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# ACTS

OF

THE GENERAL ASSEMBLY

OF THE

*Sec 30 by Act*

PROVINCE OF NOVA-SCOTIA.

ANNO QUARTO VICTORIÆ REGINÆ.

*W. Young*

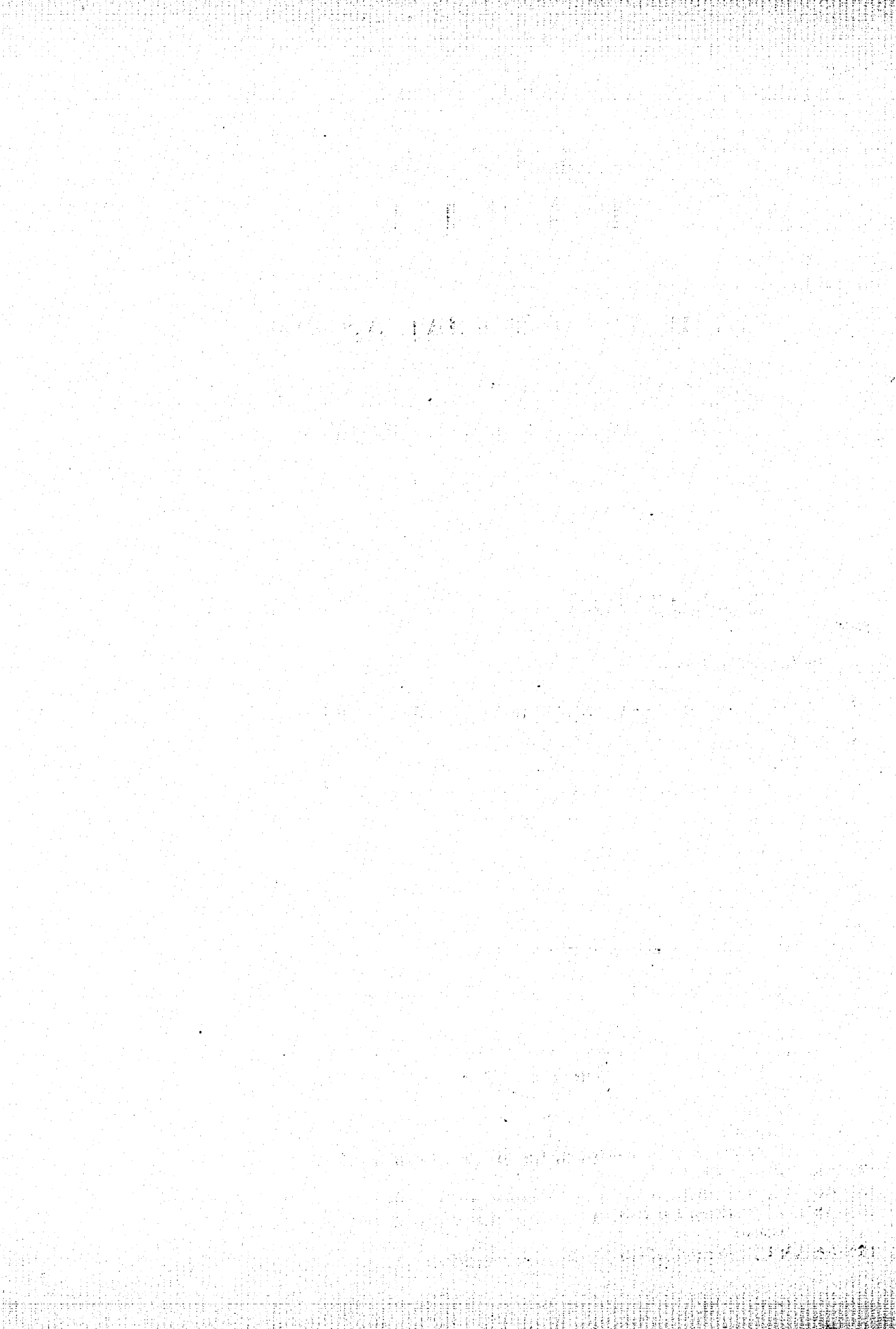
1841.



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**T A B L E**

OF

**ACTS OF THE GENERAL ASSEMBLY**

OF THE

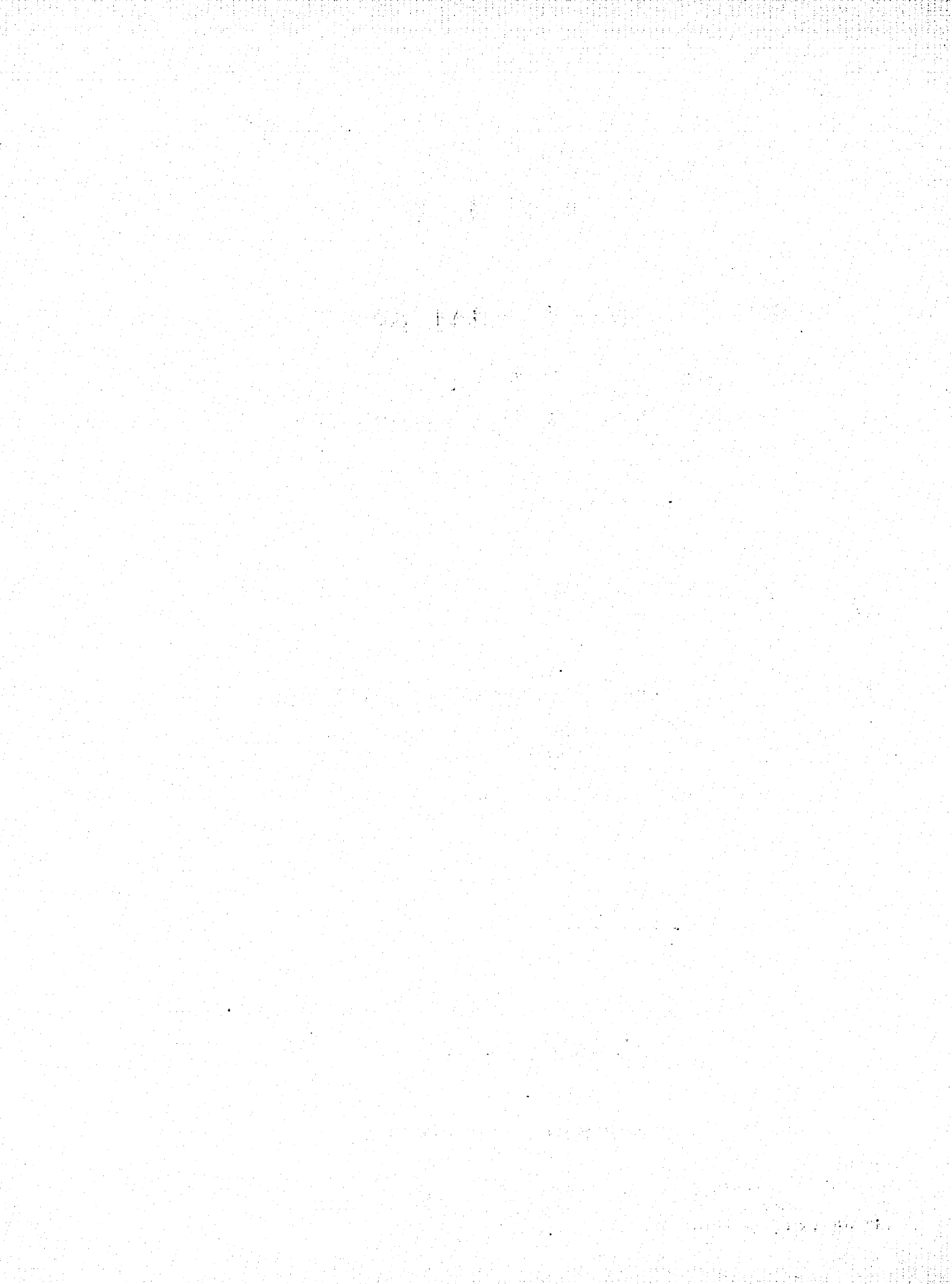
**PROVINCE OF NOVA-SCOTIA.**

ANNO QUARTO VICTORIÆ REGINÆ.

**1841.**

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**ACTS OF THE GENERAL ASSEMBLY**  
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**At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on Wednesday, the Third day of February, 1841, in the Fourth Year of the Reign of our Sovereign Lady Victoria, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, QUEEN, Defender of the Faith, &c. &c. &c. being the First Session of the Seventeenth General Assembly convened in the said Province\***

\* In the time of VISCOUNT FALKLAND, Lieutenant-Governor; Simon Bradstreet Robie, President of the Legislative Council; Joseph Howe, Speaker of the Assembly; Sir Rupert D. George, Provincial Secretary; 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 Forty-one, and for other purposes.**

(Passed, the 10th day of April, A. D. 1841.)

*May it please Your Excellency :*

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

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That, by or out of any monies which now are, or from time to time shall be or remain in the Public Treasury of this Province, there shall be paid the sum of 200*l.* to the Speaker of the House of Assembly, in full for his Salary as Speaker during the present year. 200*l.* Speaker of Assembly

And a further sum of 600*l.* 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 same year. 600*l.* Treasurer

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

And a further sum of 25*l.* to the Clerk of the House of Assembly, to be paid by him to the Chaplains who may attend the House of Assembly during the present Session. 25*l.* Chaplains of Assembly

And a further sum of 100*l.* to the Clerk Assistant of the House of Assembly, for his services for the same Session. 100*l.* Assistant Clerk of Assembly

And a further sum of 50*l.* to Matthew Forrester, for his services as Sergeant at Arms to the House of Assembly for the same Session. 50*l.* M. Forrester

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

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

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

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

And

200l. Guager  
and Weigher

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

Allowance to  
Waiters

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

60*l.* to Keeper

And a further sum of 60*l.* to the Keeper of the Assembly House, and Council Chamber, and Law Library, for the present year.

600*l.* Transient  
Poor

And a further sum of 600*l.* for the support of the Transient Poor, for the present year.

150*l.* Indians

And a further sum of 150*l.* at the disposal of His Excellency the Lieutenant-Governor, to be applied in such way as he may deem most proper, for the relief of the Indians of this Province.

50*l.* Adjutant  
General of  
Militia

And a further sum of 80*l.* to the Adjutant General of Militia, for his services for the present year; and the further sum of 40*l.* to the Quarter Master General of Militia, for his services for the present year.

40*l.* Quarter  
Master Gene-  
ral of Militia

And a further sum of 400*l.* to the Commissioners of Sable Island, for the support of that Establishment for the present year.

400*l.* Commis-  
sioners of Sa-  
ble Island

And a further sum of 500*l.* to any Contractor who shall enter into an agreement, duly guarded, and with an adequate penalty, after the same shall have been properly advertized, to convey the ordinary Mails and Passengers, in thirteen hours, with well appointed Horses and Carriages, thrice each week from Halifax to Pictou, from the first day of May to the first day of November, and twice a week for the rest of the year; and to forward the British Steam Mails and Passengers twice each month between the same places—such Contract to be made for a period of not less than seven years.

500*l.* Contrac-  
tor for Eastern  
Mail

And a further sum, not exceeding 149*l.* for the increased allowances to Mail Couriers, conformably to the Report of the Post-Office Committee.

149*l.* Mail  
Couriers

And a further sum, not exceeding 132*l.* for establishing new Mail Routes, conformably to the Report of the Post-Office Committee.

132*l.* New  
Mail Routes

And a further sum, not exceeding 25*l.* to establish a Mail between Louisbourg and Gabbarous, in the County of Cape-Breton.

25*l.* Louisburg  
Mail

And a further sum of 500*l.* in each and every year for three years, in lieu of the sum of 300*l.* granted for the same period in the Session of One Thousand Eight Hundred and Thirty-nine, to such person or persons as shall establish and run a suitable Steam Boat between Halifax and the Western Sea-ports—the same to be paid on its being certified to the satisfaction of His Excellency the Lieutenant-Governor, that a Boat has plied between Halifax and Yarmouth nine months in each year, touching at intermediate Ports.

500*l.* Steam  
boat between  
Halifax and  
Yarmouth

And a further sum of 100*l.* to James Whitney, to enable him to run a Steam Boat between Annapolis, Digby, and St. John, for nine months in the ensuing year, and a good and sufficient vessel for the remainder of the year; Provided the said James Whitney do carry the Mails without any additional expense—the said sum to be drawn quarterly, on the Certificate of the Deputy Post-Master at Digby, that the duty has been faithfully performed.

100*l.* James  
Whitney

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

50*l.* Packet  
between  
Windsor and  
Partridge Is-  
land

And a further sum of 50*l.* to such person or persons as will run a proper Packet between Guysborough and Arichat, touching occasionally at Fox Island and Canso, under such regulations as shall be established by the General Sessions of the Peace for the County of Guysborough, to be paid upon the certificate of the said General Sessions, that such packet has been properly kept, and run during the present year. Provided, that the Judge or Judges of the Supreme Court shall be taken without charge, if required, from Guysborough to Arichat, and from Arichat to Guysborough, on their circuit to Cape-Breton.

50*l.* Packet  
between  
Guysborough  
and Arichat

And a further sum of 20*l.* to aid the Inhabitants of Douglas, at the mouth of the River Shubenacadie, in supporting a suitable Boat or Scow to run between Londonderry and that place, the said Boat to be run under the regulations of the General Sessions for the County of Hants, to be paid by warrant from His Excellency the Lieutenant-Governor, upon certi-

20*l.* Boat be-  
tween Douglas  
and London-  
derry

cate



cate from said Sessions, that said Boat has been running at least twice a week for six months, to the satisfaction of the said Sessions, under their regulations.

And a further sum of 20*l.* to aid the Inhabitants of Cape-Breton, in supporting a suitable Boat or Scow to run between McMillan's Point in Cape-Breton and Auld's Cove in the County of Sydney, the said Boat or Scow to be placed under the regulation of the General Sessions for the County of Inverness.

20*l.* Boat between McMillan's Point and Auld's Cove

And a further sum of 10*l.* to each of the two Licensed Ferryman at the mouth of the Shubenacadie, in the Counties of Colchester and Hants, for the transportation of Horses and Carriages across that river, the same to be paid on the Certificate of the General or Special Sessions of each County respectively, that such Ferry has been duly attended and proper Boat procured and used.

10*l.* Ferryman

And a further sum of 20*l.* to W. Weeks, or any person who will run a Packet-boat between the Bay of Verte and Prince Edward Island, when it shall be made to appear satisfactorily to His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, that such Packet-boat has been run agreeably to such regulations as may be established by the Justices in Sessions for the County of Cumberland.

20*l.* W. Weeks

And a further sum of 15*l.* to John Pernette and Charles Pernette for keeping up the Ferry over LaHave river.

15*l.* John Pernette and Charles Pernette

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

10*l.* Cornelius Craig

And a further sum of 10*l.* to Richard Carter, to enable him to run a suitable Ferry-boat or Scow between his Landing, on the Western side on the Gut of Canso, and David McPherson's, on the Eastern side thereof, the said Ferry Boat or Scow to be run under the regulation of the General Sessions of the County of Guysborough.

10*l.* Richard Carter

And a further sum of 10*l.* to the Ferrymen on the Eastern side of the Gut of Canso, to enable him to run a suitable Ferry-boat or Scow between Richard Carter's Landing, on the Western side of said Gut, and David McPhersons, on the Eastern side thereof, the said Ferry-boat or Scow to be run under the regulation of the General Sessions for the County of Richmond.

10*l.* Ferryman

And a further sum of 150*l.* to aid in building a Bridge over the River Baddeck in the County of Cape-Breton.

150*l.* Bridge over River Baddeck

And a further sum of 47*l.* 13*s.* 4*d.* to John G. McKenzie, to pay him that amount expended in the purchase of Land for a road, agreeably to the report of the Committee.

47*l.* 13*s.* 4*d.* J. G. McKenzie

And a further sum of 44*l.* to Samuel Archibald, Commissioner for opening the new Road from Truro to Salmon River, on the Pictou line, to pay for Land occupied by the said road, pursuant to the report of the Committee of the House of Assembly.

44*l.* Samuel Archibald

And a further sum of 38*l.* 3*s.* 0*d.* at the disposal of His Excellency the Lieutenant-Governor, to pay William Faulkner for expense of Survey made of a new Road from Musquedobit to Upper Stewiacke, by order of His Excellency Sir Colin Campbell, in the year of our Lord One Thousand Eight Hundred and Forty.

38*l.* 3*s.* William Falkner

And the following sums, that is to say, the sum of 1,200*l.* allotted for the service of Roads and Bridges in the County of Cape-Breton; the sum of 1,200*l.* allotted for the service of Roads and Bridges in the County of Inverness; the sum of 950*l.* allotted for the service of Roads and Bridges in the County of Richmond, at the disposal of His Excellency the Lieutenant-Governor, to be respectively expended on the said services.

1,200 County of Cape Breton  
1,200 County of Inverness  
950*l.* County of Richmond

And a further sum of 950*l.* for the several Roads and Bridges in the County of Sydney, to be applied and expended agreeably to a Resolution of the House of Assembly, passed on the Sixth day of April, in this year of our Lord One Thousand Eight Hundred and Forty-one, and agreed to by the Legislative Council.

950*l.* County of Sydney

And a further sum of 950*l.* for the several Roads and Bridges in the County of Guysborough, to be applied and expended as aforesaid.

950*l.* County of Guysboro'

And a further sum of 1,000*l.* for the several Roads and Bridges in the County of Pictou, to be applied and expended as aforesaid.

1000*l.* County of Pictou

And a further sum of 1,000*l.* for the several Roads and Bridges in the County of Colchester, to be applied and expended as aforesaid.

1000*l.* County of Colchester

And the further sum of 1,300*l.* for the several Roads and Bridges in the County of Halifax, to be applied and expended as aforesaid.

1,300*l.* County of Halifax

And



- 1000l. County of Cumberland And a further sum of 1000*l.* for the several Roads and Bridges in the County of Cumberland, to be applied and expended as aforesaid.
- 1,300l. County of Hants And a further sum of 1,300*l.* for the several Roads and Bridges in the County of Hants, to be applied and expended as aforesaid.
- 1200l. Kings County And a further sum of 1,200*l.* for the several Roads and Bridges in the County of King's County, to be applied and expended as aforesaid.
- 1000l. County of Lunenburg And a further sum of 1000*l.* for the several Roads and Bridges in the County of Lunenburg, to be applied and expended as aforesaid.
- 1000l. County of Annapolis And a further sum of 1000*l.* for the several Roads and Bridges in the County of Annapolis, to be applied and expended as aforesaid.
- 1000l. County of Digby And a further sum 1000*l.* for the several Roads and Bridges in the County of Digby, to be applied and expended as aforesaid.
- 950l. Queen's County And a further sum of 950*l.* for the several Roads and Bridges in the County of Queen's County, to be applied and expended as aforesaid.
- 1000l. County of Shelburne And a further sum of 1000*l.* for the several Roads and Bridges in the County of Shelburne, to be applied and expended as aforesaid.
1000. County of Yarmouth And a further sum of 1000*l.* for the several Roads and Bridges in the County of Yarmouth, to be applied and expended as aforesaid.
- 300l. Margaret's Bay And a further sum of 300*l.* to aid in completing the new Road from Margaret's Bay to the new Chester Road, to be drawn when the sum of 700*l.* is expended out of the Road Monies of the County of Halifax upon the same service.
- 150l. Onslow 50l. Road round Birch Hill And a further sum of 150*l.* towards opening the new line of Road from Onslow to Tata-magouche, and 50*l.* towards completing the alteration round Birch Hill, near Bass River, in the Township of Londonderry.
- 250l. Inhabitants of Pictou And a further sum of 250*l.* to the Inhabitants of Pictou, to be applied in the following manner: the sum of 150*l.* in building a new Bridge at River John, on the Main Post Road from Pictou to the County of Cumberland; and the sum of 100*l.* in aid of erecting a new Bridge across the East River of Pictou, opposite New Glasgow.
- 200l. Lunenburg-Post And a further sum of 200*l.* for the alteration and improvement of the Main Post Road from Lunenburg to LaHave.
- 50l. Antigonish Road And a further sum of 50*l.* to be applied on the new explored line of Road on the Main Road from Antigonish to Guysborough County Line, in Sydney County; and a further sum of 50*l.* on said new line from Sydney County Line to Guysborough.
- 70l. Ratchford River Road 130l. Bridge near Pugwash And a further sum of 70*l.* to repair the Road from Ratchford's River to Robert Spicer's; and the further sum of 130*l.* to build a Bridge near Pugwash, in the County of Cumberland.
- 30l. 18s. Surveying the Road from Musquedoboit 75l. Dr. J. C. Hume And a further sum of 30*l.* 18s. at the disposal of His Excellency the Lieutenant-Governor, to defray the expense of Surveying the Road from Musquedoboit to Pictou.
- 50l. Drs. Grigor and Stirling And a further sum of 75*l.* to Doctor James C. Hume, for his services for the last six years, as Secretary to the Central Board of Health at Halifax, and for defraying sundry expenses attending that Board.
- 191l. 19s. expenses for prevention of Small Pox And a further sum of 50*l.* to Doctors Grigor and Stirling, in aid of the Halifax Dispensary for the present year, provided they keep, during the year, a sufficient quantity of Vaccine Matter.
- 60l. prevention of Small Pox in Guysborough And a further sum of 191*l.* 19s. at the disposal of His Excellency the Lieutenant-Governor, to defray certain expenses incurred the past year in the County of Digby and Town of Halifax, in arresting the progress of Small-pox, such sum to be paid over to the respective claimants, upon the terms mentioned in the reports of the Committee thereon.
- 31l. 6s. 1d. Dr. F. C. Pyke And a further sum not exceeding 60*l.* at the disposal of His Excellency the Lieutenant-Governor, to provide for such Expenses as may be incurred in the County of Guysborough, in arresting the progress of the Small-pox, such sum to be paid only on the Terms specified in the report of the Committee.
- 47l. 1 Overseers of the Poor in Pictou And a further sum of 31*l.* 6s. 1d. to Dr. F. C. Pyke, for services performed under the direction of the Health Officer at Windsor, agreeably to the report of the Committee on the subject of Health.
- And the further sum of 47*l.* 1s. to the Overseers of the Poor for the Township of Pictou, agreeably to the report of the Committee on the subject of Transient Poor.

And a further sum of 28*l.* 8*s.* 8*d.* to the Overseers of the Poor for the Township of Amherst, agreeably to the report of the Committee on the subject of Transient Poor.

And a further sum of 34*l.* 8*s.* to the Overseers of the Poor for the Township of Newport, pursuant to the report of the Committee on the subject of the Transient poor.

And a further sum of 8*l.* 12*s.* 11*d.* to the Overseers of the Poor for the District of Minaudie, pursuant to the Report of the Committee on the subject of the Transient Poor.

And a further sum of 3*l.* to the Overseers of the Poor for the Township of Granville, pursuant to the Report of the Committee on the subject of the Transient Poor.

And a further sum of 16*l.* to defray the expenses incurred by Thomas Page, Overseer of the Poor for the District of Pugwash, for keeping Transient Paupers, as per account.

And a further sum of 23*l.* 2*s.* 3*d.* to the Overseers of the Poor for the Township of Wilmot, 15*l.* of which to be paid to Dr. Fitch, pursuant to the Report of the Committee on Transient Poor.

And a further sum of 3*l.* 3*s.* 6*d.* to the Overseers of the Poor for the Township of Aylesford, pursuant to the Report of the Committee on the subject of Transient Poor.

And a further sum of 6*l.* 12*s.* 6*d.* to the Overseers of the Poor for the Township of Guysborough, agreeably to the Report of the Committee, on the support of Transient Paupers.

And a further sum of 17*l.* 5*s.* 6*d.* to the Overseers of the Poor for the Township of Cornwallis, for the support of Transient Paupers, agreeably to the Report of the Committee.

And a further sum of 7*l.* 7*s.* 6*d.* to the Overseers of the Poor for the Township of Windsor, for the support of Transient Paupers, agreeably to the Report of the Committee.

And a further sum of 9*l.* 1*d.* to John Bourinet, for the support of a Transient Pauper at Sydney, Cape Breton, agreeably to the Report of the Committee.

And a further sum of 2*l.* 13*s.* 9*d.* to the Overseers of the Poor for the Township of Annapolis, agreeably to the Report of the Committee respecting Transient Paupers.

And a further sum of 7*l.* 10*s.* to Hugh McDonald, for services performed under the direction of the Board of Health of Pictou, pursuant to the Report of the Committee on this subject.

And a further sum of 72*l.* 14*s.* 3*d.* to the Firewardens of the Town of Yarmouth, being a return of duties on two Fire Engines imported by them, pursuant to the Report of the Committee thereon.

And a further sum of 41*l.* 3*s.* 11*d.* to Robert Lawson, being a return of duties on Mill Machinery imported by him, pursuant to the Report of the Committee thereon.

And a further sum of 22*l.* to Asa Torry, Esquire, pursuant to the Report of the Committee on his Petition.

And a further sum of 19*l.* 17*s.* 9*d.* to John Ferguson, being a return of duties on a Printing Press imported by him, pursuant to the Report of the Committee thereon.

And a further sum of 17*l.* 5*d.* to Amos Lovett, being a return of duties on Liquors staved in his cellar.

And a further sum of 11*l.* 8*s.* 9*d.* to Alexander Lawson, as a return of duties on Printing Apparatus, agreeably to the Report of the Committee.

And a further sum of 6*l.* 13*s.* 4*d.* to James Spike, being a return of duties on Printing Apparatus imported by him, pursuant to the Report of the Committee thereon.

And a further sum of 4*l.* 16*s.* 3*d.* to Messrs. English & Blackadar, being a return of duties on a Printing Press imported by them, pursuant to the Report of the Committee thereon.

And a further sum of 300*l.* to the Nova Scotia Baptist Education Society, in aid of the Institution at Horton, for the present year.

And a further sum of 200*l.* to the Nova Scotia Baptist Education Society, for the purpose of assisting them to liquidate the Debts of the Society.

And a further sum of 300*l.* to the Trustees of Saint Mary's College or Seminary at Halifax, in aid of such College or Seminary, for the present year.

And a further sum of 39*l.* 15*s.* as the Salary of the female Teacher of the African School at Halifax, for the present year.

And a further sum of 100*l.* to the Reverend R. F. Uniacke, to enable him to defray the expenses incurred to support the School for Poor Children in the North Suburbs of the Town of Halifax.

And a further sum of 100*l.* to the Hon. Hugh Bell and others, to support a School in connection with the Methodist Church at Halifax.

28*l.* 8*s.* 8*d.*  
Overseers of  
Poor Amherst  
34*l.* 8*s.* Over-  
seers of the  
Poor for New-  
port  
8*l.* 12*s.* 11*d.*  
Overseers of:  
the Poor for  
Minaudie  
3*l.* Transient  
Poor Granville  
16*l.* T. Page.

23*l.* 2*s.* 3*d.*  
Overseers of  
Poor Wilmot

3*l.* 3*s.* 6*d.*  
Transient  
Poor

6*l.* 12*s.* 6*d.*  
Overseers of  
Poor Guysbo-  
rough

17*l.* 5*s.* 6*d.*  
Overseers of  
Poor Cornwal-  
lis

7*l.* 7*s.* 6*d.*  
Overseers of  
Poor Windsor

9*l.* 1*d.* J Bon-  
rinet

2*l.* 13*s.* 9*d.*  
Overseers of  
Poor Annapo-  
lis

7*l.* 10*s.* H.  
McDonald

72*l.* 14*s.* 3*d.*  
Fire Wardens  
of Yarmouth

41*l.* 3*s.* 11*d.*  
Robert Law-  
son

22*l.* Asa Tor-  
ry

19*l.* 17*s.* 9*d.*  
J. Ferguson

17*l.* 5*d.*  
Amas Lovett

11*l.* 8*s.* 9*d.* A.  
Lawson

6*l.* 13*s.* 4*d.*  
James Spike

4*l.* 16*s.* 3*d.*  
English &  
Blackadar

300*l.* Baptist  
Society

200*l.* Baptist  
Society

300*l.* St. Ma-  
ry's College

39*l.* 15*s.* Afri-  
can School

100*l.* R. F. U-  
niacke

100*l.* Hon. H.  
Bell

25l. Poor House

And a further sum of 25l. to the Commissioners of the Poor in Halifax to defray the expenses of continuing the School in the Poor House for the present year; for the benefit of Orphans and Poor Children in that Establishment.

50l. Infant School

And a further sum of 50l. to the Ladies Managers of the Infant School at Halifax, in aid of that Institution for the present year.

30l. Indians

And a further sum of 30l. at the disposal of His Excellency the Lieutenant Governor to assist the Indians in the erection of a Chapel; on Chapel Island, in Bras d'Or Lake, in Cape Breton.

250l. Provincial Museum

And a further sum of 250l. at the disposal of His Excellency the Lieutenant Governor, to enable him to lay the foundation of a Provincial Museum, under such rules and regulations as His Excellency, by and with the advice of the Executive Council, shall deem sufficient.

25l. J. Goarely

And a further sum of 25l. to James Goarely and others, Trustees of the African Chapel at Liverpool, to enable them to complete that building for the accommodation of the Colored Population, pursuant to the prayer of their Petition.

50l. J. Archibald

And a further sum of 50l. to Jonathan Archibald, to pay him for expenses incurred in making a settlement between Musquedobit and Saint Mary's, agreeably to the Report of the Committee.

14l. 19s. Daniel Durland

And a further sum of 14l. 19s. to Daniel Durland, to enable him to keep a Public House to accommodate Travellers, between Queen's County and Annapolis, which house is about twelve miles from any settlement, each way in the County of Annapolis.

15l. R. Nickerson

And a further sum of 15l. pounds to Reuben Nickerson, to enable him to keep a House of Entertainment and Stabling for Horses, for the accommodation of Travellers; on the road from Barrington to Shelburne.

15l. J. Ross

And a further sum of 15l. to John Ross, to reimburse him a sum intended to be paid him in the year one thousand and eight hundred and forty, for services performed in carriage of the Mails, between Pictou and Halifax, pursuant to the Report of the Committee on his Petition.

7l. 15s. C. T. Wilkins

And a further sum of 7l. 15s. to Charles T. Wilkins, Esquire, Sheriff of the County of Hants, pursuant to the Report of the Committee on his Petition.

9l. 9s. Colonial Office

And such further sum, at the disposal of His Excellency the Lieutenant Governor, as will enable him to remit to the Colonial Office, the sum of 9l. 9s., sterling, advanced from the funds of that Office for Printed Reports of Appeal Cases, decided before the Judicial Committee of the Privy Council, forwarded to this Province.

36l. 6s. 10d. E. Duckett Criminal Cases

And a further sum of 36l. 6s. 10d., at the disposal of His Excellency the Lieutenant Governor, to defray certain expenses attending Criminal Cases in the Island of Cape Breton, viz: to Edward Duckett, 22l. 11s. 7d.; John Fuller, 7l. 3d.; and J. W. Weeks, 6l. 15s., according to the Report of the Committee, on their accounts, of which payment has been recommended by His Excellency.

11l. 7s. A. M. Uniacke

And a further sum of 11l. 7s. to Andrew M. Uniacke, Esquire, Judge Advocate of Militia, for his services rendered to a Militia Board.

681l. 15s. 6d. Revenue Cutters

And a further sum of 681l. 15s. 6d., at the disposal of His Excellency the Lieutenant Governor, to defray the over expenditure for maintaining the Revenue Cutters, last year.

1800l. Revenue Cutters

And a further sum of 1800l., at the disposal of His Excellency the Lieutenant Governor, to continue the service of the three Revenue Cutters on the coasts of Nova-Scotia, as heretofore.

974l. 4s. 5d. Public Buildings

And a further sum of 974l. 4s. 5d. to the Commissioners of Public Buildings, to defray the several balances, due for services performed by mechanics, under their directions.

516l. J. Howe & Son

And a further sum of 516l. to Messrs. John Howe & Son, to pay the balance of their account, for the last year, for printing for Government and the Legislature.

3l. 10s. Clerks of Peace

And such further sum to the Secretary of the Province, as will enable him to pay 3l. 10s. to each of the Clerks of the Peace, within this Province, to whom His Excellency directed Road Commissions and Bonds in the year of our Lord One Thousand Eight Hundred and Forty.

10l. J. J. Sawyer

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

And

And a further sum of 100*l.* to the Reporters of the Debates and Proceedings of the Legislature, for their services during the present year, in conformity with the Report of the Committee on Reporting.

100*l.* Reporters

And a further sum, not exceeding 60*l.* to the Clerk of the House of Assembly, to defray the expense of Stationery, and binding of the Journals and Laws for the House of Assembly, during the present Session.

60*l.* Stationery

And a further sum, not exceeding 220*l.* to defray the expense of extra Messengers, and other services and articles for the House of Assembly, and for Fuel, according to Estimate—the said sum to be drawn and applied by the Clerk of the House of Assembly, under the sanction of the Speaker.

220*l.* Messengers of H. A.

And a further sum of 15*l.* at the disposal of the Honorable the Speaker, to procure various Works and Publications, necessary for conducting the business of the House of Assembly.

15*l.* Publications for H. A.

And a further sum of 10*l.* each, to the two Chairmen of the Committee on Bills and of Supply, for their services for the present Session.

10*l.* Chairmen of Committee

And a further sum of 100*l.* each, to the Clerk, and Clerk Assistant, of the House of Assembly, for their extra services during this present Session.

100*l.* Clerk's of H. A.

II. *And be it enacted*, That the Commissioners of the Bridewell be authorised to proceed with the Building according to the Plan and Specification adopted by them, with one tier of cells, and that an additional sum, not exceeding 2000*l.*, be granted for that purpose—to be drawn after the expiration of the present year.

2000*l.* Bridewell

III. *And be it enacted*, That His Excellency the Lieutenant-Governor be authorised to pay, out of the 6000*l.* granted for the Great Roads, the sum of 95*l.* expended by Samuel Archibald, in the last year, upon the Main Road from Gay's River to Salmon River, agreeably to the Report of the Committee of the House of Assembly, recommending payment of the same, in addition to the sum expended on the new road, under His Excellency's order.

95*l.* S. Archibald

IV. *And be it enacted*, That the sum of 5*l.* granted in the last Session of the General Assembly, for the repair of the Road from Peter Parry's to Round Bay Bridge, in the Township of Shelburne, and remaining undrawn from the Treasury, be applied to the repair of the Road from Benjamin Parry's to Round Bay Bridge; and that the sum of 8*l.* granted last Session for the repair of the Road from Carlton Village to William Doane's, in the said Township, remaining also undrawn from the Treasury, be applied to the Road from Carlton Village to the Post Road, in the Township of Shelburne aforesaid; and that the sum of 7*l.* granted in the year of our Lord One Thousand Eight Hundred and Thirty-nine, for the repair of the Road from Holder's Bars to Crowell's Brook, in the said Township, also remaining undrawn from the Treasury, be appropriated for the repair of the Roads from David McKay's to the west end of Jordan Bridge, in said Township.

Bridges in Shelburne

V. *And be it enacted*, That the sum of 10*l.* remaining undrawn from the grant, for rebuilding LaHave Bridge, be paid to John Wile, the Contractor for building said Bridge, for certain extra work performed by him in raising the Road at each end of the said Bridge.

10*l.* J. Wile

VI. *And be it enacted*, That the sum of 20*l.* granted in the Session of One Thousand Eight Hundred and Thirty-nine to rebuild the Bridge at Porter's Lake, and remaining undrawn from the Treasury, be applied and expended in making an alteration of the Road at Beach Hill, Preston.

20*l.* Bridge at Preston

VII. *And be it enacted*, That the appropriation of the sum of 300*l.* which, in and by an Act, passed in the last Session of the General Assembly, entitled, An Act for applying certain Monies therein mentioned for the improvement of the Great Roads in this Province, is directed to be expended on the Road from Pictou, by River John, to the bounds of Cumberland, be altered, in so far as the sum of 50*l.*, part of the said sum, be expended in the erection of a new Bridge across River John.

300*l.* Bridges at Cumberland

VIII. *And be it enacted*, That the sum of 3*l.* granted in the Session of the year of our Lord One Thousand Eight Hundred and Forty, for repairing the Road from James McElmun's, past John Munro's, to William Fletcher's, (which Road is now shut up,) be applied and expended on the Road from Fulton's to Young's, in the Township of Londonderry.

3*l.* Road Londonderry

IX. *And be it enacted*, That the sum of 500*l.*, by the Act, passed in the last Session of the General Assembly, entitled, An Act for applying certain Monies therein mentioned for the improvement of the Great Roads in this Province, appropriated for the Road from Margaree, by Ross', to Middle River, shall be applied as follows, that is to say:—416*l.*, part thereof

500*l.* Roads Cape-Breton



thereof for the same Road from Margaree by Ross's; towards Middle River to Cape-Breton County line, and the residue, 84*l.*, on the Main Post Road from Middle River to Baddeck.

500*l.* Treasurer for Copper Tokens

X. *And be it enacted*, That the Treasurer of the Province, together with the Commissioners for signing Treasury Notes, be authorised to obtain Copper Tokens, consisting of Pence and Half-Pence, to the amount of 500*l.* sterling, of the same weight and fineness as those issued from the Treasurer, in the year One Thousand Eight Hundred and Thirty Two.

Duties on certain Articles imported from U. S. applied to the support of the Poor

XI. *And be it enacted*, That the Collector of Impost, at the Port of Halifax, shall, and he is hereby authorised, empowered, and directed to keep a distinct account of all duties by him collected, upon the importation from the United States of America, of Live Stock, Apples, Onions, Fruit, Biscuit and Bread, under the Act of the General Assembly, passed in the last Session of the General Assembly, entitled, An Act for granting Colonial Duties of Impost for the support of Her Majesty's Government within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof; and that the said duties upon the above specified articles, during the present year, shall be paid Quarterly to the Commissioners of the Poor, for the use of the transient Poor, provided the amount so paid do not exceed One Thousand Pounds,

Members pay

XII. *And be it enacted*, That the sum of One Pound per day be granted and paid to each and every Member of the House of Assembly, for their attendance in General Assembly, for the present Session, to be paid on the Certificate of the Speaker; also, the travelling charges as heretofore; Provided that no Member shall receive pay for more than forty days attendance.

Sum for Steam boat from Pictou to P. E. Island

XIII. *And be it enacted*, That the sum of 150*l.* be granted for the supporting and maintaining a good and sufficient Steam Boat between Pictou and Prince Edward Island for the present year—to be paid when it shall be made satisfactorily to appear to His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, that such Boat (when not prevented by boisterous weather or unavoidable accident,) has plied, during the Summer Season, three times a week between Pictou and Prince Edward Island, and shall, if required, have conveyed the Mails between this Province and said Island.

Sum for Roads in Barrington

XIV. *And be it enacted*, That the sum of 48*l.* granted in the Session of the year One Thousand Eight Hundred and Forty, for the purpose of opening a new Road from Shag Harbor to John Crowell's, in the Township of Barrington, and which has not been drawn from the Treasury, be changed and applied to repair the old Road leading from John Crowell's to Shag Harbor, in said Township.

379*l.* 13*s.* 9*d.* Lieut. Governor

And a further sum of 379*l.* 13*s.* 9*d.* at the disposal of His Excellency the Lieutenant-Governor, to repay certain persons for Excess of Duties paid by them, agreeably to the Report of the Committee appointed to examine those claims.

7*l.* 10*s.* John Hewitt

And a further sum of 7*l.* 10*s.* to John Hewitt, being the amount of Duties paid on a cask of Brandy which was staved, and the Liquor lost, on its carriage to Tatamagouche, in January last.

Hon. J. S. Morse 40*l.*

And a further sum of 40*l.* to the Honorable James S. Morse, to repay him the amount advanced to William McKay, for an exploration and survey of the route of a Canal to unite the waters of the Bay of Fundy and the Gulf of Saint Lawrence.

350*l.* Lieut. Governor

And a further sum of 700*l.*, in addition to 350*l.* granted last year, at the disposal of His Excellency the Lieutenant-Governor, to build a Light-House on the West side of the North entrance of the Big Gut of Canso, in conformity with the Report of the Committee on Light-Houses.

Lieut. Governor 700*l.*

And a further sum of 700*l.*, in addition to 300*l.* granted last year, and placed at the disposal of His Excellency the Lieutenant-Governor, to build a Light-House in the Basin of Mines, conformably with the recommendation of the Committee on Light-Houses.

Lieut. Governor 300*l.*

And a further sum, not exceeding 300*l.* at the disposal of His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, to enable him to procure two of Francis' Life Boats, one of which shall be stationed at Seal Islands, and the other at the Island of St. Paul's or Scattarie, in conformity with the Report of the Committee.

Yarmouth 100*l.*

And a further sum of 100*l.* to aid the Inhabitants to build a Breakwater at Green Cove, in the County of Yarmouth, when it shall be proved to the satisfaction of His Excellency the Lieutenant-Governor that 300*l.* have been subscribed and expended on said Breakwater, and the site conveyed to the public.

And a further sum of 100*l.* to aid the Inhabitants of the Township of Aylesford in the erection of a Breakwater at the French Cross, on the South shore of the Bay of Fundy, in that Township—to be drawn when it shall be satisfactorily made appear to His Excellency the Lieutenant-Governor that the sum of 200*l.* has been raised by private contribution, and expended on said work, and that the use of the Pier has been secured to the public.

Aylesford  
100*l.*

And a further sum of 70*l.* to aid the Inhabitants to complete the Breakwater at Gates' Mountain, when it shall be proved to the satisfaction of His Excellency the Lieutenant-Governor, that 208*l.* have been subscribed and expended on said Breakwater.

Gates' Mountain  
70*l.*

And such further sum, at the disposal of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, as will suffice to pay to the Inhabitants a sum in aid of building a Breakwater at Specht's Cove, equal to one third of any amount which shall be satisfactorily proved to His Excellency to have been subscribed by the Inhabitants, and actually expended on said Breakwater; Provided the sum hereby granted shall not exceed Fifty Pounds.

Specht's Cove  
50*l.*

And such further sum, at the disposal of His Excellency the Lieutenant-Governor, as will enable him to pay one third of the amount subscribed by the Inhabitants, to build an addition to the Breakwater at Meteghan River, in the Township of Clare, on proof to his satisfaction of the amount of such subscription having been expended thereon; Provided the amount of the Provincial allowance does not exceed Fifty Pounds.

Meteghan River  
50*l.*

And a further sum of 50*l.* to the Inhabitants of Lewis Head, in the County of Shelburne, to enable them to rebuild a Breakwater, when it shall be certified to His Excellency the Lieutenant-Governor, that 150*l.* have been expended on that work—100*l.* thereof raised by private subscription.

Lewis Head  
50*l.*

And a further sum of 43*l.* to aid the Inhabitants of Broad Cove, in the County of Inverness, to build a Breakwater, and divert the course of Broad Cove River, when it shall be proved to the satisfaction of His Excellency that 129*l.* have been subscribed and expended by the Inhabitants on such undertaking.

Broad Cove  
43*l.*

And a further sum of 50*l.* to aid the Inhabitants of the Township of Clare to build an addition to the Breakwater at Whale Cove, in said Township, when it shall be proved to the satisfaction of His Excellency, that One Hundred and Fifty Pounds have been subscribed and expended on the said Breakwater.

Clare 50*l.*

And such further sum, at the disposal of His Excellency the Lieutenant-Governor, as will suffice to pay to the Inhabitants a sum in aid of building a Breakwater at Marshall's Cove, in the County of Annapolis, equal to one third of any amount which shall be satisfactorily proved to His Excellency, to have been subscribed by the Inhabitants, and actually expended on the said Breakwater: provided the sum hereby granted shall not exceed Thirty Three Pounds, and the site be conveyed to the Public.

Marshall's Cove  
33*l.*

And such further sum, at the disposal of the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, as will suffice to pay to the Inhabitants a sum in aid of building a Breakwater at Canaday's Creek, equal to one third of any amount which shall be satisfactorily proved to His Excellency to have been subscribed by the Inhabitants, and actually expended on the said Breakwater: provided that the sum hereby granted shall not exceed 100*l.*

Canaday's Creek  
100*l.*

And a further sum of 60*l.*, at the disposal of the Lieutenant-Governor, or Commander in Chief for the time being, for the purpose of continuing the Revenue Boat at the entrance of Annapolis River, during the present year, under the direction of the Collector of Customs at Digby.

Revenue Boat  
Annapolis 60*l.*

And a further sum of 60*l.*, at the disposal of the Lieutenant-Governor, or Commander in Chief for the time being, to enable him to procure a suitable Revenue Boat, at Sydney, in the County of Cape Breton; and a further sum of 30*l.* to enable him to employ such Boat as heretofore.

Revenue Boat  
Sydney 60*l.*

And a further sum of 60*l.*, at the disposal of His Excellency the Lieutenant-Governor, for the purpose of placing a Revenue Boat in the Basin of Mines, for the present year, under the direction of the Excise Officer at Windsor.

60*l.* Revenue Boat  
Mines

And a further sum of 30*l.*, at the disposal of His Excellency the Lieutenant-Governor, for the purpose of employing a Revenue Boat and Tide Waiters, or Boatmen, at Pictou, to aid in the protection of the Revenue, to be under the direction of the Collector of Excise at that Port.

30*l.* Revenue Boat and Tide Waiters  
Pictou



150l. Arisaig  
Pier

And a further sum of 150*l.*, to assist in completing the Arisaig Pier, to be paid as soon as it shall be made to appear to His Excellency the Lieutenant-Governor, that the Inhabitants of Arisaig shall have subscribed and expended the sum of 50*l.* in said work.

25l. McNeil's  
Cove

And a further sum of 25*l.*, at the disposal of His Excellency the Lieutenant-Governor, to be drawn, when it shall be proved to His Excellency's satisfaction, that 75*l.* have been subscribed by the Inhabitants, and expended towards building a Breakwater at McNeil's Cove, in Saint Mary's Bay, in conformity with the Report of the Committee of Light Houses.

30l. Isle Ma-  
dame

And a further sum of 30*l.* to aid the Inhabitants of Isle Madame, in the County of Richmond, to open a Passage between Lennox Passage and Little Arichat Harbor, to be paid when it shall be made satisfactorily to appear to His Excellency the Lieutenant-Governor, that the like sum of 30*l.* has been subscribed and paid by the said Inhabitants, for the above purpose.

100l. Yar-  
mouth Beacon

And such further sum, at the disposal of His Excellency the Lieutenant-Governor, for the time being, as will suffice to pay the Inhabitants of Yarmouth one half of the expense of building a Beacon on Butler's Point, at Yarmouth Harbour, and placing Buoys on Corning's Ledge and Sallow's Rocks, at the entrance of said Harbour: Provided the sum granted shall not exceed 100*l.*

*And whereas*, it is considered necessary to make an alteration in the Main Post Road leading from Mills Village to Herring Cove, in Queen's County; *And whereas*, the Money granted for that Line of Road, and still unexpended, may not be sufficient for that purpose.

100l. Road  
from Mills  
Village to Her-  
ring Cove

XV. *Be it enacted*, That it shall and may be lawful for His Excellency the Lieutenant-Governor to direct that any sum not exceeding 100*l.* be applied to complete the said alteration, out of any Money that may have been granted for the Road from Liverpool to Shelburne, and not expended.

10l. Ebenezer  
Bishop

XVI. *And be it enacted*, That Ebenezer Bishop, Commissioner for expending Money on the Great Road through Horton, be allowed to appropriate so much of the Money placed at his disposal, to the payment of damages of Land, necessarily occupied in altering and improving the Road through the Premises of Eliphalet Fuller, as agreed for, not exceeding 10*l.*

6l. Bridge  
Cornwallis

XVII. *And be it enacted*, That the sum of 6*l.*, granted in One Thousand Eight Hundred and Forty, for the alteration up the Hollow, south of Gesner's Mill Pond, be applied to the repair of the Dam or Bridge over the Pond, and the Road crossing the same, in Cornwallis.

XVIII. *And be it enacted*, That the Ninth, Twelfth, Sixteenth, and Eighteenth Clauses, or Sections of the Act, made and passed in the forty first-year of the Reign of His late Majesty King George the Third, entitled, An Act for applying certain Monies therein mentioned, for the service of the year of our Lord One Thousand Eight Hundred and One, and for appropriating such part of the Supplies, granted in this Session of the General Assembly, as are not already appropriated by the Laws or Acts of this Province: Also, the Eleventh, Twelfth, and Thirteenth Sections of the Act, passed in the fourth year of the Reign of His late Majesty King William the Fourth entitled, An Act for applying certain Monies therein mentioned, for the service of the year of our Lord One Thousand Eight Hundred and Thirty-four, and for appropriating such part of the Supplies, granted in this Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province, shall be, and each of the said Clauses or Sections is hereby continued in force, in as full and ample a manner as if herein repeated word for word, until the Thirty-first day of March, which will be in the year of our Lord One Thousand Eight Hundred and Forty-two, and no longer.

20l. Revenue  
Boat Liverpool

XIX. *And be it enacted*, That whenever the sum of Twenty Pounds shall be paid into the Treasury of the Province, for seizures made by the Revenue Officers in Queen's County, it shall and may be lawful for His Excellency the Lieutenant-Governor to apply a sum, not exceeding Twenty Pounds, for the purpose of employing a Revenue Boat at Liverpool to aid in the protection of the Revenue, and for the collection of Light Duty at that Port.

## CAP. II.

# An Act for the encouragement of Agriculture and Rural Economy in this Province.

(Passed the 29th day of March, A. D. 1841.)

**B**E 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, by and with the advice of Her Majesty's Executive Council, to appoint and commission a Central Board of Agriculture at Halifax, consisting of eleven fit and proper persons, of whom, seven shall be resident in Halifax, or its vicinity, and one selected from the Eastern, Western, and Middle Divisions of Nova Scotia, and one from Cape-Breton, four of whom shall be a quorum, and from time to time, as vacancies occur in the Commissioners composing such Board, by revocation, death, resignation, or continued absence from the Province, to supply such vacancies by new appointments.

Central Board

II. *And be it enacted,* That there shall be granted and paid to the said Commissioners, out of the Public Funds of this Province, the sum of Five Hundred Pounds annually, for four years, from and after the passing of this Act—whereof the said Board shall be at liberty to expend a sum not exceeding One Hundred Pounds annually, for the Salary of a Clerk or Secretary, to be appointed by them, and removed at pleasure, and a further sum for their incidental expenses; and shall lay out and expend the balance, during the aforesaid period of four years, in the importation from abroad of the most improved Implements of Husbandry—and also, of Seeds and Live Stock, of various kinds—in the encouraging and circulating of Agricultural Publications, and the diffusion of knowledge on the different branches of Husbandry, and in such other objects, for the Agricultural improvement of the Province, as the said Board may, from time to time, approve; and that the said Board shall be at liberty to expend the balance on any one or more of such objects, in every year, as their experience and judgment may, from time to time, suggest; and shall exhibit an account of such expenditure to the Legislature in each year, verified by the oath of one of the Members of the said Board, and by proper vouchers in that behalf.

Annual grant of 500l. for four years

How to be expended Salary of Clerk

Importation of Implements, Seeds, Live Stock, &c.

III. *And be it enacted,* That the said Board shall be at liberty to dispose of all Implements, Seeds or Live Stock, imported by them from time to time, in such way as may appear to them most conducive to the general improvement of the Province, either by offering such importations, or any of them, for sale, in such Counties, and on such terms, as they may direct; or by distributing the same, or any of them, gratuitously, or placing the same under the charge of any Societies or Individuals whom they may select, and on such conditions as they shall, from time to time prescribe; and in case such importations, or any of them, shall be offered for sale, all Instruments or Bonds that may be directed by the said Board to be taken in respect thereof, shall be in the names of the Commissioners for the time being, and shall be valid and binding on the parties executing the same, for the purposes to be therein declared; and the net proceeds of such sale shall be applied and accounted for by the said Board in manner aforesaid; and until such sales shall be had, all Implements, Seeds, Live Stock, or other articles, imported by the said Board, shall be accounted the property of the Commissioners for the time being, and be held by them for the purposes of this Act.

Importations how to be disposed of

IV. *And be it enacted,* That the said Board shall open and carry on a correspondence with the several Agricultural Societies already formed, or which may be hereafter formed, in this Province, and shall aid and direct them, as far as may be required, in prosecuting their several objects; and shall import for the said Societies, out of funds to be provided by them, such Implements, Seeds or Live Stock, as they may respectively want from abroad; and shall likewise inspect and audit the Accounts, to be rendered by the several Societies, of the application and expenditure of their funds, as hereafter mentioned; and from the reports to be furnished by the said Societies, and from such other sources of information as may be accessible to the said Board, shall furnish to the Legislature, at every Session, a general Report of the progress of Agriculture throughout the Province, and of the expenditure of all Monies granted therefor.

