

Prince Edward Island. Laws, statutes, etc.  
Oct 4

THE session laws

46

# ACTS

OF

## THE GENERAL ASSEMBLY

OF

### PRINCE EDWARD ISLAND,

FOR THE YEAR,

1842.



CHARLOTTETOWN:

PRINTED BY JAMES D. HASZARD,

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ANNO QUINTO  
**VICTORIÆ REGINÆ.**

At the General Assembly of Her Majesty's  
 Island of *Prince Edward*, begun and holden  
 at *Charlottetown*, the Twenty-second Day of  
*January*, Anno Domini 1839, in the Second  
 Year of the Reign of our Sovereign Lady  
 VICTORIA, by the Grace of God of the  
 United Kingdom of *Great Britain and Ire-*  
*land*, Queen, Defender of the Faith:

1842.

SIR HENRY  
 V. HUSTLEY,  
 Lt. Governor.

R. HODGSON,  
 President of  
 Council.

W. COOPER,  
 Speaker.

And from thence continued by several Proroga-  
 tions, to the Twenty-fifth day of *January*,  
 1842, and in the Fifth Year of Her said Ma-  
 jesty's Reign; being the Fifth Session of the  
 Fifteenth General Assembly convened in the said  
 Island.

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CAP. I.

An Act to confirm and render valid certain pro-  
 ceedings of the Executive Government of this  
 Island.

[Passed January 31st, 1842.]

**W**HEREAS by Her Majesty's Royal Com-  
 mission, in the absence of the Governor,  
 Lieutenant Governor, or other Officer specially  
 appointed to Administer the Government of this  
 Island, the Government thereof vests in the Senior  
 Military Officer for the time being, within the said  
 Island: And whereas in consequence of the small-  
 ness of the Military force quartered in the said  
 Island; the Commandant thereof is not a Field

Officer, and therefore not of sufficient rank to be allowed to hold temporarily that high office: And whereas on the departure of the late Lieutenant Governor of this Island, His Excellency Sir Charles Augustus Fitz Roy, K. H. therefrom, and before the arrival of the present Lieutenant Governor His Excellency Sir Henry Vere Huntley, the Government thereof was assumed by the Honorable George Wright, as Senior Member of Her Majesty's Executive Council, on the faith, and in the expectation that a Warrant under Her Majesty's Royal sign Manual, had been made to him for that purpose, and was then on its way to this Island: And whereas the said Warrant although prepared, was not sent to the Island, by the then Secretary of State for the Colonies, under the impression, that Sir Charles Augustus Fitz Roy would not relinquish the Government, until the arrival of Sir Henry Vere Huntley: And whereas in consequence of such assumption of the Government by the Honorable George Wright, and the exercise of the duties of the Administrator of the Government thereof by him without the possession of such Warrant under the Royal Sign Manual, the acts of him the said George Wright, as Administrator of the Government as aforesaid, and of his subordinate Officers, are illegal, null and void: For remedy whereof, Be it enacted, by the Lieutenant Governor Council and Assembly, that all orders, acts, matters and things, made, done and performed by the said George Wright, as Administrator of the Government of this Island, in the Executive Council thereof; and all orders, acts, matters and things made, done and performed by the Executive Council of the said Island, and the acts of all and every person and persons whomsoever, under or by virtue of any order of the said George Wright, as Administrator of the Government of the said Island, in the said Executive Council of the said Island, and of the said Executive Council, and usually and legally appertaining to the duties of Administrator of the said Govern-

Confirms certain proceedings of Executive during Administration of the Government by Hon. George Wright, in 1841.

ment in the said Executive Council, and usually and legally appertaining to the duties of the said Executive Council, and every other act, matter and thing done and performed by him the said George Wright, as Administrator of the Government of the said Island, and usually and legally appertaining to the duties of the Administrator of the Government of the said Island, from the period of the said George Wright's assumption of the Government thereof, at the departure of Sir Charles Augustus Fitz Roy, until the assumption of the Government by Sir Henry Vere Huntley, and all acts, matters, and things whatsoever, done and performed by any subordinate Officer or Officers of the Government of the said Island, and usually and legally appertaining to the duties or place of such Officer or Officers, under or by the command, procurement, or consent of him the said George Wright, as said Administrator of the Government as aforesaid, be, and the same, and each and every, and all of them, are hereby confirmed, and shall be deemed and taken to be as valid, effectual, and binding, to all intents and purposes whatsoever, as if a Warrant under the Royal Sign Manual, especially authorizing him to Administer the Government of this Island, for the period aforesaid, had been held by him the said George Wright.

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## CAP. II.

An Act for the Incorporation of the Prince Edward Island Steam Navigation Company.

[Passed April 16th, 1842.]

**W**HEREAS it is expedient for the more regular conveyance of the Mails to and from the Provinces of *New Brunswick* and *Nova Scotia*, to and from *Prince Edward Island*, that a Company should be formed called "The Prince Edward Island Steam Navigation Company:" And whereas the Legislature of this Island has appropriated

a considerable sum of money to purchase Shares in a Company, to be incorporated under the authority of this Act, for the purpose of Steam Navigation, on the following conditions: that the said Company will engage to run their Boat once a week from *Pictou* and *Charlottetown* to *Miramichi*, touching at *Bedeque* once a fortnight, on her way to and from the latter place, and calling at *Georgetown* once a fortnight: And whereas the respective Legislatures of *New Brunswick* and *Nova Scotia* have heretofore tendered respectively certain sums of money also to be paid annually, in encouragement of such an undertaking:

Incorporates  
certain persons.

Name of Cor-  
poration.

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that Messrs. *James Peake, Thomas Heath Haviland, Charles Hensley, William Swabey, Charles Hensley, junior, James Douglas Haszard, Charles Young, Samuel Gurney, John Davis, George Beer, junior, Henry Palmer, William White, John Rider, Samuel Nelson* and *Joseph Pope*, their Associates, Successors and Assigns, shall be, and they are hereby declared a Body politic and corporate, by the name of "The Prince Edward Island Steam Navigation Company."

Stock and num-  
ber of Shares.

II. And be it enacted, That the capital Stock of this Company shall be good lawful money of this Island, divided into Four hundred and fifty Shares, of Twenty Pounds each.

Stock alone  
liable for the  
debts of Com-  
pany.

III. And be it enacted, That the Joint Stock and Property of the said Company shall be alone liable for the Debts and engagements of the Company.

Time when  
Company shall  
be entitled to  
privileges of this  
Act.

IV. And be it enacted, That so soon as two-thirds of the said Capital Stock be subscribed for, and Twenty-five per centum be paid on such Shares, that then the Company hereby incorporated by the

authority of this Act, shall enjoy all the privileges of this Act, and not before.

V. And be it enacted, That so soon as the sums of Twenty-five per centum on each Share shall be paid by the several Shareholders hereby incorporated, that a Meeting of such Shareholders shall be held in *Charlottetown*, on such day as shall be advertised once in each of the Island Newspapers, for the purpose of choosing Seven Directors, who, together with the two Directors, to be appointed as hereinafter provided, shall form a Board to superintend the affairs of the said Company, Five of the said Directors to form a Quorum.

Directors of Company, how to be appointed.

VI. And be it enacted, That whereas in an Act passed in this Session, whereby a sufficient sum is appropriated for the purpose of purchasing One hundred and fifty shares in the name of the Government, in the said projected Company, under the authority of which, the Lieutenant Governor and Council of this Island are authorised to appoint three Commissioners, for the conduct of the interest of the Government in the Funds and operations of the said Company: Be it enacted, that any two of such Commissioners who may be named by the authority aforesaid, shall be *ex officio* Directors in the said Company, during the pleasure of the said Lieutenant Governor and Council.

Lt. Governor and Council to appoint three Commissioners of Government Shares.

Two of said Commissioners to be *ex-officio* Directors.

VII. And be it enacted, That at the First General Meeting, to be held for the purpose of electing Directors as aforesaid, a day shall be fixed on which to hold the Annual Meetings, and at such Meetings so to be holden, three of the Directors shall vacate their seats at the said Board of Directors, and three others shall be elected in their room, in the manner hereinafter enacted: Provided always, that such three Directors so vacating their seats, shall nevertheless be eligible to be re-elected at the pleasure of the Shareholders.

Annual meetings how to be appointed.

Mode of appointment of Directors at annual meetings.

Vacancy in Direction, and how filled up.

VIII. And be it enacted, That in case of the death or resignation of any one of the Directors, and in case of any Director disqualifying himself, by the sale or transfer of his Shares, or any part thereof, then a Meeting shall be held by advertisement as aforesaid, to elect another person as a Director, in his room.

Qualification of Director.

IX. And be it enacted, That no person holding fewer than Three Shares, shall be eligible to fill the Office of Director.

Votes of Share holders.

X. And be it enacted, That every holder of One Share of the Stock of this Company, shall be entitled at all General Meetings to One vote, and that the holder of Five Shares shall have Two votes, of Ten Shares Three votes, of Twenty Shares Four votes, and of Fifty Shares and upwards Five votes.

Votes of Government Commissioners.

XI. And be it enacted, That the majority of the said Commissioners on the part of the Government, shall be entitled to give Fifteen votes on behalf of the Government at all General Meetings of the said Company, so long as the number of One hundred and Fifty Shares shall be held by the Government in the said Company, and so in proportion, for any lesser number of Shares from time to time, held by the Government, in accordance with the previous provisions of this Act, regulating the right of Shareholders to vote at the said General Meetings of the said Company.

Shareholders may vote by proxy.

XII. And be it enacted, That parties not attending such General Meetings, may nevertheless deliver their proxies to any other persons being Shareholders, then and there to be present, who, upon production of such appointment as proxy, (in the opinion of such meeting duly signed,) shall be entitled to exercise such votes as he, she or they may be entitled to, by medium of such proxy, provided that no one Stockholder shall hold at one time, more than three proxies.

**XIII.** And be it enacted, That all votes for Directors and other Officers, shall be taken by Ballot in manner as follows, that is to say—the names of the several persons being eligible to fill the office of Director, and the name or names of those whom the Voter by himself or proxy, shall be desirous to vote for, shall be written, together with the name of the Voter, and a statement of the number of votes to which he or she may be entitled, on a piece of paper to be placed in some convenient box, for the reception of such papers, and that at the expiration of the time limited for such ballot (to be duly advertised), the said box shall be closed by the Chairman of such Meeting, whereupon the Shareholders present shall nominate by vote Three suitable scrutineers, who shall examine the written votes contained in such box, and forthwith declare on whom the choice of the Shareholders has fallen.

Directors, &c.  
voted for by  
ballot.

Mode of taking  
ballot for Direc-  
tors, &c.

**XIV.** And be it enacted, That at the first Meeting of Directors so to be appointed, they shall nominate a Chairman out of their own body.

Chairman of Di-  
rectors, when  
and how ap-  
pointed.

**XV.** And be it enacted, That the Directors shall be, and they are hereby required, to take Security to such amount as may be necessary, from all or any person interested with the custody or expenditure of any of the funds or other effects of the said Company.

Directors to take  
Security from  
officers of Com-  
pany.

**XVI.** And be it enacted, That the Directors aforesaid, shall have power to call for instalments as often as they shall see fit, to the whole amount of the subscribed Shares, the progress of the affairs of the said Company being considered.

Power of Direc-  
tors.

**XVII.** And be it enacted, That in case of any Shareholder neglecting or refusing to pay up such Instalment so called for, that then it shall be lawful for the said Directors to sell such Share, having previously given Thirty Days' notice to such Shareholder so in default, and after the expiration of such

Authorises the  
sale of Share of  
Shareholder neg-  
lecting or refus-  
ing to pay in-  
stalments.

Notice of Sale.

Thirty Days' notice, having advertised the said Shares for Sale at least other Thirty Days, previously to such Sale, in the Island Newspapers: Provided always, such Instalments so called for, be not paid up within the said Sixty Days.

Shares to be transferable by sale, &c.

XVIII. And be it enacted, That all Shares in the Stock of the said Company, shall be transferable by Sale, Gift, Bequest, Demise or Assignment, in like manner with the Stock of other Joint Stock Companies.

Rights of persons to whom shares are transferred by sale, &c.

Fee on transfer.

XIX. And be it enacted, That any party to whom such Stock shall be devised or transferred, shall enjoy the same profits and privileges as the original subscriber, paying nevertheless the sum of Two Shillings and Six-pence per Share, transferred to the funds of the said Company, on every such transfer.

Power of Directors.

XX. And be it enacted, That the Directors appointed under this Act, shall from time to time, have power to declare Dividends out of the profits of the Joint Stock of the said Company, to be paid in such manner; and at such times as they may appoint.

Further power of Directors.

XXI. And be it enacted, That the said Directors shall have power to appoint and remove all Officers and Servants of the said Company, and shall allow to such Servants such compensation for their respective services, as to them the said Directors shall appear just and reasonable, as well as to make from time to time Bye-laws, and vary them as they may think expedient, provided no such Bye-laws so to be made, shall be in contradiction of any clause or enactment in this Act contained.

Further power of Directors.

XXII. And be it enacted, That the said Directors shall have power to purchase or rent, or build such premises as may be necessary for the transaction of the business of the said Company, the

charge whereof to be defrayed out of the funds of this Company.

**XXIII.** And be it enacted, That the said Company may sue, or be sued, in the name of the Chairman of the said Company, in any action for Debt or other action or prosecution at law whatsoever, or in any case in Equity, whether the party sued or prosecuted, or suing or prosecuting, be or be not a Shareholder in the said Company.

Company may sue or be sued in name of Chairman.

**XXIV.** And be it enacted, That Special Meetings may be called by requisition to the Directors, signed by the Proprietors of One hundred and fifty Shares, or by the majority of the Commissioners to be appointed by the Government, to manage the Shares of the Government in the said Company, so long as the Government shall hold One hundred and fifty Shares in the said Company—which Meetings so to be convened, shall be advertised in like manner as the General Meetings, by the majority of the Commissioners to be appointed by the Government.

Special Meetings, how to be called.

**XXV.** And be it enacted, That at every Annual Meeting, the Books of the said Company shall be open to the inspection of the Shareholders, and a Report of the affairs of the said Company be submitted at such Meeting.

Books of Company may be inspected at annual meetings by Shareholders.

**XXVI.** And be it enacted, That not less than Five Directors shall constitute a Board for the transaction of business, and that all questions shall be decided by a majority of votes of the Directors then present, the Chairman in case of an equal division having two votes.

Five Directors to constitute a Board.

**XXVII.** And be it enacted, That the Directors, with the consent of the General Meeting of Shareholders duly convened, shall have power to issue additional Shares for the purpose of increasing the Stock of the said Company.

Additional Shares, how to be issued.

## CAP. III.

AN Act to authorize the appointment of Commissioners to manage certain Shares and Property in the Prince Edward Island Steam Boat Company, on behalf of the Government of this Colony.

[Passed April 16th, 1842.]

**W**HEREAS in order to provide for the conveyance of the Mails and Passengers, between this Island and the Provinces of *Nova Scotia* and *New Brunswick*, by means of a Steam Vessel, and in confident expectation that the Grants heretofore given by the said Provinces of *Nova Scotia* and *New Brunswick*, towards keeping up such a communication, will be continued; and in furtherance of so desirable an object, the Legislature hath in its present Session, appropriated a Sum sufficient to purchase One hundred and fifty Shares in the said Company, and it is expedient to provide for the management of the same: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor in Council, to nominate and appoint Three Commissioners; and in case of the death, resignation or removal from this Island, of any one or more of the said Commissioners, to appoint another or others, in his or their room and stead, as often as any such vacancy may occur; and the majority of the said Commissioners shall be entitled to give Fifteen Votes, on the behalf of the Government at all General Meetings of the said Company, so long as the number of One hundred and fifty Shares shall be held by the Government in the said Company, and so in proportion for any lesser number of Shares from time to time held by the Government in accordance with the provisions of the Act of the General Assembly passed this present Session, intituled *An Act for the Incorporation of the Prince Edward Island Steam Navigation Company*, and the said Commissioners shall

Lt. Governor in Council to appoint 3 Commissioners to manage Government Shares in Steam Boat Company.

Power and duties of Commissioners.

also be eligible to be elected to fill the Office of a Director or Directors of the said Company.

II. And be it enacted, That the Lieutenant Governor in Council shall, and he is hereby empowered, on application made therefor by the said Commissioners, to draw Warrants on the Treasury, for any sum or sums of money that may be required from time to time towards payment of the said One hundred and fifty Shares.

Lt. Governor in Council to draw Warrants on Treasury, on application of Commissioners for payment of Government Shares.

III. And be it enacted, That the said Commissioners shall be entitled to demand, and receive the amount of any dividend or dividends, that may from time to time be declared by the said Company on the said Shares, and to pay the same into the Treasury of this Island.

Power of Commissioners.

IV. And be it enacted, That the Lieutenant Governor in Council, shall have power at any time, after the said Steam Boat shall have been put into operation, on the station between this Island and the Provinces of *Nova Scotia* and *New Brunswick*, to direct the said Commissioners, after One Month's public notice shall have been by them given, in the Newspapers of this Island, to offer for sale the whole or any number of the said Shares, and to dispose of the same for the highest price that can be obtained therefor, not being less than the original cost or paid up amount on each Share, and to pay into the Treasury of this Island the moneys arising therefrom, and a transfer of the Shares so sold and made by the said Commissioners, shall be held to be good and valid to all intents and purposes whatever.

Lt. Governor in Council may direct a sale of Government Shares, &c.

Proceeds of sale to be paid into Treasury.

## CAP. IV.

AN ACT for the INCREASE of the REVENUE of this Island.

[Passed April 16th, 1842.]

**WE** Her Majesty's dutiful and loyal Subjects the House of Assembly of *Prince Edward Island*, towards raising the necessary Supplies for defraying the expenses of Her Majesty's Government of this Island, have resolved to give and grant unto the Queen's Most Excellent Majesty, the several Rates and Duties hereinafter mentioned; and do therefore pray your Excellency, that it may be enacted—And be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the commencement of this Act, and during the continuance thereof, there shall be raised, levied and paid, the following Impost Duties on the several articles hereinafter mentioned, imported into this Island; (that is to say,) on all Wines of every denomination, and on all Gin, Brandy and Rum, imported into this Island, and on all other Distilled Spirituous Liquors, Eleven-pence *per* Gallon, over and above the sum of Ten-pence *per* Gallon on all such Liquors imported into this Island under two several Acts of the General Assembly of this Island, the one passed in the Twenty-fifth year of the Reign of His late Majesty King George the Third, intituled, *An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island, relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and for allowing a Drawback upon all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from this Island*, and the other in the Thirty-fifth year of the same Reign, intituled, *An Act for raising a Duty on Wine, Rum, and other Distilled Spirituous Liquors, and for imposing a Duty on Porter, Ale, and Strong Beer*, and on all kinds of Goods, Wares and

Impost Duty of 11d. per gallon, over and above 10d. per gallon imposed by permanent Revenue Acts, to be levied on all Wines, Gin, Brandy, &c. and £5 on every 100l. worth of Goods imported, with certain exceptions.

Merchandise soever, (except as is hereinafter excepted,) which shall be Imported or brought into this Island from any place or country whatsoever, after the passing hereof, and which shall be used, sold, expended or consumed within this Island, which said Impost Duties shall be levied, paid, and collected at the following rates; (that is to say,) Five pounds on every One hundred pounds' worth of Goods of any kind, which shall be imported for Sale or consumption as aforesaid, by any person or persons whomsoever; which said Duty of Impost shall be calculated on the Invoice price of each One hundred pounds' worth of such Goods as aforesaid, and so in proportion for a greater or lesser quantity thereof; and when such Goods shall be charged in the Invoice, in *British* Sterling, then the said Duties shall be calculated on the amount of such Sterling, when reduced into the Currency of this Island, by adding to the said amount of Sterling one-ninth part thereof; and for every Hundred weight of Tobacco, whether manufactured or unmanufactured, the sum of Eighteen Shillings and Eight pence; and for every pound of Tea, the sum of Four-pence; which said several Duties shall be secured in manner and form, and subject to the Rules and Regulations mentioned, expressed and prescribed in and by an Act passed in the Fifty-second year of the Reign of His late Majesty King George the Third, intituled *An Act to alter and amend Two several Acts of the General Assembly of this Island, videlicet, an Act intituled 'An Act to amend, render more effectual, and to reduce into one Act, the several Laws made by the General Assembly of this Island relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and for allowing a Drawback on all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from this Island;'* and an Act intituled *An Act for raising a Duty on Wine, Rum, and other Distilled Spirituous Liquors, and for imposing a Duty on Porter,*

Duty on Goods to be calculated at Invoice price.

Duty of 18s. 8d. on every cwt. of Tobacco, and 4d on every lb. of Tea.

Duties to be secured in manner prescribed by Act of the 52d Geo. 3, altering and amending Laws of Impost, &c.

And by Act of the 11th Geo. 4th, for the further security and recovery of moneys due to His Majesty, &c.

And collected as herein prescribed, and the Wine and Spirit Act of the 25th Geo. 3d.

'Ale and Strong Beer;' and by an Act passed in the Eleventh year of the Reign of His late Majesty King George the Fourth, intituled *An Act for the further security and recovery of Moneys due to His Majesty upon Duties of Impost and Excise, and for regulating the Offices of Treasurer and Collector of Impost;* and shall be collected under such Rules, Regulations and Credits as are prescribed by this Act, and by an Act passed in the Twenty-fifth year of the Reign of His late Majesty King George the Third, intituled *An Act to amend, render more effectual, and to reduce into one Act the several Laws made by the General Assembly of this Island relative to the Duties of Impost on Wines, Rum, Brandy, and other Distilled Spirituous Liquors, and for allowing a Drawback on all Wines, Rum, Brandy, and other Distilled Spirituous Liquors exported from this Island.*

£2 10s. for every £100 worth of Hemp, Chain Cables, &c., to be only payable.

II. Provided always, and be it enacted, That there shall be only levied and paid on all Hemp and Chain Cables, Anchors, Cordage, Canvas, Sails, Rigging, Blocks, Pitch, Tar, Oakum and Copper, Two Pounds Ten Shillings on every One hundred Pounds' worth thereof, Imported into this Island.

Exempts Foreign Sugar and Rum from Colonial Duty, if subject to any Imperial Duty.

III. Provided also, and be it further enacted, That in all cases where any Sugar or Rum, being the Produce of any Foreign Country, and chargeable on Importation to an Imperial Duty shall be Imported into this Colony, and such Imperial Duties shall have been received and paid within this Island, that then and in every such case, no Colonial Duty in addition thereto, shall be chargeable on any such Foreign Sugar or Rum, any thing in this Act or any other Act to the contrary notwithstanding.

Drawback on all Wines, Gin, &c. Tea and Tobacco, and on all

IV. And be it enacted, That from and after the commencement of this Act there shall be allowed and paid on all Wines, Gin, Brandy, Rum or other

Distilled Spirituous Liquors, Tea, Tobacco and all Goods, Wares and Merchandise that shall hereafter be Imported into this Island, on Exportation of the same therefrom, a Drawback equal in amount to Seven-eighths of the whole Duty paid or secured to be paid on such Articles, on the Importation thereof.

