statute labor on the highways are confirmed, and the Sessions may erect new Districts, or alter the limits of those now established.

Districts.

3. Every male between the ages of sixteen and sixty, being able to do a reasonable day's work, shall be liable to perform two days' labor as a poll tax.

Persons liable to two days' work.

Persons liable to additional work.

4. All males whose names are included in the Assessment Roll, and assessed for any sum over one hundred dollars, shall be liable to perform in addition according to the following scale :

Over \$100 and under \$200,	one day.
" 200	" 400, two days.
" 400	" 600, three "
" 600	" 1000, four "
" 1000	" 1500, five "
" 1500	" 2000, six "
" 2000	" 3000, seven "
" 3000	" 4000, eight "
" 4000	" 5000, nine "
" 5000	" 6000, ten "
" 6000	" 7000, eleven "
" 7000	" 8000, twelve "

and above eight thousand dollars at the rate of one day for each two thousand dollars, and no person shall be liable to perform more than twenty days labor in all.

Males over sixty years.

5. Males over sixty years of age, holding property assessed for a sum less than one thousand dollars shall be exempt from the performance of statute labor; but such persons holding property assessed for over one thousand dollars shall be liable for the performance of statute labor in respect of such excess.

Persons exempt.

6. Women, clergymen, and ordained ministers, persons holding commissions from Her Majesty in the military or civil departments of the Army, enrolled members of Volunteer Companies, classed as *effectives* under chapter 17 of the Acts of 1861, professors of colleges, teachers of academies, and licensed teachers actually engaged in teaching, firemen and enginemen, shall be exempted from statute labor unless they are assessed for a sum over one thousand dollars, in which case they shall be liable in respect to their property for the excess over that sum, but shall not be liable to the poll tax.

Property in hands of trustees, executors, &c.

7. Property in the hands of executors, administrators, trustees, agents or guardians, over one thousand dollars of assessed value, shall be liable, in respect to the excess, at the same rate of taxation as other property.

Surveyor may require teams.

8. The surveyor may require any person owning a horse or ox team or teams to send such team or teams properly yoked and harnessed with a driver or drivers and a cart, to the extent of one-half the labor such person is required to perform, and every day's labor of such team and driver shall count for two days.

Number of days labor to be done in eight days, if required

9. The surveyor may require the whole amount of statute labor imposed under this Act to be performed within a period of eight days.

10. A day, when mentioned in this Act, shall be eight working hours.

Number of hours in day.

11. The surveyors and commissioners shall cause to be summoned the persons contained in their lists to labor on the highways at the most seasonable time between the first day of April and the fifteenth day of September, except in the counties of Richmond and Victoria, in which the statute labor shall be performed between the first day of May and the fifteenth day of October in every year, seed time and harvest excepted, by giving them six days' notice of the time and place where they are to be employed, and of the tools to be brought for such labor—the notice to be given either by the surveyors or commissioners, or by any person by them authorized, and to be left verbally or in writing with some person of the age of discretion at the usual place of abode of the party; and at the time and place appointed, the surveyors or commissioners shall attend and oversee the persons so summoned to labor in making and repairing the highways and bridges in the most useful manner during the number of days required by this Act.

Time of performing labor.

Notices. Overseers, &c., &c.

12. Every person liable to perform labor under this Act who has been duly notified, but who may have left the district, and shall be absent therefrom during the time appointed for the performance of his labor, and shall not have provided a sufficient substitute, or paid the commutation therefor, as hereinafter prescribed, or shall not adduce satisfactory proof of his having performed or commuted, or otherwise paid for his statute labor in some other district, shall if he shall return to his usual place of abode (within the year), pay fifty cents for every day's labor to which he was liable.

Absentees.

13. In case a highway shall become obstructed, or a bridge broken down or carried away, or a road rendered impassible by any unforeseen cause, except by the falling or drifting of snow, the surveyors of highways or commissioners of streets, under the direction of two Justices of the Peace, shall notify such persons within the district as may be deemed necessary to attend immediately, either by themselves or with their teams, as may be considered advisable, to remove the obstructions, or make such repairs upon the highway or bridge as may by the justices be considered absolutely necessary to render the same passable; and every person so attending and laboring shall be allowed for the labor by a reduction of the like number of days from the labor to be by him performed under this Act, either for that or for the subsequent year, as the same may occur before or after the time limited for the performance of highway labor in the district, in the same manner and to the same extent as if the labor had been performed at the usual time; and every person duly notified to attend and labor under this Section who shall

In case road obstructed or bridges carried away.

neglect to do so, shall be liable to the same forfeitures as if he had neglected to attend and labor at the regular time; such forfeiture for each day, when paid, to reckon for one day's labor of such person under this Chapter.

Commutation  
for labor.

14. It shall be lawful for any person liable to perform labor hereunder, to commute his labor on the payment to the overseer or commissioners, on or before the day appointed for the performance of such labor, fifty cents for each day's labor which he is liable to perform; and the overseer or commissioners shall receive such commutation at any time within three days after the day appointed for the commencement of the labor, but the overseer or commissioners may, in their discretion, accept labor or the commutation, within the period last named.

Forfeiture.

15. Every person duly notified, who shall not labor agreeably to the notice, or tender the commutation therefor, as directed in the last section, shall forfeit sixty cents for every day's labor to be by him performed.

Residents on an  
Island.

16. No person residing upon an Island whereon there are any highways upon which the performance of labor under this Act may be enforced, shall be obliged to work or furnish any labor hereunder upon the main land, or be liable to any penalty for not so doing; but every person so residing upon an Island, and liable to perform labor under this Act, shall perform the same upon some highway or bridge on the Island; and where the Island shall be connected with the main land by a causeway or bridge, such portion of the labor as may be required to keep the causeway or bridge in repair, or to rebuild the same, shall be performed thereon.

Sessions may  
give permission  
to do work on  
particular roads

17. The General Sessions may grant permission, in writing, to persons to perform their labor on such roads as they shall direct; and the faithful performance by such persons of the labor as directed by the Sessions, shall be held to be the performance of their ordinary highway labor, under this Act; but they shall, within one week after the performance of the labor, obtain from the surveyor or commissioners for the district, who, if the labor has been faithfully performed, are hereby required to grant the same, a certificate of the due performance thereof, which permission and certificate shall be a bar to any action brought against any such person for non-performance of his ordinary highway labor, under this Act.

Certificate re-  
quired.

Highway not to  
be altered with-  
out consent of  
two Justices.

18. No surveyor shall alter any highway without the consent of two Justices of the Peace for the county, although the owner of the land required for the alteration may assent thereto.

Breaking roads  
in winter.

19. The surveyors and commissioners shall, as often as they shall deem necessary, during the winter, order the inhabitants to work with their shovels, horses, oxen, and sleds,

upon the highways, in order that the same may be rendered passable; and every inhabitant not complying with the order, shall for every omission forfeit seventy cents; but no person shall be obliged to furnish more than two days' labor of himself and team for any one fall of snow, or work in any case when the fall or drift of snow shall not exceed twelve inches in depth.

Forfeiture.

Proviso.

20. Every surveyor and commissioner of streets shall, annually, on or before the first day of the Sessions, which shall happen next after the time herein limited for the performance of highway labor, make a true and faithful return in writing, under his hand, to the Clerk of the Peace, of the labor performed under his directions, designating the names of the persons, and the labor performed by each, and shewing the commutations and fines by him received, and the expenditure thereof, and the amount of moneys then in his hands, which latter the surveyor or commissioner shall at the same time pay over to the Clerk of the Peace, to be expended upon the roads, under the direction of the Sessions.

Return of Surveyors and Commissioners

21. When the owner of property liable to assessment for statute labor, resides in another district, the labor shall be performed, or the commutation paid in the district where such person resides.

When owner resides in different district from his property.

22. The Sessions shall appoint a Justice of the Peace, or other suitable person, in each electoral district, with whom a copy of the Assessment Roll for that district shall be lodged; such copy to be furnished by the Clerk of the Peace, who shall notify the surveyors of the persons with whom such Roll is lodged, and shall require them to meet with such person, at a time and place therein specified, and make out the lists of all persons liable to perform statute labor, within the limits of each surveyor, and the number of days which each person shall be liable to perform, and the Sessions shall make such regulations to secure the due notification of the surveyors, as to them may seem proper; and two days labor shall be remitted to the person with whom the Assessment Roll is so lodged.

Proceedings to make up roll of persons able to work, &amp;c.

23. All moneys collected by surveyors of highways and commissioners of streets, shall be expended by tender and contract, or by public auction, after three days notice, in writing, posted in at least two of the most public places in the district, unless in the opinion of the surveyor or commissioner, it would be more advantageous to the public that such expenditure should be by days work; and in cases of expenditure by days work, the surveyor or commissioner shall make oath to their accounts in the same form as in the expenditure of Government road money.

Expenditure of moneys collected.

If by days work to be attested to

24. Each surveyor and commissioner who shall by neglect or misconduct, cause the loss of any statute labor, shall be

Surveyor liable for neglect in double amount.



How recovered  
and applied.

liable to pay double the amount of such statute labor, to be recovered as debts of that amount are now recoverable, such amount to be proceeded for within two years, and when recovered to be applied as follows: one half for the roads within the county or district, and one half to the prosecutor.

Penalty.

25. Every surveyor or commissioner, for any other neglect of duty, shall be liable to a penalty of eight dollars, to be recovered and applied as in the last preceding Section.

Pay of Surveyors

26. Surveyors of highways shall be allowed one dollar a day for the work done by them, and shall credit against their bill the amount for which they are liable, under this Act, and in case there is a balance due the Surveyor, the same shall be taken from the monies in his hands, and should he have no funds, it shall be credited on his labor the next year.

Forfeitures by  
minors, &c.,  
recoverable  
against parents,  
&c.

27. All fines and forfeitures incurred by minors under this Act may be recovered from the parents, masters, or guardians of such minors, with whom such minors reside, or who have a right to receive their wages in the manner provided in the next Section.

Forfeitures,  
how recovered  
and applied.

28. Forfeitures under this Act shall be sued for and recovered by the surveyor or commissioners by their name of office, as surveyor of highways or commissioners of streets, for the place for which they have been appointed, or in the individual names of them, or any of them, or by and in the name of any person who will sue therefor, and in any case, in the same manner and with the like costs as if they were private debts; and when recovered shall be applied by the surveyor or commissioners to the repair of the highways.

Form of returns

29. Returns of statute labor shall be made in the form in the schedule hereto annexed.

General Inspector—appoint-  
ment, salary, &c.

30. The General Sessions in each county or district may once in each year appoint one or more general inspectors of statute labor, whose salary and duties shall be fixed by such Sessions.

Blank forms,  
how furnished.

31. Blank forms of surveyors returns of highway labor shall be furnished from the Provincial Secretary's office, and forwarded to the Clerks of the Peace, on application made for that purpose; and the Clerks of the Peace shall, on or before the first day of January in each year, make and return to the Provincial Secretary's office, an abstract of the returns of such surveyors of highways.

Return of Clerk  
of the Peace.

32. It shall be the duty of the Clerk of the Peace to prosecute delinquent surveyors for neglect or breach of duty, under Sections 24 and 25 of this Act.

Clerk of Peace  
to prosecute  
Surveyors.

Town of Pictou  
exempted.

33. So much of the town of Pictou, as is within the limits of the commissioners of streets, shall be exempted from the operation of this Act.

Operation of  
Act.

34. This Act shall go into operation in the counties of Cape Breton, Inverness, Victoria, Cumberland, and Digby,

from and after the fifteenth day of October, one thousand eight hundred and sixty-three, until which date Chapter sixty-three of the Revised Statutes, and Chapter forty of the Acts of one thousand eight hundred and sixty shall remain in force in such Counties.

## CHAPTER 16.

An Act to amend Chapter 157 of the Revised Statutes, "Offences against Religion."

(Passed the 12th day of April, A. D. 1862.)

### SECTION.

1. Penalty for working on Sunday.
2. For inducing other persons to work.

### SECTION.

3. Penalty—how recovered, &c.

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

1. If any person shall do or exercise any labor, business, or work of his ordinary calling, or any other calling or occupation, works of charity and necessity excepted, or use, practise or exercise any game, sport or play, or frequent tippling shops, on the Lord's Day, or allow the same to be done by his children or apprentices, he shall for every offence forfeit not less than one, nor more than twenty dollars; and in default of payment shall be committed to jail for a term not exceeding twenty days.

Penalty for working on Sunday.

2. If any person shall employ, encourage or induce any of the children, servants or apprentices of another person to commit the offence specified in the preceding Section, he shall incur the penalty therein set forth.

For inducing other persons to work.

3. Any school commissioner, trustee or teacher, church warden, elder or deacon, may recover any forfeiture incurred under this Act, without reference to the amount thereof, by a summary process before any Justice of the Peace; and every such forfeiture shall be appropriated to the support of the school of the district in which the offence was committed.

Penalty—how recovered, &c.

## CHAPTER 17.

An Act to amend Chapter 73 of the Revised Statutes, "Of Commissioners of Sewers, and the regulating of Diked and Marsh Lands."

(Passed the 12th day of April, A. D. 1862.)

### SECTION.

1. Dikes on Grand Pre not to be disturbed without consent of Commissioners. Penalty—how recovered and appropriated.

### SECTION.

2. No dike to be cut down without permission. Penalty. If permission given, party liable for all damage.

## SECTION.

3. Land enclosed by Wickwire Dike—how assessed, &c.  
4. Balances of rates to bear interest.

## SECTION.

5. Proprietors entitled to value of sods, &c., used.  
Proviso.

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

Dikes on Grand Prè not to be disturbed without consent of Commissioners

Penalty—how recovered and appropriated.

No Dike to be cut down without permission.

Penalty.

If permission granted party liable for all damages.

Land enclosed by Wickwire Dike—how assessed, &c.

Balances of rates to bear interest.

Proprietors entitled to value of sods, &c. used.

Proviso.

Value how ascertained.

1. No person shall dig, plough down, or in any way disturb from their present condition any of the Dikes surrounding or enclosing the Grand Prè, unless with the consent of at least two of the Commissioners; and any person so offending shall be liable to a penalty of fifty dollars, to be recovered in the names of the Commissioners, or of one of them, as a private debt, and when recovered to be appropriated by the Commissioners to the same uses and purposes as the other moneys in their hands.

2. No person shall dig or cut down any Dike or embankment serving the purpose of protecting from the tides the land enclosed, for a roadway or any other purpose, without a written permission from a Commissioner of such Dike; and any person so offending shall be liable to a penalty of fifty dollars, to be recovered and applied as in the preceding Section; and in case such written permission be granted the party so digging or cutting down the Dike or embankment shall repair the same, and shall be liable to pay all damages resulting from his neglect.

3. The Commissioners of the Wickwire Dike in Horton may summon all the proprietors within ten miles to meet and choose three fit and proper persons to act with the Commissioners in assessing and equalizing all the lands enclosed by such Dike, in order that all such lands may be rated according to their value, and such assessment, when made and entered on the minutes, shall be binding on the proprietors.

4. The Commissioners of the Wickwire Dike may collect interest on all balances of rates due from the proprietors at the end of the year, or at the time when the Dike Books are made up, and work done during the following year shall not offset such balances, until the rate for the current year is first settled and paid.

5. When sods or soil shall be cut off the lands of any proprietor inside or outside the Dike for the purpose of making and repairing such Dike, the Commissioners shall have power to settle the value of the same with the owner or owners of the land, provided the damage does not exceed five dollars to each person; and if the Commissioners and owners cannot agree, each party shall choose one freeholder as appraiser, and such two appraisers shall appoint a third freeholder to act with them, and the decision of any two of such freeholders shall be final; and if the appraisers so appointed do not allow

one-sixth more than had been offered by the Commissioners the owners shall pay all the expenses consequent upon such appraisalment.

## CHAPTER 18.

### An Act to legalize certain proceedings relative to County Assessments.

(Passed the 12th day of April, A. D. 1862.)

#### SECTION.

1. Assessment Rolls legalized. Proviso.

#### SECTION.

2. Rolls under Cap. 9 Act 91 legalized.

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

1. The Assessment Rolls for the present year in any County or District are hereby legalized and confirmed, notwithstanding that the same may not have been completed within the period limited in that behalf by Chapter 46 of the Revised Statutes, provided such Assessment Rolls conform in other respects to the requisites of such chapter.

Assessment  
Rolls legalized.

Proviso.

2. The Assessment Rolls made up under Chapter 9 of the Acts of 1861 are hereby legalized, although the Assessors may not have strictly complied with the provisions of the fourth section of such last mentioned chapter in making up such Rolls.

Rolls under Cap  
9 Act 61 legal-  
ized.

## CHAPTER 19.

### An Act to amend Chapter 62 of the Revised Statutes, "Of laying out Roads other than certain Great Roads."

(Passed the 12th day of April, A. D. 1862.)

#### SECTION.

1. Proceedings in case of absence of proprietor.

2. Proprietors if they do not enter into agreement, shall appoint an appraiser in case of disagreement &c.

#### SECTION.

3. Damages not paid by Poor District—how assessed, &c.

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

1. If the proprietor of the land be absent from the Province no notice need be served; and if he be absent from the County and within the Province, a notice may be forwarded to him by mail; and if after fifteen days he shall not appoint an appraiser the Custos is authorized to appoint, in either case, an appraiser for the absent proprietor.

Proceedings in  
case of absence  
of proprietor.

2. Where the road shall run through the lands of more than one proprietor, such of said proprietors who shall

Proprietors if  
they do not en-  
ter into agree-  
ment, to ap-  
point an ap-  
praiser.

not enter into an agreement as provided in Section second of Chapter 8 of the Acts of 1861, shall join in the appointment of one appraiser for the purpose of appraising damages to their respective lands, together with the two appraisers to be appointed as in the said Act provided; and in case of the said proprietors disagreeing or neglecting or refusing so to do after seven days' notice, the Custos shall appoint one arbitrator whose acts shall be binding on such proprietors touching such damages as if they had joined in such appointment.

In case of disagreement, &c.

Damages not paid by Poor District—how assessed, &c.

3. Where damages allowed for any pent road have not yet been paid by the Poor District through which the road runs, the same may, on application to the Sessions, be assessed and levied off the County, or off the applicant, as the Sessions may direct.

---

## CHAPTER 20.

An Act to regulate the sale of Staves, Bricks, and other articles.

(Passed the 12th day of April, A. D. 1862.)

SECTION.

1. To be reckoned ten hundred to the thousand.

SECTION.

2. Act repealed.

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

To be reckoned ten hundred to the thousand.

1. From and after the passing of this Act all staves, bricks and other articles which are now reckoned by the tale of twelve hundred to the thousand shall be calculated by the tale of ten hundred to the thousand; and the sale of such articles shall be regulated accordingly.

Act repealed.

2. So much of Chapter 85 of the Revised Statutes as is inconsistent with this Act is repealed.

---

## CHAPTER 21.

An Act to amend Chapter 89 of the Revised Statutes, "Of the Settlement and Support of the Poor."

(Passed the 12th day of April, A. D. 1862.)

SECTION 1. If pauper incapable of being examined as to settlement, other testimony to be received.

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

If pauper incapable of being examined as to settlement, other testimony to be received.

1. In the event of any pauper, whose examination it may be necessary to take as to his last place of settlement, being insane or otherwise incapable or incompetent to undergo

such examination, any Justice may take such other testimony under oath as to the settlement of such pauper as to such Justice may appear satisfactory; and thereupon such pauper may be removed as if he had been personally examined.

## CHAPTER 22.

An Act in addition to Chapter 92 of the Revised Statutes,  
"Of the preservation of useful Birds and Animals."

(Passed the 12th day of April, A. D. 1862.)

### SECTION.

1. Killing of animals valuable for furs restricted.

### SECTION.

2. Penalty—how recovered and applied.  
3. Exceptions.

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

1. No person shall take or kill the otter, the mink, or the musquash between the first day of May and the first day of November in any year; and no person shall take or kill any other animal only valuable for its fur, between the fifteenth day of March and the fifteenth day of November in any year.

Killing of animals valuable for fur restricted.

2. Every person offending against the preceding Section shall for each such offence forfeit a sum not exceeding eight dollars, to be recovered in the same manner in which similar amounts are now by law recoverable, and to be appropriated to the use of the prosecutor.

Penalty—how recovered and applied.

3. The provisions of this Act shall not extend to bears, loupceviers, wildcats and wolves.

Exceptions.

## CHAPTER 23.

An Act to amend Chapter 92 of the Revised Statutes, "Of the preservation of useful Birds and Animals."

(Passed the 12th day of April, A. D. 1862.)

### SECTION.

1. Moose and Carriboo—restrictions as to number killed. Cow Moose—time for killing. Traps, &c., unlawful.  
2. None to be killed between 15th February and 1st September.

### SECTION.

3. Meat to be taken out of woods.  
4. Penalty—how recovered, applied, &c.  
5. Acts repealed.

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

1. No one person during any one year or season shall kill more than five moose or carriboo; nor shall any party of hunters or number of persons together at any one hunt kill more than five moose or carriboo; nor shall any person knowingly kill any cow moose between the first day of Janu-

Moose and Carriboo—restrictions as to number killed.

Cow Moose—time for killing.

Traps, &c., unlawful.

None to be killed between 15th February and 1st September.

Meat to be taken out of woods.

Penalty—how recovered, applied, &c.

Acts repealed.

ary and the first day of September in any year; and no person shall set traps or snares for catching moose or cariboo.

2. No person shall take or kill any moose or cariboo, between the fifteenth day of February and the first day of September in any year; nor shall any person buy or have the same in his possession between the first day of March and the first day of September in any year.

3. Any person or party of huntsmen who may kill moose or cariboo shall carry the flesh thereof out of the woods within three days after killing the animal during the months of September and October, and within fourteen days thereafter during the months of November, December, January and February.

4. Any person violating any clause of this Act shall be liable to and on conviction shall pay a sum not to exceed twenty dollars and costs for each offence, to be recovered in the name of any prosecutor in a summary manner before two Justices of the Peace, and when recovered to be paid one-half to the prosecutor and the other half to the County Treasurer for the use of the County; and in default of payment the offender shall be imprisoned in the County Jail for a period not to exceed five days.

5. So much of the Chapter hereby amended as is inconsistent with this Act is repealed.

## CHAPTER 24.

### An Act to amend Chapter 46 of the Revised Statutes, "Of County Assessments."

(Passed the 12th day of April, A. D. 1862.)

#### SECTION.

1. District Assessors and Collectors—how appointed.
2. In case of neglect or refusal to appoint.
3. Assessors and Collectors to be sworn.
4. Duties of Assessors. Roll to be sent to Clerk of Peace.
5. Mayor to furnish valuation of property in City of Halifax.
6. Rate to be apportioned by Clerk of Peace. Amount apportioned to City of Halifax—how collected.
7. Proceedings of Clerk of the Peace to complete Rolls. To be delivered to Collector.
8. Proceedings and duties of Collectors. Warrant of distress. Fees.
9. Money to be paid over and return made.
10. Return of Justices.
11. Rolls, &c., to be sent to presiding Justice. Proof of sending.