To correspond with Agricultural Societies, &c.

To Report to the Legislature

V. *And be it enacted,* That it shall and may be lawful for the Lieutenant-Governor or Commander

Annual Grant of 12751. for four years for the several Counties in this Province

How to be apportioned

Commander in Chief, for the time being, to grant his Warrant on the Public Treasury of this Province, annually, for the period of four years, from and after the passing of this Act, for the sum of One Thousand Two Hundred and Seventy-five Pounds, being at and after the rate of Seventy-five Pounds for each of the seventeen Counties in this Province, to be applied and expended as hereafter mentioned.

VI. *And be it enacted*, That the said Board, in each and every year, shall ascertain whether Agricultural Societies that now are, or hereafter may be, formed in the several Counties, ought to receive a proportion; and shall likewise determine what proportion, if any, each one of such Societies shall receive out of the aforesaid grant of Seventy-five Pounds, such proportion to be regulated by the said Board, with reference to the numbers and contributions of the members of each Society, and to its local position and usefulness, and so as one Society, if there be no more than one in any of the said Counties, may receive, with the assent and approval of the said Board, the whole of such grant; and that the President and Secretary of each Society shall be entitled to draw out of the Treasury, for the purposes of this Act, the sum that may have been assigned to it as aforesaid by the said Board: Provided always, that no Society shall be entitled to any portion of the said grant, which shall not raise annually, by private contribution, the sum of Ten Pounds at the least; and that not more than three Societies shall receive any proportion of the said grant in any one County: And provided also, that in all cases where a Central County Society, with a branch or branches in the County, shall be formed and approved of by the Central Board, that the said sum of Seventy-five Pounds shall be given to the said Central Society for distribution, for the purposes of this Act, in all cases where the sum of Twenty Pounds shall have been raised by the Central Society, and the branch or branches thereof, jointly, in manner before mentioned.

How to be expended by the Societies

VII. *And be it enacted*, That the sums so assigned and paid to the several Societies, shall be applied and expended by them in the importation of Live Stock, Implements or Seeds—the offering of judicious premiums—or in such other Agricultural objects and uses, as in the judgment of each Society, may be best adapted to its local position and wants; and that such objects may be varied or altered, from time to time, at the discretion of each Society; but no part of such sum shall be applied in the expense of managing the said Societies.

Societies to render account to the Central Board

VIII. *And be it enacted*, That each one of the said Societies throughout the Province, shall render to the said Board, on or before the Thirty-first day of December, in every year, a full and exact account, verified by the oath of the President or Secretary thereof, to be administered by any one of Her Majesty's Justices of the Peace, of the expenditure of the sum so assigned and paid to such Society, out of the aforesaid grant, as also of the amount and appropriation of the funds contributed by, or belonging to, such Society, with a report of its proceedings for the past year; and that any Society, which shall neglect or refuse to furnish such account and report, unless excused therefrom by the said Board, shall not be entitled, in any future year, to receive any proportion of the aforesaid grant.

To continue for four years

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

### CAP. III.

## An Act to improve the Administration of the Law, and to reduce the number of Courts of Justice within this Province, and to diminish the expense of the Judiciary therein.

(Passed the 29th day of March, A. D., 1841.)

Preamble

**W**HEREAS, the present system of administering Justice in this Province, by means of the Supreme Court, and Inferior Courts of Common Pleas, being separate and distinct Tribunals, with nearly concurrent jurisdiction in civil causes, leads to one of the two mischiefs following, that is to say: either to holding Courts in each County oftener than is necessary,

necessary, whereby great loss of time is occasioned to the people, or otherwise, to the holding of the Courts with the interval of a year between their terms, whereby great delay occurs in the determination of Causes, attended by other injurious consequences; *And whereas*, it is desirable and necessary that the system should be changed, and the business done by the said two separate and distinct Courts be confined to one of them.

*And whereas*, the holding of two Terms for the trial of Causes with Courts of General Sessions of the Peace, for the dispatch of County and other business, except Trials in each County of this Province (Halifax excepted,) is sufficient for the wants of the Country.

*And whereas*, from the constitution and mode of practice of the Supreme Court, a more uniform and improved Administration of the Law may be expected from that Court than from the Inferior Courts of Common Pleas, under the system upon which the latter are constituted.

*And whereas, therefore*, it will be advantageous to the Country, that the Supreme Court should be preferred, and its operations extended, by establishing two terms thereof in each County of this Province, (Halifax excepted,) and that the Inferior Courts of Common Pleas should be abolished, as thereby not only the inconveniencies aforesaid will be remedied, as far as practicable, in the most beneficial manner, but also great saving of the expence of the Judiciary will ultimately be effected.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and immediately after the passing of this Act, no suit shall be commenced or other proceedings originated in any of the Inferior Courts of Common Pleas within this Province.

No Suit to be hereafter commenced in Inferior Court ✓

II. *And be it enacted*, That hereafter the Inferior Courts of Common Pleas within this Province shall be abolished, and their jurisdiction and authority entirely cease and determine; and that the offices of President of Sessions for the Island of Cape-Bréton, and President of Sessions for the Eastern, Western, and Middle Divisions or Districts of Nova Scotia, held by the Chief Justice of the Inferior Court of the said Island, and the First Justices of the Inferior Court of the said Divisions or Districts of Nova-Scotia, respectively, shall be abolished and cease.

Inferior Courts abolished ✓

III. *And be it enacted*, That, from and after the passing of this Act, there shall be held in every County in this Province, (Halifax excepted,) two Terms or Sittings of the Supreme Court at the respective times hereinafter prescribed and directed.

Two Terms of Supreme Court to be held in every County (Halifax excepted) ✓

IV. *And be it enacted*, That, from and after the passing of this Act, all Causes, Records and Proceedings, remaining undetermined in the said Inferior Courts of Common Pleas, respectively, within and throughout this Province, shall, by virtue and operation of this Act, be removed into the Supreme Court, to be next holden in the same Counties, respectively, wherein the said Inferior Courts of Common Pleas were respectively held, in the same manner as if each of such Causes, Records and Proceedings, had been removed by Writ of Certiorari or otherwise, and such removal may be entered on the Records as having been effected by virtue of this Act.

Business undetermined in Inferior Court to be removed to Supreme Court ✓

V. *And be it enacted*, That, from and after the passing of this Act, no Bill of Indictment shall be found or preferred in or before any Court of General Sessions of the Peace, (Halifax excepted,) nor shall any Trial by Petit Jury be had in or before the same, but in all other respects such Courts of General Sessions of the Peace shall have and exercise the same powers as heretofore by Law such Courts can or may have been used to have and exercise; and in every case where a Bill of Indictment or Trial by Petit Jury is directed by Law to be had or found, in or before any Court of General Sessions, the same shall be had or found in or before the Supreme Court in and for the same County; *Provided always*, that nothing herein contained shall interfere with or prevent, or be construed to interfere with or prevent, the calling and meeting of Special Sessions of the Peace, or abridge or limit any powers or authority which any Special Sessions may now exercise.

Bills of Indictment not to be preferred to Courts of Sessions (Halifax excepted) but to Supreme Court ✓

Proviso

VI. *And be it enacted*, That all persons now held, or bound over, or who shall or may be hereafter held or bound over, to appear at any Court of General Sessions of the Peace in any County (Halifax excepted) to answer any complaint, requiring by Law a Bill of Indictment or Trial by Petit Jury, to be had or found therein, shall be held and bound to appear at the time hereby prescribed for the Sitting or Term of the Supreme Court, for the same County, and then a Bill of Indictment shall be preferred, or a Trial had, and the same proceedings adopted in the Supreme Court, as if the person or persons, so held or bound, had been held or bound to appear in the said Supreme Court.

Complaints made to Sessions regulating Bill of Indictment to be transferred to Supreme Court ✓



Pensions to  
Judges of In-  
ferior Courts

VII. *And be it enacted*, That the present Chief Justice of the Court of Common Pleas, and President of Sessions for the Island of Cape-Breton, and the present first Justice of the Courts of Common Pleas, and Presidents of Sessions for the Eastern, Western and Middle Divisions of this Province, from and after the passing of this Act, shall be entitled to receive and draw, at and from the Public Treasury of this Province, during the term of their natural lives respectively, the Sum of Three Hundred Pounds, Current Monies of this Province, in each and every year, by even quarterly payments, to be computed from and after the quarterly payments, respectively, which shall happen next after the coming of this Act into operation; and no vacancy or vacancies, which shall hereafter occur in any of the said respective offices, shall be filled up or supplied, or any new appointment or appointments made thereto.

Judges of In-  
ferior Courts  
not disquali-  
fied from hold-  
ing Office of  
Assistant Jus-  
tice of Su-  
preme Court  
if appointed to  
other Offices  
of value equal  
to their Pensi-  
ons

VIII. *And be it enacted*, That nothing contained in the seventh Clause of the Act, passed in the Fiftieth Year of the Reign of His late Majesty King George the Third, entitled, "An Act to alter and extend the times of holding the Supreme Court, in several of the Counties and Districts of this Province, and for declaring the qualification of Persons hereafter to be appointed Justices of the said Court, their number and Salaries," shall be held to disqualify the said Chief Justice, or First Justices, to hold the office of an Assistant Justice of the Supreme Court: *Provided always*, that in the event of the said Chief Justice, and President of Sessions for the Island of Cape-Breton, or any of the said first Justices and Presidents of Sessions, for the said Eastern, Western and Middle Divisions of this Province, accepting any Appointment, Place or Office under Government, of equal or greater value than the aforesaid Sum of Three Hundred Pounds a year, then, and in such case, the said Sum shall cease to be payable, and from thenceforward shall no longer be paid to the said Chief Justice, and President of Sessions, or any of the said first Justices and Presidents of Sessions, who shall so respectively accept such Appointment, Place or Office.

No Associate  
Circuit Judge  
of Supreme  
Court to be ap-  
pointed

IX. *And be it enacted*, That it shall not be lawful to appoint any person hereafter to be an Associate Circuit Judge of the Supreme Court.

Acts relating  
to Insolvent  
Debtors—ac-  
knowledge-  
ments of  
Femes Covert,  
&c. to be ex-  
ecuted by Jus-  
tices of the  
Peace

X. *And be it enacted*, That it shall and may be lawful, from and after the passing of this Act, for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of Her Majesty's Executive Council, to appoint and commission three or more of the Justices of the Peace in and for each County in this Province, and for such Justices, so appointed and commissioned, to do, execute and perform, all acts relating to Insolvent Debtors, the acknowledgment of Femes Covert, and all other acts, matters and things, which a Judge or Judges of the Inferior Courts of Common Pleas is or are now by Law empowered or directed to do, or may do out of Court, so as the same number of such Justices of the Peace shall, in all cases, act as the Law now requires, as respects a Judge or Judges of the Inferior Court of Common Pleas in like cases.

Appeals

XI. *And be it enacted*, That, from and after the coming of this Act into operation, all Appeals which now can be made, or which heretofore may have been made, to any of the Inferior Courts of Common Pleas, shall and may be made, returned to, entertained, and adjudicated upon, in the Supreme Court of the Counties of this Province respectively, in the same manner as if such Appeals had, in every case, respectively been, by Law, appointed to be made, or had actually been made to the said Supreme Court.

Two Justices  
of the Peace  
may exercise  
the powers of  
Special Sessi-  
ons granted by  
Act 26 Geo.  
III.

XII. *And be it enacted*, That any two Justices of the Peace in any County of this Province, shall and may have and exercise the powers and authorities granted to Special Sessions of the Peace, in and by an Act, made and passed in the twenty-sixth year of the Reign of His late Majesty King George the Third, entitled, "An Act to empower the Justices of the Peace to hold Special Courts of Sessions for the purposes therein mentioned: *Provided always*, that the said two Justices shall be subject to the operation of the Proviso in that Act contained, in the same manner as the Justices therein named; *And provided also*, that the Jury, in the said Proviso named, shall be summoned by the Sheriff of the County or his Deputy, under Warrant from the said or any two Justices of the Peace; *And provided further*, that the said Justices shall not have authority, under any such conviction, to sentence any person to imprisonment for a longer period than one month, or to any fine for a greater amount than Forty Shillings, or to corporal punishment.

Proviso

XIII. *And be it enacted,* That any two of Her Majesty's Justices of the Peace, for any County in this Province, shall have full power and authority to hear and determine in a summary way, all complaints that may be made before them, for common Assaults and Batteries; and the offender, upon conviction thereof, shall forfeit and pay such fine as to the said Justices shall seem meet, not exceeding the sum of Two Pounds and costs, if awarded—which fine, when received, shall be paid by the said Justices into the hands of the County Treasurer, to be accounted for by him to the Sessions; and that the said Justices shall file with the Clerk of the Peace, before the meeting of the General Sessions of the Peace, the receipt of the County Treasurer for such fine.

Complaints for Common Assaults may be decided by two Justices of the Peace

XIV. *And be it enacted,* That in case the fine imposed by the said Justices, together with the costs, when awarded, shall not be paid immediately after the conviction, or within such period as the said Justices shall, at the time of the conviction, appoint, the same shall be levied by Warrant of Distress and sale of the offender's Goods and Chattels, if the said Justices shall see fit; or it shall be lawful for the said Justices to commit the said offender or offenders to Gaol, for any period not exceeding thirty days, unless the said fine and costs shall be sooner paid.

Recovery of Penalties

XV. *And be it enacted,* That if the said Justices, upon hearing any complaint for an Assault and Battery, shall deem the offence not be proved, or so trifling as not to merit any punishment, they shall accordingly dismiss the complaint, and shall forthwith make out a Certificate, under their hands, stating the fact of such dismissal, and shall deliver such Certificate to the party so acquitted.

Complaints of Assault may be dismissed

XVI. *And be it enacted,* That the said Justices shall and may give costs to either Complainant or Defendant, or compel each party to pay his own costs, as they shall see fit, but no further or greater costs than is by Law provided.

Costs

XVII. *And be it enacted,* That the said Justices of the Peace, in case any offence charged before them, under any authority in this Act, shall be accompanied by circumstances of aggravation; or if, upon investigating any complaint made under and by virtue of this Act, it shall appear to the said Justices that the offender or offenders are deserving of a higher fine, or greater punishment than is prescribed by this Act, it shall and may be lawful for the said Justices to bind the offender or offenders, by recognizance, to appear at the next Supreme Court, and also to bind the Prosecutor or Prosecutors, and Witnesses, if necessary, to appear and prosecute.

Offences of an aggravated nature may be transferred to Supreme Court

XVIII. *Provided always, and be it enacted,* That the prosecution of every offence, punishable on summary conviction, by virtue of this Act, shall be commenced within Three Calendar Months after the commission of the offence, and not otherwise.

Proviso

XIX. *And be it enacted,* That if any person against whom any complaint shall be made cognizable before two Justices, under and by virtue of this Act, shall have obtained such Certificate as aforesaid, or, having been convicted, shall have paid the whole amount adjudged to be paid under such conviction, or shall have suffered the punishment awarded for the non-payment of the amount of the said conviction, in every such case he or they shall be released from all further or other criminal proceedings, for the same cause.

Offenders may be released under certain circumstances

XX. *And be it enacted,* That the said Justices, upon every conviction had before them, in pursuance of this Act, shall cause the same conviction to be drawn up in the form prescribed by the Act of Assembly, for the general form of a conviction before a Magistrate, or in any other form of words to the same effect, as the case may require: *Provided always,* that no such conviction shall be questioned for want of form, and no Warrant of Commitment shall be held void by reason of any defect therein, so as it be therein alleged that the party has been convicted, and there shall have been a good and valid conviction in point of fact to authorise the same, and so as the term or limit of the imprisonment be therein mentioned.

Convictions before Magistrates

XXI. *Be it enacted,* That all Convictions had under and in pursuance of this Act, shall be returned and filed by the said Justices in the Office of the Clerk of the Peace, for the County in which such Conviction shall be had, on or before the first day of the term next ensuing the date of the said Convictions respectively.

Convictions to be returned and filed

XXII. *And be it enacted,* That the Terms or Sitings of the said Supreme Court shall be respectively held in the several Counties of this Province hereinafter mentioned, at the times and places following, that is to say:

Sittings of Supreme Court

At



- At Lunenburg At Lunenburg, in the County of Lunenburg, on the Thursday before the third Tuesday of April, and on the third Tuesday of October.
- At Liverpool At Liverpool, in the County of Queen's County, on the fourth Tuesday of April, and the second Tuesday of October.
- At Shelburne At Shelburne, in the County of Shelburne, on the Tuesday next after the fourth Tuesday of April, and on the first Tuesday of October.
- At Tusket Village At Tusket Village, in the County of Yarmouth, on the Tuesday next but one after the fourth Tuesday of April; and at Yarmouth, in the same County, on the last Tuesday of September.
- At Windsor At Windsor, in the County of Hants, on the last Tuesday of April, and third Tuesday of October.
- At Kentville At Kentville, in the County of King's County, on the first Tuesday of May, and on the second Tuesday of October.
- At Annapolis At Annapolis, in the County of Annapolis, on the second Tuesday of May, and the first Tuesday of October.
- At Digby At Digby, in the County of Digby, on the third Tuesday of May, and on the last Tuesday of September.
- At Amherst At Amherst, in the County of Cumberland, on the first Tuesday of June, and on first Tuesday of October.
- At Truro At Truro, in the County of Colchester, on the second Tuesday of June, and on the second Tuesday of October.
- At Pictou At Pictou, in the County of Pictou, on the third Tuesday of June, and on the third Tuesday of October.
- At Sydney At Sydney, in the County of Cape-Breton, on the last Tuesday of May, and on the last Tuesday of September.
- At Arichat At Arichat, in the County of Richmond, on the first Tuesday of June, and on the first Tuesday of October.
- At Port Hood At Port Hood, in the County of Inverness, on the second Tuesday of June, and on the second Tuesday of October.
- At Guysborough At Guysborough, in the County of Guysborough, on the third Tuesday of June, and on the third Tuesday of October.
- At Antigonishe At Antigonishe, in the County of Sydney, on the fourth Tuesday of June, and on the fourth Tuesday of October.
- Continuance of Terms XXIII. *And be it enacted*, That the respective Terms or Sittings of the said Supreme Court shall last from day to day, and be continued so long as the business shall require: *Provided*, that the same shall not be continued longer than the Saturday before the day hereby appointed for opening the Court at the next place to which the Judge of the Supreme Court, presiding at such Court, shall be about to proceed on his Circuit, nor longer than the second Saturday after the day of the opening said Terms or Sittings respectively.
- Petit Jurors not required to attend Courts of Sessions (Halifax excepted) Grand Jurors not required to attend Courts of Sessions (Halifax excepted) XXIV. *And be it enacted*, That, from and after the passing of this Act, no Petit Jury shall be summoned or required to attend at any Court of General Sessions of the Peace for any County within this Province, Halifax excepted.
- Courts of Sessions XXV. *And be it enacted*, That, from and after the passing of this Act, the Grand Jury shall not be summoned or required to attend at any Court of General Sessions of the Peace for any County within this Province (Halifax excepted) oftener than once in each year.
- In Colchester XXVI. *And be it enacted*, That, from and after the passing of this Act, the Courts of General Sessions of the Peace shall be held in every County of this Province (Halifax excepted) at the places now by Law, or hereby appointed therefor, and at the times following, that is to say—
- In Pictou In the County of Colchester, on the third Tuesday of January.
- In Hants In the County of Pictou, on the first Tuesday of January, and on the first Tuesday of July.
- In Cumberland In the County of Hants, on the first Tuesday of January.
- In County of Sydney In the County of Cumberland, on the first Tuesday of January.
- In County of Guysboro' In the County of Sydney, on the first Tuesday of January.
- In at Saint Mary's, on the first Tuesday of January; and at Saint Mary's, on the first Tuesday of July.

In the County of Cape-Breton, on the first Tuesday of March.  
 In the County of Richmond, on the first Tuesday of March.  
 In the County of Inverness, on the first Tuesday of March.  
 In the County of Annapolis, on the second Tuesday of May, and on the second Tuesday of November.  
 In the County of Digby, on the first Tuesday of July, and on the third Tuesday of December.  
 In the County of Yarmouth, at Tusket-Village, on the second Tuesday of May, and at Yarmouth, on the last Tuesday of September.  
 In the County of Shelburne, on the first Tuesday of May, and on the first Tuesday of October.  
 In the County of Queen's County, on the Friday before the fourth Tuesday of April.  
 In the County of Lunenburg, on the second Monday of April.

And that in such Counties where two Terms or Sitings of the said Court are directed to be held, the Grand Jury shall be summoned to attend at the Fall or Winter Term or Sitting only, so as Town Officers may be appointed, and the other County business transacted thereat.

XXVIII. *And be it enacted*, That the next Terms or Sitings of the General Sessions of the Peace in the Counties of Cape-Breton, Richmond and Inverness; shall be held on the same days now by Law appointed therefor.

XXIX. *And be it enacted*, That whenever in this Act imprisonment is authorised, imprisonment in the County Gaol, or in such other places as are or may be legally appointed for the confinement of offenders, is and shall be intended.

XXX. *And be it enacted*, That whenever, in any of the said Courts of General Sessions of the Peace, a question of Law shall arise, which the Justices present, or the major part of them, shall desire to have determined by the Supreme Court, it shall and may be lawful for the said Justices, or the major part of them, to order a case thereof to be made and sent to the Supreme Court in the same County wherein the question shall arise, or to the Supreme Court at Halifax, as the said Justices, or the major part of them, may think proper; and the said case shall then be argued and heard, and the judgment of the Court therein be given, and returned to the said Court of Sessions.

XXXI. *And be it enacted*, That it shall and may be lawful for any person, feeling himself aggrieved by the judgment and decision of the Court of Sessions, to apply to the Supreme Court, or any Judge thereof, as now by Law provided, for a Writ of Certiorari or Writ of Mandamus, or other Writ or Proceeding, as at present, and the same shall be granted and issued as heretofore, any thing in this Act contained to the contrary notwithstanding.

XXXII. *And be it enacted*, That the Terms or Sitings of the Supreme Court at Halifax, from and after the passing of this Act, shall be reduced to three, and be held annually as follows, that is to say: Eastern Term, on the first Tuesday of April; Trinity Term, on the second Tuesday of July; and Michaelmas Term, on the Third Tuesday of November; at which Easter and Michaelmas Terms Juries shall be summoned and Trials had in the usual manner; but at Trinity Term no Jury shall be summoned unless as now by Law prescribed: *Provided*, that in every other respect, except as may be herein otherwise provided, all the Acts now in force respecting the Terms of the Supreme Court at Halifax, whether relating to the duration thereof, or to extending the same, shall apply to the Terms hereby directed: *And provided also*, that the now next ensuing Easter Term of the Supreme Court shall be held on the second Tuesday of April.

XXXIII. *And be it enacted*, That the number of the Assistant or Puisne Judges of the Supreme Court shall be increased to four; and it shall be lawful for the Queen's Majesty and Her Successors, from time to time, to appoint and commission, in like manner, as the present Assistant or Puisne Justices of the Supreme Court are appointed and commissioned, a fit and proper person to be a fourth Assistant or Puisne Justice of the Supreme Court; and that the salary of the said Assistant or Puisne Justice shall be Five Hundred and Sixty Pounds of Sterling Money of Great Britain, payable quarterly, out of the Treasury of this Province, in the Current Monies thereof, at the rate of Twenty-five Shillings Currency for every Pound Sterling, by Warrant of the Governor, Lieutenant-Governor, or Commander in Chief for the time being; and the said Assistant or Puisne Justice shall also

In County of Cape Breton  
 In County of Richmond  
 In County of Inverness  
 In County of Annapolis  
 In County of Digby  
 In County of Yarmouth  
 In County of Shelburne  
 In Queen's County  
 In County of Lunenburg  
 Attendance of Grand Jurors in Courts of Sessions  
 Sessions to be held in Counties of Cape Breton Richmond and Inverness  
 Imprisonments by Courts of Sessions

Questions of Law arising in Courts of Sessions—how determined.

Appeals from Courts of Sessions

Three Terms of Supreme Court to be held in Halifax

Number of Assistant Justices increased to four

Salary and Travelling Fees

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receive such Travelling Fees as are now by Law allowed and payable to the other Justices of the said Court, and no other Fees whatever.

One Judge  
may hold Su-  
preme Court

XXXIV. *And be it enacted,* That it shall and may be lawful for any one Judge of the Supreme Court to preside at, and hold the said Supreme Court, and to try all Issues, as well in Criminal as Civil Causes, in the said Court.

Preamble

*And whereas,* it may happen sometimes that the Judges may be unable to arrive at the places for holding the said Supreme Court at the times limited and appointed by this Act :

Opening of Su-  
preme Court  
may be defer-  
red under cer-  
tain circum-  
stances

XXXV. *Be it enacted,* That in case any Judge may be prevented by illness, by the state of the weather, or other unavoidable accident, from arriving at the said places on the days appointed by this Act, for holding the said Court, that it shall and may be lawful for the Sheriff of any County in this Province, or his lawful Deputy, to give public notice at the Court House of such County to all Suitors, Defendants, Jurors, Witnesses, and all other persons bound to attend the said Court, that the said Court will meet for the despatch of Business on the following day ; and the said Sheriff, or his lawful Deputy, shall continue to give such notice, from day to day, for three successive days, or until the Judge authorized to hold the Court at the said respective places do arrive.

Attendance of  
Suitors, &c.

XXXVI. *And be it enacted,* That all Suitors, Defendants, Jurors, Witnesses, and all other persons who were bound by Law to attend the said Court on the days named in this Act, shall be bound to attend on the following day, which the Sheriff or his Deputy shall nominate, as herein directed ; and all the proceedings of the said Court, as well in Criminal Cases as in Civil Cases, shall be equally valid, legal and binding, when the said Court shall be opened as aforesaid, as if the said Court had commenced its Sittings on the particular days hereinbefore appointed.

Rule Nisi may  
be granted

XXXVII. *And be it enacted,* That whenever the Judge who has presided at the Trial of any Cause, on the Circuit of the Supreme Court, in any County in this Province, shall, upon due application, refuse to grant a Rule Nisi to set aside any non-suit ordered, or the verdict passed in such Cause, and to grant a new Trial therein, and the Counsel for the party making such application shall, on or before the last day of the Term in which the said Cause has been tried, file a written statement, setting forth specifically his objections to the Law, as delivered by the Judge on the Trial, or the finding of the Jury, and the party on whose behalf such application has been made, shall also file sufficient Bail, in such reasonable amount as the said Judge shall direct, to respond the Judgment to be finally given in the said Cause, then, and in such case, it shall not be lawful to enter up any Judgment on such non-suit or verdict, until after the first four days of the next ensuing Term of the Supreme Court at Halifax, in order that the party dissatisfied with the said non-suit or verdict, may have an opportunity of applying to the Supreme Court at Halifax for a Rule Nisi to set the same aside.

Executions  
may be issued  
from Supreme  
Court upon  
Judgments  
given in Infe-  
rior Court

XXXVIII. *And be it enacted,* That it shall and may be lawful to issue Execution, or other Process, upon any Judgment entered in any of the Inferior Courts of Common Pleas hereby abolished, or to proceed with or upon any Execution heretofore issued on such Judgment, or with, or upon the levy thereof, or to have and take the like proceedings in respect to such Judgment and Execution, or other Process, where Execution remains to be done, as heretofore might have been done, if this Act had not passed ; and every such Execution, or other Process, shall recite the Judgment had in the said Inferior Courts of Common Pleas, and shall be tested on the last Term of the Supreme Court preceding the issuing of such Writ of Execution, or other Process, and be made returnable to the said Supreme Court, in the same manner as if the same Cause or Causes had been originally commenced in the said Supreme Court, and Judgment been had in such Court ; and that any Action or Scire Facias, founded upon any such Judgment, or sued and commenced against the Bail, in any Suit or Action in the Inferior Courts of Common Pleas, or for or in respect of any Suit or Action commenced in such Courts, respectively, may be brought, sued and prosecuted, in the Supreme Court for the same County, in the same manner as might have been done in the Inferior Court of Common Pleas, if this Act had not passed.

Writs, &c. re-  
turnable to Su-  
preme Court

XXXIX. *And be it enacted,* That all Writs, Process, Recognizances, Complaints or other Proceedings whatsoever which are now, or shall be made returnable to the Supreme Court, in the several respective Counties of the Province, at the next Term or Sitting of any of the said respective Courts, shall be returned and held, and deemed to be returnable,

able, on the respective days herein and hereby appointed for the next Terms or Sittings of the said Supreme Court, in the said several Counties respectively and all Parties, Witnesses, Officers or Persons; who are summoned or bound to appear, or who ought to appear at the said several Courts, or any of them respectively, at the next Terms or Sittings thereof respectively, in any of the said Counties; shall be held and obliged to appear at such Courts at the days and times in which such Terms or Sittings are hereby directed to be held.

Witnesses, &c. bound to appear

*XL. And be it enacted,* That no Imparance in any Cause shall be granted in the Supreme Court at Halifax, from and after the passing of this Act, but only in such cases where the Court shall, upon application of the party Defendant, order the same by rule made in such Cause; *Provided,* that if the Defendant resides within the County of Halifax, the Writ and Declaration shall have been served upon him eight days before the Return thereof; and if he resides without the County of Halifax, the Writ and Declaration shall have been served upon him fourteen days before the return thereof.

Imparance granted upon application of Defendants

*XLI. And be it enacted,* That in order to prevent delay in Causes removed to Halifax by rule or otherwise, from the Circuit Courts of the said Supreme Court for argument, it shall and may be lawful for the said Supreme Court at Halifax, at any of the Terms thereof, to be held after the passing hereof, to appoint by Order or Rule of the said Court, to be publicly read by the Prothonotary in open Court, on the last day thereof, a certain day, or certain days after Term, to be in such Order or Rule named, for delivering Judgments in such Causes as may have been theretofore argued, either during the same Term, or any former Term, and wherein the Court shall not be then prepared to deliver Judgment, and upon such day or days the said Court shall sit; and every Judgment and decision delivered, or Rule or Order made, on any such day or days out of Term, shall be as valid, binding, and sufficient, as if delivered or made in Term; and every Rule or Order of Court made upon any such day or days, shall be deemed a Rule or Order of the Term previous, and bear date on the last day thereof.

Causes removed from Circuit Courts to Halifax

*XLII. Provided always, and be it enacted,* That any Writ or Writs, Suit or Suits, issued or brought, or commenced, or which shall or may, after the passing of this Act, be issued, or brought, or commenced, returnable to any next ensuing Term or Sitting of the Inferior Court of Common Pleas, in any County in this Province, shall be and be deemed returnable, and shall be returned to the next ensuing Term or Sitting of the Supreme Court for the same County, as hereby appointed, and shall be and be held, and be deemed to be, a Writ or Writs, Suit or Suits, issued or brought, or commenced in the Supreme Court, and be proceeded with accordingly; and all persons, by or under such Writ or Writs, held, bound or summoned, to appear in such Inferior Court of Common Pleas, at its next Term or Sitting thereof, shall be held, bound and required, to appear at the next ensuing Term or Sitting of the Supreme Court.

Writs from Inferior Court returnable to Supreme Court

*And whereas,* the Superior Courts of Westminster-Hall have lately been authorized by Parliament to make rules and regulations for diminishing the expense and delay in the proceedings in the said Courts, and under that authority many rules have been made that have tended to promote the aforesaid objects; and it is right that the same should be done in this Province:

Preamble.

*XLIII. Be it therefore enacted,* That the Judges of the said Supreme Court shall make and frame such rules and orders for regulating the practice thereof, as shall appear to them necessary and proper, to simplify the proceedings in Suits in the said Courts, and to prevent delay, and lessen the expense of such proceedings—all which rules shall be laid before the General Assembly, at the next Session thereof, within the first four days of the said Session; and if the said General Assembly shall not, within six weeks from the day the said rules and regulations shall be so laid before it, signify its disapproval thereof, then the said rules and regulations, or such of them as shall not be so disapproved of, shall be and become, the rules of the said Courts.

Judges of Supreme Court to make rules for regulating the practice thereof and submit the same to the General Assembly

*And whereas,* in consequence of the insular situation of the Counties of Cape-Breton, Richmond and Inverness, it may be difficult for the Judges upon that Circuit to procure conveyances thither:

Preamble

*XLIV. And Be it therefore enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander-in-Chief, upon the application of the Judge or Judges appointed

Conveyance to be provided for Judges go

pointed



ing the Cape Breton Circuit

Transfer of Actions from Inferior to Supreme Court attended with prejudicial consequences

Appointment of Commissioners for taking Special Bail—their duties and powers

Confirmation of appraisements for Road

Continuation of Act

pointed to that Circuit, to procure such necessary and comfortable conveyances for the aforesaid purposes as he shall think fit and proper.

XLV. *And be it further enacted,* That if it shall be made satisfactorily to appear to the Supreme Court, that the transfer of any Action or Suit from the Inferior Court of Common Pleas to the Supreme Court, by virtue and under the operation of this Act, has been attended with such consequences as will prejudice any party in the trial of such Cause; it shall and may be lawful for the said Supreme Court to grant a continuance in any such Action or Suit.

XLVI. *And be it enacted,* That it shall and may be lawful, from and after the passing of this Act, for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of Her Majesty's Executive Council, to appoint and commission three or more persons, including the present Commissioners of the said Supreme Court in and for each County in this Province, (Halifax excepted,) Commissioners for taking Bail in the said Supreme Court; and that it shall be lawful for any of the said Commissioners to mark and allow any Certiorari for removing Causes from any Judicial Tribunal of Inferior Jurisdiction to the said Supreme Court; and also, to take Special Affidavits for holding to Bail in the said Supreme Court, and specially to endorse Writs in the same manner as is now done by the Judges of the said Supreme Court, and subject to the same rules and regulations; and that any such Writ of Certiorari, when so allowed by any of the said Commissioners as aforesaid, shall have the effect of staying all previous proceedings in the said Cause, in the same manner as if the same had been allowed by one of the Judges of the said Supreme Court.

XLVII. *And be it enacted,* That in Counties where, by this Act, there shall be only one General Sessions of the Peace in the year, it shall and may be lawful for any Special Sessions held by five Justices of the Peace at least, to approve and confirm upon the same notice, and under the same regulations as by Law are now provided and enacted in respect to the confirmation of the same by a general Sessions of the Peace, any report of Appraisers appointed to lay out and value any New Road, or alteration of a Road, in the same manner, and with the like effect, as a Court of General Sessions can now do the same.

XLVIII. *And be it enacted,* That this Act may be amended by any Act or Acts to be passed in this present Session of the General Assembly.

CAP. IV.

An Act for improving the Administration of Justice, in Criminal Cases, in this Province.

(Passed the 29th day of March, A. D. 1841.)

Preamble

WHEREAS, Trials for Criminal Offences in this Province are attended with some forms which frequently impede the due Administration of Justice, and it is therefore expedient to abolish such forms, and also to abolish the benefit of Clergy, and to make better provision for the punishment of Offenders, in certain cases:

A plea of not guilty without further form put Prisoner on his Trial

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That if any person, being arraigned upon any indictment for Treason or Felony, shall plead thereto a plea of "Not Guilty," he shall, by such plea, without any further form, be deemed to have put himself upon the Country for Trial; and the Court shall, in the usual manner, order a Jury for the trial of such person accordingly.

If he refuses to Plead the Court may enter Plea of not guilty

II. *And be it enacted,* That if any person, being arraigned upon, or charged with, any indictment or information for Treason, Felony or Misdemeanor, shall stand mute of malice, or will not answer directly to the indictment or information, in every such case it shall be lawful for the Court, if it shall so think fit, to order the proper officer to enter a plea of "Not Guilty" on behalf of such person; and the plea so entered shall have the same force and effect as if such person had actually pleaded the same.

Every challenge beyond the legal number to be void

III. *And be it enacted,* That if any person indicted for Treason or Felony, shall challenge, peremptorily, a greater number of the men returned to be of the Jury than such person is entitled by Law so to challenge in any of the said cases, every peremptory challenge beyond

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yond the number allowed by Law in any of the said cases, shall be entirely void, and the trial of such person shall proceed as if no such challenge had been made.

IV. *And be it enacted*, That no plea, setting forth any attainder, shall be pleaded in bar of any indictment, unless the attainder be for the same offence as that charged in the indictment.

Attainder not Pleadable

V. *And be it enacted*, That where any person shall be indicted for Treason or Felony, the Jury impanelled to try such person shall not be charged to enquire concerning his Lands, Tenements or Goods, nor whether he fled for such Treason or Felony.

Jury not to enquire of Prisoners; Lands, &c.

VI. *And be it enacted*, That benefit of Clergy, with respect of persons convicted of Felony, shall be abolished; but that nothing herein contained shall prevent the joinder in any indictment of any Counts which might have been joined before the passing of this Act.

Benefit of Clergy abolished

VII. *And be it enacted*, That no person convicted of Felony shall suffer death, unless it be for some Felony which was excluded from the benefit of Clergy, before or on the first day of the present Session of the Assembly, or which hath been or shall be made punishable with death, by some Statute passed after that day.

What Felonies only shall be capital

VIII. *And be it enacted*, That every person convicted of any Felony, not punishable with death, shall be punished in the manner prescribed by the Statute or Statutes specially relating to such Felony; and that every person convicted of any Felony, for which no punishment hath been or hereafter may be specially provided, shall be deemed to be punishable under this Act, and shall be liable to be imprisoned for any term not exceeding seven years.

Felonies not capital to be punished under the Acts if any relating thereto otherwise under this Act

And with regard to the place and mode of imprisonment for all offences punishable under this Act:

IX. *Be it enacted*, That, where any person shall be convicted of any offence punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour in the Common Gaol, Bridewell, or House of Correction, in the County where such conviction shall take place, or in any Public Penitentiary, Bridewell, or House of Correction, which may be hereafter established in any part of this Province; and also, to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labour, such solitary confinement not exceeding one month at one time, and not exceeding three months, in any one year, as to the Court, in its discretion, shall seem meet.

Place and mode of Imprisonment under this Act.

X. *And be it enacted*, That wherever sentence shall be passed for Felony on a person already imprisoned under sentence for another crime, it shall be lawful for the Court to award imprisonment for the subsequent offence, to commence at the expiration of the imprisonment to which such person shall have been previously sentenced; and where such person shall be already under sentence of imprisonment, the Court may award such sentence for the subsequent offence, to commence at the expiration of the imprisonment to which such person shall have been previously sentenced, although the aggregate term of imprisonment may exceed the term for which punishments could be otherwise awarded.

If a person under sentence for another crime the Court may pass a second sentence to commence after the expiration of the first

*And whereas*, it is expedient to provide for the more exemplary punishment of offenders who commit Felony, after a previous conviction for Felony, whether such conviction shall have taken place before or after the commencement of this Act:

XI. *Be it therefore enacted*, That if any person shall be convicted of any Felony, not punishable with death, committed after a previous conviction for Felony, such person shall, on such subsequent conviction, be liable to be imprisoned for any term not exceeding seven years; and in an indictment for any such Felony, committed after a previous conviction for Felony, it shall be sufficient to state that the offender was, at a certain time and place, convicted of Felony, without otherwise describing the previous Felony; and a Certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous Felony, purporting to be signed by the Clerk of the Court, or other Officer, having the custody of the Records of the Court where the offender was first convicted, or by the Deputy of such Clerk or Officer, (for which Certificate a fee of Six Shillings and Eight Pence, and no more, shall be demanded and taken,) shall, upon proof of the identity of the person of the offender, be sufficient evidence of the first conviction, without proof of the signature or official character of the person appearing to have signed the same; and if any such Clerk, Officer or Deputy, shall utter a false Certificate of any

Punishment for a subsequent Felony

Form of Indictment

What sufficient proof of the first conviction



Punishment for writing false certificate of conviction

Indictment and conviction for a previous Felony, or if any person, other than such Clerk, Officer or Deputy, shall sign any such Certificate as such Clerk, Officer or Deputy, or shall utter any such Certificate with a false or counterfeit signature thereto, every such offender shall be guilty of Felony, and, being lawfully convicted thereof, shall be liable to be imprisoned for any term, not exceeding seven years.

Effect of Pardon under Sign Manual

XII. *And be it declared and enacted,* That, where the Queen's Majesty shall be pleased to extend Her Royal mercy to any offender convicted of any Felony, punishable with death or otherwise, and by Warrant under Her Royal Sign Manual, countersigned by one of Her Principal Secretaries of State, shall grant to such offender either a free or a conditional pardon, the discharge of such offender out of custody, in the case of a free pardon, and the performance of the condition, in the case of a conditional pardon, shall have the effect of a pardon under the Great Seal for such offender, as to the Felony for which such pardon shall be so granted; *Provided always,* that no free pardon, nor any such discharge in consequence thereof, nor any conditional pardon, nor the performance of the condition thereof, in any of the cases aforesaid, shall prevent or mitigate the punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction, for any Felony committed after the granting of such pardon.

Rule for interpreting Criminal Statutes

XIII. *And be it enacted,* That wherever this or any other Statute relating to any offence, whether punishable upon Indictment or summary conviction, in describing or referring to the offence, or the subject matter, on or with respect to which it shall be committed, or the offender, or the party affected, or intended to be affected by the offence, hath used, or shall use, words importing the singular number or the masculine gender only, yet the Statute shall be understood to include several matters as well as one matter, and several persons as well as one person, and Females as well as Males, and Bodies Corporate as well as Individuals, unless it be otherwise specially provided, or there be something in the subject or context repugnant to such construction; and wherever any forfeiture or penalty is payable to a party aggrieved, it shall be payable to a Body Corporate, in every case where such Body shall be the party aggrieved.

Accessory before the fact how to be tried

And for the more effectual prosecution of Accessories before the fact of Felony: XIV. *Be it enacted,* That if any person shall counsel, procure, or command any other person to commit any Felony, whether the same be a Felony at Common Law, or by virtue of any Statute or Statutes made, or to be made, the person so counselling, procuring or commanding, shall be deemed guilty of Felony, and may be indicted and convicted, either as an accessory before the fact to the principal Felony, together with the principal Felon, or after the conviction of the principal Felon, or may be indicted and convicted of a substantive Felony, whether the principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and may be punished in the same manner as any accessory before the fact to the same Felony, if convicted as an accessory, may be punished; and the offence of the person so counselling, procuring or commanding, howsoever indicted, may be enquired of, tried, determined and punished, by any Court which shall have jurisdiction to try the principal Felon, in the same manner as if such offence had been committed at the same place as the principal Felony; and that in case the principal Felony shall have been committed within the body of any County, and the offence of counselling, procuring or commanding, shall have been committed within the body of any other County, the last mentioned offence may be enquired of, tried, determined and punished, in either of such Counties; *Provided always,* that no person who shall be once duly tried for any such offence, whether as an accessory before the fact, or as for a substantive Felony, shall be liable to be again indicted or tried for the same offence.

If offence committed in different Counties may be tried in either

Accessory after the fact before what Court may be tried

And for the more effectual prosecution of accessories after the fact of Felony: XV. *Be it enacted,* That if any person shall become an accessory after the fact, to any Felony, whether the same be a Felony at Common Law, or by virtue of any Statute or Statutes made, or to be made, the offence of such person may be enquired of, tried, determined and punished, by any Court which shall have jurisdiction to try the principal Felony, in the same manner as if the act, by reason whereof such person shall have become an accessory, had been committed at the same place as the principal Felony; and that in case the principal Felony shall have been committed within the body of any County, and the act by reason whereof any person shall have become accessory, shall have been committed within

the body of any other County; the offence of such accessory may be enquired of, tried, determined, and punished, in either of such Counties; *Provided always*, that no person who shall be once duly tried for any offence of being an accessory, shall be liable to be again indicted or tried for the same offence.

And, in order that all accessories may be convicted and punished, in cases where the principal Felon is not attained:

XVI. *Be it enacted*, That if any principal offender shall be in anywise convicted of any Felony, it shall be lawful to proceed against any accessory, either before or after the fact, in the same manner as if such principal Felon had been attained thereof, notwithstanding such principal Felon shall die, or be pardoned, or otherwise delivered before attainer; and every such accessory shall suffer the same punishment, if he be in anywise convicted, as he should have suffered, if the principal had been attained.

Accessory may be convicted though the principal be not attained

And for the more effectual prosecution of offences committed near the boundaries of Counties, or partly in one County and partly in another:

XVII. *Be it enacted*, That, where any Felony or Misdemeanor shall be committed on the boundary or boundaries of two or more Counties, or within the distance of five hundred yards of any such boundary or boundaries, or shall be begun in one County and completed in another, every such Felony or Misdemeanor may be dealt with, inquired of, tried, determined and punished, in any of the said Counties, in the same manner as if it had been actually and wholly committed therein.

Offences committed on boundaries of Counties may be tried in either

And for the more effectual prosecution of offences committed during journies from place to place:

XVIII. *Be it enacted*, That where any Felony or Misdemeanor shall be committed on any person, or on, or in respect of, any property, in or upon any Coach, Waggon, Cart, or other Carriage whatever, employed in any journey, or shall be committed on any person, or on or in respect of, any property on board of any vessel or boat whatever, employed on any voyage or journey upon any navigable River, Canal or Inland Navigation, such Felony or Misdemeanor may be dealt with, inquired of, tried, determined and punished, in any County, through any part, whereof such Coach, Waggon, Cart, Carriage, Boat or Vessel, shall have passed in the Course of the journey or voyage, during which such Felony or Misdemeanor shall have been committed, in the same manner as if it had been actually committed in such County: and in all cases where the side, centre, or other part of any Highway, or the side, bank, centre, or other part, of any such River, Canal or Navigation, shall constitute the boundary of any two Counties, such Felony or Misdemeanor may be dealt with, inquired of, tried, determined and punished, in either of the said Counties, through, or adjoining to or by the boundary of any part whereof such Coach, Waggon, Cart, Carriage, Boat or Vessel, shall have passed, in the course of the journey or voyage, during which such Felony or Misdemeanor shall have been committed, in the same manner as if it had been actually committed in such County.

Offences committed going a journey, &c. may be tried in any County thro' which the coach, &c. passed

And, in order to remove the difficulty of stating the names of all the owners of Property in the case of Partners, and other joint owners:

XIX. *Be it enacted*, That in any indictment or information for any Felony or Misdemeanor, wherein it shall be requisite to state the ownership of any Property whatsoever, whether real or personal, which shall belong to, or be in the possession of, more than one person, whether such persons be partners in trade, joint tenants, parceners, or tenants in common, it shall be sufficient to name one of such persons, and to state such property to belong to the person so named, and another or others, as the case may be; and whenever, in any indictment or information for any Felony or Misdemeanor, it shall be necessary to mention, for any purpose whatsoever, any partners, joint tenants, parceners, or Tenants in common, it shall be sufficient to describe them in the manner aforesaid,—and this provision shall be construed to extend to all Joint Stock Companies and Trustees.

Offences committed on property of partners may be laid in one partner by name and others

And for preventing abuses from dilatory pleas:

XX. *Be it enacted*, That no indictment or information shall be abated by reason of any dilatory plea of misnomer, or of want of addition, or of wrong addition of the party offering such plea, if the Court shall be satisfied, by affidavit or otherwise, of the truth of such plea; but in such case the Court shall forthwith cause the indictment or information to be amended according to the truth, and shall call upon such party to plead thereto, and shall proceed as if no dilatory plea had been pleaded.

Indictment not to abate by plea of Misnomer, &c

And

what defects shall not vitiate after verdict, &c.

And that the punishment of offenders may be less frequently intercepted, in consequence of technical niceties :

**XXI. *Be it enacted,*** That no judgment upon any indictment or information for any Felony or Misdemeanor, whether after verdict or outlawry, or by confession, default or otherwise, shall be stayed or reversed for want of the averment of any matter unnecessary to be proved, nor for the omission of the words as appears by the record," or of the words with force and arms," or of the words "against the Peace," nor for the insertion of the words "against the form of the Statute," instead of the words "against the form of the Statutes," or vice versa ; nor for that any person or persons mentioned in the indictment or information is or are designated by a name of office or other descriptive appellation, instead of his, her, or their proper name or names, nor for omitting to state the time at which the offence was committed, in any case where time is not of the essence of the offence, nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the finding of the indictment or exhibiting the information, or on an impossible day, or on a day that never happened, nor for want of a proper or perfect venue, where the Court shall appear by the indictment or information to have had the jurisdiction over the offence.

What not sufficient to stay Judgment, &c.

**XXII. *And be it further enacted,*** That no judgment after verdict upon any indictment or information for any Felony or Misdemeanor shall be stayed or reversed for want of a similitur ; nor by reason that the Jury Process has been awarded to a wrong Officer, upon an insufficient suggestion ; nor for any misnomer or misdescription of the Officer returning such process, or of any of the Jurors ; nor because any person has served upon the Jury who has not been returned as a Juror by the Sheriff or other Officer ; and that where the offence charged has been created by any Statute, or subjected to a greater degree of punishment by any Statute, the indictment or information shall, after verdict, be held sufficient to warrant the punishment prescribed by the Statute, if it describe the offence in the words of the Statute.

Quakers and Moravians instead of an oath may make their affirmation

**XXIII. *Be it further enacted,*** That every Quaker or Moravian, who shall be required to give evidence in any case whatsoever, criminal or civil, shall, instead of taking an oath in the usual form, be permitted to make his or her solemn affirmation or declaration in the words following, that is to say :—" I, A, B, do solemnly, sincerely, and truly declare and affirm ;" which said affirmation or declaration shall be of the same force and effect in all Courts of Justice, and other places where, by Law, an oath is required, as if such Quaker or Moravian had taken an oath in the usual form ; and if any person, making such affirmation or declaration, shall be convicted of having wilfully, falsely and corruptly, affirmed or declared any matter or thing, which, if the same had been sworn in the usual form, would have amounted to wilful and corrupt perjury, every such offender shall be subject to the same pains, penalties and forfeitures, to which persons convicted of wilful and corrupt perjury are or shall be subject.

Party whose name is forged a competent witness in prosecution for forgery

**XXIV. *And be it declared and enacted,*** That on any prosecution by indictment or information, either at Common Law, or by virtue of any Statute, against any person for forging any Deed, Writing, Instrument, or other matter whatsoever, or for uttering or disposing of any Deed, Writing, Instrument, or other matter whatsoever, knowing the same to be forged, or for being accessory, before or after the fact, to any such offence, if the same be a Felony, or for aiding, abetting or counselling, the commission of any such offence, if the same be a Misdemeanor, no person shall be deemed to be an incompetent witness in support of any such prosecution, by reason of any interest which such person may have, or be supposed to have, in respect of such Deed, Writing, Instrument or other matter.

*And whereas,* it is expedient to prevent all doubts respecting the civil rights of persons convicted of Felonies, not capital, who have undergone the punishment to which they were adjudged :

After punishment for Felony be endured it shall have the effect of a pardon

**XXV. *Be it therefore enacted,*** That where any offender hath been or shall be convicted of any Felony not punishable with death, and hath endured, or shall endure, the punishment to which such offender hath been or shall be adjudged for the same, the punishment so endured hath and shall have the like effects and consequences as a pardon, under the Great Seal, as to the Felony whereof the offender was so convicted ; *Provided always,* that nothing herein contained, nor the enduring of such punishment, shall prevent or mitigate any punishment

punishment to which the offender might otherwise be lawfully sentenced on a subsequent conviction for any other Felony.

And whereas, there are certain Misdemeanors, which render the parties convicted thereof incompetent witnesses, and it is expedient to restore the competency of such parties, after they have undergone their punishment:

XXVI. Be it therefore enacted, That where any offender hath been, or shall be, convicted of any such Misdemeanor, except perjury, or subornation of perjury, and hath endured, or shall endure, the punishment to which such offender hath been, or shall be, adjudged for the same, such offender shall not, after the punishment so endured, be deemed to be, by reason of such Misdemeanor, an incompetent witness in any Court, or proceeding, civil or criminal.

No Misdemeanor (except perjury) shall render witness incompetent after punishment is undergone

CAP. V.

An Act to amend the Law relating to burning or destroying Buildings and Ships.

(Passed the 29th day of March, A. D., 1841.)

