



C. E. Hutchford

94

1829.

Anno Decimo GEORGE IV.

C. I.

1

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

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

CAP. I.

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

MAY IT PLEASE YOUR EXCELLENCY,

WE, His Majesty's dutiful and loyal Subjects, the House of Assembly of His Majesty's Province of Nova-Scotia, towards appropriating the Supplies granted to His Majesty, in this Session of the General Assembly, and for supplying the exigencies of His Majesty's Government, do humbly beseech that it may be enacted, and

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That, by or out of such Monies as now are, or from time to time shall be and remain, in the Public Treasury of this Province, there shall be paid the sum of 200l. to the Speaker of the House of Assembly, for his services during the present Session.

£200 Speaker of Assembly

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

100l. Solicitor-General

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

600l. Treasurer

And a further sum of 100l. to the Clerk of the Council in General Assembly, and as Clerk of His Majesty's Council, for his services in the same year.

100l. Clerk of the Council

1001 Clerk of Assembly

And a further sum of 100l. to the Clerk of the House of Assembly, for his services for the present year.

301 Expense of Council

And a further sum of 30l. for defraying the expences of the Council in General Assembly, for the same year, to be paid on the Certificate of the President of the Council, and not otherwise.

Sum to be paid to Waiters

And a further sum to be paid on the Certificate of the Commissioners of the Revenue, at the rate of 7s. 6. per Day, to such person or persons as shall be employed during the year aforesaid, by the Collector of Impost and Excise, of the District of Halifax, as extra Waiter or Waiters for the Port of Halifax, and 5s. per day to such extra Waiter or Waiters when unemployed, and at the rate of 5s. per day, to temporary Waiters.

2001 Guager and Weigher

And a further sum of 200l. to the Guager and Weigher, for the Collector of Impost and Excise, for the District of Halifax, for his services for the present year.

401 Messenger to Council

And a further sum of 40l. to the Messenger to the Governor, Lieutenant-Governor or Commander in Chief, for the time being, and His Majesty's Council, as well in their Legislative Capacity as otherwise, for the present year.

25 Venerable Archdeacon Willis

And a further sum of 25l. to the Venerable Archdeacon Willis, D. D. for his services as Chaplain to His Majesty's Council, during the present Session.

251 Revd. F. Uniacke

And a further sum of 25l. to the Reverend Fitzgerald Uniacke, for his services as Chaplain to the House of Assembly, during the present Session.

401. T. Boyd

And a further sum of 40l. to Thomas Boyd, for his services as Sergeant at Arms to the House of Assembly, during the present Session.

30 M. Forrester

And a further sum of 30l. to Matthew Forrester, for his services as Assistant Sergeant at Arms to the House of Assembly, during the present year.

30 J. Gibbs

And a further sum of 30l. to John Gibbs, for his services as Messenger to the House of Assembly, during the present Session.

451 Revenue Clerk

And a further sum of 45l. to the Clerk of the Commissioners of the Revenue, for his services for the present year.

201 Secretary of Province

And a further sum of 20l. to the Secretary of the Province, for Stationary, on account of Warrants to be drawn on the Treasury, for the same year.

101 to the Trustees of Library

And a further sum of 10l. to the Trustees of the Law Library, to be disposed of in such way as they may think proper, for the advantage of the said Library.

And

And a further sum of 222l. 4s. 5d. to the Attorney-General, for his services for the present year.

222l. 4s. 5d. Attorney General

And a further sum of 250l. to defray such contingent expences as may arise during the present year, to be drawn by warrant from the Governor, Lieutenant-Governor or Commander in Chief, for the time being.

250l. contingent expenses

And a further sum of 600l. for the support of the Transient Poor, for the present year, to be paid to the Commissioners of the Poor at Halifax.

600l. Transient Poor

And a further sum of 20l. to the person who has the care of the Gunpowder at Halifax, for his services for the present year.

20l. Keeper of Gunpowder

And a further sum of 50l. to the Owners of the Packet running between Windsor and Partridge Island, to encourage the running of the said Packet, between the said places, under such regulations as may be made and ordered by the Justices in their Sessions for the County of Hants, for the present year.

50l. Parrsborough Packet

And a further sum of 400l. to the Commissioner of the Island of Sable, for the support of that establishment, for the present year.

400l. Island of Sable

And a further sum of 150l. to the Adjutant-General of the Militia in full, for his services and the payment of his Clerk, Stationary and Postage, for the present year.

150l. Adjutant General of Militia

And a further sum of 35l. to Andrew Richardson, Guager and Weigher of the District of Halifax, in addition to his Salary, for the present year.

35l. A. Richardson

And a further sum of 5000l. for the Great Roads of the Province, to be applied and expended, agreeably to a Resolution passed in the House of Assembly, on the 27th day of February, in the present year, and agreed to by His Majesty's Council.

5000l. Great Roads

And a further sum of 770l. for the several Roads within the District of Halifax, to be applied and expended as aforesaid.

770l. District of Halifax

And a further sum of 770l. for the several Roads within the District of Colchester, to be applied and expended as aforesaid.

770l. District of Colchester

And a further sum of 820l. for the several Roads within the District of Pictou, to be applied and expended as aforesaid.

820l. District of Pictou

And a further sum of 765l. for the several Roads within the County of Cumberland, to be applied and expended as aforesaid.

765l. County of Cumberland

And

800l County of  
Hants

And a further sum of 800l. for the several Roads within the County of Hants, to be applied and expended as aforesaid.

800l County of  
King's County

And a further sum of 800l. for the several Roads within the County of King's County, to be applied and expended as aforesaid.

830l County of  
Sydney

And a further sum of 830l. for the several Roads within the County of Sydney, to be applied and expended as aforesaid.

830l County of  
Shelburne

And a further sum of 830l. for the several Roads within the County of Shelburne, to be applied and expended as aforesaid.

830l County of  
Annapolis

And a further sum of 830l. for the several Roads within the County of Annapolis, to be applied and expended as aforesaid.

770l County of  
Lunenburg

And a further sum of 770l. for the several Roads within the County of Lunenburg, to be applied and expended as aforesaid.

765l County of  
Queen's County

And a further sum of 765l. for the several Roads within the County of Queen's County, to be applied and expended as aforesaid.

1250l County of  
Cape-Breton

And a further sum of 1250l. for the Roads in the County of Cape-Breton, to be applied and expended in such manner as His Excellency the Lieutenant-Governor may think fit, agreeably to the Resolution passed in the House of assembly this present Session, and agreed to by His Majesty's Council.

7l 19s. to the  
Overseer of the  
Poor of Town-  
ship of Digby

And a further sum of 7l. 19s. to the Overseers of the Poor, for the Township of Digby, to remunerate them for supplies given to the Crew of the Barque Hope, driven on shore at Cranberry Head.

1605l to Whaling  
Association

And a further sum of 1605l. to the Association (in pursuant of the prayer of their Petition,) that fitted out the Pacific for a Whaling Voyage, out of the Money appropriated in One Thousand Eight Hundred and Twenty-five, as a Bounty for this purpose.

17l to John  
Wiley

And a further sum of 17l. to John Wiley, Senior, being the amount of Provincial Notes, which were, while in his possession, destroyed by a Fire, which consumed his Dwelling House in December last.

1500l to build a  
Bridge over the  
River Avon

And a further sum of 1500l. towards the erection of a Bridge across the River Avon, near the Point of Rocks in the Township of Windsor, to be built on such plan, and in such way as may be agreed upon by a Joint Committee of the House of Assembly and of His Majesty's Council; no more than one half of said sum to be drawn from the Treasury the present year, and one half the balance to remain undrawn, until it shall be certified by a Court of General or Special Sessions;

Sessions that 300l. of the sum raised by private subscription have been paid, and expended in the said work.

And a further sum of 150l. to the Western Stage Coach Company, to remunerate them for having carried the Mail between Halifax and Annapolis for seven months without compensation, and for the encouragement of their undertaking, in accordance with the report of the Select Committee of the House of Assembly upon their Petition.

50l to the Western Sage Coach

And a further sum of 50l. to the Reverend Simon Lawlor, for the support of the Indian Schools and Establishment in Cape-Breton.

50l to Rev. Simes on Lawlor for Indian Schools

And a further sum of 750l. at the disposal of His Excellency the Lieutenant-Governor, to enable the Commissioners of Light-Houses, to erect and establish a Light-House on Cross Island, pursuant to the Resolution of the House of Assembly.

750l to Establish Light House on Cross Island

And a further sum of 150l. to John Ward and others, to enable them to run a good and sufficient Steam Boat between Annapolis, Digby and Saint John, for seven months, and a good and sufficient Vessel for the remainder of the year, provided the said proprietors carry the Mail, if required, without any additional charge, the said sum of Money to be drawn upon the Certificate of the Commissioners of the Revenue, that the said service has been faithfully performed.

150l to Establish a Steam Boat between Annapolis, Digby & St. John

And a further sum of 30l. to Thomas Coattem, to remunerate him for having taught gratis, a number of Poor Children as stated in his Petition.

30l to Thomas Coattem

And a further sum of 28l. to the Inhabitants of Digby, to assist in building a Public Slip or Landing place for the Steam Boat at that place, when it shall be certified that the said Slip is completed.

28l to build a Slip at Digby

And a further sum of 16l. 10s. to Mary Crane, pursuant to the prayer of her Petition.

16l 10s to Mary Crane

And a further sum of 11l. 10s. to William Frieze, agreeably to the Report of the Committee of the House of Assembly, upon his Petition.

11l 10s to William Frieze

And a further sum of 11l. 10s. to Alexander Urquhart, pursuant to the Report of the Committee of the House of Assembly, to whom his Petition was referred.

11l 10s to Alexr. Urquhart

And a further sum of 150l. to assist the Inhabitants of the Township of Wilmot, in finishing the Breakwater at that place.

150l for Breakwater at Wilmot

And a further sum of 300l. to Messrs. Temple and Lewis Piers, as an encouragement for their Manufactory of Cordage Establishment on the Peninsula of Halifax.

300 to Temple & Lewis Piers

And

50l to Susannah  
Green

And a further sum of 50l. to Susannah Green and others, Inhabitants of the Halifax Marsh so called, agreeably to the prayer of their Petition. to be paid when it shall be certified that the Aboiteau on the said Marsh is completed.

50l to Richard  
Hichin's and  
Edmund Crowell

And a further sum of 50l. to Richard Hichins and Edward Crowell, for the purpose of employing two able bodied Men to reside with them on the Seal Islands, for the purpose of assisting Shipwrecked Mariners, one half of said sum to be paid in six months, upon sufficient proof being produced, to satisfy His Excellency the Lieutenant-Governor, that such men have been actually so employed, and the residue at the end of the then ensuing six months upon like proof.

100 to Reverend  
Fitzgerald Uni-  
acke

And a further sum of 100l. to the Reverend Fitzgerald Uniacke, to enable him to defray the expences incurred, and to support the School for Poor Children in the north suburbs of the Town of Halifax.

50 to the Halifax  
Library

And a further sum of 50l. to the Committee of the Halifax Library, in aid of that Establishment.

100l to Halifax  
Steam Boat Com-  
pany

And a further sum of 200l. to the Halifax Steam Boat Company, in aid of the Communication maintained by them between Halifax and Dartmouth.

300l to build  
Aboiteau over  
Le Planch River  
in Cumberland

And a further sum of 300l. to assist in building an Aboiteau over Le Planch River in the County of Cumberland, on the main Post Road leading to New-Brunswick, which Aboiteau is to answer all purposes of a Public Bridge across said River, and the said sum to be paid when it is certified by the Court of Sessions for said County, that the said Aboiteau is completed.