#### SECTION.

12. Remuneration to Assessors and Collectors. Extra services to be certified.
13. If assessment not collected to be added to that of next year.
14. Penalty for neglect, &c., of Assessors and Collectors—how recovered, &c.
15. Penalty for neglect, &c., of constables.
16. Penalty in case of neglect of Justice.
17. Application of penalties.
18. Special constables.
19. Penalty for obstructing, &c., Justice, Assessors, &c.
20. If valuation not made, that of preceding year to be taken.
21. Acts repealed.
22. Application of Act.
23. Assessment for 1862 not affected.

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

1. When the Grand Jury shall present any sum of money for any public purpose, and the same shall be confirmed by the Sessions, or when any sum of money shall by law be made a County charge, the Clerk of the Peace for the County of Halifax shall send to the senior or some other Justice of the Peace resident in each district of such County, or to such other Justice as the Custos shall direct, an order requiring such Justice within twenty days after receiving the same to call a public meeting of the inhabitants of the district by notice posted up in three of the most public places therein for at least five days before such meeting, at which meeting he shall preside, and the majority of the persons present at such meeting shall choose two competent persons as Assessors, and one competent person as Collector of County Rates, for such district.

District Assessors and Collectors—how appointed.

2. If the inhabitants of any district do not meet at the time and place appointed, or if in attendance they decline to appoint such Assessors and Collector within one hour after the time named for holding such meeting, the Justice appointed to preside thereat shall himself appoint the required Assessors and Collector; and should the Justice neglect or refuse to make such appointments the Custos is hereby authorized to make the same.

In case of neglect or refusal to appoint.

3. The Assessors and Collectors appointed in each district shall be notified by the Justice of their appointment, and shall attend at the residence of the Justice, or at any other place in the district, named in said notice, and shall take the oath of office.

Assessors and Collectors to be sworn.

4. The Assessors after taking such oath shall proceed without delay to make a valuation of the personal and real estate of the inhabitants of the district for which they have been appointed according to their best judgment, and shall set down in separate columns the names of all the taxable inhabitants of such district, with such valuation against each, and shall sign the said Assessment Roll, and return the same to the Justice appointed for the district within thirty days after they have been sworn into office, and the said Justice shall forthwith transmit the same by mail to the Clerk of the Peace.

Duties of Assessors.

5. The Mayor of the City of Halifax shall annually, upon the application of the Clerk of the Peace, furnish a statement of the amount of the valuation of property in the City upon which the City Assessment has been made the preceding year.

Roll to be sent to Clerk of Peace.

Mayor to furnish valuation of property in City of Halifax.

6. Upon the Clerk of the Peace receiving the Assessment Rolls with the valuation of the several districts, and the

Rate to be apportioned by Clerk of the Peace.



statement of the amount of the valuation of property in the City of Halifax mentioned in the foregoing Section, he shall add together the said valuations, and shall thereupon apportion an equal rate per cent of the whole amount required to be assessed upon the County of Halifax, and shall send to the Mayor of the City of Halifax a statement of the amount so apportioned to be borne by the City of Halifax; and the same shall be assessed upon the City, and collected at the same time and in the same manner as other City rates. The amount so collected shall be paid to the County Treasurer, and be held by him payable to the order of the Sessions.

Amount apportioned to City of Halifax—how collected.

Proceedings of Clerk of the Peace to complete Rolls.

7. The Clerk of the Peace, after ascertaining such rate per cent, and adding thereto the Assessors' fees and Collector's commission in each district shall set down opposite the name of each person in said Assessment Rolls for the several districts out of the City of Halifax, the amount to be paid by such person according to such valuation, apportionment and per centage, and when completed he shall send the said Assessment Rolls to the Justices of the said several districts appointed under this Act, who shall immediately upon receipt thereof deliver the same to the Collector of the district, who shall forthwith proceed to collect from every person therein named the amount assessed upon him.

To be delivered to the Collector

Proceedings and duties of Collectors.

8. The Collectors shall notify the several parties of the amount of their assessment, who shall pay the same to the Collectors within thirty days after such notice; and if the same shall not be so paid the Collector shall make a list of the names of defaulters with the amount, and shall make oath before any Justice of the Peace that such notice has been duly given and that the amount has not been paid, and the said Justice shall forthwith issue a general warrant of distress against such defaulters, directed to any constable of the County, commanding him to levy from the goods and chattels of each person named in the warrant the sum due by such person, together with ten per cent on the amount of such assessment, and ten cents Justice's fees for each person in the warrant, and also twenty cents for constable's fees, with five cents per mile travelling fees; and the constable shall forthwith execute such warrant, and pay over the amount collected by him to the Collector of the district.

Warrant of distress.

Fees.

Money to be paid over and return made.

9. The Collectors of the several districts shall pay over to the County Treasurer all monies received by them, and shall return the Assessment Rolls for their respective districts, with their doings thereon, to the Clerk of the Peace on or before the first day of November in each year.

Return of Justices.

10. Each of the said Justices shall make a return of his proceedings under the first three Sections of this Act to the Clerk of the Peace within five days after the time appointed for the public meeting mentioned in this Act, and shall also

without delay inform the Clerk of the Peace of the delivery of the Assessment Rolls to the Assessors and Collector respectively under this Act, and the date of such delivery.

11. Appraisement Rolls, descriptions defining the limits of the several districts, and five copies of this Act, or such extracts therefrom as the Sessions may direct, shall be transmitted by the Clerk of the Peace to the Justices appointed to preside at each district meeting, by mail, and proof that the several documents which he is required under this Act to send to the Justice have been mailed at the post office in Halifax, shall be prima facie evidence of their having been received by the Justice to whom the same were addressed.

Rolls, &c. to be sent to presiding Justice.

Proof of sending.

12. Assessors shall each be allowed one dollar a day, not to exceed three days, and the Collectors shall each be allowed five per cent on the amount collected by them; but they may receive such further sum for extra services as the Grand Jury and Sessions shall think reasonable, if the same shall be duly certified by the Justice appointed to preside at the district meeting to be just and reasonable.

Remuneration to Assessors and Collectors.

Extra services to be certified.

13. If from any cause the assessment be not made in any district and paid over to the County Treasurer, the amount of assessment to be contributed by the said district, shall be added to the next year's assessment on such district and collected therewith.

If assessment not collected, to be added to that of next year.

14. In case of neglect or refusal of any of the Assessors or Collectors appointed under this Act to attend to be sworn into office, or having attended shall neglect or refuse to take the oath of office, or after having taken such oath shall neglect to fulfil any of the duties of such office, they shall each pay a fine of not less than twenty dollars nor more than eighty dollars, to be recovered before any Justice of the Peace by the Clerk of the Peace in his own name, with costs, and upon conviction, execution shall issue in the same manner as for a private debt.

Penalty for neglect &c. of Assessors and Collectors—how recovered, &c.

15. Any constable who shall neglect or refuse to discharge any of the duties required of him under this Act, shall pay a fine not exceeding eight dollars, to be recovered in the same manner as is directed in the preceding Section relating to Assessors and Collectors.

Penalty for neglect &c. of constables.

16. In case of neglect or refusal by the Justice appointed under this Act to call the public meeting to discharge any of the duties required of him by this Act, he shall pay a fine of eighty dollars, to be recovered in a summary manner before a Judge of the Supreme Court in the name of the Queen.

Penalty in case of neglect of Justice.

17. All penalties under this Act shall, when recovered, be paid over to the County Treasurer for County purposes.

Application of Penalties.

18. The Custos shall have power, should it be deemed necessary, to appoint and swear in one or more special con-

Special constables.

stables to serve and execute any warrant or process issued under this Act.

Penalty for obstructing, &c., Justices, Assessors, &c.

19. Any person who shall threaten, obstruct, or intimidate any Justice of the Peace, Assessor, Collector, or Constable in the discharge of any of their respective duties under this Act, shall pay a fine not exceeding twenty dollars, to be recovered before any Justice of the Peace, and in default of payment shall be committed to the County Jail for a period not exceeding ninety days.

If valuation not made, that of preceding year to be taken.

20. In case from any cause the valuation in any district should not be made or returned, and the assessment of the County is thereby delayed, the Clerk of the Peace is authorised to take the valuation of the district for the preceding year, and to proceed in the same manner as if the valuation had been duly returned.

Acts repealed.

21. Sections 69 to 79 inclusive, and 81, 82, 83, 85, 87, of Chapter 46, Revised Statutes, second series, and also such parts of such Chapter and of the Acts of 1861, Chapter 9, as are inconsistent with this Act, so far as the same may relate to the County of Halifax, are hereby repealed.

Application of Act.

22. This Act shall only apply to the County of Halifax.

Assessment for 1862 not effective.

23. This Act not to interfere with or effect the Assessment upon the County of Halifax for the year 1862, but the said Assessment and all proceedings relating thereto are hereby confirmed.

#### OATH OF OFFICE.

I \_\_\_\_\_, appointed Collector (or Assessor) for County Rates for district No. \_\_\_\_\_, for the year \_\_\_\_\_ County of Halifax, do swear that I will faithfully and impartially discharge and execute the duties of said office according to law. So help me God.

#### CHAPTER 25.

An Act to continue and amend Chapter 60 of the Revised Statutes "Of Public Instruction."

(Passed the 12th day of April, A. D. 1862.)

##### SECTION.

1. Cap. 60 Rev. Stat. as amended continued.
2. Commissioner not entitled to vote.
3. Division of Hants County and money granted for schools.

##### SECTION.

4. Application of Grammar School grant in West Hants.

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

Cap. 60 Rev. Stat. as amended continued.

1. Chapter Sixty of the Revised Statutes "Of Public Instruction," as amended by Chapters 12 and 25 of the Acts of 1859, and by Chapter 30 of the Acts of 1861, and also the

Act 13th Victoria, Chapter 36, entitled "An Act relating to the Pictou Academy," are hereby respectively continued until the first day of May, in the year one thousand eight hundred and sixty-three.

2. No Commissioner of Schools shall vote or take any part as Commissioner on any matter relating to any school whereof he is a Trustee.

Commissioners not entitled to vote.

3. For school purposes the County of Hants shall hereafter be divided by the same lines which divide it for municipal purposes. The sum allotted for Grammar Schools shall be divided as follows:

Division of Hants County and money granted for schools.

To East Hants one hundred and thirty-three dollars thirty-three cents.

To West Hants two hundred and sixty-six dollars sixty-seven cents.

The sum allotted for Common Schools shall be divided as follows:

To East Hants one thousand one hundred and ten dollars.

To West Hants one thousand three hundred and sixty-six dollars.

4. The Commissioners of Schools for West Hants may apply the sum of two hundred and sixty-six dollars sixty-seven cents, appropriated to the support of Grammar Schools in that district under the Chapter hereby amended, in equal proportions in aid of any two such schools therein, notwithstanding that such schools, or one of them, may not be situated as prescribed in Schedule A to such Chapter.

Application of Grammar School grant in West Hants.

## CHAPTER 26.

An Act to amend Chapter 78 of the Revised Statutes "Of Pilotage, Harbors and Harbor Masters."

(Passed the 12th day of April, A. D. 1862.)

### SECTION.

1. West India traders under 80 tons to pay pilotage.
2. Outward bound vessels to take Pilot or pay half fees. Preference, to whom given. Exception.

### SECTION.

3. Pilotage for vessels over 600 tons.
4. Application of Act.
5. Fees of Harbor Master, Pictou.
6. Acts repealed.

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

1. Vessels under eighty tons burthen trading from the Port of Halifax to the British West Indies, shall not be exempted from pilotage, but shall hereafter pay pilotage in proportion to their tonnage as in Schedule A of the Chapter hereby amended, or shall pay half pilotage when a Pilot is refused.

West India traders under 80 tons to pay pilotage.

Outward bound vessels to take Pilot or pay half fees.

2. The masters of vessels outward and foreign bound, when ready for sea, shall be bound to take the services of the first licensed Pilot offering the same, or otherwise to pay half pilotage to such licensed Pilot; but if the licensed Pilot who piloted such Vessel into port shall be in attendance when his services are required, he shall have the preference and be entitled to pilot the vessel out, or receive the half pilotage in case his services are refused; but the provisions of this Section shall not apply in cases where such outward and foreign bound vessel is towed to sea by a steamboat.

Preference to whom given.

Exception.

Pilotage for vessels over 600 tons.

3. Vessels over six hundred tons burthen shall be liable to pay an additional rate of fifty cents for every one hundred tons above six hundred tons.

Application of Act.

4. The three preceding clauses shall apply to the port of Halifax only.

Fees of Harbor Master, Pictou.

5. The Harbor Master's fees in the port of Pictou shall be one cent per ton instead of a halfpenny as heretofore.

Acts repealed.

6. So much of the Chapter hereby amended as is inconsistent with this Act is repealed.

CHAPTER 27.

An Act to amend Chapter 120 of the Revised Statutes, "Of Patents for Useful Inventions."

(Passed the 12th day of April, A. D. 1862.)

SECTION.

1. Rights restricted to residents in the Province.

SECTION.

2. Affidavit—how sworn.

3. Portion of Acts repealed.

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

Rights restricted to residents in Province.

1. The right to apply for and obtain Patents under Chapter 120 of the Revised Statutes is hereby restricted to persons who shall have resided in this Province for the period specified in the first clause of that Chapter.

Affidavit—how sworn.

2. The affidavit required by the seventh Section of the Chapter hereby amended, may be sworn before any Commissioner for taking affidavits, to be used in the Supreme Court, or before the Custos of the county in which the applicant resides.

Portion of Acts repealed.

3. So much of the Chapter hereby amended as is inconsistent with this Act is hereby repealed.

## CHAPTER 28.

## An Act to regulate the size of Apple Barrels.

(Passed the 31st day of March, A. D. 1862.)

## SECTION.

1. Dimensions of Barrels.
2. To have six hoops, and end planed.
3. To be branded by makers.

## SECTION.

4. Penalty.
5. Application of Act.

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

1. From and after the first day of September next, the size and dimensions of barrels used for putting up or packing apples for sale, shall be as follows; to wit, the length of the stave or barrel shall be twenty-nine inches, and the heads between the chimes seventeen inches, with a diameter in the centre inside the barrel of nineteen inches, thus corresponding as nearly as possible in shape and size to the Canadian or American flat-hooped flour barrel.

Dimensions of  
Barrels.

2. All barrels used for the shipment of apples shall have six hoops; that is to say, two on each end and two on intermediate spaces, and shall also have the top head planed that the barrel may be properly branded or marked.

To have six  
hoops, and end  
planed.

3. The makers of all apple barrels shall brand the initial of their christian name and their whole surname on the outside of each barrel, near the top of the stave, under a penalty of twenty-five cents.

To be branded  
by makers.

4. Any person putting up apples for sale in barrels of smaller dimensions than those hereinbefore described, shall forfeit to the purchaser, as damages, an amount in proportion to any diminution of size or loss sustained thereby, to be recovered as an ordinary debt.

Penalty.

5. The provisions of this Act shall apply to all barrels used in shipping potatoes as well as apples, but shall not preclude the use of flour barrels in the shipment of any article of produce.

Application of  
Act.

## CHAPTER 29.

## An Act to authorize the construction of a Line of Electric Telegraph for Military Purposes from Halifax to the Boundary Line of New Brunswick.

(Passed the 12th day of April, A. D. 1862.)

## SECTION.

- Preamble.
1. Building of Line of Telegraph authorized.
  2. Where to be placed.
  3. Privileges of N. S. E. Telegraph given to Her Majesty.

## SECTION.

4. All fines, penalties, &c., for protection of Telegraphs, &c., to apply to this line.
5. To be used for Imperial and Military purposes only.
6. Queen's assent required.

## Preamble.

Whereas the Imperial Government consider that the interests of the Empire require that a line of Electric Telegraph for Military purposes should be established to connect Nova Scotia with Canada, therefore,

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

Building of line of Telegraph authorized.

1. It shall be lawful for Her Majesty the Queen, or any officer duly authorized by Her, to cause to be built and established a line of Electric Telegraph, to commence in the city of Halifax and extend thence through and along the Province of Nova Scotia till it shall reach the boundary line dividing the said Province from the Province of New Brunswick.

Where to be placed.

2. Such line may be built along the side of any public highway, street or railway, either above ground or under, provided it does not interfere with the right of travelling thereon, or the posts and wires of the Nova Scotia Electric Telegraph Company.

Privileges of N. S. E. Telegraph given to Her Majesty, &c.

3. All powers, advantages, and facilities provided or given by the Act to incorporate the Nova Scotia Electric Telegraph Company, and all Acts in amendment thereof, and all privileges enjoyed by that Company for building and maintaining lines of Electric Telegraph in the Province of Nova Scotia, so far as the same are or may be applicable or required for building and maintaining a line from Halifax to the boundary of New Brunswick, are hereby given and granted to Her Majesty, or any officer duly authorized by Her in that behalf, and all persons acting under him for building and maintaining said line, subject, nevertheless, to all conditions and restrictions imposed upon such Company.

All fines, penalties, &c., for protection of Telegraphs, &c., to apply to this line.

4. All remedies, fines, pains, penalties, and forfeitures provided by the Act for incorporating the Nova Scotia Electric Telegraph Company, and the Acts in amendment thereof, passed or to be passed during the present session of the Legislature, and all Acts passed for the protection of Electric Telegraphs, for injuring, interrupting, destroying, obstructing or intermeddling with the Telegraph line during or after erection, shall apply and may be enforced in the name of Her Majesty by information or indictment against any person or persons injuring, destroying, obstructing or intermeddling with the line hereby authorized to be constructed.

To be used for Imperial and Military purposes.

5. The line hereby authorized to be constructed, shall be used for Public, Military and Imperial purposes, and for no other services whatsoever.

Queen's assent required.

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

## CHAPTER 30.

An Act for vesting all Estates and Property occupied by or for the Naval Service of the United Kingdom of Great Britain and Ireland in the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral of the said United Kingdom, for the time being.

(Passed the 12th day of April, A. D. 1862.)

## SECTION.

## Preamble.

1. Property held for use of Naval Service to be vested in Lord High Admiral or Commissioners of Admiralty for time being.
2. Also lands subsequently purchased.
3. In case of death, removal, ac., vested in successors.

## SECTION.

4. Titles of Commissioners to be used in deeds, ac.
5. Powers of Commissioners, ac., to sell, lease, ac.
6. Commissioners, ac., may prosecute and defend action. Action not to abate on death. May recover and be liable to pay costs.

Whereas divers messuages, lands, tenements, and hereditaments have been at various times purchased for the use of the Naval Service of the United Kingdom of Great Britain and Ireland, and conveyed to several different persons in trust for Her Majesty and Her Royal Predecessors and Her and their Heirs and Successors, and the same have been placed under the charge of the Commissioners for executing the Office of Lord High Admiral of the said United Kingdom for the time being, and it is expedient that the same and all other messuages, lands, tenements, and hereditaments that may be hereafter purchased, or in any manner used and occupied by or for the said service, should be vested in the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the time being.

Preamble.

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

1. From and after the passing of this Act all messuages, lands, tenements, and hereditaments, erections, buildings, and property whatever which have been conveyed to or are vested in any person or persons, or are held or in any manner occupied by or in the name of any person or persons in trust for Her Majesty or Her Royal Predecessors and Her or their Heirs or Successors for the use of the Naval Service of the said United Kingdom, or of any of the Departments of or belonging to the said Naval Service by whatever mode of conveyance or by whatever title or for whatever estate or interest therein, the same shall have been conveyed or be vested, held or occupied, together with the rights, members, easements, and appurtenances to the same respectively be-

Property held for the Naval Service to be vested in Lord High Admiral or Commissioners for time being.



longing, shall be and become and remain and continue vested in the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the time being, according to the respective nature and quality of the said messuages, lands, tenements, and hereditaments, and the several estates and interests of and in the same respectively in trust for Her Majesty, Her Heirs and Successors, for the Public Service.

Also lands subsequently purchased.

2. From and after the purchase and conveyance, grant or demise thereof, all other messuages, lands, tenements, and hereditaments which shall at any time or times hereafter be purchased, taken, held, or occupied by the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral aforesaid for the time being, or by any person or persons by his or their order for the Naval Service of the said United Kingdom, or of any of the Departments of or belonging to the said Naval Service, and all erections and buildings which shall then or may be thereafter erected or built thereon, with the rights, members, easements, and appurtenances to the same respectively belonging, shall in like manner be and become and remain and continue vested in the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the time being and his or their Successors in the said Office according to the respective nature and quality of the said messuages, lands, tenements, and hereditaments, and the several estates and interests of and in the same respectively in trust as aforesaid.

In case of death, removal, &c., to be vested in successors.

3. Upon the death, resignation, or removal of the present Commissioners for executing the Office of Lord High Admiral of the said United Kingdom, or of any of them, or of any future such Commissioners, or of any Lord High Admiral of the said United Kingdom, all such messuages, lands, tenements, and hereditaments respectively shall become vested in and be held by the succeeding Commissioners for executing the Office of Lord High Admiral aforesaid, or the Lord High Admiral aforesaid, as the case may be, and so in perpetual succession, according to the respective nature and quality of the said messuages, lands, tenements, and hereditaments, and the several estates and interests of and in the same respectively in trust as aforesaid.

Titles of Commissioners to be used in deeds, &c.

4. In all Deeds, Conveyances, Leases, Contracts, and other Instruments touching any estate, property, matter, or thing relating to the Naval Service of the said United Kingdom, or to any Department under the control of the Commissioners for executing the Office of Lord High Admiral aforesaid, or whereto they or any of them shall be parties, it shall be sufficient to describe them generally by the style and title of "The Commissioners for executing the Office of Lord

High Admiral of the United Kingdom of Great Britain and Ireland," without expressing their names, and all such Deeds, Conveyances, Leases, Contracts, and other Instruments, wherein the said Commissioners shall be so described, and the execution or signature thereof by any two of them, shall be as valid and effectual to all intents and purposes as if they or any of them had been expressly named therein and had executed or signed the same.

5. It shall and may be lawful for the Commissioners for executing the Office of Lord High Admiral aforesaid for the time being, or any two or more of them, or the Lord High Admiral aforesaid, to sell, exchange, or in any manner dispose of, or let, or demise any of the messuages, lands, tenements, and hereditaments respectively which shall be vested in them under or by virtue of this Act, with their respective appurtenances, either by public auction or private contract, and in due form of Law to convey, surrender, assign, or make over or to grant or demise the same respectively, as the case may require, to any person or persons who shall be willing to purchase or take the same respectively, and also to do any other act, matter, or thing in relation to any such messuages, lands, tenements and hereditaments which they or he shall deem beneficial for the Public Service in relation thereto or for the better management thereof, which might be done by any person or persons having a like interest in any such messuages, lands, tenements, or hereditaments.

Powers of Commissioners, &c., to sell lease, &c.