See Act on to amend Chap. 10 of 1841 9 Stat. C 30 1166-91

WHEREAS, it is expedient to amend so much of the Act passed in the Thirty-second Year of the Reign of King George the Second, intituled, An Act relating to Treasons and Felonies, as relates to any person or persons who shall wilfully and maliciously burn, or cause to be burned, any Dwelling House, Barn, Out House or Warehouse, of another, or any Public Building, or any hovel, cock, mow, rick or stack of Corn, Straw, Hay or Wood, of another; and also, the Act, passed in the Third year of the Reign of His late Majesty King William the Fourth, intituled, An Act for making the setting fire to Coal Mines, Felony:

Preamble

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That the said last mentioned, and so much of the first mentioned Act, as is hereinbefore referred to, shall continue in force until and throughout the last day of March, in the present year, and shall, from and after that day, be repealed, except as to offences committed before or upon the said last day of March, which shall be dealt with and punished as if this Act had not been passed; and this Act shall commence and take effect, except as herein before excepted, on the first day of April, in this present year.

Repeal of provisions in recited Acts

II. And be it enacted, That whosoever shall unlawfully and maliciously set fire to any Dwelling House, any person being therein, shall be guilty of Felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for the term of the natural life of the offender, or for any term, not less than seven years.

Setting fire to Dwelling house a person being therein

III. And be it enacted, That whosoever shall unlawfully and maliciously set fire to any Church or Chapel, or to any Chapel for the Religious Worship of persons dissenting from the United Church of England and Ireland, or shall unlawfully and maliciously set fire to any Public Building, or shall unlawfully and maliciously set fire to any House, Stable, Coach House, Out House, Warehouse, Office, Shop, Mill, Malt House, Barn or Granary, or to any Building or Erection used in carrying on any Trade or Manufacture, or any branch thereof, whether the same, or any of them, respectively, shall then be in the possession of the offender, or in the possession of any other person, with intent thereby to injure or defraud any person, shall be guilty of Felony, and, being convicted thereof, shall be liable to be imprisoned for any term, not exceeding fourteen years.

Setting fire to Church House, &c.

IV. And be it enacted, That whosoever shall unlawfully and maliciously set fire to, cast away, or in anywise destroy, any Ship, Boat or Vessel, whereby the life of any person shall be destroyed, shall be guilty of Felony, and, being convicted thereof, shall suffer death.

Setting fire or destroying a ship whereby the life of a person shall be destroyed See Act 9 Stat. C 30 1166-91

V. And be it enacted, That whosoever shall unlawfully and maliciously set fire to, cast away, or in anywise destroy, any Ship or Vessel, either with intent to murder any person, or whereby the life of any person shall be endangered, shall be guilty of Felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for the term of the natural life of the offender, or for any term, not less than seven years.

Setting fire thereto with intent to commit murder

Exhibiting  
false light to  
cause ship-  
wrecks

VI. *And be it enacted*, That whosoever shall unlawfully exhibit any false light or signal, with intent to bring any Ship or Vessel into danger, or shall unlawfully and maliciously do anything tending to the immediate loss or destruction of any Ship or Vessel in distress, shall be guilty of Felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for the term of the natural life of the offender, or for any term, not less than seven years.

Setting fire to  
vessels with  
intent to pre-  
judice owners

VII. *And be it enacted*, That whosoever shall unlawfully and maliciously set fire to, or in anywise destroy, any Ship or Vessel, whether the same be complete, or in an unfinished state, or shall unlawfully and maliciously set fire to, cast away, or in anywise destroy, any Ship or Vessel, with intent thereby to prejudice any owner, or part owner, of such Ship or Vessel, or of any Goods on board the same, or any person that hath underwritten, or shall underwrite, any Policy of Insurance upon such Ship or Vessel, or on the freight thereof, or upon any Goods on board the same, shall be guilty of Felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding fourteen years.

Impeding per-  
son endea-  
vouring to  
save his life  
from ship-  
wreck

VIII. *And be it enacted*, That whosoever shall, by force, prevent or impede any person endeavouring to save his life from any Ship or Vessel, which shall be in distress or wrecked, stranded or cast on shore, whether he shall be on board or shall have quitted the same, shall be guilty of Felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for the term of the natural life of the offender, or for any term not less than seven years.

Destroying  
wrecks, &c.

IX. *And be it enacted*, That whosoever shall unlawfully and maliciously destroy any part of any Ship or Vessel which shall be in distress or wrecked, stranded or cast on shore, or any Goods, Merchandize or other Articles of any kind, belonging to such Ship or Vessel, shall be guilty of Felony, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding fourteen years.

Setting fire  
to coal Mines

X. *And be it enacted*, That whosoever shall unlawfully and maliciously set fire to any Mine of Coal, or Cannel Coal, shall be guilty of Felony, and being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for the term of the natural life of the offender, or for any term not less than one year.

Setting fire to  
Agricultural  
produce

XI. *And be it enacted*, That whosoever shall unlawfully and maliciously set fire to any stack of Corn, Grain, Pulse, Tares, Straw, Haulm, Stubble, Hay, Turf, Peat, Coals, Charcoal or Wood, or any pile of Wood, shall be guilty of Felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding fourteen years.

Punishment of  
accessaries

XII. *And be it enacted*, That in case of every Felony, punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Act punishable; and every accessory after the fact of any Felony, punishable under this Act, shall, on conviction, be liable to be imprisoned for any term not exceeding three years.

Place and  
mode of im-  
prisonment

XIII. *And be it enacted*, That where any person shall be convicted of any offence, punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour in the Common Gaol, Bridewell or House of Correction, in the County where such conviction shall take place, or in any Public Penitentiary, Bridewell or House of Correction, which may be hereafter established in any part of this Province; and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment, with hard labour, such solitary confinement not exceeding one month at one time, and not exceeding three months in any one year, as to the Court, in its discretion, shall seem meet.



## An Act for amending the Law relative to Offences against the Person.

(Passed the 29th day of March, A. D. 1841.)

**W**HEREAS, it is expedient to repeal the Statutes of this Province relative to Offences against the Person, in order that the provisions contained in those Statutes may be amended and consolidated into this Act :

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That the second, third, fourth, fifth, sixth, seventh, eighth, ninth, and twenty-first sections or clauses of the Act, passed in the Thirty-second year of the Reign of King George the Second, intituled, An Act relating to Treasons and Felonies ; and also, the Act, passed in the Eighth year of the Reign of King George the Third, intituled, An Act in addition to, and further amendment of, an Act, made in the Thirty-second year of His late Majesty's Reign, entitled, An Act relating to Treasons and Felonies ; and so much of an Act passed in the Thirty-second year of the Reign of King George the Second, entitled, An Act concerning Marriage and Divorce, and for punishing Incest and Adultery, and declaring Polygamy to be Felony, as relates to Polygamy, shall continue in force until and throughout the last day of March, in the present year, and shall, from and after that day, be repealed, except as to offences committed before or upon the last day of March, which shall be dealt with and punished as if this Act had not been passed ; and this Act shall commence and take effect (except as hereinbefore excepted) on the first day of April in the present year.

Repeal of provisions of certain acts relative to offences against the Person

II. *And be it enacted,* That every offence which, before the commencement of this Act, would have amounted to Petit Treason, shall be deemed to be Murder only, and no greater offence ; and all persons guilty in respect thereof, whether as principals or accessaries, shall be dealt with, indicted, tried and punished, as principals and accessaries in Murder.

petit Treason to be treated as Murder

III. *And be it enacted,* That every person convicted of Murder, or of being an accessary before the fact to Murder, shall suffer death as a Felon ; and every accessary after the fact to Murder, shall be liable to be imprisoned for any term, not exceeding fourteen years.

Punishment of Principals & accessaries in Murder

IV. *And be it enacted,* That every person convicted of Murder, shall, after judgment, be confined in some place within the Prison, apart from all other Prisoners, and shall be fed with bread and water only, and with no other food or liquor, except in case of receiving the Sacrament, or in case of any sickness or wound, in which case the Surgeon of the Prison may order other necessaries to be administered ; and no person but the Gaoler or his servants, and the Chaplain and Surgeon of the Prison, shall have access to any such Convict, without the permission, in writing, of the Court or Judge before whom such Convict shall have been tried, or of the Sheriff, or his Deputy : *Provided always,* that in case the Court or Judge shall think fit to respite the execution of such Convict, such Court or Judge may, by a License in writing, relax, during the period of the respite, all or any of the restraints or regulations hereinbefore directed to be observed.

Prison regulations as to murderers under sentence

V. *And be it enacted,* That where any person being feloniously stricken, poisoned, or otherwise hurt upon the sea, or at any place out of this Province, shall die of such stroke, poisoning or hurt, in this Province, or being feloniously stricken, poisoned, or otherwise hurt, at any place in this Province, shall die of such stroke, poisoning or hurt, upon the sea, or any place out of the Province, every offence committed in respect of any such case, whether the same shall amount to the offence of Murder or of Manslaughter, or of being accessary before the fact to Murder, or after the fact to Murder or Manslaughter, may be dealt with, enquired of, tried, determined and punished, in the County or place in this Province in which such death, stroke, poisoning or hurt, shall happen, in the same manner in all respects as if such offence had been wholly committed in that County or place.

VI. *And be it enacted,* That every person convicted of Manslaughter, shall be liable, at the discretion of the Court, to be imprisoned for any term, not exceeding fourteen years, or to pay such fine as the Court shall award.

Punishment of Manslaughter

VII. *Provided always, and be it enacted,* That no punishment or forfeitures shall be incurred by any person who shall kill another by misfortune, or in his own defence, or in any other manner without Felony.

As to Homicide not Felonies

Administering  
poison or  
doing injury  
with intent to  
murder

VIII. *And be it enacted,* That whosoever shall administer to, or cause to be taken by any person, any poison or other destructive thing, or shall stab, cut or wound, any person, or shall, by any means whatsoever, cause to any person any bodily injury dangerous to life, with intent, in any of the cases aforesaid, to commit Murder, shall be guilty of Felony, and, being convicted thereof, shall suffer death.

Punishment  
when no bodily  
injury is ef-  
fected

IX. *And be it further enacted,* That whosoever shall attempt to administer to any person any poison or other destructive thing, or shall shoot at any person, or shall, by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms at any person, or shall attempt to drown, suffocate or strangle, any person, with intent, in any of the cases aforesaid to commit the crime of murder, shall, although no bodily injury shall be effected, be guilty of felony, and being convicted thereof, shall be liable to be imprisoned for the term of his natural life, or for any term not less than one year, as the Court shall award.

Shooting at,  
cutting and  
maiming with  
intent to dis-  
figure

X. *And be it enacted,* That whosoever unlawfully and maliciously shall shoot at an person, or shall, by drawing a trigger, or in any other manner attempt to discharge any kind of loaded arms, at any person, or shall stab, cut, or wound any person, with intent, in any of the cases aforesaid, to maim, disfigure, or disable such person, or to do some other grievous bodily harm to such person, or with intent to resist or prevent the lawful apprehension or detainer of any person, shall be guilty of Felony, and, being convicted thereof, shall be liable to be imprisoned for the term of his natural life, or for any term not less than one year, as the Court shall award.

Sending ex-  
plosive sub-  
stances, &c.  
with intent to  
do harm

XI. *And be it enacted,* That whosoever shall unlawfully and maliciously send or deliver to, or cause to be taken or received by any person, an explosive substance, or any other dangerous or noxious thing, or shall cast or throw upon, or otherwise apply to, any person any corrosive fluid or other destructive matter, with intent, in any of the cases aforesaid, to burn, maim, disfigure, or disable any person, or to do some other grievous bodily harm to any person, and whereby, in any of the cases aforesaid, any person shall be burned, maimed, disfigured or disabled, or receive some other grievous bodily harm, shall be guilty of Felony, and, being convicted thereof, shall be liable to be imprisoned for the term of his natural life, or for any term not less than one year, as the Court shall award.

Trying to pro-  
cure abortion

XII. *And be it enacted,* That whosoever, with intent to procure the miscarriage of any Woman, shall unlawfully adminster to her, or cause to be taken by her, any poison or other noxious thing, or shall unlawfully use any instrument or other means whatsoever, with the like intent, shall be guilty of Felony, and, being convicted thereof, shall be liable to be imprisoned for the term of his natural life, or for any term not less than one year, as the Court shall award.

Women con-  
cealing birth  
of child by se-  
creting dead  
body

XIII. *And be it enacted,* That if any Woman shall be delivered of a Child, and shall, by secret burying or otherwise disposing of the dead body of the said Child, endeavour to conceal the birth thereof, every such offender shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable to be imprisoned, for any term not exceeding two years, and it shall not be necessary to prove whether the Child died before, at, or after its birth; *Provided always,* that if any Woman, tried for the Murder of her Child, shall be acquitted thereof, it shall be lawful for the Jury, by whose verdict she shall be acquitted, to find, in case it shall so appear in evidence, that she was delivered of a Child, and that she did, by secret burying or otherwise disposing of the dead body of such Child, endeavour to conceal the birth thereof, and thereupon the Court may pass such sentence as if she had been convicted upon an indictment for the concealment of the birth.

Proviso

Sodomy

XIV. *And be it enacted,* That every person convicted of the abominable crime of Buggery, committed either with Mankind or with any Animal, shall suffer death as a Felon.

Rape

XV. *And be it enacted,* That every person convicted of the crime of Rape, shall suffer death as a Felon.

Carnal know-  
ledge of a girl  
under 10 years  
of age, also a-  
bove 10 and  
under 12

XVI. *And be it enacted,* That if any person shall unlawfully and carnally know and abuse any Girl under the age of ten years, every such offender shall be guilty of Felony, and, being convicted thereof, shall suffer death as a Felon; and if any person shall unlawfully and carnally know and abuse any Girl, being above the age of ten years and under the age of twelve years, every such offender, shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable to be imprisoned, for such term as the Court shall award.

*And whereas,* upon Trials for the crimes of Buggery and Rape, and of carnally abusing  
Girls

Girls, under the respective ages hereinbefore mentioned, offenders frequently escape by reason of the difficulty of the proof which has been required of the completion of those several crimes—for remedy thereof:

XVII. *Be it enacted*, That it shall not be necessary in any of those cases to prove the actual emission of seed in order to constitute a carnal knowledge, but that the carnal knowledge shall be deemed complete upon proof of penetration only.

What sufficient proof of carnal knowledge in preceding case

XVIII. *And be it enacted*, That where any woman shall have any interest, whether legal or equitable, present or future, absolute, conditional or contingent, in any Real or Personal Estate, or shall be an heiress presumptive, or next of kin to any one having such interest, if any person shall, from motives of lucre, take away or detain such woman against her will, with intent to marry or defile, or cause her to be married or defiled, by any other person, every such offender, and every other person counselling, aiding or abetting, such offender shall be guilty of Felony, and, being convicted thereof, shall be liable to be imprisoned for the term of his natural life, or for any term, not less than one year, as the Court shall award.

Forcible abduction of a woman on account of her fortune

XIX. *And be it enacted*, That if any person shall unlawfully take, or cause to be taken, any unmarried girl, being under the age of sixteen years, out of the possession, and against the will, of her Father or Mother, or of any other person, having the lawful care or charge of her, every such offender shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable to suffer punishment, by fine or imprisonment, or by both, as the Court shall award.

Unlawful abduction of a girl from her parents

XX. *And be it enacted*, That if any person shall maliciously, either by force or fraud, lead or take away, or decoy or entice away, or detain, any child, under the age of ten years, with intent to deprive the parent or parents, or any other person, having the lawful care or charge of such Child, of the possession of such Child, or with intent to steal any article upon or about the person of such Child, to whomsoever such article may belong; or if any person shall, with any such intent as aforesaid, receive or harbour any such Child, knowing the same to have been by force or fraud led, taken, decoyed, enticed away, or detained, as hereinbefore mentioned, every such offender, and every person counselling, aiding or abetting, such offender, shall be guilty of Felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding seven years; *Provided always*, that no person, who shall have claimed to be the Father of an Illegitimate Child, or to have any right to the possession of such Child, shall be liable to be prosecuted by virtue hereof, on account of his getting possession of such Child, or taking such Child out of the possession of the Mother, or any other person having the lawful charge thereof.

Stealing children under the age of ten years

Proviso

XXI. *And be it enacted*, That if any person, being married, shall marry any other person during the life of the former Husband or Wife, whether the second marriage shall have taken place in this Province or elsewhere, every such offender, and every person counselling, aiding or abetting, such offender, shall be guilty of Felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding seven years; and any such offence may be dealt with, enquired of, tried, determined and punished, in the County where the offender shall be apprehended, or be in custody, as if the offence had been actually committed in that County; *Provided always*, that nothing herein contained shall extend to any second marriage contracted out of this Province by any other than a subject of Her Majesty, or to any person marrying a second time, whose Husband or Wife shall have been continually absent from such person for the space of seven years then last past, and shall not have been known by such person to be living within that time, or shall extend to any person who, at the time of such second marriage, shall have been divorced from the Bond of the first marriage, or to any person whose former marriage shall have been declared void by the sentence of any Court of competent jurisdiction.

Bigamy

Place of Trial

Proviso

XXII. *And be it enacted*, That where any person shall be convicted of any offence punishable under this Act, for which imprisonment may be awarded, it shall be lawful for the Court to sentence the offender to be imprisoned, or to be imprisoned and kept to hard labour in the Common Gaol, Bridewell, or House of Correction, in the County where such conviction shall take place, or in any Public Penitentiary, Bridewell, or House of Correction, which may hereafter be established in any part of this Province; and also to direct that the offender shall be kept in solitary confinement, for any portion or portions of such imprisonment, or of such imprisonment with hard labor—such solitary confinement not exceeding

Plea and mode of imprisonment

ceeding one month at any one time, and not exceeding three months in any one year, as to the Court, in its discretion, shall seem meet.

## CAP. VII.

## An Act to amend the Laws relating to Robbery, Burglary and Larceny.

(Passed the 29th day of March, A. D. 1841.)

Preamble

**W**HEREAS, it is expedient to repeal the Statutes of this Province relative to Robbery, Burglary and Larceny, and to the receiving of Stolen Goods, and to the embezzling and purloining of Money, Goods, Chattels and Furniture, in order that the provisions contained in those Statutes may be amended and consolidated into this Act :

Repeal of certain provisions of Act 32, Geo. 2, also, Acts 14 & 15, Geo. 3, and 26, Geo. 3

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That so much of the Act, passed in the thirty-second year of the Reign of King George the Second, entitled, An Act relating to Treasons and Felonies, as relates to Robbery, Burglary and Larceny, and the receiving of Stolen Goods, and to the embezzling and purloining of Money, Goods, Chattels and Furniture; also, the Act, passed in the fourteenth and fifteenth years of the Reign of King George the Third, entitled, An Act in further amendment of an Act, made in the thirty-second year of His late Majesty's Reign, entitled, An Act relating to Treasons and Felonies; and also, an Act, passed in the twenty-sixth year of the Reign of King George the Third, intituled, An Act to empower the Justices of the Peace to hold Special Courts of Sessions for the purposes therein mentioned, shall continue in force until and throughout the last day of March, in the present year, and shall, from and after that day, be repealed, except as to offences committed before or upon the last day of March, which shall be dealt with and punished as if this Act had not been passed; and this Act shall commence and take effect, (except as hereinbefore excepted,) on the first day of April in the present year.*

Robbery attended with cutting and wounding

II. *And be it enacted, That whosoever shall rob any person, and at the time of, or immediately before, or immediately after such Robbery, shall stab, cut or wound, any person, shall be guilty of Felony, and, being convicted thereof, shall suffer death.*

Robbery attended with violence

III. *And be it enacted, That whosoever shall, being armed with any offensive weapon or instrument, rob or assault, with an intent to rob any person, or shall, together with one or more person or persons, rob or assault, with intent to rob any person, or shall rob any person, and at the time of, or immediately before, or immediately after such Robbery, shall beat, strike, or use any other personal violence to any person, shall be guilty of Felony, and, being convicted, shall be liable, at the discretion of the Court, to be imprisoned for the term of the natural life of the offender, or for any term not less than one year.*

Obtaining property by threat of accusations

IV. *And be it enacted, That whosoever shall accuse, or threaten to accuse, or shall knowingly deliver or send any letter or writing, accusing, or threatening to accuse, any person of the abominable crime of Buggery, committed either with mankind or with beast, or of any assault, with intent to commit the said abominable crime, or of making or offering any solicitation, persuasion, promise or threat, to any person, whereby to move or induce such person to commit or permit the said abominable crime, with a view or intent, in any of the cases aforesaid, to extort or gain from such person, and shall, by intimidating such person by such accusation or threat, extort or gain from such person, any Property, shall be guilty of Felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for the term of his or her natural life, or for any term not less than one year.*

Stealing from the person

V. *And be it enacted, That whosoever shall rob any person, or shall steal any Property from the person of another, shall be liable to be imprisoned for any term not exceeding fourteen years.*

Assault with intent to rob

VI. *And be it enacted, That whosoever shall assault any person, with intent to rob, shall be guilty of Felony, and, being convicted thereof, shall (save and except in the cases where a greater punishment is provided by this Act,) be liable to be imprisoned for any term not exceeding three years.*



VII. *And be it enacted,* That whosoever shall, with menaces or by force, demand any property of any person, with intent to steal the same, shall be guilty of Felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding four years. Demanding property with menace

VIII. *And be it enacted,* That whosoever shall plunder or steal any part of any Ship or Vessel which shall be in distress or abandoned, or wrecked, stranded or cast on shore, in this Province, or on the coasts thereof, or on the Isle of Sable, or the coasts thereof; or any Goods, Merchandize, or Articles of any kind belonging to such Ship or Vessel; or shall steal any kind of Shipwrecked Goods, or lost Goods, Wares or Merchandize, or the Tackle, Apparel, Furniture or Provision of, or any part of any Ship or Vessel, which shall be found upon the shore of, or floating in any Creek, River, Bay or Harbour, of this Province, or upon, or contiguous to, the shores of this Province, or of the Isle of Sable, and be convicted thereof, shall be liable to be imprisoned for any term not exceeding fourteen years. Wrecking

IX. *And be it enacted,* That whosoever shall burglariously break and enter into any Dwelling House, and shall assault, with intent to murder any person being therein, or shall stab, cut, wound, beat or strike, any such person, shall be guilty of Felony, and, being convicted thereof, shall suffer death. Burglarious entry with intent to murder

X. *And be it enacted,* That whosoever shall be convicted of the crime of Burglary, shall be liable, at the discretion of the Court, to be imprisoned for the term of the natural life of the offender, or for any term not less than one year. Burglary

XI. *And be it enacted,* That whosoever shall steal any Property in any Dwelling House, and shall, by any menace or threat, put any one, being therein, in bodily fear, shall be guilty of Felony, and, being convicted thereof, shall be liable to be imprisoned for any term, not exceeding fourteen years. Stealing in Dwelling House

XII. *And be it enacted,* That the distinction between Grand Larceny and Petit Larceny shall be abolished; and every Larceny, whatever be the value of Property stolen, shall be deemed to be of the same nature, and shall be subject to the same incidents in all respects as Grand Larceny was before the commencement of this Act; and every Court, whose power as to the trial of Larceny, was, before the commencement of this Act, limited to Petit Larceny, shall have power to try every case of Larceny—the punishment of which cannot exceed the punishment hereinafter mentioned for Simple Larceny, and also, to try all accessories to such Larceny. Distinction between Grand and Petit Larceny abolished

XIII. *And be it enacted,* That every person convicted of Simple Larceny, or of any Felony hereby made punishable like Simple Larceny, shall (except in the cases hereinafter otherwise provided for,) be liable to be imprisoned for any term not exceeding seven years. Punishment for Simple Larceny

XIV. *And be it enacted,* That if any person shall steal any tally, order, or other security whatsoever, entitling or evidencing the title of any person, or Body Corporate, to any share or interest in any Public Stock or Fund, whether of this Province, or of Great Britain, or of Ireland, or of any Foreign State, or in any Fund of any Body Corporate, Company or Society, or to any deposit in any Savings Bank; or shall steal any debenture, deed, bond, bill, note, warrant, order, or other security whatsoever, for money, or for payment of money, whether of this Province, or of Great Britain, or of Ireland, or of any Foreign State; or shall steal any warrant or order for the delivery or transfer of any goods or valuable thing, every such offender shall be deemed guilty of Felony, of the same nature, and in the same degree, and punishable in the same manner, as if he had stolen any chattel of like value, with the share, interest or deposit, to which the security so stolen may relate, or with the money due on the security stolen, or secured thereby, and remaining unsatisfied, or with the value of the goods or other valuable thing, mentioned in the warrant or order; and each of the several documents, hereinbefore enumerated, shall, throughout this Act, be deemed for every purpose to be included under, and denoted by, the words "valuable security." Stealing Tallies, Securities for Money, &c.

XV. *And be it enacted,* That if any person shall, knowingly, send or deliver any letter or writing, demanding of any person with menaces, and without any reasonable or probable cause, any chattel, money, or valuable security; or if any person shall accuse, or threaten to accuse, or shall knowingly send or deliver any letter or writing, accusing, or threatening to accuse, any person of any crime, punishable by Law with death, or of any assault, with intent to commit any Rape, or of any attempt or endeavor to commit any Rape, with a view Sending letters demanding money, &c. with menaces.



or intent to extort or gain from such person any chattel, money, or valuable security, every such offender shall be guilty of Felony, and, being convicted thereof, shall be liable, at the discretion of the Court, to be imprisoned for any term not exceeding fourteen years.

Entering a Church and stealing

XVI. *And be it enacted*, That if any person shall break and enter any Church or Chapel, and steal therein any chattel, or having stolen any chattel in any Church or Chapel, shall break out of the same, every such offender shall be guilty of Felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding fourteen years.

Entering Dwelling House and stealing to the value of £5

XVII. *And be it enacted*, That if any person shall break and enter any Dwelling House, and steal therein any chattel, money, or valuable security, to any value whatever, or shall steal in any Dwelling House any chattel, money or valuable security, to the value in the whole, of Five Pounds or more, every such offender shall be guilty of Felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding fourteen years.

Building not part of Dwelling House unless there be a communication between them

XVIII. *Provided always, and be it enacted*, That no Building, although within the same curtilage with the Dwelling House, and occupied therewith, shall be deemed to be part of such Dwelling House, for the purpose of Burglary, or for any of the purposes aforesaid, unless there shall be a communication between such Building and Dwelling House, either immediate or by means of a covered and enclosed passage leading from the one to the other.

Breaking and entering such Building

XIX. *And be it enacted*, That if any person shall break and enter any Building, and steal therein any chattel, money or valuable security, such Building being within the curtilage of a Dwelling House, and occupied therewith, but not being part thereof, according to the provision hereinbefore mentioned, every such offender, being convicted thereof, either upon an indictment for the same offence, or upon an indictment for Burglary, House Breaking, or Stealing, to the value of Five Pounds, in a Dwelling House, containing a separate count for such offence, shall be liable to be imprisoned for any term not exceeding fourteen years.

Entering and stealing in Shop, &c.

XX. *And be it enacted*, That if any person shall break and enter any Shop, Warehouse or Counting House, and steal therein any chattel, money, or valuable security, every such offender shall be guilty of Felony, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding seven years.

Stealing from a Vessel, &c.

XXI. *And be it enacted*, That if any person shall steal any Goods or Merchandize in any Vessel, Barge or Boat, of any description whatsoever, in any Port of entry or discharge, or upon any navigable River or Canal, or in any Creek belonging to, or communicating with, any such Port, River or Canal, or shall steal any Goods or Merchandize from any Dock, Wharf or Quay, adjacent to any such Port, River, Canal or Creek, every such offender, being convicted thereof, shall be liable to be imprisoned for any term not exceeding seven years.

Stealing part of Vessel in distress

XXII. *And be it enacted*, That if any person shall plunder or steal any part of any Ship or Vessel, which shall be in distress or wrecked, stranded or cast on shore, or any Goods, Merchandize, or Articles of any kind, belonging to such Ship or Vessel, every such offender, being convicted thereof, shall be liable to be imprisoned for any term not exceeding seven years. *Provided always*, that when articles of small value shall be stranded or cast on shore, and shall be stolen without circumstances of cruelty, outrage or violence, it shall be lawful to prosecute and punish the offender, as for simple Larceny; and, in either case, the offender may be indicted and tried either in the County in which the offence shall have been committed, or in any County next adjoining.

Proviso

XXIII. *And be it enacted*, That if any person shall offer or expose for sale any Goods, Merchandize or Articles, whatsoever, which shall have been unlawfully taken, or reasonably suspected so to have been, from any Ship or Vessel in distress, or wrecked, stranded, or cast on shore as aforesaid—in every such case, any person to whom the same shall be offered for sale, or any Officer of Customs or Excise, or Peace Officer, may lawfully seize the same, and shall, with all convenient speed, carry the same, or give notice of such seizure to some Justice of the Peace; and if the person who shall have offered or exposed the same for sale, being duly summoned by such Justice, shall not appear and satisfy the Justice that he came lawfully by such Goods, Merchandize or other Articles, then the same shall, by order of the Justice, be forthwith delivered over to or for the use of the rightful owner thereof, upon payment of a reasonable reward, to be ascertained by the Justice, to the person who seized the same; and the offender, on conviction of such offence

Goods, &c. taken from Vessels in distress exposed for sale

fence by the Justice, shall forfeit and pay, over and above the value of the Goods, Merchandize or Articles, such sum of Money, not exceeding Five Pounds, as to the Justice shall seem meet.

**XXIV. And be it enacted,** That if any person shall steal, or shall, for any fraudulent purpose, take from its place of deposit for the time being, or from any person having the lawful custody thereof; or shall unlawfully and maliciously obliterate, injure or destroy, any Record, Writ, Return, Panel, Process, Interrogatory, Deposition, Affidavit, Rule, Order, or Warrant of Attorney, or any original document whatever, of, or belonging to any Court of Record, or relating to any matter, civil or criminal, begun, depending or terminated, in any such Court, or any Bill, Answer, Interrogatory, Deposition, Affidavit, Order or Decree, or any original Document whatsoever, of, or belonging to, any Court of Equity, or relating to any cause or matter begun, depending or terminated, in any such Court—every such offender shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to suffer such punishment, by fine or imprisonment, or by both, as the Court shall award; and it shall not, in any indictment for such offence, be necessary to allege that the article, in respect of which the offence is committed, is the property of any person, or that the same is of any value.

Stealing Records, &c.

**XXV. And be it enacted,** That if any person shall, either during the life of the Testator or Testatrix, or after his or her death, steal, or for any fraudulent purpose, destroy or conceal, any Will, Codicil, or other Testamentary Instrument, whether the same shall relate to Real or Personal Estate, or to both, every such offender shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable to suffer such punishment, by fine or imprisonment, or by both, as the Court shall award; and it shall not, in any indictment for such offence, be necessary to allege that such Will or Codicil, or other Instrument, is the property of any person, or that the same is of any value.

Stealing or destroying Wills

**XXVI. And be it enacted,** That if any person shall steal any Paper or Parchment, written or printed, or partly written and partly printed, being evidence of the title, or any part of the title, to any Real Estate, every such offender shall be deemed guilty of a Misdemeanor, and, being convicted thereof, shall be liable to suffer such punishment, by fine or imprisonment, or by both, as the Court shall award; and in any indictment for such offence it shall be sufficient to allege the thing stolen to be evidence of the title, or of part of the title of the person, or some one of the persons, having a present interest, whether legal or equitable, in the Real Estate to which the same relates, and to mention such Real Estate, or some part thereof; and it shall not be necessary to allege the thing stolen to be of any value.

Stealing evidence of title to Real Estate

**XXVII. Provided always, and be it enacted,** That nothing in this Act contained relating to either of the Misdemeanors aforesaid, nor any proceeding, conviction or judgment, to be had or taken thereupon, shall prevent, lessen or impeach, any remedy at Law or in Equity, which any party aggrieved by any such offence might or would have had if this Act had not been passed; but nevertheless the conviction of any such offender shall not be received in evidence in any action at Law or suit in Equity against him; and no person shall be liable to be convicted of either of the Misdemeanors aforesaid, by any evidence whatsoever in respect of any act done by him, if he shall, at any time previously to his being indicted for such offence, have disclosed such act on oath, in consequence of any compulsory process of any Court of Law or Equity, in any action, suit or proceeding, which shall have been bona fide instituted by any party aggrieved.

Not to affect the remedy at Law or Equity of party aggrieved

**XXVIII. And be it enacted,** That if any person shall steal any Horse, Mare, Gelding, Colt or Filly, or any Bull, Cow, Ox, Heifer or Calf, or any Ram, Ewe, Sheep or Lamb, or shall wilfully kill any of such Cattle, with intent to steal the carcass or skin, or any part of the Cattle so killed, every such offender shall be guilty of Felony, and, being convicted thereof, shall be imprisoned for any term not exceeding seven years.

Stealing Horses and other Cattle

**XXIX. And be it enacted,** That if any person shall steal, or shall cut, break, root up, or otherwise destroy or damage, with intent to steal the whole or any part of any Tree, Sapling or Shrub, or any Underwood, respectively, growing in any Park, Pleasure Ground, Garden, Orchard or Avenue, or in any Ground adjoining or belonging to any Dwelling House, every such offender, (in case the value of the articles or article stolen, or the amount of the injury done, shall exceed the sum of Ten Shillings,) shall be guilty of a Misdemeanor,

Stealing or destroying Trees, &c. in Parks, &c.

demeanor, and, being convicted thereof, shall be liable, at the discretion of the Court, to suffer such punishment, by fine or imprisonment, or by both, as the Court shall award; and if any person shall steal, or shall cut, break, root up, or otherwise destroy or damage, with intent to steal the whole or any part of any Tree, Sapling or Shrub, or any Underwood, respectively, growing elsewhere than in any of the situations hereinbefore mentioned, every such offender, (in case the value of the article or articles stolen, or the amount of the injury done, shall exceed the sum of Five Pounds,) shall be guilty of Felony, and, being convicted thereof, shall be liable to be punished in the same manner as in the case of Simple Larceny.

Stealing or  
destroying  
Trees where-  
ever growing

XXX. *And be it enacted*, That if any person shall steal or cut down, break, root up, or otherwise destroy or damage, with intent to steal the whole or any part of any Tree, Sapling or Shrub, or any Underwood, wherever the same may be respectively growing, the stealing of such article or articles, or the injury done, being to the amount of a Shilling at the least, every such offender, being convicted before a Justice of the Peace, shall forfeit and pay, over and above the value of the article or articles stolen, or the amount of the injury done, such sum of money, not exceeding Five Pounds, as to the Justice shall seem meet; and also, if such Justice, in his discretion, shall think fit, be liable to be imprisoned for any term not exceeding one month.

Stealing fence

XXXI. *And be it enacted*, That if any person shall steal, or shall cut, break or throw down, with intent to steal any part of any live or dead fence, or any wooden post, pale or rail, set up or used as a fence, or any stile or gate, or any part thereof respectively, every such offender, being convicted before a Justice of the Peace, shall, for such offence, be liable, at the discretion of such Justice, to be imprisoned for any term not exceeding one month, or forfeit and pay, over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money, not exceeding Five Pounds, as to the Justice shall seem meet.

Tree or part  
of fence un-  
lawfully in  
possession of  
any person

XXXII. *And be it enacted*, That if the whole, or any part of any Tree, Sapling or Shrub, or any Underwood, or any part of any live or dead fence, or any post, pale, rail, stile or gate, or any part thereof, being of the value of Two Shillings at the least, shall, by virtue of a Search Warrant, to be granted as hereinafter mentioned, be found in the possession of any person, or on the premises of any person, with his knowledge; and such person, being carried before a Justice of the Peace, shall not satisfy the Justice that he came lawfully by the same, he shall, on conviction by the Justice, forfeit and pay, over and above the value of the article or articles so found, any sum, not exceeding Two Pounds.

Stealing plants  
or vegetables  
from Gardens,  
&c.

XXXIII. *And be it enacted*, That if any person shall steal, or shall destroy or damage, with intent to steal, any plant, root, fruit, or vegetable production, growing in any Garden, Orchard, Nursery Ground, Hot-house, Green-house or Conservatory, every such offender, being convicted thereof, before a Justice of the Peace, shall be liable, at the discretion of the Justice, either to be committed to the Common Jail or House of Correction, thereto be imprisoned only, or to be imprisoned or kept to hard labour for any term, not exceeding One Calendar Month, or else shall forfeit and pay, over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money, not exceeding Five Pounds, as to the Justice shall seem meet.

Stealing  
plants, &c. not  
growing in  
Gardens, &c.

XXXIV. *And be it enacted*, That if any person shall steal, or shall destroy or damage, with intent to steal any cultivated root or plant, used for the food of man or beast, or for medicines, or for distilling, or for dying, or for or in course of any manufacture, and growing in any land, open or inclosed, not being a Garden, Orchard or Nursery Ground, every such offender, being convicted before a Justice of the Peace, shall be liable, at the discretion of the Justice, either to be committed to the Common Jail or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding One Calendar Month, or else shall forfeit and pay, over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money, not exceeding Twenty Shillings, as to the Justice shall seem meet, and, in default of payment thereof, together with the costs, (if ordered) shall be committed as aforesaid, for any term, not exceeding One Calendar Month, unless payment be sooner made.

Stealing prop-  
erty belong-  
ing to Build-  
ings

XXXV. *And be it enacted*, That if any person shall steal or rip, cut or break, with an intent to steal any glass or wood work belonging to any Building whatsoever, or any lead, iron,

iron, copper, brass, or other metal, or any utensil or fixture, whether made of metal or other material, respectively, fixed in or to any Building whatsoever, or any thing made of metal, fixed in any Land, being private property, or for a fence to any Dwelling House, Garden or Area, or in any Square, Street, or other place, dedicated to public use or ornament, every such offender shall be guilty of Felony, and, being convicted thereof, shall be liable to be punished in the same manner as in the case of Simple Larceny; and in case of any such thing fixed in any Square, Street, or other like place, it shall not be necessary to allege the same to be the property of any person.

And for the punishment of depredations committed by Tenants and Lodgers :

XXXVI. *Be it enacted*, That if any person shall steal any chattel or fixture, let, to be used by him or her, in or with any House or Lodging, (whether the Contract shall have been entered into by him or her, or by her husband, or by any person on behalf of him or her, or her husband,) every such offender shall be guilty of Felony, and, being convicted thereof, shall be liable to be punished in the same manner as in the case of Simple Larceny; and in every such case of stealing any chattel, it shall be lawful to prefer an indictment in the common form, as for Larceny; and in every such case of stealing any fixture, to prefer an indictment in the same form as if the offender were not a Tenant or Lodger, and in either case to lay the property in the owner or person letting to him.

Depredations by Tenants

And for the punishment of depredations committed by Clerks and Servants, in cases not punishable capitally :

XXXVII. *Be it enacted*, That if any Clerk or Servant shall steal any chattel, money or valuable security belonging to, or in the possession or power of, his master, every such offender, being convicted thereof, shall be liable to be imprisoned for any term not exceeding seven years.

Depredations by Clerks and Servants

And for the punishment of embezzlement committed by Clerks and Servants :

XXXVIII. *Be it declared and enacted*, That if any Clerk or Servant, or any person employed for the purpose, or in the capacity of a Clerk or Servant, shall, by virtue of such employment, receive or take into his possession, any chattel, money or valuable security, for, or in the name, or on the account of his Master, and shall fraudulently embezzle the same, or any part thereof, every such offender shall be deemed to have feloniously stolen the same from his Master, although such chattel, money or security, was not received into the possession of such Master otherwise than by the actual possession of his Clerk, Servant or other person so employed, and every such offender, being convicted thereof, shall be liable to be imprisoned for any term, not exceeding seven years.

Embezzlements by Clerks and Servants

And for preventing of difficulties that have been experienced in the prosecution of the last mentioned offenders :

XXXIX. *Be it enacted*, That it shall be lawful to charge in the Indictment, and proceed against the offender, for any number of distinct acts of embezzlement, not exceeding three, which may have been committed by him against the same Master, within the space of Six Calendar Months, from the first to the last of such acts; and in every such indictment, except where the offence shall relate to any chattel, it shall be sufficient to allege the embezzlement to be of money, without specifying any particular coin or valuable security; and such allegation, so far as regards the description of the property, shall be sustained, if the offender shall be proved to have embezzled any amount, although the particular species of coin or valuable security, of which such amount was composed, shall not be proved, or if he shall be proved to have embezzled any piece of coin or valuable security, or any portion of the value thereof, although such piece of coin or valuable security may have been delivered to him in order that some part of the value thereof should be returned to the party delivering the same, and such part shall have been returned accordingly.

Mode of proceeding against persons for embezzlement

And for the punishment of embezzlements committed by Agents entrusted with property :

XL. *Be it enacted*, That if any money, or security for the payment of money, shall be entrusted to any Banker, Merchant, Broker, Attorney or other Agent, with any direction in writing, to apply such money, or any part thereof, or the proceeds, or any part of the proceeds, of such security, for any purpose specified in such direction, and he shall, in violation of good faith, and contrary to the purpose, so specified, in anywise convert to his own use or benefit such money, security or proceeds, or any part thereof, respectively, every such offender shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable to be imprisoned

Embezzlement by Agents

*See Acts of 1842 for the law for Agents*



imprisoned for any term not exceeding fourteen years; and if any chattel or valuable security, or any Power of Attorney, for the sale or transfer of any share or interest in any public stock or fund, whether of this Province, or of the Kingdom of Great Britain, or of Ireland, or of any Foreign State, or in any Fund of any Body Corporate, Company or Society, shall be entrusted to any Banker, Merchant, Broker, Attorney or other Agent, for safe custody, or for any specified purpose, without any authority to sell, negotiate, transfer or pledge, and he shall, in violation of good faith, and contrary to the object or purpose for which such chattel, security or Power of Attorney, shall have been entrusted to him, sell, negotiate, transfer, pledge, or in any manner convert to his own use or benefit, such chattel or security, or the proceeds of the same, or any part thereof, or the share or interest in the stock or fund to which such Power of Attorney shall relate, or any part thereof, every such offender shall be guilty of a Misdemeanor, and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding fourteen years.

Nothing herein relating to Agents to affect Trustees or Mortgagees or Bankers, &c. receiving money on securities, &c.

**XLI.** *Provided always, and be it enacted,* That nothing hereinbefore contained, relating to Agents, shall effect any Trustee in or under any instrument whatever, or any Mortgagee of any Property, Real or Personal, in respect of any act done by such Trustees or Mortgagee, in relation to the property comprised in, or affected by, any such trust or Mortgage, nor shall restrain any Banker, Merchant, Broker, Attorney or other Agent, from receiving any money which shall be or become actually due and payable upon, or by virtue of, any valuable security, according to the tenor and effect thereof, in such manner as he might have done if this Act had not been passed, nor from selling, transferring or otherwise disposing of, any securities or effects in his possession, upon which he shall have any lien, claim or demand, entitling him by Law so to do, unless such sale, transfer or other disposal, shall extend to a greater number or part of such securities or effects than shall be requisite for satisfying such lien, claim or demand.

Factors pledging for their own use Goods, &c. entrusted to them

**XLII.** *And be it enacted,* That if any Factor or Agent entrusted, for the purpose of Sale, with Goods or Merchandize, or entrusted with any Bill of Lading, Warehouse Keeper or Wharfinger's Certificate or Warrant, or order for delivery of Goods or Merchandize, shall for his own benefit, and in violation of good faith, deposit or pledge any such Goods or Merchandize, or any of the said Documents, as a security for any money or negotiable instrument, borrowed or received by such Factor or Agent, at or before the time of making such deposit or pledge, or intended to be thereafter borrowed or received, every such offender shall be guilty of a Misdemeanor, and being convicted thereof, shall be liable to be imprisoned for any term not exceeding fourteen years; but no such Factor or Agent shall be liable to any prosecution for depositing or pledging any such Goods or Merchandize, or any of the said Documents, in case the same shall not be made a security for, or subject to, the payment of any greater sum of money than the amount which, at the time of such deposit or pledge, was justly due and owing to such Factor or Agent from his principal, together with the amount of any Bill or Bills of Exchange, drawn by, or on account of, such principal, and accepted by such Agent or Factor.

Not to affect any remedy the party aggrieved now has

**XLIII.** *Provided always, and be it enacted,* That nothing in this Act contained, nor any proceedings, conviction or judgment, to be had, or taken thereupon, against any Banker, Merchant, Factor, Broker, Attorney or other Agent as aforesaid, shall prevent, lessen or impeach, any remedy at Law or in Equity, which any party aggrieved by any such offence might, or would have had, if this Act had not been passed; but nevertheless the conviction of any such offender shall not be received in evidence in any Action at Law or Suit in Equity against him; and no Banker, Merchant, Broker, Factor, Attorney or other Agent as aforesaid, shall be liable to be convicted by any evidence whatever as an offender against this Act, in respect of any act done by him, if he shall, at any time previously to his being indicted for such offence, have disclosed such act on oath, in consequence of any compulsory process of any Court of Law or Equity, in any Action, Suit or Proceeding, which shall have been bona fide instituted by any party aggrieved.

*And whereas,* a failure of justice frequently arises from the subtle distinction between Larceny and Fraud—for remedy whereof:

Obtaining money on false pretences

**XLIV.** *Be it enacted,* That if any person shall, by any false pretence, obtain from any other person any chattel; money or valuable security, with intent to cheat or defraud any person of the same, every such offender shall be guilty of a Misdemeanor, and, being convicted thereof,



thereof, shall be liable to be imprisoned for any term, not exceeding seven years; *Provided always*, that if upon the trial of any person, indicted for such Misdemeanor, it shall be proved that he obtained the property in question in any such manner as to amount in Law to Larceny, he shall not, by reason thereof, be entitled to be acquitted of such Misdemeanor; and no such indictment shall be removeable by Certiorari, and no person tried for such Misdemeanor shall be liable to be afterwards prosecuted for Larceny upon the same facts.

No acquittal because the case amounts to Larceny

And with regard to receivers of stolen property :

**XLV.** *Be it enacted*, That if any person shall receive any chattel, money, valuable security or other property whatsoever, the stealing or taking whereof shall amount to a Felony, either at Common Law or by virtue of this Act, such person, knowing the same to have been feloniously stolen or taken, every such receiver shall be guilty of Felony, and may be indicted and convicted, either as an accessory after the fact, or for a substantive Felony, and, in the latter case, whether the principal Felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice, and every such receiver, howsoever convicted, shall be liable to be imprisoned for any term not exceeding seven years ;

Receivers of stolen property when guilty of Felony

*Provided always*, That no person however tried for receiving, as aforesaid, shall be liable to be prosecuted a second time for the same offence.

Proviso

**XLVI.** *And be it further enacted*, That if any person shall receive any chattel, money, valuable security or other property whatsoever, the stealing, obtaining, or converting whereof, is made an indictable Misdemeanor by this Act, such person knowing the same to have been unlawfully stolen, taken, obtained or converted, every such receiver shall be guilty of a Misdemeanor, and may be indicted and convicted thereof, whether the person guilty of the principal Misdemeanor, shall or shall not have been previously convicted thereof, or shall or shall not be amenable to justice, and every such receiver shall, on conviction, be liable to be imprisoned for any term not exceeding seven years.

Receivers of stolen property when guilty of Misdemeanor

**XLVII.** *And be it further enacted*, That if any person shall receive any chattel, money, valuable security or other property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained or converted, every such person, whether charged as an accessory after the fact to the Felony, or with a substantive Felony, or with a Misdemeanor only, may be dealt with, indicted, tried and punished, in any County or place in which he shall have, or shall have had, any such property in his possession, or in any County or place, in which the party guilty of the principal Felony or Misdemeanor may by Law be tried, in the same manner as such receiver may be dealt with, indicted, tried and punished, in the County or place where he actually received such property.

Where to be tried

And to encourage the prosecution of offenders :

**XLVIII.** *Be it enacted*, That if any person, guilty of such Felony or Misdemeanor as aforesaid, in stealing, taking, obtaining or converting, or in knowingly receiving any chattel, money, valuable security or other property whatsoever, shall be indicted for any such offence by or on behalf of the owner of the property, or his Executor and Administrator, and convicted thereof—in such case the property shall be restored to the owner, or his representative ; and the Court, before whom any such person shall be so convicted, shall have power to award, from time to time, Writs of Restoration for the said property, or to order the restoration thereof in a summary manner. *Provided always*, that if it shall appear, before any award or order made, that any valuable security shall have been bona fide paid or discharged by some person or body corporate, liable to the payment thereof, or being a negotiable instrument, shall have been bona fide taken or received by transfer or delivery by some person or body corporate, for a just and valuable consideration, without any notice, or without any reasonable cause to suspect that the same had, by any Felony or Misdemeanor been stolen, taken, obtained or converted, as aforesaid, in such case, the Court shall not award or order the restitution of such security.

Owner of stolen property to have restitution

**XLIX.** *And be it enacted*, That any person who shall corruptly take any money or reward, directly or indirectly, under pretence or upon account of helping any person to any chattel, money, valuable security, or other property whatsoever, which shall, by any Felony or Misdemeanor, have been stolen, taken, obtained or converted as aforesaid, shall, (unless he cause the offender to be apprehended and brought to trial for the same,) be guilty of Felony; and, being convicted thereof, shall be liable to be imprisoned for any term not exceeding seven years.

Taking reward on pretence of helping to the recovery of stolen property

Advertising a reward for return of stolen property

L. *And be it enacted*, That if any person shall publicly advertise a reward for the return of any property whatsoever, which shall have been stolen or lost, and shall, in such advertisement, use any words purporting that no questions will be asked, or shall make use of any words in any public advertisement, purporting that a reward will be given or paid for any property which shall have been stolen or lost, without seizing or making any inquiry after the person producing such property; or shall promise or offer, in such public advertisement, to return to any Pawnbroker, or other person who may have brought or advanced money, by way of loan, upon any property so stolen or lost, the money so paid or advanced, or any other sum of money or reward for the return of such property; or if any person shall print or publish any such advertisement in any of the above cases, every such person shall forfeit the sum of Twenty Pounds for every such offence, to any person who will sue for the same by action of debt, to be recovered with full costs of suit.

Receiving property where the taking is punishable summarily

LI. *And be it enacted*, That, where the stealing or taking of any property whatsoever is by this Act punishable on summary conviction, any person who shall receive any such property, knowing the same to be unlawfully come by, shall, upon conviction thereof before a Justice of the Peace, be liable to the same forfeiture and punishment to which a person guilty of the offence of stealing or taking such property, is by this Act made liable.

LII. *And be it enacted*, That in case every Felony, punishable under this Act, every principal, in the second degree, and every accessory before the fact, shall be punishable with death or otherwise, in the same manner as the principal, in the first degree, is by this Act punishable; and every accessory, after the fact, to any Felony, punishable under this Act, (except only a receiver of stolen property,) shall, on conviction, be liable to be imprisoned for any term not exceeding two years; and every person who shall aid, abet, counsel or procure, the commission of any Misdemeanor, punishable under this Act, shall be liable to be indicted and punished as a principal offender.

Aiding the commission of offence punishable summarily

LIII. *And be it enacted*, That if any person shall aid, abet, counsel or procure, the commission of any offence, which is by this Act punishable on summary conviction, every such person shall, on conviction before a Justice of the Peace, be liable for every offence of aiding, abetting, counselling or procuring, to the same forfeiture and punishment to which a person guilty, as a principal offender is by this Act made liable.

And for the more effectual apprehension and discovery of all offenders punishable under this Act:

Persons committing offences under this Act may be arrested without warrant

LIV. *Be it enacted*. That any person found committing any offence, punishable either upon indictment or upon summary conviction, by virtue of this Act, may be immediately apprehended, without a Warrant by any Peace Officer, or by the owner of the property, on or with respect to which the offence shall be committed, or by his Servant, or by any person authorised by him, and forthwith taken before some neighbouring Justice of the Peace, to be dealt with according to Law; and if any credible witness shall prove upon oath before a Justice of the Peace, a reasonable cause to suspect that any person has in his possession, or on his premises, any property whatsoever, on or with respect to which any such offence shall have been committed, the Justice may grant a Warrant to search for such property as in the case of stolen Goods; and any person to whom any property shall be offered to be sold, pawned or delivered, if he shall have reasonable cause to suspect that any such offence has been committed on, or with respect to, such property, is hereby authorized, and, if in his power, is required to apprehend and forthwith to carry before a Justice of the Peace the party offering the same, together with such property, to be dealt with according to Law.