511 to Wm. Tay-  
lor, Digby

And a further sum of 511. to William Taylor, the proprietor of the Packet employed for a number of years in the conveyance of His Majesty's Mails between Digby and Saint John, being the amount of the allowance to which he would have been entitled from the fifth day of July, One Thousand Eight Hundred and Twenty-eight, to the fifth day of February, One Thousand Eight Hundred and Twenty-nine, the said William Taylor having been deprived without previous notice of the carriage of said Mails after a contract had been made with him, until the end of the year One Thousand Eight Hundred and Twenty-nine, and a similar compensation having been made for the same reason, to the Couriers between Halifax and Digby, out of the sum appropriated for the Post Communications during the last Session of the General Assembly.

20l to Hugh  
McMillan for Gut  
of Canso

And a further sum of 20l. to Hugh McMillan, to aid in keeping up the Ferry at the Gut of Canso.

218l 19s & 3d  
to the Annapolis  
Iron Mine Com-  
pany

And a further sum of 218l. 19s 3d. to the Annapolis Iron Mining Company, as a compensation for work and labour done by order of said Company on the Main Road at Moose River

1829.

Anno Decimo GEORGE IV.

C. I.

100

7

And a further sum of 323l. 0s. 8d. to James W. Nutting, Esquire, the Deputy Clerk of the Crown, for the respective duties discharged by that Officer, in such situation, from the year One Thousand Eight Hundred and Eleven, to the year One Thousand Eight Hundred and Twenty-eight, as appears by his Petition, and the Statements thereto annexed, and for which he has not received any remuneration.

323 0 8d to James  
W, Nutting

And a further sum of 35l. to the Overseers of the Poor for the Township of Yarmouth, in order to reimburse them for Medical aid and other attendance furnished for Thomas Jones, a transient Pauper.

35l to overseers  
of Poor at Yarmouth

And a further sum of 100l. to aid the Inhabitants of Sable River, in the County of Shelburne, in the erection of a Pier or Breakwater at Louis Head, the one half of said sum not to be paid until it shall be certified by the Court of Sessions, that the sum of 50l. raised by private subscription, has been expended in the work:

100l to Sable  
River for a Break  
water at Louis  
Head

And a further sum of 25l. to the Commissioners of the Poor in Halifax, to enable them to continue the School in the Poor House for the present year, for the benefit of Orphans and poor Children in that Establishment.

25l for the Orphan  
School in Poor  
House Halifax

And a further sum of 200l. to the Commissioners of the Bridewell in the Town of Halifax, to aid in paying the debts and for the support of that Establishment.

200l to Commis  
sioners of Halifax  
Bridewell

And a further sum of 570l. 13s. 9d. to the Commissioners of Light Houses, for the balance due them as reported by the Committee of Public Accounts.

570l 13s 9d to the  
Commissioners of  
Light Houses

And a further sum of 1391l. 11s. to the proprietors of the Halifax Sugar Refinery for a drawback of the Provincial Duties on Sugar Manufactured by them during the past year, being Four Shillings currency each, on six hundred and ninety-seven hundred weights, one quarter and twenty-five pounds of Sugar as appears by the certified Account annexed to their Petition, and to which Duties they are entitled under the Act of the General Assembly.

1391 11s to the  
Proprietors of  
Halifax Sugar  
Refinery

And a further sum of 7250l. for the principal Great Roads and other Roads and Bridges of the Province, to be applied and expended agreeably to the Resolution passed in the House of Assembly on the first day of April, in the present year, and agreed to by His Majesty's Council.

7250l for princi  
pal Great Roads  
& Bridges of the  
Province

And a further sum of 240l. for the repair of the Road and Bridges from Creighton's Ferry to Cow Bay.

240l for Road  
from Creighton's  
Ferry to Cow  
Bay

And a further sum of 100l. to open and improve the Road from the Sissiboo Falls to Yarmouth North Line.

100l for Road  
Sissiboo Falls to  
Yarmouth

And a further sum of 250l. for the completion of the alterations on the Road from Avon Bridge to Martin's in Horton.

250l to complete  
Road from Avon  
Bridge to Martin's  
in Horton

And



500l for repair  
and improvement  
of Windsor Road

And a further sum of 500l. for the repair and improvement of the Windsor Road from Fultz's Inn to Avon Bridge, 40l. thereof to be expended between Windsor Church and Martock Farm.

2459l 17s and 7½  
for over expendi-  
ture on Roads &  
Bridges

And a further sum of 2459l. 17s. 7½d. for the purpose of repaying the over-expenditures on Roads and Bridges last year, that is to say—

For completing the Gasperau Bridge 75l. 18s. 2d.

For Cunnabell Bridge and Road Windsor, 72l. 10s. 4d.

For completing Salmon River Bridge, and securing the Road and Banks of the River 362l. 2s. 2½d., 150l. of which were expended by the order of His Excellency Sir James Kempt, and the remainder of the said sum was necessarily expended and advanced by the Commissioners for completing and securing the work.

For completing De Burt Bridge 55l. 7s. 9d.

For the alteration of Mount Tom, Pictou Road, 305l. 14s. 6d.

For the Great Dicque Road Cape-Breton 220l.

For the Road from Dartmouth to Fletcher's 693l. 5s. 3d.

For the upper Bridge in Truro, on the Pictou Road 75l. 0s. 4d.

For the alteration near Hall's on the Eastern Road, 195l. 12s. 1d.

For the Wallace Bridge, 269l. 18s. 6d. such part only of the said over expenditures on the said Bridge, to be paid to the Commissioners for building the same, as shall be certified by the President of the Sessions of the Eastern District, and the High-Sheriff of the said County to be reasonable and correct, and such as has been expended according to Law.

For the Road from Guysborough; to Antigonish 45l. 6s.

For completing the Survey from Antigonish to St. Mary's 2l. 2s. 6d.

For completing the Road and Bridge at the Albion Mines 70l.

And a further sum of 18l. 12s. 6d. at the disposal of His Excellency the Lieutenant Governor, to discharge the amount paid for charges of the Court of Admiralty, in preventing the landing of Emigrants from two Ships during the last Summer.

18l. 12s. 6d. to Lieut. Governor to pay Admiralty expences.

And a further sum of 50l. at the disposal of His Excellency the Lieutenant Governor, to be applied during this Season for the protection of the Fox Island Fisheries, in such manner as His Excellency may approve of.

50l. to Lieut. Governor for protection of Fox Island Fisheries.

And a further sum of 50l. to the Right Reverend Bishop Fraser, towards the support of a School under his charge.

50l. to Bishop Fraser for support of School

And a further sum of 49l. to the Sheriff of Cape-Breton, upon the Certificate of the Justices of the Supreme Court, for his services for the present year.

49l. for Sheriff of Cape Breton

And a further sum of 30l. for the further protection of the Beach at the entrance of the Harbour at Barrington.

30l. to protect the Beach at Barrington

And a further sum of 49l. to complete the Pier in Clare; begun under the Grant of the House of Assembly last year.

49l. to complete the Pier in Clare

And a further sum of 100l. to Sir Rupert D. George, the Secretary of the Province for extra services in preparing Road Commissions and Warrants, School Acts, &c. for the year 1828.

100l. to Sir Rupert D. George for extra services

And a further sum of 50l. to the Rev. Fitzgerald Uniacke, to enable him to discharge the debts incurred on the School House, in the North Suburbs of Halifax.

50l. to the Rev. Fitzgerald Uniacke, to discharge debts of School

And a further sum of 70l. for making a new piece of Road and repairing the half-way River Bridge on the road from Avon Bridge, to Horton by Mount Denson.

70l. for making and repairing road from Avon Bridge to Horton

And a further sum of 100l. at the disposal of His Excellency the Lieutenant Governor; for the relief of the destitute and distressed Indians; and the further sum of 11l. 13s. 3d. for the over expenditures for that service of the grant of 250l. in the year one thousand eight hundred and twenty-seven.

100l. at the disposal of Lieut Governor for the relief of Indians

And a further sum of 300l. to Sir Rupert D. George, Baronet, the Secretary of the Province for the following services, that is to say:

300l. to Sir Rupert George, for the following services viz.

27l. 15s. 6d. to repay himself the amount advanced by him (in the purchase of Imperial) to Colonel Smith, and the remainder to be applied in discharging the balance due J. B. Uniacke, Esq. as reported by the Committee, and for the support of the Provincial Stud for the present year.

150l to the Trustees of Annapolis Academy

And a further sum of 150l. to the Trustees of the Annapolis Academy, for the support thereof for the ensuing year.

200l to be applied as follows—

And a further sum of 200l. to be applied as follows, viz.

50l. for altering the Road in Hammond's Plains, so as to avoid the hill near the long swamp.

50l. to repair the Road between Still Water Lake and J. G. Dauphiney's on the road to Chester.

50l. on the main Road from Sambro to Hosterman's Mill.

15l. on the Road through the Village of Ferguson's Cove.

And 35l. to aid the Inhabitants of Wellington Settlement, to open a Road to the Head of Margaret's Bay at J. G. Dauphiney's.

150l to Yarmouth to erect a School House

And a further sum of 150l. to the Inhabitants of Yarmouth in addition to their subscription, to aid them in the erection of a Building for the Education and Instruction of Youth, when it shall be certified by the Sessions that the sum of 300l. has been expended for that purpose.

620l 9s 8d for the Commissioners of Province Building

And a further sum of 620l. 9s. 8d. to the Commissioners for the Province Buildings, being the balance due to sundry persons for repairs on the Government House and Province Building, agreeably to the report of the Committee of Public Accounts.

828l 6s 0½d to Lieut-Governor for Emigrants & Negroes

And a further sum of 828l. 6s. 0½d. at His Excellency's disposal, to make good the sum expended and paid in defraying the charges incurred for the relief of distressed Emigrants and Negroes, and of the Shipwrecked Emigrants brought here in His Majesty's Ship Tyne.

7l 14s 6d to Tho. Holland

And a further sum of 7l. 14s. 6d. to Thomas Holland, Esq. for the expences incurred in surveying the Road from Indian River, at the head of St. Margaret's Bay, to Hubbert's Cove, in the County of Halifax, by order of the Government, preparatory to the expenditure of the sum of 350l. in the year one thousand eight hundred and twenty-eight.

800l for the discovery of offenders riotously concerned in the assaults on Members of the Assembly

And a further sum of 800l. for the purpose of defraying the expences of offering rewards for, and procuring the discovery of the offenders guilty of the riotous and gross insults, and of the infamous assaults and personal violence, which on Saturday last, were offered to and committed upon the Members of the House of Assembly; and also towards defraying the expence of prosecuting and bringing to condign punishment

punishment, the authors, parties, aiders and abettors of and in the said outrages; the said sum to be placed at the disposal of His Excellency the Lieutenant-Governor, for the purposes aforesaid; and further for defraying the expence of prosecuting the parties engaged in the late rescue of Mr. Barry from the Officers of the House of Assembly.

And a further sum of 400*l.* to defray the expence of surveys of Roads &c. in the several Counties and Districts of the Province, for the purpose of the Province Maps, and towards completing the said Maps; the same to be drawn from the Treasury, and paid as the service proceeds, and upon the certificate of three or more of the Committee appointed to superintend the execution of the work.

400*l.* for Surveys and completing Province Maps.