6. It shall be lawful for the said Commissioners for executing the Office of Lord High Admiral aforesaid for the time being, or the Lord High Admiral aforesaid for the time being, and they are hereby authorized and empowered to bring, prosecute, and maintain any action, suit, or other proceeding at law or in equity, for recovering possession of any messuages, lands, tenements, or hereditaments, by this Act vested in them or him as aforesaid, and to distrain or sue for any arrears of rent which shall have or shall become due for or in respect thereof, under any demise from the said Commissioners or Lord High Admiral, or any person or persons on their or his behalf, or on behalf of Her Majesty, and also to bring, prosecute, or maintain or to defend any other action or suit in respect of, or in relation to, the said messuages, lands, tenements, or hereditaments, or any trespass or encroachment committed thereon, or damage or injury done thereto; and that in every such action or suit the said Commissioners shall be called "The Commissioners for executing the Office of Lord High Admiral of Great Britain and Ireland," without naming them; and no such action or suit shall abate, by the death, resignation, or removal of such Commissioners; or any of them, or of such Lord High Admiral, any law, custom, or usage to the contrary notwithstanding: And the said

Commissioners, &c., may prosecute and defend actions.

Action not to abate on death.

May recover  
and be liable to  
pay costs.

Commissioners, or Lord High Admiral shall be entitled to recover costs for and on behalf of Her Majesty, where judgment shall be given for the Crown, and shall be liable to pay costs where judgment shall be given against the Crown, in any such action, suit, or other proceeding in like manner, and subject to the same rules and provisions as though such action, suit, or other proceeding had been had between subject and subject.

## CHAPTER 31.

### An Act in respect of Executive and Legislative Disabilities.

(Passed the 12th day of April, A. D. 1862.)

#### SECTION.

1. Persons incapable of sitting or voting in Legislative Council or House of Assembly.
2. May resign previous to appointment or nomination.
3. Members accepting office vacate their seats.

#### SECTION.

4. Appointment, election, &c., void. Penalty.
5. Seat of departmental officers not vacated by resignation of office if another is accepted within a month.
6. Rev. Stat., Chap. 2, repealed.

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

1. After the passing of this Act no person shall be capable of being appointed to, or of sitting or voting in the Legislative Council of this Province, or of being elected to or sitting or voting in the House of Assembly, who shall at the time of such appointment to the Legislative Council, or at the time of his being nominated a candidate at such Election, hold under the Government of this Province any one of the following offices, that is to say:

Judge of the Supreme Court:

Judge of the Court of Vice Admiralty.

Judge of Probate or Registrar of Probate.

Post Master General, Post Master or Deputy Post Master, not to include Way Office Keeper.

Chairman of Board of Works.

Commissioner of Crown Lands.

Deputy Surveyor of Crown Lands.

Queen's Printer.

Registrar of Deeds.

Prothonotary.

Gold Commissioner or Deputy Gold Commissioner.

Officer or Clerk of the Customs, or of Colonial or Light Duties, or person concerned in the receiving or managing of any monies to be collected under any of such Departments.

Medical Superintendent of the Provincial Hospital for the Insane.

Persons incapable of sitting or voting in Legislative Council or House of Assembly.

Supervisor of Great Roads.

Railroad Contractor.

2. No person shall be considered as holding any such office who shall previously to the day of appointment or of nomination have resigned the same and intimated such resignation to the Provincial Secretary.

May resign previous to appointment or nomination.

3. Any member of the Legislative Council or of the House of Assembly accepting any one of such offices after his appointment or nomination shall vacate his seat thereby.

Members accepting office vacate their seats.

4. The appointment, nomination, election, or return of persons disabled as herein mentioned, shall be void, and every person so disabled who shall sit or vote as a member of the Legislative Council or of the House of Assembly, shall forfeit four hundred dollars for every day he shall so sit or vote, to be recovered in the Supreme Court.

Appointment, election, &c., void.

Penalty.

5. When any person holding the office of Receiver General, Provincial Secretary, Financial Secretary, Attorney General, Solicitor General, and being at the same time a member of the House of Assembly, shall resign his office and within one month after his resignation accept of any other of such offices, he shall not thereby vacate his seat in such Assembly.

Seat of departmental officers not vacated by resignation of office if another is accepted within a month.

6. Chapter two of the Revised Statutes "Of Executive and Legislative Disabilities" is hereby repealed.

Rev. Stat., Chap. 2, repealed.

## CHAPTER 32.

An Act to continue the Act to authorize a Provincial Loan.

(Passed the 12th day of April, A. D. 1862.)

SECTION. 1. Chap. 3 Acts 1858, continued.

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

1. Chapter three of the Acts of 1858, entitled an Act to authorize a Provincial Loan, is continued for one year, and from thence to the end of the then next Session of the General Assembly.

Chap. 3 Acts 1858, continued.

## CHAPTER 33.

An Act to authorize a Loan for the Public Service, and to provide for the repayment thereof.

(Passed the 12th day of April, A. D. 1862.)

SECTION.

1. Additional duty of two and a-half per cent to be collected until clause repealed by proclamation.
2. Application of additional duty.
3. Governor may borrow \$36,689 11. Repayment.
4. Application of amount borrowed.

SECTION.

5. Debentures, nature of—how payable.
6. When amount collected under additional duty is sufficient to pay off loan, duty to be no longer collected.
7. Accounts to be submitted to Committee of Legislature.

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

Additional duty of two and a half per cent to be collected until clause repealed by proclamation.

1. The additional duty of two and a half per cent imposed by an Act passed during the present Session on certain goods at the time of the passing of that Act paying ten per cent ad valorem, shall continue to be imposed and collected till the clause imposing such duty shall be repealed by proclamation, as hereinafter prescribed.

Application of additional duty.

2. The moneys arising from such impost shall under regulations to be made by the Governor in Council be set apart and appropriated as a distinct and separate fund applicable to the payment of the debt hereby authorized to be contracted, and of the interest thereon, and to no other purpose whatever.

Governor may borrow \$30,000.  
11.

3. The Governor may borrow for the use of the Province a sum not exceeding one hundred and thirty-six thousand six hundred and eighty-nine dollars and eleven cents from one or more Bank or Banks in the City of Halifax, or elsewhere, under such conditions and terms as to repayment as by the Governor in Council may be established and prescribed, with the consent of the Directors, so as such conditions and terms shall provide for the repayment of the same, with interest, in sums not less than one-third in each year after the borrowing of the same, or otherwise may borrow at the lowest rate of interest at which such loan can be effected from any other persons, companies or corporations, the amount above specified.

Repayment.

Application of amount borrowed.

4. The money so borrowed shall be paid into the office of the Receiver General, and shall be applied in aid of the General Revenues of the Province in discharge of current liabilities.

Debentures, nature of—how payable.

5. The Governor may, if necessary, issue Debentures in such forms and under such regulations and restrictions as the Governor in Council may prescribe, and deliver the same to the lenders of such money. Such Debentures shall be of three classes, and shall bear interest payable half yearly. The first class shall be made payable in one year, the second in two years, and the third in three years.

When amount collected under additional duty is sufficient to pay off loan duty to be no longer collected.

6. So soon as the amount collected under such duty of two and a half per cent shall be sufficient to pay off the sum so authorized to be borrowed, together with the interest thereon, the Governor in Council shall by minute in Council make a declaration to that effect, and thereupon the Governor shall issue a proclamation accordingly, and from the date of publication of such proclamation the said duty shall no longer be collected or payable.

Accounts to be submitted to Committee of Legislature.

7. An account of all sums loaned or repaid under this Act with the date of the loans and repayments respectively,

and also of the proceeds of such duty of two and a half per cent shall, together with the vouchers relating to the same, be annually laid before the joint committee of the Legislature appointed to examine the Public Accounts.

## CHAPTER 34.

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

(Passed the 12th day of April, A. D. 1862.)

### SECTION.

1. Militia, \$12,000.
  - Legislature, \$29,830.
  - Public Works, \$91,920.
  - Revenue, \$40,420.
  - Indians, \$1,507.
  - Steamboats and Ferries, \$10,262.
  - Printing, \$6,377.
  - Education, \$8,135.
  - Agriculture, \$2,360.
  - Navigation Securities, \$4,248.

### SECTION.

- Railway, \$100,000.
  - Crown Land, \$12,700.
  - Transient poor, \$939.
  - Halifax Poor Asylum, \$8,000.
  - Post Office, \$70,000.
  - Roads and Bridges, \$110,000.
  - Railway construction, \$5,000.
  - Miscellaneous, \$27,563.
2. How paid.

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

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

A sum not exceeding seven thousand four hundred and forty dollars to defray certain charges on the Civil List. Civil List, \$7,440

A sum not exceeding twelve thousand dollars to provide for the expenses of the Militia. Militia, \$12,000.

A sum not exceeding twenty-nine thousand eight hundred and thirty dollars to provide for the officers and contingent expenses of the Legislature. Legislature, \$29,830.

A sum not exceeding ninety-one thousand nine hundred and twenty dollars to provide for the expenses of certain public works. Public Works, \$91,920.

A sum not exceeding forty thousand four hundred and twenty dollars to defray certain charges for the collection and protection of the Revenue. Revenue, \$40,420

A sum not exceeding one thousand five hundred and seven dollars to provide for the relief of Indians. Indians, \$1507.

A sum not exceeding ten thousand two hundred and sixty-two dollars to provide for certain steamboats, packets, and ferries. Steamboats, and Ferries, \$10,262.

A sum not exceeding six thousand three hundred and seventy-seven dollars to provide for the expense of public printing. Printing, \$6377.

A sum not exceeding eight thousand one hundred and thirty-five dollars to provide for certain educational purposes. Education, \$8135.

Agriculture  
\$2360.

A sum not exceeding two thousand three hundred and sixty dollars for the encouragement of Agriculture.

Navigation securities, \$2248.

A sum not exceeding four thousand two hundred and forty-eight dollars to provide for certain Navigation Securities.

Railway,  
\$100,000.

A sum not exceeding one hundred thousand dollars to provide for certain Railway expenses.

Crown Land,  
\$12,700.

A sum not exceeding twelve thousand seven hundred dollars to defray certain expenses of the Crown Land Department.

Transient poor,  
\$939.

A sum not exceeding nine hundred and thirty-nine dollars to provide for the relief of Transient Poor.

Halifax Poor  
Asylum, \$8000.

A sum not exceeding eight thousand dollars towards providing for the expenses of the Halifax Poor Asylum.

Post Office,  
\$70,000.

A sum not exceeding seventy thousand dollars to defray certain expenses of the Post Office Department.

Roads and  
Bridges,  
\$110,000.

A sum not exceeding one hundred and ten thousand dollars to provide for the great and bye Roads and Bridges.

Railway construction, \$5,000.

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

Miscellaneous,  
\$27,563.

A sum not exceeding twenty-seven thousand five hundred and sixty-three dollars to defray certain miscellaneous charges.

How paid.

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

LOCAL ACTS.





## CHAPTER 35.

## An Act for the Prevention of False Alarms of Fire within the City of Halifax.

(Passed the 31st day of March, A. D. 1862.)

## SECTION.

1. Fines for false alarms.

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

1. From and after the passing of this Act, if any person wilfully, and without reasonable excuse, shall by outcry or the ringing of bells, or otherwise, make or circulate, or cause to be made or circulated, within the City of Halifax any false alarm of fire, he shall be punished on conviction before the Police Court by fine of not less than two nor exceeding forty dollars; and in default of payment may be sentenced to imprisonment in the City Prison for a period of not less than thirty nor more than ninety days.

Fines for false alarms.

2. The City Council may make such regulations as they may think proper for carrying into effect the provisions of this Act.

City Council may make regulations.

## CHAPTER 36.

## An Act to divide an Electoral District in the County of Halifax.

(Passed the 31st day of March, A. D. 1862.)

## SECTION.

1. No. 24 divided.  
2. Boundary of No. 24. Polling place.

## SECTION.

3. Boundary No. 34. Polling place.

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

1. The present Electoral District Number 24, in the County of Halifax, shall be divided and two Electoral Districts formed therefrom, to be designated Number 24 and Number 34.

No. 24 divided.

2. Electoral District Number 24 shall be comprised within the following limits, that is to say: Bounded by Ecum Secum River to the head of the tide; thence to run north 20 degrees east fifteen miles to the line of Electoral District Number 23; thence south 70 degrees west six miles and twenty-seven chains; thence south or in a southerly direction to the sea

Boundary of No. 24.

Polling place.

shore at Alexander Fraser's western bound; thence easterly by the sea shore, including the Islands, to the line of District Number 34, and the polling place shall be at or near William Smith's, at Smith's Cove.

Boundary No. 34

3. Electoral District Number 34 shall be comprised within the following limits, that is to say: Bounded by the western side line of District Number 24; thence to run south 70 degrees west six miles and twenty-seven chains to the eastern side line of District Number 25; thence south 20 degrees east to the north-eastern angle of the Honorable Jonathan Belcher's Grant; thence south by the eastern side line of said Grant to the sea shore; thence easterly by the sea shore to the division line of District Number 24, including the Islands; and the polling place shall be at or near Henry Balcom's, Salmon River.

Polling place.

## CHAPTER 37.

An Act to amend the Act to restrain the erection of Wooden Buildings within certain portions of the City of Halifax.

(Passed the 12th day of April, A. D. 1862.)

SECTION.	SECTION.
1. Thickness of walls other than party walls.	10. To have flat or crowned roof, &c.
2. Thickness of party walls.	11. Buildings—how removed and expenses paid.
3. Foundation walls—depth & thickness.	12. Penalty—how recovered, &c.
4. Chimnies.	23. Proceedings to be in name of City.
5. Outhouses.	14. Bye-laws—how made.
6. Roofs—how covered, &c. Parapet.	15. City Architect—his duties.
7. Wooden Buildings not to be enlarged. Exceptions.	16. Has power and authority. Penalty for obstructing him—how recovered &c.
8. Wooden Buildings over 30 feet to have brick walls.	17. Architect to report violation of Act, &c.
9. If in separate tenements to have brick party walls. Chimneys.	18. Sections of amended Act repealed.
	19. Application of Act.

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

Thickness of walls other than party walls.

1. Within the limits defined by the second Section of the Act hereby amended, all buildings to be hereafter erected shall be constructed of brick or stone, and the front, rear side, end, or other exterior walls (not being party walls), shall not be less than one and a half bricks (of nine inches each brick), or thirteen and one-half inches thickness.

Thickness of party walls.

2. Within such limits where owners of adjoining properties who intend to erect buildings at the same time shall agree to erect such intended buildings together and in conjunction, they may make the party walls of their buildings of the thickness of two bricks, or eighteen inches in the whole; that is to say, one brick, or nine inches on the property of each

proprietor; but should the owners of adjoining properties not agree to erect buildings at the same time, together and in conjunction, then each person who builds shall make all the walls of his building of the thickness of one brick and one half brick, or thirteen inches and one half inch in the whole, on his own property, agreeably to the first Section of this Act.

3. Within such limits all foundation walls of buildings shall not be less in depth from the surface of the street or side walk than four feet; and all foundation walls within such limits to the surface of the street shall not be less than eighteen inches in thickness.

Foundation walls—depth and thickness.

4. Chimnies within the City of Halifax must be built upon a solid foundation from the lower foundation of any house, and in party walls chimnies may be built back to back; but they must not be less in thickness from the centre of such walls than four and one-half inches; and in party walls chimnies that do not stand back to back must be built of one brick thickness; and all other chimnies within the City must be built of one brick, or nine inches thickness at the least.

Chimnies.

5. Within such limits all outhouses, or houses in the rear of buildings, less than thirty feet, shall be constructed of brick or stone, and have walls not less than twelve inches thickness; and when less than fifteen feet high the walls shall not be less than one brick, or nine inches thickness.

Outhouses.

6. The roofs of all buildings erected within such limits shall be entirely covered with iron, tin, zinc, tiles or other similarly uninflamable material, and not with any but uninflamable materials, and the tops of the roof shall be flat or crowned to the width of six feet at least; and all buildings within such limits shall be provided with a parapet of twelve inches thickness, to be raised two feet above the roof.

Roofs—how covered, &c.

Parapet.

7. No existing wooden buildings within the limits shall be enlarged, raised or added to without the permission of the City Council—provided, however, that this Section shall not apply to wooden buildings now erected for religious worship, and entirely separate from other buildings.

Wooden Buildings not to be enlarged.

Exceptions.

8. Every wooden building erected within the limits prescribed by the eighth Section of the Act of which this is an amendment, or being over thirty feet in extreme height from the level of the street to the top of the roof, shall have at least one brick or stone end wall of at least twelve inches in thickness extending the whole depth thereof, and rising at least two feet above the roof to form a parapet.

Wooden Buildings over 30 feet to have brick walls.

9. Every wooden building divided into separate and distinct tenements, erected within the city of Halifax and within the last mentioned limits, in addition to the end walls referred to in the last Section, shall have a division or party wall of

If in separate tenements to have brick party walls.

Chimneys.

To have flat  
or crowned  
roof, &c.

Buildings—how  
removed and  
expenses paid.

Penalty—how  
recovered &c.

Proceedings to  
be in name of  
City.

Bye-laws—how  
made.

brick or stone between each tenement of the thickness of nine inches at least, extending the whole depth of the building and rising at least two feet above the roof to form a parapet. The back of chimnies in the end of all wooden buildings of less height than thirty feet shall be one brick thick.

10. Every building erected within the boundaries specified by the eighth Section of the Act, of which this is an amendment, over thirty feet in extreme height, shall have either a flat roof or a crowned roof of at least six feet, and the flat roof or crown roof shall be covered with unflammable materials.

11. The City Council may direct buildings deemed nuisances under this Act, upon investigation of the facts and conviction of the owners or builders before a Judge of the Supreme Court, to be pulled down, and may authorize and cause the materials to be sold to defray the expenses, and if the said materials on sale should prove insufficient to meet the expenses, any deficiency of expenses must be paid by the owners of such buildings, and any balance remaining after defraying such expenses shall be paid to the owners, and such deficiency of expenses may be recovered against the owners in a civil action in the name of the City of Halifax, either in the Mayor's Court or Supreme Court, according to the amount of the deficiency.

12. Any person violating or infringing this Act, or any provisions or clause herein, or any ordinance of the city made under the same, shall, on conviction before a Judge of the Supreme Court, forfeit and pay a sum not exceeding two hundred dollars for every such offence, and a further sum of five dollars per week for every week the offence or violation of this Act shall be continued, and the possessor or occupant, whether owner of the ground in fee simple or for life or term of years, by whose direction or with whose consent and acquiescence such unlawful building has been erected, or offence of violation of the Act committed in consequence, shall be liable to pay such sums with costs, and also any contractor, builder, or workman who shall persist in erecting an unlawful building or addition, after notice from the Mayor or an Alderman or City Architect to the contrary, or who shall continue to violate this Act, shall be liable to pay a penalty not to exceed four dollars a day for every day he shall so act and persist after such notice.

13. All proceedings under this Act, or in relation to buildings erected or to be erected within the City of Halifax, shall be conducted in the name of the City of Halifax.

14. The City Council may make such Bye-laws as they may from time to time judge essential to carry out the objects and purposes of this Act, and for the safety of buildings within the City of Halifax.

15. The duties of the City Architect or Inspector of Buildings shall be to attend to observe constantly and report in writing upon the erection or progress of every house, store, or other building, whatsoever, in the City of Halifax, and within the respective limits hereinbefore specified in this Act, and all repairs, alterations, and changes made of any buildings within said limits, with the object and for the purpose of strictly enforcing the provisions and restrictions of this Act, and the reports of such Architect or Inspector of Buildings shall be made in such form and with such details and particulars, and at such times as the Mayor or the City Council may direct and require; and it shall be the further duty of the Architect or Inspector of Buildings, by direction and vote of the City Council, to abate or cause to be abated all nuisances arising from violations of this Act, and to enforce the prosecutions and collections of all fines, penalties, and monies to be sued for, enforced, and collected against any person for non-compliance with the provisions of this Act.

City Architect—  
his duties.

16. The City Architect or Inspector of Buildings shall have authority, at all proper seasons, to enter into and upon any buildings, grounds, and premises within the respective limits of this Act, and to stay thereon a reasonable time, with free access to all parts thereof as far as requisite for the full and effectual performance of his duties, and any person refusing him such access and entry, or in any way obstructing him therein, shall be liable to a fine of not less than four dollars nor more than eight dollars, recoverable with costs of suit at the suit of the City of Halifax, in the Police Court or in the Mayor's Court, such fine to belong to the City; and in case of non-payment the court in which such trial is had may impose sentence of imprisonment on the offender in the Jail or the City Prison, not to exceed fourteen days.

Has power and  
authority.

Penalty for ob-  
structing him—  
how recovered,  
&c.

17. It shall be the express duty of the City Architect or Inspector of Buildings to examine all foundations of houses, as the work proceeds, and whenever any violation of this law in respect of any buildings, additions, or erection occurs, to report the same and to bring the matter before the City Council at its first meeting for their decision, and when directed, by resolution of the Council, to cause steps to be immediately taken to enforce the law thereupon by suit for penalties incurred, or by ordering and causing any illegal building adjudged to be a nuisance to be taken down.

Architect to re-  
port violation of  
Act, &c.

18. That Sections 3, 7, 11, 12, 13, 18, 19, 22, 23, and 25 of the 45th Chapter of the Acts of 1861, entitled an "Act to restrain the erection of Wooden Buildings within certain portions of the City of Halifax," are hereby repealed.

Sections of  
amended Act  
repealed.

19. This Act shall not be applicable to any building, the contracts for the construction of which shall be in good faith entered into before the passing of this Act.

Application of  
Act.

## CHAPTER 38.

## An Act to sell and convey a portion of the Halifax Common.

(Passed the 12th day of April, A. D. 1862.)

## SECTION.

1. Portion of Common to be sold.
2. City to give deeds.

## SECTION.

3. Application of proceeds.

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

Portions of  
Common to be  
sold.

1. The City of Halifax is hereby authorized and empowered to sell at public auction or private sale, and to convey in fee simple all that portion of the Halifax Common situate on the east side of Park Street, commencing on the southern line of Brenton Street at the north-west corner of Mitchell's Field; thence westwardly four feet on a line with Brenton Street; thence southerly by Park Street four hundred and twelve feet to the northern line of Morris Street; thence easterly by the northern line of Morris Street fourteen feet; thence northwardly by the western line of Mitchell's Field to the place of beginning, containing three thousand seven hundred and eight square feet; also, commencing at the north-west corner of Philip Letson's garden fence; thence westerly fifteen feet by the southern line of Morris Street; thence southwardly by Park Street five hundred and ninety-nine feet to the northern line of South Street; thence easterly by the line of South Street nineteen feet to the south-west corner of the Catholic Cemetery; thence northwardly by the western line of the Cemetery and Philip Letson's western line to the place of beginning, containing ten thousand two hundred and forty superficial square feet.

City to give  
deeds.