Goods, &c. equal in amount to  $\frac{7}{8}$  of duties to be allowed on exportation.

V. And be it enacted, That such Drawback on all Wines, Gin, Brandy, Rum or other Distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares and Merchandise so Exported, shall be paid to the Exporter or Exporters thereof, if the Duties imposed thereon as last aforesaid, shall have been *bona fide* paid prior thereto, and in the same Currency or description of Money in which Warrants shall then be payable at the Treasury, and if only secured to be paid, said Credit shall be given on the back of the Security, for the Drawback hereby allowed on the quantity Exported: Provided that before the Exportation of any of the before mentioned Articles from this Island, on which a Drawback is allowed as aforesaid, the Collectors of Impost within this Island, are hereby severally required on request made to them for that purpose, to grant Permits for such Exportation to be made therein, stating the names of the Importers and Exporters, and the quantity permitted thereby to be Exported, and no Drawback shall be paid nor Credit allowed to any such Exporter, until he shall have obtained and produced to the Treasurer of this Island a Certificate endorsed on the back of the said Permit from the principal Officer of Her Majesty's Customs, at the Port to which the same shall or may have been carried, or from some Officer or Officers there duly authorized to grant the same, stating such Wines, Gin, Brandy, Rum or other Distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandise, to have been there actually landed, and the Duties thereon (if any) duly paid or

Drawback to be paid to Exporter, if duties have been paid prior to exportation, and if only secured, credit to be given on the back of security.

Before exportation, Collectors of Impost to grant Permits to export said articles.

No drawback to be paid or credited until permit be produced to Treasurer with certificate of the landing of Wines &c., Tea, Tobacco and Goods at some port not in this Colony.

Exporter's Oath  
to be administered  
by Collector.

secured to be paid, according to the Law of the place to which the same may have been Exported from this Island, pursuant to such Permit; and for the better and more effectually preventing frauds herein, the Exporter or Exporters of any or all such Article or Articles as aforesaid, shall take and subscribe the following Oath, which Oath the Collectors aforesaid are hereby severally empowered and directed to administer:

Form of Exporter's Oath.

' I *A. B.* do swear, that the quantity of  
' by me shipped for Exportation on board the Ship  
' or Vessel called the \_\_\_\_\_ whereof  
' is Master, bound for the Port of \_\_\_\_\_ in  
' \_\_\_\_\_ was *bona fide* imported in the Ship or  
' Vessel \_\_\_\_\_ whereof \_\_\_\_\_ is Master, from  
' the Port of \_\_\_\_\_ in \_\_\_\_\_ since the  
' day of \_\_\_\_\_ and that I have actually paid or  
' secured the Duties of Impost directed to be levied  
' thereon by the Laws of this Island, agreeably to  
' the value in the annexed Invoice (*or as the case  
' may be*); and that I have shewn and exhibited the  
' Packages (*as the case may be*) in which the  
' said articles are contained, to the Officer appointed  
' to examine the same, who has attended the re-  
' shipment thereof; and that the same have been  
' regularly entered at this Office, or some other  
' Office of Impost in this Island, and are not in-  
' tended to be fraudulently relanded, brought back,  
' sold, bartered, exchanged or consumed in any  
' Port or place within this Island, or any of the  
' Territories thereunto belonging.

' So help me GOD.'

Master of Vessel  
in which articles  
are exported,  
likewise to take  
an oath to be  
annexed to In-  
voice.

And the Master of the Vessel in which such Wines, Gin, Brandy, Rum, or other Distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandise shall be Exported, shall likewise make and subscribe the following Affidavit, which shall be annexed to the said Invoice:

‘ **I A. B.** do swear, that to the best of my know-  
 ledge and belief, the Casks or Packages (as the  
 case may be) marked and numbered as follows;

Form of Mas-  
 ter's Oath.

‘ with the Goods therein contained;  
 ‘ are now actually laden on board the  
 ‘ bound to and I do further swear, that  
 ‘ unless prevented by dangers of the seas, or other  
 ‘ unavoidable accidents, I will truly land or put on  
 ‘ shore at the said Port; or some other Port or place  
 ‘ out of this Island, the said Casks or Packages  
 ‘ (as the case may be), with the said Goods therein  
 ‘ contained.

‘ So help me GOD.’

**VI.** And be it enacted, That if any Wine, Gin,  
 Brandy, Rum, or other distilled Spirituous Liquors,  
 Tea, Tobacco, Goods, Wares or Merchandise,  
 shall be fraudulently reloaded in or at any Port or  
 place within this Island, after the same shall have  
 been shipped for Exportation, the same shall be  
 forfeited, and all persons concerned in such fraudu-  
 lent reloading shall also be liable to a fine of Fifty  
 Pounds.

Any Wines, &c.  
 Tea, Tobacco  
 or Goods, frau-  
 dulently reloaded  
 after shipment  
 for exportation;  
 to be forfeited,  
 and parties con-  
 cerned to be  
 liable to a fine of  
 £50.

**VII.** And be it enacted, That nothing herein  
 contained shall entitle any Exporter or Exporters  
 to a Drawback on a less quantity of such Wines,  
 Brandy or Gin than Fifty Gallons; or on a less  
 quantity of Rum, or other distilled Spirituous Li-  
 quors, than One hundred Gallons; or on a smaller  
 quantity than Three hundred weight of Tobacco,  
 or Eighty Pounds of Tea; nor on any Goods,  
 Wares or Merchandise, unless the Invoice price of  
 the Goods shipped at one and the same time, and  
 in one and the same Vessel, and owned by one  
 and the same person; shall exceed the sum of Fifty  
 Pounds; and unless application be made for the  
 Drawback to be allowed, and the several proofs  
 requisite for obtaining the same made within Twelve  
 months, to be computed from the time of such re-

No Drawback to  
 be allowed on  
 less quantity of  
 Wine, &c. than  
 50 gallons, or of  
 Rum, &c. than  
 100 gallons, or  
 on a less quanti-  
 ty than 3 cwt. of  
 Tobacco or 80  
 lbs. of Tea, nor  
 on any Goods;  
 &c. unless In-  
 voice price ex-  
 ceed £50, and  
 unless applica-  
 tion be made for  
 drawback, &c.  
 within 12 months  
 from the time of  
 reshipment

Time of re-shipment to be from sun-rising to sun setting.

shipment, any thing herein contained to the contrary notwithstanding: and provided also, that the time limited for such re-shipment shall be from Sun-rising to Sun-setting.

Within 24 hours after arrival and before breaking bulk, to report on oath to Collector, which oath Collector is empowered to administer.

Particulars of Oath.

VIII. And be it enacted, That all Masters of Ships, Coasting, Fishing, and all other Vessels whatever, coming into any Harbour, Port, River, Creek, or any other part of the Coasts of this Island, having on board any Wines, Rum, Brandy, Gin, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandise, shall, before breaking bulk, and within Twenty-four hours after their arrival, make report in writing, upon Oath, to any of the Collectors within this Island, of all Wines, Gin, Brandy, Rum, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandise, on board any such Ship or Vessel, specifying therein the kind of Casks, Packages, Parcels, Boxes, Trunks, Bales, and all other manner of things in which they shall or may be contained, together with the marks and numbers thereof, and that they have not landed, nor suffered to be landed, sold, bartered or exchanged, any Wine, Gin, Brandy, Rum, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandise, at any port or place within this Island, or on the coasts thereof, since their sailing from the port or place where the same were laden on board any such Ship or Vessel, for exportation—which Oath the said Collector or Collectors is or are empowered to administer, in the form following:—

Form of Master's Oath.

‘ YOU *A. B.* do swear, that the Report which  
 ‘ you have made, read, or heard read, and subscri-  
 ‘ bed, contains a just and true account of all the  
 ‘ Wines, Rum, Brandy, Gin, or other distilled  
 ‘ Spirituous Liquors, Tea, Tobacco, Goods, Wares  
 ‘ or Merchandise, laden on board the            at the  
 ‘ Port of            or any other Port or Ports, or  
 ‘ elsewhere before or since your sailing from—

‘and that you have not landed, nor suffered to be landed, sold or delivered, bartered or exchanged, any Wine, Rum, Brandy, Gin, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandise, at any port or place within this Island, or on the coasts thereof, since your sailing from  
‘So help you God.’

IX. And be it further enacted, That it shall be lawful for the Collectors of Impost within this Island, to go on board of any Ship or Vessel coming into any Harbour, River, Port or Creek, or any part of the Coasts of this Island, either before or after such Ship or Vessel comes to anchor, to rummage and search all parts of such Ship or Vessel for dutiable Goods, and freely to stay on board such Ship or Vessel, so long as she shall remain in such Port or place, and to search and examine the Cargo, and to examine if they shall see fit the Master upon Oath, touching the Cargo and Voyage, and if the Master shall not truly answer the questions to be demanded of him in such examination, he shall forfeit the sum of One hundred Pounds.

Power of Collectors to board and search Vessel,

And to examine the Master on oath.

Penalty on Master not answering truly.

X. And be it further enacted, That all Boats, Carriages and Cattle made use of in the removal of any Goods liable to forfeiture under this or any Act relating to the Provincial Revenue, shall be forfeited, and every person who shall assist or be otherwise concerned in the unshipping, landing or removal, or in the harbouring, or concealing such Goods, or into whose hands or possession the same shall knowingly come, shall forfeit treble the value thereof, or the penalty of One hundred Pounds at the election of the Officer or person prosecuting, and the averment in any information or libel to be exhibited for the recovery of such penalty that the Officer or person prosecuting has elected to sue for the sum mentioned in the information shall be deemed sufficient proof of such election, without any other or further evidence of such fact.

All Boats, Carriages and Cattle used in the removal of Goods liable to forfeiture, to be forfeited.

Penalty on persons assisting or concerned in landing or removing or concealing such goods.

Penalty on persons assaulting and resisting, &c., Officers of Provincial Revenue, &c., in exercise of office.

Appropriation of penalty.

**XI.** And be it further enacted, That if any person shall by force or violence assault, resist, oppose, molest, hinder or obstruct any Officer of the Provincial Revenue, or other person employed as aforesaid in the exercise of his office, or any person acting in his aid or assistance, such person being thereof convicted before any Court of Record in this Island, shall pay a fine not exceeding One hundred Pounds, nor less than Fifty Pounds, in the discretion of the Court before whom such offender shall be tried, which fine shall be paid into the Treasury of this Island, for the use of Her Majesty's Government, and in case such fine be not paid, such person shall be imprisoned for such time not exceeding Twelve months, nor less than Three months, at the discretion of the Court.

No suit to be commenced against any Officer of Provincial Revenue for any act done in his office, until after 1 month's notice.

Requisites of such notice.

**XII.** And be it further enacted, That no Writ shall be sued out against, nor a copy of any process served upon any Officer of the Provincial Revenue, or other person as aforesaid, for any thing done in the exercise of his Office, until One Calendar month after notice in writing shall have been delivered to him, or left at his usual place of abode; by the Attorney or Agent to the party who intends to sue out such Writ or Process in which notice shall be clearly and explicitly contained the cause of action, and the name and place of abode of the person who is to bring such Action, and the name and place of abode of the Attorney or Agent, and no evidence of the cause of Action shall be produced, except of such as shall be contained in such notice, and no verdict shall be given for the Plaintiff, unless he shall prove on the Trial that such notice was given, and in default of such proof the Defendant shall receive in such Action a Verdict and Costs.

Action to be brought within three calendar months.

**XIII.** And be it further enacted, That every such Action shall be brought within Three Calendar months after the cause thereof, and shall be

laid and tried in the place or District where the acts were committed, and the Defendant may plead the general issue, and give the special matter in evidence, and if the Plaintiff shall become nonsuited or shall discontinue the Action, or if upon a Verdict or Demurer Judgment shall be given against the Plaintiff, the Defendant shall receive treble costs, and have such a remedy for the same as any Defendant can have in other cases where costs are given by Law.

In such actions Defendant to have treble costs if Plaintiff fails therein.

XIV. And be it further enacted, That in case any information or suit shall be brought to Trial on account of any seizure made under this or any other Act relating to the Revenue, and a verdict shall be found for the claimant thereof, and the Judge or Court before whom the same shall have been tried shall certify on the Record, that there was probable cause of seizure, the claimant shall not be entitled to any costs of suit, nor shall the person who made such seizure be liable to any Action, Indictment, or other Suit or Prosecution on account of such seizure, and if any Action, Indictment, or other Suit or Prosecution shall be brought to Trial against any person on account of such seizure wherein a Verdict shall be given against the Defendant, the Plaintiff besides the thing seized or the value thereof, shall not be entitled to more than Two-pence damages, nor to any costs of suit, nor shall the Defendant be fined more than One Shilling.

When verdict shall be found for Claimant, if Judge shall certify that there was probable cause of seizure, no costs to be allowed him.

Nor shall Officer be mulct in more than 2d. damages, or fined more than 1s.

XV. And be it further enacted, That it shall be lawful for such Officer within One Calendar month after such notice to tender amends to the party complaining or his Agent, and to plead such tender in bar to any Action, together with other pleas, and if the Jury shall find the tender of amends sufficient they shall give a verdict for the Defendant, and in such case, or in case the Plaintiff shall become nonsuited, or shall discontinue the Action, or Judg-

Officer may tender amends with in 1 Calendar month after notice, and plead such tender, &c.

If Jury find such amends so tendered sufficient,

or judgment be given for Defendant, treble costs to be allowed him.

Defendant may pay money into Court as in other actions.

Judge certifying that Defendant acted from probable cause, Plaintiff only entitled to 2d. damages without costs.

ment shall be given for the Defendant upon Demurrer, then such Defendant shall be entitled to the like costs, as he would have been entitled to in case he had pleaded the general issue only: Provided always that it shall be lawful for such Defendant by leave of the Court, where such Action shall be brought at any time before issue joined, to pay Money into Court as in other Actions.

**XVI.** And be it further enacted, That in any such Action, if the Judge or Court before whom such Action shall be tried, shall certify upon the Record that the Defendant or Defendants in such Action acted upon probable cause, the Plaintiff in such Action shall not be entitled to more than Two-pence damages, nor to any Costs of Suit.

**XVII.** Whereas it may and frequently does happen, that the Report, Manifests or Clearances, made by Masters of Vessels at the Port of Shipment, and the Reports or Manifests directed to be made by this Act, and the herein before mentioned Acts do materially differ in the Description, Number and Quantity of Articles liable to Duty, and no provision hath hitherto been made in case the articles entered shall fall short of those stated to have been Shipped; in order to remedy any inconvenience that may arise therefrom, *Be it enacted*, that in any case where the Numbers or Quantities of Goods, Wares, and Merchandise, liable to Duty, and specified in the Report or Manifest made to any Collector of Impost, at any Port of Entry in this Island; shall be found not to agree with the Report, Manifest or Clearance, made at the Port of Shipment, but there shall appear to be a deficiency in the Numbers or Quantities of the Goods, Wares or Merchandise, reported as entered before the said Collector, and those described in the Report or Clearance at the Port of Shipment, the Master of any Ship or Vessel, so making such deficient Report shall forfeit and pay a Penalty

Penalty on Master when Report does not agree with Clearance,

not exceeding Fifty Pounds—to be recovered and disposed of in like manner as other Penalties are directed to be recovered and disposed of by this Act—unless such Master or the Mate (in case there shall be such Officer belonging to the said Ship or Vessel) shall if required, make and subscribe the following Oath, in addition to the Oath hereinbefore directed to be taken by the said Master, and which Oath the said Collector is hereby authorized to administer (that is to say:)

Unless Master or Mate, make Oath before Collector.

‘ I *A. B.* Master (or Mate, as the case may be), of the Ship or Vessel called the \_\_\_\_\_ make Oath and say, that the following Articles mentioned and described in the Manifest or Clearance of the said Vessel at \_\_\_\_\_ to wit, (here describe the Packages, &c.) were omitted or neglected to be shipped on board the said Vessel called the \_\_\_\_\_ at \_\_\_\_\_ aforesaid; and that the same never came into my possession, care or custody, to the best of my knowledge and belief, for the purpose of being laden on board the said \_\_\_\_\_ at \_\_\_\_\_ aforesaid.

Form of Master or Mate's Oath.

‘So help me GOD.’

XVIII. And be it enacted, That all and every person or persons who shall import or bring into this Island, any Wines, Rum, Brandy, Gin, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandise, of any kind whatsoever, such person or persons shall immediately produce to the Collector of Impost for the District wherein such Importations shall be made, an Entry in Writing, stating the quantity and description of all such dutiable articles, and the total amount of the original Invoice of the Goods, Wares or Merchandise, which shall be so imported as aforesaid, the Vessel's name in which the same were imported, together with the Master's name; and the Importer or Importers making such Entry shall severally make and subscribe the following Affidavit—and the

Importer of any Wines, &c., or other dutiable Goods, to produce an Entry in Writing.

Particulars of such entry.

said Collector is hereby empowered to administer the Oath thereon ; (that is to say,)

Form of Importer's Oath.

‘ I *A. B.* of                    in the County of                    do  
 ‘ swear, that the Entry now by me made, read, or  
 ‘ head read, and subscribed, is just and true, and  
 ‘ contains a correct account as to the quantity and  
 ‘ value of all Casks, Packages, number of Gallons,  
 ‘ and weight of dutiable articles therein mentioned,  
 ‘ and is according to the true value or the original  
 ‘ Account or Invoice of all the Goods, Wares or  
 ‘ Merchandise (*as the case may be,*) by me im-  
 ‘ ported in the Ship or Vessel called                    whereof  
 ‘                    is Master, which are liable to an Impost  
 ‘ duty within this Island ; and I do further Swear,  
 ‘ that I am the Importer (*or, as the case may be*)  
 ‘ thereof.                    ‘ So help me GOD.’

When owner of Goods, &c., or non-resident person making Entry, only to swear to quantity, value and ownership.

And if the Goods so imported shall belong to any person or persons not residing within this Island, then the person producing to the Collector the Entry thereof as aforesaid, shall only be obliged to swear to such part of the said Affidavit as relates to the Quantity, Value, and Ownership of such Goods, Wares and Merchandise.

Collector, &c. may open packages, to be re-packed, if correct, at Collector's expense.

XIX. And be it enacted, That it shall be lawful for any of the Collectors aforesaid, or for any Surveyor or Landwaiter when directed by any such Collector, to open all Packages, and fully to examine all Goods therein contained ; and if the Goods so examined shall be found to correspond in all respects with the Cocket or Clearance, or with the Importer's Entry, such Goods shall be repacked at the charge of the Collector who may have examined, or directed the said Goods to be examined ; and such charge may be repaid the said Collector on application to the Lieutenant Governor and Council, if they see fit to allow the same.

Such expense to be repaid Collector by local Government in discretion of Lieut. Governor and Council.

If Goods, &c. liable to duty

XX. And be it enacted, That when any Goods, Wares or Merchandise, liable to the pay-

ment of the Duty of Impost shall have arrived at any Port or place within this Island; before the Consignee thereof shall have received an Account or Invoice of the same; the Collector for the District is hereby required on request of such Consignee, to grant a Permit for the same to be landed, or inspected on board; and the same being appraised as to the prime Cost thereof, when landed, by two competent and disinterested persons, on Oath made before such Collector, shall pay duty according to such appraisement: Provided always, that if for any Goods, Wares or Merchandise so imported, the Importer shall be entitled to a Drawback of any duties imposed on such Goods in *Great Britain* or *Ireland*, or any *British* Colony, the amount of such Drawback shall be deducted from the amount of such Invoice, and the said duty of Five *per centum* be imposed on the residue of the Invoice after such deduction.

arrive before Consignee receive Invoice, Collector, &c. to grant permit to land same on appraisement thereof.

How to be appraised.

Duty to be calculated on such Goods, &c. after deducting any drawback allowed thereon in *Great Britain*; &c.

**XXI.** And be it enacted, That all such Duties as are imposed under and by virtue of the hereinbefore mentioned Acts and this Act, be and the same shall be levied and paid over and above all Duties levied and imposed by any Act or Acts of the Imperial Parliament of *Great Britain* and *Ireland* in force in this Island.

Duties payable by this Act or any other Act to be over and above any duties levied by Imperial Parliament.

**XXII.** And be it enacted, That all Spirituous Liquors of what nature or kind soever; manufactured in any part of the United Kingdom of *Great Britain* and *Ireland*; be, and the same shall be imported into this Colony duty free—any thing in this Act or in the hereinbefore mentioned Acts, to the contrary notwithstanding.

Exempts Spirituous Liquors of the manufacture of *Great Britain* & *Ireland* from Duty under this Act.

**XXIII.** And be it enacted, That the Collectors that now are or hereafter shall be appointed by the Lieutenant Governor, by and with the advice and consent of Her Majesty's Council, to secure and collect the Duties payable under the herein

Allowances to Collectors under this or any other Act.

before mentioned Acts and this Act, shall only be paid and have Five *per centum* on all moneys paid or secured under and by virtue of the hereinbefore mentioned Acts and this Act, except the Collector for *Charlottetown*, who is already provided for by Salary.

When duty exceeds £100, credit to be given for 12 months.

XXIV. And be it enacted, That when from henceforth the duty to be paid by any Importer or Importers of any articles liable to duty under the hereinbefore mentioned Acts or this Act, shall exceed the sum of One hundred Pounds, the Collector of such Duty is hereby authorized to give credit for the payment thereof for the space of Twelve Months: Provided that sufficient security be given for the payment of the said Duty within the time so limited as aforesaid, for the payment thereof—any thing in the hereinbefore recited Acts to the contrary notwithstanding.

Suspends 20, 21, 22 and 23d sec. of Act of 25th Geo. 3d, relating to duty on Wines; &c.

XXV. And be it enacted, That the Twentieth, Twenty-first, Twenty-second and Twenty-third Sections of the First hereinbefore mentioned Act, be, and the same are hereby suspended during the continuance of this Act.

Exempts certain enumerated articles from duty.

XXVI. And be it enacted, That nothing herein contained shall extend, or be construed to extend, to the levying or collecting any *ad-valorem* Duty whatsoever, by virtue of or under the authority of this Act, from or upon the several articles following: (that is to say)—Salt, Lime, Gypsum, Building Stone or Limestone, Wines, Rum, Brandy, Gin, or other Distilled Spirituous Liquors, Molasses, Porter, Ale, Tea, Tobacco, Fish, Fish Oil, Lumber, Staves, or the Baggage of Emigrants, or Live Stock, from the United Kingdom; nor upon any Wheat or Grain, Garden and Grass Seeds, Live Stock, from any other Port or place, or Implements of Husbandry which may be imported by any Agricultural Society, for the purpose of

being sold or used by such Society within this Island; and all Sails, Rigging, Blocks, Cables and Anchors which may have been used in taking any new Vessel from this Island to a market for Sale, if such Sails, Rigging, Blocks, Cables and Anchors shall be returned forthwith, after the Sale of the Vessel, direct to this Island, by the Exporters thereof, and shall have previously paid or been charged with the Duty imposed thereon by this Act or any former Act, on the first importation thereof into this Island.