And a further sum of 500*l.* at the disposal of His Excellency the Lieutenant-Governor, for the relief of the distressed Emigrants in Cape-Breton, to be accounted for to the House of Assembly.

500*l.* to Lieut.-Governor for distressed Emigrants in Cape-Breton

And a further sum of 60*l.* to remunerate the Clerks of the Custom House at Halifax, for their extra services in preparing the accounts and documents, relative to dutiable Goods under the new Imperial Acts; and also the accounts of Imports and Exports and other statements prepared by them, and submitted for the use of the Assembly, and also the additional sum of 13*l.* 10*s.* for the printed forms and returns.

60*l.* to remunerate the Clerks of the Custom House.

And a further sum of 45*l.* for the purpose of repairing the Bridge over Pugwash River, lately injured by the breaking up of the Ice.

45*l.* for the Bridge over Pugwash

And a further sum of 22*l.* 17*s.* 11*d.* to the overseers of the Poor for the Township of Cornwallis, to defray the amount expended by them in supplies furnished to James Mellow a transient pauper.

22*l.* 17*s.* 11*d.* to overseers at Cornwallis

And a further sum of 75*l.* at the disposal of His Excellency the Lieutenant-Governor, to be applied for the purpose of completing the improvements in the navigation of the harbour and west river of Antigonish, and the tow path along the same.

75*l.* to Lieutenant-Governor for West River Antigonish

And a further sum of 10*l.* to Doctor Joseph Wiley, for Medicines and attendance furnished to Cornelius Hurley, a transient pauper agreeably to the prayer of his Petition, and pursuant to the report of the Committee.

10*l.* to Dr. Joseph Wiley for attendance on C. Hurley

And a further sum of 35*l.* to the Overseers of the Poor for the District of Parrsborough, for expences incurred by them in furnishing Medical attendance, Board and other necessaries to Robert Curry a Shipwrecked Mariner.

35*l.* To Overseers of the Poor in Parrsborough

And a further sum of 50*l.* at the disposal of His Excellency the Lieutenant Governor, to be offered for the encouragement of any person of decent character, who shall settle about midway on the new line of road from Musquodoboit to St. Mary's, and shall have erected a suitable Dwelling House and Stable for the accommodation of Travellers.

50*l.* to Lieutenant Governor for a Settler between Musquodoboit and St. Mary's

And

301 to John M. Jerry, Adjutant of King's County Militia

And a further sum of 30l. to John M. Jerry, as a compensation for his services as Adjutant of Second Battalion, King's County Militia, for the years one thousand eight hundred and nineteen, and one thousand eight hundred and twenty, said John M. Jerry having received no remuneration for his attendance for the aforesaid years, as appears by reference to the Public Offices.

251 to Clerk of Commissioners for Schools

And a further sum of 25l. to the present Clerk to the Board of Commissioners for Schools for the district of Halifax, as a compensation for services performed by him in making out and preparing the returns of the School Commissioners throughout the Province.

400l to defray repairs of Province Buildings

And a further sum not exceeding 400l. to defray the expences of keeping in repair the Public Buildings, Houses, &c. and to examine the roof of the Province Building in particular, and to take the best and cheapest method of keeping the water out of said Building, the same to be accounted for by the Commissioner at the next Session of the General Assembly.

10 Guineas to J. J. Sawyer High Sheriff

And a further sum of Ten Guineas to J. J. Sawyer, Esq. High Sheriff of the County of Halifax, for his prompt attendance, when required, to aid the Officers of the House of Assembly, in the execution of the orders thereof.

934l 10s for Post Communication

And a further sum of 934l. 10s. for defraying the expence of a Post communication for the present year as heretofore kept up, and to extend the same from Digby to Brier's Island, Grand Passage through Long Island, and from Pictou through River John, Tatamagouch and Wallace, to Amherst.

270l to John Howe and Son

And a further sum of 270l. to Messrs. John Howe and Son, Printers, for Printing for Government and the General Assembly for the present year.

100 to Clerk of House of Assembly

And a further sum of 100l. to the Clerk of the House of Assembly, to defray the expence of extra servants and other incidental expences during the present Session.

10l J. J. Sawyer High Sheriff

And a further sum of 10l. to J. J. Sawyer, Esq. High Sheriff of the County of Halifax for his expences as such Sheriff, at the opening and closing of the present Session of the General Assembly.

35l W. Hill, Deputy Clerk of Council

And a further sum of 35l. to Wm. Hill, Esq. the Deputy Clerk of the Council, for his services for the present Session.

65l to W. Hill, Deputy Clerk of Council

And also a further sum of 65l. to the said Wm. Hill, for attendance and extra services in His Majesty's Council during the present Session.

35l to James F. Gray for his services for Drafting Bills, &c.

And a further sum of 35l. to James F. Gray, Esq. for his services in drafting and copying Bills for the Members, of the House of Assembly during the present Session. And

And a further sum of 35l. to the said James F. Gray, for attendance and extra services as Assistant Clerk of the House of Assembly during the present Session.

65l. to James F. Gray for extra services

And a further sum of 40l. at the disposal of His Excellency the Lieutenant Governor, to enable him to provide for the conveyance of the Judges of the Supreme Court, to Cape Breton, to preside at their several Circuit Courts in that Island.

40l. to Lieut. Governor for conveying Judges to Cape Breton

And a further sum of 165l. to defray the expence of Fuel and sundries supplied for the use of His Majesty's Council and the House of Assembly in the present Session, to be paid on the certificate of the President of the Council, and the Speaker of the House of Assembly.

165l. to defray expences of Fuel, &c. for His Majesty's Council and Assembly

And a further sum not exceeding 75l. to the Clerk of the House of Assembly, to defray the expence of Stationary for the Council and Assembly during the present Session.

75l. to Clerk of Assembly for Stationary for Council and Assembly

And a further of 50l. to the Keeper of the House of Assembly and Council Chamber for the present year.

And a further sum of 25l. for the contingent expences of the House of Assembly, to be drawn by the Speaker of the House of Assembly.

And a further sum of 187l. 14s. 6d. to Messrs. John Howe and Son for extra Printing for the last year, per account rendered by them, recommended by His Excellency the Lieutenant Governor.

187l. 14s. 6d. to John Howe, and Son for extra Printing

And a further sum of 25l. each to the Clerk and Assistant Clerk of the House of Assembly, towards remunerating them for the trouble and expence incurred in preparing Indexes to all the Journals of the House of Assembly, pursuant to a resolution of the said House in the last Session.

50l. between Clerk and assistant Clerk of the House of Assembly

II. *And be it further enacted,* That in addition to the sum of 946l. 11s. 11<sup>d</sup>. already paid to the several Sheriffs within this Province, for taking the Census thereof, the payment of which is hereby sanctioned, there shall be granted and paid the following sums being balances reported due for such service to the Sheriffs of the several Counties hereinafter mentioned, as follows:

The following sums granted to Sheriffs, viz

To the Sheriff of Queen's County 25l.

To the Sheriff of Sydney 43l. 14s. 3d.

To the Sheriff of Cumberland 21l. 2s. 2d<sup>1</sup>.

To

To the Sheriff of Shelburne 45l. 18s. 4d.

To the Sheriff of Annapolis 48l. 17s. 4d.

To the Sheriff of King's County 31l. 5s.

To the Sheriff of Hants 26l. 13s. 4d. and

To the Sheriff of Halifax County and his Deputies 131l. 8s. being in all the sum of 378l. 18s. 5d.

960l for encouragement of Whale Fishery

III. *And be it further enacted* That in addition to the sums already granted for the encouragement of the Southern Whale Fishery, the further sum of 960l. shall be granted, paid and applied with the balance of the former grants in a bounty of 2l. 10s. per ton to the owner or owners of the first ships respectively, which shall be owned and fitted out in this Province, and shall hereafter sail upon, undertake, and actually cross the Equator on Whaling Voyages, the said bounty to be paid on satisfactory proof being given, that the said ships have been actually engaged in the prosecution of such Whaling Voyages, for a period not less than two years, unless previously full or prevented by unavoidable accidents. *Provided* that the vessel or vessels last fitted out shall only take the balance remaining of the sums appropriated to such Bounties.

3000l for Shubenacadie Canal Company

IV. *And be it further enacted*, That the sum of 3000l. appropriated out of the Grant to the Shubenacadie Canal Company, to be paid on the respective completion of the Two Locks below the great Lake, shall and may be paid to the said Company during the present year, towards enabling them to continue the navigation into the great Lake.

Commissioners of Revenue to grant drawbacks on Wine to Civil & Military Departments of the Army.

V. *And be it further enacted*, That the Commissioners of the Revenue be, and they are hereby authorised and empowered to allow a drawback upon all Wines imported for or consumed by the Commissioned Officers in the Civil or Military Departments of His Majesty's Army, or to relinquish the duties on all such Wines, upon proof being made to the satisfaction of the said Commissioners, that the Wines, whereon a drawback or relinquishment of duties is claimed, were actually imported for or consumed by such Officers of the Army, *Provided*, That the whole amount do not exceed the sum of 300l. in any one year.

15l to rebuild a Bridge in Tatamagouch over the River

VI. *And be it further enacted*, That the sum of 15l. granted last Session, to rebuild the Foot Bridge over the river near William Waugh's in Tatamagouch, which has not been expended for that service, and is still undrawn from the Treasury, be appropriated to aid the Inhabitants in building a bridge over the Tatamagouch river, near the rock hole.

5s allowed to Edward Duckett Surveyor of Vessels

VII. *And be it further enacted*. That the sum of 5s. currency be allowed and paid to Edward Duckett, Surveying Officer of Vessels for each certificate, which he shall prove to the satisfaction of the Commissioners of the Revenue, he has given on the measurement of Vessels in this Province.

700l to Lieut. Governor to provide for Inspecting Field Officers

VIII. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, by warrant to draw from the Treasury of the Province the sum of 700l. yearly, for three years ending on the thirty-first day of December, in the year one thousand eight hundred and thirty-two, to enable him to provide as heretofore for three Inspecting Field Officers of Militia.

**IX.** *And be it further enacted,* That such sum be granted and paid to the Secretary of the Province, as will enable him to pay 5l. to each of the Clerks of the Peace, to whom His Excellency the Lieutenant-Governor directed Road Commissions with the Bonds, to be executed in the last year.

Sum granted to Secretary of Province to pay the Clerks of the Peace directed by Lieut Governor

**X.** *And be it further enacted,* That if any accident shall happen to any of the Bridges on the Main Roads in this Province, or any unforeseen obstructions to travelling, shall arise from the fall of Trees or otherwise, it shall and may be lawful for His Excellency the Lieutenant-Governor or Commander in Chief for the time being, to order a Commissioner or Commissioners to repair or rebuild such Bridges, or to remove such obstructions; and it shall and may be further lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to draw warrants on account and in favour of such Commissioner or Commissioners, provided, the same shall not exceed the sum of 500l. in addition to the sum drawn from the Treasury of the Grant of last year.

500l to Lieut Governor to repair Bridges and roads

**XI.** *And be it further enacted,* That the Collector of Impost and Excise at the Port of Halifax, shall, and he is hereby required and directed to keep a distinct account of all duties collected by him upon the Importation from the United States of America, of Live Stock, Apples, Fruits, Onions, Biscuit and Bread, under the Act of the General Assembly, passed in the present Session, entitled, An Act for the further increase of the Revenue, by imposing a duty on articles imported from Foreign Countries; and that the said duties upon the above specified articles during the present year, shall be paid quarterly to the Commissioners of the Poor for the use of the Poor of the Town of Halifax, *Provided,* Such payment do not exceed the sum of 1000l. during the year.