2. After the sale of the said lots of land the city of Halifax shall execute and give to the purchasers good and sufficient deeds in fee simple, conveying and assuring the title thereto.

Application of  
proceeds.

3. After deducting the charges attending the sale, the proceeds arising therefrom shall be paid in to the City Treasurer in aid of the funds of the Common of the city of Halifax.

## CHAPTER 39.

## An Act in amendment of the Act relative to the Water Supply of the City of Halifax.

(Passed the 12th day of April, A. D. 1862.)

## SECTION.

1. Duration of office of Commissioners—removal therefrom. Duties of Commissioners.
2. Chairman to be appointed by City Council. His duties.
3. Commissioners may make Bye-laws and impose penalties. Proviso.
4. May improve and extend works.
5. Service pipes—by whom laid, &c.
6. Assessment to be filed. To be same on real estate as that of City Assessor.

## SECTION.

7. Rates for wharf owners. Shipping.
8. Churches, &c., exempt.
9. If new sidewalks contemplated, service pipes to be laid down.
10. Landlords may recover rates from tenants.
11. Inconsistent clauses repealed.

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

1. The present Commissioners of Water Supply for the City of Halifax, and any Commissioner to be hereafter elected by the City Council in case of a vacancy, shall continue in office during good behaviour, and shall be removable only by a vote of at least two-thirds of the whole Council. It shall be the duty of such Commissioners, but subject to the control of the City Council, to carry out the provisions of the Act hereby amended, and to do all things necessary to provide for the City of Halifax a sufficient supply of water for the use of the inhabitants, the purposes of the Fire Department, and other services of the City.

Duration of office of Commissioners—removal therefrom.

Duties of Commissioners.

2. The nomination of Chairman of the Board, as well as the appointment of the Commissioners, is hereby vested in the City Council. It shall be the duty of the Chairman to preside at all meetings of the Board, and to exercise a general supervision of all proceedings under this chapter, or of any Ordinance of the City or By-laws of the Commissioners in pursuance thereof.

Chairman to be appointed by City Council.

His duties.

3. The Commissioners shall have full power, from time to time, to make such by-laws, rules, and regulations, (subject to the sanction of the City Council), as to them shall seem requisite and necessary for regulating the supply of water, and the payment and collection of the water rates, and for preventing any person supplied with water from wasting, vending, or improperly disposing of the same, and regarding every other matter or thing which it may be necessary or expedient for them to regulate or direct in carrying out the purposes

Commissioners may make Bye-laws and impose penalties.



of this Act, and in order to secure to the inhabitants of the City a continued and abundant supply of pure and wholesome water, and to prevent frauds being practised upon the Commissioners; and the Commissioners may enforce observance of such by-laws, rules, or regulations, by shutting off the water, or by proceeding for the recovery of any penalty attached to the violation of such by-laws, rules, or regulations: Provided that all such penalties shall be established by Ordinance of the City Council, and shall not exceed forty dollars or one month's imprisonment.

Proviso.

May improve  
and extend  
works.

4. The Commissioners, with the sanction of the City Council, may from time to time, at such times as they may deem expedient, improve, extend and enlarge the Water Works of the City, or make and construct new works and lay new pipes, and do all things necessary to afford a sufficient supply of water.

Service pipes—  
by whom laid,  
&c.

5. The service pipes for water supply to houses, buildings or establishments, shall be carried by the Commissioners at the public expense from the mains to the side line of the streets, when it shall seem expedient to the Commissioners to lay such pipes, or when required so to do by notice in writing from the owner of any house or building opposite to which a main is laid; and such service pipes at the same time shall be carried through the wall of the house to which water is to be supplied, upon permission being first obtained from the proprietor or tenant of such house, and all beyond that distance at the expense of the owners or tenants for life, or for renewable terms, or for a term exceeding five years of the premises so supplied.

Assessment to  
be filed.

6. The Commissioners of Water Supply shall on the first day of August in every year file in the Office of the City Clerk of Halifax a Copy of the Assessment made by them, in pursuance of the ninth Section of Chapter 43 of the Acts of 1861; and the Assessment for Water Rates on real estate in the City shall be of the same value and amount as the Assessment returned each year by the City Assessor to the City Council for the general taxes of the City.

To be same on  
real estate as  
that of City  
Assessor.

Rates for wharf  
owners.

7. The owners or leaseholders for life, renewable terms, or a term exceeding five years, of wharves within the district supplied with water by the Commissioners, shall be rated upon a separate scale to be fixed at the same time by the Commissioners, and subject to the same approval of the City Council as in the ninth Section of such Chapter provided. And the Commissioners may make such special agreements as to them shall seem best for supplying with water the shipping in the harbor of Halifax.

Shipping.

Churches, &c.,  
exempt.

8. All churches, and buildings used for public worship, shall be exempt from taxation for water rate.

9. Whenever the Committee of Streets for the City of Halifax shall give notice in writing to the Commissioners of Water Supply of the intention to lay down new sidewalks in any district of the City, it shall be the duty of the Commissioners to proceed to lay down all such service pipes as shall be necessary for the supply of water to the several properties embraced within the limits of the district defined by the Committee of Streets.

If new sidewalks contemplated, service pipes to be laid down.

10. Landlords who have let or leased their property, although for less than five years, may recover from tenants the amount payable by them for Water Rates, in addition to the rent reserved.

Landlords may recover rates from tenants.

11. All clauses, or portions of clauses, of the Act hereby amended, inconsistent with this Act, are hereby repealed.

Inconsistent clauses repealed.

### CHAPTER 40.

An Act to amend the Act respecting Assessments in the City of Halifax.

(Passed the 12th day of April, A. D. 1862.)

SECTION 1.—Assessment to be made before 31st July.

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

1. After the passing of this Act the yearly Assessment shall be prepared, made up, and delivered into the City Council not later than the thirty-first day of July in each year.

Assessment to be made before 31st July.

### CHAPTER 41.

An Act respecting the Medical Officer of the City of Halifax.

(Passed the 12th day of April, A. D. 1862.)

SECTION.

1. Medical officer—how elected, salary, &c.
2. Not to interfere with Health Officer.
3. To be under the control of Board of Health.
4. May remove sick persons to Hospital. Proceedings to enforce removal.

SECTION.

5. If sick person cannot be removed may cause house to be vacated.
6. May call in second Physician.
7. Penalty for obstructing officers, &c.

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

1. The Board of Health for the City of Halifax shall annually on the second Monday of February, or as soon after as practicable, elect a Medical Officer for the City, and the Board shall vote a suitable salary for such Officer, to be paid out of the Civic Funds.

Medical Officer—how elected, salary, &c.

2. The City Medical Officer shall not interfere with the Health Officer for the Port of Halifax appointed by the Pro-

Not to interfere with Health Officer.

vincial Government; but the latter is to perform his duties, and receive the fees as heretofore.

To be under the control of Board of Health.

3. The City Medical Officer shall be under the control of and be subject to the orders of the Board of Health, and the Board of Health for the City of Halifax may appoint such Committees and establish such By-laws as the members may judge proper to carry into effect any measures they may deem effectual for the health and safety of the inhabitants.

May remove sick person to Hospital.

4. The City Medical Officer, when he thinks it essential for public safety, may order to be removed from any dwelling-house or place, or from any vessel or boat at any wharf within the City of Halifax, any person sick with any contagious or infectious disease to any hospital, house or place proper for that purpose, and, if he shall find it necessary, to enforce obedience to such order; or if he has reasonable grounds for suspecting contagious or infectious disease to exist in any house or place, the City Medical Officer, upon reasonable notice first given to the occupant to shew cause forthwith before his Worship the Mayor and one Alderman why a warrant should not issue, is hereby empowered by writing under his hand, countersigned by the Mayor, to direct any City Constable to force open or break the doors of any dwelling-house, or other place within the City of Halifax, and to enter and to remove the person so sick of contagious or infectious disease to the hospital, house, or place, described in such writing; and the City Constable to whom the written order is directed shall obey the instructions therein contained, and employ such force as may be requisite to carry the order into effect, and such written order shall be a sufficient justification to the constable and the force he may employ who shall enforce the same.

Proceedings to enforce removal.

If sick person cannot be removed may cause house to be vacated.

5. If any person sick with contagious or infectious disease in any house or place within the City of Halifax, in the opinion of the Medical Officer, cannot be removed, then the Medical Officer may cause such house or place, or any contagious house or place within the City to be vacated by other occupants for such time as the safety of the inhabitants shall require, and the Medical Officer may enforce obedience by his order in the manner expressed by the preceding section.

May call in second Physician.

6. The City Medical Officer may at any time, when he deems it necessary, call in a second physician to consult with him in cases where contagious or infectious disease is supposed to exist, and such consulting physician shall be paid for each consultation out of the funds of the City.

Penalty for obstructing officers, &c.

7. Any person obstructing the City Medical Officer, or any City Constable acting under his directions, in the execution of any duty prescribed or contemplated by an order made under this Act, or who shall wilfully disobey any order of the Medical Officer made to carry out the objects of this

Act shall forfeit and pay for every offence the sum of not less than Four Dollars nor more than Forty Dollars, to be recovered in the name of the City of Halifax before the Mayor and one Alderman, or before any two Aldermen of the City, to be paid into the Civic Treasury; or, in default of payment, shall be confined in the City Prison for a period not less than Ten Days nor more than Ninety Days.

## CHAPTER 42.

### An Act for the establishment of Police Regulations in the Town of Dartmouth.

(Passed the 12th day of April, A. D. 1862.)

#### SECTION.

1. Justices of the Peace at Dartmouth may act as Police Court. Their jurisdiction.
2. Nature of punishment.
3. Limitation of action.
4. Particular form of proceedings not requisite.

#### SECTION.

5. Court may take recognizances to appear in Supreme Court. &c.
6. Process—how signed.
7. Police Constable—appointment of, duties, &c. Court—when held, &c.
8. Penalty for refusing to assist Constable.
9. Fees.

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

1. The Justices of the Peace for the County of Halifax from time to time residing within the limits of the Commissioners of Streets for the Town of Dartmouth, or any one or more of them shall, whenever occasion may require, or he or they may think necessary, act as a Police Court within the aforesaid limits, and shall have and exercise all powers necessary for the preservation of the public peace and good order, the protection of property, and the repressing offences against the Sabbath; and also shall have power to hear and determine in a summary manner all larcenies where the value of the goods stolen shall not exceed twenty dollars, receiving of stolen goods, assaults, batteries, riots, petty trespasses, malicious or wanton injuries to property, and breaches of the peace committed within the limits aforesaid.

Justices of the Peace at Dartmouth may act as Police Court.

Their Jurisdiction.

2. The Court shall have power to punish offenders upon conviction of any offences within their jurisdiction, by imprisonment in the Lock-up House or County Jail, for a period not exceeding thirty days, or by fine, not exceeding in any case twenty dollars and costs of prosecution; and in case of non-payment of the fine and costs, may commit the offender to the Lock-up House or Jail for any time not exceeding thirty days.

Nature of punishment.

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

Limitation of action.

4. No such conviction shall be quashed for want of form, and no warrant of commitment shall be held void by reason

Particular form of proceedings not requisite.

of any defect therein so as it be therein alleged that the party has been convicted of some offence named therein.

Court may take recognizances to appear at Supreme Court, &c.

5. The Police Court shall have power to hold persons charged with offences under recognizances with sureties to appear and answer in the Supreme Court or the Court of Sessions, and for want of recognizance to commit to the Lock-up House or County Jail.

Process how signed.

6. All process issued by the Court shall be signed by one or more of the Justices.

Police Constable—appointment of, duties, &c.

7. The Court shall appoint a Police Constable who shall have power within the said limits to arrest any persons who in his presence shall be guilty of any of the offences within the cognizance of such Police Justices and take them before one or more of the Justices; and if such Justice shall consider it necessary the Police Court shall meet and adjudicate upon the case, but no person shall be detained in custody from the time of his arrest until the hearing of his case more than thirty hours (except the arrest be made on Saturday) until his case shall be brought to a hearing,—but upon a hearing the person in custody may be remanded for the procuring of evidence or other sufficient cause. But nothing herein shall prevent any person so arrested from being delivered on bail, if entitled to be so delivered.

Court—when held, &c.

Penalty for refusing to assist Constable.

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

Fees.

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

- For Affidavit, twenty cents,
- “ Warrant, fifty cents,
- “ Service of process, twenty-five cents,
- “ Recognizance, sixty cents.
- “ Judgment, twenty cents,
- “ Warrant of Commitment, twenty cents,
- “ Subpoena, ten cents.

## CHAPTER 43.

### An Act to provide for building a Bridge in Hants County.

(Passed the 31st day of March, A. D. 1862.)

#### SECTION.

1. Members may borrow \$800.
2. Repayment.

#### SECTION.

3. Loan—how expended.

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

Members may borrow \$800.

1. The Members for Hants County may borrow on the pledge of the Road Monies of the County, and the security of

this Act, a sum not to exceed Eight Hundred Dollars, to aid in building a Bridge at Walton, in that County.

2. Such loan shall be repaid by annual instalments of one-half of the sum borrowed, with interest at a rate not exceeding six per cent, out of the Road Grants for 1863 and 1864, until the whole sum borrowed shall have been repaid. Repayment.

3. The Monies borrowed under this Act shall be expended by Commissioners to be appointed by the Governor in Council. Loan--how expended.

## CHAPTER 44.

### An Act concerning the County of Hants.

(Passed the 12th day of April, A. D. 1862.)

SECTION.

1. Charges relative to Supreme Court and claims on County--how borne.
2. Amount--how ascertained, apportioned and collected, &c.
3. Appeal--proceedings thereon, &c.
4. Other County expenses--how borne.
5. Jury fees and taxes how applied.
6. If Grand Jury and Sessions refuse to present and assess, Supreme Court may amerce.

SECTION.

7. Salary of Clerk of Peace for East Hants.
8. Appointment of officers, and Poor rates of Township of Kempt legalized.
9. Walton Township.
10. Part of Poor rates to be borne by Walton.

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

1. Hereafter all pecuniary claims and charges relating to the administration of justice in the Supreme Court in the County of Hants, and all outstanding claims against that County, and now assessable thereon, shall be borne by the whole County in the following proportions, namely: two-thirds by the district of West Hants and one-third by the district of East Hants. Charges relative to Supreme Court and claims on County--how borne.

2. The Justices in their general Sessions holden at Windsor in each year, in confirming the presentment of the Grand Jury as to the moneys to be raised in the District of West Hants, shall fix and determine, specifically, the whole amount for which the County of Hants is to be assessed for the administration of justice in the Supreme Court therein, and on such amount being fixed and determined specifically, the Clerk of the Peace for West Hants shall forthwith furnish to the Clerk of the Peace for East Hants a certificate, under his hand, to the effect that the sum mentioned in such certificate is the one-third part of the whole amount chargeable on the whole County in respect of the administration of justice in the Supreme Court therein, and also a detailed statement of the whole amount thus chargeable, and thereupon the exhibition of such certificate and statement in detail to the Grand Amount how ascertained, apportioned and collected, &c.

Jury of East Hants, at the first term of the General Sessions of the Peace thereafter holden in and for such District the Grand Jury shall present such proportionate amount, and the Court of General Sessions for the District of East Hants shall confirm such presentment, and such proportionate amount shall be a part of the General Assessment in and for the District of East Hants; and the Treasurer of the District, after collection and payment to him of the District Rates, shall annually forthwith pay such proportionate amount to the Treasurer of West Hants, and the same shall form and be a part of the District Funds for appropriation in West Hants.

Appral—pro-  
ceedings there-  
on. &c.

3. The Justices in the General Sessions holden at Gore in and for East Hants, if dissatisfied with the correctness or legality of the action of the Justices in their General Sessions holden at Windsor in the matter of such presentment and confirmation thereof in relation to this Act, may bring the question before the Supreme Court at Windsor, or a Judge at Chambers, and a notice to that effect delivered by the Clerk of the Peace in and for East Hants to the Clerk of the Peace for West Hants not more than fifteen days after the close of the Sessions for East Hants, shall be held sufficient to authorize the Supreme Court, or a Judge thereof, to hear and determine such correctness or legality, and such order shall be made in the premises as may be necessary to effect the purposes of this Act.

Other County  
expenses how  
borne.

4. All expenses hereafter incurred by the County of Hants in connection with Insolvent Debtors, Criminals, Inquests, Lunatics, Road Damages, and all other incidental expenses except those relating to the Administration of Justice as before mentioned, and the repairs of the Court House and Jail, shall be chargeable to and borne by the Districts respectively from which such debtors or criminals are sent to the County Jail, or where such other incidental expenses may arise; and the High Sheriff of the County of Hants, or other proper officer, is hereby authorized and required to keep a correct account of all such expenses against either District, and to lodge the same in the offices of the respective Clerks of the Peace on or before the first day of the meeting of the General Sessions of the Peace, as the case may be.

Jury fees and  
taxes how ap-  
plied.

5. The Prothonotary at Windsor shall within ten days after the rising of the Supreme Court at Windsor, at the respective terms thereof, pay to the Treasurer of the District of East Hants one third of all the moneys received by him for Jury taxes and Jury fees in civil causes, and such one-third part of such moneys shall form and be a part of the District Funds, for appropriation within the same.

6. If either of the respective Grand Juries and Sessions of the County of Hants shall neglect or refuse to present,

confirm, and assess, as required by this Act, for the purposes herein before mentioned, the Supreme Court, on application of either of the Treasurers in such County, may amerce in such amount as may be necessary the District of West Hants or the District of East Hants (as the case may be) so neglecting or refusing.

If Grand Jury refuse to present and assess Supreme Court may amerce.

7. The Salary of the Clerk of the Peace for East Hants shall not be less than Sixty Dollars.

Salary of Clerk of Peace for East Hants.

8. The appointment of Township Officers for the Township of Kempt made in October, one thousand eight hundred and sixty-one, by the General Sessions in East Hants and West Hants, is hereby declared legal and valid, and such Township Officers shall have jurisdiction and be entitled to act throughout the Township, notwithstanding any irregularity in their appointment; and the Poor Rate of the Township of Kempt for one thousand eight hundred and sixty-one and one thousand eight hundred and sixty-two is hereby legalized.

Appointment of officers & Poor rates of Township of Kempt. legalized.

9. That part of the Township of Kempt lying within East Hants shall be and is hereby constituted a separate Township, to be named the Township of Walton.

Walton Township.

10. Thirty-six per cent of the expense of supporting the Poor at present chargeable on the Township of Kempt, shall hereafter be borne by the Township of Walton.

Part of Poor rate to be borne by Walton.

## CHAPTER 45.

An Act to establish a Line between two Polling Districts in the County of Cumberland.

(Passed the 31st day of March, A. D. 1862.)

SECTION 1. Line between Nos. 8 & 9.

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

1. The Dividing Line between Polling Districts numbers Eight and Nine in the County of Cumberland shall commence on the east side of Wallace River at the north side line of Peter Angevine's farm, run easterly along such farm to its rear line, thence run southerly and easterly to the south-west corner of a tract of land granted to John Treen, thence along the south line of such tract to the north-west corner of land granted to James B. Stevens, and thence south to the County line.

Line between Nos. 8 & 9.



## CHAPTER 46.

## An Act relating to Poor Districts in the County of Cumberland.

(Passed the 12th day of April, A. D. 1862.)

## SECTION.

1. Electoral to be Poor Districts.

## SECTION.

2. Last Poor Rate legalized.

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

Electoral to be  
Poor Districts.

1. Hereafter each Electoral District in the County of Cumberland shall be a Poor District; and the Sessions are authorized to make such order relating to the redistribution of the Poor as may be deemed just and right.

Last Poor Rate  
legalized.

2. The last Poor Rate assessed upon the Poor Districts formerly established in the County of Cumberland is hereby legalized.

## CHAPTER 47.

## An Act to provide for rebuilding a Bridge in the County of Digby.

(Passed the 12th day of April, A. D. 1862.)

## SECTION.

1. Members may borrow \$600.

2. Repayment.

## SECTION.

3. Expenditure of loan.

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

Members may  
borrow \$600.

1. The Members for the County of Digby may borrow on the pledge of the Road Monies of the County and the security of this Act a sum not to exceed Six Hundred Dollars, to provide for rebuilding a Bridge over Montegan River, in that County.

Repayment.

2. Such Loan shall be repaid by equal annual instalments of one-half of the sum borrowed, with interest at a rate not exceeding six per cent, out of the Road Grants for 1863 and 1864, until the whole sum borrowed shall have been repaid.

Expenditure of  
loan.

3. The Monies borrowed under this Act shall be expended by Commissioners to be appointed by the Governor in Council.

## CHAPTER 48.

## An Act to provide for rebuilding Albert Bridge in the County of Cape Breton.

(Passed the 12th day of April, A. D. 1862.)

## SECTION.

1. Members may borrow \$800.
2. Repayment.

## SECTION.

3. Expenditure of loan.

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

1. The members of the County of Cape Breton may borrow on the pledge of the Road Monies of the County, and the security of this Act, a sum not exceeding eight hundred dollars, to aid in rebuilding the Albert Bridge in that County.

Members may borrow \$800.

2. Such loan shall be repaid by annual instalments of one-half of the sum borrowed, with interest at a rate not exceeding six per cent, out of the Road Grants for 1863 and 1864, until the whole sum borrowed shall have been repaid.

Repayment.

3. The monies borrowed under this Act shall be expended by Commissioners to be appointed by the Governor in Council.

Expenditure of loan.

## CHAPTER 49.

## An Act to establish an additional Polling District in the County of Guysborough.

(Passed the 31st day of March, A. D. 1862.)

## SECTION 1. Boundaries of No. 12. Polling place.

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

1. The district comprised with the following limits shall be a separate Polling District in the County of Guysborough, to be designated Number Twelve, that is to say: Commencing from the brook at the head of Port Beckerton, and to run north six miles; from thence west five miles, or until it intersects the brook that runs into Wine Harbor; thence by the course of that brook to Wine Harbor, and thence to the School House at the head of Indian Harbor, to include the settlements of Port Beckerton and Holland's Harbor east, and Wine Harbor west, and the polling place shall be at the Beach School House at the head of Indian Harbor Bay.

Boundaries of No. 12.

Polling place.

## CHAPTER 50.

An Act to provide for improving a Road in the County of Guysborough.

(Passed the 31st day of March, A. D. 1862.)

## SECTION.

1. Members may borrow \$800.
2. Repayment.

## SECTION.

2. Expenditure of loan.

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

Members may borrow \$800.

1. The Members for the County of Guysborough may borrow on the pledge of the Road Monies of the County and the security of this Act a sum not to exceed Eight Hundred Dollars, to aid in opening and improving a road from Steep Creek to Pirate Cove in that County.

Repayment.

2. Such loan shall be repaid by annual instalments of one-half of the sum borrowed, with interest at a rate not exceeding six per cent, out of the Road Monies for 1863 and 1864, until the whole sum borrowed shall have been repaid.

Expenditure of loan.