XXVII. And be it enacted, That on the reimportation of any Sails, Rigging, Blocks, Cables or Anchors which may have been used in taking Vessels to market as aforesaid, the person re-importing the same shall make Oath before one of the Collectors of Impost, that such Articles are the identical Sails, Rigging, Blocks, Cables or Anchors as were so previously exported in any such Vessel in manner aforesaid.

On reimportation of any Sails, &c., used in taking vessels to market, owner to make oath that such are the identical sails, &c. so used.

XXVIII. And be it enacted, That if any Contractor or Contractors, Commissioner or Commissioners, or any person or persons in Her Majesty's service shall import and bring into this Island, for the use of Her Majesty's Army or Navy, any Ordnance or Commissariat Stores, or War Munitions of any kind whatsoever, or Military Baggage and Clothing, the same shall not be considered in any manner liable to any duty imposed by this Act—any thing herein contained to the contrary notwithstanding.

Articles imported for the Army and Navy excepted from duty.

Also, Army and Navy Stores and Officers' Baggage.

XXIX. And be it enacted, That all Wines, Rum, Brandy, Gin, or other Distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares and Merchandise as aforesaid, which shall or may be imported in Boats from any part of the neighbouring Colonies, shall be subject to the same Duties, Regulations, Fines and Forfeitures as if the same were imported in Vessels of greater burthen.

Wine, Rum, &c. Tobacco, Tea, and Goods imported in Boats from neighbouring Colonies, liable to duties.

Time prescribed  
as business hours  
for Collectors.

**XXX.** And be it enacted, That the Collectors appointed, or who may hereafter be appointed, shall and they are hereby required to keep open and attend their respective Offices from Ten of the Clock in the forenoon until Four in the afternoon, (*Sundays excepted*) for the purpose of collecting and receiving Duties of Impost imposed by this or any other Act of the Legislature of this Island.

Collectors, &c.  
to receive pay-  
ment of duties or  
secure the same,  
as before direct-  
ed.

**XXXI.** And be it enacted, That it shall and may be lawful for the Collectors now appointed, or who may hereafter be appointed for collecting and receiving the Duties of Impost payable to Her Majesty in this Island under and by virtue of any Act of the Legislature thereof, and they are hereby respectively directed to take and receive the amount of Duties payable under and by virtue of this Act or to secure the same as herein before directed, and thereupon to grant a Permit for the landing of the Goods, the Duties upon which have been so paid or secured as aforesaid; and if it should so happen on the landing of any Wine, Gin, Brandy, Rum, or other distilled Spirituous Liquors, liable to Impost Duty, the amount of which duty has been included in any such Security, that on guaging such Wine, Gin, Brandy, Rum, or other distilled Spirituous Liquors, a difference in quantity should appear, the said Collectors are hereby severally directed and required to endorse on the back of such Security the difference either way, so ascertained after such guaging as aforesaid; and the Endorsement so made shall be signed by the Collector before whom the Entry has been made, and also by the Importer entering into such Security, if he thinks fit; and such Endorsement shall be, and is hereby declared to be part of the Defeazance or Condition to every such Bond or Security which may be so endorsed as aforesaid.

If on landing du-  
tiable articles  
any deficiency be  
ascertained, cre-  
dit to be given  
on security for  
amount of such  
deficiency.

**XXXII.** And be it enacted, That if articles liable to Duty under the herein-before-recited Acts, or any other Act, shall be landed from on board any Ship, Vessel or Boat, after Report shall have been made, other than such as shall have been specified and contained in any Report or Manifest directed to be made by this Act—then and in such case, all such articles, or the value thereof (the same to be estimated at the highest price such commodities shall or may then respectively bear,) shall be, and the same are hereby declared to be forfeited, and shall and may be seized by any of the Collectors of such Duties for the time being, or by any of the Land-waiters or Guagers; and if such articles shall be concealed or destroyed, so that seizure cannot be made of the same, then the Master of the said Ship, Vessel or Boat, or the Owner or Owners thereof, or the Receiver or Receivers of such articles so concealed, shall, on being duly convicted thereof, pay the value of the same, according to the aforesaid Estimate.

Goods, &c. liable to duty, landed without being specified in report, to be forfeited,

And may be seized by Collector, &c.

If concealed, &c. the Master or owner or receiver to forfeit the value.

**XXXIII.** And be it enacted, That if any Goods, Wares, or Merchandise shall be seized for non-payment of Duties or any other cause of forfeiture, and any dispute shall arise whether the Duties have been paid for the same, or the same shall have been lawfully imported or lawfully laden or exported, the proof shall be on the Owners or Claimants of such Goods, Wares or Merchandise, and not on the Officer who shall seize and detain the same—any Law or usage to the contrary notwithstanding.

Where Goods, &c. are seized for non-payment of duty proof of payment to be made by Claimant.

**XXXIV.** And be it enacted, That all Masters of Ships, Coasting, Fishing, and all other Vessels whatsoever, coming into any Harbour, Port, River, Creek, or any part of the Coast of this Island, shall, within Twenty-four hours after their arrival, make, and subscribe a Report in writing, on oath, to any of the Collectors of Impost so appointed as

Masters of all vessels to report to Collector, &c. within 24 hours after arrival.

Particulars of  
such report.

The same to be  
on oath.

aforesaid, of the Lading or Cargo of such Vessel, or whether in Ballast or otherwise (*as the case may be,*) and shall also make and subscribe a Report on Oath, in the form directed by the Eighth Section of this Act: Provided nevertheless, that nothing in this Act contained shall be construed to require or permit the Reporting or Entry of any Vessel or Vessels belonging to any Foreign Power or State, which are not legally entitled to make such Report and Entry at the Custom House, by any Laws of the Imperial Parliament of Great Britain now in force in this Colony.

Penalty on Mag-  
ter neglecting or  
refusing to make  
such report.

XXXV. And be it enacted, That if any such Master shall neglect or refuse to make such Report as herein directed, or shall make a false Report, such Master shall be liable to, and shall forfeit and pay for every such offence, a Fine not exceeding One hundred Pounds.

Mode of recovery  
of penalties un-  
der this or any  
other Revenue  
Act.

XXXVI. And be it enacted, That all Fines, Forfeitures and Penalties arising by operation of this or any other Act relating to the Revenue of this Island, raised from Duties of Impost on Goods, Wares or Merchandise, shall be sued for and recovered, together with Costs, in Her Majesty's Court of Vice Admiralty, except as herein before provided, and except in cases where any Fine or Penalty is imposed on the Treasurer of this Island—and the Moneys arising from such Penalties, Fines and Forfeitures shall be applied, one half to and for the purposes for which the said Duties are granted, and the other half to him or them who shall inform, seize, or sue for the same.

Writ of Assis-  
tance how to be  
obtained by Col-  
lector.

XXXVII. And be it enacted, That for the better and more effectually collecting and securing the several Duties levied by this or any other Act, it shall and may be lawful for any Collector of Impost having a Writ of Assistance, under the Seal of Her Majesty's Supreme Court of Judicature of

this Island, (which Writ the Chief Justice of the said Court, or in his absence, the Puisne Judges, are hereby authorized and empowered to grant, upon application for that purpose); to take a Constable or other Public Officer inhabiting near the place, and in the day time to enter into and search any Shop, House, Cellar, Warehouse, Room, or other place, and in case of resistance, to break open Doors, Chests, Trunks and other Packages, there to seize, and from thence to bring, any Goods which have not been duly entered, and the Duties thereon paid or secured, and which may be deemed liable to forfeiture under this or any other Act of this Island, and to put and secure the same in some secure place at or near the Port where such Goods shall be so taken as aforesaid.

Power of Collector, &c., under Writ of Assistance.

**XXXVIII.** And be it enacted, That all Writs of Assistance so issued from the Supreme Court as aforesaid shall continue and be in force during such time as shall be therein limited and expressed by the said Court.

Term for which Writ of Assistance remains in force.

**XXXIX.** And be it enacted, That all the Moneys arising from the several Rates and Duties raised and levied by this Act, and paid into the Treasury, shall be applied and appropriated to such purposes, and no other, as are or may be expressed or contained in an Act of the General Assembly of this Island, to be passed this present Session; and if the Treasurer of this Island shall issue and pay any of the said Moneys arising from this Act for any other purpose than is therein mentioned, declared or expressed, he shall forfeit and pay the sum of One Thousand Pounds, and be rendered incapable of holding said office of Treasurer—said Forfeitures to be applied to and for the uses which shall be expressed in the said Act, and to be recovered by Bill, Plaint or Information in Her Majesty's Supreme Court of Judicature of this Island.

Appropriation of duties under this Act.

Continuance of  
Act:

**XI.** And be it enacted, That this Act shall commence and take effect immediately from and after the Fifth day of *May* next ensuing, and shall continue and be in force until the Fifth day of *May* which will be in the Year of our Lord One thousand eight hundred and forty-three.

### C A P. V.

An ACT to create a Fund; for defraying the expence of providing Medical assistance for sick Emigrants; and of enabling indigent persons of that description to proceed to the place of their destination.

[Passed April 16th, 1842.]

**W**HEREAS it is deemed expedient to impose a rate or duty, payable by Masters of Vessels bringing Emigrants into this Island, for the purpose of creating a Fund for defraying the expence of medical care and attention, for sick Emigrants, and of enabling indigent persons of that description to proceed to places of their destination:

**I.** Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That there shall be raised, levied and collected a rate or duty, payable in the manner hereinafter prescribed; by the Master or person in charge, or command of every Vessel arriving in any of the Ports of this Island, from any Port of the United Kingdom, with Passengers or Emigrants therefrom, and such Rate or Duty shall be Five Shillings Currency, for every such Passenger or Emigrant, and such rate or duty shall be paid by the Master or person in command of such Vessel, or by such person on his behalf, to the Collector of Impost of the Port at which such Vessel shall have first entered, and at the time of making such first Entry, which shall contain on the face of it, the number of Passengers actually on board the Vessel, and no such Entry shall be deemed to have been validly made or to have any

Imposes a tax of  
5s. per head on  
Emigrants from  
the United King-  
dom, to be paid  
by Master of Ves-  
sel to Collector  
of Impost.

legal effect whatsoever, unless such rates or duties be so paid as aforesaid.

II. Provided always, and be it further enacted, That on any Ship or Vessel arriving with Passengers from any Port of the United Kingdom, at any Port or Place in this Colony, at any time before the First day of *July* next, and such Passengers being declared in a healthy state, by any Medical person authorised by any Board of Health in this Island, to visit and examine such Passengers, no tax shall be exacted from the Master of any such Ship or Vessel, on account of such Passengers, in case the said Master upon his arrival shall duly make Affidavit before some one of Her Majesty's Justices of the Peace for this Island, that there has not been received or exacted from any of such Passengers any sum or sums of money, for or on account of any Tax for which he might be made liable upon the introduction of any such Passengers into this or any other British Colony.

Exempts Immigrants arriving before 1st July, 1842, if in a healthy state, from tax,

if Master makes oath that he had not previously received such tax from them,

III. And be it enacted, That for the purposes of this Act, two Children, each under the age of Fourteen years, or three Children, each under the age of Seven years, shall be reckoned as One Passenger, and that no Child under the age of Twelve months, shall be reckoned among the number of Passengers.

Immigrant Children, how rated for tax.

IV. And be it enacted, That no Master or person having the command of any Ship or Vessel arriving at any Port or Ports in this Colony, shall permit any Passenger to leave such Vessel, until he shall have delivered to the Collector of Impost at such Port, a correct list of all the Passengers on board of such Ship or Vessel, at the time of her arrival at such Port, nor until such list shall have been certified to have been correct, and a certificate of such correctness, and a permission to allow his Passengers to leave the Vessel, and a Receipt

Master not to permit Immigrants to land until he delivers a list to Collector, &c.

Nor until list is certified to be correct, and permission given after payment of tax.

Penalty on Master offending herein.

Requisites of list furnished to Collector.

Master may permit passengers to land at any port not within this Island.

Duty of Master in such case.

Penalty on Master offending herein.

Immigrants may remain on board 48 hours after arrival.

for the duties payable by him under the provisions of this Act, shall have been given to him by the said Collector of Impost, under a penalty of Twenty Pounds Currency, to be paid by such Master or person having the command, for every Passenger leaving his Ship or Vessel contrary to the provisions of this Act. Provided always, that the said list shall contain the name of each such head of family or single person being a Passenger on board of such Vessel, his trade or profession, his country, and the place of his destination, and the number of grown Passengers and Children belonging to his Family on board such Vessel. Provided always, that nothing in this Act contained shall prevent the Master or person having the command of any Ship or Vessel from permitting any Passenger to leave the Vessel, at the request of such Passenger, before the arrival of the Vessel in any Port of this Island; but in every such case the names of the Passengers who shall so leave shall be entered in the Manifest or the list of Emigrants made out at the time of clearing of the Vessel from the United Kingdom, and shall be certified under the signatures of the Passengers so leaving the vessel; and if the number of Passengers remaining on board on the arrival of the vessel in the harbours of this Colony, do not correspond with that mentioned in such Manifest, after deducting those who shall have so left the vessel, the Master or person having the command of such Vessel shall incur a penalty of Five Pounds, Currency, for each Passenger not found on board or entered on the Manifest as having left the vessel as aforesaid.

V. And be it enacted, That every Passenger on board any Ship or Vessel arriving in any Harbour of this Island to which the Master or person commanding such Vessel shall have engaged to convey him, shall be entitled to remain and keep his baggage on board such Vessel during Forty-eight hours after her arrival in such Harbour; and

every such Master who shall compel any Passenger to leave his Vessel before the expiration of the said term of Forty-eight hours shall incur a Penalty not exceeding Five pounds, Currency, for every Passenger he shall so compel to leave his Vessel; nor shall any Master or person commanding such Vessel remove, or cause to be removed, before the expiration of the said Forty-eight hours, any Berthing or accommodation used by his Passengers under a like penalty.

Penalty on Master compelling Immigrants to land before the expiration of 48 hours after arrival.

VI. And be it enacted, That every Pilot who shall have had charge of any Vessel having Passengers on board, and who shall know that any Passenger has been permitted to leave the Vessel, contrary to the provisions of this Act, and shall not within Twenty-four hours after the arrival of such Vessel in any Harbour of this Island, to which he shall have engaged to pilot her, inform the Collector of Impost at such place that a Passenger or Passengers has or have been so permitted to leave the Vessel, shall incur a penalty not exceeding Five pounds, Currency, for every Passenger, with respect to whom he shall have wilfully neglected to give such information.

Duty of Pilot in charge of Immigrant Vessel.

Penalty on Pilot offending herein.

VII. And be it enacted, That the Moneys levied under the authority of this Act, shall be paid by the Collector of Impost, by whom they shall have been received, into the Treasury of this Island, for the purposes hereinafter mentioned.

Money received under this Act to be paid into Treasury.

VIII. And be it enacted, That all penalties imposed by this Act, may be sued for and recovered with Costs, on the Oath of one credible witness, other than the prosecutor, in a summary manner before any two Justices of the Peace, in this Island; and such Justices may commit the offender to the common Jail of the County until such penalty and costs shall be paid; and one Moiety of every such penalty shall belong to Her Majesty, Her Heirs

Mode of recovery of penalties imposed by this Act.

Appropriation of penalties.

and Successors, and shall be paid into the Treasury, to be applied to the purposes to which the other Moneys levied under the authority of this Act are hereby appropriated, and the other Moiety shall belong to the prosecutor.

*Lt. Governor may advance, from the moneys received under this Act, to any Board of Health, &c.*

**IX.** And be it enacted, That it shall be lawful for the Lieutenant Governor, or person Administering the Government, by Warrant under his hand, at any time after the passing of this Act, to advance to the Boards of Health in the several Counties, such sums of Money as may be required for the purposes of this Act, out of the Money paid into the Treasury under the authority of this Act, to be applied and expended under the direction of the said Boards of Health.

*Money received by Board of Health, how to be appropriated.*

**X.** Provided always, and be it enacted, That no part of the said Money paid and received by the respective Boards of Health, shall by them be employed in making advances in Money to any Emigrant, but shall be expended in forwarding poor and destitute Emigrants to the place of their destination, in this or the adjacent Provinces; and in no case shall any grown person, in good health, and unencumbered with a family, except unmarried females who may be unable otherwise to join their friends or relatives, receive assistance out of the said Moneys: Provided nevertheless, that House Rent, Fuel and other unavoidable expences may be paid out of the said Moneys so received by the said Board of Health as aforesaid, together with a reasonable allowance to the Secretaries of the said Boards of Health respectively, to be determined by the Lieutenant Governor in Council.

*Boards of Health to account to Legislature for expenditure of Moneys received by them.*

**XI.** And be it enacted, That the said Boards of Health, into whose hands any Money shall be paid under the authority of this Act, shall within Fifteen days after the Meeting of each Session of the Legislature, during the continuance of this Act,

lay before each of the branches thereof, a faithful and detailed Account of the expenditure of such Moneys, and a correct List of the Emigrants by them respectively relieved, distinguishing the Nation and Country of such Emigrant, the place to which he or they shall have been forwarded, and his or her age, and the amount expended in affording such relief, (and in what manner expended,) to every grown person, and his or her Trade and name.

XII. And be it enacted, That the persons composing the Board of Health, to whom shall be intrusted the expenditure of any portion of the Moneys hereby appropriated, shall make up detailed Accounts of such expenditure, shewing the sum advanced to the Board of Health, the sum actually expended, the balance, if any, remaining in their hands, and that every such Account shall be supported by Vouchers therein distinctly referred to, by numbers corresponding to the numbering of the items in such Account.

*Made in which  
Boards of Health  
are to make up  
Accounts of mo-  
neys received by  
them,*

XIII. And be it enacted, That this Act shall continue and be in force until the First day of May, in the year One thousand eight hundred and forty-five.

*Continuance  
of Act.*

## CAP. VI.

An Act to consolidate, amend and reduce into one Act, the several Acts, and parts of Acts, relating to the Qualifications and mode of summoning Grand and Petit Jurors,

[Passed April 16th, 1842.]

**W**HEREAS it is expedient to consolidate and amend the several Acts, and parts of Acts of the General Assembly, relating to the Qualifications and mode of Summoning Grand and Petit Jurors, and in other respects relating thereto: Be

Repeals Act of  
the 13th Geo.  
3d, cap. 8.

Also, Act of the  
59th Geo. 3d,  
cap. 5.

And also, 4th and  
5th Sections of  
Act of 3d Will.  
4th, cap. 12.

it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Thirteenth Year of the Reign of His late Majesty King George the Third, intituled *An Act for the more easy and effectual Trial of Criminal Offenders, also, Trials of Property or any other suit or suits of what nature or kind soever, and for the ascertaining the qualifications of Jurors, in trials of such Offenders, as also in trials of Property or any other suit or suits of what nature or kind soever*; and an Act passed in the Fifty-ninth year of the Reign of his said late Majesty, intituled *An Act for regulating Juries, and further declaring the qualifications of Jurors*; and also, the Fourth and Fifth Sections of an Act passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled *An Act to regulate and establish the stated times and places for holding the Supreme Court in King's and Prince Counties, and to constitute the Michaelmas Term of the said Court in Queen's County, a Term for the Trial of Issues, for a limited period*, be, and the same are hereby respectively repealed.

Jurors to be summoned to serve as such only in the County in which they reside.

Qualifications of Jurors.

II. And be it enacted, That from and after the passing hereof, all persons living within their respective Counties, and being persons not hereinafter exempted, shall be, and they are hereby made liable to be summoned and returned Jurymen on all Trials of Treasons, Felonies, Breaches of the Peace, or other Criminal Offences of what nature or kind soever they may be, as also on all Trials of Property, whether local or transitory, being such Trials as shall be had and conducted in the County wherein such persons so liable to be summoned shall reside: Provided such person or persons at the time of being summoned, and at the time of such Trial or Trials, shall or may be liege subjects of Her Majesty, and Inhabitants or Owners of Land within this Island, and shall have

resided therein Six Months next before such Summons; and all and every such person or persons so qualified as aforesaid, shall not be subject to be challenged for want of Freehold or other property, but shall nevertheless, for any other lawful cause shewn, be subject to be challenged, and if the cause of challenge be adjudged sufficient, rejected, according to the Laws of that part of Great Britain called England, in like cases: Provided always, That the Members of the Executive and Legislative Councils, or of the House of Assembly, the Treasurer and Secretary of the Colony, the Surveyor General of Crown Lands, the Registrar of Deeds, the Officers of Her Majesty's Courts, the Officers composing the Staff of the Army, the Clerks belonging to the several departments of the Army, the Officers and Clerks belonging to and Labourers actually employed in Her Majesty's Ordnance, or in or to the Departments of the Customs and Excise, and Post Office, Ministers, Attorneys, Physicians, Surgeons, persons above Sixty years of age, and all persons expressly exempted by any Act of the General Assembly of this Island, now in force, and passed previous to the present Session, shall be, and all such persons are hereby exempted from serving on Juries.

*Exempts certain persons from serving as Jurors.*

III. And be it enacted, That no Sheriff or Bailiff, shall return any person to have been summoned as a Grand or Petit Juror, to serve in any County in this Island, unless such person shall have been duly summoned Six days before the day of appearance, and shall have resided in this Island for the space of Six months as aforesaid, next before such Summons—and in case any Juror be absent from his habitation, notice of such Summons shall be given, by leaving a Summons under the hands of such Officer at the dwelling of such Juror, with some person there inhabiting.

*Grand and Petit Jurors to be summoned six days before day of appearance.*

*Jurors to be resident in this Colony 6 months before summons is served.*

*Summons, how to be served.*

IV. And be it enacted, That if any cause, Criminal or Civil, cannot be tried when called on in

*Court may order a tales when a*

sufficient number  
of Jurors do not  
attend.

Court, for default of Jurors, the Justices of the Court shall have authority to command the Sheriff to Summon so many other proper Persons (not being liable more than once in a year) to attend forthwith, as will make up a full Jury for the trial of such Cause.

Special Juries,  
how obtained  
and struck.

V. And be it enacted, That upon motion made in the Supreme Court, on behalf of Her Majesty, or on motion of any Prosecutor or Defendant, in an Indictment or Information, for any Misdemeanor or Information in the nature of a *quo Warranto*, or on motion of any Plaintiff or Defendant, in any cause depending in the said Court, the Justices are required to order a Jury to be struck before the proper Officer for the trial of any Issue, in such manner as Special Juries are usually struck in the said Court, upon Trials at Bar; and in all cases the party who shall apply for a Special Jury, shall not only pay the Fees for striking such Jury, but shall also pay all the expences occasioned by the trial of the cause by such Special Jury, and shall not have any other allowance for the same upon taxation of Costs, than such party would be entitled unto, in case the cause had been tried by a common Jury.

Expense of Special Jury to be paid by Party applying for same.

For non-attendance Grand Jurors may be fined not more than £5 nor less than £2.