Collectors of impost and Excise, to keep distinct accounts of Importations from U. States

**XII.** *And be it further enacted,* That the sum of 11. per day be paid to each and every of the Members of the House of Assembly for the present Session, to be paid on certificate of the Speaker; also, the travelling charges as heretofore; no Member to receive pay for more than forty-two days attendance.

11. per day to each Member of Assembly

**XIII.** *And be it further enacted,* That the ninth, twelfth, sixteenth, eighteenth and nineteenth sections or clauses of the Act made and passed in the forty-first year of His late Majesty's Reign, entitled, An Act for applying certain Monies therein mentioned, for the service of the year of our Lord one thousand eight hundred and one, and for appropriating such part of the supplies granted in this Session of the General Assembly as are not already appropriated by the Laws or Acts of the Province, shall be and continue in full force and virtue until the thirty-first day of March, which will be in the year of our Lord one thousand eight hundred and thirty, in as full and ample a manner as the same clauses would be, were they again repeated word for word.

Sections of Act 41 George III. continued

## CAP. II.

### An ACT concerning the Terms of the Supreme Court, at Halifax.

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

Easter and Michaelmas Terms

**II.** *And be it further enacted,* That all Writs, Actions, Suits and Proceedings, now depending in the said Court, and continued until, or returnable on the first Tuesday of April, in the present year, shall be further continued in their present state

Return of Writs, &c.



state to the third Tuesday of the same Month; and all persons liable to appear in the said Court, on the first Tuesday of April, shall be held bound and liable to, and shall appear on the third Tuesday of April, in this year.

continuance of Act

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

CAP. III.

An ACT for the further increase of the Revenue, by imposing a Duty upon Articles Imported from Foreign Countries.

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That there shall be raised, levied, collected, and paid unto His Majesty, His Heirs and Successors, for, and upon the Goods, Wares and Merchandise, hereinafter mentioned; and upon Horses, Neat Cattle, and other Live Stock, imported into this Province, not being the growth, produce, or manufacture of the United Kingdom of Great Britain and Ireland, or of His Majesty's Possessions abroad; but of Foreign growth, produce or manufacture, the respective rates, duties and impositions, hereinafter stated and set forth, in addition to any duties imposed by the Statute of the Imperial Parliament of the said United Kingdom, passed in the sixth year of His present Majesty's reign, entitled, An Act to regulate the Trade of the British Possessions abroad, or any Acts of Parliament, from time to time in force, for regulating such Trade, that is to say:—

Duties On Horses

For and upon all Horses, Neat Cattle, and other Live Stock, such sum as will make the whole duty upon each of the following Live Stock, amount to the sums hereinafter mentioned.

Oxen Cows

For every Horse, Mare or Gelding, Four Pounds lawful money of the Province. For every Ox, three years old, the sum of Two Pounds Ten Shillings.

Sheep and Hogs

For every Cow, or head of young Cattle, three years old and under, One Pound Five Shillings.

Wines

For every Sheep, Three Shillings and Six-pence; and for every Hog, Two Pounds.

And also, for and upon the following Wines, that is to say—Champagne, Madeira, Port, Claret, Lisbon or Sherry Wines, whether the same shall be imported in Bottles or otherwise, such additional sum as will make the whole Duty payable thereon, for every Gallon, two shillings of lawful money as aforesaid, over and above any Duty payable thereon, by any Act of the British Parliament, passed prior to the Eighteenth year of the reign of His late Majesty King George the Third.

Wines

And for and upon all other Wines, whether the same shall be imported in Bottles or otherwise, such additional sum as will make the whole Duty payable thereon for every Gallon, one Shilling and Six-pence, over and above as aforesaid.

Biscuit

For and upon every hundred weight of Biscuit or Bread, Two Shillings.

Crackers

And on Crackers, Cakes, and such like fine Biscuit Bread, imported from the United States of America, the Duty of Four Shillings for every hundred weight thereof.

Apples Pears

For every barrel of Apples and Pears, and other Fruit, and so in proportion for a lesser quantity, Five Shillings.

Onions

For every hundred weight of Onions, and so in proportion for the lesser quantity, Two Shillings and Six-pence.

Tobacco Turpentine Chocolate

For all Tobacco manufactured; Oil or Spirits of Turpentine, and Chocolate, the further additional Duty of Ten Pounds for every Hundred Pounds of the true and real value thereof.

Household Furniture, &c.

For and upon all Manufactures of Wood Work, of the following descriptions, That

That is to say—for and upon all Household Furniture, Utensils, Carriages, Carts, and all manner of Cabinet Makers', Carpenters', and Wheel Wrights' Work, save and except Farming Utensils; for and upon every Hundred Pounds of the value thereof, the sum of Twelve Pounds Ten Shillings.

II. *And be it further enacted,* That the said Duties hereby imposed upon Horses, Cattle and other Live Stock, shall be imposed, levied and collected, from and upon all Horses, Cattle and other Live Stock, of Foreign growth or produce, imported into this Province from any other British Colony, unless the same when imported shall be accompanied with a Certificate, that such Horses, Cattle, or Live Stock, are of the growth or produce of some British Possession.

Duties levied on Horses &c. of Foreign growth

III. *And be it further enacted,* That the following Seeds, that is to say: Flax Seed, Hemp Seed, Grass Seeds, and Garden Seeds of all kinds, shall be free and exempted of and from all Duties of Excise whatsoever.

Seeds exempted from Duty

IV. *And be it further enacted,* That all Goods, Wares and Merchandizes, imported into the Province, chargeable with Duty under the said Act of the Imperial Parliament, or any other such Acts of Parliament, shall be also chargeable with the Duties imposed by the Act of the General Assembly, passed in the seventh year of His present Majesty's Reign, entitled; An Act for the further increase of the Revenue, by continuing and amending an Act of the General Assembly, for raising a Duty of Excise, and by the Act thereby continued, over and above the duties by the said Act, or any other such Acts of Parliament imposed, except the several articles herein mentioned, and charged with specific duties, and the several articles exempted from Duty by the said Provincial Acts; and also, except Foreign Brandy, Geneva and Cordials, Foreign Rum, and other distilled Spirituous Liquors, Foreign Cocoa and Molasses, which articles are now chargeable with the amount of the Impost Duty imposed by the Act, passed in the said seventh year of His present Majesty's Reign, payable on Rum and distilled Spirituous Liquors, Coffee, Sugar and Molasses, the produce of the British Dominions in addition to the Duties imposed thereon, by the said Act of Parliament, and except, also, Indian Corn, Rice, Peas, Beans and Seeds of all kinds, Hides and Tallow, White Oak Staves, Heading, Hoops and Shingles; and it is hereby declared and enacted, that all Goods, Wares and Merchandise, hereafter imported from any country or Place within the limits of the East-India Company's Charter, shall be subject and liable to the Duties imposed by the said Provincial Acts in the same manner, only as if such Goods had been imported from Great Britain and Ireland.

Additional Duties imposed by 7th Geo. IV.

V. *And be it further enacted,* That the said Duties, hereby imposed, shall be raised, levied, secured, collected and paid, and shall be applied and appropriated, and drawbacks thereof shall be allowed, in such and the like manner, and by and to such Persons, and by the same means, and under such and the like penalties, forfeitures, regulations and provisions, as are prescribed, provided and ordained, or from time to time shall be in force, with respect to the duty of Excise, or the duty of Impost, granted in the said seventh year of His present Majesty's reign, or as are provided and contained in the second, third, fifth and tenth Sections, except the proviso to the said tenth section, annexed to the Act of the General Assembly, passed in the fourth year of the reign of His present Majesty, entitled, An Act imposing a Duty on Goods, Wares and Merchandise, imported from the United States of America, and for appropriating the same, which said section of the said Act is hereby revived and continued in force during the continuance of this Act, and all the clauses, provisions, penalties and regulations of the said Act, and of the several Acts in force, with respect to the Provincial Duties of Impost and Excise, and to the Articles respectively chargeable therewith, shall severally and respectively, so far as the same can or may be made applicable thereto, apply to, and regulate the respective Duties by this Act imposed, and the several Articles chargeable therewith, and according to such directions as the Commissioners of the Revenue may deem it expedient to make in this behalf.

Collection of Duties

VI. *And be it further enacted,* That whenever any Articles chargeable with Duty

Dutiable articles Warehoused

Duty under this Act, shall be warehoused in the manner prescribed by the said Act; or any other such Act of the said Imperial Parliament, then, and in every such case, the party by whom the said duties were secured, shall be allowed credit, and further time for the payments due upon his securities, for such of the Articles as there remain, until they shall be taken out of the Warehouse: *Provided always*, That the said articles have not remained in the Warehouse longer than one year from the date of the security taken for the duty thereon, except as is hereinafter provided.

Proviso

VII. *Provided always, and be it further enacted*, That when any Foreign Goods, liable to duty by the said Act, or any other such Act of the Imperial Parliament, and also the duties of Excise under this Act, shall be Warehoused under the provisions of the said Acts, that further time of payment shall be allowed upon the Bonds given for the duty of Excise secured under the said Provincial Act, until the same shall be taken out of the Warehouse for consumption, or until the duties imposed upon such Goods, by the said Acts of the Imperial Parliament, shall become payable.

Exportation of dutiable articles

VIII. *And be it further enacted*, That when any Foreign Goods, so liable to duty as aforesaid, shall be exported from this Province, pursuant to the regulations of the said Acts of Parliament, that it shall and may be lawful for the Commissioners of the Revenue, on due proof thereof, to cause the Bonds given for the duty of Excise on the same Goods to be cancelled, or any endorsement to be made thereon, to the amount of the duties on the Goods so exported.

*And whereas*, The Fisheries of this Province, and the Trade arising therefrom, require encouragement.

Foreign Goods purchased with Fish and Fish Oil, caught and made in the Province exempted from Duty

IX. *Be it therefore enacted*, That it shall and may be lawful for the Commissioners of the Revenue, and they are hereby authorised and required, by order of their Board, from time to time, to exempt from the said duty of Excise imposed by the said Provincial Act, entitled as aforesaid, and the duties imposed by this Act, such other Foreign Goods liable to duty under the said Acts of the Imperial Parliament, and not herein before exempted, as shall appear to them, upon due and satisfactory proof upon Oath, to have been actually and *bona fide*, purchased or procured with the proceeds of Fish, and Fish Oil, caught, cured, and made by the Inhabitants of this Province, and others employed in the Fisheries thereof, and which shall have been exported in Vessels owned and registered within this Province, or belonging to British Merchants engaged in, and carrying on the Fisheries of the same, all which proof shall be taken in writing, in such way, as that the same may be submitted for the inspection of the General Assembly, when required.

Allowance to Collectors

X. *And be it further enacted*, That the Collectors of Impost and Excise throughout the Province, except at the Port of Halifax, shall be allowed and paid Two Pounds and Ten Shillings on every Hundred Pounds, by them collected and paid within their respective Districts, under and by virtue of this Act, and no other or greater Fee or per centage whatsoever, for such collections and payments.