On suspicion a second warrant may be granted

And for the more effectual prosecution of all offences punishable on summary conviction under this Act:

Party offering stolen Property may be apprehended

LV. *Be it enacted*, That when any person shall be charged, on the oath of a credible witness, before any Justice of the Peace, with any such offence, the Justice may summon the person charged to appear at a time and place to be named in such Summons; and if he shall not appear accordingly, then, (upon proof of the due service of the Summons upon such person, by delivering the same to him personally, or by leaving the same at the usual place of abode,) the Justice may either proceed to hear and determine the case ex parte, or issue his Warrant for apprehending such person and bringing him before himself or some other Justice of the Peace; or the Justice before whom the charge shall be made,

Mode of proceeding in Summary Cases

may,

may, if he shall so think fit, without any previous Summons, (unless when otherwise specially directed,) issue such Warrant, and the Justice, before whom the person charged shall appear or be brought, shall proceed to hear and determine the case.

And with regard to the application of all forfeitures and penalties upon summary conviction under this Act :

LVI. *Be it enacted*, That every sum of money which shall be forfeited for the value of any property stolen or taken, or for the amount of any injury done, (such value or amount to be assigned in each case by the convicting Justice,) shall be paid to the party aggrieved, if known, except where such party shall have been examined in proof of the offence, and in that case, or where the party aggrieved is unknown, such sum shall be applied in the same manner as a penalty ; and every sum which shall be imposed as a penalty by any Justice of the Peace, whether in addition to such value or amount or otherwise, shall be paid to some one of the Overseers of the Poor, (as the Justice may direct,) of the Parish, Township or Place in which the offence shall have been committed, to be by such Overseers paid over to the use of the Poor of such Parish, Township or Place ; *Provided always*, that where several persons shall join in the commission of the same offence, and shall, upon conviction thereof, each be adjudged to forfeit a sum equivalent to the value of the property, or to the amount of the injury, in every such case no further sum shall be paid to the party aggrieved than that which shall be forfeited by one of such offenders only, and the corresponding sum or sums forfeited by the other offender or offenders, shall be applied in the same manner as any penalty imposed by Justice of the Peace as is hereinbefore directed to be applied.

Application of  
Forfeitures &  
Penalties

Proviso

LVII. *And be it enacted*, That in every case of a summary conviction under this Act, where the sum, which shall be forfeited for the value of the property stolen or taken, or for the amount of the injury done, or which shall be imposed as a penalty by the Justice, shall not be paid either immediately after the conviction, or within such period as the Justice, shall, at the time of the conviction, appoint, it shall be lawful for the convicting Justice (unless where otherwise specially directed,) to commit the offender, who shall be liable to be imprisoned for any term not exceeding Two Calendar Months, where the amount of the sum forfeited, or of the penalty imposed, or of both, (as the case may be,) together with the costs, shall not exceed Five Pounds ; and for any term, not exceeding Four Calendar Months, where the amount, with costs, shall not exceed Ten Pounds ; and for any term, not exceeding Six Calendar Months, in any other case—the commitment to be determined in each of the cases aforesaid upon payment of the amount and costs.

If money not  
paid the party  
to be commit-  
ted

LVIII. *Provided always, and be it enacted*, That where any person shall be summarily convicted before a Justice of the Peace of any offence against this Act, and it shall be a first conviction, it shall be lawful for the Justice, if he shall so think fit, to discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved for damages and costs, or either of them, as shall be ascertained by the Justice.

Justice may  
discharge the  
party in cer-  
tain cases

LIX. *And be it enacted*, That it shall be lawful for the Queen's Majesty to extend Her Royal Mercy to any person imprisoned by this Act, although he shall be imprisoned for non-payment of money to some party other than the Crown.

Pardon

LX. *And be it enacted*, That in case any person convicted of any offence, punishable upon summary conviction by virtue of this Act, shall have paid the sum adjudged to be paid, together with costs under such conviction, or shall have received a remission thereof from the Crown, or shall have suffered the imprisonment awarded for the non-payment thereof, or the imprisonment adjudged in the first instance, or shall have been discharged from his conviction in the manner aforesaid, in every such case he shall be released from all further or other proceedings for the same cause.

Conviction a  
bar to other  
proceedings

LXI. *And be it enacted*, That the Justice before whom any person shall be convicted of any offence against this Act, may cause the conviction to be drawn up in the following form of words, or in any other form of words to the same effect, as the case shall require, videlicet :

Form of con-  
viction

Be it remembered, that on the \_\_\_\_\_ day of \_\_\_\_\_ in the Year of Our Lord \_\_\_\_\_ at \_\_\_\_\_ in the County of \_\_\_\_\_ A. O. is convicted before me J. P. one of Her Majesty's Justices of the Peace for the said County, for that he, the said A. O., did (specifying the offence and the time and place when and where the same was committed, as the case may be) and I, the said J. P., adjudge the said A. O., for his said offence, to be imprisoned in the \_\_\_\_\_

the (or to be imprisoned in the County Jail) for the space of (or I adjudge the said A. O. for his said offence to forfeit any pay ) (here state the penalty actually imposed, or state the penalty, and also the value of the articles stolen, or the amount of the injury done, as the case may be,) and also, to pay the sum of for costs, and in default of immediate payment of the said sums, to be imprisoned in the County Jail for the space of unless the said sums shall be sooner paid (or) and I order the said sums shall be paid by the said A. O. on or before the day of and I direct that the said sum of (the penalty only) shall be paid to of aforesaid, in which the said offence was committed to be by him applied according to the directions of the Statute in that case made and provided, (or that the said sum of (the penalty,) shall be paid to, &c. as before,) and that the said sum of (I. E., the value of the articles stolen, or the amount of the injury done) shall be paid to C. D. (the party aggrieved, unless he is unknown, or has been examined in proof of the offence, in which case state that fact, and dispose of the whole like the penalty as before,) and I order that the said sum of for costs shall be paid to (the Complainant.)

Given under my Hand and Seal, the day and year first above mentioned.

Appeal

LXII. *And be it enacted*, That in all cases where the sum adjudged to be paid on any summary conviction shall exceed Two Pounds, or the imprisonment adjudged shall exceed One Calendar Month, or the conviction shall take place before one Justice only, any person who shall think himself aggrieved by any such conviction, may appeal to the next Supreme Court, or Court of General or Quarter Sessions for the County wherein the cause of complaint shall have arisen; *Provided*, that such person shall either remain in custody until the Supreme Court or Sessions, or enter into a recognizance, with two sufficient sureties, before a Justice of the Peace, conditioned personally to appear at the said Supreme Court or Sessions and to try such appeal, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; and upon such recognizance being entered into, the Justice, before whom the same shall be entered into, shall liberate such person if in custody, and the Court, at its Sittings or Sessions, shall hear and determine the matter of the appeal, and shall make such order thereon, with or without costs to either party, as to the Court shall seem meet; and in case of the dismissal of the appeal, or the affirmance of the conviction, shall order and adjudge the offender to be punished according to the conviction, and to pay such costs as shall be awarded and shall, if necessary, issue process for enforcing such judgment.

No certiorari, &c.

LXIII. *And be it enacted*, That no such conviction or adjudication made on appeal therefrom, shall be quashed for want of form, or be removed by certiorari or otherwise, into Her Majesty's Supreme Court; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

Conviction where to be returned

LXIV. *And be it enacted*, That every Justice of the Peace, before whom any person shall be convicted of any offence against this Act, unless in case of an appeal to the Supreme Court, shall transmit the conviction to the next Court of General or Quarter Sessions, which shall be holden for the County and Place wherein the offence shall have been committed, there to be kept by the proper Officer, among the Records of the Court; and in case of appeal to the Supreme Court such conviction shall be transmitted to the said Supreme Court,

And for the protection of persons acting in the execution of this Act,

Venue in proceedings against persons acting under this Act

Notice of Action

General issue

LXV. *Be it enacted*, That all actions and prosecutions, to be commenced against any person, for any thing done in pursuance of this Act, shall be laid and tried in the County where the fact was committed, and shall be commenced within Six Calendar Months after the fact committed, and not otherwise; and notice in writing of such action, and of the cause thereof, shall be given to the Defendant One Calendar Month at least before the commencement of the action; and in every such action the Defendant may plead the general issue, and give this Act and the special matter in evidence, at any trial to be had thereupon; and no Plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the Defendant; and if a verdict shall pass for the Defendant, or the Plaintiff shall become nonsuit, or discontinue any such action after



after issue joined; or if, upon demurrer or otherwise, judgment shall be given against the Plaintiff, the Defendant shall recover his full costs, as between Attorney and Client, and have the like remedy for the same as any Defendant hath by Law, in other cases; and although a verdict shall be given for the Plaintiff in any such action, such Plaintiff shall not have costs against the Defendant, unless the Judge, before whom the trial shall be, shall certify his approbation of the action, and of the verdict obtained thereupon.

Costs

LXIV. *And be it enacted*, That in the case of any Felony punishable under this Act, every principal in the second degree, and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is by this Act punishable, and every accessory after the fact to any Felony punishable under this Act, (except only a receiver of stolen property,) shall, on conviction, be liable to be imprisoned for any term not exceeding seven years.

LXVII. *And be it enacted*, That where any person shall be convicted of any offence punishable under this Act, for which imprisonment may be awarded, except only in cases of summary convictions, before a Justice of the Peace, when the imprisonment shall always be in the County Jail, and without hard labor or solitary confinement, it shall be lawful for the Court to sentence the offender to be imprisoned and kept to hard labour in the Common Gaol, Bridewell or House of Correction, in the County where such conviction shall take place, or in any public Penitentiary, Bridewell or House of Correction, which may be hereafter established in any part of this Province; and also to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labour, such solitary confinement, not exceeding one month at one time, and not exceeding three months in any one year, as to the Court, in its discretion, shall seem meet.

Place &amp; mode of imprisonment under this Act

## CAP. VIII.

## An Act to abolish the punishment of Pillory, Cutting the Ears of Offenders, and Whipping, and to substitute Imprisonment in lieu thereof.

(Passed the 29th day of March, A. D. 1841.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, judgment or sentence shall not be given and awarded against any person or persons convicted of any offence whatsoever, that such person or persons do suffer the punishment of being set in the Pillory, or of having his or their ears nailed thereto, or cut off, or do suffer the punishment of being whipped—any Law, Statute or usage, to the contrary notwithstanding.

No person to be punished by Pillory or having their ears cut or by whipping

II. *And be it enacted*, That in all cases where the punishment of being set in the Pillory, or of having the offender's ears nailed to the Pillory, or cut off, or of being publicly or privately whipped, has hitherto formed the whole or part of the judgment or sentence to be pronounced, or has in any other case been inflicted, it shall and may be lawful for the Court, before whom any such offender shall be tried or convicted, to pass sentence of imprisonment, or imprisonment with hard labor, in the Common Gaol, Bridewell or House of Correction, in the County where such conviction shall take place, or in any Public Penitentiary, Bridewell, or House of Correction, which may be hereafter established in any part of this Province; and also, to direct that the offender shall be kept in solitary confinement for any portion or portions of such imprisonment, or of such imprisonment with hard labor—such solitary confinement not exceeding one month at any one time, and not exceeding three months in any one year, as to the Court, in its discretion, shall seem meet.

Imprisonment to be substituted



## CAP. IX.

*Bill Act  
of Gen. Ass.*

**An Act to prevent a failure of Justice, by reason of variances between Records and Writings, produced in evidence in support thereof.**

(Passed the 29th day of March, A. D. 1841.)

Preamble

**W**HEREAS, great expense is often incurred, and delay or failure of Justice takes place at Trials, by reason of variances between Writings produced in evidence, and the recital or setting forth thereof upon the Record on which the Trial is had, in matters not material to the merits of the case, and such Record cannot now, in any case, be amended at the Trial, and in some cases cannot be amended at any time—for remedy thereof:

Court may in cases of variance between Records and Writings produced in evidence direct the Record to be amended

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for every Court of Record in this Province, if such Court shall see fit so to do, to cause the Record on which any Trial may be pending before any such Court, in any Civil Action, or in any Indictment or Information for any Misdemeanor, when any variance shall appear between any matter in writing or in print, produced in evidence, and the recital or setting forth thereof upon the Record whereon the Trial is pending, to be forthwith amended, in such particular, by some officer of the Court, on payment of such costs, if any, to the other party, as such Court shall think reasonable, and thereupon the Trial shall proceed as if no such variance had appeared.

## CAP. X.

**An Act in addition to, and amendment of, an Act passed during the present Session of the General Assembly, entitled, An Act to improve the Administration of the Law, and to reduce the number of Courts of Justice within this Province, and to diminish the expense of the Judiciary therein.**

(Passed the 10th day of April, A. D., 1841.)

Preamble

**W**HEREAS, it is frequently necessary that Costs should be taxed and Dockets of Judgment signed, as by Law required, in the vacations of the several Sittings of the Supreme Court, in the different Counties of this Province; and, in consequence of the sickness or absence of the presiding Judge of the Court wherein such Judgments ought to be entered in Cases reserved for decision or otherwise, Parties entitled to judgment may sometimes be delayed and thereby sustain injury—for remedy thereof:

The Chief Justice or any Judge may tax cost and sign Judgment

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for the Chief Justice, or any of the Judges of the Supreme Court, to tax and allow the costs duly certified as by Law required, of any Party entitled to Judgment, in vacation, and sign the Docket of such Judgment, which shall have the like force and effect as if taxed and signed by the presiding Judge in the Court, where the same Judgment is entered, any Law, usage or practice, to the contrary thereof notwithstanding.

*And whereas,* the time of holding the Court of General Sessions of the Peace in King's County has been omitted in the Act of which this is an amendment:

Sessions for King's County

II. *Be it enacted,* That hereafter the Court of General Sessions of the Peace, in and for King's County, shall be held at Kentville, on the second Tuesday of November in each and every year.

## CAP. XI.

**An Act further to amend the Act to improve the Administration of the Law, and to reduce the number of Courts of Justice within this Province, and to diminish the expense of the Judiciary therein.**

(Passed the 10th day of April, A. D., 1841.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That whenever any officers shall be required to be appointed, or any act, matter, business or thing, required to be done, by or at the Spring or Summer Term or Sessions of the Peace, in any County of the Province, wherein, by the Act passed in the present Session of the General Assembly, entitled, An Act to improve the Administration of the Law, and to reduce the number of Courts of Justice within this Province, and to diminish the expense of the Judiciary therein, there shall be two Terms or Sessions of the said Court, it shall and may be lawful for the Justices, at the said Spring or Summer Sessions, to appoint such officers, so then required to be appointed, or to do such act, matter, business or thing; so by Law required to be then done, notwithstanding the appointment of such officers, or the doing of any such act, matter, business or thing, may have heretofore required the intervention of a Grand Jury, and notwithstanding no Grand Jury is by the said Act allowed at such Spring or Summer Sessions :

Where there are two Courts of Sessions Officer may be appointed at the Spring or Summer Sessions by the Justices

II. *And be it enacted*, That wherever, in any County, by the said Act, the number of Courts of Sessions shall be reduced to one, it shall and may be lawful for the said Court of Sessions, so to be held, to appoint all Town Officers, and to do and transact all business now by Law required to be done by any General Sessions of the Peace, whether the same has been heretofore by Law appointed or required to be done, had or made, at the Spring or Summer Sessions, or at the Fall or Winter Sessions of the Peace.

Where only one Court of Sessions all business may be then done

III. *And be it enacted*, That in any County of the Province, wherein Licenses for the Sale of Spirituous Liquors will expire, or be required to be renewed, before the time appointed by the said Act for the next Term or Sessions of the Peace in the said County, it shall and may be lawful for any Special Sessions of the Peace, at which a majority of the Justices of the Peace in the County shall be present, to grant and order, to or for any Person or Persons, Shop or Tavern Licenses, in the same manner as if such person or persons had been recommended by the Grand Jury, and as any General Sessions of the Peace could have heretofore done.

Special Sessions to grant Licenses in certain cases

## CAP. XII.

**An Act to set off North Sydney as a separate Township.**

(Passed the 29th day of March, A. D., 1841.)

**W**HEREAS, the Inhabitants of that part of the Township of Sydney, called North Sydney, are desirous of having the same established as a separate and distinct Township, by the metes and bounds hereinafter mentioned and described; *and whereas*, from the inconvenience occasioned to the said Inhabitants in attending meetings for voting Monies for the Poor, in consequence of their distance from the Town of Sydney, as well as from the increase of wealth and population, it is expedient and proper to comply with the desire of said Inhabitants, by establishing such separate Township :

Preamble

I. *Be it therefore enacted*, by the Lieutenant-Governor, Council and Assembly, That North Sydney aforesaid shall, from and after the passing of this Act, be set off and established as a separate and distinct Township, with power to vote Monies for the support of their own Poor, and to have Town Officers appointed, and other Township powers and rights, by the name of the Township of North Sydney.

North Sydney to be a separate Township To Vote Money To appoint Town Officers

II.

The boundaries of the said Township

II. *And be it enacted*, That the limits and boundaries of the said Township shall be as follows, that is to say : commencing at the Bridge at Leeche's Creek ; thence, midst stream, down the Creek and North-west Arm to the mouth of the Harbour of Sydney or Spanish River; thence northwardly, along the sea coast, to the Little Bras d'Or; thence, midst stream, up Little Bras d'Or to the Barrasois or Pond opposite the west end of Long Island ; thence from the said Barrasois or Pond along the present Road, therefrom to the Bridge at Leeche's Creek aforesaid.

Preamble

*And whereas*, the said Inhabitants of North Sydney, by their Petition to the House of Assembly, praying that the said township may be set off, have undertaken to bear one half of the charges and expenses attending the support of the Poor, now chargeable on the present Township of Sydney :

The Township of North Sydney to provide for half the expenses incurred in support of Paupers named in Schedule

III. *Be it enacted*, That besides supporting the Poor of the said Township of North Sydney, the said Township shall be liable to pay and provide for one half of the expenses and charges which shall or may be incurred in, or incident to, the future support and maintenance, in the same manner, and to the same extent, as heretofore, of such Poor, at present chargeable on the present Township of Sydney, whose names are set forth in the Schedule to this Act annexed, as shall from time to time be and remain chargeable on the said Township of Sydney.

How to be voted assessed & collected

IV. *And be it enacted*, That one half of such expenses and charges shall be voted, assessed and collected, by and on the said Township of North Sydney, in the same manner, and by the same means, and under the same regulation, powers and enactments, as any Monies for the support of the Poor, legally chargeable on said Township of North Sydney, can now by Law be voted, assessed and collected, and shall, when received by the Overseers of the Poor for the said Township of North Sydney, be paid over to the Overseers of the Poor for the Township of Sydney.

If Freeholders neglect to meet or make provision the said Township liable to be amerced by the Sessions

V. *And be it enacted*, That if the Freeholders of said Township of North Sydney hereby established, shall neglect from time to time to meet, as by Law required, to make provision for the Poor ; or, having met, shall at any time hereafter neglect to make provision for one half of the expenses and charges incurred in, or incident to, the support of such of the Poor so at present chargeable on the said present Township of Sydney, as may be then chargeable thereon as hereinbefore required and provided—the said Township of North Sydney shall be liable to be amerced in such sum as may be necessary for that purpose, by any General or Special Sessions, agreeably to the provisions contained in the eighth Clause of the Act, passed in the fourth year of the Reign of His late Majesty King George the Fourth, entitled, An Act for amending and reducing into one the several Acts now in force relating to the support and management of the Poor throughout the Province, excepting such parts thereof as relates to their support in the Town of Halifax.

Electors to Vote in the Township of Sydney

VI. *Provided always, and be it enacted*, That every person, having a legal qualification to vote or be elected, situate in the Township of North Sydney, shall be qualified to vote or be elected for the Township of Sydney, at any future election for a Representative for the said Township, as if this Act had not been passed.

Schedule

Schedule of Paupers now supported by the Township of Sydney, referred to the foregoing Act :—

Donald Curry, Betsy Robur, Lewis Ferdinand, Francis Mannand, Widow Madore, Nicholas Madore, John Curtis, John Young, Mrs. Keyho, Catharin Keenny's Child, Thomas Cashin, Widow Rutter's orphans, Thomas Carrol and his wife, Susannah Welsh, Bartholomew Young (insane man.)

### CAP. XIII.

## An Act concerning the Court of Marriage and Divorce.

(Passed the 29th day of March, A. D. 1841.)

Preamble

**W**HEREAS, in and by the Act passed in the General Assembly of this Province, in Thirty-second year of the Reign of His late Majesty King George the Second, entitled,

titled, An Act concerning Marriage and Divorce, and for punishing Incest and Adultery, and declaring Polygamy to be Felony, it is, among other things, enacted, that all matters relating to Prohibited Marriages and Divorce shall be heard and determined by the Governor, or Commander in Chief for the time being, and His Majesty's Council of this Province, and it has become necessary, for giving efficiency to the proceedings and business of the Court of Marriage and Divorce, to make such provisions as may be necessary for the regulation thereof, and the more effectual Administration of Justice therein.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That the Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall be, and he is hereby declared to be, the President of the said Court; but inasmuch as the arduous affairs of Government may render it inconvenient for him to preside in person therein, it shall and may be lawful for him, by Warrant under his Hand and Seal, to appoint the Chief Justice, the Master of the Rolls, or any one of the Justices of the Supreme Court, to be Vice President of the Court of Marriage and Divorce, who may sit as a Member thereof, with the Governor, Lieutenant-Governor, or Commander in Chief for the time being, when he shall preside in person therein, and who (when he shall not preside in person,) shall preside in the said Court, in the place and stead of the Governor, Lieutenant-Governor, or Commander in Chief for the time being; and in case of vacancy in the said Office, it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to supply the same by a like appointment, from time to time, as occasion shall require: *Provided,* that every such Vice President shall be and continue Vice President during the pleasure of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and no longer.

Governor declared to be President of Court of Marriage and Divorce

A Vice President to be appointed

Proviso

II. *And be it enacted,* That the said Court shall consist of the Governor, Lieutenant-Governor, or Commander in Chief, and the Executive Council, for the time being, together with the Vice President; but the Vice President and any two Members of the said Council shall be a sufficient number of Members to constitute a Court; and the Vice President shall have, as well in Court as out of Court, full power to do all things whatsoever, which may appertain to his said Office, or may be necessary to carry into effect the provisions of this Act.

The Court to consist of the Governor & Executive Council with Vice President

III. *And be it enacted,* That the said Court shall be, and is hereby declared to be, invested with all the rights, powers, authority and jurisdiction, which are at present vested, by the Laws of this Province, in the Governor, Lieutenant-Governor, or Commander in Chief, and the Council of this Province, for the time being, in respect to Marriage and Divorce; and further that the said Court shall hear and determine all matters of prohibited Marriage and Divorce, and have power to direct the examination of Witnesses, viva voce; and the said Court is hereby empowered, for any of the causes specified in any of the Acts of this Province, now in force therein, to declare and decree, by definitive sentence or otherwise, the Marriage between the Parties in the Suit to be absolutely null and void, from such time, as by the said Court may be deemed proper, and to allow costs and alimony to the Wife, from time to time, during the progress of the Suit, or upon its termination; and to allow to either of the Parties their reasonable costs and expenses, in like manner as they have been heretofore allowed: *Provided always,* that nothing herein, or in the aforesaid Acts contained, shall be construed to extend to allow any person who may be divorced from Bed and Board only to marry again; and that in case of a decree or sentence of Divorce from the Bond of Matrimony, for the cause of Adultery, or any other of the causes in the said Acts contained, the Issue of such Marriage shall not be bastardized, prejudiced or affected, with any disability thereby; nor shall the Wife, in such case, be barred of her Dower, or the Husband deprived of any Tenancy, by the curtesy of England, unless it shall be so expressly adjudged and determined in and by such decree or sentence. *And provided further,* that nothing in this Act contained shall extend, or be construed to extend, to limit the Jurisdiction of the Courts of Chancery, and of Common Law, or to bar, suspend, or in any wise affect, the right of Action, of any party therein, for any matter or thing heretofore cognizable in such Courts respectively.

The Jurisdiction of the Court

To hear all matters of prohibited Marriage and Divorce and direct the examination of witnesses viva voce

Marriage may be declared to be void

Proviso

The issue of Marriage shall not be destroyed by divorce Nor wife to be barred of Dower Nor Husband deprived of Tenancy by the Curtesy of England

IV. *And be it enacted,* That it shall be lawful for, and the said Court is hereby directed, as soon as conveniently may be after the passing of this Act, to make, ordain and declare, Rules of Practice, for the proceedings of the Parties in Suits therein, and to prescribe the

The Court to make rules of practice and prescribe forms of

Writs Libels,  
&c.

forms of all Writs, Libels, Proceedings and Process, for use in the said Court; and to carry into full effect the orders, sentences, decisions, and decrees thereof; and the same Rules and Forms, from time to time, to alter, amend or repeal, in such manner as to the said Court shall appear best adapted for carrying into effect the object of this Act.

The Court to  
have power to  
enforce De-  
cree in Suits  
now pending  
or hereafter to  
be prosecuted

V. *And be it enacted*, That the said Court shall have full power and authority to enforce the performance of any decree, order or direction, now made or given, or hereafter to be made or given, in any Suit now pending, or which may hereafter be brought or prosecuted therein, from time to time, as occasion may require, by such Writs and Process, as the said Court, for that purpose, may devise or adopt.

Sheriffs & Co-  
roners requir-  
ed to execute  
Writs

VI. *And be it enacted*, That the Writs and Process of the said Court shall be directed to any of the Sheriff's or Coroners of this Province, who are hereby required to execute the same according to the exigency of such Writs and Process, and it shall be lawful for any of the said Sheriff's or Coroners to take the body, and commit the party to any of the Jails of this Province, and there retain the party, so committed, until he or she shall be discharged by the said Court, or by some lawful authority; or if the said Writs or Process shall require the Sheriff or Coroner to attach and sell the Goods and Chattels of the Party, it shall be lawful for him so to do; and to sell and dispose of the same in like manner as the Goods and Chattels of Parties are sold and disposed of under Writs of Execution, issuing out of the Supreme Court; and the proceeds of such Sales, deducting the poundage and the necessary expenses thereof, as now by Law established, the said Sheriff's or Coroners are to pay into the Registry of the said Court of Marriage and Divorce, to be disposed of as the said Court may direct.

VII. *And be it enacted*, That the Rules, Orders, Writs, Process, and other the Proceedings of the said Court, may be signed by the Registrar; and the Signature of the President or Vice President, shall not be necessary to give effect thereto, unless it shall be otherwise ordered by the said Court.

#### CAP. XIV.

### An Act to incorporate the General Mining Association.

(Passed the 29th day of March, A. D. 1841.)

Preamble

**W**HEREAS, by a certain Deed of Settlement, duly executed, bearing date the tenth day of April, in the year of Our Lord One Thousand Eight Hundred and Twenty-nine, certain persons, whose names and seals are to the said Deed affixed and subscribed, as parties to the same, associated themselves together as a Company or Association, for certain defined purposes or objects, in the said Deed particularly mentioned.

*And whereas*, the said Association having become Proprietors of a certain Lease, granted by His Royal Highness Prince Frederick, late Duke of York and Albany, since deceased, of certain Mines, Minerals, Ores, and other Property of the like description in this Province—one of the purposes and objects of the said Association was the working, opening and carrying on Mines and Mining operations in this Province.

*And whereas*, for the purposes of the said Association, its Capital was fixed by the said Deed, at Four Hundred Thousand Pounds, Sterling, divided into Twenty Thousand Shares, of Twenty Pounds each.

*And whereas*, such Capital is now held by a large number of Proprietors, respectively holding various numbers and different proportions of the said Shares, of whom the persons hereafter named form part.

*And whereas*, the said Association has, since its formation, by its constituted and authorised Agent or Agents in this Province, proceeded to work upon an extensive scale, and with great expense, various Mines of Coal in this Province, and to establish and put in operation Iron Foundries and Furnaces, and to carry on business of such and a similar description to a large amount.

*And whereas*, in the prosecution of such works as above mentioned, and in the purchase of Lands and other things requisite for their said business and undertakings, the said Association,



sociation have expended in this Province, a very large sum, being upwards of Three Hundred Thousand Pounds, Sterling, and have consequently obtained and acquired extensive property both Real and Personal, now held by the Agents or Trustees, or by some person or persons in trust, or to the use of and for the said Association; and from the extent and amount of their business, and the great number of Proprietors, all or most of them resident in England; and to facilitate the operations of the said Association; and for the benefit of all and every person or persons who may have dealings and transactions with the said Association; and to enable such person or persons more easily to enforce any right of Action against the said Association, it is expedient to declare such Association to be a Body Politic and Corporate.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That Edward Blount, Felix Calvert Ladbroke, John Gawler Bridge, Jose de Silva, Ambrose Humphreys, Thomas Vigne, Alfred Charles Bridge, George Wane, Thomas Fane, John Easthope, Samuel Cunard, and all and every other person or persons whosoever, who now are, or hereafter may be, or shall be, or become, a Proprietor or Proprietors, of and in any Share or Shares of the Joint Stock, Capital, or Funds, of the General Mining Association, or the Corporation hereby established, shall be, and they are hereby declared to be, one Body Politic and Corporate, in deed and in name, by the name of the "General Mining Association;" and by that name shall and may sue and be sued, defend and be defended, answer and be answered unto, implead and be impleaded, in any Court of Law or Equity, or other place whatsoever; and by that name shall and may prefer, present and prosecute, any Indictment, Information, or other Criminal Proceeding, for or in respect of any Larceny, Felony, Misdemeanor, or other offence, done or committed against the said Corporation, its Goods, Chattels, or Property whatsoever; and by that name shall have succession and a Common Seal, with liberty the same to change, alter, break, and make anew, as to them shall seem fit; and by that name to have, hold, take, receive, occupy, open, work, possess and enjoy, any Property whatsoever, either in fee simple, or for term of years, or otherwise howsoever, and to grant, sell, let, demise, mortgage, convey and dispose of the same, or any part thereof, from time to time, and at all times, as to the said Corporation shall seem meet and most beneficial and advantageous to their interests.*

II. *And be it enacted, That it shall and may be lawful for the Proprietors and Shareholders of and in the said General Mining Association, hereby incorporated, as aforesaid, at any General Meeting of such Proprietors, called and convened in conformity with the provisions of the said Deed of Settlement, hereinbefore referred to, or any future meeting of such Proprietors, to be held and convened agreeably to such Deed of Settlement, or any Bye Laws, Ordinances, Rules or Regulations, hereinafter mentioned, to make, constitute, pass, ordain, declare and establish, such Bye-laws, Rules, Ordinances and Regulations, for the management of the affairs and business of the said Corporation, the appointment of its Officers, the sale or transfer of shares, the manner of calling, holding and voting at any Meeting of the Proprietors of the said Corporation, or of its Directors; or for or touching any other matter or thing requisite or necessary for the good order and management of the said Corporation, as by the said Proprietors, or the majority of them, present at such Meeting, may be judged necessary and proper; and such Bye-laws, Rules, Ordinances or Regulations, or any and every of them, from time to time, in the same manner, to change, alter, revoke, revive, abrogate and amend, as may or shall be deemed proper and requisite: *Provided always, that no Rule, Bye-law, Ordinance or Regulation, at any time to be made by the said Corporation, shall be contrary or repugnant to any of the Laws or Statutes of this Province, or those in force within the same.**

III. *And be it enacted, That, until such Bye-law, Rules, Ordinances and Regulations, shall be made and established as aforesaid, the several Provisions, Rules and Regulations, mentioned, expressed, declared, established, or contained in and by the said Deed of Settlement, shall be, and the same are hereby declared to be, so far as the same or any part or parts thereof can or may be in anywise applicable, or apply to a Body Politic and Corporate, the Rules, Ordinances, Bye-laws and Regulations of the said Corporation hereby established, and to be of the same force and effect, to all intents and purposes, as if the same were made and established under and by virtue of this Act; and the said Corporation, its affairs and business, shall, in all respects, until the contrary shall be declared and established,*

Proprietors of  
Joint StockTo be a body  
Politic

Name

May sue and  
be sued, &c.

Common Seal

Hold property,  
&c.May make  
Bye Laws

Proviso

Deed of Set-  
tlement:To regulate  
the Compa-  
ny until bye  
laws are made

Present Directors, &c. to remain in Office till others are appointed

ed, by some Rule, Bye-law, Ordinance or Regulation, of the said Corporation, to be made and passed as hereinbefore directed, be carried on, managed and conducted, as in the said Deed of Settlement is directed; and the several Directors, Auditors, Agents, Engineers and other Officers of the said Association now in Office, or to be in Office at the passing of this Act, shall remain and continue in Office until others are appointed by the said Corporation, hereby established, and such directors, Auditors, Engineers, Agents and other Officers, shall have, use, perform, exercise, and shall be entitled and liable to such Powers, Authorities, Privileges, Duties and Responsibility, in and about the affairs and management of the said Corporation, as is prescribed and provided in and by the said Deed of Settlement, or as may or shall be, from time to time, provided and prescribed by any Bye-laws, Rules, Ordinances and Regulations, of the said Corporation, to be made as hereinbefore directed.

Property to vest in Company

IV. *And be it enacted*, That, from and after the passing of this Act, all Property, whether in fee simple, for term of years, or otherwise howsoever, held or possessed by, or in the name of, any person, as the Agent or Trustee; or in any manner held and possessed in trust, for and to the use, or as the Property, of the said General Mining Association, shall, after the passing of this Act, be and be deemed, and be adjudged and construed to be, the Property of the Corporation hereby established, in the same manner, to all intents and purposes, as if the name of the said Corporation had been originally mentioned and inserted in any Deed, Lease, Document, Contract or Conveyance, relating to, or touching any Property whatsoever, as if such Corporation had been established, or was actually in existence at the time the same was acquired by, or in behalf of, or in trust for, or to the use, and as the Property of, the said General Mining Association; and in all Actions or Suits at Law, for or in respect of, or in anywise touching any such Property, it shall and may be lawful to use the name of the said Corporation, in the same manner, and with like effect, to all intents and purposes, as if the Property in question, in any such Action, had been actually originally conveyed or acquired, to or by the said Corporation, in the name of such Corporation, notwithstanding their Estate or Interest in the same may only be an equitable interest.

Nothing herein contained to limit responsibility of the Association or its Agents

V. *Provided always, and be it enacted*, That nothing herein contained shall extend, or be construed to extend, to discharge or release any personal liability or responsibility incurred by any Agent, Trustee, Officer or Servant, of the said General Mining Association, or by the Proprietors or persons composing such Association, either collectively or individually, under or by virtue, or in respect of, any Contract, Conveyance, Bargain or Agreement, whatsoever, heretofore made, entered into or executed, by such Agent, Trustee, Officer or Servant, or by or on behalf of the said Association; but such personal liability or responsibility shall remain and continue; and every such Contract, Conveyance, Bargain or Agreement, may be enforced against any party legally chargeable, liable or responsible, under and by virtue, or in respect of the same, in the same manner, as if this Act had not been passed.

Suits against the Company

VI. *And be it enacted*, That, from and after the passing of this Act, it shall and may be lawful for any person now having, or hereafter acquiring, obtaining or becoming entitled to, any right of Action or Suit against the said Corporation, from and after the passing of this Act, to commence, sue or prosecute, any Suit or Action against the said Corporation, in the same manner, and to take, have and use, all the like courses, steps and proceedings, as are prescribed in by the Act, passed in the fifth year of the Reign of His late Majesty King William the Fourth, entitled, An Act concerning Suits against Foreign Bodies, Politic and Corporate, and to repeal the Acts now in force; and any Suit, so brought, commenced and prosecuted, shall and may be brought, commenced, sued and prosecuted, against such Corporation, in the same manner, and with the like effect; and the said Corporation, its Property, real and personal, and the Agent of such Corporation, shall be bound and liable, and rendered responsible or available, to and for the payment of any Judgment or Execution, to be given or issued in such Suit or Action, in the same manner as if the said Corporation were a Foreign Body, Politic or Corporate, within the meaning of the said Act.

Not to lend money by way of discount or underwrite

VII. *Provided always, and be it enacted*, That nothing herein contained shall extend, or be construed to extend, to authorise or permit the said Corporation to lend money by way of discount,

discount, or to enter into any Banking operation whatsoever, or to underwrite, or make as underwriters, any Policy or Policies of Insurance against loss by fire, or on any Marine Risk, or upon any life or lives.

VIII. *And be it enacted*, That the word "Property," as used in this Act, shall apply to and include, and be held and taken to comprehend, any Lands, Tenements or Hereditaments, Mines, Minerals, Seams or Veins of Ores, Minerals, or Mineral Substances, Goods, Chattels, Property, real or personal, whatsoever; and wherever words are used in this Act, importing the singular number only, such words shall extend and be applied to several persons and things as well as one person and thing, except when the nature of the provisions on the context shall exclude such construction.

Construction  
of certain  
words

*And whereas*, it is necessary to facilitate the conveyance of Real Estate by the Corporation hereby established:

IX. *Be it enacted*, That it shall and may be lawful for the said Corporation, by any power or powers of Attorney, under the Seal of the said Corporation, to appoint an Attorney or Attornies in this Province, with power and authority to sell, convey and dispose of, any Lands, Tenements or Hereditaments, within this Province, which are now, or by virtue of this Act, shall be or become vested in the said Corporation; and any Deed or Conveyance made or executed by, and in the name of, the said Corporation, by any Attorney or Attornies so to be appointed, shall be good, valid and sufficient, to convey and assure the right, estate or interest, of the said Corporation, of and in the Lands, Tenements or Hereditaments, described in the said Deed or Conveyance to the extent therein specified, and be of the same force and effect, to all intents and purposes, as if made under the Seal of the said Corporation, notwithstanding the said Seal may not be affixed thereto: *Provided always*, that such Deed or Conveyance be signed in the name of the said Corporation, by its Attorney or Attornies so appointed, and be under Seal.

Conveyance of  
Real Estate  
how to be  
made

*And whereas*, it is also necessary to enable the said Corporation to make Agreements and Contracts by their Attorney or Attornies, not under Seal, and to indorse and negotiate Bills of Exchange and Promissory Notes:

Proviso

X. *Be it enacted*, That it shall and may be lawful for the said Corporation, by any Power or Powers of Attorney, under the Seal of the said Corporation, to appoint any Attorney or Attornies in this Province, for or on behalf, and in the name of, the said Corporation, to make any particular or specific Contract or Agreement whatsoever, or to make, draw, indorse or negotiate, any specific Note or Bill of Exchange, or generally, to conduct and manage all or any such business, and to make any Contract or Agreement, or to make, draw, indorse or negotiate, any Note or Bill of Exchange.

May make  
Contract, &c.  
by Attorney

XI. *And be it enacted*, That any Contract, Agreement or Security, made in the name of the said Corporation, by any such Attorney or Attornies, or any Promissory Note or Bill of Exchange, made, drawn and endorsed, in the name of the said Corporation, by any such Attorney or Attornies, within the scope of his or their power of Attorney, shall be valid and binding on the said Corporation to all intents and purposes; and such Corporation shall be liable, in any Action or Suit at Law or in Equity upon the same, notwithstanding the same may be or be deemed a Parol Contract only.

Contract so  
made binding  
after parol

XII. *Provided always, and be it enacted*, That every Power of Attorney hereinbefore referred to, before it is acted upon, shall be registered at the office of the Registrar of Deeds at Halifax, in the Books of Registry there; and whenever any Deed or Conveyance of Lands, Tenements or Hereditaments, shall be made or executed under any such Power of Attorney, such Power of Attorney shall also be registered in the County wherein such Deed or Conveyance, by Law, is required to be registered.

Power of At-  
torney to be  
recorded

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

Continuation  
of Act

XIV. *Provided always, and be it enacted*, That nothing in this Act contained shall be of any force or effect until Her Majesty's assent shall be signified thereto.

Suspending  
clause

## CAP. XV.

## An Act for making Regulations to prevent Dogs going at large, in certain cases.

(Passed the 29th day of March, A. D. 1841.)

Preamble

**W**HEREAS, in order to prevent mischief to Cattle and Sheep, it is necessary that certain powers should be vested in the several General Sessions of the Peace for the respective Counties in this Province, to prevent Dogs going at large, when it shall be necessary, and to make such regulations respecting their going at large as may be deemed expedient:

General Sessions may make regulations respecting Dogs going at large

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for the Court of General Sessions of the Peace for any County of this Province, to make such rules, orders and regulations, respecting Dogs going at large, and for preventing their going at large, in the said County, as shall or may, from time to time, be considered necessary and proper; and the said rules, orders and regulations, at any General Sessions of the Peace, from time to time, to alter, vary and change.

Penalty

II. *And be it enacted,* That it shall and may be lawful for the said Courts of Sessions to affix any penalty for breach of such respective orders and regulations, not exceeding Two Pounds.

Penalty how to be recovered

III. *And be it enacted,* That any penalty, by said rules, orders, or regulations, imposed for breach thereof, shall be recovered before any Justice of the Peace for the County wherein the offence shall be committed; and if, upon due conviction, upon the oath of any one or more credible witness or witnesses, the party offending shall not pay the penalty adjudged, he shall be forthwith committed to the County Gaol, to be there imprisoned for one day, for every five shillings of the penalty: *Provided always,* that so soon as such penalty be paid, the offender shall be discharged from imprisonment.

To continue one year

IV. *And be it 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. XVI.

## An Act for the protection of Lake Porter Bridge.

(Passed the 29th day of March, A. D. 1841.)

Preamble

**W**HEREAS, Lake Porter Bridge, in the County of Halifax, has suffered injury from Shallops, Vessels and Boats, running against the same; and it is necessary to make regulations for protecting such Bridge, in future:

Rules to be made for the protection of the Bridge

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for the Justices of the Peace for the County of Halifax, at any General Sessions of the Peace, for the said County, or at any Special Sessions, at which, at least three Justices of the Peace shall be present, to make such rules, orders, and regulations, for the safety and protection of the said Bridge from injury, by Shallops or other Vessels, or Boats running against, or making fast, or doing damage to the same, and to affix any penalty for any breach of any such rule, order or regulation, not exceeding forty shillings, and also to appoint some fit and proper person, as Bridge Keeper, to enforce the said rules, orders, and regulations, who shall be sworn to the faithful discharge of his duty.

Penalty for breach of Rules  
A Bridge Keeper to be appointed

II. *And be it enacted,* That every such penalty shall be recoverable, and recovered before any Justice of the Peace for the County of Halifax, by any person who will sue for the same, in the same manner, and by the same means and course of procedure, as if such penalty were a debt due to the said person, individually, and shall be paid and applied, one half to the said Bridge Keeper, and the other half to the person who will sue for the same.

CAP. XVII.

**An Act to continue and amend the Act for the Summary Trial of Actions in the Island of Cape-Breton.**

(Passed the 29th day of March, A. D. 1841.)

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the seventh year of the Reign of His late Majesty King William the Fourth, entitled, An Act for the Summary Trial of Actions in the Island of Cape Breton, and every matter, clause and thing, therein contained, save and except as hereinafter altered or amended, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 7  
continued  
as h  
after altered

II. *And be it enacted*, That, from and after the passing of this Act, any person arrested upon Mesne Process issued, or to be issued, by virtue of the Act hereby continued and amended, shall be admitted to bail by the Constable arresting such person, in the same manner as in other cases of arrest under Mesne Process.

Constable to  
take bail from  
party arrested

III. *And be it enacted*, That the Bail Bond to be taken by any Constable, shall be in the form annexed to this Act, and shall be prepared by such Constable, for which he shall be entitled to a fee of one shilling.

Bail Bond  
Constable Fee

IV. *And be it enacted*, That in case of an appeal from the judgment of any Justice, under the Act hereby continued and amended, such Justice, if required by the party appealing, or his or her agent, shall, and he is hereby directed, to prepare the Appeal Bond and Affidavit prescribed by said Act, for which such Justice shall be entitled to demand and receive a fee of one shilling for such Bond, and sixpence for such Affidavit.

In cases of ap-  
peal Justice  
may prepare  
Bail Bond, &c.  
Fee of Justice

Form of Bail Bond referred to in the foregoing Act:—

Form of Bail  
Bond

Know all men by these presents, That we (names of Defendant and his Bail) of in the County of are held and are firmly bound to (name of Constable) in the sum of (twice the amount sworn to) of lawful money, of Nova Scotia, to be paid to the said (name of Constable) his certain Attorney, Executors, Administrators or Assigns, for which payment, well and truly to be made, we bind ourselves, and each of us by himself, our and every of our Heirs, Executors and Administrators, firmly by these presents Sealed with our Seals, and dated the day of in the year of our Lord One Thousand Eight Hundred and The condition of the foregoing obligation is such, that if the above bounden (name of Defendant,) shall and do appear before (name of Justice issuing process,) on the (being the return day of the process, to answer at the suit of (name of Plaintiff,)) in the sum of amount (sworn to,) then the above obligation shall be void, otherwise remain in full force.

Signed, Sealed and Delivered }  
in presence of }

L. S.  
L. S.

CAP. XVIII.

**An Act to continue the Act for granting Duties on Licenses for the sale of Spirituous Liquors, and for Sales by Auction, in Halifax, and the Act to alter the same.**

(Passed the 29th day of March, A. D. 1841.)

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed, in the seventh year of the Reign of His late Majesty King William the Fourth, entitled, An Act for granting Duties on Licenses for the sale of Spirituous Liquors, and for Sales by Auction, to persons resident in the Town of Halifax, which will continue in force and remain in operation until the thirty-first day of March, which will be in the year of our Lord One Thousand Eight Hundred and Forty-one, except as altered or amended by the Act hereinbefore mentioned; also, the Act, passed in the second year of the Reign of Her

Act 7, Wm. 4  
& 2 Vic. con-  
tinued



Her present Majesty Queen Victoria, entitled, An Act to continue and alter the Act for granting Duties on Licences for the sale of Spirituous Liquors, and for Sales by Auction, in Halifax, shall be continued, and the said Acts, and every matter, clause and thing, therein contained, except as before excepted, are hereby respectively continued until the thirty-first day of March, which will be in the year of our Lord One Thousand Eight Hundred and Forty-two, and no longer.

## CAP. XIX.

## An Act to amend the Act to Incorporate the Halifax Gas Light and Water Company.

(Passed the 29th day of March, A. D. 1841.)

Preamble

**W**HEREAS, by the Act, made and passed in the third year of Her present Majesty's Reign, entitled, An Act to Incorporate the Halifax Gas Light and Water Company, it is enacted, that the original Capital or Joint Stock of the Company, incorporated thereby, shall be the sum of Twenty Thousand Pounds; and by the fourth Section of the said Act, it is further enacted, that when and so soon as the said Company shall be formed, and all the shares taken up, it shall and may be lawful for the said Company to choose a President and certain Officers, make Bye Laws, and go into operation; *And whereas*, the sum of Twenty Thousand Pounds is a much larger sum than is necessary to purchase the suitable apparatus, and to accomplish the objects contemplated by said Act; *And whereas*, shares have been subscribed to the amount of upwards of Thirteen Thousand Pounds, and it is desirable that such Company should commence operations:

The Company may forthwith go into operation

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That the said Halifax Gas Light and Water Company may forthwith go into operation, and choose a President and Officers, make Bye Laws, and proceed with the undertaking, agreeably to the provisions of the said Act hereby amended.

## CAP. XX.

## An Act to extend to the Town of Port Medway, in Queen's County, the Act relating to Commissioners of Highways in Halifax, and certain other places.

(Passed the 29th day of March, A. D. 1841.)

Act 7 Geo. 4 extended to Port Medway except 1st 2d 27th & 28th clauses

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, the Act, passed in the seventh year of the Reign of His late Majesty King George the Fourth, entitled, An Act relating to Commissioners of Highways in Halifax, and certain other places, and every matter, clause and thing, therein contained, except the first, second, twenty-seventh, and twenty-eighth Clauses or Sections thereof, shall be extended, and the same are hereby extended to the Town of Port Medway.

Three Commissioners to be appointed

II. *And be it enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of Her Majesty's Executive Council, to appoint and commission, during pleasure, three fit and proper persons, Inhabitants of said Town, to be Commissioners for repairing, and keeping in repair, the Streets and Highways in the said Town; and upon the death, removal, or refusal to act, of any one or more of the said Commissioners, it shall and may be lawful for the said Governor, Lieutenant-Governor, or Commander in Chief, by and with the advice of Her Majesty's Executive Council, to appoint and commission some fit and proper person or persons, being an Inhabitant or Inhabitants of said Town, to supply such vacancy, and such appointment to renew, whenever necessary, so that the said Commissioners may always continue to be three in number.

Vacancy how to be supplied

III.

III. *And be it enacted*, That the jurisdictions, powers and authority, of the Commissioners, so to be appointed for the said Town of Port Medway, shall be confined and restricted to the bounds and limits following, that is to say: From the Western head to Southwest Cove, and extending back from the River one mile. Limits

IV. *And be it enacted*, That, from and after the first day of May next, the powers and authority of the Surveyors of Highways, within the limits above described, in the Town of Port Medway, shall cease and determine. Authority of Surveyor of Highways to cease

## CAP. XXI.

**An Act in addition to, and in amendment of, An Act, entitled, An Act to Incorporate the Petite Plaister and Mills Company, and the Acts passed in amendment thereof.**

(Passed the 29th day of March, A. D. 1841.)

**W**HEREAS, it may be expedient for the Petite Plaister and Mills Company, Incorporated under An Act, passed in the sixth year of His late Majesty's Reign, entitled, An Act to Incorporate the Petite Plaister and Mills Company, now called and known by the name of the Walton Plaister and Mills Company, by virtue of an Act, passed in the second year of the Reign of Her present Majesty, entitled, An Act to change the name of the Petite Plaister and Mills Company, to borrow Money upon the security of their Lands and Buildings, for the purpose of completing their works and of carrying on their business; *And whereas*, doubts may be entertained by persons willing to lend Money upon Mortgage of the said Lands and Premises, of the power of the Company to grant the security aforesaid:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the said Walton Plaister and Mills Company, in such manner and form as a majority of the Directors, for the time being, may think proper, to grant and convey, in Mortgage, any Lands, or Lands covered with water, with the buildings and erections thereon, or therewith connected, which they now possess, or hereafter may possess, on any part thereof, to secure payment of any Monies which the said Company, or the President and Directors thereof, have heretofore borrowed, or may hereafter borrow, to enable them to enlarge or carry on their business, or for the general purposes of the said Company: *Provided always*, that the sum so borrowed, or to be borrowed, shall not exceed in the whole the sum of Five Thousand Pounds.

Walton Plaister & Mills Co. may mortgage Lands, &c. to secure Money borrowed or to be borrowed for the purposes of the Company  
Proviso

*And whereas*, as well before as since the Incorporation of the said Company, several large tracts of Land, and Land covered with water, situate in the County of Hants, were conveyed or granted to several persons, that is to say—Charles Peavy, John J. Peavy, and Francis Parker, and to some and one of them respectively, in fee simple, who are now Members of the said Company, for the purpose of being conveyed to the said Company; and which said tracts of Land, and Land covered with water, have since been conveyed by the said Feoffees or Grantees thereof respectively, to the said Company:

Preamble

II. *Be it therefore enacted*, That all and singular, the said Lands, Tenements, Hereditaments, Rocks and Quarries, of Plaister, and Real Estate and Property whatsoever, which, at any time have or has been granted, assigned or conveyed, to the said Charles Peavy, John J. Peavy and Francis Parker, or any or either of them, for the said Company, and have or has been since re-conveyed and granted by them, or any or either of them, to the said Company, and all houses, buildings, and erections whatsoever thereon, together with the rights, members and appurtenances, thereof, and all the rents, issues and profits, and advantages thereof, shall be, and the same are, and is hereby declared to be, vested in the said Walton Plaister and Mills Company, in fee simple, in the same manner as if the same had been conveyed or granted to the said Company, after its Incorporation by the Crown, or the person or persons who sold or conveyed the same to the said Charles Peavy, John J. Peavy, and Francis Parker, or any or either of them as aforesaid.

The Lands &amp; premises, &amp;c. to vest in the Walton Plaister &amp; Mills Company in fee simple

## CAP. XXII.

**An Act to enable the Grand Jury of the County of Queen's to assess the Inhabitants for certain expenses incurred by the Clerk of Licenses, in prosecuting persons for a breach of the Law, regulating the retail of Spirituous Liquors.**

(Passed the 29th day of March, A. D. 1841.)