VI. And be it enacted, That every person so Summoned as aforesaid, to serve as a Grand Juror, and who shall not appear after being openly called Three times, upon Oath made by the Summoning Officer, that such person so making default had been lawfully Summoned, shall forfeit and pay for such default, such Fine not exceeding the Sum of Five Pounds, nor less than Forty Shillings, as the Judge or Judges presiding in said Court, shall think reasonable to inflict or assess, unless some sufficient cause of his absence be proved by Oath, Affidavit, or Affirmation to the satisfaction of the said Judge or Judges; and that every Petit Juror so Summoned to attend as aforesaid, at any Court of Record in

Petit Jurors, for non-attendance, to be fined 6s.

this Island, and making default on proof, so as above set forth of their being legally Summoned, shall forfeit and pay for every such default the Sum of Five Shillings; unless some reasonable cause by proof as above directed, be assigned to the satisfaction of the Judge or Judges, who sit to try the cause. Provided always, that the amount of the said Fines to be levied on each Petit Juryman for the several defaults at one Term, shall not exceed the sum of Three Pounds.

Fines on a Petit Juror, for one Term, not to exceed £5.

VII. And be it enacted, That no Grand or Petit Juror shall be liable to be Summoned oftener than every Third issuable Term.

No Juror liable to serve oftener than every third issuable Term.

VIII. And whereas it sometimes happens that near towards the expiration of the time now by Law limited for the attendance of Jurors at the several Terms of the Supreme Court; the said limited time expires before the Jury impanelled can decide upon and return their Verdict; and doubts have arisen whether or not a Verdict so given is good and valid when the same is received without the consent of the parties in the Suit, or their Counsel: Be it therefore enacted, That every Verdict so given, whether received with or without the consent of the Parties to the Suit, or their Counsel, shall be deemed as good and valid in Law in all respects, as if the same had been returned and recorded within the time heretofore limited by Law for the attendance of Jurors.

When trial is commenced within jury days, verdict given after expiration of such jury days to be valid.

IX. And be it enacted, That when the Grand Jury in the several Counties of this Colony, shall assemble in Court for the first time under this Act, and ever after, and twelve or more thereof shall appear, the Court before the said Jury shall be sworn, shall direct them to retire and choose their Foreman to be presented to the Court, any usage or custom to the contrary notwithstanding.

Grand Jury to choose their Foreman.

Continuance  
of Act.

X. And be it enacted, That this Act shall continue and be in force for and during the term of Two Years, from and after the passing thereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

## CAP. VII.

An Act to amend and continue for a limited period the Act intituled *An Act for the regulation of the Public Wharf of Charlottetown.*

[Passed April 16th, 1842.]

**W**HEREAS it is expedient to further continue for a limited period the said Act, and to amend the same by conferring additional power on the Wharfinger thereby appointed, for the better regulation of the said Wharf, and likewise to alter some of the rates of Wharfage as therein established: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the Act made and passed in the Third Year of the Reign of King William the Fourth, Chapter Thirty-two, intituled *An Act for the regulation of the Public Wharf of Charlottetown*, be, and the same is hereby continued, except as hereinafter provided, during the continuance of this Act; and that when and as often as it shall appear necessary to the said Wharfinger, for any Vessel to come alongside the said Wharf for the purpose of Landing or discharging Passengers, Goods, Merchandise, Chattels, or Her Majesty's Mails, or of shipping or receiving on board any such Goods, Merchandise or Chattels, and no suitable berth for such Vessel at the said Wharf shall appear unoccupied, it shall and may be lawful for the said Wharfinger, and he is hereby required to cause to be removed to any other equally safe and suitable berth at the said Wharf any other Vessel being afloat, and requiring a less draught of water, and in a condition capable of being

Suspends part of Act of the 3d Will. 4th, cap. 23, during the continuance of this Act.

Power and duty of Wharfinger.

Wharfinger may cause vessels, &c. to be removed from one part of Wharf to another part thereof.

removed, and whether loading or unloading, in order to give place to any such first mentioned Vessel.

II. And be it further enacted, That when and as often as it shall appear to the said Wharfinger that any Vessel is hindered from either loading or discharging her cargo, or any material part thereof, at the said Wharf, by reason of the want of a suitable situation to lie thereat, it shall be lawful for the said Wharfinger, and he is hereby required, upon request to him made, to cause to be shifted or hauled off from the said Wharf, in order to cause place and room to be given to such Vessel for the purposes aforesaid, any other Vessel being in a condition capable of being removed, and which shall not be loading from the said Wharf or discharging thereat.

Wharfinger may cause vessels to be hauled off from Wharf in certain cases.

III. And be it enacted, That it shall and may be lawful for the said Wharfinger, and he is hereby required to cause to be removed, in manner prescribed in the aforesaid Sections of this Act, as often as to him shall seem necessary, any Vessel, or the moorings, furniture or materials of any Vessel, and any barge, boat, flat, raft, spar, timber, cask, package, crate, luggage, or any article or material whatsoever, which may obstruct the free passage of the public Ferry Boats, from or to the steps used by the public, in ascending to or descending from the said Wharf, or which may obstruct their free ascent or descent up or down the same.

Wharfinger to remove Vessels, Boats, Goods, &c. obstructing the passage to Ferry Boats.

IV. And be it enacted, That in case of neglect or refusal to remove any such Vessel, moorings, boat, or any such article, material or obstruction, being within the meaning of either of the preceding Sections of this Act, after due notice and request thereof to the Master or Commander, or to any one of the owners of any such vessel, barge, boat or flat, or to the owner or owners of any such article,

Masters of vessels, &c., and owners of goods, &c. refusing or neglecting to remove them liable to the fine mentioned in 3d sec. of Act of 3d Will. 4th, cap. 23.

material or obstruction as aforesaid, he or they shall be subject to the like penalty, and to be recovered by such person and in such manner as is mentioned in the Third Section of the hereinbefore recited Act.

Wharfinger to decide disputes between Masters of vessels, touching the right to lay at Wharf.

Masters of vessels refusing to comply with orders of Wharfinger liable to fine mentioned in 3d sec. of Act of the 3d Will 4th, cap. 23.

V. And be it enacted, That in case of any dispute between the Masters or Owners of Vessels, as to the right of one Vessel lying outside of any other Vessel, for the purpose of loading or discharging at the said Wharf, while such last mentioned Vessel shall be lying at the said Wharf, the same shall be decided and determined by the said Wharfinger; and the Master or Owner of any Vessel refusing to comply with the order of the said Wharfinger in this respect, or who, after request made, shall refuse to allow any Goods, Merchandise or Passengers to be conveyed across his Vessel from any such outside Vessel, or shall refuse to allow any stage to be erected for that purpose, so far and in such manner as the said Wharfinger shall deem necessary, shall be liable to the like forfeiture as is imposed by the Third Section of the said recited Act, besides being liable to have his or their Vessel removed from the said Wharf at the discretion of the said Wharfinger.

VI. And be it enacted, That the rates of Wharfage mentioned and prescribed in the said recited Act, shall be no longer taken or received, and that it shall and may be lawful for the said Wharfinger to ask, demand, take and receive, in lieu thereof, the following rates, *per diem*, (that is to say:—

Rates of Wharfage.

Vessels of Ten Tons, and under Twenty Tons,  
One Shilling.

Vessels of Twenty Tons, and under Forty Tons,  
One Shilling and Sixpence.

Vessels of Forty Tons, and under Seventy Tons,  
Two Shillings and Three Pence.

Vessels of Seventy Tons, and under One hundred Tons, Three Shillings.

Vessels of One hundred Tons, and under One hundred and fifty Tons, Three Shillings and Nine-pence.

Vessels of One hundred and fifty Tons, and under Two hundred Tons, Four Shillings and Six-pence.

Vessels of Two hundred Tons, and under Two hundred and fifty Tons, Five Shillings and Three-pence.

Vessels of Two hundred and fifty Tons, and under Three hundred Tons, Six Shillings.

Vessels of Three hundred Tons, and under Three hundred and fifty Tons, Six Shillings and Nine-pence.

Vessels of Three hundred and fifty Tons, and under Four hundred Tons, Seven Shillings and Six-pence.

Vessels of Four hundred Tons, and under Five hundred Tons, Eight Shillings and Three-pence.

Vessels of Five hundred Tons, and upwards, Nine Shillings.

For Lighters, per Load, Nine-pence.

VII. And be it enacted, That the Salary of Forty Pounds per annum allowed to the said Wharfinger by the said recited Act, shall be no longer payable, but in lieu thereof there shall be granted and paid to the said Wharfinger, the annual sum of Thirty Pounds, payable in manner mentioned in the said recited Act.

£30 to be in future the salary of Wharfinger.

VIII. And be it enacted, That the said recited Act, as hereby amended, shall be and continue in force for the space of Ten Years from the passing hereof, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act.

## CAP. VIII.

An Act to consolidate and amend the two several Acts now in force, relative to Accidents by Fire, and the Improvement of Property in Georgetown.

[Passed April 16th, 1842.]

**W**HEREAS the two several Acts of the General Assembly of this Island now in force, and passed for the improvement of Property at Georgetown, and to provide against Accidents by Fire, are not fully effective in their operation, and it is expedient to amend and also to consolidate the same.

Repeals Act of  
2d Victoria, cap.  
7.

Also Act of the  
3d Victoria, cap.  
2.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Second year of the Reign of Her present Majesty, intituled *An Act for the Improvement of Property at Georgetown, and to provide against Accidents by Fire*, and also an Act made and passed in the Third year of the Reign of Her present Majesty, intituled *An Act to explain and amend an Act intituled 'An Act for the Improvement of Property at Georgetown, and to provide against Accidents by Fire'*, be, and the same are hereby respectively repealed.

Senior Justice  
of Peace resident  
in Georgetown  
annually to con-  
vene a meeting  
of inhabitants of  
said Town, on  
the 1st Tuesday  
in May, in each  
year.

II. And be it enacted, That it shall be the duty of the senior of Her Majesty's Justices of the Peace, resident for the time being in Georgetown aforesaid, and such Justice is hereby required, yearly, and every year, during the continuance of this Act, to convene a Public Meeting of the Inhabitants of the said Town, for the purposes of this Act; the first Meeting to be holden at the Court House, on the first Tuesday in May next, after the passing thereof, at the hour of Twelve o'clock, noon, and so on, on every First Tuesday in May, in every year, during the continuance of

this Act, such Meetings to be convened by such Justice giving, or causing to be given, at least Eight days' Notice thereof in writing, the same to be published by being posted in three or more public places in the said Town.

Requisites of notice and mode of publication thereof.

III. And be it enacted, That every person who shall be the owner of any Real Estate, situate in said Town, being not less than one half part of either Town or Water Lot, and every person who shall have resided in the said Town, for a period not less than Six Calendar Months, and shall have occupied during such time a house or tenement and premises, or two or more houses or tenements and premises in succession, or shall, during such time, have been a keeper of any Store, each being of the yearly Rent of Seven Pounds, shall be deemed to be an Inhabitant of the said Town for the purposes in this Act mentioned.

Defines qualifications of inhabitants for the purposes of this Act.

IV. And be it enacted, That it shall and may be lawful for such Inhabitants to assemble at all such Meetings at the time and place aforesaid, and then and there, by a majority of such Inhabitants annually, to elect for the then ensuing year, Seven fit and proper persons, Five of whom shall be a quorum, to act as Assessors of Lots; and also Five fit and proper persons, Three of whom shall be a quorum, to act as Fire Wardens for the said Town.

Inhabitants at time and place aforesaid, to elect 7 persons, 5 to be a quorum, to act as Assessors.

And also, 5 persons, 3 to be a quorum, to act as Fire Wardens.

V. And be it enacted, That in case of the death, or removal from said Town of any Assessor or Fire Warden so to be elected, or of their becoming incapable of acting, that then and as often as it shall so happen, it shall be lawful for such Senior Magistrate as aforesaid, upon a Requisition in writing, to be signed by any number being not less than Five of the Inhabitants, to convene a Public Meeting at the place and in manner hereinbefore prescribed, to meet at such particular hour, and time of the year as may be deemed convenient, for

Vacancies in Office of Assessor or Fire Warden, from death or removal, or otherwise, how to be filled up.

the election of a fit and proper person to fill such vacancy.

Qualifications of Assessors and Fire Wardens.

In the event of there being no election of Assessors, &c. after notice, or from default or neglect of senior Justice in not giving notice, the Lieut. Governor in Council to appoint Assessors and Fire Wardens.

VI. And be it enacted, That such Assessors and Fire Wardens shall be persons residing in Georgetown, and who shall have been resident therein for at least Twelve Months previous to the time of their election, and in the event of there being no election, either of such Assessors or Fire Wardens at any such Meeting, or time of meeting, after notice of the same shall have been duly given, or in case such Senior Magistrate shall neglect or make default in publishing or causing to be published such notice, that then and in every such case, it shall and may be lawful for the Lieutenant Governor in Council, to appoint fit and proper persons, being residents as aforesaid, Assessors and Fire Wardens, who shall continue in office until others are elected at any such Annual Meeting aforesaid, and to renew any such appointment as often as the same shall become vacant, from any such cause as aforesaid, and no person shall be duly elected to fill such vacancy.

Assessors to assess the Lots and parts of Lots in the said Town.

Limits the amount of Assessment in each year.

Assessment to be paid within 40 days after notice given in Royal Gazette.

VII. And be it enacted, That the said Assessors at their first and subsequent Annual Meetings respectively, shall be, and they are hereby empowered to assess the Lots and parts of Lots in the said Town, so that the sums so assessed shall not in any one year exceed the sum of Six Shillings and Eightpence on each unimproved Town Lot, and Three Shillings and Fourpence on each improved Town Lot, and rateably in proportion for parts less than a whole Lot, which Assessment shall be paid within Forty days after due notice thereof published in the *Royal Gazette* Newspaper, and continued therein for Five successive weeks.

Assessors to appoint a Treasurer and Collector.

VIII. And be it further enacted, That the said Assessors shall at their first and subsequent annual

Meetings, appoint a Treasurer of the Fund contemplated to be raised in pursuance of this Act, and likewise a Collector, who shall also act as Clerk, and keep a Journal of the Assessors' proceedings, which Collector shall within Ten days after such his appointment cause notice thereof, and of the sum assessed upon improved and unimproved Lots to be given as aforesaid.

Collector to act as Clerk.

Duty of Clerk.

Duty of Collector

IX. And be it enacted, That no Town Lot shall be deemed to be improved, unless the same shall be cleared and fenced, or otherwise sufficiently enclosed, with or without Buildings thereon, or unless such Lot shall have a Dwelling House, Store or Workshop, actually used as such, erected thereon.

Defines what shall be deemed improved Lots.

X. And be it enacted, That within Ten days next after the expiration of the said Forty days' notice hereinbefore directed to be given, the said Collector shall furnish the Treasurer aforesaid with an account of all Moneys paid to him for such Assessment, and pay over to the Treasurer the amount received by him, which Treasurer shall, thereupon, or within Ten days next after the receipt of such account and Moneys, call a Meeting of the Assessors, who being met shall examine and audit the said Account; and should it be found on the examination thereof that there is, or are any Lot or Lots on which the Assessment has not been paid, the said Assessors are hereby authorized and required to issue to the said Collector a Precept or Precepts in the form marked (A.) in the Schedule to this Act annexed, against such Lot or Lots so found in arrear, commanding him to enter upon and take the Goods and Chattels to be found on the Lot or Lots so assessed, and of the same to make public sale, to pay the said assessment and costs; and the said Collector having seized the said Goods or Chattels, shall thereupon advertise the same in writing in three public

Within 10 days after said notice of 40 days, Collector to account to Treasurer.

And within 10 days after such accounting Treasurer to call meeting of Assessors to audit the Accounts.

Assessors to issue precept to Collector against Lots in arrear.

Goods and Chattels found on such Lots, to be sold.

Mode of sale of Goods and Chattels taken under Precept.

If Goods or Chattels cannot be found, Collector to sell Lots in arrear, after 3 months notice of sale being given.

Appropriation of proceeds of Lots sold.

Overplus to be paid to owners of Lots.

Collector to execute a Deed to purchaser.

If owner shall not claim overplus of money within 3 months after sale, the same is then to be paid into the Treasury for the use of owner.

Appropriation of overplus of Lots held under License of occupation from the Crown.

places of the said Town, and at the end of six days thereafter shall sell the same, or as much thereof as will satisfy the assessment and costs; and if no Goods or Chattels can be found on the said Lot or Lots in arrear as aforesaid; then and in that case the said Collector is hereby authorized and directed to make public sale of such Lot or Lots, so found to be in arrear as aforesaid, after giving Three Months' notice thereof in the *Royal Gazette* Newspaper, and out of such sale to pay into the hands of the Treasurer aforesaid within Ten Days thereafter; the amount of such Assessment; and if any amount remains in the hands of the Collector after paying the sums so assessed, together with the expenses incurred for selling the same, after the rate prescribed and fixed in the Schedule marked (B.) to this Act annexed, any such balance shall be paid to the owner or owners of the Lot or Lots so assessed and sold; and the said Collector is hereby authorized and directed to make and execute a Deed to the purchaser or purchasers, at his, her, or their expense, of such Lot or Lots; which Deed, when so executed and registered, together with the Precept authorizing the sale of such Lot or Lots, shall be held a good and sufficient Title against the former holder or holders thereof, subject only to the conditions of the original Grant: Provided always, that in case the owner or owners of such Lands and Premises shall not claim any such surplus Money as may arise on any such sale within Three Months after any such sale as aforesaid, then the same shall be paid to and remain in the hands of the Public Treasurer of this Island, to and for the use of the former owner or owners.

XI. Provided nevertheless, and be it enacted, That in case any Lot or Lots held by License of Occupation be sold under the operation of this Act, the Money arising therefrom, after deducting the assessment and costs, shall be paid to the Trea-

surer of this Island, to and for the use of Her Majesty, her Heirs and Successors—any thing in this Act to the contrary notwithstanding.

XII. Provided also, and be it further enacted, That in case any Lot or Lots shall be sold under the operation of this Act, an Equity of Redemption shall nevertheless be open to the former Owner or Proprietor, his Heirs and Assigns; for the space of Two years next after the sale of such Lot or Lots, he or they paying the purchase money and lawful interest, together with the value of the improvements made thereon, the same to be ascertained by the judgment of the Assessors for the time being, or the major part of them, not being parties interested.

Equity of redemption allowed to owner of Lot sold under this Act.

XIII. And be it enacted, That the Treasurer and Collector of the Fund contemplated to be raised in pursuance of this Act shall give good and sufficient security for the due performance of their respective duties; and the said Assessors may allow the said Treasurer and Collector such pounce as they shall see fit, and at their discretion displace either or both of such Officers, and to appoint others in their place.

Treasurer and Collector to give security for performance of their duties.

Assessors to fix the rate of pounce to be allowed to Treasurer and Collector.

XIV. And be it enacted, That if the Collector so appointed shall neglect to perform the duties enjoined by this Act, other than is imposed in the Fifteenth Section thereof, or shall not account and hand over the said Moneys so received by him within the time hereinbefore directed, he shall forfeit and pay a sum not exceeding Five Pounds, and such Collector shall also pay over all such sum or sums of Money he may have received from time to time, for fines and forfeitures, under and by virtue of this Act, within Ten days after the receipt of the same respectively.

Collector neglecting his duties or not accounting to forfeit £5.

Duty of Collector.

Moneys due by Assessors under Act of 2d Victoria, cap. 7, not exceeding £8, to be paid by Assessors under this Act.

**XV.** And be it enacted, That all sums that may be due for work, or labour or otherwise, on the Pumps and Streets in Georgetown, by order of the Assessors who shall have been last in Office before the passing of this Act, shall, if not exceeding in the whole Eight Pounds, be paid to the order of any Five of said Assessors by the Treasurer of the Assessors, to be elected or appointed under this Act, so soon as he shall have received funds sufficient to pay for such work, or labour or otherwise, under a Penalty of Ten Pounds.

Assessors or Fire Wardens refusing to serve, to forfeit £2.

**XVI.** And be it enacted, That if any of the said Assessors or Fire Wardens shall refuse to serve in their respective Offices, as enjoined by this Act, each and every such person so refusing shall forfeit and pay a Fine not exceeding Two Pounds, and such Collector, Treasurer and Assessors shall, and they are hereby required within Thirty days after such their Annual Meeting, to transmit to the Colonial Secretary's Office, a just and true Account of the receipts and disbursements of all Moneys received under and by virtue of this Act.

Collector, Treasurer and Assessors to transmit annually to Colonial Secretary an account of Moneys received and disbursed.

At annual Meeting the Treasurer and Collector for past year to deliver over Books, &c. and pay over balance of moneys in their hands.

**XVII.** And be it enacted, That at every Annual election as aforesaid, of Assessors or Fire Wardens for the said term, it shall be the duty of the Treasurer and Collector for the past year, and they are hereby required severally to exhibit at such Meeting, and there deliver up to their Successors in Office, their several Books of Accounts to be by them kept in respect of their said Offices; and at the same time to pay over respectively to their said Successors in Office the balance of Moneys in their hands, or with which they shall be respectively chargeable; and in case either or both of said Officers shall refuse to exhibit and deliver up at any such meeting, or shall refuse to pay over such Balances as aforesaid, he or they shall be respectively liable to a Fine of Twenty Pounds; to be recovered with costs, in manner by this Act prescribed.

And in the event of refusal, to forfeit £20.

**XVIII.** And be it enacted, That the said Assessors, or the major part of them, are hereby empowered and required to cause the Treasurer and Collector appointed under and by virtue of the first herein recited Act, to render a copy of their last Annual Accounts respectively to the Colonial Secretary's Office, within Fourteen days after demand, together with any Balance that may remain in their, or either of their hands; and in case either or both of said persons shall refuse to render a copy of such account as aforesaid, he or they shall be respectively liable to a Fine of Twenty Pounds, exclusive of costs.

Assessors under this Act to cause Treasurer and Collector under Act of the 2d Vic. cap. 7, to render accounts, &c.

Penalty on Treasurer and Collector refusing.

**XIX.** And be it enacted, That all sums raised under and by virtue of this Act, after deducting necessary charges, shall be applied by the said Assessors for the purposes of clearing and draining the site of the said Town, erecting Pumps, and procuring such Engines or Implements as may be deemed necessary to prevent Accidents by Fire, and in necessary repairs on the Streets.

Appropriation of Moneys raised under this Act.

**XX.** And be it enacted, That whatever Engines or other Implements of any kind which may be purchased by the said Assessors, with the Moneys arising from the said Assessment, shall be placed in charge of the Collector of the Assessment for the time being, and be at all times available by the Inhabitants for the purposes contemplated by this Act.

Fire Engines or other implements to be in charge of Collector.

**XXI.** And be it enacted, That the Tenant or Occupant of every House in the said Town, of the yearly value of Seven Pounds, and upwards, shall be provided with, and keep one Leathern Bucket, to contain not less than Two Gallons, on which the Owner's name shall be painted, which Bucket shall be kept hung up in the Passage or Hall of such House, under the penalty of Five Shillings for each and every time the said Bucket shall not be so

Tenant, &c. of House of yearly value of £7 to keep a leathern Bucket with name painted thereon, under a penalty of 5s.

And to keep a Ladder, corresponding with the height of House.

Ladder to be paid for by proprietor of house, under penalty of 5s.

Fire Wardens to visit each house once in 6 months under penalty of 5s. for each house neglected to be visited.