Allowance to Collector in Halifax

XI. *And be it further enacted*, That out of the monies, in cash, which shall hereafter be collected and paid into the Treasury of the Province, by the Collector of Impost and Excise, for the District of Halifax, by virtue of this Act, there shall be allowed and paid to the said Collector, the sum of Three Pounds and Ten shillings for every Hundred Pounds so by him collected, and paid into the Treasury. *Provided always*, That if the amount of Commission granted by this Act, or any other Act of the General Assembly, to the Collector of Impost and Excise for the District of Halifax, shall exceed in the whole, the sum of Seven Hundred Pounds, for the year ending on the thirty-first day of March, one thousand eight hundred and thirty, the surplus shall be accounted for, and paid by the said Collector into the Treasury of the Province.

Monies drawn from Treasury

XII. *And be it further enacted*, That all monies which shall be paid into the Treasury by virtue of this Act, shall from time to time be drawn for by the Governor, Lieutenant-Governor or Commander in Chief for the time being, by warrant under his Hand and Seal, pursuant to the instructions and directions of His Majesty

in payment and discharge of any monies appropriated or to be appropriated by any Act or Acts of the General Assembly.

XIII. *And be it further enacted,* That this Act, and every thing herein contained, shall continue, and be in force, until the thirty-first day of March, which will be in the year of our Lord one thousand eight hundred and thirty, and no longer.

Continuance of Act

## CAP. IV.

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

**BE** it enacted by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fifty-fifth year of His late Majesty's reign, entitled An Act for granting to His Majesty certain Duties on Wine, Brandy, Gin, Rum, and other Distilled Spirituous Liquors, Molasses, Coffee, and Brown Sugar, for the Support of His Majesty's Government, and for promoting the Agriculture, Commerce and Fisheries, of this Province, and every matter, clause and thing, therein contained, save and except the first, twenty-first, twenty-second, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh, and twenty-eighth Sections of the said Act, and except so far as the said Act is altered or amended by this Act, or by the Act hereinafter mentioned; also the Act, passed in the seventh year of His present Majesty's reign, entitled an Act to provide for the Support of His Majesty's Government in this Province, and for promoting its Agriculture, Commerce, and Fisheries, by continuing and amending an Act of the General Assembly, for granting Duties of Impost on Wine, Brandy, Gin, Rum, and other Distilled Spirituous Liquors, Molasses, Coffee, and Brown Sugar, and every matter, clause and thing, therein contained, save and except the second clause of the said Act, and save and except so far as the said Act is hereinafter altered or amended, shall be continued, and the said Acts, except as before excepted, are hereby severally continued until the thirty-first day of March, which will be in the year of our Lord One thousand eight hundred and thirty, and no longer.

Act 55 Geo. III  
with exceptions7 Geo. IV with  
exceptions conti-  
nued

II. *And be it further enacted,* That instead and in lieu of the Duties in and by the second clause of the said last mentioned Act imposed upon the following Articles, imported into or manufactured within this Province, there shall be substituted, raised, levied, collected, and paid to His Majesty, His Heirs and Successors, the respective Rates, Duties, and impositions, following, that is to say—

For and upon the following Articles, imported or brought into this Province, that is to say—

For and upon Champagne, Madeira, Port, Claret, Lisbon, and Sherry Wines respectively, Two Shillings per Gallon.

For and upon all other Wines, One Shilling and Six-pence per Gallon.

For and upon all Brandy, Gin, and Spirits, the manufacture of the United Kingdom, one Shilling per Gallon.

For and upon all other Brandy, Gin, and Cordials, One Shilling and Four-pence per Gallon.

For and upon all Shrub, One Shilling per Gallon.

For and upon all Rum, and other Distilled Liquors, One Shilling per Gallon.

For and upon every Gallon of Molasses, One Penny.

For and upon every pound of Coffee, One Penny.

For and upon every hundred weight of Brown Sugar, Four Shillings.

For and upon the following Articles, manufactured within the Province, that

For

Duties—&c. on  
WinesBrandy, Gin and  
Cordials,  
Shrub  
Rum, &c.  
Molasses  
Coffee  
Brown Sugar  
Liquors distilled  
in the Province

For and upon all Brandy, Gin, Rum, or other Spirituous Liquors, manufactured, extracted or distilled, in this Province, Six-pence per Gallon.

Payment and collection of Duties

All which Duties shall be paid by the Importers or Manufacturer of such Articles, and shall be collected and secured by the means, and under the regulations and penalties, and shall be drawn back on exportation, in the way and manner in and by the above recited and continued Acts respectively, provided and contained.

Exportation of Dutiable Articles

III. *And be it further enacted*, That upon the exportation in the Original Packages from the Province of any quantity of Wine, Brandy, Gin, Rum, or Spirituous Liquors, equal to or exceeding One hundred Gallons, and due proof made thereof to the Commissioners of the Revenue, and compliance had in all other respects with the regulations respecting Drawbacks on the exportation of such Articles, it shall and may be lawful for the Commissioners of the Revenue to allow a Drawback of the Duties secured or paid on the said quantity of One hundred Gallons of Wine, Rum, or other Spirituous Liquors.

### CAP. V.

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

Acts 32 Geo. III  
with exceptions 7  
Geo. IV continued

**BE** it enacted by the Lieutenant-Governor, Council and Assembly, That the Act passed in the thirty-second year of His late Majesty's reign, entitled, An Act for the further increase of the Revenue, by raising a duty of Excise on all Goods, Wares and Merchandise, imported into this Province, and every matter, clause and thing, in the said Act contained, save and except the third, fourth, fifth and sixth sections of the said Act, and so much thereof as has been altered or amended by the Act for continuing and amending thereof, passed in the seventh year of His present Majesty's reign; and also, the said Act, passed in the said seventh year of His present Majesty's reign, entitled, An Act for the further increase of the Revenue of the Province, by continuing and amending an Act of the General Assembly, for raising a duty of Excise, with every matter, clause and thing, in the said last mentioned Act contained, shall be continued, and the same are hereby severally continued, until the thirty-first day of March, which will be in the year of our Lord one thousand eight hundred and thirty, and no longer.

### CAP. VI

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

Continued Act,  
Geo III, to prevent  
Frauds in the  
Revenue

**BE** it enacted, by the Lieutenant Governor, Council and Assembly, That an Act, made and passed in the third year of His present Majesty's Reign, entitled, An Act more effectually to secure the payment of the Provincial Duties of Excise, and to prevent Frauds in the collection of the Provincial Revenue, and every matter, clause and thing, in the said Act contained, shall be continued, and the same are hereby continued, until the 31st day of March, which will be in the year of our Lord one thousand eight hundred and thirty, and no longer.

114

CAP. VII.

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

**BE it enacted by the Lieutenant Governor, Council and Assembly,** That the Act passed in the fifty-seventh year of His late Majesty's reign, entitled, An Act for granting a Drawback of the Duties on Brown or Raw Sugar, used in the manufacture of Refined Sugars within the Province, and for regulating the mode of obtaining the same; and also the Act, passed in the seventh year of His present Majesty's reign, to revive, amend and continue, the said Act, and every matter, clause, and thing, in the said Acts contained, shall be continued, and the same are hereby continued until the thirty-first day of March, which will be in the year of our Lord one thousand eight hundred and thirty, and no longer.

Acts 57 Geo III

7 Geo IV continued

CAP. VIII.

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

**BE it enacted by the Lieutenant-Governor, Council and Assembly,** That the Act, made and passed in the eighth year of his present Majesty's reign, entitled, An Act in further amendment of an Act to regulate the Jurisdiction of the Inferior Court of Common Pleas within the County of Cape-Breton, and to fix and establish the Times and Places for holding of the said inferior Court and General Sessions of the Peace in and for the said County, and every matter, clause and thing, therein contained, except so far as the same is, or may be, altered by the Act, passed in the ninth year of His present Majesty's Reign, entitled, An Act, in further amendment of an Act to regulate the Times and Places for holding the Inferior Court and General Sessions of the Peace in and for the County of Cape Breton, shall be, and the same are hereby, continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act to regulate the Inferior Court and Sessions

CAP. IX.

**An Act concerning Elections in the County of Shelburne.**

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

Regulating Elections in County of Shelburne

Removes the Poll to Barrington and Tusket Village

to

to be held at the said several Places for the space of four days respectively, unless sooner closed according to Law.

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

### CAP. X.

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

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

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

### CAP. XI.

#### An Act in amendment of the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates.

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

Know all Men by these Presents, that We, \_\_\_\_\_ of \_\_\_\_\_ in the Province of Nova-Scotia, are held and firmly bound unto \_\_\_\_\_ in the full sum of \_\_\_\_\_ of good and lawful money of Nova-Scotia, to be paid to him the said \_\_\_\_\_ or his Successors in Office, for which payment well and truly to be made, We bind ourselves, our and each of our Heirs, Executors and Administrators, jointly, severally and firmly, by these Presents, Sealed with our Seals, dated this \_\_\_\_\_ day of \_\_\_\_\_ in the year of His Majesty's reign, and in the year of our Lord One Thousand Eight Hundred and \_\_\_\_\_

The condition of this Obligation is such, that if the above bounden Administrator of all and singular the Estate, Goods, Chattels and Credits of deceased, do make, or cause to be made, a true and perfect Inventory of all and singular the Goods, Chattels and Credits of the said deceased, which have or shall come to the hands, possession, power, or knowledge of the said \_\_\_\_\_ or into the hands, possession or power, of any other person or persons for him ; and the same so made, do exhibit into the Registry of the Court of Probate, for the County of \_\_\_\_\_ at \_\_\_\_\_ at or before the \_\_\_\_\_ day of \_\_\_\_\_ next ensuing, and the same Estate, Goods, Chattels, and Credits, and all other the Goods, Chattels, and Credits of the said deceased, at the time of his death, or which at any time after shall

Preamble

Act limited in its operation

Form of Bond to be taken from Administrators

116

shall come to the hands, possession or knowledge, of the said or of any other person or persons, for him, do well and truly Administer according to Law, and further do make, or cause to be made, a true and just account of his said Administration, at, or before the day of in the year of our Lord One Thousand Eight Hundred and and all the rest and residue of the said Estate, Goods, Chattels, and Credits, which shall be found remaining upon the said Administrator's Account; the same being first examined and allowed by the Judge for the time being of the said Court, shall deliver and pay unto such person or persons respectively, as the said Judge or Judges, by his or their decree, or sentence, shall limit and appoint; and if the said Administrator, shall obey, abide by, and perform, all such orders and decrees, as shall from time to time to be made by the said Court, touching the Estate, Goods, Chattels, and Credits, of the said deceased, and if it shall hereafter appear, that any last Will and Testament was made by the said deceased, and the same be proved and allowed by the said Court, then if the above bounden being thereunto required, do render and deliver the said Letters of Administration to the said Judge of Probate, or his Successor in Office, then this obligation to be void and of none effect, or else to remain in full force and virtue. Signed, Sealed and Delivered, in the presence of

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

Children dying Intestates after death of their Father

**CAP. XII.**

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

**BE it enacted by the Lieutenant Governor, Council and Assembly,** That an Act, made and passed in the third year of His present Majesty's Reign, entitled, An Act to provide for the support of a Light-House erected on Cranberry Island, near the entrance of the Gut of Canso; also the Act, passed in the fourth year of His said Majesty's Reign, to continue, alter and amend, the said Act; also, an Act, passed in the sixth year of His said Majesty's Reign, to alter and continue the said Acts and every matter, clause and thing, in the said several Acts contained, and shall be continued, and the same are hereby continued, for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 3 4 & 6 Geo IV continued

**CAP. XIII.**

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

**BE it enacted by the Lieutenant Governor, Council and Assembly,** That an Act passed in the thirty-eighth year of His late Majesty's Reign, entitled, An Act respecting Aliens coming into this Province, or residing therein, and every matter, clause and thing, in the said Act contained, shall be continued, and the same are hereby continued, for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 28 Geo III continued



## CAP. XIV.

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

Act 4 Geo IV  
continued

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

## CAP. XV.

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

Acts 3 & 5 & 9  
Geo 4 continued

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

## CAP. XVI.

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

Acts 3 & 6 Geo  
continued

**BE** it enacted by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the third year of His present Majesty's Reign, entitled, An Act for the Summary Trial of Actions; and also the Act in amendment thereof, passed in the sixth year of His said Majesty's Reign, and every matter, clause, and thing, in the said Acts contained, shall be continued, and the same are hereby continued, for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. XVII.