Preamble

**W**HEREAS, Thomas R. Patillo, late Clerk of the Licenses in the County of Queen's, in discharge of his duty, as such Officer, has incurred various legal charges, and been put to considerable cost :

Money to be assessed to pay cost of prosecutions

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That the Grand Jury of said County of Queen's shall be, and they are hereby, authorised and empowered, at any first or subsequent meeting, after the passing of this Act, to assess upon the Inhabitants of said County, all such sum and sums of money as shall be proved, to the satisfaction of said Grand Jury, to have been necessarily paid or expended by the said Thomas R. Patillo, as Clerk of Licenses, in the prosecution of Offenders against the Acts for regulating the retail of Spirituous Liquors—which sum shall be levied and collected off and from the said Inhabitants, in the same manner as other Monies are levied and collected for County purposes.

To be paid to T. R. Patillo

II. *And be it enacted,* That the said sum or sums of Money, so to be assessed as aforesaid, shall, when collected, be paid over to the said Thomas R. Patillo.

## CAP. XXIII.

**An Act further to amend the Acts respecting the Registry of Deeds.**

(Passed on the 29th day of March, A. D., 1841.)

Preamble

**W**HEREAS, the provisions made by the Fourth Section of the Act, passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act in amendment of the several Acts relating to the Registry of Deeds, and the conveyances of Real Estate, for Registering Deeds or Conveyances of Real Estate, in case of the death or absence of the subscribing Witnesses, require to be extended to cases where the Deeds or Conveyances may have been made after the said Act had passed, and also to be amended, so as to enable proof to be made of Deeds or Conveyances, in cases of the absence of a Witness, where the handwriting of the party or parties to such Deed or Conveyance may not be capable of proof :

When subscribing witness is out of the Province & there be no other or the other be dead

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That, whenever any subscribing Witness to a Deed or Conveyance heretofore made, (whether made before or after the passing of the said Act hereby amended,) or hereafter to be made, may be absent out of this Province, and there shall be no other subscribing Witness or Witnesses to such Deed or Conveyance, or such other subscribing Witness or Witnesses may be dead, or also out of the Province, and due and legal proof shall be made before the Registrar, or before the Deputy Registrar, of the County wherein such Deed or Conveyance may be required to be registered, of the absence of such Witness, and in case of there being more than one Witness of the death or absence of the other subscribing Witness or Witnesses, it shall and may be lawful for any party, desiring to prove such Deed or Conveyance, to proceed to prove the same, either in manner provided by the said Fourth Section of the said Act hereby amended, or to have the same registered upon exhibiting the like proof, by any such subscribing Witness absent and out of this Province, as would suffice, under the Laws now in force, to register the said Deed or Conveyance, if the same had been executed in the County or place where such absent subscribing Witness may have been at the time of proving the same.

What proof of Deed necessary

II.

II. *And be it enacted*, That, from and after the passing of this Act, it shall and may be lawful for any person to proceed under the said Fourth Section of the said Act hereby amended, whether the Deed or Conveyance, intended to be registered under the said Section, shall have been made before or after the passing of the said Act.

The fourth section of the Act hereby amended made applicable to Deeds made before and after this Act

## CAP. XXIV.

## An Act for the Regulation of the Fisheries in the County of Richmond.

(Passed the 29th day of March, A. D. 1841.)

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, it shall not be lawful for any person or persons whomsoever, to set or place any Net or Nets, on any part of the Bays, Shores, Harbours or Creeks, of and within the County of Richmond, at any time between Sunrise and an hour before Sunset, in each and every day.

Time of placing nets

II. *And be it enacted*, That no person or persons shall hereafter set or place more than a fleet or two Nets, the length of which shall not exceed forty-five fathoms, affixed or joined together, on any part of the Bays, Shores, Harbours or Creeks, within the said County; and every person who may set or place more than a fleet or two Nets therein, of the length aforesaid, shall leave a space of at least sixty fathoms between each and every fleet of Nets, that the course or passage of Mackerel, or other Fish, may not be hindered or obstructed thereby.

Length of nets

Space between nets

III. *And be it enacted*, That no person or persons shall hereafter permit or allow his, her, or their Nets or Net to remain set and placed on any part of the Shores, Harbours, Bays or Creeks, within the said County, longer than an hour after Sunrise, in each and every day, unless such person or persons shall be necessarily prevented from removing or taking up the same, by sickness, the violence of the wind, or by stress of weather.

Time of removing nets

IV. *And be it enacted*, That no person or persons shall hereafter set or place any Net Moorings nearer than sixty fathoms to any other Net Mooring that may be set or placed on any part of the Shores, Harbours, Bays or Creeks, within said County; nor shall any person or persons suffer or permit his, her or their, Net Mooring or Net Moorings to remain so set and placed, unless such person or persons shall set and affix a Net or Nets, or cause a Net or Nets to be set or affixed thereto, at least twelve hours in every forty-eight hours, during the Fishing Season; *Provided* such person or persons be not necessarily prevented from setting and affixing any Net or Nets to his, her or their, Net Mooring or Net Moorings, by sickness, stress of weather, the running of Dog Fish, or other unavoidable cause.

Regulations relative to net moorings

V. *And be it enacted*, That every person who may hereafter set or place more than one Net Mooring on any part of the Shores and Harbours, or Creeks, within the said County, shall place and set the same at the distance of sixty fathoms and no more, from each other; and if any person or persons shall hereafter set or place any Net Mooring or Net Moorings on any part of the Shores, Bays, Harbours or Creeks, of and within said County, contrary to the provisions of this Act, such person or persons, so setting the same, or the owner thereof, on being notified and required to move such Net Mooring or Net Moorings by any Overseer or Overseers to be appointed under this Act, or by any other person or persons, desirous of occupying the intervening Fishing Berth or Berths, shall, on refusal so to do, be subject and liable to the penalty or penalties hereinafter mentioned and imposed.

Persons incurring penalties

VI. *And be it enacted*, That no person or persons shall hereafter set or place any Net or Nets, Net Mooring or Net Moorings, within one hundred and fifty fathoms from low water mark, or any or either of the hauling grounds on the Shores, and in the Bays, Harbours or Creeks, of and within said County, during the hauling season, and, while there, shall be stationed at any such hauling ground or grounds at least one Seine, manned and prepared for hauling Mackerel, or other Fish thereat.

Distance from low water mark

VII.

Vessel to remove from fishing ground if required

VII. *And be it enacted*, That the Master or Commander of every Ship or Vessel, which may anchor at any of the hauling grounds so called, within the said Bay, shall weigh anchor and remove such Ship or Vessel therefrom, within a convenient time, after he shall have been notified and requested so to do by any Overseer or Overseers of Fishery, to be appointed under and by virtue of this Act.

*Provided always*, That no Master or Commander of any Ship or Vessel, coming to anchor in any of the said hauling grounds for shelter, or in stress of weather, or which, being at anchor, cannot obstruct the passage of Fish, or the hauling thereof in Seines, shall be required to weigh anchor, or remove therefrom.

Regulations with regard to Seines

VIII. *And be it enacted*, That no person or persons, other than the Seine Men, shall presume to lay hold of, tie or fasten, his or their Boat or Boats to any Seine or Seines enclosing, encircling or containing, any Mackerel or other Fish, on the hauling grounds within the said County, or presume to dip any Fish from and out of any Seine or Seines that may be there hauled, until the Owner or Owners of such Seine, or other person having the charge and management thereof, shall publicly declare his assent thereto, or give his permission to such person or persons to dip and take Fish thereout.

Fines and Penalties

IX. *And be it enacted*, That if any person shall offend against any of the foregoing enactments or provisions, such person shall forfeit and pay for each and every offence as follows, that is to say—for every breach of any such enactment or provision, for which no fine shall be hereinafter specifically mentioned and imposed—for the first offence, a fine not less than Five Shillings, and not exceeding Twenty Shillings, and for every subsequent offence, a fine not less than Twenty Shillings and not exceeding Forty Shillings; and for the several offences following, that is to say—for setting or placing any Net or Nets, or Net Mooring or Net Moorings, nearer than one hundred and fifty fathoms to the low water mark on any or either of the hauling grounds on the Shores, Bays, Harbours or Creeks, of said County, during the hauling seasons, and whilst there, shall be stationed at any such hauling grounds at least one Seine, manned and prepared for hauling Mackerel or other Fish thereat—for the first offence, not less than Fifty Shillings, nor more than Five Pounds, and for every subsequent offence, not less than Five Pounds, or more than Ten Pounds; for anchoring at any of the hauling grounds within the said Bay, and not weighing anchor and removing any Ship or Vessel therefrom, within a convenient time, after being notified and requested so to do by any Overseer or Overseers of Fishery, unless permitted to remain at anchor for the causes hereinbefore mentioned, not less than Five Pounds, or more than Ten Pounds; for laying hold of, or fastening any boat to, any Seine, enclosing or containing any Mackerel or other Fish, in any of the hauling grounds within the said County, or dipping any fish from and out of any Seine that may be there hauled, contrary to the provisions of this Act—for the first offence, a fine not less than Twenty Shillings, nor more than Five Pounds, and for every subsequent offence, not less than Five Pounds, or more than Ten Pounds.

Overseers to be appointed

X. *And be it enacted*, That it shall and may be lawful for the Justices of the Peace for the County of Richmond, at any General or Special Sessions of the Peace, to appoint two or more Overseers of the Fisheries in said County, who shall be sworn to the faithful discharge of their duty; and any person, so appointed as aforesaid, shall be subject to a fine of Five Pounds for neglect or refusing to act or serve as an Overseer as aforesaid.

XI. *And be it enacted*, That the said Overseers, or either of them, shall have power and authority to take into his or their possession any Net or Nets, Net Mooring or Net Moorings, which may be set and placed on the Shores, in the Harbours, Bays or Creeks, of the said County, contrary to any of the foregoing enactments, and to retain such Net or Nets, Net Mooring or Net Moorings, until payment of the penalty or penalties that may be incurred for breach of the said enactments; and if no owner appear to claim the same in ten days, after Public Notice shall have been given, of the removing and taking possession thereof as aforesaid, the said Net or Nets, together with the Fish found therein, and the said Net Mooring or Net Moorings, shall be forfeited and sold to satisfy the penalty or penalties aforesaid.

Recovery of Penalties

XII. *And be it enacted*, That all or any penalty or penalties, forfeiture or forfeitures, that may be incurred under this Act, shall be sued for, and recovered by, and in the name of, the said Overseers, or either of them, before one Justice or two Justices of the Peace for the said County, by the same process, and with the same costs, according to the amount of



of any such penalty or penalties, as if the same was or were a private debt due to the said Overseer or Overseers; and when recovered, shall be paid and applied, one half to the said Overseers, and the remaining one half thereof to the County Treasurer, to be applied and expended under the directions of the Court of General Sessions of the Peace for the said County, on the Highways, Roads and Bridges, in the Township or Settlement where the said penalties may be incurred.

XIII. *And be it enacted*, That no Master or other person in charge or command of any Ship or Vessel, in any part of the anchoring ground in the County of Richmond aforesaid, shall discharge or throw over any ballast from such Ship or Vessel, under a penalty of not less than Twenty Shillings, and not exceeding Five Pounds, to be sued for, recovered and applied, as hereinbefore provided, with respect to other penalties.

Ballast not to be thrown over

XIV. *And be it 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.

To continue one year

CAP. XXV.

An Act for the suppression of Lotteries.

(Passed the 29th day of March, A. D. 1841.)

WHEREAS, the disposing of Money or Goods by Lottery is productive of mischief:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That any person who shall sell or offer for sale any Ticket for any Lottery, or any person who will purchase any such Ticket, shall forfeit and pay, for every such Ticket so sold or offered for sale, or purchased, a fine or penalty of Two Shillings and Sixpence; and any person who shall be the conductor or manager, or proprietor, or drawer, of any such Lottery, shall pay a fine or penalty of Five Pounds.

Persons selling or purchasing Tickets liable to a penalty of 2s. 6d.

Conductor of Lottery liable to penalty of £5

II. *And be it enacted*, That all fines and penalties, imposed by this Act, shall be recoverable before any one Justice of the Peace for the County in which the offence shall be committed, by any person who will sue for the same, in the same manner, by the same means and with the like costs, as if any such fine or penalty were a private and individual debt, due to the person so suing for the same; and, when recovered, shall be paid to the Overseers of the Poor of the Township or District where the offence was committed, for the use of the Poor of such Township or District.

Penalties how recoverable

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

To continue two years

CAP. XXVI.

An Act to extend to the Village of Maitland, in the County of Hants, the provisions of the Act relating to Commissioners of Highways in Halifax and certain other places.

(Passed the 29th day of March, A. D. 1841.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, the Act passed in the seventh year of the Reign of His late Majesty King William the Fourth, entitled, An Act relating to Commissioners of Highways in Halifax and certain other places, and every matter, clause and thing, therein contained, shall be extended, and the same are hereby extended to the Village of Maitland, in the County of Hants.

Act 7 Wm. 4 rel. to Commissioners of Highways extended to Maitland

II. *And be it enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of Her Majesty's Executive

Three Commissioners to be appointed

from the Inhabitants of said Township

Executive Council, to appoint and commission, during pleasure, three fit and proper persons, Inhabitants of the said Village, to be Commissioners for repairing, keeping in repair, and paving the Streets and Highways in the said Village of Maitland; and upon the death, removal, or refusal to act, of any one or more of the said Commissioners, it shall and may be lawful for the said Governor, Lieutenant-Governor, or Commander in Chief, by and with the advice of the Executive Council, to appoint and Commission some fit and proper person, being an Inhabitant of the said Village, to supply every such vacancy, and such appointment to renew whenever necessary, so that the said Commissioners may always continue to be three in number.

Limits of Commissioners authority

III. *And be it enacted*, That the jurisdiction, power and authority, of the Commissioners so to be appointed for the said Village of Maitland, shall be restricted to the bounds and limits following, that is to say: shall extend from Richard Anthony's East Line to the Five Mile River, and along the Kennetcook Road to Rocky Brook.

Commissioners power to cease on first of May next

IV. *And be it enacted*, That, from and after the first day of May next, the powers and authorities of the Surveyors of Highways, within the foregoing limits, shall absolutely cease and determine.

### CAP. XXVII.

## An Act respecting the number of Assessors of Poors' Rates for Pictou.

(Passed the 29th day of March, A. D. 1841.)

Preamble

**W**HEREAS, in and by the Act, passed in the fifth year of the Reign of His late Majesty King William the Fourth, entitled, An Act in amendment of, and additional to, the Acts now in force, relating to the support and management of the Poor, the number of Assessors of Poor Rates in and for the Township of Pictou is limited to a number not less than seven, nor exceeding twelve, and seven of whom shall be a quorum—which said number has been found to be too few, and in consequence has produced inconvenience and imposed too great a burthen of duty on the persons so appointed:

Freeholders to appoint Commissioners to the number of fifteen or twenty

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 Freeholders of the Township of Pictou, at their respective Town Meetings, duly called, to make provision for the Poor of such Township, to nominate and appoint, in due form, any number of Freeholders, to be Assessors of Poor Rates, voted or rated within and upon such Township, not less than fifteen, nor exceeding twenty in the whole of such Township, as the majority of the Freeholders present at such meeting may judge expedient and proper, fifteen of whom shall be a quorum for the purposes of their said office.

First clause

II. *And be it enacted*, That the first clause of the said Act, hereinbefore mentioned, and hereby amended, shall be, and the same is hereby repealed.

Whole Act repealed in 1859 July 19.

### CAP. XXVIII.

## An Act to authorise the Congregation of the Baptist Meeting House, at Pleasant Valley, in Cornwallis, to raise Monies from the Pews of the said Meeting House, for the repairing and ornamenting thereof.

(Passed the 29th day of March, A. D. 1841.)

Preamble

**W**HEREAS, the Congregation, called the Second Baptist Church, who assemble for Divine Worship in the Baptist Meeting House, at Pleasant Valley, in the Township of Cornwallis, find it inconvenient, under the present circumstances thereof, to keep the said Meeting House in repair, and to provide fuel for said Meeting House, and to make the

the same decent and comfortable for Public Worship; and are therefore desirous of having an Act passed, authorizing an Assessment on the various Pews of said Meeting House, for the purposes aforesaid :

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That, from time to time, after the publication of this Act, whenever it shall be necessary to procure or raise any sum of money for the repairing, or ornamenting of, and providing fuel for, the said Meeting House, it shall and may be lawful for the Congregation attending at such Meeting House, at any Public Meeting of such Congregation, whereof due notice shall be given to such Congregation at such Meeting House, during the time such Meeting House shall be open for Divine Service, on three several Sundays, previous to such Meeting, to nominate and appoint, by vote of the majority of the Members present at said Meeting, three or more fit and proper persons, as a Committee to assess and apportion the sum of money necessary and required to be raised for the purpose aforesaid, on the said Pews respectively, of the said Meeting House, according to the relative size and value of such Pews, at a just and equitable rate—of which assessment and apportionment due notice shall be publicly given, by putting up the same in some conspicuous place in the said Meeting House, on the Sunday after the same shall be made by the said Committee, and also by putting up a true and correct copy of such assessment and apportionment on the door of the said Meeting House, for three successive weeks after the same shall have been made by the said Committee.

II. *And be it enacted,* That if after due notice of such Assessment and Apportionment shall have been so publicly given as aforesaid, some such person or persons so interested in every of the said Pews respectively, shall not come forward to pay the sum which may have been assessed by the said Committee on such Pew, within three months after such notice so given as aforesaid, then, and in such case it shall and may be lawful for the said Committee, after having given, on the previous Sunday, due and public notice of the time of letting the same, to proceed to let at Public Sale or Auction, for such period of time (not exceeding ten years) as may be sufficient to pay the rate or sum assessed thereon respectively, any Pew or Pews whereon the sum assessed shall remain unpaid as aforesaid.

III. *And be it enacted,* That the person or persons who shall or may become the Lessee or Lessees of the said Pew or Pews respectively, at the said Sale, shall be put in possession thereof by the said Committee, and shall be taken and held to be the sole and exclusive owner or owners of the said Pew or Pews, for such period of time, as the same may be Leased or Let to the said person or persons at such Sale; and such Lessee or Lessees shall be liable to pay such Rent or Rents as he, she or they, shall or may have agreed to pay for the same, at the said Sale; and if the Rent or Rents aforesaid, or any part thereof, shall be behind and unpaid after the time or times which shall or may have been agreed on for the payment thereof, it shall and may be lawful for the said Committee, so to be appointed as aforesaid, to sue for and recover such Rent or Rents, or such part thereof, as may so remain behind and unpaid, in the same manner as debts of the like amount may or can be ordinarily sued for and recovered.

Congregation may appoint Committee to assess the amount required on the pews

If sum assessed be not paid the pew to be let by the Committee

The Lessees be held the sole owners of the pews for the term liable for the rents

If rents be unpaid the Committee may sue for them

### CAP. XXIX.

## An Act to provide for the improvement and repair of the Great Roads East and West of the Capital.

(Passed the 29th day of March, A. D. 1841.)

**BE it enacted, by the Lieutenant-Governor, Council and Assembly,** That it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of Her Majesty's Council, to take charge of, improve and repair, the two Great Main Roads extending from Halifax to Pictou and Annapolis, to make Contracts for the same, and to let out any portions of said Roads to Supervisors, or otherwise

Governor to take charge of & repair the Great Roads east and west of Halifax





## CAP. XXXI.

**An Act to enable Grand Juries and Courts of Session to make compensation to Sheriffs, in certain cases.***(Passed the 29th day of March, A. D. 1840.)*

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Grand Jury, in any County of this Province, hereafter, annually, in addition to any other Monies to be presented, as by Law directed, and at such term as such Monies are to be presented, to present to the Court of General Sessions, if they shall see fit so to do, such sum, not exceeding Five Pounds, as to the said Grand Jury may appear just and proper, as a compensation to the Sheriff for summoning the Grand and Petit Juries for the County—which sum, when so presented, if approved by the said Court, shall be assessed, levied and collected, together with, and by the same means, and in the same manner, as by Law directed, in respect to other Monies to be assessed, levied and collected, for County purposes.

A sum not exceeding £5 may be presented to compensate Sheriff for summoning Juries

## CAP. XXXII.

**An Act to amend the several Acts for Incorporating the Nova Scotia Marine Insurance Company, and the Halifax Marine Insurance Company.***(Passed the 29th day of March, A. D. 1841.)*

**W**HEREAS, in and by the twelfth Section of the Act, passed in the fifth year of His late Majesty's Reign, entitled, An Act to Incorporate a Marine Insurance Company in Halifax, it is enacted, that the Annual General Meeting of the said Company shall be held in the month of January in every year, and at such day and place as the Board of Directors of the said Company shall appoint; but in the eighteenth and nineteenth Sections of the same Act, it is enacted, that the Directors of the Company shall be elected, and that the Officers thereof, elected at the Annual Meeting, shall enter upon their Offices on the third Monday of January, in every year; *And whereas*, in and by the twelfth Section of the Act, passed in the first year of Her Majesty's Reign, entitled, An Act to Incorporate the Halifax Marine Insurance Company, it is enacted, that the Annual General Meeting of the said Company shall be held in the month of January, in every year, and at such day and place as the Board of Directors of the said Company shall appoint; but in the eighteenth and nineteenth Sections of the same Act, it is enacted, that the Directors of the said Company shall be elected, and that the Officers thereof, elected at the Annual Meeting, shall enter upon their Offices on the second Tuesday of January, in every year; *And whereas*, it is necessary to amend the said Acts, so as to make the several Sections aforesaid thereof consistent with each other:

Preamble

*I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That the Annual General Meetings of the said Companies shall be hereafter held at such places as the Boards of Directors thereof shall respectively appoint, and at the days following, in every year, that is to say—the Annual General Meeting of the Nova Scotia Marine Insurance Company, on the third Monday of January; and the Annual Meeting of the Halifax Marine Insurance Company, on the second Monday of January, in every year; Provided always, that the said Annual Meeting shall be duly advertised, as in the said Acts respectively provided; and that if a sufficient number of Proprietors, holding the requisite number of Shares, conformably to the said several Acts, shall not be present at such Annual Meetings, the same, or any of them, shall be adjourned until the next, or some future day, as in the said several Acts respectively provided.*

Times of meeting

*And whereas, the Annual General Meeting of the said Halifax Marine Insurance Company was held on the second Tuesday of January, in this present year, and was attended by a large number of the Proprietors thereof, exceeding the number of Proprietors, and*

Proceedings at last General Meeting legalized



holding a much greater number of Shares; than is required by the aforesaid Act for Incorporating the said Company; but the notice of the said Meeting, although the same was extensively advertised and known, was not advertised for the period prescribed in the said Act, in consequence of a misapprehension of the terms thereof.

II. *Be it therefore enacted*, That the Election of Directors and Officers of the said Company, at such Meeting, and all the proceedings had thereat, shall be, and be deemed to be, valid, legal and binding, in the same manner, and to the same extent, as if the notice of such Meeting had been duly advertised as aforesaid.

CAP. XXXIII.

**An Act to amend an Act for Incorporating the Trustees of the Queen's College, at Horton.**

*(Passed the 29th day of March, A. D. 1841.)*

Preamble

**W**HEREAS, by an Act, passed at the last Session of the Assembly, in the third year of Her Majesty's Reign, entitled, An Act for Incorporating the Trustees of the Queen's College, at Horton—the Trustees and Governors of a Collegiate Institution, established at Horton, by the Baptist Nova Scotia Education Society, under the name of the Queen's College, were Incorporated under the name of the Trustees, Governors and Fellows, of the Queen's College; *And whereas*, the Right Honorable Her Majesty's Principal Secretary of State for the Colonies has been pleased, on behalf of Her Majesty, to acquaint His Excellency the Lieutenant-Governor of the Province, by a despatch, of which a copy has been laid before the Legislative Council and Assembly, that objections exist to the Title of the Queen's College, by which the said Collegiate Institution is designated in the said Act; but that, as the details of the said Act were unexceptionable, it was retained to receive Her Majesty's confirmation, upon being amended in that respect.

*And whereas*, the Executive Committee of the said Society, being the Trustees of the said Collegiate Institution, have petitioned the Legislature that an Act might accordingly be passed for amending the said Act, by changing the name of the said Institution, and that the said Institution might be called therein Acadia College:

Name changed to Acadia College

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That the said Collegiate Institution shall be called and known by the name of Acadia College, and not by the name of the Queen's College; and that the Trustees, Governors, and Fellows thereof, shall be called and known by the name of the Trustees, Governors, and Fellows of Acadia College, and not by the name of the Trustees, Governors and Fellows of the Queen's College; and the said Collegiate Institution shall be called and designated Acadia College, in all respects, and as fully as if it had been so called in the said Act, and the Trustees, Governors, and Fellows thereof, had been therein Incorporated under the name of the Trustees, Governors and Fellows of Acadia College, any thing, in the said Act contained, to the contrary in any wise notwithstanding.

CAP. XXXIV.

**An Act to continue and amend the Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and the Act to alter the same.**

*(Passed the 29th day of March, A. D. 1841.)*

Act 7 Wm. 4 & 2 Vic. continued

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the seventh year of the Reign of His late Majesty King William the Fourth, entitled, An Act for granting Duties on Licenses for the sale of Spirituous Liquors, which will continue

tinued in force until the Thirty-first day of March, in this year of our Lord One Thousand Eight Hundred and Forty-One, except so far as altered or amended by the Act hereinafter mentioned, or by this Act; also, the Act, passed in the second year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to continue and alter the Act for granting Duties on Licenses for the sale of Spirituous Liquors, which will also remain and continue in force until the Thirty-first day of March, in this year of our Lord One Thousand Eight Hundred and Forty-One, except as hereinafter altered or amended, shall be further continued, and the said Acts, and every matter, clause and thing, therein contained, except as before excepted, are hereby respectively further continued, from the said Thirty-first day of March, in this year of our Lord One Thousand Eight Hundred and Forty One, until the Thirty-first day of March, which will be in the year of our Lord One Thousand Eight Hundred and Forty Two, and no longer.

II. *And be it enacted*, That any person holding a Shop License, shall and may sell any quantity of Wine or Wines, not less than one quart at one and the same time—any thing in any Act or Acts contained, to the contrary notwithstanding.

III. *And be it enacted*, That nothing within this present, or any previous Acts, herein contained, shall extend, or be construed to extend, so as to prevent any Physician or Apothecary, if authorised so to do by the General Sessions, from selling, for medicinal purposes only, any Wine or Spirits, in any such County wherein the Grand Jury shall think it inexpedient to recommend any persons for Tavern Licenses.

Persons holding shop Licenses may sell wine not less than one quart

Not to extend to prevent sale for medicinal purposes of Wine and Spirits

CAP. XXXV.

**An Act to continue the Act concerning Goods exported, and for granting Drawbacks.**

(Passed 29th day of March, A. D. 1841.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fourth year of His late Majesty King William the Fourth, entitled, An Act concerning Goods exported, and for granting Drawbacks, which Act will continue in operation until the 31st day of March, in this year of our Lord One Thousand Eight Hundred and Forty One, and every matter, clause and thing, in the said Act contained, save and except the second and thirty-first Clauses or Sections of the said Act, shall thenceforth remain in operation, and be further continued until the Thirty-first day of March, which will be in the year of our Lord One Thousand Eight Hundred and Forty Two, and no longer.

Act 4 Wm. 4 continued

CAP. XXXVI.

**An Act to authorise the appointment of a new Board of Governors of the Dalhousie College at Halifax.**

(Passed the 29th day of March, A. D. 1841.)

**W**HEREAS, by the Act, passed in the first and second year of the Reign of His late Majesty King George the Fourth, entitled, An Act to Incorporate the Governors of the Dalhousie College at Halifax, the number of the Governors of said College is restricted to six, whereof the Governor General of Her Majesty's North American Provinces, for the time being, is one, whose absence renders it impracticable that he should act in such capacity; *And whereas*, doubts have arisen whether the Honorable Chief Justice of this Province, being now no longer President of the Council, has not ceased to be a Governor, so that in reality the number of Governors, who can or will act, is reduced to four; *And whereas*, it will greatly promote the object and design of such College, the diffusion of Education among all classes of Her Majesty's subjects in this Province, without distinction

Preamble

as to religious belief, if the number of Governors were increased, and were composed of persons selected generally from various denominations of Christians :

Governor with the advice of the Executive Council to appoint Governors of Dalhousie College

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of the Executive Council, to nominate and appoint, by commission, under the Great Seal of this Province, such and so many fit and proper persons as may be deemed proper to be Governors of said Dalhousie College at Halifax ; and when and so soon as such commission shall be issued, the Governors of the said College, by the said Act appointed, shall cease to have any power or authority whatever, as such Governors, and the persons so newly appointed and commissioned shall have all the powers and authorities as Governors of the said College, as if such persons had been originally named as Governors, in and by the said Act hereinbefore mentioned, and hereby amended.*

Vacancies among the Governors to be supplied in like manner.

II. *And be it further enacted, That in case of any vacancy or vacancies arising among the Governors of the said Dalhousie College, to be appointed under this Act, from time to time, by death, resignation, permanent absence, or removal of any such Governor or Governors, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of the Executive Councils, to supply such vacancy or vacancies, by commissioning in the like manner, as aforesaid, some fit and proper person or persons, in the place of the Governor or Governors so dying, resigning, or being permanently absent, or removed as aforesaid—which person or persons, so from time to time appointed, to supply any such vacancy or vacancies, shall have the like powers and authorities as any other Governor or Governors appointed under this Act.*

Dalhousie College to be deemed an University with the usual privileges

Students may take Degrees

III. *And be it further enacted, That the said College shall be deemed and taken to be an University, with all the usual privileges of such Institutions ; and that the Students in the said College shall have liberty and faculty of taking the Degrees of Bachelor, Master and Doctor, in the several arts and faculties at the appointed times, and shall have liberty, within themselves, of performing all Scholastic Exercises for the conferring of such Degrees, in such manner as shall be directed by the Statutes, Rules, and Ordinances of the said College.*

No religious Test shall be required of Professors Scholars &c.

IV. *And be it further enacted, That no religious Tests or Subscriptions shall be required of the Professors, Scholars, Graduates, Students or Officers, of the said College, but that all the privileges and advantages thereof shall be open and free to all and every person or persons whomsoever, without regard to Religious Persuasion, and that it shall and may be lawful for the Governors of the said College to select as Professors and other Teachers, or Officers, competent persons, of any religious persuasion whatsoever.*

CAP. XXXVII.

An Act to continue the several Acts for the prevention of Smuggling.

(Passed the 29th day of March, A. D. 1841.)

Acts 4 & 5. Wm. 4

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act for the prevention of Smuggling, which Act will continue in force, and be in operation, until the Thirty-first day of March, in this year of our Lord One Thousand Eight Hundred and Forty One, and every matter, clause and thing, in the said Act contained, save and except so far as the same is or may be altered or amended by the Act hereinafter mentioned : Also, the Act passed in the fifth year of the Reign of His said late Majesty King William the Fourth, to continue and amend the said first mentioned Act, and which said last mentioned Act will also continue in force, and be in operation until the Thirty-first day of March, in the same year of our Lord One Thousand Eight Hundred and Forty One, and every matter, clause, and thing, in the said last mentioned Act contained, shall remain

remain thenceforth in operation, and the said Acts (except as aforesaid) are hereby respectively further continued until the Thirty-first day of March, which will be in the year of our Lord One Thousand Eight Hundred and Forty two, and no longer.

## CAP. XXXVIII.

## An Act to continue the Act for the general regulation of the Colonial Duties.

(Passed the 29th day of March, A. D. 1841.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act for the general regulation of the Colonial Duties, which Act will continue in operation until the Thirty-first day of March, in this year of our Lord One Thousand Eight Hundred and Forty-one, and every matter, clause and thing, in the said Act contained, save and except the third Clause or Section thereof, shall thenceforth remain in operation, and be further continued until the Thirty-first day of March, which will be in the year of our Lord One Thousand Eight Hundred and Forty-two, and no longer.

Act 4, Wm. 4,  
continued, (ex-  
cept 3d Sec.)

## CAP. XXXIX.

## An Act for Incorporating the Trustees of the Saint Mary's College, at Halifax.

(Passed the 29th day of March, A. D. 1841.)

**W**HEREAS, a number of persons, professing the Roman Catholic Religion, associated themselves in this Province, under the name of the Society to support the Seminary of Saint Mary's, and have raised, from time to time, large sums of money, by private contribution, which they have expended in the erection of valuable and expensive buildings, and the establishment and support of a Seminary, without being aided by any Legislative grant of money for that purpose.

Preamble

*And whereas,* they have found it necessary and proper, for carrying into full effect their aforesaid useful objects, to establish a Collegiate Institution, under the name of Saint Mary's College, to be supported out of the Funds, Contributions, and Collections of the said Society—which College, being now in operation with a large number of Students, they have petitioned the Legislature for an Act to Incorporate the Trustees, and extend to it Collegiate privileges and pecuniary aid.

*And whereas,* the said Society is supported by a large portion of the Inhabitants of this Province, and has, by great exertions and perseverance, and by very large pecuniary contributions, as aforesaid, and the establishment of the said Institutions, greatly advanced the interest of Education in this Province, and is therefore deserving of encouragement; and as the said Collegiate Institution is likely to be a public benefit, by affording the means of Education, in the higher branches of Classical and Scientific Literature, to the Youth of the Country, on moral and religious principles, in a manner suited to their means and habits, whereby the danger of their leaving this Province, and probably being induced to settle in Foreign Countries, will be avoided:

**I.** *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That the Right Reverend Doctor Fraser, the Reverend Richard O'Brien, the Honorable Michael Tobin, the Honorable Michael Tobin, junior, Edward Kenny, Peter Furlong, and Lawrence O'Connor Doyle, Esquires, now being the Trustees of the said Seminary, together with three other persons, that is to say—one named by His Excellency the Lieutenant-Governor, one to be named by Her Majesty's Legislative Council, and one to be named by the House of Assembly, shall be Trustees and Governors of the said Saint Mary's College.

Names of present Trustees of Seminary & three others named by the Governor, Council and Assembly respectively to be Trustees and Governors of St. Mary's College

On vacancies occurring how to be supplied

II. *And be it enacted*, That on vacancies occurring in the case of the persons named by His Excellency the Lieutenant-Governor, the same vacancies may be supplied by the Governor, Lieutenant-Governor, or other Officer administering the Government, for the time being; and on vacancies occurring in the case of persons appointed by Her Majesty's Legislative Council, such vacancies may, from time to time, be supplied by the said Council; and on vacancies occurring in case of persons appointed by the House of Assembly, such vacancies may, from time to time, be supplied by the said House of Assembly; and on vacancies occurring in the case of any of the Trustees, whose names have been hereinbefore mentioned, the same vacancies may be supplied by the surviving or remaining Trustees.

The Trustees & Fellows of the College to be a body Politic

Name

May sue and be sued  
May have a Common Seal  
May make bye Laws &c.  
May hold goods and Tenements as well as Lands and Tenements so as the Lands do not exceed £10,000

The College may consist of six or more Professors & Fellows & six or more Scholars

The College to be deemed an University with the usual privileges  
The Students may take degrees in the Arts & Faculties  
Proviso

While money is paid out of the Treasury the Governor may enquire into proceedings of Trustees  
Governor with the Executive Council may remove Trustees if found offending against this Act

No religious test to be required

The Act to continue 11 years

Suspending clause

III. *And be it enacted*, That for the better management and regulation of the said College, and the more full and complete executing the purposes of this Act, the said Trustees, hereby appointed, and hereafter, and from time to time, to be appointed, by virtue hereof, together with the Fellows of the said College, to be from time to time appointed, by virtue hereof, shall be a Body Politic and Corporate, in deed and name, and shall have perpetual succession, by the name of Saint Mary's College, and by that name shall sue and be sued, implead and be impleaded, in all Courts and places in the Province of Nova Scotia; and they, or the major part of them, shall have power to have and use a common Seal, to be appointed by themselves; and to make Bye Laws and Ordinances, for the regulation and general management of the said College; and to assemble together, when and where, and as often, and upon such notice, as to them shall seem meet, for the execution of the trust hereby reposed in them; and shall also have full power and capacity to purchase, receive, take, hold and enjoy, for the use and benefit of such College, and the purposes of this Act, as well goods and chattels as lands, tenements, and hereditaments, so as such lands, tenements, and hereditaments shall not exceed in value Ten Thousand Pounds, any Law or Statute to the contrary notwithstanding.

IV. *And be it enacted*, That the said College may consist of six or more Professors and Fellows, and six or more Scholars, at such salaries, and subject to such provisions, regulations, limitations, and qualifications, rules and restrictions, as shall hereafter be appointed by the Statutes, Rules, and Ordinances of the said College, and the said College shall be deemed and taken to be an University, with all and every the usual privileges of such an Institution, and that the Students, in the said College, shall have the liberty and privilege of taking the Degrees of Bachelor, Master, and Doctor, in the several Arts and Faculties, at the appointed times, and shall have power, within themselves, of performing all Scholastic Exercises necessary for the conferring of such Degrees, as shall be directed by the Statutes, Rules, and Ordinances of the said College; *Provided always*, that the temporary vacancy of any of the said Offices of Professor, Fellow, or Scholar, shall not involve a forfeiture of all or any of the rights or privileges granted by this Act.

V. *And be it enacted*, That so long as any sum of money shall be paid out of the provincial Treasury, towards the support and maintenance of the said College, the Governor, Lieutenant-Governor, or Officer administering the Government, for the time being, of the said Province of Nova Scotia, may, from time to time, enquire into the proceedings of the said Trustees and Governors, before himself and Her Majesty's Executive Council of the said Province; and if, after just enquiry and due proof, they shall find that any of the said Trustees and Governors have conducted the proceedings of the said College in a manner inconsistent with this Act, or the professed objects of the said College, then, and in that case, the Governor, Lieutenant-Governor, or Officer administering the Government, for the time being, with the advice of Her Majesty's Executive Council of this Province, may remove any of the Trustees and Governors so found offending.

VI. *And be it enacted*, That no religious test or subscription shall be required of any Scholar, Graduate, or Student, or the Trustees of the said College, but that all the privileges and advantages thereof shall be open and free to all and every person and persons, whomsoever, without regard to religious persuasion or denomination.

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

VIII. *And be it enacted*, That this Act shall not go into operation, or be of any force and effect, until Her Majesty's pleasure shall be made known thereon.



## CAP. XL.

## An Act to provide for opening a New Road, in the Township of Halifax.

(Passed the 10th day of April, A. D. 1841.)

**W**HEREAS, it is necessary for the accommodation of the Inhabitants of Saint Margaret's Bay, to open a new line of Road between the new Chester Road, near Bouillier's and Wooden's Bridge, Margaret's Bay; *And whereas*, certain Individuals, it is believed, would advance monies to the extent required for the above service, to be paid by instalments:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That when and so soon as any person or persons shall have given sufficient security, to the satisfaction of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and in manner, and to such amount, as he shall direct, that such new Line of Road shall be, without delay, completed, and that monies for that purpose will be forthwith provided and paid, and advanced, when, and as required, during the progress of the work, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint, in the usual manner, a Commissioner or Commissioners for the said new Line of Road for which such security shall be given; and such Commissioner or Commissioners shall without delay, and with the utmost despatch, proceed to complete the said Road, and return, upon oath, to the Secretary of the Province, for the information of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, a full, true, and accurate account of the monies expended in such work, and when, and from whom, or from what source received.

Commissioners to be appointed by Governor

II. *And be it enacted*, That when and so soon as the said Line of Road shall be opened and completed, and until all monies advanced by any such person or persons, giving such security as aforesaid, for and towards the completion of the Road aforesaid, with legal interest thereon, shall be fully repaid, there shall be annually appropriated from and out of the monies granted and allotted for the service of the Roads and Bridges, in the County of Halifax, the sum of Two Hundred and Fifty Pounds, in case so much shall be allotted and granted for such service, to be applied to the repayment of all monies, advanced by such person or persons giving security, in whose favour it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to draw a Warrant on the Treasury for such yearly amounts; but in case the monies allotted and granted for the service of Roads and Bridges in the said County shall be less than the sum of Two Hundred and Fifty Pounds in any one year, then, in every such year, the whole monies so allotted and granted shall be appropriated for the purposes aforesaid.

250l. for repayment of Monies borrowed

III. *Provided always, and be it enacted*, That in case hereafter no monies shall be granted or appropriated for the service of Roads and Bridges, in the County of Halifax, this Act or any thing herein contained shall not be held or taken to be any pledge, guarantee, or lien, of or for, or upon the Public Funds or Revenue of this Province, or of or upon the Public for the repayment of any monies which may have been advanced for the purposes of this Act, and which may remain and be unpaid.

## CAP. XLI.

## An Act to amend the Act to divide the Township of Parrsborough, and to annex parts thereof to the Counties of Colchester and Cumberland, respectively.

(Passed the 29th day of March, A. D. 1841.)

**W**HEREAS, doubts may arise whether the Provisions of the third Clause of the Act, made and passed in the third year of the Reign of Her present Majesty, entitled, *An Act to divide the Township of Parrsborough, and to annex parts thereof to the Counties*

Preamble

ties

ties of Colchester and Cumberland, respectively, extend to the Court of Probate, and to proceedings therein, and matter connected therewith.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That all grants of Probate of Wills, and Letters of Administration, Bonds, Settlements and Distributions of the Estates of deceased persons, and all matters and proceedings whatsoever granted, had, made, commenced, prosecuted, or proceeded upon, in the Court of Probate, and for granting Letters of Administration, in and throughout the County of King's, previous to the passing of the said Act, and then pending and undetermined, shall remain until final adjudication, or determination thereon, under and within the jurisdiction of the Judge of said Court, for said County, and his successors, and be proceeded with and adjudicated upon, and finally determined in the same manner, as if the said Act had not been passed.

## CAP. XLII.

### An Act to extend to the Township of Egerton the Act respecting the collection of Poor's Rates of Pictou, and to amend the said Act.

(Passed the 10th day of April, A. D. 1841.)

Act 6, Wm 4,  
relative to poor  
rates extended  
to Egerton

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the sixth year of the Reign of His late Majesty King William the Fourth, entitled, An Act respecting the collection of Poor's Rates of Pictou, and every matter, clause, and thing therein contained, save and except so far as the same is altered or amended by this Act, shall be extended, and the same are hereby extended to the Township of Egerton, in the County of Pictou.

Preamble

*And whereas,* by the Act, passed in this present Session, entitled, An Act to improve the Administration of the Law, and to reduce the number of Courts of Justice within this Province, and to diminish the expense of the Judiciary therein, it is enacted, that no Grand Jury shall be summoned to attend the Court of Sessions, at the July Term thereof, at Pictou, at which Term, by the provisions of the said Act, hereby amended, the Overseers of the Poor, and Treasurer to such Overseers, are to be chosen, which provisions it is convenient to continue therefore to avoid difficulty.

Overseers &c.  
Treasurer to  
be appointed

II. *Be it enacted,* That it shall and may be lawful for the Court of General Sessions of the Peace, to nominate and appoint, at the July Term of such Court, Overseers for the Poor, and a Treasurer to such Overseers of the Poor, as by the said Act, hereby amended, is required, as well for the Township of Pictou, as also for the said Township of Egerton, without the intervention of the Grand Jury, and notwithstanding no Grand Jury may be in attendance at the said July Term of the Sessions.

Treasurer's  
Salary

III. *And be it enacted,* That there shall be allowed and paid to the Treasurer to the Overseers of the Poor, for the Township of Egerton, a Salary of Ten Pounds, and no more.

Term of Act

IV. *And be it 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. XLIII.

### An Act to continue the the Act for the encouragement of Schools, and to alter and amend the same.

(Passed the 10th day of April, A. D. 1841.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the second year of the Reign of His late Majesty King William the Fourth, entitled,

ted, "An Act for the encouragement of Schools," save and except the fifth Clause or Section thereof, which was repealed, and also, save and except, so far as the same is altered or amended by this Act, shall be continued, and the said Act, and every matter, clause and thing, therein contained, except as hereinbefore excepted, are hereby respectively continued for four years, and from thence to the end of the then next Session of the General Assembly.

Continuation.

II. *And be it enacted*, That, instead of the Sum of Four Thousand Pounds, in and by the second Clause or Section of the said Act, hereby continued and amended, directed to be annually granted and paid; and to be distributed and applied as therein mentioned, there shall be substituted, and annually be granted and paid the sum of £6000, to be distributed and applied among the several Counties of this Province, as follows, that is to say:

£6000 appropriated to the support of Schools.

For the County of Pictou	£540 0 0
For the County of Halifax	386 17 9
For the County of Colchester	386 17 9
For the County of Hants	386 17 9
For the County of King's	386 17 9
For the County of Annapolis	386 17 9
For the County of Lunenburg	386 17 9
For the County of Cape-Breton	386 17 9
For the County of Inverness	386 17 9
For the County of Cumberland	386 17 9
For the County of Digby	282 11 5
For the County of Yarmouth	282 11 5
For the County of Shelburne	282 11 5
For the County of Queen's	282 11 5
For the County of Guysborough	282 11 5
For the County of Sydney	282 11 5
For the County of Richmond	282 11 5
	<hr/>
	£6000 0 0

And to prevent all doubts, as to rate of Commission to be received by the Clerk, under the thirteenth Section of the said Act hereby continued and amended:

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

Allowance to Clerk

IV. *And be it enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of the Executive Council, to nominate, appoint and commission, a Central Board of Education in the Town of Halifax, to consist of five fit and proper persons, whose duty it shall be to establish Forms of Returns of Schools, Affidavits and Certificates, required by the said Acts hereby continued and amended, or by this Act, to make, ordain and establish, Rules and Regulations for the guidance and government of the several Boards of Commissioners in every County of this Province, and to prepare and transmit to the said Boards of Commissioners Instructions for the guidance and conduct of Teachers of Schools, so that greater uniformity in the system to be pursued by the respective Boards of Commissioners may be promoted, and the several Enactments and Provisions of the Act hereby amended, and this Act, may be rendered more effective.

Central Board of Education to be established in Halifax—duties prescribed

V. *And be it enacted*, That the Central Board, when so appointed, may nominate and select some fit and proper person as Clerk thereof, and that, for the Salary of such Clerk, and the incidental expenses of the said Board, there shall annually be allowed and paid out of the Treasury of the Province, to be drawn by the warrant of the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, during the continuance of this Act, the yearly sum of One Hundred and Fifty Pounds Currency, and no more.

Clerk to Central Board—his Salary

VI. *And be it enacted*, That on, from, and immediately after the passing of this Act, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of the Executive Council, to appoint and commission,

Commissioners of Schools to be appointed in each County

mission, in every County of this Province, five or more fit and proper persons to be Commissioners of Schools in said County, with such powers and authority, and liable to such duties and obligations, as are contained and expressed in the Act hereby continued and amended, and in this Act, and to revoke any former Commission or Commissions.

District Boards of Commissioners may be established in Counties of Halifax and Guysborough

VII. *Provided always, and be it enacted*, That in the Counties of Halifax and Guysborough respectively, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of the Executive Council, if it shall be deemed necessary, to appoint and commission two or more Boards of Commissioners, with distinct and separate Districts assigned to each Board in said Counties respectively, and to allot and apportion the Money hereby distributable or applied for such Counties respectively, to and among, and for each District and Board of Commissioners within the same, as shall or may be deemed just and proper.

Returns to be made by Boards of Commissioners

VIII. *And be it enacted*, That, instead of the Report and Account required by the fourteenth Section of the Act, hereby continued and amended, to be made to the Secretary of the Province, every respective Board of Commissioners shall make and return to the Central Board, hereby established, the like Account and Report, certified and signed, as in the said fourteenth Section mentioned, but in such form as the said Central Board shall from time to time direct, on or before the thirty-first day of December, in every year, respectively, during the continuance of this Act; and the several Returns, Accounts and Reports, with proper Abstracts thereof, shall be in every year, by the said Central Board, transmitted to the Secretary of the Province, for the information of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and of the Legislature.

Powers vested in Trustees of Schools

IX. *And be it enacted*, That, in addition to the powers by the fourth Section of the Act hereby continued and amended, conferred upon any Trustee or Trustees of Schools to be appointed, as in the said Act is mentioned and prescribed, such Trustee or Trustees shall have power to make regulations as to the hours of attendance of the Scholars—the allowance and duration of Holidays and Vacations—and for the general regulation and government of the School.

Teachers

X. *And be it enacted*, That, whenever any application shall be made to the Commissioners of Schools by any number of Individuals in any School District, as in the fourth Section of the said Act hereby continued and amended is mentioned, engaging to hire a Teacher for any time not less than three Calendar months, upon the terms and conditions in said fourth Section mentioned, such Commissioners shall proceed in like manner as if such Individuals had engaged to hire such Teacher for one year, as by the said Section is required.

Female Teachers may be employed

XI. *And be it enacted*, That, where a Female Teacher can be more advantageously employed than a Male Teacher, it shall and may be lawful for the Board of Commissioners to extend aid under the said Act hereby amended and continued, or under this Act, to any School taught by a Female Teacher, agreeably to the provisions of the said Act, or of this Act.

Number of Teachers to be Licensed

XII. *Provided always, and be it enacted*, That only one Male Teacher shall be licensed in each School District, but that it shall and may be lawful for the Commissioners, if they shall see fit, to license two Female Teachers in the same School District, and, if necessary, in addition to any Male Teacher licensed therein.

Character & qualifications of Teachers

XIII. *And be it enacted*, That no License shall be granted to any Teacher under the seventh Clause of the said Act hereby amended, unless the Commissioners shall be first satisfied of the good moral character and suitable qualification of such Teacher.

Schools of French, Gaelic or German Languages

XIV. *And be it enacted*, That any School, wherein the ordinary Instructions may be in the French, Gaelic, or German Language, in any School District in this Province, shall be entitled to the like portion of the public money as any School wherein the ordinary instruction may be in the English Language.

Certificate of Teacher to be given on oath

XV. *And be it enacted*, That the Certificate required to be given by the Teacher or Teachers of any School, under the ninth Clause of the said Act hereby continued and amended, shall be tested on Oath by such Teacher or Teachers before such Justices of the Peace for the County wherein such School may be, before the same is delivered to, or received by, the said Commissioners.

XVI. *And be it enacted*, That the Sum of Twenty-five Pounds per annum, mentioned in



in the twelfth Clause of the said Act hereby amended and continued, shall be, and be deemed to be, exclusive of, and in addition to, the Boarding, Washing and Lodging, of the Teacher of the School, for which the said sum shall or may be raised, as in the said Clause mentioned.

Allowance to Teachers

XVII. *And be it enacted,* That whenever a Teacher can be obtained competent to teach the same, who shall be otherwise qualified, in respect to moral character, and in other respects, the Classics shall be taught in every combined Grammar and Common School; but when such Teacher cannot be obtained, then instruction shall be given in such other of the higher branches of Education; as in the twenty-first Clause of the Act hereby continued and amended are required to be taught: *Provided,* that nothing in this Clause shall be construed to compel the Commissioners to prefer any Teacher on account of his Classical knowledge, if his other qualifications be inferior to those of some other candidate for the School.

Instruction

XVIII. *And be it enacted,* That, in any County where there shall be no combined Common and Grammar School, or not the full number of such Schools allowed by Law, or when it shall be advisable so to do, it shall and may be lawful for the Commissioners of Schools for the said County to apply the Monies allowed to such County for combined Grammar and Common Schools, or such part of the said Monies not required for combined Grammar and Common Schools, to and for the use of the Common Schools in such County.

Allowance to Combined Grammar and Common Schools may be appropriated to Common Schools

*From Halifax R 27 for 63*

XIX. *And be it enacted,* That no Money shall be drawn for any combined Common and Grammar School, until a Certificate in Writing shall be made and signed by the Trustees of such School, or one of them, to the effect that the Classics and higher Branches of Learning, as the Law requires, to the best of the knowledge and belief of such Trustee or Trustees, have been and are actually taught in such School; or otherwise, that a Teacher cannot be obtained, duly qualified, competent to teach the Classics, but that the other higher Branches of learning required by Law, to the best of the knowledge and belief of such Trustee or Trustees, have been and are taught in such School, which Certificate shall be transmitted, with the Account and Report of the Commissioners of Schools, to the Central Board at Halifax, by this Act established.

Certificate of Trustees required before Money is drawn on account of combined Grammar and Common Schools

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

Itinerating Schools may be established

XXI. *And be it enacted,* That whenever a majority of the Inhabitants of any School District, within any County of this Province, rateable or subject to be assessed as hereinafter mentioned, who shall be present at a Public Meeting of such Inhabitants, to be held after sufficient public notice, to be given at least twenty days previous to such Meeting by the Trustees of such School District, in at least five public places in the same District, shall agree at such Public Meeting to raise the several sums required to be raised and provided by them under the provisions of this Act, or the Acts hereby continued and amended, by an equal rate or assessment upon each person, according to his ability, they shall certify the same to the next General Sessions of the Peace for the County wherein such School District is situate as aforesaid; and the same shall be assessed at the same time, and in the same manner, and under and subject to the several regulations, and by the same means, course and proceedings, as by any Acts of the General Assembly now in force, or hereafter to be enacted, are or may be provided, for levying rates for the support of the Poor upon each of the Inhabitants of such School District, in a rateable and equal proportion, according to his ability; and shall be collected and paid over to the Trustee or Trustees appointed by the Board of Commissioners for such School District.