Fire Wardens may visit, if they think fit, houses once in each month.

Time when such visit shall be made.

Chimnies to be swept at certain periods, under a penalty of .£2.

found hung up in its proper place as aforesaid, by the Fire Wardens, when they shall visit the said House; and the said Tenant or Occupant within Three Months after the passing of this Act, shall provide a Ladder or Ladders corresponding to the height of the House or Houses he or they may occupy, sufficient to enable water to be carried to any part of the same, in the event of Fire; which Ladder or Ladders shall be paid for by the Proprietor, and kept in repair and fit for use, at his expense, under a penalty of Five Shillings.

**XXII.** And be it enacted, That Three at least of the said Fire Wardens, being the first, second and third in the order of their appointment, shall once in every Six months, visit each House within the said Town, and inspect the Buckets and Ladders required by this Act, under a penalty of Five Shillings upon each and every such Fire Warden for each and every House he and they respectively shall neglect to visit. And it shall and may be further lawful for the said Fire Wardens appointed by virtue of this Act, or either or any of them, who shall think fit to visit any House or Houses in the said Town, once a Month, to inspect the Water Buckets and Ladders required by this Act; which several aforesaid visits shall be made between the hours of Eleven o'clock in the forenoon, and Four in the afternoon; and any Housekeeper refusing to produce such Ladder or Bucket, shall for every such refusal incur a Penalty of Five Shillings.

**XXIII.** And be it enacted, That every Chimney which shall or may be used in the Town of Georgetown, shall be regularly swept, once between the first day of May and the Thirty-first day of October, and twice between the Thirty-first day of October and the Thirtieth day of April, in each and every year, under a penalty of Two Pounds, to be incurred by the party delinquent for each and every offence.

**XXIV.** And be it enacted, That if any Housekeeper in the said Town, shall collect or keep, or permit to be kept any Hay, Straw or Flax in any part of a Dwelling-house, or shall collect or keep Ashes on a Wooden floor, or in a Wooden vessel, in the said House, or any Out-house attached thereto, such Housekeeper shall pay Ten Shillings for every such offence, and likewise forfeit the Hay, Straw or Flax found in such Dwelling House, excepting always such Hay or Straw as may be in use for bedding.

Housekeeper having hay, straw or flax in dwelling house, or ashes on a wooden floor, &c. to forfeit 10s. for each offence, as also the hay, &c.

**XXV.** And be it enacted, That no Stove Pipe within Georgetown aforesaid, shall be passed through any partition of Wood, or of Wood and Lime, or through any Wooden floor or roof, unless there shall have been left Five inches clear between the Pipe and Partition, or Floor or Roof, and which Pipe shall be surrounded with a sheet of Iron, Tin, Lead or Copper, which shall be nailed to every such partition, roof or floor, and close Stoves shall be fixed and set up in such manner as that in all cases they shall be at least Eighteen inches in every direction (except the bottom), from any Wainscot, Laths, or Wooden partition through or alongside of which the same may be placed; or if at a less distance, then the wall or partition shall be well and securely protected by sheet Iron or Lead, to the satisfaction of the Fire Wardens. And any person offending in the premises, shall incur a penalty of Twenty Shillings. And the several persons to be elected Fire Wardens in pursuance of this Act, are hereby required to pay due attention to this Clause, at the time of the several inspections or visitations hereinbefore mentioned.

No stovepipe to pass through any wooden partition or roof unless there be 5 inches clear between pipe and partition, &c.

Close Stoves to be 18 inches from any wainscot, &c.

or if at a less distance to be protected by sheet iron or lead under a penalty of £1.

Fire Wardens to pay due attention to this clause.

**XXVI.** And be it further enacted, That on the breaking out of any Fire, all the Inhabitants of the said Town shall be bound to give their assistance to the said Fire Wardens, who are hereby jointly and severally empowered to require the assistance

Duty of Inhabitants in case of fire.

Duty of Fire Wardens on such occasions.

of the said inhabitants for the purpose of securing or removing any property that it may be thought necessary or practicable to save, and for extinguishing and putting out any such Fire; and also to require the assistance of the said Inhabitants on any service calculated to stop or prevent the further spreading of the Fire; and any person or persons refusing or wilfully neglecting to assist, shall pay a Fine of Ten Shillings.

Penalty on persons refusing to assist at fires.

Appropriation of fines imposed by this Act.

**XXVII.** And be it enacted, That all Fines recoverable under and by virtue of this Act, except such Fine as is imposed upon the Treasurer, shall be paid to the Treasurer of the Assessment for the purposes contemplated by this Act, and shall be recoverable by any person who may prosecute and sue for the same, to the extent of Five Pounds, before any one of Her Majesty's Justices of the Peace residing in Georgetown; and if above that sum, in Her Majesty's Supreme Court in any of its sittings in Georgetown.

Mode of recovery of such fines.

Orders of Assessors on Treasurer for work, &c. to be paid by him, if in funds, within 10 days after demand, under a penalty of £5.

**XXVIII.** And be it enacted, That orders for any work, or for any Engines or Implements which the Assessors may deem necessary to draw on the Treasurer, shall be signed by at least Five of the Assessors, and payable by the said Treasurer, if in funds, within Ten days after demand, under a penalty of Five Pounds; to be recovered as aforesaid.

Allows an appeal from decision of Justices under this Act, in manner prescribed in Small Debt Act.

**XXIX.** And be it enacted, That should any party or parties conceive himself or themselves to be aggrieved, by any judgment given by any Justice of the Peace, under the provisions of this Act, an appeal from such Judgment, if required by such party or parties, shall be allowed and granted in manner and form prescribed under and by virtue of the Act intituled *An Act to consolidate and amend the several Acts of the General Assembly therein mentioned, relating to the recovery of Small*

**Debts**, on payment of the Fees prescribed by said Act.

**XXX.** And be it enacted, That this Act shall continue and be in force for the space of Three Years; and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance  
of Act.

## SCHEDULES to which this Act refers.

### SCHEDULE (A.)

*Form of Precept to Collector to sell Goods and Chattels or Real Estate.*

Prince Edward Island, }  
To wit. }

To *A. B.*, the Collector appointed under the Act intituled *An Act to consolidate and amend the Two several Acts now in force relative to Accidents by Fire, and the Improvement of Property in Georgetown.*

Form of Precept  
to Collector.

Whereas we the undersigned Assessors, appointed for carrying into effect the provisions of the said Act, having Assessed [*here describe the property*] situate in Georgetown aforesaid, pursuant to the said Act, and the said Assessment, together with costs, amounts to the sum of \_\_\_\_\_ Pounds, Currency, and the notices required by Law having been duly given, and the amount of the said Assessment remaining still unpaid: These are therefore to authorize and require you the said Collector to take such Goods and Chattels as may be found on the said Lot, and sell the same; failing thereof, to take the said Lot to satisfy the said Assessment and Costs, and the same to advertise, sell and dispose of according to Law; and you are to give this Pre-

cept to the party purchasing, and pay the money as directed by the said Act.

Given under our Hands and Seals, this  
 day of                    One thousand eight hun-  
 dred and                    and in the                    year. of  
 the Reign of Her Majesty.

### SCHEDULE (B.)

*Table of Fees to be taken by the Magistrates,  
 Collector and Assessors appointed by this Act.*

Table of Fees  
 under this Act.

Precept, Five Shillings.

Levying the Goods and Chattels, Two Shillings  
 and Six-pence.

Levying the Real Estate, Two Shillings and  
 Six-pence.

Advertising Real Estate, when only one Lot in  
 arrear, Twenty Shillings.

For every additional Lot advertised, in addition  
 to the proportion of the above Twenty Shillings,  
 Six-pence.

Selling Real Estate, the sum of Five Pounds  
 per centum, on the purchase money received.

For Advertising Goods and Chattels, Five  
 Shillings.

For Notices of Public Meetings and Posting,  
 Five Shillings.

## C A P. IX.

An Act further to explain and amend an Act passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled *An Act to consolidate, amend, and reduce into one Act, the several Acts of the General Assembly relating to Trespasses, and for other purposes therein mentioned.*

[Passed April 16th, 1842.]

**W**HEREAS in proceedings taken against Offenders for Trespasses, presumed to be within the Thirteenth Section of the Act intituled *An Act to consolidate, amend and reduce into one Act, the several Acts of the General Assembly relating to Trespasses, and for other purposes therein mentioned,* doubts have arisen whether the said Section extends to any of the Offences therein mentioned, when the same shall not have been committed with a malicious intent, or from preconceived malice against the Owner of the Estate or Property injured, and it is necessary for the avoidance of expensive Actions for minor Trespasses in the Supreme Court of Judicature, that the remedy given by the said Section should extend to all petty Trespasses, whether the same shall originate in preconceived malice or otherwise: Be it enacted, by the Lieutenant Governor, Council and Assembly, That all petty Trespasses, and all other offences of the denomination mentioned in the said Section of the said Act, and committed after the passing of this Act, shall be deemed to be within the meaning and operation of the said Section, and punishable as therein mentioned, whether the same shall or shall not be committed with a malicious intent.

All trespasses mentioned in the 13th sec. of the Act of the 3d Will. 4th, cap. 27, to be punished as such, whether committed with malicious intent or not.

II. And be it enacted, That the form of Conviction, prescribed in the Seventeenth Section of the

Regulates form of conviction.

said recited Act, or any form of words to the same effect, shall and may be used in all cases and offences, within the meaning of the said Act, as hereby amended.

Owner of Turkeys, Geese, &c. trespassing liable to a fine of 1s. for each Turkey, Goose, &c. so trespassing, with costs.

Appropriation of fine.

III. And whereas great damage is often occasioned to Proprietors or Occupants of Land under cultivation, by Geese, Turkeys, and Ducks, belonging to persons, other than such Proprietor or Occupant: Be it therefore enacted, That it shall and may be lawful for any person being Proprietor or Occupant of such Lands, where any such damage is occasioned, to make complaint thereof before any one Justice of the Peace, and on proof thereof by one credible witness, other than the Informer, the Owner of, or Possessor of such Geese, Turkeys and Ducks, shall be condemned to pay a penalty not exceeding One Shilling for each Goose, Turkey or Duck, having been found occasioning such damage, together with costs of recovering the same, the said fine to be paid to the person or persons sustaining such damage as aforesaid.

Hog Reeves of Charlottetown to take up Geese found at large in said Town, and dispose of them as they are required to dispose of Hogs found at large.

IV. And be it enacted, That when and as often as any Goose or Geese shall be found at large, within the precincts of Charlottetown, it shall be the duty of each and every of the Hog Reeves of the said Town, under pain of the penalty inflicted for breach of their duty, under the Act or Acts by authority of which they shall be appointed, to take up and dispose of such Geese, in like manner as Hogs are now by law liable to be taken up and disposed of; and such remedy shall not be deemed to affect or interfere with the right of any private individual to take up, seize and dispose of any such Geese, as given and prescribed in an Act passed in the Thirty-fifth year of the Reign of King George the Third, intituled *An Act to prevent the running at large of Geese within the Town of Charlotte Town.*

## CAP. X.

An Act to amend an Act made and passed in the Third year of the Reign of Her present Majesty, intituled *An Act to prohibit the Exportation of Oysters from this Island, for a limited period.*

[Passed April 16th, 1842.]

**W**HEREAS difficulties have arisen, in carrying into effect the provisions of the Act to prohibit the exportation of Oysters from this Island, for a limited period, inasmuch as persons exporting Oysters from this Island, frequently do so, under pretence of shipping them coastwise; and it has been deemed necessary, under the wording of the said Act, to prove the intention of the parties to export such Oysters, before the penalty imposed by the said Act can be enforced, through which means, the said Act has been found inoperative; For remedy whereof, Be it enacted by the Lieutenant Governor, Council, and Assembly, That from and after the passing of this Act, if any Oysters shall be taken up from any Oyster Beds belonging to this Island, and the same shall be found on board of any Ship or Vessel in any quantity exceeding Ten Bushels—proof of the having such quantity of Oysters on board of any such Ship or Vessel as aforesaid, shall be hereafter taken and deemed to be *prima facie* evidence of an intention to export the same—any thing contained in the first Section of the said Act intituled *An Act to prohibit the Exportation of Oysters from this Island for a limited period*, to the contrary notwithstanding, unless the Master or Owner of any such Ship or Vessel shall have obtained from the nearest Collector of Impost, a Permit in writing, to ship such Oysters coastwise, or from one Port in this Island, to any other Port within the same, and shall have taken and subscribed the following Oath:—

If Oysters in any quantity exceeding 10 bushels be found on board any Ship or Vessel, such finding deemed to be *prima facie* evidence of intention to export same contrary to Act of the 3d Victoria, cap. 5.

Unless Master shall have obtained a permit to ship such Oysters coastwise.

Form of Oath to be taken by Master to enable him to obtain permit.

‘ I *A. B.* [*Master or Owner*] of the Ship or Vessel called the \_\_\_\_\_ of \_\_\_\_\_ do swear that the Oysters for which a Permit is now applied for by me, to be laden on board the said Vessel, of which I am the [*Master or Owner, as the case may be*] are not intended for Exportation, but that it is my intention to land the same at \_\_\_\_\_ within this Island.’

‘ So help me GOD.’

### C A P. XI.

An Act to amend an Act for the appointment of Fish Inspectors, and to continue and extend the provisions of the Act now in force, regulating the size and quality of Fish Barrels and Tierces, and the weight of Fish made up therein.

[Passed April 16th, 1842.]

**W**HEREAS the Sixth Section of an Act passed in the Fourth year of Her present Majesty’s Reign, intituled *An Act for the appointment of Fish Inspectors and to continue and extend the provisions of the Act now in force, regulating the size and quality of Fish Barrels and Tierces, and the weight of Fish made up therein*, requires amendment, inasmuch as the provisions therein contained, regulating the Inspection of Pickled Fish imported into this Island for sale, are greatly evaded by persons importing Pickled Fish, and afterwards clandestinely vending and disposing of the same, without causing the same to be inspected in the manner required by the said recited Act: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That when and as often as any person or persons shall import and bring into this Island any Pickled Fish in Barrels, half Barrels, Tierces or Casks of any description whatsoever, he or they shall, on entry

Importers of pickled Fish to notify Inspector of intention to land the same.

thereof being made by him or them, at the Custom House, for the Port or place at which the said Pickled Fish shall arrive, and before the landing thereof, or of any part thereof, in any such Port or place in this Island, duly notifying the Inspector or Inspectors of Fish appointed, or to be appointed, for such Port or place as aforesaid, of his or their intention to land such Pickled Fish so entered by him or them as aforesaid, or any part thereof; upon which notification the said Inspector or Inspectors are hereby authorized and required to cause the said Fish, or such part thereof to be duly inspected according to the true intent and meaning of the said recited Act, and if any Pickled Fish shall hereafter be imported or brought into this Island either in Barrels, half Barrels, Tierces or Casks, without the Owner or Owners thereof, or the person or persons in charge thereof, first making such notification or report as aforesaid, to the said Inspector or Inspectors, of his or their intention to land such Pickled Fish as aforesaid, at the Port or place where the same shall or may be entered by them as aforesaid, then and in every such case, every Barrel, half Barrel, Tierce or Cask of such Pickled Fish being so imported, landed or disposed of by him or them, or any other person as aforesaid, shall become forfeited to Her Majesty, and the said Inspector or Inspectors are hereby authorized and empowered to sell and dispose of the same, and out of the Moneys arising from the sale of the said Pickled Fish so forfeited as aforesaid, to defray all necessary expenses attending the forfeiture and sale thereof, and to pay the residue of the Moneys arising from any such sales as aforesaid, into the Treasury of this Island, to and for the uses of Her Majesty's Government.

*Inspector then to inspect such fish.*

*Any fish landed before notification to Inspector to be forfeited.*

*Inspector to sell same.*

*Appropriation of proceeds of sale of such fish.*

II. Provided nevertheless, and be it further enacted, That on the importation of any Pickled Fish in Barrels, half Barrels, Tierces or Casks, which may appear to such Inspector to have been

*Fish inspected in any of the adjoining Colonies,*

within 3 months previous to importation, exempts from further inspection, at option of Owner or Inspector; but if on sale the same shall appear inferior, Inspector to inspect same, and if found sound, and only inferior, may be returned to Vendor.

Vendor liable to repay purchaser.

Mode of recovery thereof.

previously regularly inspected and branded in any of the neighbouring Colonies, within Three Months previous to the time of such inspection, it shall be at the option of the Owner or Inspector of such Pickled Fish to have the same opened and again inspected, or be responsible for the quality branded on the Cask or Casks containing such Fish; and if on the sale of any such Fish without further inspection, they shall be found inferior to the branded quality, it shall and may be lawful thereon for any authorized Inspector of Fish, to inspect the same, and if found unsound to destroy the same; and if sound, but inferior in quality to such Fish as are designated by the original brand, they shall be returned to the Owner or Vendor thereof, who shall in either case be liable to repay the purchaser of said Fish the amount he may have paid for them, together with the cost of inspection, and any other expense necessarily incurred thereon, to be recovered before any one Justice of the Peace, when the sum shall not exceed Five Pounds, and when over that sum, in the Supreme Court of Judicature, any thing in this or any other Act to the contrary notwithstanding.

Fish in bulk may be inspected at request of any purchaser, within 2 days after sale.

If unsound, to be destroyed, and Vendor to refund purchase money.

Mode of recovery thereof.

III. And be it enacted, That should any Herrings, Mackerel, Alewives or other salted Fish be Imported in bulk, or if any quantity thereof be sold, or offered for Sale in bulk in this Colony, and be sold, it may be lawful for the purchaser of the said Fish, or the purchaser of any part thereof, to have the same Inspected within Two Days after the sale of such Fish; and should such Fish on Inspection be found unsound, they shall be destroyed, and the Vendor or Vendors of said Fish shall be liable to the purchaser for the price thereof, and the charges thereon to be recovered in the same way and manner as is pointed out in the Second Section of this Act: Provided always, that where any person shall be desirous of purchasing any quantity of Pickled or Salted Fish, being the catch of this

Island, not exceeding Five Barrels, with the *bona fide* intention of using or consuming the same within this Island, nothing in this Act contained shall be deemed or construed to extend to prevent any person or persons who shall have cured or caught such Fish, from selling or offering for sale to any such purchaser, any quantity not exceeding the aforesaid number of Five Barrels, to be used or consumed in manner aforesaid, although the same be not Inspected or Branded, but that in every such sale the Vendor or Owner of the Fish shall be responsible for the soundness and wholesomeness thereof, in like manner as if the said Vendor or Owner had expressly warranted the same.

Exempts from inspection pickled Fish in quantities not exceeding 5 barrels, of the catch of this Island, bought for the use or consumption of purchaser.

Vendor liable to purchaser for quality of fish so sold.

IV. And be it enacted, That this Act shall continue and be in force during the operation of the Act of which this is an amendment.

Continuance of Act.

## CAP. XII.

An Act to prevent the taking and carrying away of Boats, Canoes or Flats, without the consent of the Owners thereof, and to repeal an Act formerly passed for that purpose.

[Passed April 16th, 1842.]

**B**E it enacted by the Lieutenant Governor, Council and Assembly, That the Act passed in the Fifth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to prevent the using or taking away Boats, Flats or Canoes, without the consent of the Owners*, be, and the same is hereby repealed.

Repeals Act of the 5th Geo. 4th cap. 2.

II. And be it enacted, That any person or persons who shall after the passing of this Act, use or take away any Flat, Canoe or Boat, fastened or moored at any place within this Island, without a felonious intent, and without the consent of the

Persons taking away any Flat, Canoe or Boat, without permission of owner, to forfeit a sum not exceeding 40s. nor less than 5s.

Owner or Owners of the same, shall upon proof of such using or taking away before any one of Her Majesty's Justices of the Peace for the County wherein the offence shall have been committed, forfeit and pay to the Owner or Owners, for each and every such offence, a sum of not less than Five Shillings, nor more than Forty Shillings, over and above any damage or loss sustained by the Owner or Owners; to be recovered before the said Justice of the Peace, if laid at Five Pounds, or under; with reasonable Costs; and if above Five Pounds, to be recovered in the Supreme Court of Judicature.

Mode of recovery of fine, &c.

Persons convicted may appeal from decision of Justices to Supreme Court.

III. And be it enacted, That should any person or persons consider himself, herself, or themselves, aggrieved by the decision of any Justice of the Peace under the operation of this Act, every such person or persons shall and may be entitled to appeal to Her Majesty's Supreme Court of Judicature, in manner and under the regulations prescribed for Appeals by the several Acts of the General Assembly of this Island for the recovery of Small Debts.

### CAP. XIII.

An Act to authorize the Treasurer of this Island to pay off Treasury Warrants to the amount of Four thousand Pounds, out of the Land Assessment Moneys now in the Treasury.

[Passed April 16th, 1842.]

**WHEREAS** there is now in the Treasury of this Island, the sum of Six Thousand three hundred and ninety Pounds, One Shilling and Sixpence half-penny, received under an Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled *An Act for levying an Assessment on all Lands in this*

*Island.* And whereas, after providing for the cancelling of Treasury Notes to the amount of One thousand Pounds, on the First day of May next, as required by the said Act, the remaining balance of Five thousand three hundred and ninety Pounds One Shilling and Six-pence half-penny, will only in part be required during the present year towards the erection of a Colonial Building—to which purpose it has been appropriated by the said recited Act, and it is deemed expedient to apply the sum of Four thousand Pounds of the said Moneys in liquidation of Treasury Warrants now afloat, and bearing Interest, which will thereby effect a saving of the Interest payable thereon, as well as tend to sustain the Public credit of this Colony: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for the Treasurer of this Island, and he is hereby required, to call in and pay off in manner now by Law prescribed, so many of the Treasury Warrants now afloat, as together with the Interest due thereon, shall amount in the whole to the sum of Four thousand Pounds, out of the Moneys now in the Treasury, collected under the provisions of an Act passed in the Seventh year of the Reign of His late Majesty King William the Fourth, intituled *An Act for levying an Assessment on all Lands in this Island*—any thing contained in the Twenty-first Section of the said recited Act to the contrary notwithstanding.

II. And be it enacted, That it shall and may be lawful for the Administrator of the Government for the time being, by and with the advice and consent of Her Majesty's Council, when and so often as the same may be required, towards the erection of a Colonial Building in Charlottetown, to draw Warrants on the Treasury of this Island, provided the amount so drawn shall not in the whole exceed the amount of Four thousand Pounds, to reimburse

Treasurer to call in and pay off Treasury Warrants to the extent of £4000, from moneys now in the Treasury received under Land Assessment Act of the 7th Will. 4th, cap. 31.

Administrator of Government, with advice of Council, to issue Warrants to the extent of £4000 when required for the erection of a Colonial Building.

Treasurer to pay same out of money received from general revenue of this Colony.

the amount of the Land Assessment expended as first aforesaid; and the Treasurer of this Island is hereby authorized to pay the same out of the general Revenue of this Island, or out of the unappropriated Moneys which may hereafter arise under the provisions of the said recited Act.

#### CAP. XIV.

An Act to regulate the Letting of Stalls in Charlottetown Market House, and for other purposes therein mentioned.