## An Act to regulate the Weighing of Beef.

Appointment of  
Inspectors and  
Weighers of Beef

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

Their Duties

**H.** And be it further enacted, That whenever any Cattle, from and after the appointment of such Officers, in any Township within the Province, shall be sold at a stated price to the Butcher, by the Pound or Hundred Weight, and shall be slaughtered in such Township, one of the said Officers, to be named by the Seller,

if required, shall be employed within twenty-four hours after the same have been killed, to inspect and weigh the Beef of such Cattle, who shall ascertain the just and true weight thereof, by weights duly assayed and stamped according to Law; and also by deducting, at his discretion, what he shall deem to be a fair allowance for any bruises that may have been sustained by such Cattle, or adding to the several Quarters of such Beef, what may appear to him to be a reasonable and fair addition to the weight of such of the said Quarters, as shall or may in his opinion have been improperly trimmed off, and reduced in weight by the Purchaser.

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

Allowance

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

Penalty attaching to Butchers

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

Continuance of Act

### CAP. XVIII.

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

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

Acts 48, 51st and 53d Geo. III. continued

### CAP. XIX.

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

**BE it enacted by the Lieutenant-Governor, Council and Assembly,** That the Act, made and passed in the fourth and fifth years of His present Majesty's Reign, entitled, An Act to restrain the issuing Writs of Attachment in certain cases, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued, for five years, and from thence to the end of the then next Session of the General Assembly.

Acts 4th and 5th Geo. IV continued

## CAP. XX.

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

Act 58th Geo. III.  
continued

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

## CAP. XXI.

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

Acts 52d Geo. III.  
continued

**BE** it enacted by the Lieutenant-Governor, Council and Assembly, That the Act passed in the fifty-second year of His late Majesty's reign, entitled, An Act in further addition to the Act relating to Wills, Legacies, and Executors, and for the settlement and distribution of the Estates of Intestates, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued, for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. XXII.

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

Preamble

**WHEREAS**, the said Smith Roberts Harding is a Prisoner in the Jail at Yarmouth, in the County of Shelburne, under two Writs of Execution at the Suit of His Majesty, for the amount of two Judgments obtained against him, the said Smith Roberts Harding, on two Bonds given for Provincial Duties of Impost and Excise, to the Collector for the Port of Argyle, in the year one thousand eight hundred and twenty-six.

*And whereas*, the said prisoner has been confined, under the said Executions, from the 27th day of October, one thousand eight hundred and twenty-seven to the present time; *and Whereas* also, the said two judgments amount to Ninety-five Pounds two shillings and Four-pence, exclusive of Sheriff's Fees, any part of which amount the said Prisoner, at the time of his committal to Jail, or at any time since, owing to his Insolvency, has been unable to pay as is alledged, and moreover has not had it in his power to obtain the benefits of the General Acts of this Province, for the relief of Insolvent Debtors, in consequence of the remote situation of the place of his confinement, where the Circuits of the Supreme Court are not held.

Examination of  
S. R. Harding

**I. BE** it therefore enacted by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for any two Justices of the Peace, residing at or near Yarmouth, to examine the said Smith Roberts Harding, on oath, and by all lawful ways and means to ascertain whether the said Smith Roberts Harding, be Insolvent or not; and if it shall appear to the said Justices, that the said Smith Roberts Harding be unable to pay the Debts for which he is now confined, at the suit of the Crown, as herein-before mentioned, it shall be lawful for the said two Justices

to certify the same, together with an Inventory of such Property as the said Smith Roberts Harding may be possessed of, to the Governor, Lieutenant Governor or Commander in Chief for the time being; and it shall be lawful for the said Governor, Lieutenant Governor, or Commander in Chief, if he shall think proper, by and with the advice of His Majesty's Council, by Warrant under his Hand and Seal, to order His Majesty's Attorney-General to assent, on behalf of the King, to the discharge of the said Smith Roberts Harding from his said confinement.

Lieutenant Governor empowered to release S. R. Harding from Jail

### CAP. XXIII.

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

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

Acts 52d and 59th Geo. III continued

### CAP. XXIV.

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

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

Act of 5 Geo. IV, extended to Digby

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

Similar Jurisdiction given

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

Former power, &c. to cease

## CAP. XXV.

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

Preamble

**W**HEREAS, under and by virtue of the Act of which this is in amendment, it was enacted that there should be granted and paid, to the extent yearly of Two Thousand Pounds, a bounty of one Shilling for and upon each and every Quintal, or one hundred and twelve pounds weight, of Dry Codfish, of a Merchantable quality, suitable for the European or Foreign South American Markets, which should be caught and cured by any of His Majesty's Subjects resident within the Province;—*and whereas*, it was enacted, that there should also be paid and allowed for every Ton of any Vessel fitted out and engaged in the Cod Fishery, the sum of Five Shillings, provided the quantity of two quintals of good and well cured Cod-Fish of a Merchantable quality, fit for the said European or South American Market, be by such Vessel brought back to and landed in this Province, for every ton of the registered burthen of such Vessel: *And whereas*, it was further enacted, that the said respective bounties should be allowed and paid upon such conditions, and under such terms, rules and regulations, as the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council should make, ordain, and publish in respect thereto. *And Whereas*, it was ordained and published in conformity with the above in part recited Act, in the Instructions which were given to the Commissioners appointed by His Excellency the Lieutenant-Governor, to carry into effect the Act, entitled, An Act as aforesaid, that the said recited bounties should not be paid until proof should be produced, that the Fish caught and cured as aforesaid, had been actually exported from the Province in some British Vessel or Vessels bound from any Port in this Province, to Europe or to some Port in South America, southward of the River Amazon: *And whereas*, it appears that in consequence of the changes which have taken place in the Markets of the aforesaid Countries there is not that demand for the aforesaid description of Fish: whereby considerable quantities of that article are now on hand in the said Province, upon which the aforesaid bounties cannot in conformity with the aforesaid Instruction be paid; for remedy whereof.

Governor and Council to make regulations

Bounties allowed

*I. Be it enacted by the Lieutenant-Governor, Council and Assembly*, That the aforesaid Bounties shall be paid, notwithstanding any instruction to the contrary; and that part of the said fifth instruction herein before recited and so given as aforesaid and every matter, and thing therein contained, shall be, and the same are hereby annulled—*Provided*, That no greater sum than the sum granted by the Act, of which this Act is an amendment, shall be paid by virtue of this present Act of the General Assembly.

Entries &amp; Returns to be rendered

*II. And be it further enacted*, That all and singular the Persons who have neglected or may neglect to make the entries and returns directed by the second article of the said Instructions, before the fifteenth day of June, shall be entitled to the benefit of the said Act; *Provided*, the entries required as aforesaid have been or shall be made before the fifteenth day of July, in each year.

## CAP. XXVI.

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

Commencement of Acts established

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That, from and after the passing hereof, the Clerk of His Majesty's Council, in General Assembly, shall endorse, in English, on every Act of the General Assembly, which shall hereafter pass, the date, month, and year, when the same shall have passed; and such endorsement shall be taken to be a part of such Act, and to be

be the date of its commencement, when no other commencement shall be therein provided.

### CAP. XXVII.

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

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

Preamble

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

Proprietors of common Fields to make regulations

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

Proceedings to be kept in a book

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

Committee to be appointed every year

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

Committee to raise and collect money

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

Committee to appoint a Collector who may Sue for Sums assessed before two Justices

Five Shillings allowed each Member of Committee

Regulations made binding

Continue for 3 years

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

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

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

### CAP. XXVIII.

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

One Co-Partner authorised to file a Petition in Prothonotary's Office disclosing its concerns

Copy to be served on the Copartner

Co-Partners may select Arbitrators

Court may select two proper persons, who may select a third

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

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

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

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

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

VI. *And be it further enacted,* That the said Commissioners or Arbitrators, before

Before they shall proceed to examine into the said Co-Partnership dealings, shall make and subscribe the following Affidavit, before any one of the Judges of the said Supreme Court, or before any Judge of the Common Pleas in the Province, which Affidavit shall be filed in the said Office of the Deputy Prothonotary, that is to say :

Arbitrators Oath

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

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

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

Arbitrators may demand Books, Papers and Accounts

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

Witnesses to be examined on oath

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

If no objection made—judgment to be entered next term

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

Execution to be issued in usual course

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

Witnesses to be summoned in usual manner, subject to usual penalties

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

Their punishment for perjury

XIII. *And be it further enacted,* That every Person who shall have made such Oaths or solemn affirmations, and shall be convicted of wilfully, falsely, and completely having sworn or affirmed any thing false or untrue, knowing the same to be untrue,



untrue, shall be imprisoned for a term not exceeding seven years in the Bridewell, and there kept at hard labour, and shall pay all charges of prosecution.

The decision a bar to any proceedings in Equity

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

Continued 5 years

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

CAP. XXIX.

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

Preamble.

WHEREAS, the sale of Spirituous Liquors to Indians has been found highly prejudicial—

Justices to make Regulations to prevent sale of Liquors to Indians

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

Fines to be recovered before one Justice of Peace

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

Offenders to be deprived of Licence

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

Justices to provide for instruction of Indians

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

CAP. XXX.

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

WHEREAS, the provisions of the said Act require to be altered and amended: I. BE it enacted by the Lieutenant-Governor, Council and Assembly, That the first, third and ninth Sections of the said Act, shall be, and the same are hereby, repealed, save and except, as to all matters done, or penalties incurred or recoverable under the same.

Preamble 1st, 3d & 9th Sections repealed

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

Chief Inspector to appoint Deputies

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

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

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

Chief Inspector answerable for his Deputies

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

Act extends to all Pickled Fish

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

Particularly describes the Casks and their branding

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

Contents of tierces and barrels

VIII. And be it further enacted, That the casks intended to contain Pickled Fish, shall be made of Wood of the following dimensions, that is to say—for Pickled Mackarel, the barrels shall be made of staves, cut twenty-eight and an half inches long, and of heading cut to the diameter of seventeen and one quarter inches

Dimensions and descriptions of the casks

inches at least, and shall contain not less than twenty-nine nor more than thirty gallons, measured by the gallon pot, commonly used for Pickled Fish; the half-barrel shall contain not less than fourteen and one half, nor more than fifteen Gallons, and be made of staves cut twenty-two and an half inches long, and the tierces shall contain not less than forty-four nor more than forty-five gallons, and be made in proportion to the aforesaid size of the barrels. *Provided always*, That barrel staves cut of the length of twenty-eight inches only, may be used for barrels under this Act, until the thirty first day of January next.

Casks for Salmon,  
Herring or Gas-  
pereau

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

Inspector and his  
Deputy to inspect  
all casks, and con-  
demn improper  
ones

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

Quantity of Salt  
to each cask

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

All Pickled Fish  
to be free from  
damage of any  
kind, and careful-  
ly weighed &c.