Additional Schools may be supported by assessment

*From Act of R 26 for 18*

XXII. *And be it enacted,* That in case of any assessment so made as hereinbefore mentioned, by the consent of the Inhabitants of any School District, the sum so assessed for the support of any School, mentioned in the twelfth Clause or Section of the said Act hereby continued or amended, wherein less than thirty or more than fifteen Scholars are taught, shall not exceed Fifteen Pounds; and for the support of any such School mentioned in the twelfth Section, wherein thirty Scholars and upwards are taught, the sum to be assessed as aforesaid shall not exceed twenty pounds: *Provided always,* that the Trustee or Trustees

Limitation of assessment

Proviso



of the said School District shall, and they are hereby required, to fix and establish such rate of tuition money or fees to be paid by or for every Scholar respectively, attending every such School, save and except such poor Scholars as are required by and under the said Act to be taught *gratis*; that, together with the sum hereby directed to be assessed for the support of such School, the Teacher of every such School, wherein thirty Scholars and upwards are taught, shall actually and bona fide receive the full sum of Forty Pounds, over and above, and exclusive of, and in addition to, the Boarding, Washing and Lodging of such Teacher; and that the Teacher of every such School, wherein less than thirty and more than fifteen Scholars are taught, shall actually and bona fide receive the full sum of Twenty-five Pounds, over and above, and in addition to, the Boarding, Washing and Lodging, of the Teacher of such School: *And provided further*, that before any School, for which assessment shall be made, shall be entitled to receive any Provincial aid under this Act, or the Act hereby continued and amended, it shall be made to appear to the Board of Commissioners, as in or by the said twelfth Clause or Section of the said Act is required and prescribed, that the Teacher of such School shall actually receive the sum hereinbefore mentioned, and hereby prescribed, to be received by the said Teacher, over and above, and in addition to, his Boarding, Washing and Lodging.

Limitation of  
Assessment for  
Combined  
Grammar &  
Common  
Schools

Tuition Money

Proviso

Education of  
People of Col-  
our

Allowance to  
African School  
at Halifax

XXIII. *And be it enacted*, That the sum to be assessed, as hereinbefore prescribed and mentioned, for any such Combined Common and Grammar School, as is mentioned and referred to in the twenty-second Clause or Section of the said Act hereby continued and amended, wherein from eight to fifteen of the Scholars shall be instructed in the higher branches of Education, by the said Act, or by this Act required, shall not exceed Twenty-five Pounds: *Provided always*, that the Trustees of every such Combined Common and Grammar School shall, and they are hereby authorized and directed, to fix and establish such Tuition Money and Fees, to be paid for or by the said Scholars respectively, attending such Combined Common and Grammar School, save and except such poor Scholars, as by the said Act are required to be taught gratis, as with the sum assessed, and the Provincial allowance by the said Act hereby amended and continued, allotted and provided for every such Combined Common and Grammar School, shall be sufficient to pay to the Master or Teacher of every such Combined Grammar and Common School the full salary prescribed and required to be paid to such Master and Teacher, in and by the twenty-third Clause or Section of the said Act: *And provided further*, that no such Combined Grammar and Common School, for which assessment shall be made, shall be entitled to receive, or shall receive, any allowance under this Act, or the said Act hereby continued, until it shall be made to appear to the Board of Commissioners, as in and by the said twenty-third Clause or Section of the said Act is provided and enacted, that the Teacher or Master of every such Combined Grammar and Common School shall actually and bona fide receive, including the sum assessed for such School as aforesaid, the Tuition Money or Fees, to be fixed and established, as hereinbefore provided, and the Provincial allowances made to the said School, under the said Act hereby continued, the full salary in and by the said twenty-third Clause or Section of the said Act prescribed, for such Master or Teacher.

XXIV. *And be it enacted*, That any Board of Commissioners, from and out of the sum of Seventy Pounds, placed at the disposal of such Board, by the eleventh Clause of the said Act hereby continued, shall, and they are hereby authorised, to aid any School for instructing in the common branches of Education, the Blacks, or People of Colour, within the County or Districts for which such Board is or may be established, and for which School a School House shall have been provided by or for the Blacks, or People of Colour; and, for aid to which, application shall be made to the said Board, notwithstanding a Common School may have been established, and be in operation, and receive Provincial aid for the School District or Districts wherein the said School for the said Blacks, or People of Colour, may be situate.

XXV. *And be it enacted*, That, in addition to the sums payable to the several Schools in the Town of Halifax, by and under the seventeenth Clause or Section of the said Act, there shall be paid to the African School at Halifax, yearly, and every year, during the continuance of this Act, the sum of Sixty Pounds.

XXVI. *And be it enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint and commission in every County

County of this Province, (except the Counties of Halifax, Pictou, Hants, King's County, Annapolis, Lunenburg, Yarmouth and Cape-Breton, where Academies are at present established) three or more fit and proper persons to be Trustees of an Academy therein— which said Trustees, any, or either of them, shall be removable at the pleasure of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, who shall also have power to fill up any vacancy occasioned by such removal, or by the death of any Trustee or Trustees

Further appointment of Trustees of Academies

XXVII. *And be it enacted*, That Instruction shall be given at such Academies, as are now, or hereafter to be founded, in the Classics, in the practical branches of Mathematics, Algebra, Geography, English Grammar, History and Composition; and no person shall be appointed as the head Master to any such Academy, who is not competent to teach all the said branches, and also, one or more of the Modern Languages, wherever it shall be found practicable to introduce the same.

Instruction to be given in Academies

XXVIII. *And be it enacted*, That the Trustees of such Academies shall have power, from time to time, to make Rules and Bye-Laws for the regulation thereof, which shall be transmitted within one month from the time of their being made to the said Central Board of Education, hereinbefore appointed, for their approbation, and shall not have effect until such approbation is signified.

Bye-Laws for Academies

XXIX. *And be it enacted*, That no part of the money granted for the support of Combined Grammar and Common Schools shall be applied to the use of such Academies, on any pretence whatsoever, except as hereinafter allowed.

Support of Academies

XXX. *And be it enacted*, That the Trustees of such Academies shall make up and return, on or before the thirty-first day of December in every year, to the aforesaid Central Board, a full and accurate account of all sums of money received and expended by them, whether from Legislative Grants or otherwise, with a Report of the course of Instruction, and other particulars concerning the same, in such form as the said Board may, from time to time, direct.

Returns to be made by Trustees of Academies

XXXI. *And be it enacted*, That the Trustees of such Academies shall hold public Examinations, twice in every year, of the Pupils or Scholars therein—of which said examination public notice shall be given, so that the same may be attended by all persons desirous of being present thereat.

Examinations of Academies

XXXII. *And be it enacted*, That there shall be granted and paid, in every year, for the support of the Academies in the several Counties, the sums following, that is to say: For the Academy at Yarmouth, One Hundred and Thirty-five Pounds; for the Academy at Lunenburg, One Hundred Pounds, besides a further sum of Thirty-five Pounds out of the sum allotted to the said County, for Combined Grammar and Common Schools; for the Academy at Annapolis, Seventy-five Pounds; and for the Albion Academy at Annapolis, Twenty-five Pounds, besides a further sum of Thirty-five Pounds out of the sum allowed to the said County for Combined Grammar and Common Schools; for the Academies in Colchester, Cumberland, Sydney, Guysborough, Cape Breton, Inverness, Richmond, Digby, Shelburne and Queen's County, One Hundred Pounds each.

Allowance for support of Schools, &c.

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

Continuation of Act

#### CAP. XLIV.

### An Act to set off Weymouth into a separate Township.

(Passed the 10th day of April, A. D. 1841.)

WHEREAS the Inhabitants of that part of the Township of Digby, in the County of Digby, hereinafter described, are desirous that it shall be set off into a separate Township, which will tend much to the benefit and convenience of the said Inhabitants:

Preamble

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That all that part of the present Township of Digby, hereinafter particularly designated and described, shall, from and after the passing of this Act, be set off and erected into a separate Township, by the name of the Township of Weymouth.

Name of Township

Bounds

II. *And be it enacted*, That the said Township of Weymouth shall be abutted and bounded as follows, that is to say: Beginning at a stake and stones standing at the north-eastern angle of Farm Lot number forty, near Ellenwood's Cove, on the south side of St. Mary's Bay, from thence to run on a course south twenty-four degrees east, following the eastern side line of said Lot number forty, and continuing the same course until it intersects the rear or southern line of the Township of Digby; thence south sixty-six degrees west along said line eight hundred chains, or until it comes to the north-eastern angle of the Township of Clare; thence along the eastern line of Clare on the course of north twenty-four degrees west to the south-eastern angle of Lot number twenty-one, on the south side of Sissiboo; thence north sixty-five degrees west to the south-western angle of the Lot granted to Joseph Potter, and re-granted to Colonel John Taylor, in the Grant of Confirmation to the Inhabitants of the Township of Digby; thence north thirty-three degrees east along said Potter's side line one hundred and thirteen chains, to a stake and stones on the bank of Sissiboo River; thence northwardly, following the course of said River, to Saint Mary's Bay; thence north-eastwardly, crossing the mouth of said River, and following the several courses of Saint Mary's Bay, until it comes to the place of beginning.

Assessments

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

Freeholders to vote for Township of Digby

IV. *And be it enacted*, That notwithstanding any thing in this Act contained, the Freeholders duly qualified by Law in that part of the Township of Digby, hereby erected into a separate Township, shall be entitled to be elected, or to vote at any Election to be hereafter held for a Member to represent the Township of Digby in the same manner as heretofore.

Poor Rates

V. *And be it enacted*, That at the next General Sessions of the Peace for the County of Digby, it shall and may be lawful for the Justices attending thereat, to ascertain the number of Paupers, and the charges and expenses of the said Paupers now chargeable on the said Township of Digby, and also to ascertain the amount of the rates for the support of the said Paupers, now contributed by that part of the said Township of Digby hereby erected into the separate Township of Weymouth.

VI. *And be it enacted*, That, when and so soon as the whole charges and expenses now paid for the support of the Paupers now chargeable on the said Township of Digby, and the proportion of such charges now contributed by that part of the said Township, hereby created a separate Township, shall be ascertained, it shall and may be lawful for the Justices by any order or orders of Sessions to be made at such General Sessions as aforesaid, to direct and order that such and so many of the Paupers now chargeable on the Township of Digby, to be named in such order or orders, whose expenses and charges of maintenance shall bear the same proportion to the whole charges and expenses of all the Paupers, now chargeable on the said Township of Digby, as the proportion of Poor's Rates now contributed by that part of the Township of Digby, hereby made the Township of Weymouth, shall bear to the whole Poores' Rates assessed and levied from the whole Township of Digby.

## CAP. XLV.

## An Act to confirm the past proceedings of the Prothonotary and Clerk of the Crown for the County of Cape-Breton.

(Passed the 10th day of April, A. D. 1841.)

Preamble

**W**HEREAS, after the re-annexation of the Island of Cape Breton to this Province, a Commission was issued under the hand and seal of the Honorable Sampson Salter Blowers, then Chief Justice of Her Majesty's Supreme Court of Judicature for this Province, by and with the sanction and approbation of His Excellency Sir James Kempt, then



then Lieutenant-Governor of this Province, dated on the sixth day of March, in the year of our Lord One Thousand Eight Hundred and Twenty-one, constituting Charles Edward Leonard, Prothonotary and Clerk of the Crown for the several Courts thereafter to be holden in and for the said Island and County of Cape Breton, for the time being, and until His then late Majesty's pleasure should be made known in the premises; *And whereas*, since the said Commission, the said Charles Edward Leonard, by himself and his Deputies, hath continued to exercise the duties of the said office of Prothonotary and Clerk of the Crown, up to the thirtieth day of June, in the year of our Lord One Thousand Eight Hundred and Forty; *And whereas*, the office of Clerk of the Crown and Prothonotary for the Province of Nova Scotia was then, and hath hitherto continued to be, an office held by Letters Patent under the Crown, and since the said appointment of the said Charles Edward Leonard, and since the re-annexation of Cape Breton to this Province, as aforesaid, and long before the said thirtieth day of June, in the year of our Lord One Thousand Eight Hundred and Forty, the Office of Clerk of the Crown and Prothonotary for this Province was, by Letters Patent, granted to James Walton Nutting, who still holds the same—in order to prevent all doubts as to the acts done by the said Charles Edward Leonard or any Deputy by him appointed:

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That all Acts, Matters, Proceedings, Records or Things, whatsoever, had, done, made or filed, by or with the said Charles Edward Leonard, in the said office of Clerk of the Crown and Prothonotary for the said Island of Cape Breton, or by any Deputy by him lawfully appointed within the period hereinbefore mentioned, shall be held and deemed good, valid and effectual, to all intents and purposes whatsoever.

Past proceedings of Prothonotary confirmed

#### CAP. XLVI.

### An Act to amend the Act to regulate certain Landings in the County of Digby.

(Passed the 10th day of April, A. D. 1841.)

**W**HEREAS, by the Act, passed in the third year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to regulate certain Landings in the County of Digby, it was enacted, That, from and after the passing of that Act, the Bridge over Bear River, dividing the Counties of Annapolis and Digby, should be under the charge, care and custody, of the Justices of the Peace for the said County of Digby; *And whereas*, difficulties and disputes have arisen, and are likely to occur, as to what is or may be properly called the said Bridge over Bear River, so placed as aforesaid, under the charge and custody of the Justices of the Peace for the said County of Digby:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That the said Bridge over Bear River shall, for all the purposes of the said Act, of which this is an amendment, be understood to include the said Bridge, with the abutments and causeways on each end thereof, whether built of stone, wood or other materials, and to extend in length from high water mark on the Annapolis side of the said River, to high water mark on the Digby side of the same.

Bear River Bridge

#### CAP. XLVII.

### An Act to alter and amend the Act for preventing Persons leaving the Province without a Pass.

(Passed the 10th day of April, A. D. 1841.)

**W**HEREAS, the provisions of the Act, passed in the thirty-second year of the Reign of His late Majesty King George the Second, entitled, An Act for preventing Persons leaving the Province without a Pass, as modified by the Act, passed in the first year of Her present Majesty's Reign, to modify the provisions of the said Act, may prove highly injurious to those engaged in Steam Communication between the United Kingdom and

Preamble

and this Province, and between this Province and the surrounding Countries; *And whereas*, to facilitate the rapid and beneficial intercourse now existing, it is proper further to modify the said first mentioned Act:

Liability of  
Masters of  
Vessels

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That hereafter no Master of a Vessel shall be liable to any action or prosecution, or to pay any penalty, forfeiture or damages, under the Act hereinbefore mentioned, or under the Act, passed in the sixth year of the Reign of His late Majesty King George the Third, entitled, An Act for extending an Act, made and passed in the thirty-second year of His late Majesty's Reign, entitled, An Act for preventing Persons leaving the Province without a Pass, for carrying away any Person out of this Province to any port or place wheresoever; notwithstanding the Person so carried away shall have no Pass as required by the said Acts, unless some creditor or creditors shall have given previous notice in writing to the said Master, not to carry away, on his then intended voyage, some particular person, to be named in such notice, in which case, if such person so named shall be carried away by the said Master, after such notice, without a pass as aforesaid, such Master shall be liable to an action or actions at the suit of the said creditor or creditors for damages, as if this Act had not passed.

1st Victoria  
rel. to Passes  
repealed

II. *And be it enacted*, That the said Act, passed in the first year of Her present Majesty's Reign, entitled, An Act to modify the provisions of the Act for preventing Persons leaving the Province without a Pass, and every matter, clause and thing, therein contained, shall be, and the same are hereby repealed.

#### CAP. XLVIII.

### An Act for amending the Act for taking the Census of this Province.

(Passed the 10th day of April, A. D. 1841.)

Census to be  
taken

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That in any County where the Census has not been taken, agreeably to the provisions of the Act, passed in the first year of Her present Majesty's Reign, entitled, An Act for taking the Census of this Province, or where the Census may not have been completed, it shall and may be lawful to proceed to take or to complete such Census, agreeably to the several provisions and enactments of the said Act, notwithstanding the time for making the return of such Census, as prescribed by the said Act, has expired.

Manner and  
form similar  
to last Act

II. *And be it enacted*, That any such Census, or portion of any Census, so requiring to be taken, shall be taken and returned by, and to the same persons, and in the same form and manner, and be paid for by the same means, as by the said Act is provided.

#### CAP. XLIX.

### An Act to alter the Laws for making Lands liable for the payment of Debts.

(Passed the 10th day of April, A. D. 1841.)

Judgment to  
bind Lands af-  
ter Registry

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, every Judgment heretofore recovered, docketed and signed, or hereafter to be recovered, docketed and signed, in the Supreme Court, or in any of the Inferior Courts of Common Pleas of this Province, and hereafter to be registered, shall bind the Lands of the Defendant therein named only from and after the Registry of such Judgment, in the County or District wherein the said Lands lie or are situate; and any Deed, Mortgage or Conveyance, of or affecting any part of such Lands, shall be adjudged fraudulent and void against such Judgment, unless such Deed, Mortgage or Conveyance, shall be registered



registered previous to the registration of such Judgment: *Provided always*, that nothing in this Clause contained shall extend, or be construed to extend, to affect the Registry of any Judgment registered before the passing of this Act; and every such Judgment shall bind the Lands, Hereditaments or Chattles Real, as already provided by the Act now in force; and the rights of the Judgment Creditors, whose Judgments shall have been so registered before the passing of this Act, shall not be affected hereby.

Proviso

*Cts. of 1832  
cl. 51  
Cts. of 1846  
1846-p. 87.*

II. *And be it enacted*, That the Plaintiff shall have the option to levy Execution upon any such Judgment, as aforesaid, either upon the person, or on the Goods and Chattles, or on the Lands of the Defendant, as such Plaintiff may direct and order, by indorsement, on such Execution made in writing.

Execution may be levied generally or particularly on Defendants Lands

III. *And be it enacted*, That if the Plaintiff, who may have heretofore obtained, or shall hereafter obtain, any such Judgment, shall order and direct Execution thereupon to be levied upon Lands, it shall and may be lawful for such Plaintiff to order and direct such Execution to be extended or levied on the Lands of the Defendant, generally, or on some particular part or portion thereof, to be specifically designated, and subject to any prior Judgment, Mortgage or Incumbrance, which may have been previously obtained, had, made or suffered, and shall be legally chargeable upon or affect such Lands, or any part or portion thereof.

Levying Executions

*Equity equivalent to levy - either in law or in equity - as the case may be. See the Statute in 9 Geo. 4. c. 6. 1846-p. 87.*

IV. *And be it enacted*, That when and so soon as the Sheriff, to whom any Execution, endorsed as aforesaid, shall or may be directed, shall have received the same, the said Sheriff shall endorse thereon the time of receiving it, and shall proceed to levy such Execution upon such Lands, or the particular parts or portion thereof, which shall or may be designated as aforesaid, without making any appraisement thereof, or taking any other proceeding, than by forthwith advertising the Lands, directed to be levied on, in the Royal Gazette Newspaper, for the space of Three Calendar Months, and also in any Newspaper which may be published, if any such there be, in the County or District wherein the Lands are situate, in which Advertisement shall be inserted a Notice, that such Lands have been taken in Execution at the suit of the Plaintiff against the Defendant, in the said Execution named, and such Advertisement shall have appended to it the names of the Sheriff and the Attorney of the Plaintiff: *Provided always*, that before any Lands shall be taken in Execution under any Judgment, such Judgment shall have been obtained and registered, at least two years before the levy of such Execution.

Lands to be Advertised in Royal Gazette

Proviso

V. *And be it enacted*, That on some particular day and hour, and at some particular place, to be inserted in the said Advertisement, and in Hand Bills, to be posted up in the most public places of the County or Township where the Lands lie, for at least twenty days before such sale, the said Sheriff shall sell such Lands at Public Auction, to the highest bidder, and for the best price to be obtained therefor.

Handbills to be posted up

VI. *Provided always, and be it enacted*, That at any time within thirty days before the day of Sale, it shall and may be lawful for the Defendant to give notice in writing to the Sheriff, that such Defendant is desirous of having some separate and distinct lot or portion of the Lands, in such Advertisement mentioned, and in the said notice, to be particularly designated, first put up for sale, and thereupon such separate and distinct lot or portion shall be first sold by the said Sheriff; and if sufficient money be produced by the sale thereof to pay the amount of such Execution, with the Sheriff's Fees, and other necessary expenses thereon, no other part of the Property advertised as aforesaid shall be sold under such Execution; but if sufficient money be not produced by such Sale, the Sheriff shall proceed to sell such other part or portion of the said Lands as may be requisite or necessary, to produce monies sufficient to satisfy the said Execution; and if no such notice in writing shall be given to the Sheriff as aforesaid, within the time hereinbefore limited, then, and in such case, the Sheriff shall proceed to sell sufficient of the Lands to satisfy the amount of the said Execution, with the Sheriff's Fees thereon, and other necessary expenses.

Defendant may designate Lands to be first put up for sale—what may satisfy demands

VII. *And be it enacted*, That the Sheriff, making such Sale as aforesaid, shall make and execute a Deed or Deeds of Sale of the Lands sold by him to the purchaser or purchasers thereof respectively, which Deed or Deeds shall be sufficient to convey and assure all the right, title, estate, claim, property and interest, of the Defendant in the Lands, in such Deed or Deeds respectively contained and described, and thereby intended to be conveyed, sub-

Deeds of Lands sold to be executed by Sheriff

ject to all or any registered Mortgages or Judgments, or other incumbrances thereon, prior to the registration of the Judgment, under which the Execution may have been issued.

Lands sold held in tenancy

VIII. *And be it enacted*, That if the said Lands, or any part thereof, are in the possession or occupation of any person or persons as a tenant or tenants to the Debtor or Debtors, in such case the purchaser or purchasers thereof shall become respectively the Landlord or Landlords of the said person or persons, subject to the terms and conditions of the Tenancy of such person or persons, and shall have the like rights and remedies, in respect to the rents, which shall accrue and become due after the title of the said purchaser or purchasers shall have accrued, as the Debtor or Debtors have or would have had by Law, against such person or persons, if the Judgment or Judgments, under which the said Sheriff shall sell the said Lands, had not been given.

Validity of Deeds given by Sheriff questioned

IX. *And be it enacted*, That in any action or suit, wherein any title made under this Act, by such Deed or Deeds from the Sheriff, shall come into question, the production and proof of the Docket of the Judgment, or of an examined Copy thereof, and a Certificate of the Registry thereof, and also of the Execution under which the levy was made, and the production of the Sheriff's Deed, and proof of the due execution thereof, shall be held and deemed good *prima facie* evidence of title under this Act, and shall be held and adjudged sufficient, until the party seeking or desiring to impeach such title, shall make it appear that such title is defective.

Preamble

*And whereas*, in many cases doubts have arisen as to the validity of Titles to Real Estate, made by Sheriffs under Judgments and Executions, in consequence of certain informalities, irregularities and defects, in the levy of the Execution and proceedings had there-der :

Titles confirmed

X. *Be it therefore enacted*, That all Titles, heretofore made by any Sheriff, of and in any Lands, shall be rectified and confirmed, and shall be held good, valid and sufficient, notwithstanding any informality, irregularity or defect, either in the issuing or levy of the Execution, or in the notices, or in making of the appraisement, or in the return of the Execution, or in the first Deed, or in the Advertising, or in the Sale of the Lands, or other proceedings, or for want of Record or first Deed: *Provided always*, that the Purchase Money for such Lands shall have been paid to the Sheriff, to be applied as by Law directed; and nothing herein contained shall extend to preclude any party from making and sustaining any objection to any such Title, not founded upon such informality, irregularity or defect, as aforesaid; *And provided also*, that the party, as against whose Title such informality, irregularity or defect, as aforesaid, may be alleged and proved, shall have been for one year at least in the actual possession of the Lands and Premises, that have been levied upon and sold in Execution, as aforesaid.

Provisos

*And provided also*, that nothing herein contained shall apply to, or in any manner affect, any Title which has been the subject of adjudication in any Court of Law or Equity, or which is the subject of question or controversy, in any Action or Suit at Law or in Equity, now pending, undetermined; *and provided*, that when the notice of Sale may have been irregular or defective, it shall be lawful for the Jury, before whom any such case may be tried, if such Trial shall not be more than five years after the time of Sale, to say whether the notice was, under the circumstances of the case, in fact sufficient, and nothing herein contained shall apply to any Title, where the Jury shall specially find that the notice of Sale was not in fact sufficient.

Execution of Judgments delayed beyond two years

XI. *And be it enacted*, That, whenever any person or persons shall have recovered a Judgment, and registered the same, whereby such person or persons may have obtained a lien on any Lands; and the person or persons obtaining such Judgment, shall not, within two years from the day of signing the same, levy or cause to be levied an execution on the said Lands; and any Judgment or Judgments against the same party or parties, shall be subsequently to such first Judgment recovered at the suit of any other person or persons, and shall be duly registered, it shall and may be lawful for the person or persons who shall have recovered any such subsequent Judgment to give notice to the Creditor or Creditors holding any prior Judgment or Judgments, that unless execution be levied, under the said prior Judgment or Judgments, that the person or persons giving the said notice will proceed to levy an Execution or Executions under his or their Judgment upon the Lands of the Debtor or Debtors, against who such Judgment shall have been recovered; and if the

Creditor

Creditor or Creditors holding such prior Judgment or Judgments shall not within three calendar months after such notice, proceed to levy an Execution on the said Lands, the party or parties giving such notice shall and may proceed to levy, or cause to be levied, an Execution on the Lands of the Debtor or Debtors, and shall thereby be and become entitled to, and shall obtain, priority and preference over any former Judgment, Creditor or Creditors, to whom notice shall have been given, and who shall neglect to levy or cause to be levied an execution as aforesaid.

*And whereas*, by an Act, made and passed in the second year of the Reign of His late Majesty King William the Fourth, entitled, An Act for the Registry of Judgments and Attachments, and confirming Titles to Lands; it is among other things enacted, that all Judgments, intended to form a lien on Lands, shall be registered in the office of the Registrar or Deputy Registrar of Deeds, in the County or District where the Lands lie, but no provision is made for entering or registering a discharge of such Judgment or lien under the same :

XII. *Be it therefore enacted*, That, when any such Judgment shall be registered in the Office of any Registrar or Deputy Registrar of Deeds in this Province, pursuant to the said last mentioned Act, if at any time afterwards a Certificate in writing, signed by the party having the beneficial interest in such Judgment, and attested by one or more subscribing Witness or Witnesses, present at the signing of the said Certificate, shall be proved as by Law required, on the oath of one of the said Witnesses, and be deposited in the Office of the said Registrar or Deputy Registrar, whereby it shall appear that the Monies due upon or by virtue of such Judgment, have been paid or satisfied in discharge thereof; or if a Certificate is produced to such Registrar or Deputy Registrar, signed by the proper Officer or his Deputy, under the Seal of the Court in which such Judgment has been obtained, that satisfaction of such Judgment has been entered of Record; or that an Execution issued upon such Judgment has been duly returned by the Sheriff, to whom it was directed, satisfied, then, and in every such case, the said Registrar or Deputy Registrar shall make an entry in the margin of the Books of Registry, against the Registry of such Judgment, that the same has been satisfied and discharged, according to such Certificate, to which the said entry shall refer; and the Registrar or Deputy Registrar shall thereupon grant, upon such Certificate of payment, a Certificate that the same has been so entered in his Book of Registry, and shall then return the same Certificate of payment to the person from whom he received the same; and the production of such Certificate of payment to the person with the said Registrar's or Deputy Registrar's said Certificate thereon, shall be, and be held and deemed, good *prima facie* evidence of the satisfaction of the same judgment therein referred to: *Provided always*, that nothing herein contained shall be construed to prevent or preclude any other species of evidence of such satisfaction or payment by law allowed or available; and the fee to be taken by such Registrar or Deputy Registrar, for such entry, and his Certificate as aforesaid, shall be Two Shillings, and no more; and the fee to be taken by the Officer of the Court, granting any such Certificate of Satisfaction as aforesaid, shall be also Two Shillings, and no more.

XIII. *And be it enacted*, That the fee to be taken by the Prothonotary, Deputy Prothonotary, or other Officer, for the copy of any docket of Judgment, with his Certificate, and the Seal thereon, for Registry, shall be Five Shillings, and no more; and the fee to be taken by the Registrar or Deputy Registrar, for the Registry thereof, shall be also Five Shillings, and no more.

XIV. *And be it enacted*, That the Act, passed in the thirty-second year of the Reign of His late Majesty King George the Second, entitled, An Act for making Lands and Tenements liable to the payment of Debts, and every matter, clause and thing, therein contained; also, the Act, passed in the third and fourth year of the Reign of His late Majesty King George the Third, to explain and amend the said first mentioned Act, and every matter, clause and thing, therein contained; also, the Act, passed in the thirteenth and fourteenth year of the Reign of His late Majesty King George the Third, to further explain and amend the said Act, and every matter, clause and thing, therein contained; also, the last clause of the Act, passed in the third year of the Reign of His late Majesty King George the Fourth, entitled, An Act to amend the several Acts, passed in the thirty-second and thirty-fourth years of the Reign of His late Majesty King George the Second, for confirming

Preamble

Certificate of discharge or satisfaction of Judgment to be recorded

Certificate of Registrar or Deputy—*prima facie* evidence of Satisfaction

Prothonotary's fee for copy of Docket 5s.

Acts 32 Geo. 2:3 &amp; 4 Geo. 3d:13 &amp; 14 Geo. 3d

Last clause of Act 3 Geo. 4 Act 29 Geo. 3 Act 4 Wm. 4 repealed

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firming titles to Land, and quieting possessions ; and an Act, passed in the twenty-ninth year of the Reign of His late Majesty King George the Third, entitled, An Act to amend the several Acts, passed in the thirty-second and thirty-fourth years of His late Majesty George the Second, and in the first, fifth, and twelfth years of His late Majesty's Reign, relative to the Registering of Deeds and Conveyances, made of, or which may affect, Lands, Tenements and Hereditaments, and every matter and thing in that clause contained ; and also, the Act, passed in the fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act respecting Judgments and Executions obtained and levied against Land, and every matter, clause and thing, therein contained, and the said several Acts, and the said clause of the said Act, and every matter, clause and thing, in the said Acts contained, and every matter and thing in the said clause contained, shall be, and the same are hereby, respectively repealed, save and except only so far as respects any execution, levy, deed or deeds, matter, act, proceeding or thing, whatsoever, done, had, made or executed, or the rights of any party or parties under the said Acts, or any or either of the said Acts ; and also, save and except as to any execution, levy, deed, matter, act, proceeding or thing, whatsoever, done or made, and now pending or undetermined, under or by virtue of the said Acts, or any or either of the said Acts ; and such execution, levy, deed, act, matter or thing, when perfected and completed, shall be of the like force and effect as if the said Acts had continued in force—the repeal of the said Acts, before the perfection and completion thereof, to the contrary notwithstanding.

And for avoiding unnecessary repetitions :

XV. *Be it enacted*, That the word "Lands," when used in this Act, shall be deemed, held and taken, to include and apply to all Real Estates, Lands, Tenements and Hereditaments, of whatsoever description, and to any estate or interest of the Defendant therein, whether as tenant in fee, in tail, for years, or for life, tenants in common, or joint tenant, or otherwise howsoever ; and whether the same shall be vested in him in possession, remainder or reversion, or otherwise, howsoever ; that the word "Sheriff," used in this Act, shall be deemed, held, and taken to include and apply to the Sheriff or Deputy Sheriff, Coroner, or other Officer, to whom any execution shall or may be directed, or by whom the same shall be executed ; that the word "Plaintiff," used in this Act, shall be deemed, held, and taken to mean and include one Plaintiff, or any number of "Plaintiffs," if there shall be more than one ; and in like manner, that the word "Defendant," used in this Act, shall be deemed, held and taken, to mean and include one Defendant, or any number of Defendants, if there shall be more than one, and shall include, in all cases, the party or parties against whom an execution can be lawfully sued forth in this Province.

XVI. *And be it enacted*, That the monies to be received by the Sheriff for the sale of any Lands, under this Act, shall be applied in the first place to the payment of any execution or executions under which the same shall or may be sold, including interest on the amount of the Judgment or Judgments, from the date or dates thereof respectively ; and if any residue or surplus shall remain of such monies, the same shall be retained by the Sheriff, to be paid to any person or persons to whom, by any rule or rules of the Supreme Court to be passed, on application of such person or persons to be made to such Court, shall be directed.

XVII. *And be it enacted*, That, whenever the monies received from the sale of any Lands taken in execution under this Act, shall be insufficient to pay the amount of the execution under which the same may have been sold, including such interest as aforesaid, it shall and may be lawful for the Plaintiff or Plaintiffs in such execution, to issue other and plurius executions, and to levy the same upon the Goods and Chattles, or upon other Lands, or the body of the Defendant or Defendants, for any amount which shall or may be remaining unpaid as aforesaid, with costs, charges, Sheriff's fees, and other necessary expenses.

1222  
See 4. 175  
4. 300

*Will: II*

Exception as regards Execution &c. previously levied

Word Lands to apply to all Real Estate, &c.

Word Sheriff to include Deputy Sheriff, Coroner, &c.

Surplus proceeds to be held and paid over with Court of

Pltf may sue out all executions for any balance due on Judgment after application of proceeds of Real Estate sold



# An Act for facilitating the recovery of Seamen's Wages.

(Passed the 10th day of April, A. D. 1841.)

**W**HEREAS, the remedies provided in and by the Act, made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, entitled, An Act relating to the Merchant Seamen of this Province, have been found inconvenient and injurious, and have exposed the Masters and Owners of Ships, registered in, and belonging to, this Province, to heavy and unnecessary costs for proceedings in the Court of Vice Admiralty, though as effectual a remedy might have been had against them by complaint to a Justice of the Peace; *And whereas*, it is expedient, as well for the protection of such Masters and Owners, as for affording to the Merchant Seamen of this Province a more summary and easy mode of recovering their Wages, to alter the provisions of the said Act in that behalf:

*Not removed by the act of 1836*  
Preamble altered  
*Sec Act of 1836 p 50*  
*Act of 37 p 44*

**I.** *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That the thirteenth, sixteenth, seventeenth and eighteenth, Sections of the said Act be, and the same are hereby repealed.

13th 16th 17th and 18th Sections of Act, 6th William 4th repealed

**III.** *And be it enacted,* That the Master or Owner of every Ship shall, and he is hereby required to, pay to every Seaman entering into such contract as is provided in and by the said Act, the Wages due to such Seaman, if the same shall be demanded within twenty-four hours after the Seaman shall have been discharged by the Master or Owner or the cargo shall have been delivered; and in case any Master or Owner shall neglect or refuse to make payment, in manner aforesaid, he shall, for every neglect or refusal, forfeit and pay to the Seaman the amount of two days pay for each day, not exceeding ten days, during which, payment shall, without sufficient cause, be delayed beyond the period at which such Wages are hereby required to be paid, as aforesaid; for the recovery of which forfeiture the Seaman shall have the same remedies as he is by Law entitled to for the recovery of his Wages: *Provided always,* that nothing in this Act contained shall extend to the cases of Ships employed on voyages for which Seamen, by the terms of their agreement, are compensated by shares in the profits of the adventure.

Wages to be paid on delivery of Cargo.

Penalty

Proviso

**III.** *And be it enacted,* That in all cases of Wages, not exceeding Twenty Pounds, which shall be due and payable to a Seaman for his services in any Ship as aforesaid, it shall be lawful for any two Justices of the Peace, in any part of this Province, near to the place where the Ship shall have ended her voyage, cleared at the Custom House, or discharged her cargo, or near to the place where the Master or Owner upon whom respectively the claim is made, shall be or reside, upon complaint on oath, to be made to such Justices, by any such Seaman, or on his behalf, declaring the amount of Wages due to him as aforesaid; and that the same have been demanded and refused to be paid by such Master or Owner, or the Agent of the Ship, or the person in charge thereof, to issue a Writ of Attachment in the form annexed to this Act, and to cause the same to be levied on the Goods and Chattles of such Master or Owner, and for want thereof, on the Ship in respect of the service on board which the Wages are claimed, or on the tackle or apparel thereof, to be held, or sufficient Bail to be taken in stead thereof, to abide the event of such Suit; and in and by such Writ of Attachment, or without such Writ, if not insisted on by the Plaintiff, then in and by the usual Writ of Summons issued by Justices of the Peace, but directed to the Sheriff of the County or his Deputy, to summon such Master or Owner to appear before such two Justices to answer such complaint, and upon the appearance of such Master or Owner, or in default thereof, on due proof, under oath, of his having been so summoned, such Justices are hereby empowered to examine upon oath of the parties and their respective Witnesses, (if there be any,) touching the complaint and the amount of Wages due, and to make such order for the payment thereof, with costs as hereafter provided, or discharging the Defendant with his costs, as shall to such Justices appear reasonable and just, and in case such order shall not be obeyed within two days next after the making thereof, it shall be lawful for such Justices to issue their Warrant in the form annexed to this Act, directed to the Sheriff or Deputy Sheriff of the County, to levy the amount of the Wages awarded to be due, with the costs, by distress and sale of the Goods and Chattles of the party on whom

Wages to be recoverable before two Justices of the Peace

By attachments

By Summons

Parties to be examined

Justices to issue Warrant to enforce payment

such



such order for payment shall be made, rendering to such party the overplus (if any shall remain of the produce of the sale) after deducting thereout all the charges and expenses incurred by the distress and levy, and in the enforcement of the Justices' order; and in case sufficient distress cannot be found, it shall be lawful for the said Justices, in and by their said Warrant, to cause the amount of the said Wages and Expenses to be levied on the Ship, in respect of the service on board which the Wages are claimed, or the tackle and apparel thereof; and if such Ship shall not be within the jurisdiction of such Justices, or if the costs of the Defendant, when awarded by him, shall not be paid, then the said Justices are hereby empowered to cause the party upon whom the order for payment shall be made, to be apprehended and committed to the Common Gaol of the County, there to remain, without bail, until payment shall be made of the amount of the Wages so awarded, and of all costs and expenses attending the recovery thereof; or if such party be the Plaintiff, there to remain for the space of three days, or until payment shall be made of the costs awarded to the Defendant: *Provided always*, that neither of such Justices shall be anywise interested as part Owner, Consignee, or otherwise, in the Ship for the service on board which the Wages are claimed, or be of kin to the Owner, Consignee or Master, thereof.

IV. *And be it enacted*, That any party Plaintiff, aggrieved by the Judgment of the said Justices, may appeal to the Supreme Court, within five days, without giving any Appeal Bond or Security; and all proceedings before the said Justices shall thereupon be stayed; and the party appelland shall enter his appeal, and proceed thereon before the said Supreme Court, at the first term; and the Judges thereof shall try the cause again, and give final Judgment thereon; but the Defendant or Defendants, in any case, shall not be entitled to such appeal.

V. *And be it enacted*, That the Fees, to be taken in all Causes before such Justices, for the recovery of Seamen's Wages as aforesaid, shall be as follows:

## JUSTICES' FEES.

Justice's  
 On Writ of Summons, Two Shillings.  
 On Writ of Attachment and Affidavit, Three Shillings.  
 On Judgment, for both Justices, Three Shillings.  
 On Warrant, One Shilling.  
 On Subpœna, One Shilling.

## ATTORNEY'S FEES.

Attorney's  
 For attending Trial, if the sum awarded be less than Ten Pounds, Eleven Shillings and Eight Pence.  
 If Ten Pounds, or upwards, One Pound Three Shillings and Four Pence.

## SHERIFF'S FEES.

Sheriff's  
 For the service of every Writ of Summons, One Shilling and Six Pence.  
 For levying under every Writ of Attachment and Service, Six Shillings and Six Pence.  
 For Attachment Bond, Three Shillings.  
 Poundage on all Monies received on Warrants, One Shilling in the Pound.  
 For serving Warrant, Five Shillings.  
 Travel, Three-pence per mile.  
 For the Custody of any Ship, or the Tackle or Apparel thereof, Five Shillings per day.

## WITNESSES' FEES.

Witnesses'  
 So much, as in the discretion of the Justices, may be deemed proper, provided the same do not exceed Two Shillings and Six Pence for each day's attendance, and travel per mile Three Pence.

Jurisdiction of the Admiralty Court in Suits under Twenty Pounds taken away  
 VI. *And be it enacted*, That from and after the passing of this Act, no suit, for the recovery of Wages, of any Seaman for his services on board of any Ship or Vessel belonging to, or registered in, this Province, unless the same exceed Twenty Pounds, shall be brought in the Court of Vice Admiralty.

VII. *And be it enacted*, That in any case where an Attachment shall be issued under this Act,

Act, the levy of such Attachment shall be and be deemed to give to the Seaman, at whose suit the same shall be issued, the same lien and preference on and in respect of the Ship, her Tackle, Apparel or Furniture, as if such Seaman had proceeded in the Court of Vice Admiralty.

Seaman to have the same lien on Ship as in Court of Vice Admiralty

VIII. *And be it enacted*, That in case a Bill, now before the Legislature, entitled, An Act to Incorporate the Town of Halifax, shall pass into a Law, then, and in such case, so soon as the Mayor's Court, in such Bill mentioned, shall be established and in operation, all the powers and duties hereby conferred upon two Justices of the Peace shall be exercised by such Mayor's Court, within the jurisdiction of such Court; and any Writ, Order, or Warrant, herein mentioned and referred to, shall be issued from, and made by, such Court; and such Writs and Warrants, in all cases, to be directed to the City Marshall, and signed by the City Clerk.

Mayors Court to have jurisdiction in City of Halifax

IX. *And be it enacted*, That this Act shall not go into operation, or be of any effect, until Her Majesty's pleasure shall be made known thereon.

Suspending clause

ATTACHMENT.

To the Sheriff of the County of \_\_\_\_\_, or his Deputy—Greeting :  
These are to require and command you that you attach the Goods and Chattels of A. B. and far want thereof the Ship or Vessel called the \_\_\_\_\_, or the tackle and apparel thereof, to the value of \_\_\_\_\_ and also that you summon the said A. B. to appear before us at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, in the \_\_\_\_\_ to answer to the complaint of C. D. in the said sum alleged to be due to him by the said A. B. for his wages as a Seaman, and make return hereof, on or before the said day. As witness, our Hands and Seals, the \_\_\_\_\_ day of \_\_\_\_\_ A. D.

Form of Attachment

WARRANT.

To the Sheriff of the County of \_\_\_\_\_ or his Deputy—Greeting :  
Whereas, an Order was made by us on the \_\_\_\_\_ day of \_\_\_\_\_, directing A. B. to pay to C. D. the sum of \_\_\_\_\_, which Order hath not been obeyed. These are to command and require you to levy off the Goods and Chattels of the said A. B. the said sum, with your fees, by sale of the said Goods and Chattels, after duly advertising the same for three days at the least; and for want thereof, you are hereby commanded to levy the said amount, with your fees, on the Ship or Vessel called the \_\_\_\_\_ or the tackle and apparel thereof, if to be found within our jurisdiction; by sale of the said tackle and apparel, or any part thereof, after duly advertising the same as aforesaid, and for want thereof, you are hereby commanded to take the body of the said A. B. and him commit to Her Majesty's Gaol, in \_\_\_\_\_ there to remain until he pay the sum above mentioned, with your fees, or be discharged therefrom, according to Law. As witness our Hands and Seals, the \_\_\_\_\_ day of \_\_\_\_\_ A. D.

Form of Warrant

CAP. LI.

An Act to increase the usefulness of the Savings' Bank, at Halifax.

(Passed the 10th day of April, A. D. 1841.)

WHEREAS, by the Act, passed in the seventh year of the Reign of His late Majesty King William the Fourth, entitled, An Act relative to the establishment of Banks for Savings, the amount to be received by the Bank now established was extended to Twenty Thousand Pounds: *And whereas*, it is expedient further to extend the said amount:

Preamble

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the Commissioners appointed to manage the affairs of the said Bank for Savings, to permit sums to be received into the Treasury, under the operation of the said Act, in addition to the sum of Twenty Thousand Pounds already permitted to be received, provided such sums do not exceed Seven Thousand Pounds, over and above the said Twenty

Lawful to receive £7,000 extra

Twenty Thousand Pounds: *And provided also*, that no sum shall be received from any one person exceeding in amount Twenty-five Pounds, in any one year.

Interest to be paid

II. *And be it enacted*, That such sums so to be received under this Act, shall be applied, under the direction of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by the Treasurer of the Province, in payment of the Funded Debt of the Province, now paying five per cent. interest, and to and for no other use or purpose whatsoever; and that so soon as the sum of Five Hundred Pounds shall be received, under this Act, and from time to time thereafter, as, and when the monies to be received under this Act shall amount to Five Hundred Pounds, the same shall be applied, from time to time as aforesaid, in such way as the Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall approve and direct: *Provided always*, that it shall be the duty of the said Treasurer, and he is hereby required, from time to time, and as often as the sum of Five Hundred Pounds shall be so received, to notify the Governor, Lieutenant-Governor, or Commander in Chief for the time being, thereof, that direction may be made for so paying off part of the Funded Debt.

*And be it enacted*, That on all sums hereafter paid into the said Savings' Bank, under this or any former Act, there shall be allowed only an interest of four and one half per cent., whereof one half per cent. only shall be applied to the expenses of management.

### CAP. LII.

## An Act for regulating the Dartmouth Common.

(Passed the 10th day of April, A. D. 1841.)

Preamble

**W**HEREAS, by Letters Patent, under the Great Seal of this Province, bearing date the fourth day of September, in the year of our Lord One Thousand Seven Hundred and Eighty Eight, His late Majesty King George the Third was pleased to grant to Thomas Cochran, Timothy Folger and Samuel Starbuck, their Heirs, Executors and Administrators, the Common of the Township of Dartmouth, situate on the eastern side of the Harbour of Halifax, in special trust, for the use of the Inhabitants settled and resident in the Town Plot, or that might thereafter settle and actually reside within the said Township of Dartmouth, as a Common, for the general benefit of such resident settlers, and not otherwise: *And whereas*, by an Act, passed in the twenty-ninth year of the Reign of His late Majesty King George the Third, entitled, An Act to enable the Inhabitants of the Town Plot of Dartmouth to use and occupy the Common Field, granted them by His Excellency the Lieutenant-Governor, in such way as they may think most beneficial to them—the proprietors and persons interested in the said Common Field, and the Trustees thereof, are invested with certain powers in respect to the said Common; *And whereas*, by an Act, passed in the thirty-seventh year of the Reign of His said late Majesty King George the Third, entitled, An Act to enable the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint Trustees for the Common of the Town of Dartmouth, on the death or removal of the Trustees holding the same, and to vacate that part of the grant of the Common aforesaid, which vests the trusts in the Heirs, Executors or Administrators, of the Trustees named in the said grant, on the death of such Trustees, the Governor, Lieutenant-Governor, or Commander in Chief for the time being, is authorised to appoint Trustees in lieu of the original Trustees, and to supply any vacancies among the Trustees to be so appointed; and, by the said last mentioned Act, so much of the grant as devolves the trust on the Heirs, Executors or Administrators, of the deceased Trustees therein named; *And whereas*, on the thirteenth day of April, in the year of our Lord One Thousand Seven Hundred and Ninety Eight, under the said last mentioned Act, Michael Wallace, Lawrence Hartshorne and Jonathan Tremain, Esquires, were appointed Trustees of the said Common, in place of the Trustees named in said grant, with the same powers given to the said original Trustees by the said Act herein first mentioned: *And whereas*, the said Trustees, so last named and appointed, are all now deceased, and there has for several years last past been no proper authority to take charge of the said Common, to prevent

prevent Tresspasses, or to effect improvement thereon; *And whereas*, the said Common fronts on the Harbour of Halifax, and some of the Water Lots in front thereof have been granted to certain individuals, and it would be advantageous if a certain portion of said Common, fronting on the Harbour, were demised in Lots to persons who would be willing to pay rents for the same; *And whereas*, a certain Plot of the said Common has, by the consent of the Inhabitants interested therein, been enclosed as a Burial Ground for the Roman Catholic Chapel at Dartmouth, which it is desirable should be confirmed for that use; *And whereas*, it is requisite, for the purposes aforesaid, to appoint new Trustees for said Common:

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to nominate and appoint three fit and proper persons to be Trustees of the said Common, at Dartmouth; and in case of any vacancy among such Trustees, by death, resignation, removal from office, or permanent absence, from time to time, to supply such vacancy.

Trustees of  
Common to be  
appointed

II. *And be it enacted*, That in the said Trustees, for the time being, the legal estate and title of and in the said Common shall be and be deemed at all times hereafter absolutely vested for the benefit of the said Inhabitants of Dartmouth.

Title to Com-  
mon to be in  
Trustees

III. *And be it enacted*, That the said Trustees shall, when appointed as aforesaid, make and execute to any persons who may be named and selected for that purpose, by the officiating Roman Catholic Clergyman, at Dartmouth, a Deed or Conveyance, in fee simple, of so much and such portion of the said Common as is now enclosed and used as a Burial Ground for the Roman Catholic Congregation, at Dartmouth, to be held by such persons, and their heirs, for the purpose of being so used and employed as a Burial Ground, as aforesaid.

Trustees to  
execute Deed  
to the Roman  
Catholic Cler-  
gyman of the  
part used as a  
Burial ground  
by the Roman  
Catholics

IV. *And be it enacted*, That the said Trustees shall, immediately after they shall be so appointed as aforesaid, proceed to lay off and divide into proper, convenient, and suitable lots and parcels, all that portion of the said Common, which is bounded in front, westerly, on the Harbour of Halifax, and in rear, eastwardly, by the road leading from Water Street, in Dartmouth, to the Wind Mill: *Provided*, that there shall be reserved and laid off, through the said Lots so directed to be laid out as aforesaid, a Public Road, sixty feet wide, along the line of high water mark, or as near thereto as may conveniently be.

Part of the  
Common to be  
laid off into  
Lots

V. *And be it enacted*, That after the said several lots or parcels of Land shall have been laid off as aforesaid, the said Trustees shall fix and apportion for each lot or parcel of Land some small annual rent; and, after due notice of such sale, publicly given by advertisement, shall proceed to offer such respective lot or parcel of Land for sale, at Public Auction, for the highest price to be obtained for the same, subject to the annual rent as aforesaid, for the term of nine hundred and ninety-nine years.

Lots laid off to  
be Leased

VI. *And be it enacted*, That the Trustees aforesaid, shall make and execute Leases to the said respective purchasers, for the said term of nine hundred and ninety-nine years, on payment of the price for which the same shall be sold, subject to the rent reserved, to be by the said Lease, made payable half yearly; and such Leases shall suffice to vest in every such purchaser the lot or parcel purchased by him, subject to the rent reserved for the term aforesaid.

Trustees to  
execute Leas-  
es

VII. *And be it enacted*, That the price to be obtained for the said lots or parcels of the said Common, to be so sold as aforesaid, as well as the rents to be annually received therefrom, shall be paid and applied to the improvement of the remainder of the said Common, and of the road leading through the same, hereinbefore mentioned.

Proceeds to be  
applied to im-  
prove Common

VIII. *And be it enacted*, That the Trustees in office, from time to time, under this Act, shall have power to demand, sue for and recover, the rents reserved, and monies to be received, from and upon said Leases, and shall pay and apply the same, as hereinfore directed.

Trustees im-  
powered to  
sue for rent

IX. *And be enacted*, That the Trustees shall annually submit an account of all Monies received and paid by them to the Inhabitants resident in the Town Plot of Dartmouth, at a meeting to be called for that purpose, on the first Monday in March, in every year, at which Meeting a Committee of three of the said Inhabitants shall be appointed to audit the accounts, so submitted by the said Trustees, who shall make their report in writing at the next Annual Meeting of the said Inhabitants.

Trustees to ac-  
count to Inha-  
bitants of  
Dartmouth

CAP. LIII.