3. The monies borrowed under this Act shall be expended by Commissioners, to be appointed by the Governor in Council.

## CHAPTER 51.

An Act to provide for improving certain Roads in the County of Guysborough.

(Passed the 12th day of April, A. D. 1862.)

## SECTION.

1. Members may borrow \$800.

## SECTION.

2. Repayment. Expenditure of loan.

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

Members may borrow \$800.

1. The Members for the County of Guysborough may borrow on the pledge of the Road Monies of the County and the security of this Act a sum not to exceed Eight Hundred Dollars, to be expended in improving certain Roads in that County; such loan to be repaid, together with interest at a rate not exceeding six per cent, by two equal annual instalments, out of the Road Monies for 1863 and 1864, until the whole sum borrowed shall have been repaid.

Repayment.

2. The monies borrowed under this Act shall be expended by Commissioners to be appointed by the Governor in Council.

Expenditure of loan.

## CHAPTER 52.

An Act to define the Rear Line of the Township of  
Barrington.

(Passed the 12th day of April, A. D. 1862.)

## SECTION 1. Rear line defined.

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

1. The Northern or Rear Line of the Township of Barrington is defined and established as follows :—Commencing on the Main Post Road leading from Yarmouth to Barrington at an old boundary on the western margin of such road known as the boundary of Oak Park Grant, and also recognized as a boundary mark on the rear line of said Barrington Grant, thence north sixty-two degrees east by the magnet A. D. 1861 seven hundred and thirty-two chains, or to a point on the western margin of Clyde River, indicated by a stake marked B. L. ; then to begin again at the Oak Park Grant boundary before mentioned and to run south sixty degrees thirty minutes west by the magnet A. D. 1861, or by such a course as will meet the sea shore of Cockawite or Wood's Harbor, at the point marked by Samuel Kimball in 1828 as the boundary of the Township of Barrington, distance five hundred and ninety-six chains, more or less.

Rear line defined.

## CHAPTER 53.

An Act to authorize the erection of a County Court House on a portion of the land formerly used as a Public Cemetery in the Town of Yarmouth.

(Passed the 12th day of April, A. D. 1862.)

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

So much of the land lying to the westward of the main street in the Town of Yarmouth, designated as Cemetery Ground, as is required for the erection thereon of a County Court House, may by a General or Special Sessions called especially for the purpose, be so taken and occupied.

## CHAPTER 54.

An Act to amend the Act to authorize a Loan for the erection of a Court House and Jail in Yarmouth.

(Passed the 12th day of April, A. D. 1862.)

SECTION 1. Commissioners may borrow \$12,000. Section amended.

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

Commissioners  
may borrow  
\$12,000.

Section amend-  
ed.

1. The Commissioners appointed under Chapter Fifty-five of the Acts of 1861 to erect a Court House and Jail in the Town of Yarmouth, may borrow for that purpose a sum not exceeding Twelve Thousand Dollars, instead of the amount limited by such Chapter ; and so much of Section one of such Chapter as is inconsistent with this Act is repealed.

## CHAPTER 55.

An Act relating to Common Lands in the Township of Lunenburg.

(Passed the 12th day of April, A. D. 1862.)

## SECTION.

Preamble.

1. Estate of Trustees determined.
2. Common to be under control of Trustees.
3. Their election. Duration of office.
4. Mode of retirement and election.
5. Do.
6. May be re-elected.
7. Vacancy how supplied.
8. Trustees empowered to sell portion.
9. Sales, how conducted.
10. Deeds of majority valid.
11. Election of Trustees, how conducted. &c.
12. When to commence and close.
13. Elections to supply vacancies.
14. Qualification for Trustee and Elector.

## SECTION.

15. Do.

16. Value how estimated.

17. Elector or candidate when challenged to be sworn. Oath.

18. Proceedings to sell or lease Common.

19. Application of proceeds.

20. Do. of lands to westward of Pound-gate.

21. Treasurer—appointment, &c.

22. Accounts to be filed annually.

23. Trustees incorporated.

24. Meeting of Trustees. President, Secretary.

25. Duty of President.

26. Questions before Trustees how decided.

27. Existing leases not affected.

28. Inconsistent Acts repealed.

Preamble.

Whereas a grant was passed on the seventh day of February, one thousand seven hundred and eighty-five, conveying certain Lands in the Township of Lunenburg to be held in trust as common.

And whereas that portion of the Lands known as part of the Lunenburg Common, extending from the Pound-gate, so called, westerly to Leonard Young's, including the strip of

land below the Garden lots, has become a mere waste and unproductive, and is so situate as completely to surround the Town of Lunenburg and prevent the extension thereof, and it is desirable that the portion of the common before described should be sold under certain restrictions hereinafter provided, and that the trust expressed in the said grant of common lands should be remodeled and enlarged, and power given to lease or sell the remaining portion of said common lands if deemed necessary :

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

1. All the estate and interest of the present Trustees is hereby divested and forever determined. Estate of Trustees determined.
2. The said Common lands shall be under the control and management of seven Trustees, who shall be elected by the freeholders of the Township of Lunenburg. Common to be under control of Trustees.
3. The election of the Trustees shall take place on the twentieth day of May after the passing of this Act, and the Trustees, when so elected, shall continue in office for three years from the time of their election. Their election. Duration of office.
4. At the end of three years three of the Trustees having the smallest number of votes shall retire, and three other Trustees shall be elected in their stead ; and at the end of six years the other four of such Trustees shall retire, and four others shall be elected in their stead. Mode of retirement and election.
5. At the end of each succeeding three years afterwards the senior portion of the Trustees shall retire and others be elected in their stead : that is, on the first occasion three shall retire, on the next occasion four shall retire, and so continue on alternately at each succeeding period. Do.
6. Any Trustee retiring shall be eligible to be re-elected. May be re-elected.
7. Any vacancy occurring among the Trustees by death or otherwise shall be supplied by the election of another Trustee, who shall fill the place of the vacant Trustee. Vacancy how supplied.
8. The Trustees are hereby authorized to sell and convey in fee simple that portion of the Common extending from the Pound-gate, so called, westerly to Leonard Youngs, including the strip of land below the Garden lots, reserving such portions as they may deem advisable for public purposes. Trustees empowered to sell portion.
9. All sales of said common shall be by public auction, on such terms and conditions as the Trustees shall fix and determine. Sales how conducted.
10. All deeds and conveyances signed by a majority of the Trustees shall be valid and have the same force and effect as if signed by all the Trustees. Deeds of majority valid.
11. All general elections for Trustees shall be held in the County Court House on the twentieth day of May, provided the same is not Sunday, and if so the following day ; the Election of Trustees, how conducted, &c.

Sheriff to preside thereat and give ten days previous notice of such election, and shall appoint a clerk, to take down the votes, who shall deliver the poll-books to the Sheriff at the close of the election, and he shall declare the names of the person or persons duly elected.

When to commence and close.

12. All elections shall commence at ten o'clock in the morning and terminate at five o'clock in the evening, unless the opposing candidate or candidates shall sooner retire. If no vote is offered within an hour the poll shall finally close.

Elections to supply vacancies.

13. Elections to supply vacancies in the trust shall be held in the same way as elections for Trustees, and the Sheriff shall appoint a day for holding such election, giving ten days previous notice thereof.

Qualification for Trustee and Elector.

14. The qualification of a Trustee and elector under this Act shall be as follows: A freehold estate in possession by himself, or by his tenant or tenants, in fee simple for his own life, or for the life or lives of any other or others, (and which shall be a legal and not a mere equitable freehold), of the clear yearly value of eight dollars; and if a tenant in common, joint tenant or co-partner, his individual interest shall be of the clear yearly value of eight dollars.

Do.

15. Every mortgagor or *cestui que* trust in actual possession by himself or his tenant of land or real estate of the yearly value of eight dollars, notwithstanding such mortgage or trust outstanding; and the husband of every woman who may be seized in dower of the land of any former husband, where the dower has been actually set off and reduced into possession, and shall be actually of the clear yearly value of eight dollars, shall be entitled and qualified to vote or be elected as such Trustee.

Value how estimated.

16. The clear yearly value before mentioned shall be estimated in every case by the value of agricultural or other produce which the land or property *bona fide* and actually yields, or by the annual value of the buildings erected thereon.

Elector or candidate when challenged to be sworn.

17. Any elector or candidate for Trustee whose right to vote or offer as a Trustee is questioned by any candidate or elector shall, if required by him, state the property on which he votes or claims to be a Trustee, and his title thereto, and it shall be taken down in the poll-book, and shall if required take the oath following: "You, A. B., do swear that you are by law qualified to be a candidate for Trustee, or to vote for a Trustee or Trustees of the Common lands in the Township of Lunenburg, in respect of the property and title which have now been taken down in the poll-book and read to you. So help you God."

Oath.

Proceedings to sell or lease Common.

18. If it shall hereafter be deemed advisable to sell or lease any portion of said Common lands other than that portion of said Lunenburg Common lying to the westward of the

Pound-gate, or of the lands usually called the South Commons, the Sheriff shall on a requisition signed by twenty freeholders of the Township call a public meeting to consider the subject, giving at least fifteen days' notice of such meeting, which shall be held in the County Court House; and if at such meeting two-thirds of the persons present, being inhabitants of the Township of Lunenburg shall agree to sell or lease any other portion of said Common lands, it shall be lawful for the Trustees to sell or lease the same.

19. The funds arising from the sale or leasing of said Common lands last mentioned shall be under the control of the Trustees and shall be applied to the improvement of the said Common lands, or to some public purpose connected with the Township.

Application of proceeds.

20. The funds arising from the sales of land lying to the westward of the Pound-gate, as described in the preamble, shall be under the control of the Trustees, and shall be applied by them, after paying all necessary expenses, to the further improvement of said Common, or in improving the streets, or for other public purposes within the limits previously described in the preamble.

Do. of lands to westward of Pound-gate.

21. The Trustees shall appoint a Treasurer from among themselves, or any other person they may select; such Treasurer shall give bonds for the security and safe keeping of the funds, and shall receive such remuneration as the Trustees shall decide.

Treasurer—appointment, &c.

22. The Trustees shall annually, before the sittings of the General Sessions of the Peace, file with the Clerk of the Peace an account current of the receipts and expenditures to the thirty-first day of December preceding.

Accounts to be filed annually.

23. The Trustees shall be a body corporate, with power to sue and be sued.

Trustees incorporated.

24. The Trustees shall meet annually for the transaction of business within ten days after the election of Trustees to supply retiring vacancies, and at such other times as they may agree, and may make bye-laws to facilitate the transaction of business, and may appoint a President and Secretary.

Meeting of Trustees.

25. The President shall give notice of all public meetings called by the Trustees, and also when any meeting of themselves is to take place.

President and Secretary.

Duty of President.

26. All ordinary questions before the Trustees shall be decided by a majority present at any meeting of Trustees, of which due notice shall have been given; but in all questions concerning the sale or lease of land four at least must concur to pass the vote, the President being entitled to one vote only.

Questions before Trustees how decided.

27. Nothing in this Act shall invalidate any lease or leases already granted of said Common lands by the present Trustees so long as the said lease or leases remain in force.

Existing leases not affected.



Inconsistent  
Acts repealed.

28. All Acts or Clauses, or Sections of Acts, now in force, which are inconsistent with this Act, are hereby repealed.

### CHAPTER 56.

An Act further to amend the Act for the regulation of the Town Marsh at Annapolis.

(Passed the 12th day of April, A. D. 1862.)

SECTION.

1. Marsh to be kept enclosed. Proceeds of sale of grass to be invested.

SECTION.

Accounts to be submitted yearly.

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

1. The Supervisors of the Town Marsh at Annapolis shall continue to keep the same enclosed under the provisions of the Act passed in the year 1858, for one year beyond the period named in such Act, and shall invest the proceeds of the sale of the grass as therein directed, and no portion thereof shall be applied to any other purpose whatever.

2. An account of the receipts and expenditures of the Supervisors shall be rendered to a meeting of the Commoners to be held on the first Wednesday in June.

Marsh to be  
kept enclosed.

Proceeds of  
sale of grass to  
be invested.

Accounts to be  
submitted year-  
ly.

### CHAPTER 57.

An Act to provide for rebuilding a bridge in the County of Pictou.

(Passed the 31st day of March, A. D. 1862.)

SECTION.

1. Members may borrow \$800.  
2. Repayment.

SECTION.

3. Expenditure of loan.

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

1. The members for the County of Pictou may borrow on the pledge of the Road Monies of the County and the security of this Act a sum not to exceed eight hundred dollars, to aid in rebuilding a bridge over the East River at the Albion Mines in that County.

2. Such loan shall be repaid together with interest thereon at a rate not exceeding six per cent out of the Road Monies for the year 1863.

3. The monies borrowed under this Act shall be expended by Commissioners, to be appointed by the Governor in Council.

Members may  
borrow \$800.

Repayment.

Expenditure of  
loan.

CHAPTER 58.

An Act to alter a Polling District and certain Polling Places in the County of Pictou.

(Passed the 31st day of March, A. D. 1862.)

SECTION.

1. Eastern line of No. 1, and of Poor Districts 1 and 2 altered.

SECTION.

2. Polling place No. 3. Polling place No. 10.

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

1. The Eastern line of Polling District Number One shall hereafter be the Eastern line of James Fogo's farm, instead of the Eastern line of Henry Lowden's farm lot; and the bounds of Poor Districts Number One and Number Two shall be also altered as above in accordance with Section One of Chapter 24 of the Acts of 1860.

Eastern line of No. 1, and of Poor Districts 1 and 2 altered.

2. The Polling place of Electoral District Number Three shall hereafter be at George Patriquin's, Blacksmith, and the Polling place of District Number Ten shall be at Richard Fraser's, Mill Brook, instead of at the places heretofore established for that purpose in those districts respectively.

Polling place No. 3.

Polling place No. 10.

CHAPTER 59.

An Act to regulate Highway Labor within the limits of the Commissioners of Streets for the Town of Pictou.

(Passed the 31st day of March, A. D. 1862.)

SECTION.

1. Persons liable to perform Statute Labor.
2. Additional amount of Statute Labor according to rate of assessment.
3. Exempted persons liable when assessed over \$2,000.
4. Property in hands of Executors, &c., liable.
5. Property of Partnership.
6. Proprietors of horses or teams to send them if required.

SECTION.

7. Copy of assessment to be furnished to Commissioners of Streets.
8. Persons liable, to be notified. Penalty.
9. Commutation.
10. Superintendent—appointment of Salary.
11. Roads may be laid out less than 50 feet wide.

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

1. Every male over the age of eighteen, except as otherwise now exempted, being able to do a reasonable day's work, shall be liable to perform two days' labor within the limits of the Commissioners of Streets for the Town of Pictou.

Persons liable to perform Statute Labor.

2. All males whose names are included in the yearly Assessment Roll, and assessed for any sum over two hundred

Additional amount of Statute Labor according to rate of assessment.

dollars, shall be liable to perform in addition according to the following scale :

Over \$200 and under \$400,	1 day.
" 400	" 600, 2 "
" 600	" 1000, 3 "
" 1000	" 1500, 4 "
" 1500	" 2000, 5 "
" 2000	" 2500, 6 "
" 2500	" 3000, 7 "
" 3000	" 4000, 8 "
" 4000	" 5000, 9 "
" 5000	" 6000, 10 "
" 6000	" 7000, 11 "
" 7000	" 8000, 12 "

and above eight thousand dollars at the rate of one day for each two thousand dollars ; but no person shall be liable to perform more than twenty days' labor in all.

Exempted persons liable when assessed over \$2000.

3. The persons exempted from Statute Labor, and who shall be assessed for a sum over two thousand dollars, shall be liable in respect to the excess over that sum according to the foregoing scale.

Property in hands of Executors, &c. liable.

4. Property in the hands of Executors, Trustees, Agents or Guardians, over one thousand dollars of assessed value, shall be liable in respect to the excess to the same rate of taxation as other property, and such Executors, Trustees, Agents or Guardians, shall pay fifty cents per day for the labor over that sum.

Property of Partnership.

5. When property shall be assessed in the name of any firm doing business as partners, the partners composing the firm shall perform the labor, or pay the commutation, as other persons.

Proprietors of horses or teams to send them if required.

6. The Commissioners may require any person owning a horse or ox team or teams, to send such team or teams, properly yoked and harnessed, with a driver or drivers, and a cart, to the extent of one-half the labor such person is required to perform, and every day's labor of such team and driver shall count for two days.

Copy of assessment to be furnished to Commissioners of Streets.

7. A copy of the Assessment Roll for Electoral District No. 1 of the County of Pictou, shall be furnished by the Clerk of the Peace to the Commissioners of Streets for the Town of Pictou, who shall make out the list of persons liable to perform Statute Labor within the limits of such Commissioners, and the number of days which each person shall be liable to perform, or the amount of commutation which he is liable to pay ; and the Clerk of the Peace shall be paid by the Commissioners ten cents per folio for making such copy.

8. The persons contained in such lists liable to perform labor shall be notified and required to perform the same, as provided by Section 12 of Chapter 63 of the Revised Statutes, and persons liable to pay commutation shall be notified to pay the same to the Commissioners on or before a certain day to be by them named; and every person so notified who shall not perform the labor, or pay the commutation required, shall forfeit sixty cents for every day's labor, or for every day's commutation, to be sued for and recovered as other forfeitures, under Chapter 63 of the Revised Statutes.

Persons liable, to be notified.

Penalty.

9. Persons liable to perform labor hereunder shall have the option of paying sixty cents commutation for each day's labor, as provided by Section 16 of Chapter 63 of the Revised Statutes.

Commutation.

10. The Commissioners are hereby authorized and empowered to appoint a Superintendent of Streets and Sewers, having all the powers of a Commissioner in regulating the labor and expending the funds on the Streets and Sewers of the Town, and the salary of such Superintendent shall be voted by the Commissioners, and paid out of the funds at their disposal.

Superintendent—appointment of.

Salary.

11. The persons appointed under Chapter 62 of the Revised Statutes, and the Acts in amendment thereof, to lay out new roads, or alter any old road, within the limits of the Commissioners of Streets for the Town of Pictou, may lay out the same of a less width than fifty feet, if they shall consider such less width sufficient for the public convenience, or necessary for the sake of uniformity, and the Sessions may confirm or disallow the same.

Roads may be laid out less than 50 feet wide.

## CHAPTER 60.

### An Act for the appointment of a Stipendiary Magistrate and Police Constable in the Town of Pictou.

(Passed the 12th day of April, A. D. 1862.)

#### SECTION.

1. Stipendiary Magistrate—appointment of—powers, &c. Constables.
2. Justices may make rules for regulation of Police, and imposing a tax on dogs. Punishment. Salaries. Rules to be approved.

#### SECTION.

3. Fines—how appropriated.
4. Meeting to carry out objects of Act—how called.

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

1. The Justices of the Peace residing within the limits of the Town of Pictou, nine of whom shall be a quorum, shall have power to nominate and appoint during pleasure one or more Stipendiary and Police Magistrates in the Town of Pictou, with-

Stipendiary Magistrate—appointment of—powers, &amp;c.

in the limits of the Commissioners of Streets, who shall have the same power and jurisdiction within such limits, in all matters civil and criminal, as is now conferred by law on a Justice or two Justices of the Peace; and also shall have power and authority to execute and enforce the laws and regulations now or hereafter to be made and passed for the regulation of the Police and preservation of the peace and good order in the Town of Pictou, including the Harbor and Port of Pictou; and such Justices shall also have power to appoint, during pleasure, one or more Constables for the preservation of the peace and the service of civil and other process within the limits aforesaid.

Constables.

Justices may make rules for regulation of Police, and imposing a tax on dogs.

Punishment.

Salaries.

Rules to be approved.

Fines—how appropriated.

Meeting to carry out objects of Act—how called

2. Such Justices shall have power to make such rules and regulations as they may think necessary for the regulation of the Police and the preservation of the peace and good order in the Town of Pictou, including the Harbor and Port of Pictou, and for imposing a tax on dogs within such limits, and to impose fines not exceeding twenty dollars or thirty days' imprisonment for the violation of such rules and regulations; and such Justices may fix the amount of salary to be paid to such Stipendiary Magistrates and Constables, and the mode in which the same shall be provided and raised within the said limits; and all such rules and regulations when approved by the Governor and Council, shall have the force of law.

3. All fines and fees imposed and collected under such rules and regulations, shall be appropriated by such Justices towards defraying the expenses incurred under this Act.

4. The Custos shall, at any time, on the requisition of not less than twenty freeholders, call a meeting of the Justices residing within the said limits, for the purpose of carrying into effect the objects of this Act.

## CHAPTER 61.

An Act to amend the Act for the building of certain Bridges and the improvement of certain Roads in the County of Pictou.

(Passed the 12th day of April, A. D. 1862.)

SECTION 1.—Time for payment extended.

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

1. The members for the County of Pictou are hereby authorized to arrange for an extension of the period limited by Chapter 52 of the Acts of 1860 for the payment of the balance of the amount borrowed for the purposes specified in such Chapter; and the payments which under such Chapter should have been made in 1862 and 1863, may be made in 1863 and 1864.

Time for payment extended.

## CHAPTER 62.

## An Act to provide for improving certain Roads in the County of Sydney.

(Passed the 12th day of April, A. D. 1862.)

## SECTION.

1. Members may borrow \$1,200.
2. Repayment.

## SECTION.

3. Expenditure of loan.

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

1. The members for the County of Sydney may borrow, on the pledge of the Road Monies of the County and the security of this Act, a sum not to exceed twelve hundred dollars, to be expended in improving certain roads in that County. Members may borrow \$1,200.

2. Such loan shall be repaid by equal annual instalments of one-half of the sum borrowed, with interest, at a rate not exceeding six per cent, out of the Road Grants for 1863 and 1864, until the whole sum borrowed shall have been repaid. Repayment.

3. The monies borrowed under this Act shall be expended by Commissioners to be appointed by the Governor in Council. Expenditure of loan.

## CHAPTER 63.

## An Act to provide for the erection of Lockeby Bridge.

(Passed the 12th day of April, A. D. 1862.)

## SECTION.

1. Members may borrow \$600. Repayment.

## SECTION.

2. Expenditure of loan.

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

1. The members for the County of Colchester may borrow on the pledge of the Road Monies of the County and the security of this Act, a sum not to exceed six hundred dollars, to be expended in the erection of a bridge at Lockeby, in that County, such loan to be repaid out of the Road Monies for 1863, with interest at a rate not exceeding six per cent. Members may borrow \$600.

2. The monies borrowed under this Act shall be expended by Commissioners to be appointed by the Governor in Council. Repayment.

Expenditure of loan.

## CHAPTER 64.

An Act to amend the Act for improving a Road in Queen's County.

(Passed the 31st day of March, A. D. 1862.)

SECTION 1.—Members may get time for payment extended.

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

Members may get time for payment extended.