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

To be 3 qualities  
of Mackarel and  
Salmon, and 2 of  
Herrings and Gas-  
pereau

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

No. 1 to be the  
best

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

No. 2, Mackarel  
and Salmon to be  
the next best that  
remain

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

No. 3 of thinnest  
fish

The quality number one, of Herrings, or other Fish, shall be of the fittest, best

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

No. 1, of Herring and Gaspereau to be the best  
No. 2, inferior, but carefully cured and packed with salt

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

Rusted Fish to be branded No. 4, Rusty  
Tainted and damaged Fish to be condemned, disposed of for Manure, or thrown into the sea

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

Herring or Mackarel for Home Consumption to be branded H. C.

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

The Casks to be branded in legible characters on head of the cask, with number and quality

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

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

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

Casks repacked done by an Inspector

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

Certificate to be produced to Officers of Customs

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

Persons violating the above Rules to be punished

Penalty 20s every 100 weight

If inspected Fish be deficient. Inspector made liable

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

Fish not inspected and branded, offered for sale to be forfeited.

**XXI.** *And be it further enacted,* That all pickled Fish not inspected, and branded according to this Act, or tainted or damaged, being in tierces, barrels or half-barrels, and shipped for exportation, or offered for sale in this Province, or found while being conveyed into the inland Ports of this Province, and all Fish taken, shifted or intermixed, from or in the cask, after the inspection and branding thereof, shall be, and is hereby declared, forfeited.

Penalties recovered before a Justice of Peace, may be sued for by Inspector or Deputies or Collectors of Excise &c.

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

Penalties for use of Schools

Officers of Customs required to enforce this Act

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

Certificate of Clearance

**XXIV.** *And be it further enacted,* That it shall be the duty of the Principal Officers of His Majesty's Customs, in all parts of this Province, whenever any Pickled Fish is cleared out according to the fourth clause of the said Act, to grant to the Master of the Vessel, wherein the same shall be shipped, a Certificate in the following words, that is to say: These will certify, that A. B. Master of \_\_\_\_\_ bound from hence to \_\_\_\_\_ has cleared out, \_\_\_\_\_ of Pickled \_\_\_\_\_ according to law. [To be signed by the Collector or Officer of the Customs;] and the Principal Officers of His Majesty's Customs at Halifax shall make an annual return to the Treasurer on the thirty-first day of December, in each and every year, of the number of barrels, half-barrels and tierces of each kind of Pickled Fish that may be cleared out from their respective offices.

20 Barrels of Fish may be brought to the Inspector—but if greater quantity, the Inspector must travel

**XXV.** *And be it further enacted,* That when any quantity of Fish shall be required to be inspected, and the same doth not exceed twenty barrels, the same shall be brought to the Store, Wharf, or place of business, of the Inspector, but if the quantity be greater, the Inspector, on payment or tender of his fees for travel, at

at the rate of six-pence per mile from the place of his residence and back, shall attend at the place where the said Fish may be, and inspect the same within two days after being requested thereto, under the penalty of forfeiting to the owner thereof Three Pounds for each day that he shall, after such space of two days, neglect such inspection.

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

vel to place of Inspection, and receive 6d per Mile—If he neglect Inspection liable to penalty

Act to continue 4 years

## CAP. XXXI.

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

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

Preamble

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

Produce of Duties to be paid to Treasurer for use of the Colony

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

Inherent right of Legislature so to dispose of them

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

Sum received and paid under British Acts

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

Expense of Officers of Customs to be paid by the Province

**I.** *BE it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That henceforth, by and out of, all and singular the Taxes, Rates and Duties levied and collected, under and by virtue of the said Act of the Imperial Parliament, entitled, as aforesaid, or any Acts made or to be made, in addition, alteration, or amendment thereof, and actually paid into the Provincial Treasury; there shall be granted and paid to His Majesty, his Heirs and Successors, from, and out of the Treasury of this Province, yearly, and in every year, one annuity or yearly sum of Six Thousand Four Hundred and Thirty Pounds and Nine Shillings of Sterling Money of Great Britain, equal in value to the sum of Seven Thousand One Hundred and Forty-four Pounds Eighteen Shillings and Nine Pence of lawful Money or

Sum to be paid and the manner

Currency

General Revenue  
not to be answer-  
able

Currency of this Province, instead of, and in lieu of, and in full satisfaction for all Fees, Perquisites and Emoluments whatsoever, from the People of this Province, or Vessels trading thereto, heretofore demanded or received by, or hereafter to be made payable to any Officer or Officers of the said Establishment, *Provided*, That no part of the General Revenues of this Province shall be chargeable, or be held, or construed to be chargeable for the payment of the said Annuity, other than the Duties and Taxes for the regulation of Trade, to be levied and collected by virtue of the said Act of the Imperial Parliament, or any Act made or to be made, in addition, alteration, or amendment thereof, as aforesaid; *And provided further*, and it is hereby declared and enacted, that nothing in this Act shall extend, or be construed to extend, to affect, alter or abridge the right, which the General Assembly of this Province hath to levy and collect any Duties, that it may deem expedient to impose upon articles imported from Foreign Countries.

Pay of Officers of  
Customs to be  
drawn by War-  
rants

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

Paid from such  
Monies as may be  
in the Treasury

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

Officers of Custom-  
s to pay in  
their Accounts in  
one month after  
close of Quarter

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

Officers to exhibit  
Accounts and  
Returns of their  
Receipts Quarterly

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

Except the An-  
nuity of Officers  
no part to be ap-  
plied, unless ap-  
propriated

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

hereafter be specified and appointed in the annual Appropriation Acts of the General Assembly.

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

Balance of sum collected given to His Majesty.

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

Act not in force until His Majesty's pleasure is known

CAP. XXXII.

An Act concerning the Common of Halifax.

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

Governor and Council to appoint 3 Commissioners

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

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

Commissioners to render yearly Accounts to Lieut. Governor and Council

Money paid to County Treasury

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

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

And



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

Commissioners  
empowered to re-  
duce Rent—sub-  
ject to the award  
of appraisers

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

If Tenant neglect  
to name apprais-  
er in 6 months,  
to forfeit his Lot

V. *Provided always, and be it further enacted,* That if within six months from the delivery to any such Tenant of a written notice from the said Commissioners, that they are ready to proceed to name such appraisers, the Tenant or person legally interested in any such Lot leased as aforesaid, shall neglect or refuse to name an appraiser on his part or to attorn and hold under the Rent awarded on such appraisement, then the lease of such Lot, and the term of years unexpired therein shall and may be by the said Commissioners declared forfeited, and such lease shall cease and determine accordingly.

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

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

Forfeited Lot to  
be let at Auction

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

Lots may be as-  
signed for Burial  
Grounds, for  
House of Correc-  
tion and Bridewell

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

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

Rents and Fines applied to improve the Common

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

Justices in Sessions to make Rules and Regulations

**XI.** *And be it further enacted,* That it shall and may be lawful for the Justices of the Peace for the County of Halifax, in their General Sessions of the Peace to be held from time to time at Halifax, to make such Rules, Orders and Regulations for the said Common as may be thought necessary, and from time to time to alter and change the same, and to annex such penalties as may be thought necessary, to compel obedience to such orders and regulations, as effectually to prevent persons from trespassing on said Common, by digging or breaking up the soil thereof, or from taking away the earth, soil, or stones thereof, and for forfeiting and removing all manure, stones, ashes, rubbish, earth or any incumbrance which may be laid thereon, and for punishing by fines or otherwise, the Person or Persons, who shall place the same thereon, or by whose order or direction the same may have been so done and for regulating the number of cows, sheep or oxen which the respective Inhabitants aforesaid may be entitled to pasture on the said Common, and for taking up and impounding all horses or pigs found at large on said Common, as also for impounding all cattle, cows, oxen and sheep, which may be found on said Common, beyond the number entitled to be depastured thereon; and also to fix the penalty which the owner of such horses, pigs, cattle, oxen, cows or sheep, shall pay, to obtain the release of the same when lawfully impounded, and also for preserving ornamental trees, from time to time planted or to be planted on such Common; and also for punishing Persons injuring the same, *Provided always,* That no rule, order or regulation so made by the Sessions, shall be carried into effect, until the same shall have been signed and approved by the said Commissioners.

Not to be carried into effect unless approved by Commissioners

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

Modes of Punishment either by Fine or Imprisonment

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

Act not to extend to Exercising Ground—nor to take effect until His Majesty's pleasure is known

Cap XXXIII.

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

Preamble

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

Sheriffs to give Bond for due performance of Office

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

Bond to be approved by Lieutenant Governor and Council

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

Sheriffs to be removed, not giving Bond

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

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

IV. And be it further enacted, That every Sheriff, whose security shall be so approved, shall then, and not before, be entitled to receive his Commission; and shall then, and not before, execute the functions of that Office, and have right to the emoluments thereof, under his appointment; but the Sheriff appointed for the preceding year, shall continue, and his sureties remain responsible, and if he be the same Person, he shall continue to act under his former appointment; and his sureties for the preceding year, shall continue responsible for the performance of his Duty, until he find approved security, as before directed, or that he be removed from Office. Provided always, that if at any time it shall appear that the Sheriff of any County has misconducted himself, or that his Sureties are not to be relied on; that it shall be in the discretion of the Lieutenant-Governor, to grant a Commission to a new Sheriff, immediately upon his first appointment--which shall authorise him at once to enter upon the Duties, and enjoy the emoluments of his Office, subject nevertheless to his finding approved security as aforesaid, within three Calendar Months, the said Security to commence from the date of the Commission.

Former Sureties responsible for last year

If Sheriff misconducts another may be appointed on finding securities

Sureties responsible for performance of Sheriff duties.

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

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

three Calendar Months after his being so required, it shall and may be lawful for the Lieutenant-Governor to remove him from such Office of Sheriff—his first Security being liable until the new Bond be given.

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

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

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

Person injured by Sheriff may sue responsible Parties, after receiving of judgment.

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

No action to be brought against Sheriff after three

### CAP. XXXIV.

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

**BE** it enacted by the Lieutenant Governor, Council and Assembly, That an Act passed in the thirty-ninth year of His late Majesty's reign, entitled, An Act for raising a Revenue to repair the Roads throughout the Province, by laying a Duty on Persons hereafter to be Licensed to keep Public Houses or Shops for the retail of Spirituous Liquors, and for regulating such Public Houses and Shops; also the several Acts passed in the forty-first, forty-sixth and fifty-fifth, years of His said late Majesty's reign, for reviving, altering, continuing, and amending, and adding to the said Act, and every matter, clause and thing, in the said Acts contained, be revived and continued; and the same are hereby revived and continued in force until the thirty-first day of March, which will be in the year of our Lord one thousand eight hundred and thirty, and no longer.

Revives the Acts laying Duties on Licensed Houses &c.

### CAP. XXXV.

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

**WHEREAS**, the Eastern Division described in the said Act, does not embrace the whole of the County of Halifax, by reason of which the residence of the first Justice in the said Division, is limited to a part thereof.

*Be it enacted by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the present first Justice of the Eastern Division, to reside in any part of the County of Halifax, any thing in the said Act to the contrary notwithstanding.

First Justice to reside in any part of County of Halifax.

## CAP. XXXVI.

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

Preamble

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

Commissioners appointed to take Deposition

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

Such Depositions may be read in evidence

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

## CAP. XXXVII.

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

Preamble

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

Persons liable who have assented to the Assessment.