**An Act to provide a Lock-up House and Town House at Barrington, in the County of Shelburne.**

*(Passed the 10th day of April, A. D. 1841.)*

Money to be presented by Grand Jury Sessions

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Grand Jury of the County of Shelburne to present, and for the Court of General Sessions of the Peace for the said County to confirm, any sum of Money which may be deemed necessary and sufficient to the erecting and completing of a suitable Building, in some central and convenient part of the Township of Barrington, to be used as a Town House, for the holding of Elections, Town Meetings, Special Sessions and other Town purposes, when required, and also with suitable apartments or rooms therein, which may or can be used as, and for the purposes of, a Lock-up House, in the said Township.

Assessment

II. *And be it enacted,* That any such sum, so presented and confirmed, shall be assessed, levied and collected, together with, and in the same manner, and by the like means, course and procedure, as now by Law provided, in respect to any other Monies required to be assessed, levied and collected, for County purposes, and shall be paid over, and expended to and by, such person or persons, as the Grand Jury and Court of Sessions shall appoint, to expend for the purposes aforesaid.

To be under the authority of Grand Jury

III. *And be it enacted,* That the said Town House, and Lock-up House, shall be placed under the charge of such person as the Grand Jury shall recommend for that purpose; and it shall and may be lawful for the said Court of Sessions, from time to time, to make all necessary regulations for the proper keeping and use of the said Town House and Lock-up House, and for the custody and safe keeping of such persons as may be confined therein, as may be requisite and necessary.

CAP. LIV.

**An Act to amend the Act for providing Fire Engines for the Town of Yarmouth, and for other purposes.**

*(Passed the 10th day of April, A. D. 1841.)*

Exemption of Firemen

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That in addition to the exemption from Militia Trainings, or Musters, by the fifteenth Section of the Act, passed in the seventh year of the Reign of His late Majesty King William the Fourth, entitled, An Act for providing Fire Engines for the Town of Yarmouth, and for other purposes, conferred upon the Engine-men appointed, and to be appointed, under the Act, such Engine-men shall also be hereafter exempted from Labor on the Roads and Highways, under any Act or Acts of this Province.

Term of Act

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

CAP. LV.

**An Act to Incorporate the Town of Halifax.**

*(Passed the 10th day of April, A. D. 1841.)*

Preamble

**W**HEREAS, for the better protection, care and management, of the local interests of the Inhabitants of the Town of Halifax, and for its Municipal Government and Improvement, it is expedient that the said Town be Incorporated :



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

The Inhabitants of Halifax to be a Body Corporate by the name of the City of Halifax

To have a common seal

To sue and be sued

To hold goods and lands, &c.

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

Limits of the City

III. *And be it enacted, That, for the purposes of this Act, the said City of Halifax shall be, and hereby is, divided into six Wards, to be called, respectively, the first, second, third, fourth, fifth, and sixth Wards.*

Boundary of the six Wards

IV. *And be it enacted, That the said six Wards of the City of Halifax shall be divided, bounded and limited, as follows, that is to say:*

Number One.—To commence on the Shore, on the east side of Water Street, at a point opposite to the centre of Wallace Street; thence westwardly, through the centre of the said Street, to Barrington Street; thence northwardly, through the centre of the said Street, to the Street known as the Spring Garden Road; thence by the centre of the said Street, westwardly, to the termination thereof; thence southward, to the road which leads to the North-west Arm, past Studley; thence westwardly, by the centre of the said road to the North-west Arm; thence by the shore, southwardly and eastwardly, and by the courses of the shore, to the place of beginning.

First Ward

Number Two.—To commence on the Harbour of Halifax, at the centre of Noble's Wharf; thence westwardly, by the centre of Sackville Street, until it intersects the Road which crosses the Common, in the rear of the Citadel Hill; thence northwardly and westwardly, through the centre of the said Road, past the Windmill Hill, to the shores of the North-west Arm; thence southwardly, by the courses of the said shore, to the centre of the Road which leads to the North-west Arm, by Studley, being the northern bounds of Ward Number One; thence eastwardly, by the centre of the said Road, and by the Spring Garden Road, to Barrington Street; thence southwardly, through the centre of the said Street, to Wallace Street; thence eastwardly, through the centre of the said Street, to the point of commencement of Ward Number One; thence by the Harbour to the place of beginning.

Second Ward

Number Three.—To commence on the Harbour of Halifax, at the centre of Ryan's Wharf; thence westwardly, by the centre of Duke Street, across the Citadel Hill, to the Road which crosses the Common, in the rear thereof; thence southwardly, by the centre of the said Road, until it is intersected by Sackville Street; thence eastwardly, through the centre of Sackville Street, to the point of commencement of Ward Number Two; thence by the Harbour to the place of beginning.

Third Ward

Number Four.—To commence on the Harbour of Halifax, at the centre of Leppert's wharf; thence westwardly, by the centre of Jacob's Street, to Barrack Street; thence northwardly, through the centre of that Street, to the Street which leads westwardly past the Barrack Stores, to the Road which crosses the Common, in the rear of Citadel Hill; thence southwardly, by the said Road, to the northern line of Ward Number Three; thence eastwardly, by said line, until it strikes the centre of Duke Street; thence through the centre of the said Street, eastwardly, to the place of commencement of Ward Number Three; thence by the Harbour to the place of beginning.

Fourth Ward

Number

Fifth Ward

Number Five.—To commence on the Harbour of Halifax, at the south-western corner of the Dock Yard Wall; thence westwardly, by the centre of Gerrish Street to Gottingen Street; thence northwardly by the centre of Gottingen Street to North Street, thence westwardly, by the centre of North Street, until it reaches the Dutch Village Road; thence through the centre of the said Road, until it reaches the brook which runs into the North West Arm; thence southwardly, by the shore of the said Arm until it meets the northern line of Ward Number Two; thence by the said line, eastwardly, through the centre of the Wind Mill Hill Road to the Road which crosses the Common, in the rear of Citadel Hill; thence northwardly, by said Road, until it is intersected by the Road which runs westwardly from Barrack Street; past the North Barracks; thence eastwardly, through the centre of said Street, to Barrack Street, thence southwardly, by the centre of said Street, to the centre of Jacob's Street; thence eastwardly, by the centre of said Street, to the place of commencement of Ward Number Four; thence by the Harbour to the place of beginning.

Sixth Ward

Number Six.—To commence at the south-western corner of the Dock Yard wall; thence running northwardly on the eastern side of the Dock Yard, by the shores of the Harbour and Bason, northwardly, to the place where the Bason Road is intersected by the Road running through the Dutch Village, by Titus Smith's; thence southwardly, by the said Road, until it intersects the Road leading from the Town of Halifax, past Hosterman's Mills; thence eastwardly, through the centre of the said Road, until it meets North Street; thence eastwardly, through the centre of North Street, until it intersects Gottingen Street; thence by the centre of Gottingen Street, until it is intersected by Gerrish Street; thence eastwardly, by the centre of Gerrish Street, to the place of commencement, at the south-west corner of the Dock Yard.

City Council  
may alter the  
limits of  
Wards

Proviso

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

Government of  
the City to be  
vested in a  
Mayor Alder-  
men and City  
Council

VI. *And be it enacted*, That the administration of the fiscal, prudential, and municipal affairs, and the government of the said City, shall be vested in one principal officer, who shall be and be styled the Mayor of the City of Halifax, and six persons, who shall be and be styled Aldermen of the City of Halifax, and twelve persons who shall be and be styled Common Council-men of the City of Halifax, to be severally elected as hereinafter provided; and such Mayor, Aldermen and Common Council-men, for the time being, shall be and be called the Council of the said City.

City Assessors

VII. *And be it enacted*, That there shall be annually appointed, elected and chosen, two officers for each Ward of the said City, to be named City Assessors; and that no person shall be eligible to be chosen to that office, unless he shall be resident in the Ward for which he may be elected, and in all respects qualified in the manner and to the extent required in the case of Common Councillors, in and by this Act.

Election of  
Officers how  
to be conduct-  
ed

VIII. *And be it enacted*, That the first election, after the passing of this Act, of the Mayor, Aldermen, Common Councilmen, and Assessors of the said Corporation, shall be conducted and made in manner following, that is to say:—The Sheriff of the County of Halifax, by himself and his sufficient Deputy or Deputies, by him named for that purpose, shall, within sixty days after the passing of this Act, appoint a day and place for the election of three persons to serve in the City Council, and two Assessors in each Ward, whereof he shall give notice in the Public Newspapers printed in Halifax, and by Handbills, in the several Wards, for ten days previous thereto, and shall, agreeably to such notice, conduct such elections; and all the Male Inhabitants who shall have resided in the said City for at least one year then next preceding, and being of the age of twenty-one years or upwards, and being natural born subjects of our Lady the Queen, Her Heirs or Successors, or who shall have been naturalized or made denizens, and each of whom shall actually, and within the Ward for which he shall vote, then be, and for one month previously have been, actually, and in his own right, the bona fide tenant and occupier, under some tenure not less than

Notice of Elec-  
tionQualification  
of Electors

than a tenancy for one year, or bona fide owner and occupier in his own right of an entire and separate Dwelling House, or an entire and separate Warehouse, Counting House, Field, Wharf, Office or Shop, severally of the bona fide yearly rent or value of Twenty Pounds or upwards, or each of whom shall actually and within the Ward for which he shall vote, have been for the time and under the tenure aforesaid, in like manner the bona fide tenant and occupier, or bona fide owner and occupier, of some share, part or interest, in some Dwelling House, Warehouse, Counting House, Field, Wharf, Office, or Shop, the bona fide yearly value or rent of his own proportion whereof, shall be Twenty Pounds and upwards, (and no other persons) shall be entitled to vote at said Elections for such three persons, and two Assessors, in the said Wards respectively; and that the Sheriff, in case no scrutiny be demanded, shall immediately return to the office of the Secretary of the Province, the names of the persons having the majority of votes at the said Election; and the said Secretary, by the authority of His Excellency the Governor, shall cause the said return to be published in the next Royal Gazette; and the persons so returned by the Sheriff, as having the majority of votes, shall be deemed and held to be the Councillors and Assessors for the said Wards respectively; and the said Councillors shall, as soon as may be convenient, after such publication, and not more than three days thereafter, assemble at the County Court House, in the City of Halifax, and, having chosen a Chairman, shall then and there by a majority of votes, by way of ballot or otherwise, as they may think proper, elect one fit and proper person out of their own body, to be the Mayor of the City: *Provided*, there shall be present at such election of Mayor, not less than fifteen Councillors; and if so many shall not assemble, the said Meeting shall be adjourned from day to day, until those numbers be present; and the Chairman shall, at the said Election, be entitled to vote, and also shall have a casting vote in case of an equality; and that all the necessary expences incurred for holding the said first Elections shall be paid and borne out of the funds of the City: *Provided always*, that all the said first Elections of Councillors and Assessors, shall take place on the same day and hour in all the several Wards; and that the said first Elections of Councillors and Assessors shall be conducted by way of open voting in public, in manner practised in the Election of Members of Assembly; and that any person, whose right to vote thereat shall be questioned at the time of offering his vote, shall take the following oath, before the presiding Officer shall receive or take down his vote—which oath the presiding Officer is hereby authorised to administer, that is to say:—"I do solemnly swear, that I have resided in Halifax for one year or upwards, now next preceding; and that I am of the age of twenty-one years or upwards, and am a natural born subject of our Lady the Queen, or have been naturalized or made denizen, (as the case may be,) and that I have been for one month, now next preceding, and now am within this Ward, for which I claim to vote, actually, and in my own right, the bona fide tenant and occupier, under a tenure not less than a tenancy for one year, or the bona fide owner and occupier in my own right, of an entire and separate Dwelling House, Warehouse, Counting House, Field, Wharf, Office, or Shop, (as the case may be,) of the bona fide yearly rent or value of Twenty Pounds, or upwards, or that I have been for the time aforesaid, and now am, within this Ward, for which I claim a right to vote under the same tenure, the bona fide tenant and occupier, or bona fide owner and occupier, of some share, part, or interest, in some Dwelling House, Warehouse, Counting House, Field, Wharf, Office or Shop, the bona fide yearly value or rent of my own proportion whereof, is Twenty Pounds or upwards, and that I have not before voted at this Election, or any other Election at this time being held for any other Ward;" and the presiding Officer shall mark every such vote as having been sworn on his book: *And provided*, that the said Elections shall respectively continue open not longer than one day, and shall be closed at seven o'clock in the afternoon, unless previously closed by Proclamation, when a vote shall not have been polled for an hour; and the presiding Officer shall, at the close of each Election, declare the majorities; and in case any person who had voted at the same Election, shall then publicly demand a scrutiny of the Election of any one or more of the said Officers, the presiding Officer shall note such demand in his book; and every such scrutiny, if persevered in, shall be finally determined by the judgment of the Councillors elect, whose Elections are not disputed, and who shall have power to hear witnesses on oath, and to appoint a Chairman with right to vote, and if need be, to give a casting vote. And if any of the said Councillors elect shall not attend, the remainder

*See also Act on  
to order  
9 Dec 1857  
1162 h 100*

Names of persons elected to be returned to Secretary of the Province and published in the Gazette

The Councillors to assemble and choose a Mayor

Proviso

Expenses of Election

All Elections to take place on the same day

Oath of Elector

*Subst a third in  
entire own  
9 Dec 1857  
1162 h 100*

Scrutiny

of them shall act; but if three cannot be procured, then the said High Sheriff, associated with any two of them, or any two or the other presiding officers, shall hear and determine such scrutiny as aforesaid: *Provided*, that no votes shall be scrutinized but those marked as having been sworn; and that such scrutiny or scrutines shall be proceeded in on the day next after the close of the said Elections, and thenceforth, day by day, without interruption, (Sundays excepted), until all the said scrutines, in rotation, if more than one, shall be determined—no one scrutiny being allowed to engage more than two days; and the Sheriff shall, immediately on the close of all the said scrutines, make return to the Secretary's Office of all the said Elections as aforesaid, and shall therein be governed by the decisions made on the said scrutines; and the said returns shall be published, and the further proceedings, hereinbefore provided, shall thereafter be had, as in cases where no scrutiny occurred.

Election of  
Councillor in  
place of Mayor  
or

IX. *And be it enacted*, That the first Mayor of the said City, within two days after he shall have been elected, approved and sworn into office, as directed by this Act, shall cause public notice to be given of an Election to be held within the Ward by which he was elected, of one fit person, duly qualified, to serve in the City Council; and such Election shall be held before any two of the City Councillors, to be appointed for that purpose by the Mayor and Councillors, and shall, in all other respects, be governed by, and subject to, the provisions of this Act, made for regulating the first election of Councillors.

City Council  
to elect Alder-  
men

X. *And be it enacted*, That within two days after the election and return of a person to serve in the City Council, in the place of the first Mayor as aforesaid, the City Councillors shall elect from among themselves, six persons to be the first Aldermen of the said City, being duly qualified, according to this Act, for the said office, over which Election the Mayor shall preside, with power to give a casting vote, if necessary, for determining the same.

A list of Al-  
dermen to be  
formed

XI. *And be it enacted*; That as soon as the said six Aldermen shall be elected, a numerical list of such Aldermen shall be formed by the City Council, in the order the City Council shall see fit to appoint; and which list shall be ever kept up, the Aldermen afterwards, from time to time elected, being placed at the foot thereof, in the order the Council shall direct, except in the case of Aldermen appointed to supply accidental vacancies, who shall occupy the place in the said list held by those whose vacancies they shall supply respectively.

A list of Com-  
mon Council-  
men to be  
formed

XII. *And be it enacted*; That immediately after the Election of Aldermen, the City Council shall form a list of the Common Council-men, by placing in numerical succession the six Wards, and under each Ward the names of the Common Council-men elected by such Ward, in the order the City Council may direct, and distinguished in the case of each several Ward, as the first, second and third, if so many; and the said list shall be ever after kept up, the Common Council-men afterwards, from time to time elected, and not chosen Aldermen, being placed under their respective Wards, and below the names then standing there; and when more than one name shall be added to the list of any one Ward, the order of standing of the newly added names shall be directed by the City Council; *Provided*, that Common Council-men, elected to supply accidental vacancies, shall occupy the places in the said list held by those whose vacancies they shall supply respectively.

Common  
Council-men  
when to go out  
of office

XIII. *And be it enacted*, That on the first day of October, in the year 1842, and in every succeeding year, the two Assessors for each Ward shall go out of office; and on the same day in the said year, and in each succeeding year, six of the same Common Council-men shall go out of office, being those standing as the first for each Ward on the list of Common Council-men: *Provided*, if it shall happen that the whole number of six cannot so be made up, then and in such case, the remainder of the said six out-going Common Council-men shall be taken from those marked as the second on the said list, beginning with the Ward having the greatest number of Council-men then in office, and among those that are equal in number, beginning with the Common Council-men longest in office; and when there is an equality also in this respect, then making up the required number of out-going Common Council-men from those marked second on the list, in such manner as the Common Council shall determine; and on the said first day of October, in the said year 1842, and in each succeeding year, each of the said six Wards shall elect one fit and duly qualified person to serve in the City Council, whose names shall be entered in the said list of

Common



Common Council-men, under their respective Wards, and at the foot of any other name or names which may then be standing under the same Wards respectively; and shall also elect two fit and duly qualified persons to serve as Assessors.

XIV. *And be it enacted*, That on the first day of October, in the year 1843, and in each succeeding second year, the three Aldermen whose names are at the head of the said list of Aldermen, shall go out of office, and the Ward or Wards, by which they had respectively been elected to serve in City Council, shall return a like number of duly qualified persons to serve in the City Council, in addition to the Common Council-men annually to be elected by each Ward, under the provisions of this Act as aforesaid; and the names of such three persons, when elected and returned, shall be entered on the list of Common Council-men under their respective Wards, in the manner hereinbefore provided.

Aldermen  
when to go  
out of office

XV. *And be it enacted*, That on the third day of October, in the year 1843, and in every succeeding second year, or as soon thereafter as all the Elections and returns of the nine persons who, by the provision of this Act are required to be elected to serve in the City Council in the said year 1843, and in every succeeding second year, shall be duly determined and made, the City Council shall elect, from among the City Councillors, three duly qualified persons to be Aldermen, with the three Aldermen then continuing in office, whose names shall be entered at the foot of the said list of Aldermen, and shall be removed from the said list of Common Council-men.

New Aldermen  
when to be  
elected

XVI. *And be it enacted*, That on the third day of October, in the year of Our Lord One Thousand Eight Hundred and Forty-two, and on the same day in every succeeding year, or if the annual Elections and returns shall not in any year be then complete, then and in every such case, within ten days after they shall be perfected, the Aldermen and Common Council-men of the said City, shall elect, out of the Aldermen of the said City, by a majority of votes, by ballot or otherwise, a fit person to be Mayor of the said City, who shall continue in office for one whole year; and in case a vacancy shall occur in the said office of Mayor, by reason of any person who shall have been elected to that office not accepting the same, or by reason of his dying, or ceasing to hold the said office, the Aldermen and Common Council-men of the said City, shall, within ten days after such vacancy, elect out of the Aldermen of the said City another fit person to be Mayor thereof, for the remainder of the period for which the Mayor whose place is to be supplied was to serve: *Provided*, that no person shall be capable of being appointed Mayor of the said City, who shall not at the time of his Election, in every respect, be qualified in such manner as would entitle him to be then elected an Alderman of the said City, conformably to the provisions of this Act: *And provided also*, that after any such Election, the former Mayor shall occupy the office and place in the City Council of the Mayor then elect, and go out of office at the time and in the manner such Mayor elect might or would have done if not elected Mayor, unless the out-going Mayor shall desire to retire from the City Council, and shall, within two days after the expiration of his Mayoralty, give notice in writing of his resignation to the City Council—in which case a Councillor shall be elected by the Ward, by which the Mayor elect was elected, in manner herein prescribed.

Mayor to be  
elected.

XVII. *And be it enacted*, That immediately after the Election of any person to fill the office of Mayor, under this Act, the name of the Mayor elect shall be submitted to the Governor of this Province, for his approval, in the manner following, that is to say:—In the case of the first Election, three of the Aldermen elect; and in the case of all future Elections, the City Clerk shall transmit, in writing, the name of the person so elected to the Secretary of the Province, for such approval; and in case such approval is given, the said Mayor elect shall be sworn into office as hereinafter provided; and in case such approval is not given, a new Election or Elections shall take place in the manner herein provided for the Election of Mayor, until such approval is obtained; and no Election of Mayor shall be complete, nor shall any person act, or have any authority to act, as Mayor, until such approval shall first have been given and procured, conformably hereto.

Mayor to be  
approved of  
by Governor

XVIII. *And be it enacted*, That the Mayor, Aldermen and Council-men, and Assessors, shall, before entering on the duties of their offices respectively, be sworn, by taking and subscribing the Oath of Allegiance and Oath of office; and such Oaths shall be administered to the Mayor elect by the Governor, or in his absence before the Chief Justice, in the presence of three Aldermen; and such Oaths shall and may be administered to the Aldermen,

Oath of Office.



men, and Common Council-men, and Assessors, by the Mayor, being himself first sworn as aforesaid; and a certificate of such Oaths having been taken, shall be entered by the City Clerk on the City Minutes. And the said Oath of Office shall be in the following form:—  
 “I, A. B., do swear that I am duly qualified, as required by Law, for the Office of  
 “to which I have now been elected or appointed; and that I am seized or possessed for my  
 “own use of Real or Personal Estate, or both, in the City of Halifax, after the payment or  
 “deduction of my just debts, of the value of           Pounds, (as the office may be,) and  
 “that I have not fraudulently or collusively obtained the same, or a title to the same, for the  
 “purpose of qualifying myself to be appointed or elected to the said office, or any other  
 “office in the said City; and I do swear that I will diligently, faithfully and impartially, and  
 “to the best of my ability, discharge the several duties which appertain to the said office  
 “of           while I hold the same—So help me God;” and into which Oath shall be filled  
 in the foregoing blanks, before being sworn, the title of office, and the sum of money, re-  
 quired by this Act, as the qualification of the Officer making the Oath.

Qualifications  
for Mayor and  
Aldermen

XIX. *And be it enacted*, That no person shall at any time be capable of being appointed or elected the Mayor, or an Aldermen of the said City of Halifax, unless at the time of his Election he shall be, and for twelve months next immediately previous thereto, shall have been, actually within the said City, in his own right, the bona fide tenant and occupier, under some tenure, not less than a tenancy for one year, of an entire and separate Dwelling House of the bona fide yearly rent or value of Fifty Pounds, or upwards, and resident within the said City; and also, unless he shall, at the time of such Election, be seized or possessed to his own use of Real or Personal Estate, or both, within the said City, after payment or deduction of his just debts, of the value of One Thousand Pounds Currency.

Qualifications  
of Common  
Council-men

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

Qualifications  
of Officers

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

Persons in-  
capable of of-  
fice

XXII. *And be it enacted*, That no person, being in holy orders, or being a Minister or Teacher of any dissenting or religious Sect or Congregation, nor any Judge or Judges, Clerk or Clerks of any Court, nor any of the Ministerial Law Officers of the Crown, nor any person accountable for the City Revenues, or receiving any pecuniary allowance from the City for his services, nor any officer or person presiding at an Election of a Councillor or Councillors, while so presiding, nor any Clerk or Assistant employed by him at any such Election, while so employed, shall be capable of being appointed or elected a Councillor for the said City.

Rent to be  
paid by voters

XXIII. *And be it enacted*, That the City Councillors and Assessors of the said City of Halifax, at the periods hereinafter appointed, shall be chosen by the majority of votes of such persons only, being inhabitant House-holders within the Ward for which such Election shall be had, as shall severally be possessed, and be actually in the occupation, as the bona fide tenant and occupier, at the time of the Election, and for not less than one month next before such Election, of an entire and separate Dwelling House within the said Ward, of the actual and bona fide yearly rent or value of Twenty Pounds or upwards, or of some share, part or interest, in some Dwelling House within the said Ward, the bona fide yearly rent or value of which share, part or interest, shall be Twenty Pounds or upwards, held by them  
 respectively

respectively in freehold, or for a term of years, or for a term not less than one year, and who shall have been resident within the said City, during one year or more, previous to any such Election, and part of a dwelling house in which an Inhabitant shall reside as a Householder, and not as a boarder or lodger, and having a separate communication with the street, and being in every respect distinct and separated from any part of the same or any other House, shall be considered a Dwelling House, within the meaning of this enactment: *Provided always*, that when and so soon as any Rate or Rates, Assessment or Assessments, shall be laid by and under the authority of this Act, no such Inhabitant Householder shall be entitled to vote at the Election of Councillors and Assessors as aforesaid, unless he shall have been rated to, and in respect of, the Rates or Assessments laid as aforesaid, and shall have paid his Rates and Assessments in full, due up to the time of such Election, of which payment the evidence shall be the receipt of the City Treasurer produced at the time of voting, and then lodged with the Returning Officer at any such Election; *And provided also*, that after any such Rate or Assessment shall have been laid as aforesaid, every male person, though not a Householder, who shall have been resident in the said City during three years next preceding any such Election of Councillors, and who shall have been the bona fide tenant and occupier, or the owner and occupier in his own right, of any Warehouse, Counting House or Shop, Office, Field or Wharf, of the bona fide yearly rent or value of Twenty Pounds or upwards; or who shall have been the bona fide tenant and occupier, or the owner and occupier in his own right, of any share, part or interest, in some Warehouse, Counting House or Shop, Office, Field or Wharf, the bona fide yearly rent or value of which share, part, or interest, shall be Twenty Pounds or upwards, within any of the said Wards of the said City, during twelve months next preceding, and at the time of such Election, and shall have been rated for not less than one year in respect of such premises for any such Rate or Assessment as aforesaid, shall be entitled to vote at the Election of Councillors to be had in the Ward in which such premises shall be situated: *And provided also*, that no such Inhabitant Householder, or occupier of a Warehouse, Counting House or Shop, Office, Field or Wharf, or share, part or interest, therein as aforesaid, within the said City, shall be entitled to vote at any such Election of Councillors, unless he shall have paid the amount of all Rates and Assessments within the said City of Halifax that may have been due and payable by him, before the holding of any such Election—of which payment the evidence shall be the receipt of the City Treasurer, produced at the time of voting, and then lodged with the returning Officer at any such Election: *Provided*, that nothing in this Act contained shall prevent any such persons from voting for Councillors and Assessors at the first Election, although they may not have been rated and assessed as aforesaid.

Assessments to be paid previous to voting.

XXIV. *And be it enacted*, That on the first day of October, which will be in the year of our Lord One Thousand Eight Hundred and Forty Two, and on the same day in every succeeding year, the Inhabitant Householders, and persons qualified to vote as aforesaid, shall openly assemble in the several Wards aforesaid, and elect, from the persons qualified to be Aldermen, Common Councilmen and Assessors, respectively, such and so many fit and proper persons to be City Councillors and Assessors for each of such Wards respectively, or so many as shall be required to supply the places of those who shall then go out of office.

City Councillors, &c. to be chosen from Aldermen in lieu of those going out of Office

XXV. *And be it enacted*, That the Election of Councillors and Assessors, to be had as aforesaid, on the first day of October, which will be in the year of our Lord One Thousand Eight Hundred and Forty Two, and all subsequent Elections of Councillors, to be had under the provisions of this Act, shall, after notice, as hereinbefore prescribed, in regard to the first Election, be held at convenient places in the said several Wards of the said City, and shall respectively be held by and before such of the Aldermen or Councillors of the said City, as may, by the Mayor of the said City, for the time being, be appointed; or, in the case of vacancy in the office of Mayor, by the Aldermen and Common Councilmen of the said City.

Elections to be held at convenient places before Mayor and Aldermen.

XXVI. *And be it enacted*, That at Elections of Councillors and Assessors as aforesaid, the Poll shall be opened at nine o'clock in the forenoon, and shall continue open till five o'clock in the afternoon of the same day, and the name of each Elector voting at such Election shall be written in Poll Lists, to be kept at such Election by the officer or person holding the same; and after finally closing the Poll at any such Election, the officer or person

Directions for holding the poll

son by whom the same shall be held, shall forthwith proceed publicly to declare the number of votes given for each candidate or person for whom votes shall have been taken, and shall declare the person or persons having the majority of votes in his or their favour to be duly elected as aforesaid; and if there should be, at the final closing of the Poll as aforesaid, an equal number of votes polled for two or more persons, it shall be lawful for the officer or person holding such Election, and he is hereby required, whether otherwise qualified or not, to give a vote for one or other of the persons having such equality of votes, in order to give a majority to one of them, and determine the Election; and the Poll Lists kept at such Elections shall, by the officers or persons holding the same, be delivered, within three days after the conclusion of every such Election, to the Clerk of the City, to remain in his office, where they shall be open to inspection by any Elector, on the payment of a fee of one shilling: *Provided*, that in case of a scrutiny being demanded, every such scrutiny, if persevered in, shall be finally determined by the City Council, by the judgment of the Councillors elect, or any three of them, whose Elections are not disputed, and who shall have power to hear witnesses on oath, and to appoint a Chairman with right to vote, and if need be to give a casting vote: *Provided*, that no vote shall be scrutinized but those marked as having been sworn, and that such scrutiny or scrutines shall be proceeded in on the day next after the close of the said Elections, and thenceforth, day by day, without interruption, (Sundays, Christmas Day and Good Friday, excepted,) until all of the said scrutines, in rotation, if more than one, shall be determined—no one scrutiny being allowed to engage more than two days: *And provided also*, that the Returning or Presiding Officer shall, in the case of all, after the first, make the same returns to the City Council as is hereinbefore directed to be made by the Sheriff to the Secretary's Office in the case of the first Election; and the City Council shall, thereupon, in every case, publish such returns in the Royal Gazette immediately thereafter.

Scrutinies

Presiding Officer to repress riots

XXVII. *And be it enacted*, That it shall be the duty of the Presiding Officer, at any Ward Meeting for the Election of Officers, or for any other purpose, now or hereafter to be appointed, and they shall and are hereby declared to have full power and authority to preserve order and decorum, and to repress all riotous, tumultuous, and disorderly conduct therein, and for that purpose to call to his aid any Constable, or other Peace Officer, and also to command the aid and assistance of any person or persons who may be present; and any Peace Officer, or other person, neglecting or refusing to afford such aid, shall be taken and deemed to be guilty of a misdemeanor; and such Presiding Officer shall, for the time being, have the power and authority of a Justice of the Peace, and shall have authority to cause any person or persons, who shall be guilty of any riotous, tumultuous, or disorderly conduct, at any such Meeting, to be taken into custody and committed to Gaol.

*Provided however*, That such imprisonment or restraint shall not at any time continue longer than forty-eight hours after the adjournment or dissolution of such Meeting.

*And further provided*, That the person so guilty of such disorderly conduct, shall be liable, notwithstanding such restraint, to be prosecuted and punished in the same manner as if such arrest had not been made.

Persons to vote only in one Ward

XXVIII. *And be it enacted*, That persons entitled to vote at the Election of Councillors as aforesaid, shall vote within the particular Ward in which the property, constituting their qualification to vote, shall be situated, and not otherwise; and if any such person shall be possessed of property entitling him to vote in two or more Wards, he shall be entitled to vote in one Ward only.

XXIX. *And be it enacted*, That, every person desirous of voting at any Election of Councillors or other City Officers shall, before he be permitted to vote, if required by the officer or person holding any such Election, or by any person qualified to vote at the same, make oath to the particulars of his qualification, and that he has not before voted at such Election, in manner hereinbefore provided—which oath the officer or person holding such Election is hereby authorised and required to administer; and which oath shall be in the form following, that is to say—in all cases where the question shall be in respect of a Dwelling House, or of a part, share or interest, therein, as follows:

Oath  
I do solemnly swear that I have resided in this City for one year or upwards now next preceding, and that I am of the age of Twenty-one years or upwards, and am a natural born Subject of our Lady the Queen, or have been naturalized or made denizen (as the case

case

case may be,) and that I now am, and, for one month or upwards now next preceding, have been, severally possessed, and in the actual occupation, of an entire and separate Dwelling House of the actual and bona fide rent or value of Twenty Pounds or upwards, within this Ward, for which I now claim a right to vote; or that I now am, and for one month or upwards now next preceding, have been, possessed and in actual possession of some share, part or interest, of the actual and bona fide rent or value of Twenty Pounds or upwards, of and in some Dwelling House within this Ward, for which I now claim to vote, which, in my own right, I now hold, and for all that period have held in freehold, or for a term of years, or for a term not less than one year, (as the case may be, and which the voter shall at such time declare,) and that I have not before voted at this Election, or at any other Election, which is at this time being held for any other Ward.—So help me God.

And in all cases where the qualification shall be in respect of a Warehouse, Counting House or Shop, Office, Field or Wharf, or of a part, share or interest, therein, as follows:

I do solemnly swear that I have resided in this City during three years or upwards, now next preceding, and am a natural born Subject of our Lady the Queen, or have been naturalized or made denizen, (as the case may be,) and that I am, and for twelve months or upwards, now next preceding, have been, severally possessed and in the actual occupation of an entire or separate Warehouse, Counting House or Shop, Office, Field or Wharf, of the actual and bona fide yearly rent or value of Twenty Pounds or upwards, within this Ward, for which I now claim to vote; or that I am, or for twelve months or upwards now next preceding, have been, possessed, and in the actual occupation, of some share, part or interest of an actual and bona fide yearly rent or value of Twenty Pounds or upwards, of and in some Warehouse, Counting House or Shop, Office, Field or Wharf, within this Ward for which I now claim to vote, which in my own right, I now hold, and for all that period have held, in freehold, or for a term of years, or for a term not less than one year, (as the case may be, and which the voter shall at the time declare,) and that I have not before voted at this Election, or any other Election, which is at this time being held for any other Ward.—So help me God.

Oath

And in every case the Presiding Officer shall note in his Poll Book that the voter was sworn, and which of the said qualifications and the nature of the tenure he swore to.

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

Punishment for swearing falsely

**XXXI.** *And be it enacted,* That if the day appointed for any Election, shall, at any time, happen to be a Sunday, Christmas Day or Good Friday, such Election shall take place the next following day.

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

Officers eligible for re-election

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

Person elected for two Wards to select

**XXXIV.** *And be it enacted,* That on the third day of October, in the year One Thousand Eight Hundred and Forty Two, and in every succeeding year, or as soon thereafter as the returns of the Members elect shall be complete, the Members of the said Council shall elect, from persons qualified to be Common Councilmen, by a majority of votes, two persons who shall be and be called Auditors of the said City of Halifax, whose duties shall be prescribed by the Bye-laws of the said Corporation; and every such Auditor shall continue in office until the first day of October in the year following his Election: *Provided always,* that in every such Election of Auditors, no Member of the said Council shall vote

Two Auditors to be elected

for



for more than one person to be such Auditor as aforesaid: *And provided also*, that no member of the said Council, nor the Clerk, nor the Mayor of the said City, shall be capable of being elected an Auditor as aforesaid.

Vacancies to  
be supplied

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

Fine for non-  
acceptance

XXXVI. *And be it enacted*, That every person duly qualified, who shall be appointed or elected to the office of Mayor, Aldermen, Common Councilmen, Auditor or Assessor, of the said City, shall accept the office to which he shall have been so appointed or elected, or shall, in default thereof, pay to the Treasurer of the said City, to and for the use of the said City, a fine as follows, that is to say: for the non-acceptance of the office of City Councillor, Alderman or Common Councilman, a fine of Twenty-five Pounds; for non-acceptance of the office of Auditor or Assessor, a fine of Twenty-five Pounds; and for non-acceptance of the office of Mayor, a fine of Fifty Pounds; and the Election to any of the said offices shall be held from prima facie evidence of qualification on the part of the person appointed, unless such person shall make oath before the Mayor, who is hereby authorised to administer such oath, that he is not possessed of the qualification for the office required by this Act, in some particular or particulars to be stated, in such oath; and every such fine, if not duly paid, shall be levied under the authority of the Warrant of any Justice of the Peace, having jurisdiction within the said City, who is hereby required, on the application of the said Council of the said City, to issue the same, by distress or sale of goods and chattels of the person so refusing to accept such office, with the reasonable charges of such distress; and every person so elected shall accept such office by taking the oath of allegiance, and oath of office hereinbefore mentioned, within four days after the notice of his Election, and, in default thereof, shall be liable to pay the fine aforesaid, as for his non-acceptance of such Office; and such office shall thereupon be deemed to be vacant, and shall be filled up by a new Election, to be made in the manner hereinbefore prescribed: *Provided always*, that no person disabled by lunacy or imbecility of mind, shall be liable to such fine as aforesaid: *And provided also*, that every person, so elected to any such office, who shall be above the age of sixty-five years, or who shall already have served such office, or paid the fine for not accepting such office within five years next preceding the day on which he shall be so re-elected, shall be exempted from accepting or serving the same office, if he shall claim such exemption, within five days after notice of his Election: *And provided also*, that no Military, Naval, or Marine Officer in Her Majesty's Service, on full pay, nor the Members of the Legislature of this Province, the Members of the Executive Council, nor persons who at some former time may have been Members of the Executive or Legislative Councils of the Province, nor the Surveyor General, the Adjutant General of Militia, the Provincial Secretary, Clerks in Public, Civil, or Military Departments, the Post Master General and his Deputies, Custom House Officers, the Sheriffs and Coroners, the Clerks and Commissioned Officers of the Legislature and of the Executive Council, and School Masters, shall be held or bound to accept any such office as aforesaid, or any other office in the said City.

Persons ex-  
empt

Disqualificati-  
ons

XXXVII. *And be it enacted*, That if any person holding the office of Mayor, Alderman or Councillor, shall be declared bankrupt, or shall apply to take the benefit of any Act for the relief of Insolvent Debtors, or shall compound by deed with his creditors, or being Mayor, shall be absent from the said City for more than two calendar months, or, being an Alderman or Common Councilman for more than six months at one and the same time, (unless in case of illness,) then, and in every such case, such persons shall thereupon immediately become disqualified, and shall cease to hold such office of Mayor, Alderman or

Common



Common Council-man as aforesaid; and in the case of such absence shall be liable to the same fine as if he had refused to accept such office, unless such absence be by leave first obtained from the City Council, to be recovered and applied in the same manner.

XXXVIII. *And be it enacted,* That the said Mayor and Aldermen, for the time being, shall, during their continuance in such offices, be and be deemed, within the limits of the said Corporation, Justices to keep the Peace in and for the said City, and shall have, use and exercise, the same and the like powers and authorities, as if they were respectively nominated and commissioned Justices of the Peace in and for the said City.

Mayor and Aldermen to be Justices

*Provided,* they shall first take and subscribe the Oaths by Law required for Justices of the Peace; *And provided,* nothing in this Act contained shall be construed to give them authority as Justices of the Peace over the County, or beyond the said limits.

*And provided also,* that nothing herein contained shall be construed to affect the jurisdiction within the said City of Justices of the Peace for the Province, or Justices of the Peace for the County of Halifax, now or hereafter to be appointed.

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

Mayor's Salary

XL. *And be it enacted,* That it shall be lawful for the said Council of the said City, from time to time as occasion may require, to appoint a fit and proper person, not being a member of the Council, to be Clerk of the said City, and another fit person to be Assistant Clerk, and another fit person, not being a member of the said Council, and not being City Clerk, to be Treasurer of the said City, a Clerk of the License for the said City, a City Marshall or High Constable of the said City, and two Constables for each Ward; one or more fit person or persons, not being of the Council, to be Clerk or Clerks of the Markets of the said City; and one Surveyor of Highways, Streets and Bridges, and such number of Overseers of Highways, Streets and Bridges, as they may deem necessary, and one Collector for each of the Wards of the said City, one or more Pound Keeper or Pound Keepers for the said City, and such other Officers as they may think necessary, to enable them to carry into execution the powers vested in them by this Act; and to prescribe and regulate the duties of all such Officers respectively, and at their pleasure to remove any such officer and appoint another in his place; and the said Council shall take such security for the due execution of the offices of City Clerk, Treasurer or other Officer, as they shall think proper; and shall and may grant and allow in each and every year to the City Clerk, Assistant Clerk, and other Officers to be appointed as aforesaid, such salary, allowance, or other compensation for their services, as they may think fit: *Provided,* that no person shall be capable of acting as City Treasurer until he shall have been sworn before the Mayor faithfully to perform the duties of his office, as hereinbefore prescribed, nor until he shall have executed a Bond to the City of Halifax, with two sufficient sureties, to be approved by the City Council, in the sum of £2000, conditioned for the faithful performance of the duties of his office, in such form as the Mayor may approve, or any Eye-Lay require.

Clerks and Officers to be appointed by City Council

1829 Dec 15

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

Money not to be paid without order from Mayor

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

City Treasurer

Dec 13 1827

XLIII. *And be it enacted,* That the Clerk, Treasurer, and other officers of the said City, appointed by the Council as aforesaid, shall respectively, at such times during their continuance in office, and also within three months after they shall respectively cease to be in office,

Accounts to be exhibited to City Council

Punishment of  
Defaulters

Accounts lia-  
ble to inspecti-  
on

office, and in such manner as the said Council shall direct, deliver to the said Council, or to such person as they shall authorise to receive the same, a true account in writing of all matters committed to their charge, by virtue or in pursuance of this Act; and also of all monies which shall have been by them respectively received, by virtue or for the purposes of this Act, and how much thereof shall have been paid and disbursed, and for what purposes, together with proper vouchers for such payments; and every such officer shall pay all such monies as shall remain due from him, to the Treasurer for the time being, or to such person as the said Council shall authorise to receive the same; and if any such officer shall refuse or wilfully neglect to deliver such account, or the vouchers relating to the same, or to make payment as aforesaid, or shall refuse or wilfully neglect to deliver to the said Council, or to such persons as they shall authorise to receive the same, within three days after being thereunto required by the said Council, all books, documents, papers, and writings, in his custody or power, as such officer aforesaid, then and in every such case, on complaint made on behalf the said Council, by such person as they shall authorize for that purpose, of any such refusal or wilful neglect as aforesaid, to any Justice of the Peace for the District or County wherein such officer shall reside or be, such Justice of the Peace shall be, and is hereby authorised and required to issue a Warrant under his hand and seal, for bringing any such officer before any two Justices of the Peace for such District or County; and upon the said officer not appearing, or not being found, it shall be lawful for the said Justices to hear and determine the matter in a summary manner; and if it shall appear to such Justices that any Monies remain due from such officer, such Justices may, and they are hereby authorised and required, on non-payment thereof, by Warrant under their hands and seals, to cause such Monies to be levied by distress and Sale of the Goods and Chattels of such officer; and if sufficient Goods and Chattles shall not be found to satisfy the said Monies and the charges of the distress; or if it shall appear to such Justices, that such officer has refused or wilfully neglected to deliver such account, or the vouchers relating thereto, or that any Books, Documents, Papers or Writings, which were or are in the custody or power of such officer, in his official capacity, have not been delivered as aforesaid, or are wilfully withheld, then, and in every such case, such Justices shall, and they are hereby required to commit such offender to the Common Gaol or House of Correction for the District or County where such offender shall reside or be, there so remain, without bail, until he shall have paid such Monies as aforesaid, or shall have made satisfaction to the said Council, or until he shall have delivered a true account as aforesaid, together with such vouchers as aforesaid, or until he shall have delivered up such Books, Documents, Papers and Writings, or have given satisfaction in respect thereof to the said Council: *Provided always*, that no person so committed shall be detained in prison for want of sufficient distress only, for a longer space of time than three calendar months: *Provided also*, that nothing in this Act contained shall prevent or abridge any remedy by action against any such officer so offending, as aforesaid, or against any surety for any such officer.

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

XLV.

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

Meetings of Council

XLVI. *And be it enacted*, That there shall be, in each year, four Quarterly Meetings of the said Council, which shall be held on such days, in each and every year, as shall be provided by any Bye-law in that behalf; and the said Meetings shall not, at any one time, be held for a longer period than three successive days, in which Sunday shall not be included.

Number of Meetings

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

Special Meetings

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

Minutes of proceedings

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

Committee to be appointed

L. *And be it enacted*, That it shall be lawful for the said Council of the said City, at a meeting or meetings of the said Council, composed of not less than two-thirds of the Members thereof, to make such Bye-laws as to them shall seem meet, for the good rule, peace, welfare and government of the said City; and for raising, assessing, and applying such monies as may be required for the execution of the powers with which the said Council is hereby invested; and for maintaining in the said City a good and efficient system of Police, in such manner as may by Law be provided, either by imposing tolls and rates, to be paid in respect of any Public Works within the said City, or by means of a rate or assessment, to be assessed and levied on Real or Personal Property, or both, within the said City, or upon the owners or occupiers thereof, in respect of such Property, or upon the sale of Goods, or upon the sale of Goods by Public Auction, within the said City: *Provided*, that such assessment shall not, in any one year, exceed Sixpence in the Pound on the assessed value of the Property, lying and being within the said City; and to impose, by such Bye-laws, such fines, not exceeding Five Pounds, and such imprisonment, not exceeding thirty days, as they may deem proper for enforcing the same; *and provided*, that not more Money in the whole than £5000 shall, in any one year, be assessed or levied on, or be collected or raised from, the said City by authority of the City Council; and that if, for any purpose, the City Council shall deem a larger amount to be requisite or proper, the said City Council shall make application to the Governor and the Executive Council of the Province, for leave to increase such amount, who shall thereupon have power, by an order from time to time in such application

Assessments

*Mode of regulating 9 m. 25. 11th h. 105.*

*Tolls & rates*

*Concussion in Sale of goods*

plication to be made and passed, to authorize the City Council to assess or levy on, or collect and raise from the said City a further sum for the object and purposes expressed in the application of the City Council in that behalf, and which shall be expressed in said order, not to exceed £2900 additional; *and provided* every such application shall be passed in the City Council by a majority of the Board present on the occasion; and that the number of the Members of City Council then present, who shall have voted for such application being made, shall be at least twelve; *and provided* every such Member shall have signed, in the record of the said City Council's proceedings, the Resolution passed in favour of making such application, and shall also sign the application to be therefore made to the Governor and Council as aforesaid; *and provided also*, that no Bye-law or Ordinance of the said City Council, for the imposition of tolls or taxes, upon any Goods, Produce, Manufacture, or Articles whatsoever, brought either by Land or Water into the said City, or for the limitation of the time, place or manner of sale thereof, nor upon any Cart, Carriage, Vehicle, Boat or Vessel, conveying the same, or engaged in the transport thereof, shall have any force or effect until submitted to, and sanctioned by, the three Branches of the Legislature.

LI. *Provided always, and be it enacted*, That a Copy of every Bye-law, to be made by virtue of this Act, shall be transmitted, with all convenient speed, after the making thereof, to the Governor of this Province, for the time being; and it shall be lawful for the said Governor, by and with the advice of the Executive Council of this Province, within Three Months from and after the receipt of such Copy, to disallow any such Bye-law; and such disallowance shall, without delay, be signified to the Mayor of the said City, and thenceforward such Bye-law shall be void, and of no effect: *Provided also*, that all Bye-laws repugnant to any Law of the Land, or to any Act of the Legislature of this Province, shall be null and void; and no Bye-law shall have any force or effect until after the same shall have been so transmitted as aforesaid, and then approved, or until after the said Three Months, without disapproval.

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

LIII. *And be it enacted*, That the Administration of Police within the said City, and all the Executive Powers of the said Corporation, generally, together with all the powers heretofore vested in the Police Magistrates of the Town of Halifax, by any Laws now in force, shall be and are hereby vested in the Mayor and Aldermen of the said City; and that the said Mayor, or, in his absence, the Alderman next in rotation for duty, shall daily attend in some Public Office, for that purpose to be appointed, and constantly, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, hold a Police Court for the said City, and therein hear and determine all and every Criminal offence and Prosecution, now cognizable before the Police Magistrates of Halifax, or before one or more Justices of the Peace, and shall and may do, perform and execute, each and every act, matter and thing, appertaining to the office of Justice of the Peace, necessary for the apprehension,

committal,

The Laws to  
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City Marshal

Duties of  
Mayor



committal, conviction and punishment, of Criminal Offenders, and for carrying into effect the Laws now in force, and the Ordinances and Bye-laws of the said City Council, made for the preservation of peace and good order; and also, in a summary manner, hear and determine all petty Thefts, Assaults, Batteries, Riots, Petty Trespasses, and Breaches of the Peace, committed within the said City, and riots or disturbances at Elections, and the Offender or Offenders, upon conviction thereof, to punish, by imprisonment, in the Common Gaol or House of Correction, not exceeding thirty days, or by fine not exceeding in any case the sum of Five Pounds, exclusive of Costs of Prosecution; and, in case of non-payment of the Fine and Costs, pursuant to such conviction, to commit the Offender or Offenders to the Common Gaol or House of Correction, for any time, not exceeding thirty days.

*And provided always*, That the said offences shall be prosecuted in each case within two months after the commission thereof.

*And provided always*, That no such conviction shall be quashed for want of form, and no Warrant of Commitment shall be held void by reason of any defect therein, so as it be therein alleged that the party has been convicted, and there has been a good and valid conviction, in point of fact, to authorise the same.

*And provided*, That nothing herein shall prevent the said Police Court from binding persons charged with such offences as aforesaid, or any other offence, under recognizance, with sureties, to appear and answer to the same in Her Majesty's Supreme Court, or the Court of Sessions at Halifax.

LIV. *And be it enacted*, That all the powers by Law now vested in, and exercised by, the Commissioners Court in Halifax, for the Summary Trial of Civil Actions, of limited amount, within the limits aforesaid, be vested in, and exercised by, a Court of the said Corporation, to be styled the City or Mayor's Court, to be holden on the first and third Tuesday of every Month, before the Mayor and one Alderman in rotation, or, in the absence of the Mayor, before two Aldermen in rotation, which Court shall continue in Session not longer in each Term than two days, and shall have power and jurisdiction within the City, over all Suits in which the whole cause of action or dealing shall have arisen within the Township of Halifax, and shall not exceed Ten Pounds; and in cases of Debts or Accounts, where the Defendant shall prove an offset of greater amount than the amount proved by the Plaintiff, to give judgment for the Defendant, for the balance due him; and also, over all Actions of Trover, Assault and Battery, Trespass on Lands, where the Title is not in question, and for Slander, wherein respectively the damage claimed shall not exceed Five Pounds; and shall award costs in all cases in favor of the party succeeding; and the process of the said Court shall be Writs of Summons, Capias and Execution, which shall be tested in the name of the Mayor, and be issued by the Clerk under a Seal, which the said Court is hereby authorised to make and use, and in such forms as shall be established by the City Council, and shall be directed to the City Marshal or his Deputy.

*Provided*, That whenever the Judgment of the said Court shall exceed Twenty Shillings, exclusive of costs, the party aggrieved may appeal to the Supreme Court, and Execution, and all other proceedings shall be stayed, upon sufficient security, by recognizance being given to prosecute the appeal and abide the Judgment of the Supreme Court—which recognizance the said City Court shall have power to take, and the party appellant shall enter his appeal and proceed thereon before the said Supreme Court at the first term thereafter, and shall bring up the Judgment from the Court below, which, on his default, the appellee also may do, and the said Supreme Court shall try the cause de novo, or order the same to be tried by a Jury, as shall seem fit to the said Court.

*Provided also*, That no Suit for any Debt or Dealings, the whole amount of which shall not exceed Ten Pounds, and which shall have arisen within the Jurisdiction of the said City Court, shall be brought in any other Court, except by way of appeal to the Supreme Court as aforesaid.

*And provided also*, That the same Fees shall be taxed and allowed in the Mayor's Court, as are now by Law payable in the Commissioners' Court, under and by virtue of the Act, made and passed in the fifth year of the reign of King George the Fourth, entitled, "An Act relating to the Court of Commissioners at Halifax."

And that all such fees, except the Constables Fees, shall be received by the City Clerk, and paid to the City Treasurer, and form part of the funds of the City.



Jury

LV. *And be it enacted*, That in every case which may be for trial, before either the Mayor's Court, or the Police Court, any party, Plaintiff or Defendant, may demand a Jury, in which case the Cause shall be tried by a Jury of Three Jurors, in the same Court; and the said Jury shall be summoned, and the Cause tried, under the provisions and penalties, and subject to the regulations, contained and declared with respect to the trial of certain Actions, by a Jury of Three, before two Justices of the Peace, in and by an Act passed in the Seventh Year of His late Majesty's Reign, entitled, "An Act to continue and amend the Act for the Summary Trial of Actions, and the Act in amendment thereof."