1. The members for Queen's County are authorized to arrange with the Creditor, from whom was borrowed the amount for the purpose mentioned in Chapter 46 of the Acts of 1861, for an extension of the periods limited therein for the repayment of such loan and interest; and such repayment, which under that Chapter should have been made in the years 1862 and 1863, may be made in the years 1863 and 1864.

## CHAPTER 65.

An Act to amend the Act relating to Port Hawkesbury, in the County of Inverness.

(Passed the 31st day of March, A. D. 1862.)

SECTION.

1. Expenditure of proceeds of sales of Common.
2. To be under same regulations as public monies.

SECTION.

3. Account to be filed with Clerk of the Peace.

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

Expenditure of proceeds of sales of Common.

1. The Commissioners appointed under Section two of Chapter 54 of the Acts of 1860, entitled, An Act relating to Port Hawkesbury, in the County of Inverness, may expend the monies realized by the sale of the Common, for the purpose of opening and improving the streets and public landings of the town of Hawkesbury.

To be under same regulations as public monies.

2. Such monies shall be expended and accounted for by such Commissioners, in the same manner, and subject to the same regulations, as public monies are expended on the public roads of the Province.

Accounts to be filed with Clerk of the Peace.

3. A duplicate copy of the account of such expenditure shall be filed, by the Commissioners, in the office of the Clerk of the Peace for the County.

## CHAPTER 66.

An Act to establish an additional Polling District in the County of Victoria.

(Passed the 31st day of March, A. D. 1862.)

## SECTION.

1. No. 5 divided
2. Limits of No. 11. Polling place.
3. Limits of No. 5.

## SECTION.

4. Inconsistent parts Cap. 17, Acts 1852, repealed.

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

1. The present Electoral District Number Five in the County of Victoria shall be divided into two Districts, to be called Number Five and Number Eleven. No. 5 divided.

2. District Number Eleven shall be included within the following limits; that is to say: Commencing at the Barasoi Brook, near the entrance of St. Anne's Harbor, and to extended in a north-easterly direction so as to include all the front and rear settlers on North Shore to Smoky Cape; Barasoi Brook to be the Western and Smoky Cape the Eastern boundary of such District, and the polling place to be at or near Angus Buchanan's, North Shore. Limits of No. 11.  
Polling place.

3. District Number Five shall consist of all the remaining portion of the present Electoral District Number Five, as already prescribed by law, and not included in District Number Eleven. Limits of No. 5.

5. So much of Chapter 17 of the Acts of 1852, entitled An Act concerning the Counties of Cape Breton and Victoria, as is inconsistent with this Act, is repealed. Inconsistent parts Cap 17, Acts 1852, repealed.

## CHAPTER 67.

An Act to authorize the sale of a School Lot in the Township of Barrington.

(Passed the 31st day of March, A. D. 1862.)

## SECTION.

1. Sale of School Lot No. 75 authorized.

## SECTION.

2. Application of proceeds.

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

1. James C. Smith, Joseph A. Smith, and William Cunningham, of Cape Sable Island, in the Township of Barrington, Esquires, are hereby authorised, after giving at least thirty days' public notice of such intended sale, by printed handbills posted up in the locality, to sell at public auction School Lot Number 75, in the first division of lands on Cape Sable Sale of School Lot. No. 75 authorized.



Island, in the Township of Barrington, and to execute a deed, to the purchaser thereof, which deed shall be sufficient to vest in such purchaser the title to such lot.

Application of  
proceeds.

2. The parties above named shall apply the nett proceeds arising from such sale, towards the purchase of a site, in some central and convenient situation, for School Districts Numbers 17 and 18, on such Island, and the erection of a School House thereon.

PRIVATE ACTS.



CHAPTER 68.

An Act concerning the Congregations of the Presbyterian Church of the Lower Provinces of British North America.

(Passed the 12th day of April, A. D. 1862.)

SECTION.

Preamble.

- 1. Property of Congregations before union to be still held by them.
- 2. Acts, deeds, &c., before union, still to apply.
- 3. Election of Trustees, &c.—their powers, &c.
- 4. Conveyances—Land held to pass the fee simple to Trustees.

SECTION.

- 5. Conveyances to Trustees held to be valid in fee simple.
- 6. Churches, &c., excepted from operation of Act.
- 7. Private rights not affected without compensation.

Whereas the two bodies of Christians known as the Presbyterian Church of Nova Scotia and the Free Church of Nova Scotia, were, in the year one thousand eight hundred and sixty, united into one, by the name of the Presbyterian Church of the Lower Provinces of British North America; and in consequence of such union certain enactments are necessary with regard to the property of the congregations formerly in connection with such Churches.

Preamble.

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

1. All property, real or personal, now belonging to, or held in trust for or to the use of any congregation heretofore in connection or communion with either of the Churches formerly known as the Presbyterian Church of Nova Scotia, or as the Free Church of Nova Scotia, shall continue to be possessed and held by, and shall be used for the benefit of the same congregation, being in connection or communion with the united body known as the Presbyterian Church of the Lower Provinces of British North America.

Property of Congregations before union to be still held by them.

2. Where, in any Act of Incorporation or Deed of Trust, or any Conveyance operating as such, any congregation or church in connection with the said previously existing bodies is mentioned or intended to be benefitted, such Act, Deed of Trust and Conveyance, shall be understood and construed as referring to the same congregation or church now, or so soon as the same shall be in connection or communion with the said united body.

Acts, deeds, &c., before union, still to apply.

3. Where in the Act of Incorporation or Deed of Trust of any congregation or church heretofore in connection with the said previously existing bodies, no provision has been made for the filling up from time to time of trusteeships vacant by death, removal from the Province, incapacity to act, or resig-

Election of Trustees, &c.—their powers, &c.

nation of the trustees, such congregation or church now or so soon as the same shall be in connection or communion with the said united body, may, at any regular meeting held in accordance with their Act of Incorporation or Deed of Trust, by a majority of those present and entitled to vote, elect and appoint new trustees in the room of such trustees as shall have removed from the Province, become incapable to act, resigned or died, or as shall have ceased to be members in communion with the said united body, and such newly appointed trustees and their successors, so to be appointed, shall have full power and authority to hold and administer the trust or corporate property of such congregation.

Conveyances—  
Land held to  
pass the fee  
simple to Trust-  
tees.

4. Conveyances heretofore made of any lands or real estate, with a view to the erection of any church, of any school in connection with a church, or of any manse or parsonage thereon, and whereon such church, school house, manse, or parsonage, shall have been erected, and shall be now or at any time hereafter owned by any congregation in connection with the said united body, shall be held, notwithstanding any want of form therein, to pass the fee simple in such land to the trustees of such Church duly appointed under Chapter 51 of the Revised Statutes, or under Chapter 2 of the Acts of 1860, or under this Act.

Conveyances to  
Trustees held  
to be valid in  
fee simple.

5. Conveyances of any lands or real estate heretofore made to Trustees, or to Trustees and their successors, for the use of any congregation or any church now or hereafter to be in connection or communion with the said united body, shall be deemed valid conveyances in fee simple, notwithstanding that the heirs of the Trustees are not named, and notwithstanding that the manner of appointing successors is not provided in such conveyance.

Churches, &c.  
excepted from  
operation of Act

6. The provisions of this Act shall not extend to the church or the church property of the congregation of the Reverend John Gunn, of Broad Cove Intervale, in the County of Inverness, and other of his preaching stations, or to the churches or church property of any of the congregations formerly in connection with the Presbyterian Church of Nova Scotia, or with the Free Church of Nova Scotia, which, by the vote of a majority of such congregation, passed at a public meeting thereof duly convened within three months after thirty days' public notice given by hand-bills posted in at least five public places within the limits of the congregation, declare their desire to be excepted from the operation of this Act.

Private rights  
not affected  
without com-  
pensation.

7. Nothing in this Act contained shall abridge or take away the rights or privileges of any pewholder or any other person or persons whomsoever, without just compensation being first made to such person or persons, to be ascertained in case of disagreement by arbitrators mutually to be chosen.

## CHAPTER 69.

An Act to amend the Act to Incorporate the Nova Scotia Electric Telegraph Company, and the Acts in amendment thereof.

(Passed the 31st day of March, A. D. 1862.)

## SECTION.

1. Fruit Trees, &c., may be cut.
2. Provisions of Section 3 extended.

## SECTION.

3. Section 17 of Cap. 17, Acts 1851, amended.

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

1. Fruit and Ornamental Trees may be cut down and removed, or the branches thereof cut off for the purposes specified in the First Section of Chapter 66 of the Acts of 1861, provided the same be done by the authority or order of a Local Director, and with the written sanction and concurrence of the two nearest Justices of the Peace not interested in the same.

Fruit Trees, &c., may be cut.

2. The provisions of the Third Section of the same Chapter shall be extended to other lines of Telegraph beyond subterranean lines mentioned in such Section.

Provisions of Section 3 extended.

3. Section Seventeen of Chapter 17 of the Acts of 1851, entitled "An Act to incorporate the Nova Scotia Electric Telegraph Company," shall be amended by adding thereto the following words: "and be subject to fine or imprisonment, or both, in the County Jail, or in the Provincial Penitentiary, at the option of the Court or a Judge."

Section 17 of Cap. 17, Acts 1851, amended.

## CHAPTER 70.

An Act to amend the Act to Incorporate the Halifax Relief Steamboat Company.

(Passed the 31st day of March, A. D. 1862.)

SECTION 1.—Capital increased to \$100,000.

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

1. The capital stock of the Halifax Relief Steamboat Company, which, by Section Two of the Act hereby amended, was limited to fifty thousand dollars, may be increased to one hundred thousand dollars by a bye-law, to be passed in manner specified in such second section.

Capital increased to \$100,000.

## CHAPTER 71.

## An Act to amend the Act to Incorporate the Victoria Coal Mining Company.

(Passed the 12th day of April, A. D. 1862.)

## SECTION.

## Preamble.

1. Annual meeting to be held at St. John, N. B., &c.
2. Special meeting—how called.

## SECTION.

3. Meeting of Directors.
4. Section 4 repealed.
5. Rights of Creditors not affected.

## Preamble.

Whereas it is alleged that nearly the whole of the capital stock of the said Company is now held and owned by persons residing in the City of Saint John and the Province of New Brunswick, who are desirous of extending and enlarging the works of the Company, but whose operations are impeded and the value of the stock impaired by the inconvenience of attending meetings and transacting business in the County of Cumberland, and they are desirous that the Act of Incorporation in this and in other particulars, should be amended.

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

## Annual meeting to be held at St. John, N. B., &amp;c.

1. The annual and all other meetings of the Shareholders of the Company shall hereafter be held at the City of Saint John, in the Province of New Brunswick, at such times as the Board of Directors for the time being may appoint, and notice of every such meeting and the purpose for which it is called, shall be published in some one or more of the public newspapers published in the City of Saint John, in the Province of New Brunswick, for at least thirty days before the time of any such meeting, and at all such meetings the shareholders may vote either in person or by proxy.

## Special meeting—how called.

2. Any Shareholder in the Company may call a special meeting of the Shareholders upon publication of such notice as aforesaid, specifying the purpose for which such meeting shall be called.

## Meeting of Directors.

3. The Directors of the Company shall also hold their meetings at the City of Saint John.

## Section 4 repealed.

4. The fourth Section of the Act of Incorporation is hereby repealed.

## Rights of Creditors not affected.

5. Nothing in this Act contained shall be construed to prejudice, impair, or effect the rights or remedies of the present creditors of the Company, either as against the Company or the respective Shareholders thereof.

## CHAPTER 72.

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

(Passed the 12th day of April, A. D. 1862.)

## SECTION.

1. Corporation, business, &c.
2. Capital. Shares.
3. First meeting—how and when held. Directors.
4. Liability of members. Liability after transfer of share.
5. Meetings—where held. Agent in this Province—appointment of, &c.

## SECTION.

6. Company may render navigable Glace Bay and Lakes, build wharves, &c.
7. To be open to the Public.
8. If Company do not make improvements other parties may be authorized to do so.

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

1. Edward P. Archbold, William P. Parrott, James W. Emery, Estes Howe, Joseph H. Converse, and Gardiner G. Hubbard, their associates, successors and assigns, are hereby constituted a body politic, by the name of the "Glace Bay Mining Company," for the purpose of opening and working Coal Mines in the County of Cape Breton, and transacting business connected therewith, and building mills and manufacturing coal oils, and constructing and making such railroads as may be necessary for the transportation of the production of such mines and other articles from thence to the place of shipment, and constructing and building such wharves, docks and piers, as may be necessary for the working of such Mines.

Corporation, business, &amp;c.

2. The capital of the Company shall be one hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be personal property, transmissible and assignable as such; and the Corporation shall have power to increase their capital stock to three hundred thousand dollars by the issue of new shares of vote of the stockholders.

Capital, Shares.

3. The first meeting of the Company shall be held at such time and place in this Province, or in the United States of America, as any three of the Corporators shall determine, of which public notice shall be given in two of the Halifax newspapers, at least twenty days previous to such meeting, at which or any subsequent meeting the Company may be organized by the election of a Board of Directors of not less than three or more than seven, and of whom three shall be a quorum.

First meeting—how and when held.

Directors.

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

Liability of members.



Liability after transfer of share.

Meetings—where held.

Agent in this Province—appointment of, &c.

Company may render navigable Glace Bay and Lakes, build wharves, &c.

To be open to the public.

If company do not make improvements, other parties may be authorized to do so.

paid to the Company on account of such stock, unless he shall have rendered himself liable for a greater sum by becoming surety for the debts of the Company; but no shareholder who may have transferred his interest in the stock of the Company shall cease to be liable for any contracts of the Company entered into before the date of such transfer, so as any action in respect of such liability shall be brought within six months after such transfer.

5. The meeting of the Company shall be held at such place as the Directors may appoint, and at every annual meeting they shall elect a recognized manager or agent resident in this Province, service on whom of all process, notices and other documents, shall be held to be sufficient service on the Company, and the name of such agent shall be filed with the Registrar of Deeds for the County of Halifax.

6. The Company, as soon as the same shall have been organized, and the sum of twenty-five per cent paid in on account of the stock taken, may proceed to render navigable Little and Big Glace Bay, and Little and Big Glace Bay Lakes, from the ocean upwards; they may for that purpose, on obtaining the consent of the proprietors of the lands to be thereby affected, erect piers and breakwaters upon any land owned by the Company, or upon any land of the Crown, in respect of which such permission shall be granted by the Governor, in and about the entrance of said Little and Big Glace Bay; they may, with such assent, deepen, widen, excavate and clear out such Bays and Lakes, and construct docks, dams, sluices, waterways, slips and wharves, and all and every description of structure calculated to improve and make good and available the navigation from the ocean as far up the Lakes as may from time to time be deemed advisable by the Company, and they shall, with such assent, have the right to dig, excavate or embank the channels of said Lakes, or any part thereof, so as to render the Lakes navigable.

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

8. The Legislature may authorize any other party or Company to make the improvements specified in this Act in Big Glace Bay and Lake, if the Company hereby incorporated shall not complete the same within three years from the passing of this Act.

## CHAPTER 73.

## An Act to Incorporate the Directors of the Institution for the Deaf and Dumb at Halifax.

(Passed the 12th day of April, A. D. 1862.)

## SECTION.

1. Corporation.
2. Real Estate.

## SECTION.

3. Real Estate vested in Corporation.
4. Bye-laws.

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

1. Andrew McKinlay, John H. Anderson, John Duffus, Corporation.  
Charles Cogswell, John Naylor, the Reverend James C. Cochran, and their associates and successors, are hereby created a body corporate by the name of "The Directors of the Institution for the Deaf and Dumb at Halifax."

2. The Directors may hold real estate for the benefit of the Institution not to exceed in value forty thousand dollars. Real Estate.

3. All real estate now held in the names of the above parties, or any of them, for the benefit of the Institution, is hereby vested in the Corporation. Real Estate vested in Corporation.

4. The Directors may make such Bye-laws and Rules for their governance as they may think necessary. Bye-laws.

## CHAPTER 74.

## An Act to Incorporate the Minas Marine Insurance Company.

(Passed the 12th day of April, A. D. 1862.)

## SECTION.

1. Corporation.
2. Real Estate.
3. Capital. Shares.
4. Liability of members.
5. Security to be given for balance of shares.
6. Instalments—how called in, &c.
7. Officers.
8. First meeting—when held.
9. Proceedings at meeting to be entered in a book.
10. Stock book to be kept and transfers entered.
11. Company—when to go into operation. Amount to be insured on one risk.

## SECTION.

12. Paid up Capital to be invested. Restrictions as to investments.
13. Book to be open to inspection of person appointed by Governor. Securities to be approved of before policies issued.
14. Cases in which it will be unlawful for Company to issue policies. If policies issued, Directors to be liable.
15. Proceedings to dissolve Company.
16. Company exempted from provisions of Section 16, Cap. 87, Rev. Statutes.

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

1. John W. Barss, Joseph R. Hea, William H. Dewolfe, Corporation.  
Ezra Churchill, James W. Harris, John L. Brown, and such other persons as are or may hereafter become Shareholders in

the Company hereby established, shall be a body corporate, by the name of the "Minas Marine Insurance Company," for the purpose of conducting the business of Marine Insurance at Wolfville, in this Province.

Real Estate.

2. The Company may hold real estate not exceeding the value of four thousand dollars.

Capital.

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

Shares.

Liability of members.

4. No member of the Corporation shall be liable on account of the debts of the Company to a greater amount in the whole than double the amount of the stock held by him, deducting the monies paid thereon to the Company, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the Company.

Security to be given for balance of shares.

5. Every Shareholder shall, at or before the time appointed for payment of the first call for payments on account of the shares, execute and deliver to the Company, either a bond with a mortgage on real estate to accompany the same, or otherwise a bond with two sufficient sureties, such bonds to be renewable as often as the President and Directors shall require, and to be conditioned for the payment of the residue of the calls, to become due or payable on the shares held by him, which securities shall be subject to the approval of the persons named in this Act, until the Board of Directors shall be chosen, and afterwards to the approval of such Board.

Installments—how called in, &c.

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

Officers.

7. The management of the affairs of the Company shall be conducted by a Board, to consist of a President and four Directors, and the necessary officers of the Company shall, in addition thereto, consist of a Secretary, two Auditors of the accounts of the Company, and such other officers and servants as the Company shall, by their Bye-laws, direct.

First Meeting—when held.

8. So soon as four hundred shares are subscribed, the Company shall hold their first meeting.

Proceedings at meeting to be entered in a book.

9. The proceedings of every general or special meeting of the Company shall be entered by the Secretary or such other person as shall attend in his place, in a book to be kept for the purpose, and shall then be signed by the Chairman of the meeting, and being so entered and signed shall be deemed to

be the original order and proceedings of the Company, and when proved shall be legal evidence thereof, which book shall be kept at the office of the Secretary, and shall be open for the inspection of any person who may desire the same, at all reasonable times, without fee.

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

Stock book to be kept and transfers entered.

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

Company — when to go into operation.

Amount to be insured on one risk.

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

Paid up capital to be invested.

Restrictions as to investments.

part of the capital stock shall have been lent, shall be eligible as a Director during the continuance of such loan.

Book to be open to inspection of person appointed by Governor.

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

Securities to be approved before policies issued.

Cases in which it will be unlawful for Company to issue policies

14. If it shall happen that in consequence of any losses or misfortunes, or other means whatsoever, the original or increased capital and joint stock of the Company shall at any time be wholly expended, or claims against the Company shall be outstanding unsettled, to an amount equal to the existing and available capital and funds of the Company, then as soon as the same shall be known to the President or Board of Directors, it shall not be lawful for the Company to make, or for the Board to accept orders for, or issue any new insurance or policies whatsoever, and if any farther insurances shall be made, or policies issued, after such knowledge of the affairs of the Company had by the President or Directors, or any of them, then for all losses under such insurance and policies, the President and each of the Directors, who shall accept or make such insurance, or authorize or sign the same policy, shall be personally, jointly and severally liable to the full amount of such losses, and all charges incident thereto.

If policies issued, Directors liable.

Proceedings to dissolve Company.

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

Company exempted from provisions of Section 16. Cap 87, Rev. Statutes

16. So much of the Sixteenth Section of Chapter Eighty-seven of the Revised Statutes as prevents incorporated Companies from transacting the business of Insurance, shall not extend to the Company hereby established.

## CHAPTER 75.

## An Act to Incorporate the Arichat Mutual Marine Insurance Company.

(Passed the 12th day of April, A. D. 1862.)

SECTION.	SECTION.
1. Corporation.	10. Reserved fund.
2. Officers.	11. Books open to inspection of person approved by Governor. Deposit to be made known to Governor before Policies issued.
3. Real Estate.	12. Paid up Capital to be invested. Restrictions as to investment.
4. Capital. Shares.	13. Stock book to be kept and transfers entered therein.
5. Liability of members.	14. Votes.
6. Security to be given for balance of shares.	15. Company exempted from operation of Section 16, Cap. 87, Rev. Statutes.
7. Instalments—how collected, &c.	
8. First meeting—when held.	
9. Company—when to go into operation. Amount to be insured depending on same risk.	

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

1. Charles Boudrot, Andrew Belfontaine, Simon Terrio, Edward Gagnon, Hyacinthe Martell, and such other persons as are or may become shareholders in the Company hereby established, their successors or assigns, shall be a body corporate, by the name of the Arichat Mutual Marine Insurance Company, for the purpose of carrying on the business of Marine Insurance.

Corporation.

2. The business of the Company shall be under the management of a President and such number of Directors as the Company, at any general meeting of the stockholders, shall appoint, and such other officers as may be found necessary.

Officers.

3. The Company may hold real estate not exceeding in value eight thousand dollars.

Real Estate.

4. The original capital stock of the Company shall be twenty-five thousand dollars, which may subsequently be increased by vote of the shareholders to forty thousand dollars, to be divided into shares of forty dollars each, which shall be numbered in regular progression, but no member of the Company shall hold more than fifty shares.

Capital.

5. No member of the corporation shall be liable for the debts of the Company to a greater amount in the whole than double the amount of the stock held by him, deducting the monies paid thereon to the Company, unless he shall have rendered himself liable for a greater amount by becoming surety for the debts of the Company.

Shares.

Liability of members.

6. Every shareholder shall, at or before the time appointed for payment of the first call for payments on account of the shares, execute and deliver to the Company either a bond,

Security to be given for balance of shares.

with a mortgage on real estate to accompany the same, or otherwise a bond with two sufficient sureties, such bonds to be renewable as often as the President and Directors shall require, and to be conditioned for the payment of the residue of the calls to become due or payable on the shares held by him, which securities shall be subject to the approval of the persons named in this Act, until the Board of Directors shall be chosen, and thereafter to the approval of such Board.

Instalments—  
how collected,  
&c.

7. All calls or instalments on account of such shares shall be paid by the several shareholders at such times and in such proportions as the Directors shall appoint, and notice of the times and places of paying such calls shall be given by them by printed advertisements posted in at least five public places in the town of Arichat, and by publishing the same in the local newspapers, if any, for at least thirty days previous to the time of payment.