[Passed April 16th, 1842.]

**W**HEREAS the Market House in Charlottetown has been built at the Public expense, and the Salary of the Clerk of the said Market paid out of the Public Treasury, and it is deemed expedient that the Stalls in the said Market House should be Let, in order to contribute towards defraying the contingent expenses thereof: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said Clerk shall number the Stalls in the said Market House, and that any number (not exceeding Nine) of the Stalls in the said Market House, to be selected by the Clerk thereof, shall, previous to the First day of June next, and as often thereafter from time to time, as shall become necessary by expiration or surrender of the terms respectively granted in the said Nine Stalls, be by him set up at Auction, upon first giving at least Fifteen days notice in any public Newspaper in Charlottetown, at the upset price of Four Pounds per annum, for each and every of said Nine Stalls, and thereupon let to the highest bidder, above the said upset price, for any term of not less than Six Months, nor more than Two Years, at the option of the Bidder; no person or persons to rent more than Two of the said Stalls at one and the same time.

Clerk of Market in Charlottetown to let Stalls in Market House not exceeding 9 in number, before 1st June, 1842.

Notice of letting, how to be given.

Upset price or rent of each Stall.

Term for which the same are to be let.

Limits number of Stalls to be let to each person.

II. And be it enacted, That the residue of the said Market Stalls, and also any number of the aforesaid Nine Stalls, not being let or occupied under the provisions aforesaid, shall be let by the day to any non-resident of Charlottetown, and to Residents, if no application by a non-resident be made before Ten of the clock in the morning, on any Market day, at and after the rate of One Shilling for each and every market day, to be paid to the said Market Clerk, prior to the said Stall or Stalls being used; and the preference when Two applications for the same Stall shall be made, shall be given to the first non-resident applicant on such Market Day.

Residue of Stalls in Market, and any of the nine Stalls unlet, to be let by the day to non-residents of Charlottetown and to residents if no application therefor be made by non-residents before 10 o'clock, a. m., of any market day at the rate of 1s. per diem.

III. And be it further enacted, That no Sub-letting of the Stalls shall be permitted, under any pretence whatsoever, on pain of the forfeiture of the use and benefit of the Stall, by the party who shall sub-let the same, as well as by the party to whom the same shall be sub-let: Provided always, that nothing herein contained shall prevent several parties from taking a Stall together, as the Clerk shall see necessary.

No sub-letting of Stalls allowed.

IV. And be it enacted, That there shall be paid to the Market Clerk the Sum of Forty Pounds per annum, for the due performance of his services, to be drawn for by Warrant of the Administrator of the Government for the time being.

Salary to Market Clerk.

V. And be it enacted, That the Clerk of the Market, should it become necessary, may sue for and recover in his own name, the Rent of any Stall or Stalls, before the Commissioners for the recovery of Small Debts; and in like manner as Small Debts are now recovered, when the Debt shall not exceed Five Pounds; and in the Supreme Court of Judicature when the Debt shall exceed that sum.

Clerk of Market may sue in his own name, before Commissioners of Small Debts for rent of Stall, when debt does not exceed £5. And in Supreme Court when it exceeds that sum.

VI. And be it enacted, That the Moneys arising from the Rent of such Stall or Stalls as afore-

Appropriation of rent of Stalls.

said, shall be paid into the Treasury of this Island, to and for the use of Her Majesty's Government.

**VII.** And be it enacted, That no Fresh Meat shall be exposed for Sale on any of the Tables, or in any way suspended from the posts, on the inner side of the Tables within the said Market, whether the Stalls immediately opposite such Tables, shall be let as aforesaid or not, on pain of the said Meat being forfeited, on view of the fact; and after the Owner or Owners shall refuse or neglect to remove the same on request made by the said Market Clerk, who is hereby empowered and directed immediately to Sell or cause to be Sold, at the best price that can be gotten for the same, all Fresh Meat so found exposed for Sale, contrary to this enactment, and pay the proceeds into the Treasury, to and for the use of Her Majesty's Government.

Meat exposed for sale on tables or posts in Market House to be forfeited, if owner neglects or refuses to remove the same, on request of Market Clerk.

Power of Market Clerk on such neglect or refusal of owner.

Appropriation of proceeds of meat forfeited.

**VIII.** And be it enacted, That the Clerk of the Market shall prohibit any person or persons from occupying any Stall or Stalls, unless he, she or they shall have complied with the provisions of this Act; and if any person or persons shall forcibly occupy any Stall or any part of the table or tables therein, without permission of the Clerk of the Market, and shall not, on being required so to do, immediately remove therefrom, he, she, or they shall be liable to a Fine of not more than Twenty Shillings, with Costs to be recovered in the manner hereinafter directed in the next following clause.

Persons forcibly occupying Stalls against the will of Market Clerk to forfeit 20s. and costs.

Mode of recovery of fine.

**IX.** And whereas access to the said Market House is at times greatly impeded by the number of Horses, Cattle, Carts, Sledges, and Animals, and Vehicles, which are irregularly placed immediately near the same: Be it therefore enacted, that the Clerk of the said Market for the time being, shall have power to remove and he is hereby required to remove, or cause to be removed, all Horses, Cattle, Carts, Sledges, and all Animals,

Market Clerk may remove Horses, Cattle, &c. impeding free ingress and egress to and from Market House.

Vehicles, and any Implement, Machine, Article, or Material, which may appear, in any way, to impede the free ingress and egress to and from the said Market House, and the Owner or Owners thereof in every case wherein he or they shall refuse or neglect to remove the same, after order for that purpose being first to him or them made known by the said Market Clerk, shall forfeit and pay for each and every offence, any Sum not exceeding Twenty Shillings; the same to be recovered with Costs, on the Oath of the said Market Clerk, or other credible Witness, before any Magistrate or Commissioner of Small Debts, in like manner as Small Debts are now recovered, to and for the use of Her Majesty's Government.

And owners refusing to remove same, to forfeit a sum not exceeding 20s.

Mode of recovery of fine.

X. And be it enacted, That should any Meat be exposed for Sale that may have been blown, commonly called "blown meat," the same on view of the fact, shall become forfeited, and shall be Sold forthwith by the Market Clerk, and the proceeds paid into the Treasury, to and for the use of Her Majesty's Government, and further, should any diseased, unwholesome, or unsound Meat be exposed for Sale, the Market Clerk shall forthwith destroy or cause to be destroyed such Meat.

Blown Meat exposed for sale to be forfeited and sold by Market Clerk.

Appropriation of proceeds of meat so sold.

Market Clerk to destroy unsound meat.

XI. And be it enacted, That the said Market Clerk, shall make a return to the Administrator of the Government for the time being in Council, Quarterly, on Oath, of all moneys received under and by virtue of this Act.

Market Clerk to make return on oath, in Council, of all Moneys received by him under this Act.

XII. And be it enacted, That this Act shall continue and be in force for the space of Five Years, from the passing thereof and no longer.

Continuance of Act.

## CAP. XV.

An Act to repeal part of an Act, made and passed in the Third year of Her present Majesty's Reign, to authorize the erection of a Building near Charlottetown, as an Asylum for Insane persons, and other objects of Charity, and to provide for the future maintenance of the same, and to substitute other provisions in lieu thereof.

[Passed April 16th, 1842.]

**W**HEREAS by a Despatch from the Right Honorable Lord John Russell, Her Majesty's late Secretary of State for the Colonies, and bearing date the Thirteenth day of October *Anno Domini* One Thousand Eight Hundred and Forty, the appointment of Trustees of the said Asylum by the House of Assembly, has been held by Her Majesty's Government, to be an encroachment on the rules which should separate from each other the functions of the Executive Government, and those of the Legislative Bodies; for remedy whereof: Be it enacted by the Lieutenant Governor, Council and Assembly, That the Fourth and Fifth Clauses of the said Act, intituled "An Act to authorize the erection of a Building near Charlottetown, as an Asylum for Insane persons, and other objects of Charity, and to provide for the future maintenance of the same," be, and the same are hereby repealed.

Repeals 4th and 5th Clauses of Act of 3d Vic. cap. 21.

II. And be it enacted, That when and so soon as the said Building for a Lunatic Asylum shall be completed, it shall be lawful for the Administrator of the Government, by and with the advice and consent of Her Majesty's Council, to nominate and appoint, and as often as the same shall become necessary, to re-appoint Seven Trustees, two of whom shall be Members of the House of Assembly, who together with the Chief Justice, the President

Administrator of Government, with advice of Council, to appoint 7 persons, who, with the Chief Justice, President of Legislative Council and Speaker of Assembly, are to be Trustees of Lunatic Asylum.

of the Legislative Council, and the Speaker of the House of Assembly, and their Successors in Office shall be Trustees, and which Trustees shall have power, from time to time, to make and ordain such Rules and Regulations, for the management of the said Asylum and House of Industry, and to appoint the several Officers required, and to fix and determine the amount of Salaries to be paid to such Officers, as to them or the majority of them shall seem needful and necessary.

Power of such Trustees.

### CAP. XVI.

An Act to authorize the appointment of Coal Meters, where deemed necessary.

[Passed April 16th, 1842.]

**WHEREAS** it is expedient that all Coal exposed for Sale throughout the Colony, be duly admeasured: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Administrator of the Government, for the time being, by and with the advice of Her Majesty's Council, and on the Petition of at least Twenty Householders, being to them made, to appoint one or more fit and proper persons residing at any Port or place in this Island, to be a Coal Meter or Coal Meters, whose duties shall be to admeasure according to the Standard Measure of this Island, all such Coals imported into such Ports or Places where such Coal Meters may reside, as shall be respectively required of him or them, and in case any person or persons having accepted said Office, shall refuse or wilfully neglect to perform any of the duties pertaining to his Office or appointment, without just excuse, each and every person so offending, shall forfeit and pay for every such offence a sum not exceeding Twenty Shillings, to be recovered with Costs, in like manner as Small Debts are now re-

Administrator of Government, with advice of Council, to appoint Coal Meters.

Duty of Coal Meters.

Penalty on Coal Meters refusing or neglecting to perform duties enjoined by this Act.

Mode of recovery of Penalty.

covered, and which Fine shall be paid to any person who shall sue for the same.

Remuneration of  
Coal Meters.

II. And be it further enacted, That every such Coal Meter shall be entitled to receive for his services the sum of Five Pence for every Chaldron of Coal by him measured, and so in proportion, for any less quantity, and which sum shall be paid by the seller or vender of such Coal.

Continuance  
of Act.

III. And be it enacted, That this Act shall be and continue in force for the space of Five years, and from thence to the end of the then next Session of the General Assembly, and no longer.



## C A P. XVII.

An Act to continue an Act intituled *An Act to regulate the Floating of Logs, Scantling, Deals and other kinds of Wood, down the Rivers and lesser Streams in this Island.*

[Passed April 16th, 1842.]

Continues Act of  
3d Victoria, cap.  
12, until 1st May  
1850.

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Third year of the Reign of Her present Majesty Queen Victoria, intituled *An Act to regulate the Floating of Logs, Scantling, Deals and other kinds of Wood, down the Rivers and lesser Streams in this Island*, be, and the same is hereby continued and declared to be in full force and effect until the First day of May, which will be in the year One thousand eight hundred and fifty, and no longer.

## C A P. XVIII.

An Act to amend the Acts now in force relating to a Fire Engine Company, and Accidents by Fire, within Charlottetown.

[Passed April 16th, 1842.]

**W**HEREAS provision has been made by the Inhabitants of Charlottetown, for an additional Fire Engine, and it is expedient to provide for the formation of an additional Fire Engine Company therefor, and others, as often as they may become necessary, and also to add to and amend the Acts now in force, relative to Accidents by Fire, and the formation of such Companies in the said Town: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful to and for the Administrator of the Government for the time being, immediately after the passing of this Act, when and so often as the formation of an additional Fire Engine Company shall become necessary in Charlottetown, to appoint one fit and proper person resident in the said Town, to be Captain of such Company, and thereupon such Company shall and may be formed in like manner, and with the like number of Officers and Men, and of like qualifications, invested with like authority, subject to such discipline, duties and regulations, entitled to such privileges and exemptions, save that from the Office of Constable, and liable to such Impositions, Fines and Forfeitures, in all respects as are severally contained, prescribed and imposed in and by an Act passed in the Eighth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to authorize the formation of a Fire Engine Company for the Town of Charlottetown.*

Administrator of Government to appoint a Captain of Fire Engine Company in Charlottetown.

Such Company to be formed with like number of Officers and Men and with like authority and privileges as Fire Engine Company established by Act of the 8th Geo. 4th, cap. 8.

II. And be it enacted, That the Administrator of the Government for the time being, shall have power to fill, by new appointment, any vacancy now

Administrator of Government to appoint to vacancies occurring in

office of Captain of any Fire Engine Company in Charlottetown.

occurred in the Office of Captain of the Fire Engine Company, already formed, or which in the said or any other Fire Engine Company to be appointed as aforesaid, may hereafter occur, when and so often as the same shall become necessary, by death, resignation or otherwise.

Extends provisions of Act of the 4th Will. 4, cap. 10, so far as the same relates to Fire Engine Company, to any Fire Engine Company formed under authority of this Act.

III. And be it enacted, That an Act made and passed in the Fourth year of the Reign of His late Majesty King William the Fourth, intituled *An Act for the better preventing Accidents by Fire within the Town of Charlottetown*, so far as the same relates to any Fire Engine Company or Companies for the Town of Charlottetown, shall be extended and deemed to apply in all its enactments and provisions, having such relation, to all and every Fire Engine Company or Companies for the Town of Charlottetown, constituted by virtue of this Act.

Regulates number of Firemen to belong to any Fire Engine Company.

IV. And whereas it is necessary that the Firemen belonging to each Fire Engine Company, should be increased beyond the number authorized in and by the Twenty-first Section of the Act passed in the Fourth year of the Reign of His late Majesty King William the Fourth, intituled *An Act for the better preventing Accidents by Fire within the Town of Charlottetown*, and also that such Fire-men should have authority to call to their aid any necessary assistance: Be it therefore enacted, That the number of Firemen to be appointed by the Captain and Officers of each and every Fire Engine Company, for the Town of Charlottetown, now or hereafter to be formed, shall and may be increased to Twelve—any thing in the said recited Section to the contrary notwithstanding,

Firemen authorised to demand

V. And be it enacted, That each and every Fireman now or hereafter to be appointed in manner aforesaid, shall have power, and he is hereby

authorized to call, to his necessary aid and assistance, in carrying or conveying to any Fire, any Ladder, Fire Hook, Tub, Bucket, Grapnel or other Implement or Material, all persons whomsoever not actually engaged at quenching any such Fire, or at any other unavoidable employment, excepting always such persons who by their office or employment are necessarily exempted by either of the hereinbefore recited Acts, or who from the nature of their office or dignity, are by any Law in force in this Colony, expressly exempted from such manual employment; and each and every person so liable, who shall refuse their aid and assistance when so called upon, shall forfeit and pay for every such offence any sum not exceeding Two Pounds, nor less than Five Shillings.

assistance in carrying Ladders, &c. to any Fire.

Persons refusing aid to Firemen to forfeit not more than 40s. nor less than 5s.

VI. And whereas it may happen that Officers or Men of Fire Engine Companies, or Firemen appointed by virtue of this or either of the said recited Acts, may through Accident sustain bodily injury, while in the faithful discharge of their duty, at or by the alarm of any Fire, and it is just that provision to some extent be made towards compensation for the loss they or their families may sustain thereby: Be it therefore enacted, That when and so often as it shall happen that any Officer or Member of any Fire Engine Company aforesaid, or any Fireman, while in the actual discharge of his duty, at or upon the alarm of any Fire, shall by Accident receive or sustain any bodily injury, every such person, or in the event of his death from such cause, the wife or children of every such person shall be entitled to receive such amount of compensation towards the injury or loss by such person sustained thereby, as shall be fixed and allowed by a majority of the Fire Wardens of the said Town, and the Officers composing the Fire Engine Company, to whom such person shall belong, or if a Fireman, then by a majority of such Fire Wardens, and the Officers of any such Company, formed by

Compensation to Members of Fire Engine Company or Firemen when injured at Fires.

virtue of this or any other Act of the General Assembly of this Island, and present or employed upon the occasion of such Accident: Provided always, that the sum to be fixed or allowed to any one such person receiving injury as aforesaid, shall not in the whole exceed the sum of Eight Pounds, subject to be increased in manner hereinafter mentioned.

Mode of payment  
of compensation  
to Members of  
Fire Engine  
Company or  
Firemen.

VII. And be it enacted, That a certificate of such sums of Money so fixed and allowed, signed by the Captain, or in his absence the next superior Officer of the Company ascertaining the same, shall and may be delivered to the Treasurer for the time being, of the Assessment levied or to be levied, virtue of the Acts of the General Assembly of this Island, for keeping in repair the Pumps and Wells of Charlottetown; and such amount shall and may be assessed at the request or on behalf of the person or persons entitled to receive the same, on the Inhabitants and Landholders of Charlottetown, together with such further sum in addition thereto as such Inhabitants and Landholders may allow and vote at any Meeting for the purpose of Assessment, which shall first be convened next after such amount of compensation shall be so ascertained; and the said Treasurer is hereby authorized and directed to pay such amount out of the first Moneys of such Assessment, which shall be paid into his hands, under the peril of being prosecuted, as now by Law provided for neglect of duty, on neglecting or refusing so to do.

Appropriation of  
Penalties inflicted  
by this Act.

VIII. And be it enacted, That all Fines and Penalties incurred by virtue of this Act, shall be recovered and appropriated in manner prescribed in and by the Act first herein recited.

## CAP. XIX.

An Act to amend the Act now in force relating to Apprentices, and to repeal a certain Act therein mentioned.

[Passed April 16th, 1842.]

**W**HEREAS by an Act passed in the Eighth year of the Reign of His late Majesty King George the Fourth, intituled *An Act for regulating Apprentices*, no infant Pauper Children can be placed out Apprentices, unless they or their Parents are receiving Parochial relief; and whereas Parish rates for the support of poor persons are not at present levied in this Island: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, whenever it shall be made to appear to any two of Her Majesty's Justices of the Peace, either upon the oath of any one or more credible Witness or Witnesses, or from a Certificate under the hands of any Eight or more respectable Housekeepers residing in any Town, Town and Royalty, or Township within this Island, that any mendicant child between the ages of Two and Twelve years, being an Orphan, or whose parents or parent shall have abandoned the care of such child, and shall have left this Island under such circumstances as to such Justices shall be deemed a final departure therefrom, and such Child hath been in the habit of soliciting alms or receiving charitable contributions or allowances regulated by any Charitable Association, or being supported by any sums voted by the Legislature of this Island, and hath not otherwise means for his or her necessary permanent support, that then, and in every such case it shall be lawful for such Justices to indent any such child as aforesaid, until the age of Twenty-one years, or for any less term, in the discretion of the said Justices, and upon such terms as may be agreed upon, between the Master and the said Justices, to

In certain cases, mendicant Children between the ages of 2 and 12 years, may be bound apprentices by two Justices of the Peace until they arrive at the age of 21 years, or for a less Term, in the discretion of such Justices.

Upon such terms as may be agreed upon between

Justices and Persons receiving them as Apprentices, and upon the further express condition that such Children shall be taught reading, writing, &c.

any Tradesman, Farmer, or other person, in manner prescribed by the hereinbefore recited Act: Provided that every Indenture so to be made shall contain a Covenant or Stipulation on behalf of the Master, his Executors, Administrators or Assigns, to cause the Indented child to be taught Reading, Writing, and the common Rules of Arithmetic.

Any indented Apprentice under this or any other Act absents himself from the service of his master without leave may, on oath of Master, be brought before a Justice of the Peace on a Warrant to be issued for that purpose.

Warrant so granted may be executed in any County through issued by a Justice of the Peace only appointed for one particular County.

Apprentice may be committed to Jail for any term not exceeding 2 calendar months, &c., or directed to return to the service of master, in discretion of Justice.

Expence of Warrant, &c., how to be paid.

II. And whereas the Fifth Section of the said recited Act hath not been found sufficiently effective in its operation: Be it therefore enacted, That if any apprentice Indented by virtue of this Act, or the said recited Act, shall desert or without leave absent himself or herself from the service of his or her said Master or Mistress, or otherwise misconduct himself or herself, then it shall and may be lawful for any Justice of the Peace to issue his Warrant, on the application on Oath of the Master or Mistress of such Apprentice, for his or her apprehension, which Warrant so issued, it shall be lawful for any Constable or Constables to whom it may be addressed, to execute in any County of this Island, notwithstanding it may have been issued by one of Her Majesty's Justices of the Peace, not qualified in the County where its execution may be required, and on such Apprentice being brought before such Justice, he shall upon the evidence on Oath of the said Master or Mistress, or of any other person, either commit the said Apprentice to the common Jail of the County wherein such Master or Mistress resides, there to remain for any term not exceeding Two Calendar Months, with or without hard labour (if a male) for any part of such time, or require such Apprentice to return to the service of such Master or Mistress, as he may in his discretion adjudge, and continue to fulfil the conditions of the Indenture; and the Justices' and Officers' fees of proceeding in every such case, against any Apprentice, shall be paid by the Parent or Guardian of such Apprentice, and shall and may be recovered by Warrant of Distress, or such other usual process, as the case may require.

III. And be it enacted, That any person or persons wilfully harbouring an Apprentice, deserting or being absent without leave, from his or her Master or Mistress's service, or who shall in his or their house suffer or permit any Apprentice to play at Cards, Dice or any other unlawful Game, or therein to be engaged in any unlawful employment, or who not being licensed to retail Spirituous Liquors, shall suffer any such Apprentice to sit drinking in his or her house, or give him or her, or suffer to be given to him or her, any intoxicating Liquors, each and every person so offending shall forfeit and pay for every such offence, any sum not exceeding Five Pounds—to be recovered with Costs before any one of Her Majesty's Justices of the Peace for the County wherein the offence may have been committed, on the Oath of any one or more credible Witness or Witnesses.

Persons unlawfully harbouring Apprentice, or suffering him to play at Cards, &c., in their houses, or to drink there, to forfeit £5.

Mode of recovery of this penalty.

IV. And be it enacted, That if any Parent or Guardian becoming bound for any Apprentice, shall wilfully represent that such Apprentice is younger than his real and true age, every such Parent or Guardian shall forfeit and pay for every such offence any sum not exceeding Twenty Pounds, nor less than Four Pounds; the same to be recovered, if above Five Pounds, in Her Majesty's Supreme Court of Judicature, by Bill, Plaint or Information; and if Five Pounds, or under, then before any one of Her Majesty's Justices of the Peace, in like manner as Small Debts are now recovered, and in each Court on the Oath of any one or more credible Witness or Witnesses.

Penalty on Parent or Guardian representing any Apprentice to be younger than is the fact.

Mode of recovery of Penalty on Parent or Guardian.

V. And be it enacted, That an Act made and passed in the Third year of the Reign of Her present Majesty, intituled *An Act to amend the Act now in force regulating Apprentices*, and also the Fifth and Seventh Clauses of the first hereinbefore recited Act, be, and the same are hereby respectively repealed.