*I. BE it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That in future where the assessment shall be more than five shillings per acre, no warrant of distress shall issue against any party owning or possessing dyked marsh land, for or on account of any tax or assessment made upon or against the marsh land so owned or possessed, unless such party owning or possessing the same or some other or former owner or owners of such marsh land, shall have assented to the building of the dyke for which the assessment shall have been made; but in all cases whether such consent hath or hath not been given, the land of every such actual owner or possessor shall be liable to such assessment, and may be proceeded against in the manner provided by the ninth section of the said Act, without previously issuing such Warrant of distress; and if upon the sale of such land, the nett proceeds thereof, shall be found insufficient to pay and satisfy the rate or assessment

ment that may have been made thereon, such deficiency may be made up and supplied by another general assessment or assessments in the usual manner, upon the whole Land dyked, or liable to be assessed for other dyked rates. *Provided always,* That nothing in this clause contained shall extend or be construed to extend to prevent any such Commissioners from crediting towards any such rate or assessment, any account or demand that such owner or owners, possessor or possessors, or any former owner or possessor may have, or claim against such Commissioners as such for the work done, or materials supplied or otherwise on account of the building of the dyke, for which the assessment may have been made; but the Commissioners in proceeding against the land as aforesaid shall credit such demand and shall not in such case be liable to any action, suit or damages for any such demand or demands before payment of the rate or assessment.

Owners credited for work done or materials supplied

Commissioners exempted from damages

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

Persons not real owners to be exempted from prosecution

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

The oath required may be taken before one Justice of Peace

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

Commissioner, Collector, Sheriff or Constable may plead, having acted under authority of this Act

### CAP. XXXVIII.

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

**B** *Et enacted by the Lieutenant-Governor, Council and Assembly,* That an Act made and passed in the fourth year of His present Majesty's reign

Power given to open roads in Guysborough

entitled, An Act to enable the proprietors of Land in the rear Blocks or Divisions of Land in the Township of Guysborough to open Roads through the same, and every matter, clause and thing in the said Act contained, be continued, and the same is hereby continued for ten years and from thence to the end of the then next Session of the General Assembly.

### CAP. XXXIX.

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

Militia Act continued except the 27th 32d, 83d and 88th clauses of the Act of 1st Geo. IV

**BE** it enacted by the Lieutenant Governor, Council and Assembly, That An Act made and passed in the first year of His present Majesty reign, entitled, An Act to provide for the greater security of this Province, by a better regulation of the Militia, and to repeal the Laws now in force, and every matter, clause and thing therein contained, except the twenty-seventh, thirty-second, eighty-third and eighty-fourth clauses or sections of the said Act, and also the Act passed in the fourth year of His present Majesty's reign, to alter and continue the said Act, and every matter clause and thing therein contained except the seventh clause or section of the said last mentioned Act, and also the Act passed in the seventh year of His said Majesty's reign, in alteration and continuation of the said Acts, and every matter, clause and thing contained in the said last mentioned Act, except the second clause or section thereof, and also the Act passed in the ninth year of His said Majesty's reign, to alter, continue and amend the said several Acts, and every matter, clause and thing therein contained, shall be continued, and the said Acts except as before excepted, are hereby severally and respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

II. *And be it further enacted*, That every regularly licensed Teacher or School Master, be exempted from duty under the Acts hereby continued.

III. *And be it further enacted*, That no private Militia Man shall be compelled to travel to any training or Militia meeting, more than twelve miles from his place of abode to such place of training or meeting.

### CAP. XL.

#### An Act in addition to and amendment of An Act passed in the third year of the reign of His late Majesty, George the third, entitled, An Act to prevent nuisances by Hedges, Wears, and other incumbrances obstructing the passage of Fish in the Rivers in this Province.

Preamble

**WHEREAS**, the said recited Act and its amendments do not extend to the Eel Fishery, but are confined to those of Salmon, Bass, Shad, Alewives and Gaspareau,

The Eel pots, nets or seines prohibited

*And Whereas*, many evil disposed persons have been in the habit of taking large quantities of Eels in the Spring of the year by setting nets, seines, and Eel-pots across the streams, brooks, and rivers within the Province of Nova-Scotia, whereby the Eels in returning from the ponds and Lakes where they remain during winter, have been destroyed to the great injury of the poor settlers, to whom they are of the greatest importance as an essential article of food at all seasons of the year; for remedy whereof.

Eels not to be taken between the 1st May and 20th June

I. *BE* it enacted by the Lieutenant-Governor, Council and Assembly, That any person or persons shall presume to erect or set up any hedge, weir, fish garth, net, seine, eel pot or other incumbrance, or place the same in or across any river, brook, stream or other place within the Province of Nova-Scotia where eels resort, between the first day of May and the twentieth day of June, such person or persons for each and every hedge, weir, fish garth, net, seine, eel pot, or other incumbrance shall

shall on due conviction thereof before any two Justices of the peace, on the oath of one or more credible witnesses, forfeit and pay a sum not exceeding five pounds, nor less than forty shillings, with costs of suit; one half to the informer and the other half to the Poor of the Township where the offence shall be committed. *And be it also enacted,* That it shall and may be lawful for the Overseer or Overseers of the River Fishery, Constable or Constables or any other person or persons whatever, to take, seize, and remove every hedge, wear, fish-garth, net, seine, eel-pot, or other incumbrance, that shall be found in any river, brook or stream; contrary to the intent and meaning of this Act within the times limited as aforesaid; and the same shall be thereupon sold by an order first held and obtained from any two Justices of the Peace, who are hereby authorized, to grant the same upon the oath of the person or persons who shall make such seizure, and the nett amount after such sale, after deducting all charges, shall be equally divided between the person or persons making such seizure, and the Poor of the Township where such taking or seizure shall happen.

Fine recovered before one Justice

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

Constable or Overseer to give assistance

*III. And be it further enacted,* That the conviction of all offenders under and by virtue of this Act, shall be in the form following, to wit; County or Township of \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord \_\_\_\_\_ A. B. was convicted before us, two of His Majesty's Justices of the Peace for the County aforesaid, of setting one [or more as the case may be] hedge, wear, fish-garth, net, seine, eel-pot or other incumbrance on this \_\_\_\_\_ day of \_\_\_\_\_ in the year aforesaid, contrary to the Act in that case made and provided. Given under our hands and seals the day and year first aforesaid.

Form of conviction

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

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

May appeal to Supreme Court

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

CAP. XLI.

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

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That an Act passed in the fifty-fifth year of His late Majesty's reign, entitled, An Act for establishing a Bridewell or House of Correction for the County of Halifax, and for the better and more effectual administration of the Office of Justice of the Peace in the Township of Halifax, and for providing a Police Office in the

Act 55th Geo. III continued except 16th Section



said Town with proper Officers to attend the same, and every matter, clause and thing therein contained, save and except the tenth Section of the before recited Act which is hereby repealed, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Justices to make rules

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

Police Justices to remove nuisances and superintend weighers of hay coals, &c. &c.

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

Police Justice allowed 11s, 8d

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

Continue for a

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

## CAP. XLII.

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

Preamble

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

Three Freehold owners to report whether Estate can be divided

I. *BE it therefore enacted by the Lieutenant-Governor, Council and Assembly*, That from and after the passing of this Act, it shall be lawful for the said Lieutenant-Governor, by and with the consent of His Majesty's Council, as often as it may

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

Lawful to mortgage to pay claims

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

Executors or Administrators to give Bonds.

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

Continued two years.

### CAP. XLIII.

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

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

Preamble

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

Notes for 15,000 to be issued

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

1000l. at 10s.  
14,000 20s.

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

Treasurer made accountable

## CAP. XLIV.

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

How difficulties in Law Suits are to be reduced or avoided.

**BE** it enacted by the Lieutenant-Governor, Council and Assembly, That in any Action or Suit at Law, against any Commissioner, Magistrate, Sheriff, Constable, or other person or persons, whomsoever, for or on account of any Deed, Act, Proceeding or thing, by him or them done or performed, under, or in pursuance, or by virtue of any Act or Acts of the General Assembly of this Province, or of the Parliament of the Mother Country, having force or effect within this Province, already made or to be made (and not under the common law) it shall and may be lawful for such Commissioner, Magistrate, Sheriff, Constable or other person or persons, under the plea of the general issue, or any brief plea setting forth, generally that such deed, act, proceeding or thing was done or performed, under or in pursuance, or by virtue of such Act or Acts, and concluding to the Country, to give in evidence upon the trial of any such Suit or Action, all such the said deed, act, proceeding, or thing by him or them done or performed in the same manner, as if the same had been specially and particularly pleaded and set forth, any law usage or custom to the contrary notwithstanding.

## CAP. XLV.

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

Preamble

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

Persons convicted of violating this Act, to pay a fine of from 5s to 10s.

Fine for the benefit of the Poor.

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

## CAP. XLVI.

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

Preamble.

**WHEREAS**, by An Act passed in the fifty-fifth year of His late Majesty's Reign, entitled, An Act to facilitate the passage across the harbour of Halifax, the Governor, Lieutenant-Governor or Commander-in-Chief, for the time being, was authorised by Letters Patent, under the Great Seal of the Province, to incorporate certain Persons named in the Act, to be with their Associates, a body politic and corporate by the name of the Halifax Steam Boat Company, to continue for the term of twenty-five years, with certain rights and privileges in the said Act particularly set forth; *And whereas*, In pursuance thereof, Letters Patent under the Great Seal of the Province were issued, bearing date the first day of January, in the year of our Lord one thousand eight hundred and seventeen, whereby the associates for the undertaking in the said recited Act referred to, were incorporated by the name and in the manner therein mentioned, and now hold and enjoy the privi-

Original Powers and Rights of the Corporation.

leges

leges aforesaid. *And whereas*, although the said Company have hitherto received no returns whatsoever, for the large capital vested in the undertaking, the said Company have now made arrangements for establishing a sufficient Steam Boat on the said Ferry, for the transport of Passengers, horses, cattle and carriages across the same; and inasmuch as the said Steam boat will occasion further, and large advances, it is deemed reasonable to extend the term of years, for which the aforesaid Charter was granted.

Steam Boat to be established.

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

Powers and Rights of the Corporation extending to 25 years

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

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

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

Regulations to be made by the Justices of Halifax

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

If population increases, Lieutenant Governor may order more Boats to be provided

### CAP XLVII.

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

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

Act relating to Highways to be extended to Dorchester Village, in County of Sydney

Governor to appoint Commissioners

Lieutenant-Governor or Commander-in-Chief for the time being, to appoint three respectable Inhabitants and Freeholders of Dorchester Village aforesaid, to be Commissioners of Highways therein, for the purpose of carrying into effect the provisions and regulations of the said Act, and to proceed to supply any vacancy that may occur amongst such Commissioners ; and such appointment to renew when necessary, in the same manner as is pointed out and provided by the said Act.

Powers of Commissioners the same as former Act, to operate on lots No 4 and 5, and on Blocks 14, 15, 16, 17, 18 and 29, 30, 31 of Hierlihy Grant

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

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

CAP. XLVIII.

An Act to aid the Shubenacadie Canal Company.

Preamble

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

15,000. to be drawn from Treasury, Annually, from 1st January 1830, to January 1. 1840, by warrant of Lieutenant Governor, to pay interest of Money borrowed.

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

Interest to be 5 per cent.

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

This Act a public pledge to future Subscribers

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

*For the Act, which should follow here, paper during this session of February 1820 turned over 26 leaves.*