First meeting—  
when held.

8. So soon as the sum of twenty-five thousand dollars is subscribed for, the Company may hold their first meeting.

Company—  
when to go into  
operation.

9. So soon as the said sum of twenty-five thousand dollars shall have been subscribed, and the sum of six thousand two hundred and fifty dollars shall have been actually paid in to the Company by the proprietors of shares, and sufficient securities shall have been given by them for the balance thereof, the Directors may, at their office in Arichat, commence and conduct the business of Marine Insurance in all its branches, and may make insurance upon all subjects of Marine Insurance whatsoever, and may transact all matters relating to the business of a Marine Insurance Broker, Insurer or Underwriter; but, until the expiration of one year from the time when the Company shall commence the business of insurance, no greater sum than three thousand dollars, and after the expiration of one year, no greater sum than six thousand dollars in the whole, shall be insured by the Company, and be at risk at the same time upon any one ship or vessel, her cargo, freight, or other interest therein, depending on the same risk.

Amount to be  
insured de-  
pending on  
same risk.

Reserved fund.

10. The profits of the Company, after paying all current expenses and six per cent on the paid up capital, shall constitute a reserved fund until such fund shall amount to fifteen hundred dollars, after which the full annual profits shall be divided.

Books open to  
inspection of  
person ap-  
proved by Gov-  
ernor.

11. The books and accounts of the Company shall, at all times, be open to the examination of such persons as the Governor in Council may appoint to inspect the same, and before any policies of insurance shall be issued by the Company, the deposit of six thousand two hundred and fifty dollars of the capital stock of the Company shall first be made known to the Governor and Council, for their approval.

Deposit to be  
made known to  
Governor be-  
fore policies  
issued.

Paid up Capital  
to be invested.

12. All the paid capital of the Company which shall not be considered necessary to be kept on hand for the payment of losses or expenses, shall be kept constantly invested at

interest upon approved securities, or in public funds, banks, or in other stocks, in the name of the Company, but no part thereof shall be lent on bottomry or respondentia, or on mortgage of ships and vessels, but mortgages of other personal property may be held by the Company to secure a debt; nor shall the funds of the Company be employed in merchandize or in banking operations, nor shall the Company trade as a merchant, nor shall a dividend be made of any part of the capital stock; nor shall a loan of any part of the capital stock be made, directly or indirectly, to any Director of the Company, nor shall a Director be a party to any security for any such loan; and no stockholder to whom any part of the capital stock shall have been lent, shall be eligible as a Director during the continuance of such loan.

Instructions as to investment.

13. The Secretary shall keep in his office, in addition to the other records of the Company's meetings and proceedings, to be duly entered in proper books, a book containing a record of the original subscriptions of stock, and of all alterations in the ownership thereof, together with the amount paid thereon; and no transfer of such stock shall be valid until it shall be entered in such book, which book, being proved, shall be legal evidence of the ownership of the shares, and shall be open for the inspection of any person who may desire to see the same, at all reasonable times, without fee.

Stock book to be kept and transfers entered therein.

14. At all general meetings each stockholder shall be entitled to give, by himself or his accredited agent, votes as follows: the holder of one share, one vote; the holder of five shares, two votes; the holder of ten shares, three votes; the holder of fifteen shares and upwards, four votes and no more.

Votes.

15. So much of the Sixteenth Section of Chapter 87 of the Revised Statutes as prevents incorporated companies from transacting the business of Insurance, shall not extend to the Company hereby established.

Company exempted from operation of Section 16, Cap. 87, Rev. Statutes.

## CHAPTER 76.

An Act to Incorporate the Congregational Union of Nova Scotia and New Brunswick, so far as relates to the Province of Nova Scotia.

(Passed the 31st day of March, A. D. 1862.)

### SECTION.

1. Corporation.
2. Real Estate.
3. Members of Corporation—of whom composed.
4. Officers.

### SECTION.

5. Donations, &c., to be invested. Committee to report at general meetings.
6. General meetings—when held.
7. Operation of union in N.S. only affected.

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



## Corporation.

1. The Reverend Robert Wilson, the Reverend George Sterling, the Reverend James Howell, the Reverend George Ritchie, the Reverend George A. Rawson, and P. B. C. Burpee, T. B. Barker, F. H. Hilton, Edward Hiram Freeman, and such other persons as shall become members of the Society hereby constituted by the name of the Congregational Union of Nova Scotia and New Brunswick, shall by that name be and they are hereby created a body politic and corporate.

## Real Estate.

2. The corporation may hold real estate for the purpose of missionary operations, educating young men for the Ministry, or sustaining weak churches in connexion with the congregational body of Christians in the Provinces of Nova Scotia and New Brunswick.

## Members of Corporation—of whom composed.

3. The members of this corporation shall consist of the Ministers of the Congregational Churches who shall be recognized and admitted as members by the Congregational Union of Nova Scotia and New Brunswick, at its annual meetings, and delegates from Congregational Churches that have been recognized and admitted to its fellowship; such delegates from each Church not to exceed two in number.

## Officers.

4. The affairs of the corporation shall be under the control and management of a Committee annually appointed: a President, Secretary and Treasurer, and such other officers as shall be deemed necessary.

## Donations, &amp;c., to be invested.

5. All donations, subscriptions, legacies, interest arising from legal securities of any kind, shall be invested or disposed of under the direction of the Committee, for the benefit of the corporation; and the Committee shall account for all their acts, receipts and expenditures, and shall make a report to the annual general meeting of the corporation.

## Committee to report at general meetings.

## General meetings—when held.

6. A general meeting of the corporation shall be held once in each year, and as much oftener as may be directed by any rule or bye-law.

## Operation of union in N. S. only affected.

7. The provisions of this Act of Incorporation are only to be construed as affecting the operations of the Union in the Province of Nova Scotia.

## CHAPTER 77.

## An Act to Incorporate "The Acadia Fire Insurance Company."

(Passed the 31st day of March, A. D. 1862.)

## SECTION.

1. Corporation.
2. Capital. Shares—how vested.
3. When to go into operation. Risks to be taken in proportion to paid up capital. Members liable for Insurance beyond amount authorized.
4. Losses, when to be paid, &c.
5. Books open to inspection by persons appointed by Governor. Exceptions. On failure of capital Governor may revoke Act. Liability of members in such case.
6. Shares personal property.
7. Officers—how chosen, &c.
8. Annual meeting—when held. Proceedings at.

## SECTION.

9. Votes.
10. Stock—how held.
11. Balance of shares—how called in, &c.
12. Share not transferrable, if instalment unpaid, and may be forfeited, &c.
13. No. of shares to be taken by each stockholder.
14. Cases in which it is not lawful to issue policies. President and Directors liable if policies issued.
15. Proceedings to dissolve Company.
16. Penalty for forging seal, altering policy, &c.
17. Real Estate.
18. Duration of Act.

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

1. Benjamin Wier, John Tobin, James Cochran, William J. Stairs, Daniel Cronan, John Duffus, Thomas Kenny, Martin P. Black, Roger Cunningham, William Findlay, John W. Ritchie, and such other persons as shall from time to time become shareholders in the Company hereby established, their successors and assigns, are hereby created a body corporate, by the name of "The Acadia Fire Insurance Company."

Corporation.

2. The capital or joint stock of the Company shall be four hundred thousand dollars, to consist of ten thousand shares of forty dollars each, two hundred thousand dollars of which shall be paid in cash, and invested in the British or Colonial government stocks, or provincial funds, or in city debentures, or in the stock or deposit receipts of any chartered Bank or Company at Halifax, excepting Insurance Companies, which investments shall be made and taken and continued from time to time to the satisfaction of such persons as the Governor shall appoint to examine and report upon the funds and securities of the Company.

Capital.

Shares.

How invested.

3. When the Corporation shall have provided the capital or joint stock of two hundred thousand dollars, and invested and secured one hundred thousand dollars as hereinbefore directed, it shall be lawful for them to commence business, and to cause insurances to be made on houses, buildings, stores, goods and merchandize, from loss or damage by fire; provided always that the risk incurred by the Corporation in

When to go into operation.

Risks to be taken in proportion to paid up capital.

this Province upon the capital of two hundred thousand dollars, shall not at any time exceed one million four hundred thousand dollars; but for every eight thousand dollars of additional capital subscribed, of which four thousand dollars shall be invested and secured, insurances may be effected to the amount of forty-eight thousand dollars; and when the whole capital of four hundred thousand dollars shall be subscribed, and the sum of two hundred thousand dollars shall be invested and secured as hereinbefore directed, then it shall be lawful for such Company to insure or have at risk at any one time the amount of two million four hundred thousand dollars, and no more; and the whole of the capital or joint stock shall be pledged and liable to make good all and every loss which may happen upon all or any of the policies. And in case the Company shall at any time make insurances beyond the amount hereby authorized, the members of the Corporation shall be liable in their own persons and estates for their respective shares or proportions of the amount insured beyond the said amounts.

Members liable for Insurance beyond amount authorized.

Losses—when to be paid, &c.

4. All just demands upon any policy of insurance of the Corporation from any losses whatever which may appear, shall be paid and satisfied and discharged from time to time according to the tenor of the respective policies, within three months from the time any such loss shall occur and happen, and shall be duly established according to the tenor of the policy, from and out of the joint stock or funds of the Corporation.

Books open to inspection by persons appointed by Governor.

Exceptions.

On failure of capital Governor may revoke Act.

Liability of members in such case.

Shares personal property.

Officers—how chosen, &c.

5. The books and accounts of the Corporation, and a statement of their funds and insurances made, shall at all times be open to the inspection of such person or persons as the Governor shall appoint to inspect the same—the members and agents of other Fire Insurance Companies excepted; and in case the Corporation shall fail to keep good the capital or joint stock it shall be lawful for the Governor by proclamation, under the great seal of the Province, to revoke and make void the present Act of Incorporation, and all the powers hereby granted; in which case the members of the Corporation shall be severally liable, in their persons and estates, according to their proportion and share of such joint stock, for all insurances by them made as a Corporation, anything herein contained to the contrary notwithstanding.

6. The share and part of each member of the Corporation shall be considered personal property, and may be sold and assigned by the proprietor as other personal property may be sold and assigned.

7. The business of the Corporation shall be transacted by the president and directors. The directors to be chosen by the stockholders, and shall have power to appoint a secretary

and treasurer, and such other officers as may be required, and to fix their salaries.

8. The annual meeting of the Corporation shall take place on the second Monday of February, in each year, when the accounts of the Company to the thirty-first day of December preceding, shall be exhibited, and any other business of the Company transacted; and after the first meeting for organizing the Company, all subsequent elections of directors shall take place at the annual general meeting.

Annual meeting  
—when held.  
Proceedings at.

9. At all meetings of the Corporation, the stockholders shall vote in person, each stockholder holding one share and less than ten, to have one vote; ten shares and less than twenty, two votes; twenty shares and upwards, three votes and no more.

Votes.

10. No person shall hold stock in the Corporation except in his or her own right.

Stock—how held.

11. The stockholders shall be liable to pay up the remaining twenty dollars per share of the capital, on call, after sixty days notice; but no call shall be made for more than twenty per cent at any one time; interest to be chargeable thereon after the same shall become due.

Balance of shares—how called in, &c.

12. No share shall be transferable or transferred until all the instalments called for are paid up; and the shares shall be forfeited and liable to be sold by the directors in case of default of payment of any one call, with interest for thirty days after the same shall become due.

Share not transferable, if instalment unpaid, and may be forfeited, &c.

13. No stockholder shall be allowed to take or subscribe for more than one hundred shares of stock, to be created under this Act, until the expiration of thirty days after this Act shall go into operation.

No. of shares to be taken by each stockholder.

14. If it shall happen that losses of the Company created under this Act, shall in any one year amount to two hundred thousand dollars, and the invested capital of the Company shall at any time be wholly expended, or any just claims against the Company shall be outstanding and unsettled, equal to that amount, then as soon as the same shall be known to, or ascertained by the president and directors, it shall not be lawful for the Company, or for the said directors to accept orders for, or sign or issue any further insurances or policies therefor whatever; and if any such further insurances shall be made, or policies therefor signed or issued, after the knowledge of the state of the affairs of the Company had by the president or directors, or any of them, then, for and upon all losses and monies payable for losses under such insurances and policies so issued and signed, the president and each of the directors who shall accept or make such insurances, or sign the said policies, shall be personally, and in their own estates jointly and severally, held liable and accountable to the full amount of such losses, and all charges incident thereto,

Cases in which it is not lawful to issue policies.

President and Directors liable if policies issued.

and shall be deemed guilty of a misdemeanor, and be punishable by fine or imprisonment, or both, in the discretion of the Court before whom the offence shall be tried.

Proceedings to  
dissolve Com-  
pany.

15. Upon the happening of any such losses as last mentioned, to the extent of the capital invested, or upon the vote of three-fourths in number of the proprietors in the Company, holding at least three-fourths of the whole number of shares therein, the Company shall be dissolved, and the same shall be forthwith declared by the President and Directors, and published in the *Royal Gazette*, and thereupon the Company shall cease and determine, but the Directors shall continue in office during such time as shall be required for winding up the affairs and business of the Company, and all corporate powers for the purpose necessary and requisite shall subsist and remain in force until the whole of its affairs shall be fully settled; and the Board of Directors for the time being shall and are hereby required to adopt the most immediate and effectual measures for settling, winding up, and closing all the accounts and affairs and business of the Company, ascertaining, adjusting, and paying demands against the same, collecting the debts, and converting the capital and property of the Company into money, and for dividing and paying to and among the shareholders and proprietors entitled thereto the whole nett proceeds of the same, according to their respective shares and interest in the Company.

Penalty for  
forging seal,  
altering policy,  
&c.

16. Any person who shall forge or counterfeit, or cause to be forged or counterfeited, the common seal of the corporation to be created under this Act, or shall forge, counterfeit, or alter any policy or other instrument under the common seal, or shall offer to dispose of any forged or counterfeit or altered policy or other instrument under the common seal, or shall demand the money appearing to be due thereon from the corporation, knowing the same to be forged, every such person offending and being convicted thereof in due form of law, shall suffer the pains and penalties inflicted by law upon persons guilty of forgery within this Province.

Real Estate.

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

Duration of Act.

18. This Act shall continue in force for the term of twenty-one years, and no longer, unless the same shall be previously determined in the manner hereinbefore expressed.

## CHAPTER 78.

## An Act to Incorporate the Union Protection Company.

(Passed the 31st day of March, A. D. 1862.)

## SECTION.

1. Corporation.
2. Real Estate.
3. Privileges of members.
4. Honorary members—their privileges.
5. Time of service as member of Engine Company to be reckoned.

## SECTION.

6. Proof thereof.
7. Members entitled to vote at civic elections.
8. Officers.

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

1. James B. Smithers, John Taylor, John Dugwell, Thomas Bentley, James Lawlor, Edward Power, Charles Blackadar, John Scriven, William Muir, John R. Willis, and such other persons as now are or shall become members of the Company hereby established, and their successors, not to exceed one hundred men, are hereby created a body corporate, by the name of the Union Protection Company, for the purpose of affording aid in saving property when endangered by fire. Corporation.
2. The Company may hold real estate not exceeding in value eight thousand dollars. Real Estate.
3. All persons duly certified, as hereinafter provided, to be bona fide members of the Company, shall be exempt from serving on Juries, or in the Militia, or from the payment of poll tax, so long as they continue to be members of the Company. Privileges of members.
4. Whenever any member has actually served in the Company for the full term of sixteen years, he shall be entitled to be enrolled as an honorary member, and to receive from the Captain and Secretary of the Company for the time being, a Certificate to that effect, which shall entitle him to all the rights, privileges, and exemptions which are conferred on active members by the preceding Section, without the payment of any further annual subscription or active service as a member of the Company. Honorary members—their privileges.
5. The term for which any member of the Union Protection Company shall have actually served as a member of the late Union Engine Company, shall reckon toward the period of sixteen years mentioned in the preceding Section, as fully and in the same manner as if the whole service had been performed as a member of the Union Protection Company. Time of service as member of Engine Company to be reckoned.
6. A certificate of such service signed by the last persons who held the offices of Captain and Secretary of the late Union Engine Company, shall be sufficient proof thereof, and in Proof thereof.

case of the death, absence, or refusal of such Captain and Secretary, or either of them, an affidavit made by the party claiming to be allowed such service, which may be made before the Mayor or any Alderman of the city, stating that such claimant has actually served for the period claimed as a member of the Union Engine Company, shall be deemed sufficient, and the number of years of service stated in such certificate or affidavit, as the case may be, shall reckon towards the sixteen years required by the third Section for entitling members to the privileges therein conferred.

Members entitled to vote at civic elections.

7. No member of the Union Protection Company shall be deprived of his right to vote at any civic election for Mayor or Aldermen, or any other officer of the city, by reason of not paying poll tax; but a certificate of his being an active or honorary member, as hereinbefore prescribed, shall entitle him to vote in the same manner as if he had paid such poll tax.

Officers.

8. The present officers of the Company shall, after the passing of this Act, be the officers thereof until officers are elected under this Act.

## CHAPTER 79.

### An Act to Incorporate the Halifax Club.

(Passed the 31st day of March, A. D. 1862.)

#### SECTION.

1. Corporation.
2. Real Estate.

#### SECTION.

3. May collect arrears.

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

Corporation.

1. Mather B. Almon, Edward Kenny, William A. Black, James C. Cogswell, William Cunard, and such other persons as now are or from time to time shall become members of the Club hereby established, according to the rules and bye-laws thereof, are hereby created a body corporate, by the name of "The Halifax Club."

Real Estate.

2. The corporation may take, hold, and enjoy real estate to the value of forty thousand dollars, and may mortgage, sell, lease, or otherwise dispose of the same, as may be deemed expedient.

May collect arrears.

3. The corporation may collect all arrears due to them under the present bye-laws of the Club, and such bye-laws are hereby declared legal and valid.

## CHAPTER 80.

## An Act to amend the Act Incorporating the Chebucto Marine Railway Company.

(Passed the 31st day of March, A. D. 1862.)

SECTION 1. Capital increased to \$100,000.

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

1. The capital stock of the Chebucto Marine Railway Company, which, under Chapter 67 of the Acts of 1860, entitled, An Act to Incorporate the Chebucto Marine Railway Company, was limited to fifty thousand dollars, may be increased to one hundred thousand dollars under the guards mentioned in Section Three of such Act; and so much of that Section as is inconsistent with this Act, is repealed.

Capital increased to \$100,000.

## CHAPTER 81.

## An Act to Incorporate the Messenger Wharf Company.

(Passed the 31st day of March, A. D. 1862.)

SECTION.

1. Corporation.
2. May erect piers, &c. To be open to public.

SECTION.

3. Capital. Shares. Real estate.
4. Bye-laws.

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

1. William Piggott, William Messenger, Thomas Hooper, James Messenger, Junior, Calvin Corbett, Major Messenger, and such other persons as are or may become Shareholders in the Company hereby established, their successors and assigns, are created a body corporate, by the name of the "Messenger Wharf Company."

Corporation.

2. The Company may erect a public pier or wharf, with stores and buildings, near the Messenger neighborhood, on the south side of the Annapolis River, upon any land owned by the Company or the public, in and about such wharf; and such wharf, stores, and buildings shall be open and free for the use of all ships and vessels, and of all persons desirous of using the same for trading purposes, subject to such rates of dockage, wharfage and storage, as shall be fixed by the Company, with the consent of the Sessions.

May erect piers, &amp;c.

3. The capital of the Company shall be limited to four thousand dollars, to be divided into shares of twenty dollars each, and the Company may hold real estate to the value of four thousand dollars.

To be open to public.

Capital. Shares. Real estate.



Bye-laws.

4. The Bye-laws of the Company shall not come into operation until they shall have been approved of by the Sessions, and recorded in the Registry of Deeds for the County of Annapolis.

## CHAPTER 82.

## An Act to Incorporate the Dartmouth Mechanics' Institute.

(Passed the 31st day of March, A. D. 1862.)

## SECTION.

1. Corporation.
2. Objects of Corporation.
3. Entrance money. Tickets of membership. Not transferable. May be cancelled.
4. Members in arrears not entitled to vote.
5. Persons eligible for office.
6. Officers—how elected. Their powers and duties.
7. Dartmouth Mechanics' Institute vested in Trustees. Appointment of Trustees.

## SECTION.

8. Duration of office. If no Trustee appointed, old ones to continue. Librarian.
9. Temporary use of building for other purposes. Proviso. Trustees not allowed to sell or mortgage.
10. Time of election of Trustees, &c. Bye-laws.

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

Corporation.

1. James W. Turner, Thomas B. Desbrisay, Henry Elliot, John Burton, Henry S. Weeks, Francis Elliot, James W. Johnston, the younger, and all other persons of the age of twenty-one years and upwards, residing in Dartmouth, and paying the entrance fee hereinafter mentioned, are hereby created a body corporate, by the name of the "Dartmouth Mechanics' Institute."

Objects of Corporation.

2. The objects of the Institute shall be the cultivation and diffusion of knowledge, chiefly of the arts and sciences and general literature, and the collection of models, drafts, specimens, and books for a library.

Entrance money. Tickets of membership not transferable.

3. The entrance money payable by each member shall be fifty cents, for which a ticket of membership shall be given by the Secretary, which shall not be transferable to any other person; subsequent payments to be regulated by Bye-laws. Membership may be cancelled for improper conduct by vote of not less than two-thirds of the members present at any regular meeting, provided notice thereof be given at a previous regular meeting of the members.

May be cancelled.

4. No member shall be entitled to vote who has not previously paid all arrears.

Members in arrears not entitled to vote. Persons eligible for office.

5. Members only shall be eligible to office, and none others shall vote in the management of the Institute, or shall possess a right in its property.

6. The standing officers of the Institute shall be a Presi-

dent, two Vice Presidents, a Treasurer, a Secretary, and a Committee of seven persons, who shall be chosen annually by nomination and ballot, and also the Trustees of the property of the Institute, hereinafter mentioned; the powers and duties of the officers so elected to continue until the next general election of officers, unless such officers should, in the mean time, cease to be members of the Institute.

Officers—how elected.

Their powers and duties.

7. Immediately upon the passing of this Act, the wooden building situated in Dartmouth, now called the Dartmouth Mechanics' Institute, with the appurtenances, furniture, and properties thereto belonging, and also the land upon which the building is standing, as conveyed to Edward H. Lowe and others by Alexander James and wife, by Deed dated January seventeenth, one thousand eight hundred and forty-six, and recorded in Halifax in Liber eighty-three, folio four hundred and fifty-five, shall vest in five Trustees, namely, James W. Turner, Thomas B. Desbrisay, and Henry Elliot, heretofore elected, and two other Trustees, to be hereafter elected, after which one of the Trustees shall go out annually in rotation, from the top of the list, whose place shall be filled by election annually, by ballot, at the same time with the other officers of the Institute, and the outgoing Trustee shall be capable of re-election.