Repeals Act of the 31 Victoria, cap. 9, and the 5th and 7th clauses of Act of 8th Geo. 4th, cap. 1.

## CAP. XX.

An Act to authorize the Issue of a Copper Coinage in this Colony, and to prohibit the circulation of base Coppers.

[Passed April 16th, 1842.]

Lt. Governor, with advice of Council, to procure a copper coinage for this Colony, to be deposited in the Treasury and to be issued therefrom for the purposes of change.

**WHEREAS** many persons import and circulate base Copper Coin within this Island, which must eventually be a great loss to the Colony—For remedy whereof: Be it enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor for the time being; by and with the advice of Her Majesty's Council, to procure a quantity of good and proper Pence and Half-pence, sufficient for the trade of this Colony, of not less weight, the Pence than Eleven pennyweights, and the Half-pence than Five pennyweights and Twelve Grains, and with such device thereon as the Lieutenant Governor may deem most proper; which Pence and Half-pence, when obtained and deposited in the Treasury, may be issued therefrom in such quantities as may be applied for, for the purposes of change.

After such Coinage is obtained, Lt. Governor to issue proclamation prohibiting the circulation of base coin.

**II.** And be it enacted, That so soon as the Lieutenant Governor shall have procured a sufficient quantity of Pence and Half-pence for the purpose aforesaid, the Lieutenant Governor, by and with the advice and consent of Her Majesty's Council, may issue Proclamation, that after such period as the Lieutenant Governor in Council shall see fit, the circulation of base Copper Coin shall cease.

Lt. Governor, with advice of Council, to issue Warrant on Treasury for payment of such Coinage, not to exceed £1000.

**III.** And be it enacted, That for the purposes of this Act, the Lieutenant Governor, by and with the advice and consent as aforesaid, may issue his Warrant on the Treasury for the payment of any sum or sums required, to be paid for the Pence and

Half-pence obtained by the Lieutenant Governor as aforesaid—the said Warrant or Warrants not to exceed in the whole One thousand Pounds.

IV. And be it enacted, That should any person or persons, after the day named in the said Proclamation, when base Copper Coin shall cease to pass current in this Colony, offer or cause to be offered for circulation any Copper Coin, not being Copper Coins of Great Britain, authorized by Law since the year One thousand eight hundred, or of the neighbouring Colonies, being of equal or greater weight than is prescribed or authorized by this Act, shall forfeit and pay for every such offence double the representative value of the base Copper Coins offered, with costs of prosecution, to be sued for before any one of Her Majesty's Justices of the Peace for the County wherein such offence shall or may be committed, within Twenty-four hours after such base Coin shall be offered for circulation, or be passed, and recovered on the oath or oaths of one or more credible witness or witnesses; which Fines when so recovered, shall be paid into the Treasury to and for the use of Her Majesty's Government.

Imposes a penalty to double amount of representative value of base Coin circulated after a day to be named in Proclamation.

Mode of recovery thereof.

Appropriation of penalty.

V. Provided always, That nothing in this Act contained shall have any force or effect until Her Majesty's pleasure therein shall be known.

Suspending Clause.

## CAP. XXI.

An Act to amend an Act passed in the Sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to amend the Law relating to the admission of Barristers, Attorneys and Solicitors, and to regulate the admission of Advocates and Proctors in the Courts of Vice Admiralty, and Court of Probate in this Island.*

[Passed April 16th, 1842.]

**W**HEREAS in and by the above mentioned Act, no provision is made for the more speedy admission to the Bar, of Graduates of Colleges empowered to grant degrees to Students therein: And whereas it is expedient to enact such provision: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, all persons being Natives of this Colony, or who shall have resided therein for a period of not less than Two years, having duly obtained a Degree from any College entitled to grant the same, and who shall have duly entered into Articles with any Attorney or Solicitor of the Supreme Court, or of the Vice Admiralty Court, or Court of Probate, in this Island, according to the present practice of such Courts, as regulated by the above mentioned Act, shall be admitted, (after having been duly examined, under and by virtue of the Second Section of the Act passed in the Fifty-seventh year of the Reign of the late King George the Third, Chapter the Fifth intituled *An Act to regulate the Admission of Barristers, Attorneys and Solicitors*) as Barristers and Attornies, and Solicitors of the said Courts, after having duly served under such Articles, Four years in the office of any Attorney or Solicitor as aforesaid; any thing in the said Act referred to, to the contrary notwithstanding.

Natives of this Colony, or persons who shall have resided 2 years therein, may be admitted as Barristers and Attornies of the Superior Courts, after 4 years service in the Office of any Attorney or Solicitor of such Courts.

## CAP. XXII.

An Act to alter, and in addition to an Act made and passed in the Tenth year of the Reign of His late Majesty King George the Fourth, relating to the laying out and altering of Highways, and for other purposes therein mentioned.

[Passed April 16th, 1842.]

**WHEREAS** great expense has been incurred by Juries having been summoned to estimate the value of Land, through which short portions of Road run, as now by law required by the Act of the General Assembly of this Island, passed in the Tenth year of the Reign of His late Majesty King George the Fourth, intituled *An Act to regulate the laying out and altering of Highways, and to provide a mode of obtaining compensation for those who may thereby be injured, and to cause those who are benefited thereby to contribute toward their formation*: For remedy whereof, Be it enacted by the Lieutenant Governor, Council and Assembly, That when and so often as the Lieutenant Governor in Council shall order the opening of a Highway or Highways, of not more than two miles in length, and which may run either through Cultivated or Wilderness Land, or both Cultivated and Wilderness Land, it shall and may be lawful to and for the Lieutenant Governor in Council, as often as he shall see fit, to nominate and appoint any Three fit and proper persons, one of whom shall be a Commissioner of Roads, not being interested parties, to examine such intended line of Road, and if on finding that the owner or owners of either or both Cultivated or Wilderness Lands, be injured by the opening of such Road or Roads, to appraise and value the damage that the Owner or Owners, Lessee or Lessees of such Lands may sustain, in consequence of such Road or Roads, so ordered as aforesaid, passing through his or their

Lt. Governor in Council may order Highways of not more than 2 miles in length to be opened,

And appoint 3 Commissioners to examine the proposed line.

If on finding that the owner of the land will be injured by proposed Road, Commissioners to appraise the damage that may be sustained by him.

And also to declare what benefit (if any) it may be to the owner, &c.

Notice to be first given by Commissioners.

Commissioners to submit appraisements to Lt. Governor on oath, in form set forth in Schedule ;

to be made before a Justice of the Peace.

If Wilderness Land, &c. be rendered more valuable by proposed road, Commissioners to submit to Lt. Governor, in Council, a statement of the sum, which, in their opinion, should be paid by owner, &c., on oath, in form set forth in Schedule, to be made before a Justice of the Peace.

Where compensation is found due to the owner &c. of land, Lt. Governor in Council to issue Warrants on Treasury for the amount.

Land or Lands as aforesaid, and also to ascertain and declare what advantage it may be to the Owner or Owners, Lessee or Lessees, through whose Land the said Road or Roads is or are intended to be opened or pass, and what sum of Money shall be paid by him or them for the same, in case such Land shall be in a Wilderness state; the said Commissioners having previously given in either case to the party or parties interested therein, at least Thirty Days' Notice, as now by Law required; and the said Three persons shall, as soon as conveniently may be, submit to the Lieutenant Governor, a statement in writing of the appraised value of such damage as the Owner or Owners, Lessee or Lessees may sustain as aforesaid; and which has been made and fixed by them as aforesaid, on Oath, in the form set forth in the Schedule to this Act annexed, marked (A.) which Oath shall be made before any one of Her Majesty's Justices of the Peace, in and for the County where such intended Road or Roads may be situate; and in case such Road shall be required to run through Wilderness Land or Lands, or any other Land which may thereby be rendered more valuable, the said Three persons shall, as soon as conveniently may be, submit to the Lieutenant Governor in Council, a statement in writing, of the sum of Money that should in their opinion be paid by the Owner or Owners, Lessee or Lessees of such Lands assessed and fixed by them as aforesaid, on Oath, in the form set forth in the Schedule to this Act annexed, marked (B), which Oath shall be made before any one of Her Majesty's Justices of the Peace as aforesaid; and in case the Lieutenant Governor in Council shall approve of the said statement, then, and in every case, where the same shall find compensation to be due or payable to the Owner or Owners, Lessee or Lessees of such Land, the said Lieutenant Governor in Council shall and may, and he is hereby authorized to direct the sum or sums of money so set forth in the said statement, to be paid to the

party or parties entitled to receive the same, by Warrant or Warrants on the Treasury of this Island; and the sum or sums of Money so assessed and affixed as aforesaid, to be paid by any Owners or Lessees as aforesaid, shall be paid by such Owner or Owners, Lessee or Lessees of such Land or Lands, into the Treasury of this Island, to be applied to the making and repairing of the said Roads; and should the Owner or Owners, Lessee or Lessees of such Land, neglect or refuse to pay the sum (approved of by the Lieutenant Governor as aforesaid) to be paid into the Treasury of this Island, and in case no Writ should be applied for in manner as hereinafter directed by such party or parties so refusing for the summoning of a Jury, the Lieutenant Governor may, and he is hereby authorized to cause as much Land as may be of the value of the benefit or advantage, the Owner or Owners, Lessee or Lessees of such Land may derive by the running of any Road, to be laid out for the Crown, the same to be valued by the said Three persons as aforesaid, either at the time of the making their award, or at any other time or times the Lieutenant Governor shall order, and a Plan of such Land so laid out by the Surveyor General, or other competent Surveyor, with descriptions thereof, shall be duly returned into the Office of the Registrar of Deeds and Conveyances in this Island, who shall Register the same, and the original shall be deposited in the Office of the said Surveyor General.

Sum to be paid by owner, &c. of land, to be paid into Treasury.

Appropriation thereof.

Owner, &c. of land neglecting to pay sum found payable into Treasury, and not having applied for a Writ, &c. as hereinafter directed, Lt. Governor authorized to cause land of owner to be laid out for the Crown, equal in value to the advantage he may obtain by such road.

Land to be valued by the Commissioners.

Plan thereof to be returned into the office of Surveyor General and office of Registrar for Deeds, these to be registered.

II. And be it enacted, That in the event of no Owner or Owners, Lessee or Lessees, Agent or Agents of any Owner or Owners, Lessee or Lessees of Land, appearing or being found to whom such compensation ascertained as aforesaid may be tendered or paid, then, and in every such case the sum or sums so ascertained as compensation or damages as aforesaid, shall remain at the disposal of the Lieutenant Governor in Council, to be paid to the party or parties lawfully claiming the same

No owner, &c. appearing to claim damages awarded, the same to remain in Treasury for his benefit within 3 years from date of appraisalment.

at any future time, within Three years from the time such appraisement may take place.

Owner, &c. of Land dissatisfied with damages awarded to be paid to him or to be paid by him, may enter an appeal in the Supreme Court.

Court, in its discretion, may order a Writ to be issued and a Jury summoned as pointed out in Act of the 10th Geo. 4th, cap. 10.

III. Provided always, and be it enacted, That in case the Owner or Owners of any Land to whom compensation shall be awarded, or who shall be assessed to pay compensation by such Commissioner and others as aforesaid, shall be dissatisfied with, and refuse to accept such compensation, or pay the sum or sums valued as the benefit such Owner or Owners of Land as aforesaid shall derive by the running of such Road, every such Owner or Owners shall be at liberty, notwithstanding such award, to cause an appeal to be entered against the same, at the Term of the Supreme Court next after the making thereof, and if after hearing such appeal it shall appear to the said Court that justice hath not been done, it shall and may be lawful for the said Court to order and direct that a Writ be issued, and a Jury summoned in the way and manner and for the purposes directed by the said Act, of which this is an amendment—the verdict found by which Jury shall be final and conclusive, and when returned as aforesaid, shall be entered of record in the said Court.

When owner, &c. receives compensation or refuses to receive the same, or shall not claim the same within time limited for appeal, the right of way to become vested in the Crown.

IV. And be it enacted, That immediately upon payment to and receipt, by the party or parties to whom compensation shall be awarded by the persons so appointed as aforesaid; or in case such party or parties shall refuse to receive such compensation, or in case no person or persons shall appear to claim such compensation as aforesaid, before the expiration of the time hereinbefore limited, for an Appeal against such award, then, and in every such case, the right of way over such Land, or over so much thereof as shall be owned by such party accepting such compensation, and over so much thereof as shall be owned by such party refusing such compensation, as also over so much of such Land as shall not be claimed by any Owner,

shall respectively become vested in the Crown, to and for the purposes of such Road.

V. And be it enacted, That should the verdict of a Jury that may be summoned as aforesaid, after such appraisement as aforesaid shall have taken place, in case of Cultivated Land, or Land rendered less valuable so appraised as aforesaid, not amount to a greater sum than the sum so tendered as aforesaid, then, and in every such case, the expenses of the said Jury so ordered, shall be borne by the party or parties on whose application the same shall have been granted, and which expense may be levied by Warrant of Distress, and Sale of the Goods and Chattels of the party or parties who shall have refused to accept of the appraised damages made and approved of as aforesaid; and in case of no Goods or Chattels being found whereon to levy, then by Attachment and Sale as by Law provided of the Interest in the Land of the party or parties, so refusing to accept of the sum or sums so assessed as damages as aforesaid; and should the verdict of a Jury that may be summoned as aforesaid, after such appraisement as aforesaid, shall have taken place in the case of Wilderness Land or Lands rendered more valuable by the running of such Road, be not less in amount than the sum or sums so assessed as aforesaid, then the Costs of the said Jury shall be taxed to and be paid by the party or parties so requiring such Jury as aforesaid.

In case of cultivated land and appeal and writ issued, and Jury summoned, if verdict shall not amount to more than sum previously awarded, and tendered, the expense of Jury, &c. to be borne by party obtaining such Jury.

Expense of Jury, &c., how to be recovered.

In case of Wilderness land, and appeal, writ, &c. obtained, if verdict of Jury be less in amount than sum awarded by Commissioners, the expense of Jury, &c. to be borne by owner, &c.

VI. And be it enacted, That every person appointed by the Government to value the damages caused by the running of any Road or Roads as aforesaid, shall be entitled to the following sums (that is to say)—for every mile travelled, Six-pence; for estimating damages, Ten Shillings; to the party drafting and making the statement or return to the Governor in Council, Ten Shillings.

Fees of Commissioners appointed to value damages, &c.

VII. And be it enacted, That this Act shall continue and be in force for and during the space of Three years from the passing hereof.

Continuance of this Act.

No writ to be issued under Road Compensation Act of 10 Geo. 4th, until provisions of this Act be first complied with.

Suspending Clause.

VIII. Provided always, and be it enacted, That no Writ for the summoning of a Jury, for and in respect of Roads not more than Two miles in length, shall be issued under the Act to which this is an amendment, until the provisions of this Act in relation to such last mentioned Roads shall have been complied with—any thing in the said herein before recited Act to the contrary notwithstanding: Provided nevertheless, that nothing herein contained shall have any force or effect until Her Majesty's pleasure therein shall be known.

### SCHEDULES to which this Act refers.

#### SCHEDULE (A.)

Form of Oath to be annexed to the Return to be made to Government, by the persons appointed to value the damages to be paid to the Owner or Owners, Lessee or Lessees of Land through which short portions of Road may pass.

WE *A. B.*, *C. D.* and *E. F.* having carefully examined the disadvantage or damage that the Owner or Owners, Lessee or Lessees over whose Land the line of Road from [*G. to H.*, as the case may be] will pass according to their several and respective Estates and Interests therein, do estimate the said damages as follows:—To [*J. K.*, as the case may be] the sum or sums of           Pounds  
To [*L. M.* as the case may be] the sum of  
Pounds.

(Signed)

*A. B.*  
*C. D.*  
*E. F.*

Sworn to before me  
this           day of

## SCHEDULE (B.)

Form of Oath to be annexed to the Return to be made to Government, by the persons appointed to assess the sum of Money to be paid by the Owner or Owners, Lessee or Lessees of Wilderness Land, through which said Road or Roads do pass.

**WE** *A. B.*, *C. D.* and *E. F.*, having carefully ascertained the advantage that does accrue to the Owner or Owners, Lessee or Lessees of such Land, declare that the Owner or Owners, Lessee or Lessees do, and shall pay within days from the date hereof, the sum of into the Treasury of this Island, or give to the Crown so much Land as may be the value of the said sum of Pounds, which said Land is of the value of Pounds per Acre.

Sworn before me

## CAP. XXIII.

An Act to repeal and amend a certain portion of the Nineteenth Section of an Act relating to Schools, and for the encouragement of Education.

[Passed April 16th, 1842.]

**WHEREAS** in and by the Nineteenth Section of the said Act, intituled *An Act relating to Schools, and for the encouragement of Education*, it is enacted, That in all School Districts where the Boundaries thereof shall be defined under the provisions of this Act, or distinguished and agreed to by the mutual consent of the Inhabitants within the same, being not less than Ten in number, and being persons having within their families respectively any Child or Children between the ages of Seven and Fourteen years, when, and so

often as two-thirds in number at least of such Inhabitants shall perform certain provisions as are set forth in the said Nineteenth Section of the said Act, then the said Ten persons may assess the remaining part of such Inhabitants, to the extent in amount of one-third, for the support of a Teacher of either class: And whereas in the operation of the said Section of the above in part recited Act, it has been found impracticable, in certain Districts, to collect together certain Inhabitants, being Ten in number, and having respectively within their families any Child or Children between the ages of Seven and Fourteen years: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the words "Ten in number" in the said Nineteenth Section, shall be, and the same are hereby repealed; and that it shall and may be lawful for any five of such Inhabitants, qualified as in the said Section is expressed, to assess the Inhabitants of the District, to the extent, and in the way and manner prescribed in and by the said Nineteenth Section.

Repeals certain words in the 19th sec. of School Act of the 4th Victoria cap. 6.

And authorises 5 inhabitants, qualified as so expressed in said Section to assess inhabitants, &c. as is prescribed in said Section.

II. And whereas the sum of One hundred Pounds was deposited with the Secretary of the Board of Education, for the purchase of Books to be sold at Cost and Charges to individuals applying for the same: Be it enacted, That the said Secretary shall deliver to the Colonial Secretary an account of Books remaining unsold, and shall deliver to such person as the Governor in Council for the time being may appoint, the remainder of said Books, and shall pay over to the Treasurer the Balance of Money unexpended, and that hereafter the Balance of the said sum of Money now in the hands of the said Secretary, together with the proceeds arising from the sale of said Books, to be sold in the manner hereinafter directed, be placed at the disposal of the Administrator of the Government for the time being, for the purchase of such Books as may be approved of by the Board of Education,

Secretary of Board of Education to render an account of Books, &c., in hand;

and to pay over to Treasurer money not expended.

Appropriation of proceeds of Books and money already received.

for the use of District] Schools throughout this Island: Provided always, that a portion of copies of all Books so purchased, shall be deposited in the hands of such persons as the Lieutenant Governor for the time being shall see fit to appoint—not being less than Three for each County, for sale at Cost and Charges, the prices thereof being to be advertised, and the Moneys arising from such sales shall be paid into the Treasury of this Island Quarterly, and may be Annually expended hereafter in the purchase of Books as aforesaid.

III. And be it enacted, That this Act shall be and continue in force for and during the continuance of the Act of which this is an amendment, and no longer.

Continuance of Act.

#### CAP. XXIV.

An Act to explain certain parts of the Act to consolidate and amend the Election Laws.

[Passed, April 16th, 1842.]

**W**HEREAS by the Fifth Section of the Act of the Sixth year of the Reign of His late Majesty King William the Fourth, intituled *An Act to consolidate and amend the Election Laws*, it is enacted, that the owner or tenant of any house, warehouse, shop, or other building, of the yearly Rent of Ten pounds, shall be entitled to vote for the election of a Member or Members, to represent the Town and Royalty in which the said property is situated, in General Assembly; and doubts have arisen whether the owner of any house, warehouse, shop, or other building, of the yearly value of Ten pounds, and not under rent, is entitled to vote at any such Election: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That every person who shall be the owner or tenant of any house, warehouse, shop or other building of the

Owner or Tenant of any House, &c. of the yearly value

of £10 in any Town or Royalty and otherwise qualified, to be entitled to vote for a Member for such Town and Royalty, as if the same was actually held or let at such yearly rent.

yearly value of Ten pounds, situate in any Town or Royalty within this Island, and being otherwise qualified in all respects as required by the said recited Act, shall be entitled to vote for the election of a Member or Members to represent the said Town and Royalty in General Assembly, equally as much as if such house, warehouse, shop, or other building, was actually let or held at the yearly rent of Ten pounds.

Persons in possession of lands by virtue of a written Agreement, under which a rent of 40s. per annum is payable, to be entitled to vote for a member for District in which land is situate.

II. And whereas a proportion of the Inhabitants of this Island, exercising the elective franchise for Districts of Counties, as Leaseholders hold their lands by virtue of agreements in writing for a term of years, for the payment of a certain Rent, but not having the formalities of a Lease, and it frequently becomes doubtful whether under the words "Leasehold Estate for a term of years," mentioned in the Ninth Section of the said recited Act, such persons are entitled to Vote as Leaseholders: Be it therefore enacted, That every person in actual possession of land by virtue of any such agreement, and by virtue of which a Rent of Forty Shillings per year, shall have been paid, or shall be payable, and being otherwise qualified as the said recited Act requires, shall be entitled to Vote at any Election for a Member or Members to represent the District where such Land shall be situate.

#### C A P. XXV.

An Act to authorize the appointment of Commissioners to superintend the erection of a Colonial Building in Charlottetown, and to repeal certain parts of an Act therein mentioned.

[Passed April 16th, 1842.]

**W**HEREAS it is indispensable that a Fire-proof Building should be erected in Charlottetown, wherein to keep the Public Records of

this Colony, and for other Public purposes, and the Legislature in its present Session having granted an additional sum of Five thousand Pounds, for the purpose of erecting and completing such Building: Be it therefore enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for the Lieutenant Governor in Council, to nominate and appoint Five Commissioners to superintend the erection of the said Building—which Commissioners and their Successors in office, are hereby authorized to make such Contracts for the purchase of Materials for erecting and finishing the said Building, and for workmanship, as they or the major part of them may think proper, and shall without delay procure proper Plans and Estimates of the expense of Materials and Workmanship necessary to complete the same, which with all Contracts that shall be entered into by them, shall, previous to their being executed, be laid before the Administrator of the Government for the time being in Council, for his approbation: Provided always, that the expense of erecting and completing the said Building, shall not in the whole exceed the sum of Ten thousand Pounds.

Lt. Governor, in Council, to appoint 5 Commissioners to superintend the erection of Colonial Building in Charlottetown.

Commissioners to make Contracts, &c.

and procure proper Plans and Estimates, to be submitted to Administrator of Government in Council for approval.

Expense of erection of Building not to exceed £10,000.

II. And be it enacted, That in case of the death, resignation or absence from this Island of any one or more of the said Commissioners, the Administrator of the Government for the time being, with the advice aforesaid, shall have power to appoint another Commissioner or Commissioners in his or their room and stead.

Administrator of Government may fill up vacancies occurring from death, &c. in Board of Commissioners.