Dartmouth Mechanics' Institute vested in Trustees.

Appointment of Trustees.

8. The term of office of each Trustee shall commence from the time he shall signify his assent in writing under his hand, in the book of the Institute containing the declaration of trust by such Trustees, and shall expire by rotation, as before specified. In case of a vacancy occurring in any other manner, the same shall be filled up as above, at the next annual meeting, each new Trustee to be placed at the bottom of the list. In case a new Trustee shall not be appointed owing to the Institute not being in session, or from any other cause, the same Trustees shall continue in office from year to year until such new appointment shall be made; such Trustees, with the other officers of the Institute, to have power to appoint a Librarian and any other persons that may be necessary for taking due care of the property of the Institute.

Duration of office.

If no Trustees appointed, old ones to continue.

Librarian.

9. A majority of the Trustees, at their discretion, but only by and with the approval of the President and Vice Presidents of the Institute, may permit the temporary use of the building for purposes not connected with the propagation of religious sectarianism, provided always that they shall not let or apply the same in such manner as to interfere with the use of the building by the Institute, at any time that it may be required; provided, also, that the Trustees shall not have power, at any time hereafter, to sell the real estate, nor to lease, encumber, charge, or mortgage the same, or any part thereof, in any manner whatsoever; nor shall the Trustees have power to sell or otherwise dispose of any part of the per-

Temporary use of building for other purposes.

Proviso.

Trustees not allowed to sell or mortgage.

sonal property of the Institute, except the books and useless furniture.

Time of  
election of  
Trustees.

Bye-laws.

10. The election of two new Trustees and also of the Committee of Management, shall take place in April, one thousand eight hundred and sixty-two, or as near thereto as practicable, and a majority of the standing officers thus completed shall have power to make all necessary Bye-laws for the future management of the Institute, which Bye-laws the members, at any regular meeting, may, by vote of not less than two-thirds of the members present, repeal or amend, provided notice thereof be given at a previous regular meeting of the members; but the foregoing enactments shall form the permanent Constitution of the Institute, and shall be embodied in the Deed of Trust.

## CHAPTER 83.

### An Act to Naturalize certain Aliens.

(Passed the 31st day of March, A. D. 1862.)

SECTION 1.—Nathaniel K. Watson, Charles Miller, John Nichola, John K. Mayo, William Heney, Naturalized.

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

Nathaniel K.  
Watson, Charles  
Miller, John  
Nichola, John  
K. Mayo, Wil-  
liam Heney,  
Naturalized.

1. Nathaniel K. Watson, of Port Mulgrave, in the County of Guysborough, Mariner; Charles Miller, of Noel, in the County of Hants, Shoemaker; John Nichola, of Montegan, in the County of Digby, Yeoman; John K. Mayo, of Weymouth, in the County of Digby, Mill owner; and William Heney, of the Eastern Road, in the County of Halifax, Manufacturer, as soon as they shall respectively take and subscribe the oath of allegiance to Her Majesty Queen Victoria and Her Successors, in manner prescribed by Chapter thirty-two of the Revised Statutes, shall within this Province become naturalized subjects of Her Majesty, entitled to all the rights of such subjects as fully as the same can be conferred, under or by virtue of the Act of the Imperial Parliament, passed in the 10th and 11th years of Her Majesty's reign, entitled "An Act for the Naturalization of Aliens."

# INDEX TO THE STATUTES

OF

## NOVA SCOTIA.

25° VICTORIÆ.

1862.

---

### A.

- Academy, Pictou; Act relating to, continued, 75.  
Acadia Fire Insurance Company; incorporated, 137.  
Admiral, Lord High; Naval Property vested in, 79.  
Albert Bridge; rebuilding of provided for, 105.  
Aliens; Naturalization Act, 146.  
Animals and Birds, Useful; Act for preservation of, amended, 69.  
Annapolis, Town Marsh; Law regulating amended, 112.  
Apple Barrels; size regulated, 77.  
Appropriation Act, 85.  
Arichat Mutual Marine Insurance Company, incorporated, 133.  
Assessments, County; Act regulating amended, 51, 70.  
    Assessment Rolls legalized, 67.  
    Regulated in County of Halifax, 70.  
    Roll need not contain names of those unable to pay, 51.  
    Warrant against single defaulter, how obtained, 51.  
Assignments must be filed in Registry of Deeds, 31.

### B.

- Barrels, Apple; size of, regulated, 77.  
Barrington, Township; Rear Line of, defined, 107.  
    Sale of School Lot authorized, 119.  
Bills of Sale; Act respecting registry of, 30.  
    Definition of terms used in Act, 31.  
    Discharge of, how to be entered, 31.  
    Fees on registry and inspection of, 31.  
    24 Vic., Cap. 5., repealed, 32.  
Birds and Animals, Useful; Act for preservation of, amended, 69.  
Bridge; building of in Hants County provided for, 100.  
    Erection of in Colchester County provided for, 117.  
    Rebuilding of in Cape Breton County provided for, 105.

- Bridge; rebuilding of in Digby County provided for, 104.  
 Rebuilding of in Pictou County provided for, 112, 116.  
 British North America; Act concerning Congregations of  
 Presbyterian Church of Lower Provinces, 123.  
 Buildings, Wooden; erection of in City of Halifax re-  
 strained, 90.

## C.

- Cape Breton County; rebuilding of Albert Bridge provided  
 for, 105.  
 Carriboo; restrictions and regulations as to killing of, &c., 69.  
 Chebucto Marine Railway Company; Incorporation Act  
 amended, 143.  
 Circuit Court; arrears of business, how to be disposed of, 27.  
 Civil Government of Province; certain expenses of provided  
 for, 85.  
 Club, Halifax; incorporated, 142.  
 Coal Mining Company, Victoria; Incorporation Act amend-  
 ed, 126.  
 Commissioners of Diked Lands; Law relating to amended, 66.  
 Of Schools not entitled to vote in certain  
 cases, 75.  
 Common, Halifax; sale of portion of authorized, 94.  
 Common Lands, Lunenburg; Act relating to, 108.  
 Companies, Joint Stock; Act for incorporating and winding  
 up, 20.  
 Congregational Union of Nova Scotia and New Brunswick,  
 incorporated, 135.  
 County Assessments; *see Assessments.*  
 Court House in Yarmouth; erection of authorized, 107.  
 Court, Supreme; *see Supreme Court.*  
 Creditors; Frauds upon by Secret Bills of Sale. Act for pre-  
 venting, 30.  
 Criminal Law; administration of amended, 28.  
 Judge may reserve questions of Law for  
 argument at Halifax, 28.  
 Supreme Court shall hear and determine  
 questions reserved, 29.  
 Cumberland County; line between two Polling Districts de-  
 fined, 103.  
 Poor Districts established, 104.  
 Poor Rate legalized, 104.  
 Customs Duties; Law regulating amended and continued, 25.

## D.

- Dartmouth Mechanic's Institute incorporated, 144.  
 Town of; Police Regulations established in, 99.

- Deaf and Dumb; Directors of Halifax Institution incorporated, 129.
- Digby County; rebuilding of Bridge provided for, 104.
- Diked Lands; Law regulating, amended, 65.
- Disabilities, Executive and Legislative; Act respecting, 82.
- Distillation of Intoxicating Liquors prohibited, 58.
- District, Electoral, added in Guysborough County, 105.  
     Added in Victoria County, 119.  
     Altered in Pictou County, 113.  
     Divided in Halifax County, 89.  
     Lines established in Cumberland County, 103.
- Districts, Poor, established in Cumberland County, 104.
- Drawback; Tobacco imported, when entitled to, 32.
- Duties, Customs; Law regulating, amended and continued, 25.  
     Light House; Laws imposing, continued, 26.
- Duty, Excise, imposed on certain articles manufactured in Province, 53.

## E.

- Education; Acts relating to, amended and continued, 74.  
     Commissioner of Schools not to vote in certain cases, 75.  
     Hants County School Monies, division and application of, 75.
- Electoral District, added in Guysborough County, 105.  
     Added in Victoria County, 119.  
     Altered in Pictou County, 113.  
     Divided in Halifax County, 89.  
     Lines established in Cumberland County, 103.  
     Made Poor Districts in Cumberland County, 104.
- Electric Telegraph, for Military Purposes, construction of authorized, 77.  
     Company, Nova Scotia; Incorporation Act amended, 125.
- Excise Duty imposed on certain manufactured articles, 53.
- Executive and Legislative Disabilities; Act concerning, 82.

## F.

- Fire; False Alarms in Halifax, Act for prevention of, 89.  
     Insurance Company, Acadia; incorporated, 137.  
     Union Protection Company; incorporated, 141.
- Fisheries, River; Law regulating amended, 57.  
     Penalties for refusing to erect Fish Ways, 57.

Fisheries, River; Powers of Sessions enlarged, 57.  
 Section 2, operation of, extended, 57.  
 Spearing and Sweeping Salmon, prohibited, 58.

## G.

Glace Bay Mining Company incorporated, 127.  
 Gold Fields; Act relating to, 1.  
 Alluvial Diggings, regulations concerning, 5, 6.  
 Appeals, how to be proceeded with, 11, 12.  
 Applications for arrears, regulations respecting, 4, 5.  
 Appraisements, how to be made, 8.  
 Arbitrators, how to be appointed, 8.  
 Areas, extent of and how to be laid out, 5.  
 Award, proceedings upon return of, 8, 9.  
 Bailiffs, appointment and powers of, 13.  
 Chief Commissioner, appointment, duties of, &c. 3, and *passim*.  
 Damages to proprietors, how ascertained, 8, 9.  
 Payable out of the Treasury, 7.  
 Definition of certain terms in Act, 2.  
 Deputy Gold Commissioners, appointment and duties, 3, 4, &c.  
 Discoverer of New Mine, entitled to free lease, 6.  
 Disputes as to possession of Mine, how settled, 11.  
 Gold District, how established, 7.  
 Governor in Council may make Mining Regulations, 13.  
 Leases, duration of, regulations concerning, &c., 6, 7.  
 Lock-up Houses may be erected, 13.  
 Mining, penalty for persisting in after notice, 10.  
 New Mine, definition of, 6.  
 Police Force, appointment of authorized, 13.  
 Quartz Mines, how to be laid off, 4, 5.  
 Rents, what and how payable, 6.  
 Royalty, what and when payable, 6.  
 Schedules to Act, 14 to 19.  
 Title, how re vested in Crown, 8, 9.  
 Uncultivated Lands, regulations concerning, 7.  
 Unlawful Mining, how punishable, 10.  
 Guysborough County; additional Polling District established, 105.  
 Improvement of Roads provided for, 106.

## H.

- Halifax, City; Acadia Fire Insurance Company, incorporated, 137.  
 Architects' duties defined under Building Act, 93.  
 Assessment Act amended, 97.  
 Chebucto Marine Railway Company, Incorporation Act amended, 143.  
 Club incorporated, 142.  
 Common, sale of portion authorized, 94.  
 False Alarms of Fire, penalty for causing, 89.  
 Institution for Deaf and Dumb, Directors incorporated, 129.  
 Medical Officer's appointment and duties, 97.  
 Relief Steamboat Company, Incorporation Act amended, 125.  
 Union Protection Company incorporated, 141.  
 Water Supply Act amended, 95.  
 Wooden Buildings, Erection Act amended, 125.
- Halifax Club incorporated, 142.
- Halifax County; Assessment Act amended, 70.  
 Electoral District No. 24, divided, 89.
- Halifax, Port of; Pilotage Regulations amended, 75.
- Hants County; Act concerning apportionment of expenses, &c, 101.  
 Building a Bridge in, provided for, 100.  
 School Monies, division and appropriation of, 75.
- Harbor Master's Fees, in Port of Pictou altered, 76.
- Highway Labor; Act regulating, 59.  
 Acts repealed, 59.  
 Blank Forms of Returns, how furnished, 64.  
 Breaking Roads in Winter, 62.  
 Bridges carried away, provision in case of, 61.  
 Clerk of Peace, duties under Act, 64.  
 Commissioners' duties, &c., 61, 63.  
 Commutation, how and when payable, 62.  
 Day to be eight working hours, 61.  
 Districts confirmed new, how established, 59.  
 Exempted persons enumerated, 60.  
 Expenditure of collected monies regulated, 63.  
 Forfeitures under Act, how recoverable, &c., 64.



- Highway Labor; General Inspector, appointment authorized, 64.  
 Highway, alteration, how sanctioned, 62.  
     Obstruction, how removed, 61.  
 Island, residents on, regulations respecting, 62.  
 Males over sixty, when liable for, 60.  
 Notices for, how to be given, 61.  
 Operation of Act in certain Counties, 64.  
 Overseers, their duties, 61.  
 Poll Tax, who liable for, 59.  
 Property in hands of Executors, &c., liable, 60.  
 Returns, form of, and how to be made, 63, 64.  
 Scale of additional labor, 60.  
 Surveyors, delinquent, how prosecuted, 64.  
     Duties and liabilities of, 63, 64.  
     Pay of, regulated, 64.  
 Teams may be required by Surveyors, 60.  
 Time within which labor may be done, 60.  
 Town of Pictou exempted from operation of Act, 64.

## I.

- Incorporation; Acadia Fire Insurance Company, 137.  
 Arichat Mutual Marine Insurance Company, 133.  
 Chebucto Marine Railway Company, amended, 143.  
 Congregational Union of Nova Scotia and New Brunswick, 135.  
 Dartmouth Mechanic's Institute, 144.  
 Directors of Institution for Deaf and Dumb, 129.  
 Glace Bay Mining Company, 127.  
 Halifax Club, 142.  
 Halifax Relief Steamboat Company, amended, 125.  
 Messenger Wharf Company, 143.  
 Minas Marine Insurance Company, 129.  
 Nova Scotia Electric Telegraph Company, amended, 125.  
 Union Protection Company, 141.  
 Victoria Coal Mining Company, amended, 126.  
 Instruction, Public; Acts concerning amended and continued, 74.

- Insurance Company; Acadia Fire, incorporated, 137.  
 Arichat Mutual Marine, incorporated,  
 133.  
 Minas Marine, incorporated, 129.
- Intoxicating Liquors; Distillation in Province prohibited, 58.  
 Penalty for violation of Act, 58.  
 Suspected places may be searched, 58.  
 When seized may be forfeited as if  
 smuggled, 58.
- Inverness County; Act relating to Port Hawkesbury, amend-  
 ed, 118.

## J.

- Jail, at Yarmouth; Act providing for erection of, amended,  
 108.
- Joint Stock, Companies; Act for incorporating and winding  
 up, 20.

## L.

- Labor on the Highways, regulated, 59, 113.
- Legislative Disabilities; Act in respect of certain, 82.
- Letters Patent; right to apply for restricted to residents, 76.
- Light House Duties; Laws imposing continued, 26.
- Liquors, Intoxicating; Distillation of in Province prohibited,  
 58.  
 Malt; manufactured in Province, subject to Excise  
 Duty, 53.
- Loans authorized for Public Service, 83.  
 Provincial; Act authorizing, continued, 83.  
 Yarmouth Court House; Act authorizing, amended, 108.
- Lockeby Bridge; erection of, provided for, 117.
- Lower Provinces of British North America; Act concerning  
 Congregations of Presbyterian Church, 123.
- Lunenburg, Common Lands; Act regulating, 108.

## M.

- Magistrate, Stipendiary; appointment in Pictou authorized,  
 115.
- Malt Liquor; to pay Excise Duty, 53.
- Marine Insurance Company; Arichat Mutual, incorporated,  
 133.  
 Minas, incorporated, 129.
- Railway Company, Chebucto; Incorporation Act  
 amended, 143.
- Marsh, at Annapolis; Act regulating, amended, 112.

- Marsh Lands; Act for regulation of amended, 65.  
 Mechanics' Institute, Dartmouth, incorporated, 144.  
 Medical Officer of City of Halifax; Act respecting, 97.  
 Messenger Wharf Company, incorporated, 143.  
 Militia Law amended and codified, 33.  
     Previous Acts on subject of, repealed, 50.  
 Minas Marine Insurance Company incorporated, 129.  
 Mines, Gold; *see Gold Fields*.  
 Mining Company, Glace Bay; Incorporation Act amended,  
     127.  
     Victoria Coal; Incorporation Act amend-  
     ed, 126.  
 Moose; regulations for preservation of, 69.

## N.

- Naturalization of Aliens Act, 146.  
 Naval Service; property belonging to, vested in Lord High  
     Admiral, 79.  
 New Brunswick Frontier; Electric Telegraph for Military  
     purposes, construction of, authorised, 77.  
 Nova Scotia and New Brunswick; Congregation Union in-  
     corporated, 135.  
     Electric Telegraph Company; Incorporation Act  
     amended, 125.

## O.

- Offences against Religion; Law relating to, amended, 65.

## P.

- Patents; right to apply for restricted to residents, 76.  
 Pauper; *see Poor*.  
 Personal Chattels; Bills of Sale of must be registered, 30.  
 Pictou, County; Bridge building and road improvement Act  
     amended, 116.  
     Polling District and Polling Places altered,  
     113.  
     Rebuilding a Bridge provided for, 112.  
 Town; Highway Labor regulated within, 113.  
     Stipendiary Magistrate's appointment autho-  
     rized, 115.  
 Pilotage; Rates at Port of Halifax altered, 75.  
 Polling Districts; *see Electoral Districts*.  
 Police Regulations established in Town of Dartmouth, 99.  
 Poor; Settlement of, how established when examination can-  
     not be taken, 68.  
     Districts, altered in Cumberland County, 104.

- Post Office; Law regulating amended, 51.  
 Presbyterian Church of Lower Provinces; Act concerning,  
 123.  
 Protection Company, Union; Act incorporating, 141.  
 Provincial Loan authorized, 83.  
 Public Instruction; Laws regulating, amended and con-  
 tinued, 74.  
 Revenue; Act for protection of, 58.

## Q.

- Queen's County; Road improvement Act amended, 118.

## R.

- Rear Line of Township of Barrington, defined, 107.  
 Relief Steamboat Company; Halifax, Incorporation Act  
 amended, 125.  
 Religion, offences against; Law relating to amended, 65.  
 Revenue, Public; Act for protection of, 58.

*Revised Statutes:*

- Cap. 2, "Of Executive and Legislative Disabilities," re-  
 pealed, 83.  
 Cap. 18, "Of the Exportation of Goods, and of Draw-  
 backs," amended, 32.  
 Cap. 21, "Of Light House Duties," continued as amend-  
 ed, 26.  
 Cap. 23, "Of the Post Office," amended, 51. Sect. 7  
 repealed, 52.  
 Cap. 29, "Of the Militia," repealed, 50.  
 Cap. 46, "Of County Assessments," amended, 51, 70.  
 Section repealed, 74.  
 Cap. 60, "Of Public Instruction," amended and contin-  
 ued, 74.  
 Cap. 62, "Of Laying out Roads other than certain Great  
 Roads," amended, 67.  
 Cap. 63, "Of Surveyors of Highways and Highway Labor,  
 except in Halifax," when repealed, 59. To  
 continue in effect in certain Counties, 65.  
 Cap. 73, "Of Commissioners of Sewers, and the Regulat-  
 ing of Diked and Marsh Lands," amended, 65.  
 Cap. 78, "Of Pilotage, Harbors, and Harbor Masters,"  
 amended, 75.  
 Cap. 89, "Of the Settlement and Support of the Poor,"  
 amended, 68.  
 Cap. 92, "Of the Preservation of Useful Birds and Ani-  
 mals," amended, 69.  
 Cap. 95, "Of River Fisheries," amended, 57.  
 Cap. 120, "Of Patents for Useful Inventions," amended, 76.

Cap. 126, "Of the Supreme Court and its Officers," amended, 27.

Cap. 157, "Of Offences against Religion," amended, 65.

*And see Statutes.*

River Fisheries; Law for protection of, amended, 57.

Roads; improvement of provided for in certain Counties, 106, 116, 117, 118.

Laying out of; Law regulating amended, 67.

Sale, Bills of; Act for preventing Frauds by, 30.

School Lot in Barrington; sale of authorized, 119.

Settlement of Pauper, how ascertained in certain cases, 68.

Sewers, Commissioners of; Act concerning amended, 65.

*Statutes amended, continued, or repealed:*

13 Vic. Cap. 36, continued, 75.

14 Vic. Cap. 17, amended, 125.

15 Vic. Cap. 17, partially repealed, 119.

21 Vic. Cap. 3, continued, 83.

21 Vic. Cap. 59, amended, 112.

22 Vic. Cap. 12, continued, 74.

22 Vic. Cap. 25, continued, 74.

22 Vic. Cap. 26, continued, 26.

22 Vic. Cap. 43, repealed, 50.

23 Vic. Cap. 2, continued, 26.

23 Vic. Cap. 11, repealed, 51.

23 Vic. Cap. 40, repealed, 59. Operation continued in certain Counties, 65.

23 Vic. Cap. 43, amended, 97.

23 Vic. Cap. 52, amended, 116.

23 Vic. Cap. 54, amended, 118.

23 Vic. Cap. 67, amended, 143.

23 Vic. Cap. 79, amended, Section 4 repealed, 126.

24 Vic. Cap. 5, repealed, 32.

24 Vic. Cap. 9, partially repealed, 74.

24 Vic. Cap. 17, repealed, 51.

24 Vic. Cap. 30, continued, 74.

24 Vic. Cap. 43, amended, 95.

24 Vic. Cap. 45, amended and partially repealed, 93.

24 Vic. Cap. 46, amended, 118.

24 Vic. Cap. 55, amended, 108.

24 Vic. Cap. 66, amended, 125.

24 Vic. Cap. 75, amended, 125.

*And see Revised Statutes.*

Staves; sale of regulated, 68.

Steamboat Company, Halifax Relief; Incorporation Act amended, 125.

Stipendiary Magistrate in Pictou; appointment of authorized, 115.

Supreme Court; arrears of Circuit Business, how disposed of, 27.

Supreme Court; Questions of Law may be reserved on Criminal Trials, 28.

Sydney, County; improvement of Roads provided for, 117.

## T.

Telegraph, Electric, for Military Purposes; construction authorized, 77.

Nova Scotia Company; Incorporation Act amended, 125.

Tobacco, imported; when entitled to drawback, 32.

Leaf, manufactured; liable to excise duty, 53.

## U.

Union, Congregational, of Nova Scotia and New Brunswick; incorporated, 135.

Protection Company; incorporated, 141.

## V.

Victoria Coal Mining Company; Incorporation Act amended, 126.

County; additional Polling District established in, 119.

Volunteers; effectives exempted from Statute Labor Poll Tax, 60.

*Law relating to embodied in Militia Act.*

## W.

Water Supply of City of Halifax; Act concerning, amended, 95.

Wharf Company, Messenger, incorporated, 143.

Wooden Buildings, City of Halifax; Act relating to erection of, amended, 90.

## Y.

Yarmouth, Town; Court House, erection of authorized, 107.

Loan Act amended, 108.