III. And be it enacted, That the Administrator of the Government for the time being, by and with the advice of Her Majesty's Council, be, and he is hereby empowered to draw Warrants on the Treasury, at the requisition of the said Commissioners, or the major part of them, for the sums appropriated by Law for the said Building, or any

Administrator of Government in Council to draw Warrants on Treasury on requisition of Commissioners for the erection of Building.

part thereof, at such times and in such proportions as they may deem necessary.

Repeals 14th and 15th Sections of Act of the 7th Will. 4th, cap. 31.

IV. And be it further enacted, That the Fourteenth and Fifteenth Sections of an Act made and passed in the Seventh year of the Reign of his late Majesty King William the Fourth, intituled *An Act for levying an Assessment on all Lands in this Island*, be, and the same are hereby repealed.

Commissioners, with approval of Lt. Governor in Council, to fix site of Building on Queen Square and remove any other public Building thereon.

V. And be it enacted, That the said Commissioners shall fix the Site of the said Building, and shall have power to place the same on such part of Queen's Square as shall be by them deemed best adapted for the purpose, and to remove any of the Public Buildings now erected thereon, so as to secure the most eligible Site for the said Building—subject nevertheless to the approval of the Lieutenant Governor in Council.

#### CAP. XXVI.

An Act for appropriating certain Moneys therein mentioned, for the Service of the year of our Lord One thousand eight hundred and forty-two.

[Passed April 16th, 1842.]

May it please your Excellency;

**WE** Her Majesty's dutiful and loyal Subjects, the House of Assembly of Prince Edward Island, towards appropriating the several Supplies raised for the exigencies of Her Majesty's Government, do humbly beseech that it may be enacted: And be it therefore enacted by the Lieutenant Governor, Council and Assembly, That by or out of such Moneys as from time to time shall be and remain in the Public Treasury of this Island, there shall be allowed and paid for the Services herein mentioned, the several sums following, that is to say:—

A sum not exceeding Three thousand three hundred Pounds, for the general service of Roads, Bridges and Wharves, to be expended agreeably to the Report of the Committee of the House of Assembly, appointed for the consideration of all matters relating to Roads, Bridges and Wharves, and that such sum be equally divided between each of the Three Counties.

£3200 for service of Roads and Bridges.

And a further sum of Six hundred Pounds, to be placed at the disposal of His Excellency the Lieutenant Governor, to be expended in opening new Roads, under the Road Compensation Act—no County receiving more than Two hundred Pounds of the amount.

£600 for opening Roads under Road Compensation Act.

And a further sum of Five hundred Pounds, to defray the Salary of the Treasurer of this Island, for the present year.

£500 for Treasurer's salary for 1842.

And a further sum of Four hundred Pounds, to defray the Salary of the Colonial Secretary and Clerk of the Executive Council, for the present year.

£400 for salary of Colonial Secretary and Clerk of Executive Council for 1842.

And a further sum of One hundred Pounds, to defray the travelling charges of the Chief Justice, for the present year.

£100 for travelling charges of Chief Justice.

And a further sum of Two hundred and Sixty Pounds, to defray the Salary of the Collector of Impost at Charlottetown, for the present year.

£260 for salary of Collector of Impost for Charlottetown.

And a further sum of One hundred and sixty Pounds, to defray the Salaries of Four Sub-Collectors of Customs, for the present year.

£160 for salaries of four sub-Collectors of Customs.

And a further sum of Twenty Pounds, to defray the Salary of One Sub-Collector of Customs, for the present year.

£20 for salary of one sub-Collector of Customs.

And a further sum of Three Hundred Pounds, to defray the Salaries of the Two Masters of the Central Academy, for the present year.

£300 for salaries of Masters of Central Academy.

And a further sum of One thousand Pounds, for the encouragement of General Education, as established by Law.

£1000 for support of Education.

£75 to Adjutant  
General of Militia.

And a further sum of Seventy-five Pounds, to defray the Salary of the Adjutant General of Militia, for the present year.

£250 for contingent  
expences of Government.

And a further sum of Two hundred and fifty Pounds, to defray the Contingent Expences of the Government, for the present year.

A sum sufficient  
to defray the con-  
tingent expences  
of Legislative  
Council and  
House of Assem-  
bly.

And a further sum sufficient to defray the Contingent Expences of the Legislative Council, and House of Assembly, for the present year.

£30 to Wharfing-  
er of Wharf in  
Charlottetown.

And a further sum of Thirty Pounds, to defray the Salary of the Wharfinger of the Public Wharf at Charlottetown, for the present year.

£170 to Road  
Commissioners  
for salaries.

And a further sum of One hundred and seventy Pounds, to defray the Salaries of Seventeen Road Commissioners, at Ten Pounds each, for the present year.

£60 to three  
Sheriffs.

And a further sum of Sixty Pounds, to defray the Salaries of Three Sheriffs, for King's, Queen's and Prince Counties, for the present year.

£25 to Master  
of National  
School.

And a further sum of Twenty-five Pounds, to defray the Salary of the Master of the National School, for the present year.

£40 for salary of  
Market Clerk.

And a further sum of Forty Pounds, to defray the Salary of the Market Clerk in Charlottetown, for the present year.

£40 to Messen-  
ger of Executive  
Council, Tipstaff  
in Chancery and  
Crier of Supreme  
Court.

And a further sum of Forty Pounds, to defray the Salary of the Messenger of the Executive Council, and Tipstaff in Chancery, and the Crier of the Supreme Court, for the present year.

£40 to keeper of  
Jail in Charlot-  
tewtown.

And a further sum of Forty Pounds, to defray the Salary of the Jailer of Charlottetown Jail, for the present year.

£30 to keeper of  
King's County  
Jail.

And a further sum of Thirty Pounds, to defray the Salary of the Jailer of King's County, for the present year.

£30 to keeper of  
Prince County  
Jail.

And a further sum of Thirty Pounds, to defray the Salary of the Jailer of Prince County, for the present year.

And a further sum of Ten Pounds, to defray the Salary of the Assayer of Weights and Measures in Charlottetown, for the present year. £10 to Assayer of Weights and Measures for Charlottetown.

And a further sum of Ten Pounds, to the Medical Attendant of the Charlottetown Jail, for his Services, and for Medicines, for the present year. £10 to Medical Attendant of Charlottetown Jail.

And a further sum of Fifteen Pounds, to defray the allowance to the Matron of the Charlottetown Jail, for the present year. £15 to Matron of Charlottetown Jail.

And a further sum of Thirty Pounds, to defray the Salary of the Post Master, for conducting the Inland Mails, for the present year. £30 to Postmaster for conducting Inland Mails.

And a further sum of Forty Pounds, to defray the Salary of the Road Correspondent, for the present year. £40 to Road Correspondent.

And a further sum of Forty Pounds, to defray the amount of Premiums for the destruction of Bears and Loupcerviers, for the present year, should the same be required. £40 for destruction of Bears and Loupcerviers.

And a further sum of Two hundred Pounds, to defray the Sheriffs' Expences for Jails in the Three Counties, for the present year, should the same be required. £200 to defray Sheriffs expences of the Jails in each County.

And a further sum of One hundred Pounds, to provide Fuel and Bread for the Three Jails, for the present year, should the same be required. £100 for fuel and bread for Jails.

And a further sum of Thirty Pounds, to the Commissioners for issuing Treasury Notes, for the present year, should the same be required. £30 to Commissioners for the issue of Treasury Notes.

And a further sum of Four hundred and fifty Pounds, to defray Crown Officers' Fees, for the present year, should the same be required. £450 to defray fees of Crown prosecutions.

And a further sum of Fifty Pounds, or as much thereof as may be required, to defray Crown Officers' Fees for other services, for the present year. £50 for Crown Officers' fees for other services.

And a further sum of Two hundred and eighty Pounds, to defray the expence of conducting the Inland Mails, for the present year. £280 for expence of Inland Mails.

£150 for Winter  
Mails.

And a further sum of One hundred and fifty Pounds, to defray the expence of conducting the Winter Mails, for the present year.

£250 for public  
Printing and  
Stationery.

And a further sum of Two hundred and fifty Pounds, to defray the expences of Public Printing and Stationary, for the present year.

£600 for interest  
on Treasury  
Warrants.

And a further sum of Six hundred Pounds, to defray the Interest on Treasury Warrants, for the present year, should the same be required.

£20 for Plans  
and Estimates  
for Public  
Works.

And a further sum of Twenty Pounds, for Plans and Estimates of Public Works, for the present year, should the same be required.

£10 10s. for  
Assessment on  
Government  
Pews.

And a further sum of Ten Pounds ten shillings, to defray the expences on Government Pews in Saint Paul's Church, Charlottetown, for the present year.

£5000 in addi-  
tion to £5000  
before granted  
for Colonial  
Building.

And a further sum of Five thousand Pounds, in addition to Five thousand Pounds heretofore granted, for the purpose of erecting a Colonial Building in Charlottetown—the said sum to be paid out of the first Moneys arising under and by virtue of the Act of the Seventh of William the Fourth, Chapter Thirty-first; Provided the said Building be erected of Stone.

£150 for repairs  
to Government  
House.

And a further sum not exceeding One hundred and fifty Pounds, to be paid to the Joint Committee of the Council and Assembly, to defray the expence of certain Repairs in and about Government House, for the present year, in accordance with the Resolution of the House of Assembly.

£60 to Speaker  
of Assembly and  
£30 to each  
Member, to-  
gether with travel-  
ling expences.

And a further sum of Sixty Pounds, to the Speaker, and the sum of Thirty Pounds to each of the Members of the House of Assembly, together with the usual Travelling Expences, to reimburse them for their expences in attending the present Session, deducting a proportionate rate for each and every day's absence.

£30 to purchase  
a site for an En-  
gine House in  
Charlottetown.

And a further sum of Thirty Pounds, at the disposal of His Excellency the Lieutenant Governor,

towards the purchase of a piece of ground for the erection of a House for such Fire Engine or Engines, as shall be at all times accessible for the Protection of Government and Colonial Buildings in Charlottetown.

And a further sum of One hundred and fifty Pounds, granted during last Session, towards the erection of a Market House in Georgetown, which may be drawn for as follows, viz:—Seventy-five Pounds when a Guarantee of at least Eight responsible individuals is given, that the said Building will be finished within Two years, according to the Plan and Specification submitted last year to the House of Assembly, and Seventy-five Pounds when the Building is completed as aforesaid.

£150 towards the erection of a Market House in Georgetown.

And a further sum of One hundred and fifty Pounds, for the importation of Live Stock, as follows:—Fifty Pounds, to James Yeo, Esquire, for the importation of Live Stock, under the direction of the several Agricultural Societies in Prince County, and that the same be sold to the highest bidder, resident within the said County, for the benefit of the said Societies, as near the centre of the County as possible; Fifty Pounds to the Central Agricultural Society in Queen's County, for the like purpose; and the remaining Fifty Pounds to the President of the Eastern Agricultural Society in King's County, for the like purpose, and subject to similar regulations as hereinbefore prescribed for Prince County: Provided that each County shall make up and expend the sum of Fifty Pounds, in addition to the said Grant.

£150 to purchase live stock for the different Counties in this Colony.

And a further sum sufficient to purchase One hundred and fifty Shares in the Prince Edward Island Steam Navigation Company, at the disposal of His Excellency the Lieutenant Governor: Provided the said Company do agree to run a Steam Boat, once a week from Pictou and Charlottetown to Miramichi, touching at Bedeque once a fortnight, on her way to and from the latter place, and calling at Georgetown once a fortnight.

A sum sufficient to purchase 150 Shares in the Steam Navigation Company.

£30 to J. R. Bourke, Esq. for the building of Vernon River Bridge.

And a further sum of **Thirty Pounds**, at the disposal of His Excellency the Lieutenant Governor, to be paid to **John Roach Bourke, Esquire**, on his discharging the Balance to **Mr. Murdoch M'Lean**, on his Contract for building **Vernon River Bridge**.

£50 to Ladies' Benevolent Society for relief of poor persons.

And a further sum of **Eighty Pounds**, at the disposal of the Committee of the **Ladies' Benevolent Society**, to be applied towards the relief of such persons as may appear to them to be objects of Charity, the same to be drawn quarterly; also the further sum of **Thirty-four Pounds**, for the relief of the following persons, viz:—

Also, £50 to same Society for several poor persons herein mentioned.

**Matthew Flinn**, Seven Pounds ten shillings.  
**John Macnamara**, Seven Pounds ten shillings.  
**Catherine Hilliard**, Five Pounds.  
**James Conway**, Four Pounds.  
**William Purcell**, Seven Pounds ten shillings.  
**Johanna Redmond**, Two Pounds ten shillings.

£8 to Alexander M'Lean, Esq. for Widow Nicholson.

And a further sum of **Eight Pounds**, to **Alexander Maclean, Esquire**, Charlottetown, for the Relief of **Widow Nicholson**, Murray Harbour Road, in destitute circumstances.

£10 to Librarian to Legislature.

And a further sum of **Ten Pounds**, to **Solomon Desbrisay, Esquire**, to defray his Salary as Librarian to the Legislature, for the present year.

£2 7s. 6d. amount of David O'Neill's account for work at Government House.

And a further sum of **Two Pounds seven shillings and six-pence**, to defray the amount of **David O'Neill's Account**, for Work done at Government House, during the past year.

£5 to John Sims, Esq. for moorings for Scows at Coles' and Fyfe's Ferries.

And a further sum of **Five Pounds**, or as much thereof as may be necessary, at the disposal of **John Sims, Esquire**, to provide Moorings for the Scows at **Cole's and Fyfe's Ferries**, New London.

£26 3s. 4d. to Alexander Anderson for plan and survey for House of Assembly.

And a further sum of **Twenty-six Pounds three shillings and four-pence**, to **Alexander Anderson**, being the amount of his Account, for a Plan and Survey of part of the Island, by order of the House of Assembly, including the sum of **One Pound three**

shillings and four-pence to *William Cundall*, Esquire, for his services.

And a further sum of Seventy-five Pounds, to be placed at the disposal of the Administrator of the Government, to be applied in the following order; that is to say—Twenty-five Pounds for each of the Three Counties of this Island, to be paid as a Bounty to the person or persons who during the next Eighteen Months shall first erect, complete and put into operation within such County, an Establishment for Dyeing, Fulling and Dressing Cloth, the said sum to be paid on Affidavit made before any Justice of the Peace, that a quantity of not less than Five hundred Yards has been Dyed, Fulled and Dressed at such Establishment, to the satisfaction of the Owners of such quantity of Cloth; and that a further sum of Twenty-five Pounds be granted and placed at the disposal of the Central Agricultural Society, to be paid to the person or persons who shall, within the aforesaid time, produce the best specimen of Woollen Cloth, of not less than Forty Yards, in Three different pieces, and of different colours, which shall have been Dyed, Fulled and Dressed by such person or persons producing the same, at any establishment within this Island.

£75 to Lt. Governor for bounties to persons in different Counties who shall erect mills for fulling, dyeing and dressing cloth.

And a further sum of Fifteen Pounds, to the Office-bearers of the Mechanics' Institute, in aid of the Funds of that Society, to be applied for the purchase of Books and Philosophical Apparatus.

£15 to Mechanic's Institute.

And a further sum of Fifty Pounds, to be placed at the disposal of the Lieutenant Governor, to repair the Jail Fence in Charlottetown, according to a Plan and Specification drawn up by Mr. Isaac Smith, and approved of by the House of Assembly.

£50 for repair of Jail Fence in Charlottetown.

And a further sum of Five Pounds, at the disposal of His Excellency the Lieutenant Governor, to be expended in the erection of a Wall, to consist of the Clay of this Island, mixed and worked as Cobb Walls are in formed in the West of Eng-

£5 to Lt. Governor, to be expended in the erection of a cobb wall by way of experiment.

land, by way of experiment, for the purpose of testing its utility in this Island—such Wall to be built between the first day of May and the last day of July, in the present year, in such place as his Excellency may deem proper.

£30 for packet between Bedeque and Shediac and £50 for a packet between Georgetown and Pictou:

And a further sum of Thirty Pounds, for the encouragement of a Packet between Bedeque and Shediac; and a further sum of Fifty Pounds, for the encouragement of a Packet between Georgetown and Pictou—the latter sum to be granted, provided no Steamer is put on the Station during the Season.

£250 to carry the Mails by means of sailing vessels between Charlottetown and Pictou.

And a further sum not exceeding Two hundred and fifty Pounds; or as much thereof as may be required, to provide for the conveyance of the Mails twice a Week between this Island and Pictou, by means of Two Sailing Vessels, during the present Season, or by the Steamboat Pocahontas, provided the Owners of that Vessel will engage her at the same rate paid last year, in proportion to the time she may be employed, until a sufficient Steam Boat shall be provided for that service, by the Prince Edward Island Steam Boat Company.

£30 for painting and repairs of Georgetown Jail.

And a further sum of Thirty Pounds, or as much thereof as may be necessary, to be placed at the disposal of His Excellency the Lieutenant Governor, for Painting, and such other repairs as may be required, at the Georgetown Jail.

£11 10s. to James Yeo, Esq. for two poor persons.

And a further sum of Eleven Pounds ten shillings to *James Yeo*, Esquire, for the relief of the following persons, viz:—To *Jeremiah Dalton*, Seven Pounds ten shillings; and to *George Murray*, the sum of Four Pounds.

£4 to provide medical assistance for persons in King's and Prince County Jails.

And a further sum of Four Pounds, to be placed in the hands of His Excellency the Lieutenant Governor, for each of the Jails of King's and Prince Counties, to provide Medical attendance, should the same be required.

And a further sum of Seven Pounds ten shillings, to *John Sims*, Esquire, for the relief of the following persons, viz:—To *Hercules Frieze*, Five Pounds, and to *Henry Windsor*, Two Pounds ten shillings.

£7 10s. to John Sims, Esq. for 2 indigent persons.

And a further sum of Twenty-six Pounds, to the Reverend *John MacLennan*, for the relief of the following persons, viz:—

£26 to the Rev. John Macdonald for several indigent persons.

*Ann Macdonald*, Two Pounds ten shillings.

*James Maddox*, Five Pounds.

*Margaret Finlayson*, Five Pounds.

*Christiana Macphee*, Three Pounds.

*Mary Macaulay*, for her Son, Eight Pounds.

*Donald Munn*, Two Pounds ten shillings.

And a further sum of Eight Pounds ten shillings, to the Reverend *Robert Douglas*, for the relief of the following persons, viz:—*Catherine Partridge*, Two Pounds; *Christiana M'Eachern*, Two Pounds ten shillings; *John Smith*, Two Pounds; and to *Mrs. Quinn*, Two Pounds.

£8 10s to the Rev. Robert Douglas for several indigent persons.

And a further sum of Four Pounds ten shillings to the Reverend *Sylvanus Perry*—for the relief of *Mary Gallant*, Two Pounds ten shillings, and to *Captain Francis's Widow*, Two Pounds.

£4 10s. to the Rev. Sylvanus Perry, for two indigent persons.

And a further sum of Eleven Pounds Ten Shillings to Mr. *Joseph Macdonald*, for the relief of the following persons, viz:—To *John Ready*, Three Pounds; to *Elizabeth Carson*, Three Pounds; *Patrick M'Carron*, Three Pounds; *John Macdonald*, Lot 36, Two Pounds ten shillings.

£11 10s. to Joseph Macdonald for several indigent persons.

And a further sum of Eight Pounds to *Alexander M'Lean*, Esquire, viz:—For the relief of *Malcolm Nicholson*, Three Pounds; to *Jeremiah Kehoe*, Two Pounds ten shillings; and to *Alexander M'Leod*, Two Pounds ten shillings.

£8 to Alexander M'Lean, Esq. for several indigent persons.

And a further sum of Six Pounds to the Honorable *Joseph Pope*, for the relief of *William Macneill*, including Two Pounds Fifteen Shillings advanced by him.

£6 to Hon. Joseph Pope, for indigent persons.

£3 to James  
M'Callum for  
Pierre Doucette.

And a further sum of Three Pounds to Mr. *James M'Callum*, for the relief of *Pierre Doucette*, of *Rustico*, and to reimburse him for advances already made.

£18 10s. to  
James Simpson  
for three indigent  
persons  
named M'Kay.

And a further sum of Eighteen Pounds ten shillings to *James Simpson*, for the relief of the following persons, viz:—Three blind persons named *Mackay*, including Three Pounds ten shillings to reimburse him for advances made on account of *Joseph A. Betture*.

£2 10s. to James  
Arthur for Robert  
Winter.

And a further sum of Two Pounds ten shillings to Mr. *James Arthur*, towards the support of *Robert Winter*.

£8 to the Hon.  
P. S. Macnutt,  
for three indigent  
persons.

And a further sum of Eight Pounds to the Hon. *Peter Stewart Macnutt*, for the relief of the following persons, viz:—*Maurice Curran*, Two Pounds; *Peter M'Millan*, Four Pounds; and *James English*, Two Pounds.

£2 10s. to the  
Rev. Mr. Deligny  
for two indigent  
persons.

And a further sum of Two Pounds ten shillings to the Reverend Mr. *Deligny*, for the relief of *James* and *Catherine Gillis*.

£2 to James  
Macdonald for  
Flora Macphee.

And a further sum of Two Pounds to Mr. *John Macdonald*, junior, of *Allisary*, for the relief of *Flora M'Phee*.

£3 to Thomas  
Owen, Esq. for  
Mrs. Walsh, Lot  
66.

And a further sum of Three Pounds to *Thomas Owen*, Esquire, for the relief of *Mrs. Walsh*, Lot 66.

£8 to Benevo-  
lent Irish Society  
for Margaret  
M'Carthy.

And a further sum of Eight Pounds to the Benevolent Irish Society, for the relief of *Margaret M'Carthy*.

£5 10s. to the  
Rev. John Mac-  
donald for two  
indigent persons.

And a further sum of Five Pounds ten shillings to the Reverend *John Macdonald*, *Saint Margaret's*, for the relief of the following persons:—*Thomas Devereux*, Three Pounds; and to *Mrs. Brow*, Two Pounds ten shillings.

£7 10s. to Ed-  
ward Thornton,  
Esq., for several  
indigent persons.

And a further sum of Seven Pounds ten shillings to *Edward Thornton*, Esquire, viz:—For the relief of *John Griffin* and *Sisters*, Five Pounds; and for *Henry Prouse*, Two Pounds ten shillings.

And a further sum of Eleven Pounds ten shillings to *Donald Macdonald, Esquire*, for the relief of the following persons, viz:—To the *Widow M<sup>c</sup>Leod*, Three Pounds; to *Catherine Macdonald*, Three Pounds; to *John Hynes*, Three Pounds; and to the *Widow Reilly*, Two Pounds ten shillings.

£11 10s. to Donald Macdonald, Esq., for several indigent persons.

And a further sum of Five Pounds ten shillings to *Mr. Francis Kelly*, for the relief of the following persons, viz:—To *Rosanna Mitchell*, Two Pounds ten shillings; and to *Mary Laller*, Three Pounds.

£5 10s. to Francis Kelly for two indigent persons.

C. S. M.  
07/28/10