Limits of Jurisdiction

LVI. *And be it enacted*, That the authority of the City Officers and Jurisdiction of the City Courts shall extend unto and over all acts, matters and things, Civil and Criminal, done upon the Harbour of Halifax, and the South-east Passage and the North West Arm. *Provided*, such acts, matters and things, if done within the limits of the City, would be within the authority and jurisdiction of any of the Officers or Courts of the said City; and the process, Civil and Criminal, which under this Act or any other Act, or under any By-law or Ordinance of the City, any Court, or any officer or officers of the said City, herein or hereafter to be appointed, may have power to issue or execute, shall and may be executed upon the Harbour of Halifax, the South-east Passage and the North-west Arm; and for the purposes in this Section mentioned, the Harbour of Halifax shall be considered as extending from Mauger's Beach to Ferguson's Cove, and across the Narrows above the Dock Yard; but not to include McNab's Island, Duggen's Island, or George's Island.

Recorder

LVII. *And be it enacted*, That within ten days after the first Election of Mayor, Aldermen, and Common Councilmen, shall be perfected, the City Council shall elect a Recorder for the said City, being a Barrister of the Supreme Court of Nova-Scotia, of at least three years standing, whose duty it shall be to afford legal advice and assistance to the Mayor and Council of the City, in the performance of their respective offices, and in the business of the Police Court when occasion shall require such advice therein, and to assist in hearing and determining cases before the Mayor's Court; and the said Recorder shall hold his office for the period for which this Act is herein appointed to continue, and during good behaviour, within that period, and shall receive an annual salary of Two Hundred Pounds from the City Funds: *Provided*, that no person shall have any authority to act in or hold the said office, until his election and appointment shall be approved by the Governor of the Province, in the manner herein directed in the case of Mayor; and after such approval, until he shall have been sworn before the said Governor, or in his absence the Chief Justice, faithfully to perform the duties of his office.

Property to be vested in the Corporation

LVIII. *And be it enacted*, That, immediately after the passing of this Act, and from thence so long as this Act shall continue in force, all the rights and powers now vested in, or which can be claimed and exercised by, the Trustees of Public Property in Halifax, or the Justices of the Peace for the District of Halifax, or any of them in General or Special Sessions, or the Commissioners of Town Property, under an Act passed in the third year of His late Majesty's Reign, hereinafter mentioned, or otherwise, or in or by the Grand Jury, in and over the Real Estate or Properties, Hereditaments or Appurtenances, or any part thereof, in this Section hereinafter mentioned, and the care of managing and leasing the same on any part thereof, shall be vested in, and transferred to, the said Corporation, and be exercised by the City Council, and be regulated, directed, and controlled, by the By-laws, Ordinances, and Rules, of the said Corporation, passed under or by virtue of this Act, and shall not be claimed or in any manner used or exercised by the said Trustees, Justices, Commissioners or Grand Jury; and that from and immediately after the passing of this Act, all and singular the Lands, Tenements, Hereditaments, Real Estate and Property whatsoever, and all Houses, Buildings and Erections, whatsoever thereon respectively now being, which at any time heretofore have or hath been granted, assigned, purchased or conveyed, to or by any Body Politic or Corporate, or to any person or persons whomsoever, in trust, for the use and benefit of the Town of Halifax, or of the Inhabitants of the Town or Peninsula, or for any public use and purpose within the same, or used or appropriated for any such public purposes; and all Lots and Parcels of Land, originally laid out or allotted, or now held for any such public purpose; or wherein the Town of Halifax or the Inhabitants, or any Body Politic or Corporate, or other person or persons, on behalf of the Town, or for any public use, have or hath, or can or may claim, any title, interest,

right

right or benefit, at Law or in Equity, (whether such Real Estate and Property was designed for, or is now used as, the sites or for the purposes of the County Court House, Public Markets, Poor House, Bridewell or House of Correction, Jail, Public Landing Places or Slips, the New Cemetery on the Common, the Common on the Peninsula, or of any other public objects and purposes whatsoever,) and all the Estate, right, title and interest therein, whether at Law or in Equity, of all, every, and any Body Politic and Corporate, or person or persons whomsoever, and the reversions and remainders, Rents, Issues, Profits and advantages thereof, shall be, and the same are hereby declared to be, absolutely vested in, and transferred to, the said Corporation or City of Halifax, and shall be by the said Corporation or City of Halifax, held, used and occupied, from the time when this Act shall go into operation, and for, and during such time, and so long only as this Act shall continue and be in force, in Fee Simple, to and for the public and common benefit and uses of the City of Halifax, according to the true intent and meaning of the original grant, purchase, conveyance or assignment, of the same Real Estate or Properties, or any, or any part thereof whatsoever; and notwithstanding the title, claim, interest and demand, of the said Trustees, or Body Politic or Corporate, under and by virtue of the said Act, made and passed in the third year of the Reign of His late Majesty King William the Fourth, entitled "An Act for the appointment of Trustees for the Public Property of the Town of Halifax, and for other purposes," and under certain Letters Patent, Deeds and Conveyances, passed and made in pursuance of the said Act, or of any person or persons whomsoever, in, to, or out of, the same Real Estate or Properties, or any, or any part thereof.

But subject nevertheless to, and saving, any interest, property, possession or right, which may have been acquired by any Body Politic or Corporate, or any person or persons, under or by virtue of the several Statutes of Limitations in force in this Province, or any of them, previous to the passing of this Act.

And also subject to, and saving and reserving to all, or any Body Politic or Corporate, or person or persons whomsoever, all, every, and any lien, charges, incumbrances, claims and demands, whether at Law or in Equity, now subsisting upon or against the said Real Estate or Properties, or any, or any part thereof; and the same, after the passing of this Act, shall be, and become a charge, claim and demand upon and against the said Corporation and City of Halifax, its Estates, Property and Effects whatsoever.

*Provided always*, That nothing herein contained shall affect, or extend to or be construed to affect or extend to, the Public Penitentiary or Bridewell, now in the course of erection within the said City, or any grounds whereon the same may be built, or thereto belonging: *Provided*, that nothing in this Clause contained shall affect Churches or other Places of Worship and the ground pertaining thereto; Glebes, School Houses and the grounds thereto appertaining, and the Burial Grounds now in use in the said Town.

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

**LX.** *And be it enacted*, That the said City Council shall have power to assess the City of Halifax, for all the same specified purposes and objects, for which the Grand Jury and Court of Sessions, or either of them, or any Special Sessions or Justices of the Peace, or the Inhabitants or Freeholders, at any Town or Township Meeting, or any other persons, now may assess or amerce the Town of Halifax, by any Law or Laws specifying such purposes.

**LXI.** *And be it enacted*, That it shall be the duty of the City Assessors, once in each year, at least, or oftener, if required so to do, to make, under the direction of the City Council,

Liability of  
Corporation  
for Debts

City Council  
to assess

Duty of As-  
sessor

Council,

Council, and upon the requisition of the City Clerk, an assessment of the value of the Property in Each Ward, in the manner now prescribed by Law for the Assessment of the Poor and County Rates, and shall return such Assessment to the Board of Aldermen in thirty days after the receipt of the said requisition; and that three of the said Assessors, to be appointed by the said Board, shall thereupon forthwith proceed to make up the Assessment Books for the City from the returns of the Assessors, in the manner now required to be done.

Mayor and Aldermen to grant Licenses

LXII. *And be it enacted,* That the said Mayor, and a majority of the Aldermen, shall have full power to grant Licenses to Inn-holders, Victuallers, Retailers and Confectioners, within the said City; and also, Licenses for the sale of Liquors of any kind, in all cases wherein the Court of Sessions for the County of Halifax, on the recommendation of the Grand Jury or otherwise, or any Special Sessions, or any Justice or Justices of the Peace, have heretofore been authorized to grant Licenses for any such purposes; and, in granting such Licenses, it shall be lawful for the Mayor, and Aldermen, to annex thereto such reasonable conditions in regard to time and place, and other circumstances, under which such License shall be acted upon, as in their Judgment, the peace, quiet, and good order of the City may require; and also to take Bonds of all persons so Licensed, in reasonable sums, and with sufficient sureties, to be approved by the said Mayor and Aldermen, conditioned for a faithful compliance with the terms of their said Licenses, and of all Laws and Regulations respecting the subjects of such Licenses; and the said Mayor and Aldermen, after the granting of any such License, shall have power to revoke or suspend the same, if, in their judgment, the order and welfare of the said City require it; and any person or persons who shall presume to exercise either of the said employments within said City, without having first obtained a License therefor, or in any manner contrary to the terms of the said License, or after the same shall have been revoked or suspended, such person or persons shall be liable to the same penalties and forfeitures, and be prosecuted in the same manner as now by Law provided in case of exercising either of the said employments without the License now by Law required, and shall also be taken and deemed to have forfeited their Bonds, respectively given as aforesaid, upon which suits may be instituted against such Licensed persons or their sureties, at the discretion of the said Mayor and Aldermen, and in such manner as they may direct, for the purpose of enforcing such forfeitures.

And that all Inn-holders, Retailers, Confectioners, Victuallers, and all other Licensed persons, under or in pursuance of this Act, shall be liable for, and pay, the same License Duty now imposed by Law, to the Clerk of the License of the said City, in the same way and manner as the same is now by Law required to be paid to the Clerk of the License of the Town of Halifax, or other person or persons authorised to receive the same.

And that the said Clerk of the License for the City shall exercise all the powers and authority, and duties, now vested by Law in the Clerk of the License for the Town of Halifax, and shall be entitled to all the fees now payable to that Officer.

Licenses

And that the License to be granted, and the Bonds to be taken under this Act, shall be in the same form as is prescribed and appointed under the Act passed in the second year of the Reign of King William the Fourth, entitled, "An Act concerning persons Licensed to keep Public Houses or Shops, and the Duties thereon," with such alterations as may be found necessary to suit the circumstances of the said Corporation, and shall be signed by the Clerk of the License of the City, and approved of by the Mayor.

Duties of Clerk of License

And that the City Clerk of the License shall keep a correct list of the Licenses granted in every year, with the names, additions, and residences of the Parties Licensed, and also of their Sureties, and the amounts of the License Duty payable on every such License; and shall return to the Mayor, once in each Quarter, the sum or sums of Money due and in arrears for License Duty.

And that all arrears of License Duty shall be recovered in the Mayor's Court, in the name of the City, upon the complaint of the City Clerk, with costs of suit, by the usual process, as in civil suits.

That once in every Quarter the said Clerk of License shall pay over to the City Treasurer the amount of License Duty, and shall produce and file in the City Court a particular account of the Monies received by him in each Quarter for such License Duty, and also the receipt of the City Treasurer for the same.

And

And that all penalties incurred and recovered for breach of any part of the License Laws, or of the Bye-laws or Ordinances of the City, made in reference thereto, shall be recovered before the Mayor's Court, and shall be paid and applied, one half to the person who shall inform or sue for the same, and the remainder to the City Clerk of License, to be by him accounted for, and paid over, to the City Treasurer.

And that all Monies raised and paid under and by virtue of this Act, shall be paid and applied by the City Treasurer in the manner and for the services now prescribed by Law for the appropriation of the License Duty raised in the Town of Halifax.

*Provided always,* That the City Clerk of License shall be entitled to the Commission now allowed by Law to the Clerk of the License: *Provided,* that he shall not, in any one year, receive for such Commissions a larger amount than One Hundred and Fifty Pounds.

**LXIII.** *And be it enacted,* That the Mayor shall have power to License all Theatrical Exhibitions, and all Public Shows, and all Exhibitions, of whatever name or nature, to which admission is obtained on payment of money, on such terms and conditions as to him may seem just and reasonable; and to regulate the same from time to time in such manner as to him may appear necessary, to preserve order and decorum, and to prevent the interruption of peace and quiet; and any person or persons who shall set forth, establish or promote, any such Exhibition or Show, or publish or advertise the same, or otherwise aid or assist therein, without a License, so obtained as aforesaid, or contrary to the terms or condition of such License, or whilst the same is suspended, or after the same is revoked by said Mayor, shall be liable to such forfeiture as the City Council may, by any Bye-law made for that purpose, prescribe.

Public Exhibitions, &c. under control of Mayor

*Provided,* That the person or persons obtaining such License shall pay therefor such fee or sum of money as shall be prescribed by any Bye-law or Ordinance of the said City; and that it shall be at all times optional with the said Mayor either to grant or refuse such License.

**LXIV.** *And be it enacted,* That all Licenses not hereinbefore provided for, which are now by Law required, or appointed to be granted for any purposes within the Town of Halifax, shall be granted by the Mayor and any two Aldermen of the said City, and the duties and fees thereupon payable, shall be paid unto the City Treasurer, and by him appropriated, as by Law directed; and in all cases were the same, or any part thereof, shall not be specially appropriated, the same shall form part of the City Funds.

Licenses not before provided for

**LXV.** *And be it enacted,* That the Mayor and Aldermen for the time being shall be, and the same are hereby, constituted a Board of Health for the City and Harbour of Halifax, and its Out-harbours and precincts; and that all the powers now vested in, or enjoyed by, the present Board of Health of the Town of Halifax, under and by virtue of the several Statutes of this Province, in such case made and provided, and now in force, shall be held and enjoyed by the said Mayor and Aldermen, subject to such alterations as the Legislature may from time to time adopt or make therein.

Board of Health

**LXVI.** *And be it enacted,* That the said City Council shall elect or appoint three Firewards, and six Fire Constables for each Ward of the said City, who shall exercise all the power and authority now vested by Law in the Firewards and Constables of the Town of Halifax.

Firewards, &c.

And that the said Constables, whenever a Fire shall occur, shall attend with their Staves upon, and be under the direction of, the Fireward of the Ward to which they belong.

And that the said City Council shall have power to make all such Bye-laws and Ordinances as shall or may be necessary to prevent the occurrence, increase or spreading, of Fires in the said City, and shall have the management and control of the Engine-men and Axe Company; and may, from time to time, make all such Bye-laws and Ordinances as they may deem necessary, as regards increasing or diminishing of the number thereof, or for the regulation thereof, as they shall see fit.

**LXVII.** *And be it enacted,* That the said City Council shall have the exclusive power to regulate, repair, amend and clean, the Streets and Alleys of the said City, and of putting Drains and Sewers therein, and to prevent the encumbering of the same in any manner, and to protect the same from encroachment and injury, by such Bye-laws and Ordinances as they may from time to time pass.

Streets, &c.

And that they shall have power to appoint Commissioners of Streets for the said City; and

Commissioners

Dec 110  
Dec 108  
Dec 109  
Dec 107



and that the said Commissioners, when so appointed, shall exercise and enjoy all the powers and authorities now exercised by, or vested in, the Commissioners of Streets.

Common

LXVIII. *And be it enacted,* That the said City Council shall, for the future, have the sole control and management of the Common belonging to the said Town, subject nevertheless to the rights and privileges of Her Majesty the Queen, retained therein, and to the estate, right, title, interest and property, legally acquired by any other person or persons therein, or in any part thereof; and that the said City Council shall have, use, possess and enjoy, in and over the same, and every part thereof, all the powers and authority now possessed and enjoyed by the present Commissioners thereof, for the due regulation, management, and control of the same, or vested in them for any purpose whatever.

Cemetery

LXIX. *And be it enacted,* That the said City Council shall, for the future, have the sole control and management of the Public Cemetery now belonging to, or which hereafter may be appointed for, the said Town or City; and that the said City Council shall use, possess and enjoy, in and over the same, all the powers and authority now possessed and enjoyed by the present Commissioners thereof, for the due regulation, management, and control of the same, or vested in them for any purpose whatever.

Appointments

LXX. *And be it enacted,* That the appointment of all Officers of, or pertaining to, the said City, who are now nominated by the Grand Jury, and appointed by the Court of Sessions, in pursuance of the several Provincial Statutes in such case made and provided, shall be vested in the City Council, and the persons so by them appointed shall have and exercise all the power and authority which can be enjoyed by the said Officers respectively, under the present mode of appointment.

Proviso

*Provided always,* That the said City Council shall exercise and enjoy full power and authority, from time to time, to decide upon the expediency of filling up any such office, and to prescribe the duties of all such Officers, and to fix the rate of compensation to be paid to, or received by, each of them respectively, as they may see fit; and that nothing in this Section contained, shall be construed to abridge the authority, which, by virtue hereof, the City Council would otherwise possess over the said offices, or their respective Officers.

Powers of Grand Jury transferred

LXXI. *And be it enacted,* That all and every the powers and authority, which by Law can now be exercised in and over the Town of Halifax, and the government or management thereof, or its local or municipal concerns, by the Grand Jury and Court of Sessions, or either of them, shall be vested in, and exercised by, the said City Council, as fully as if herein particularly specified; and the Grand Jury and Court of Sessions, or either of them, or any Special Sessions or Justices of the Peace, shall not, so long as this Act shall be in force, exercise any of the powers or authorities now by Law granted to, or inherent in, them, which are in this Act transferred and granted to the City Council.

Powers of divers Town Officers transferred to City Council

LXXII. *And be it enacted,* That so soon as the said City Council shall have elected and organized in such manner as to carry out and fulfil the purposes of this Act, and thereafter the Justices and Clerk of the Police Court for the Town of Halifax, the Commissioners of the Common, the Commissioners of the Public Cemetery, the Board of Health for the Town of Halifax, the Commissions Court for the Town of Halifax, the Clerk or Officers thereof, the Town Treasurer, so far as relates to the receipt or collection of any Taxes raised, or to be raised and collected within the limits of the City, the Commissioners of Streets, the Firewards of the Town of Halifax, and all other Officers, whose powers and authority have been under and by virtue of this Act transferred to the City of Halifax, or to any of the several Officers to be appointed thereunder, shall not, so long as this Act shall continue and be in force, exercise any of the powers and authorities now by Law granted to, or inherent in, them, which are by this Act transferred and granted to the City Council, or the Officers of the said City as aforesaid.

Commissioners of Court to account to City Council

LXXIII. *And be it enacted,* That the Commissioners of the Poor shall, once in each year at least, render to, and file in, the office of the City Clerk, an account of all Monies received and expended by them, which account shall be examined and audited by the City Council, in the manner hereinbefore prescribed for the passing of Accounts, and subject to such Bye-laws and Regulations as may be made relative thereto.

Accounts liable to inspection.

LXXIV. *And be it enacted,* That all Boards, Commissioners and Officers appointed to act under the authority of said Corporation, and entrusted with the collection or expenditure of any Public Money, shall be accountable therefor to the said Corporation, in such manner



manner as may be ordained and directed by the Bye-laws and Ordinances of the said City. And that the Books of Accounts of said Corporation, shewing the amount, particulars, state and circumstances, and also the receipts and expenditures of, and on account of, the Property, Funds, Taxes, Effects and Fees, belonging and accruing, or payable to the said Corporation, or any of its Officers, shall be deposited and kept in the office of the City Clerk, and shall be there open and exhibited on the first Monday of every Month, from the hours of Ten o'clock, A. M., to Four o'clock, P. M., for inspection and examination by every Elector of the City, who may on that day apply to see and inspect the same.

LXXV. *And be it enacted*, That the said City Council, after the Accounts of the said City and Corporation shall be checked, audited, discussed and approved, by the said Council, shall cause the same to be published in detail, countersigned by the Mayor and City Clerk, in such a way and manner as may appear the best adapted to make generally known the said Accounts.

Accounts to be published

LXXVI. *And be it enacted*, That nothing herein contained shall be construed to repeal or vacate the Jurisdiction, or Sitings, of the Inferior Court of Common Pleas for the County of Halifax, as now by Law established, or the Jurisdiction or Sitings of the Court of Quarter Sessions, or of any Special Sessions of the Peace, or of any Justices of the Peace, or of the Grand Jury, as the Grand Inquest of the County within the said City, in matters of Criminal nature, and not affecting the fiscal, prudential, or municipal affairs of the said City, which are not hereby transferred or granted to the said Corporation, or some of its Officers.

Court of Common Pleas, &c. not to be affected

LXXVII. *And be it enacted*, That in Actions, Suits, Indictments, Informations or Prosecutions, whatever, Civil or Criminal, at Law or Equity, or otherwise, in which the said City or Corporation shall be a party concerned, it shall not be received or allowed as an objection to the competency of any witness, that he is a Citizen or Officer of the said City or Corporation, but such objection shall go to the credit only.

Citizen not incompetent witness

LXXVIII. *Provided always, and be it enacted*, That all and every the Public Monies raised or to be raised by Assessment as aforesaid, and all Monies due and payable as aforesaid, as well as all other Monies hereafter to be raised by and under the authority of this Act, shall be charged and chargeable with the debts which have been legally contracted by the Authorities of the Town of Halifax, and remain due and unpaid, and with the debts, sum and sums of money, which have been or may be incurred and become payable, from and out of the Public Monies, raised or to be raised for public uses, within and for the said Town of Halifax, or either of them, under the provisions of Law in this behalf made, or by or under the authority of the Justices of the Peace for the County of Halifax, or any of them; and all such debts and sums of Money shall be payable from and out of the Monies aforesaid, except as hereinbefore excepted.

Liability of former debts

LXXIX. *And be it enacted*, That it shall not be lawful for the said Council of the said City of Halifax to borrow, on the credit of the said City, any sum or sums of Money whatever.

Money not to be borrowed

LXXX. *And be it enacted*, That every Officer who may be in, or entitled to, any office at the time of the passing of this Act, to which office, by the provisions herein contained, the power of appointment is conferred on the Council of the said City, and which office shall be abolished, or the emoluments whereof be diminished, or who shall not be continued in office after the passing of this Act, shall be entitled to a reasonable compensation, to be assessed by the said Council, and paid out of the Funds of the said City, for the Salary, Fees, and Emoluments of the office which he shall so cease to hold, or which shall be diminished as aforesaid; and in case the person claiming such compensation should think himself aggrieved by the determination of the said Council on his claim, it shall be lawful for him to apply for, and obtain a revision of, such determination, by the Governor of this Province, in Council, who shall thereupon make such Order in Council, as to him shall seem just, which Order shall be binding on the parties respectively.

*Provided*, That the following Officers shall receive from the City of Halifax, during their lives, pensions in lieu of the Salary and Emoluments of the undermentioned Offices now held by them, that is to say:—

John Liddell, Esq. the sum of Two Hundred and Fifty Pounds per annum, in lieu of his Salary and Emolument as Police Magistrate.

Pensions

David

David Shaw Clarke, Esq., the sum of Three Hundred Pounds per annum, in lieu of his Salary and Emolument as Clerk of the Police: *Provided always*, that in case any individual receiving compensation shall be employed in any Office of Emolument under the same, which shall be equivalent in amount to the compensation received by him, shall forthwith cease to receive such compensation; or, if the emolument of such office shall be less than the compensation, the party shall receive the difference between such Emoluments and such compensation formerly received by him.

**LXXXI.** *And be it enacted*, That it shall be lawful for any person holding the Office of Alderman or Councillor, to resign his said Office at any time by a declaration to that effect, under his hand, and on the payment of a fine of Twenty-five Pounds; and thereupon, if the person so having resigned his Office, shall be an Alderman, a Councillor shall be elected in the manner aforesaid for the Ward for which such Alderman was elected; and after the return of such Councillor, an Alderman shall be elected by the City Council in manner aforesaid, and shall take the place of the Alderman so having resigned his Office; and if the person so having resigned his Office shall be a Councillor, then a Councillor shall be elected in manner aforesaid for the Ward for which the Councillor so having resigned his Office, was elected.

**LXXXII.** *Provided also, and be it enacted*, That nothing in this Act contained shall in any manner derogate from or affect, or be construed to derogate from or affect, the rights of Her Majesty, Her Heirs or Successors, except in so far as the same may be specially affected by the provisions of this Act.

**LXXXIII.** *And be it enacted*, That the words "Governor of this Province," or "Governor," wherever they occur in the foregoing enactments, are to be understood as meaning and comprehending the Governor, or the person authorised to execute the Commission of Lieutenant-Governor within this Province for the time being.

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

**LXXXV.** *And be it enacted*, That this Act may be amended by any Act or Acts to be passed in this present Session of the General Assembly.

CAP. LVI.

**An Act to amend the Act to Incorporate the Town of Halifax.**

(Passed the 10th day of April, A. D. 1841.)

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That all appeals from the Assessment of Rates, authorised and to be made on the City of Halifax, by and under the authority of the Act, passed in the present Session of the General Assembly, entitled, An Act to Incorporate the Town of Halifax, instead of being made to the Court of General Sessions, as prescribed by the Acts now in force, shall hereafter be made to the City Council, in the same manner and under the like restrictions as directed by the said Act: *Provided always*, that nothing in this Act, or the Act hereby amended, shall extend, or be construed to extend, to interfere with any General County Rate which may be necessary under any Act or Acts now in force.

## CAP. LVII.

## An Act to continue the Act for regulating the exportation of Red or Smoked Herrings.

(Passed the 10th day of April, A. D. 1841.)

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Third year of the Reign of His late Majesty King William the Fourth, entitled, An Act for regulating the exportation of Red or Smoked Herrings, and every matter and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 3, Wm.  
IV. continued

## CAP. LVIII.

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

(Passed the 10th day of April, A. D. 1841.)

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

Former Act  
continued

**II.** *Provided always, and be it enacted,* That, from and after the Act, passed in this present Session of the General Assembly, entitled, An Act to Incorporate the Town of Halifax, shall come into and be in operation, and the City Council therein mentioned shall have been duly organized, and during the time that such Act shall remain in force, none of the provisions of the said Act, hereby continued, shall extend, or be construed to extend, to any place or places within the jurisdiction of the said City Council.

Proviso

## CAP. LIX.

## An Act to provide Hay Scales, and Weights and Measures, for the Township of Lunenburg.

(Passed the 10th day of April, A. D. 1841.)

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Grand Jury for the County of Lunenburg to present (and for the Court of Sessions, of such County, to confirm) any sum of Money that may be necessary to procure and provide, for the Township of Lunenburg, suitable and proper Scales for the weighing of Hay, with the necessary Weights and Appurtenances; and also a Set of Measures, Long, Liquid and Dry; and a Set of Brass Weights and Scales: and such sum of Money shall be assessed, levied and collected, upon and from the said Township of Lunenburg, in the same manner, and by the same means, as other Monies are by Law assessed, levied and collected, for County purposes.

Assessments

**II.** *And be it enacted,* That such Hay Scales, Weights and Appurtenances, and such Measures

Z.

Keeper to be nominated by Grand Jury

Measures and Weights shall be placed under the order and direction of some proper person or persons to be nominated by the Grand Jury, and appointed by the said Court of Sessions—which said Court shall make rules and regulations for the due and proper keeping and use of said Hay Scales, Weights and Appurtenances, and of the said Measures and Weights; and the Fees and Perquisites of the Keeper or Keepers thereof, and such rules and regulations shall alter, change and vary, as from time to time may be necessary.

CAP. LX.

**An Act to repeal an Act for preventing illegal overholding and detainer of Real Estate.**

(Passed the 10th day of April, A. D. 1841.)

Former Act repealed

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the Third year of the Reign of Her present Majesty, entitled, An Act for preventing illegal overholding and detainer of Real Estate, and every matter, clause and thing, therein contained, be, and the same hereby is repealed.

Proviso

*Provided*, That nothing herein contained, shall extend to any proceedings heretofore had or taken, or now pending under the said Act.

CAP. LXI.

**An Act to amend the Act to enable the Inhabitants of Cornwallis to provide a Public Town House for that Township.**

(Passed the 10th day of April, A. D. 1841.)

Preamble

**W**HEREAS, by the Act, passed in the Second year of Her present Majesty's Reign, entitled, An Act to enable the Inhabitants of Cornwallis to provide a Public Town House for that Township—a Committee of Three Persons, appointed by the Grand Jury and Court of Sessions, are authorized to procure a proper site for such Public Town House, and to build and erect the same: *And whereas*, doubts exist whether the said Committee of Three Persons are authorized by the said Act to receive the Conveyance of the Lot of Land that may be selected for such site:

Committee to receive conveyance of Land

*I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the said Committee of Three Persons, appointed by the Grand Jury and Court of Sessions, to receive a Conveyance, in their names, of the Lot of Land, procured or to be procured by them, for a site for the said Public Town House.

Proviso

*Provided also*, That such Town House, when so built, shall be under the sole control and management of the Supervisors of Public Grounds for the Township of Cornwallis.

*Whereas*, by the said Act, an Assessment was directed to be made upon the said Township of Cornwallis, of a Sum not exceeding Two Hundred Pounds, for building such Town House; and an Assessment has been made to the amount of One Hundred and Fifty Pounds, which may be found to be inadequate for the purpose, and doubts exist whether, by the said Act, a further Assessment can be made:

Lawful to make further assessments

*II. Be it therefore enacted*, That it shall and may be lawful for the Grand Jury and Court of General Sessions of the Peace for the County of Kings, at the next Term or Sitting of said Court, or at any subsequent Term, to direct such further sum to be assessed upon the said Township, to be appropriated towards the building of such Town House, if an additional sum be found to be necessary, so that the whole amount assessed shall not exceed the sum of Two Hundred Pounds, and the commission, by Law allowed, for collecting the same.

## CAP. LXII.

**An Act to continue the Act to make the stealing of Dogs, Beasts and Birds, Larceny.***(Passed the 29th day of March, A. D. 1841.)*

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Second year of Her present Majesty's Reign, entitled, An Act to make the stealing of Dogs, Beasts and Birds, Larceny, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 2, Vic.  
continued

## CAP. LXIII.

**An Act to continue the Act in amendment of an Act, made and passed in the first and second years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton.***(Passed the 29th day of March, A. D. 1841.)*

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the first year of the Reign of His late Majesty King William the Fourth, entitled, An Act in amendment of an Act, made and passed in the first and second years of His late Majesty's Reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 1, Wm.  
IV. continued

## CAP. LXIV.

**An Act to continue the Act to authorise the Sessions of the Peace for the County of Queen's County to make regulations for the gathering of Sea Manure in the said County.***(Passed the 29th day of March, A. D. 1841.)*

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the Third year of the Reign of His late Majesty King William the Fourth, entitled, An Act to authorize the Sessions of the Peace for the County of Queen's County to make regulations for the gathering of Sea Manure in the said County, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 3, Wm.  
IV. continued

## CAP. LXV.

**An Act to continue the Act for regulating the Fishery in the River Shubenacadie.***(Passed the 29th day of March, A. D. 1841.)*

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled,

Act 4, Wm.  
IV. continued



ted, An Act for regulating the Fishery in the River Shubenacadie, 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. LXVI.

### An Act to continue the Act to encourage the killing of Bears, Loup Cerviers and Wild Cats.

(Passed the 29th day of March, A. D. 1841.)

Act 3, Wm.  
IV. continued

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Third year of the Reign of His late Majesty King William the Fourth, entitled, An Act to encourage the killing of Bears, Loup Cerviers and Wild Cats, 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. LXVII.

### An Act to continue the Act to restrain the issuing of Writs of Attachment, in certain cases.

(Passed the 29th day of March, A. D. 1841.)

Act 4 & 5,  
Geo. IV. con-  
tinued

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the Fourth and Fifth years of the Reign of His late Majesty King George the Fourth, 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 one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. LXVIII.

### An Act to continue the Act to amend an Act for establishing a Public School in the Town of Halifax.

(Passed the 29th day of March, A. D. 1841.)

Act 51, Geo.  
III. continued

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the Fifty-first year of the Reign of His late Majesty King George the Third, entitled, An Act to amend an Act, passed in the Twentieth year of His Majesty's Reign, entitled, An Act for establishing a Public School in the Town of 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. LXIX.

### An Act to continue the Act respecting the collection of Poors' Rates of Pictou.

(Passed the 29th day of March, A. D. 1841.)

Act 6, Wm.  
IV. continued

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Sixth year of the Reign of His late Majesty King William the Fourth, entitled,

titled, An Act respecting the collection of Poors' Rates of Pictou, 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. LXX.

### An Act to continue the Act to preserve and regulate the Navigation of the Harbour of Pugwash.

(Passed the 29th day of March, A. D. 1841.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Third year of the Reign of His late Majesty King William the Fourth, entitled, An Act to preserve and regulate the Navigation of the Harbor of Pugwash, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 3, Wm.  
IV, continued

## CAP. LXXI.

### An Act to continue the Act in addition to, and in amendment of, the Act to prevent Nuisances by Hedges, Wears, and other Incumbrances, obstructing the passage of Fish in the Rivers of this Province.

(Passed the 29th day of March, A. D. 1841.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the Tenth year of the Reign of His late Majesty King George the Fourth, entitled, An Act in addition to, and in amendment of, an Act, passed in the Third year of the Reign of His late Majesty King George the Third, entitled, An Act to prevent Nuisances by Hedges, Wears, and other Incumbrances, obstructing the passage of Fish, in the Rivers of this Province, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 10, Geo.  
IV, continued

## CAP. LXXII.

### An Act to continue the Act relating to Marriage Licenses.

(Passed the 29th day of March, A. D. 1841.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Second year of the Reign of His late Majesty King William the Fourth, entitled, An Act relating to Marriage Licenses, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 2, Wm.  
IV, continued

## CAP. LXXIII.

**An Act to continue the Act in amendment of the Act relating to Highways, Roads and Bridges.***(Passed the 10th day of April, A. D. 1841.)*Act 4, Wm.  
IV continued

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act in amendment of the Act relating to Highways, Roads and Bridges, 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. LXXIV.

**An Act to continue the Acts in force relative to the Inspection of Pickled Fish.***(Passed the 10th day of April, A. D. 1841.)*Acts 9 & 10,  
Geo. IV. & 7,  
Wm. IV. con-  
tinued

**BE** it enacted, by the Lieutenant Governor, Council and Assembly, That the Act, passed in the Ninth year of the Reign of His late Majesty King George the Fourth, entitled, An Act for the more effectually enforcing the Inspection and encouraging the Exportation of Pickled Fish, and every matter, clause and thing, therein contained, save and except so far as the same may be altered or amended by the Acts hereinafter mentioned.—Also the Act, passed in the Tenth year of His said late Majesty's Reign, in amendment of the said Act, and every matter, clause and thing, therein contained, save and except so far as the same may be altered or amended by the Act hereinafter mentioned.—Also, the Act, passed in the Seventh year of the Reign of His late Majesty King William the Fourth, entitled, An Act to continue, alter and amend, the several Acts now in force relative to the Inspection of Pickled Fish, and every matter, clause and thing, therein contained, 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. LXXV.

**An Act to continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and the Act in amendment thereof.***(Passed the 10th day of April, A. D. 1841.)*Acts 2 & 5,  
Wm. IV, con-  
tinued

**BE** it enacted, by the Lieutenant Governor, Council and Assembly, That the Act, passed in the Second year of the Reign of His late Majesty King William the Fourth, entitled, An Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and every matter, clause and thing, therein contained, save and except the twelfth clause or section thereof, and also except so far as the same is or may be altered or amended by the Act hereinafter mentioned.—Also, the Act, passed in the Fifth year of His said late Majesty's Reign, entitled, An Act to amend and continue the Act more effectually to provide against the introduction of Infectious or Contagious Diseases, and the spreading thereof in this Province, and every matter, clause and thing, in the said last mentioned Act contained, shall be continued, and the said Acts are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. LXXVI.

**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.**

*(Passed the 29th day of March, A. D. 1841.)*

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the Fourth year of the Reign of His late Majesty King George the Fourth, entitled, An Act 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, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 4, Geo.  
IV, continued

## CAP. LXXVII.

**An Act to continue the Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine, and the Act in amendment thereof.**

*(Passed the 10th day of April, A. D. 1841.)*

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Second year of the Reign of His late Majesty King William the Fourth, entitled, An Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine; and also, the Act, passed in the Third Year of His said late Majesty's Reign, to continue and amend the said Act, and every matter, clause and thing, in the said Acts contained, shall be continued, and the said Acts are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 2 & 3,  
Wm. IV. con-  
tinued

## CAP. LXXVIII.

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

*(Passed the 10th day of April, A. D. 1841.)*

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the Eleventh year of the Reign of His late Majesty King George the Fourth, entitled, An Act to regulate the Pilotage of Vessels at the Port of Halifax; and the several Acts, passed in the First and Second years, respectively, of the Reign of His late Majesty King William the Fourth, in amendment of, and additional to, the said Act, shall be continued, and the said Acts, and every matter, clause and thing, therein contained, are hereby severally and respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 11, Geo.  
IV, & 1 & 2  
Wm. IV, con-  
tinued

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

*(Passed the 10th day of April, A. D. 1841.)*

Act 7, Geo.  
IV, continued

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

**An Act to continue the Act for the regulation and management Combined Common and Grammar School at Lunenburg.**

*(Passed the 10th day of April, A. D. 1841.)*

Act 3, Vic.  
continued

**BE** it enacted, by the Lieutenant Governor, Council and Assembly, That the Act, passed in the Third year of the Reign of Her present Majesty Queen Victoria, entitled, An Act for the regulation and management of the Combined Common and Grammar School at Lunenburg, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for four years, and from thence to the end of the then next Session of the General Assembly.

**An Act to continue the Act to repeal the Act to regulate the Public Landing at Windsor, and to substitute other provisions in lieu thereof.**

*(Passed the 10th day of April, A. D. 1841.)*

Act 1, Vic.  
continued

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the First year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to repeal the Act to regulate the Public Landing at Windsor, and to substitute other provisions in lieu thereof, and every matter, clause and thing, therein contained shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

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

*(Passed the 10th day of April, A. D. 1841.)*

Acts 5 & 6,  
Wm. IV, &  
1 & 2, Vic.  
continued

**BE** it enacted, by the Lieutenant Governor, Council and Assembly, That An Act, passed in the Fifth year of the Reign of His late Majesty King William the Fourth, entitled, An Act to direct and ascertain the mode of assessing County and District Rates, and for other purposes, except so far as the same is altered or amended by the Acts hereinafter mentioned;



mentioned; and also, except the eighth Clause or Section thereof, which is hereby repealed; also, the Act, passed in the Sixth year of the Reign of His said late Majesty, entitled, An Act to amend the Act to direct and ascertain the mode of Assessing County and District Rates and for other purposes; also, the Acts, passed in the First year of Her present Majesty's Reign, entitled, An Act to continue the Act to direct and ascertain the mode of Assessing County and District Rates, and for other purposes, and the Acts in amendment thereof, except in so far as the same may be altered or amended by the Act hereinafter mentioned; also, the Act, passed in the second year of Her present Majesty's Reign, entitled, An Act to continue and further amend the Act to direct and ascertain the mode of Assessing County and District Rates, and for other purposes, and the Acts in amendment thereof, shall be continued, and the said Acts, except as before excepted, are hereby severally continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. LXXXIII.

### An Act to continue the Act for the regulation of the Fisheries at Chedabucto Bay.

(Passed the 10th day of April, A. D. 1841.)

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the Second year of the Reign of Her present Majesty Queen Victoria, entitled, An Act for the regulation of the Fisheries at Chedabucto Bay, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 2, Vic.  
continued

## CAP. LXXXIV.

### An Act to continue the Act in further amendment of, and additional to, the Acts relating to Trespasses.

(Passed the 10th day of April, A. D. 1841.)

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Second year of the Reign of Her present Majesty Queen Victoria, entitled, An Act in further amendment of, and additional to, the Acts relating to Trespasses, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 2, Vic.  
continued

## CAP. LXXXV.

### An Act to continue the Acts to provide for the Regulation and Management of the Grammar School or Academy at Annapolis.

(Passed the 10th day of April, A. D. 1841.)

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the Ninth year of the Reign of His late Majesty King George the Fourth, entitled, An Act to provide for the Regulation and Management of the Grammar School

Acts 9, Geo.  
IV. & 4, Wm.  
IV. continued.

School or Academy at Annapolis; also, the Act, passed in the Fourth year of the Reign of His late Majesty King William the Fourth, to continue and amend the said Act, shall be continued, and the said Acts, and every matter, clause and thing, therein contained, are hereby continued for four years, and from thence to the end of the then next Session of the General Assembly.

## CAP. LXXXVI.

### An Act to continue the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and the Acts in amendment thereof.

(Passed the 29th day of March, A. D. 1841.)

Acts 4 & 5,  
Geo. IV. con-  
tinued

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the Fourth and Fifth year of the Reign of His late Majesty King George the Fourth, entitled, An Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges; and also, the Act, made and passed in the Ninth year of His said late Majesty's Reign, to continue, alter and amend, the said Act, and every matter, clause and thing, in the said Acts contained, except so far as the same are or may be altered or amended by the Act hereinafter mentioned; also, the Act, passed in the last Session of the General Assembly, entitled, An Act to continue the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and the Act in amendment thereof, and to alter and amend the said Acts, and every matter, clause and thing, in the said last mentioned Act contained, shall be continued, and the said Acts, except as aforesaid, are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. LXXXVII.

### An Act to continue the Act to encourage the Importation of improved Breeds of Cattle into this Province.

(Passed the 29th day of March, A. D. 1841.)

Act 2, Wm.  
IV. continued

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Second year of the Reign of His late Majesty King William the Fourth, entitled, An Act to encourage the Importation of improved Breeds of Cattle into this Province, and the Bounty therein mentioned, 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. LXXXVIII.

### An Act to continue the Act for establishing a Harbour Master at Bridgeport, in the Island of Cape-Breton.

(Passed the 29th day of March, A. D. 1841.)

Act 2, Vic.  
continued

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Second year of the Reign of Her present Majesty, entitled, An Act for establishing a Harbour Master at Bridgeport, in the Island of Cape-Breton, 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. LXXXIX.

**An Act to continue the Act to authorize the Sale of Coals by Weight.***(Passed the 29th day of March, A. D. 1841.)*

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Second year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to authorize the Sale of Coals by Weight, shall be continued, and the said Act, and every matter, clause and thing, therein contained, are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 2, Vic.  
continued

## CAP. XC.

**An Act to continue the Act to regulate certain Landings in the County of King's County.***(Passed the 29th day of March, A. D. 1841.)*

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fifth year of the Reign of His late Majesty King William the Fourth, entitled, An Act to regulate certain Landings in the County of King's County, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 5, Wm.  
IV. continued

## CAP. XCI.

**An Act to continue the Act to enable the Inhabitants of the Town of Lunenburg to procure a Fire Engine, with other utensils and materials necessary for extinguishing Fires.***(Passed the 29th day of March, A. D. 1841.)*

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the First year of the Reign of Her present Majesty Queen Victoria, in the Second Session of the General Assembly, entitled, An Act to enable the Inhabitants of the Town of Lunenburg to procure a Fire Engine, with other utensils and materials necessary for extinguishing Fires, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 1, Vic.  
continued

## CAP. XCII.

**An Act to continue the Act for the Summary Trial of Actions, and the Acts in amendment thereof.***(Passed the 29th day of March, A. D. 1841.)*

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the Third year of the Reign of His late Majesty King George the Fourth, entitled, An Act for the Summary Trial of Actions, and also, the Act in amendment of

Act 3, Geo.  
IV. continued

of the said Act, passed in the Sixth year of His said late Majesty's Reign, and every matter, clause and thing, in the said Acts contained, except so far as the same are or may be altered or amended by the Act hereinafter mentioned; also, the Act, passed in the Seventh year of the Reign of His late Majesty King William the Fourth, to continue and amend the said Acts, and every matter, clause and thing, therein contained, shall be continued, and the said several Acts, except as aforesaid, are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. XCIII.

**An Act to continue the Act to amend the Act to Incorporate sundry Persons, by the name of the President, Directors and Company, of the Bank of Nova-Scotia.**

*(Passed the 29th day of March, A. D. 1841.)*

Act 7, Wm.  
IV. continued

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Seventh year of the Reign of His late Majesty King William the Fourth, entitled, An Act to amend the Act to Incorporate sundry Persons, by the name of the President, Directors and Company, of the Bank of Nova-Scotia, 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. XCIV.

**An Act to continue an Act relative to the Assessment of Dyke Rates, for the New or Wickwire Dyke in Horton.**

*(Passed the 29th day of March, A. D. 1841.)*

Act 6, Wm.  
IV. continued

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Sixth year of the Reign of His late Majesty King William the Fourth, entitled, An Act relative to the Assessment of Dyke Rates, for the New or Wickwire Dyke in Horton, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. XCV.

**An Act to continue the Act to regulate the Survey of Timber and Lumber, and to repeal certain Acts now in force.**

*(Passed the 29th day of March, A. D. 1841.)*

Act 5, Wm.  
IV. continued

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fifth year of the Reign of His late Majesty King William the Fourth, entitled, An Act to regulate the Survey of Timber and Lumber, and to repeal certain Acts now in force, 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. XCVI.

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

*(Passed the 29th day of March, A. D. 1841.)*

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

Act 48, Geo.  
III. continued.

## CAP. XCVII.

**An Act to continue the Act to prevent Injuries to the Fisheries within the County of Lunenburg, by Mill Dams or any other obstruction.**

*(Passed the 29th day of March, A. D. 1841.)*

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the First year of the Reign of Her present Majesty, entitled, An Act to prevent Injuries to the Fisheries, within the County of Lunenburg, by Mill Dams, or any other obstruction, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 1, Vic.  
continued

## CAP. XCVIII.

**An Act to continue the Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape-Breton, and the Acts in amendment thereof.**

*(Passed the 29th day of March, A. D. 1841.)*

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the First year of the Reign of His late Majesty King William the Fourth, entitled, An Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape-Breton, and every matter, clause and thing, therein contained, save and except so far as the same is or may be altered or amended by the Acts hereinafter mentioned, or either of the said Acts; also, the Act, passed in the Seventh year of His said late Majesty's Reign, entitled, An Act to alter, amend and continue, the Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape-Breton, and every matter, clause and thing, therein contained, save and except so far as the same is or may be altered or amended by the Act hereinafter mentioned; also, the Act, passed in the Second year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to amend the Acts to regu-

Acts 1 & 7,  
Wm. IV. &  
2, Vic. con-  
tinued



late the Pilotage of Vessels at the Port of Sydney, in the Island of Cape-Breton, and every matter, clause and thing, therein contained, shall be continued, and the said several Acts, and every matter, clause and thing, therein contained, except as aforesaid, are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. XCIX.

### An Act to continue the Acts for appointing Supervisors to take charge of Public Grounds and for other purposes.

(Passed 29th day of March, A. D. 1841.)

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act for appointing Supervisors to take charge of Public Grounds, and for other purposes, and every matter, clause and thing, therein contained, save and except so far as the same may be altered or amended by the Acts hereinafter mentioned, or either of said Acts; also, the Act, passed in the Fifth year of His said late Majesty's Reign, to amend the said first mentioned Act, and every matter, clause and thing, therein contained, except as altered or amended by the Act hereinafter mentioned; also, the Act, passed in the Third year of the Reign of Her present Majesty Queen Victoria, to continue and amend the said first mentioned Acts, and every matter, clause and thing, therein contained, shall be continued, and the said Acts, except as aforesaid, are hereby continued for one year, and from thence until the end of the then next Session of the General Assembly.

Acts 4 & 5,  
Wm. IV. & 3,  
Vic. continued

## CAP. C.

### An Act to continue the Act for the better regulation of Sable Island, in this Province.

(Passed the 29th day of March, A. D. 1841.)

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the First year of Her present Majesty's Reign, entitled, An Act for the better regulation of Sable Island, in this Province, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 1, Vic.  
continued

## CAP. CI.

### An Act to continue the Act to prevent damage to the Nets of Fishermen, by Coasting Vessels.

(Passed the 29th day of March, A. D. 1841.)

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fifth year of the Reign of His late Majesty King William the Fourth, entitled, An Act to prevent damage to the Nets of Fishermen, by Coasting Vessels, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 5, Wm.  
IV. continued

## CAP. CII.

## An Act to continue the Act in amendment of the Act for the Settlement of the Poor in the several Townships within this Province.

(Passed the 29th day of March, A. D. 1841.)

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Third year of the Reign of His late Majesty King William the Fourth, entitled, An Act in amendment of the Act for the Settlement of the Poor in the several Townships within this Province, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 3, Wm.  
IV, continued

## CAP. CIII.

## An Act to continue the Act, additional, concerning Nuisances.

(Passed the 10th day of April, A. D. 1841.)

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

Act 5, Wm.  
IV, continued

## CAP. CIV.

## An Act to continue and amend the Act for the Warehousing of Goods.

(Passed the 29th day of March, A. D. 1841.)

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act for the Warehousing of Goods, which Act will continue in operation until the Thirty-first day of March, in this year of our Lord One Thousand Eight Hundred and Forty-one, and every matter, clause and thing, in the said Act contained, except so far as the same is altered or amended by this present Act, shall remain thenceforth in operation, and be further continued until the Thirty-first day of March, which will be in the year of our Lord, One Thousand Eight Hundred and Forty-two, and no longer.

Continuing  
Clause

II. *And be it enacted*, That in every case, during the continuance of the said Act, where Goods charged with Colonial Duties, and also with Imperial Duties, being of Foreign Growth, Produce or Manufacture, shall be Warehoused in a King's Warehouse, under, or in pursuance of the Regulations prescribed by any Act of the Imperial Parliament; and also, in every case, where Goods charged with Colonial Duties, being of British Growth, Produce or Manufacture, shall be Warehoused in a King's Warehouse, and the Owner or Importer of such Goods, shall have given Bond at the Custom House, for the due Warehousing of the said Goods respectively, as prescribed by the said Regulations, then, and in every such case, the Bond for the Colonial Duties thereon, by the Twenty-first Clause or Section of the Act hereby continued, required to be entered into, shall be wholly dispensed with, and the Bond entered into at the Custom House, shall be deemed the security for the due

21st Clause of  
former Act  
dispensed with  
in certain cases

Permit to be  
granted by  
Collector of  
Impost

Penalties

due Warehousing of the said Goods; but it shall not be lawful for any Collector or other Officer of Her Majesty's Customs, to permit any Goods, so Warehoused, to be taken out of Warehouse for Home consumption, or for the Fisheries, until a permit therefor, under the hand of the Collector of Impost, shall be produced at the Custom House, and there filed, setting forth, that the Colonial Duties, to which such Goods are or may be subject, have been fully paid or secured; and if any such Goods shall be removed or taken from such King's Warehouse, before such Permit shall be granted and filed at the Custom House, the same Goods shall be forfeited, and the owner thereof, and the person or persons by whom the same shall be removed from Warehouse, shall be liable to a penalty of One Hundred Pounds, or five times the amount of the Colonial Duties thereon, at the election of the Board of Revenue.

## CAP. CV.

### An Act to revive and continue the Act to encourage the Seal Fisheries of this Province.

(Passed the 29th day of March, A. D. 1841.)

Act 3, Wm.  
IV. revived.

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the Third year of His late Majesty's Reign, entitled, An Act to encourage the Seal Fisheries of this Province, and every matter, clause and thing, therein contained, shall be, and the same are hereby, revived and continued for three years, and from thence to the end of the then next Session of the General Assembly.

## CAP. CVI.

### An Act to continue and amend the Act for regulating the Importation of Goods.

(Passed the 29th day of March, A. D. 1841.)

Continuing  
Clause

**BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth year of the Reign of His late Majesty King William the Fourth, entitled, An Act for regulating the Importation of Goods—which Act will continue in operation until the thirty-first day of March, in this year of our Lord One Thousand Eight Hundred and Forty-one; and also, every matter, clause and thing, in the said Act contained, save and except the Fourth and Forty-sixth Clauses or Sections of the said Act, and also save and except so far as the said Act is altered or amended by this present Act, shall remain thenceforth in operation, and be further continued until the Thirty-first day of March, which will be in the year of our Lord One Thousand Eight Hundred and Forty-two, and no longer.

Bond to be  
dispensed with  
in certain  
cases

II. *And be it enacted*, That, whenever, during the continuance of the said Act, the Importer of any Goods shall think proper to make entry thereof for Warehouse, as provided by the fifth Section of the said Act, and it shall appear by the Certificate of the proper Officers of the Customs that the same Goods have been duly entered at the Custom House to be Warehoused, and Bond given therefor, as required by the provisions of any Imperial Statute, then, and in every such case, the Bond for Warehousing the said Goods, required by the said fifth Section to be entered into by the Importer, shall be dispensed with, and the Landing Permit shall be granted for such Goods, and shall specify that security for the due Warehousing thereof hath been certified to have been given at the Custom House.

Regulations  
with regard to  
Impost Duties.

III. *And be it enacted*, That if, on the first entry of any Goods, subject to Colonial Impost Duties, or on entry thereof from the Warehouse, for Home use, the Colonial Impost Duties thereon to be ascertained, as in and by the said Act, hereby amended, is provided, shall not exceed the sum of Ten Pounds, then the said duties shall be paid down by the Importer.

Importer or person making the entry thereof, before any Permit shall be granted for the Goods contained in such entry, but if the amount of such Colonial Duties shall exceed the sum of Ten Pounds, then the Importer shall give Bond, with two sufficient sureties, to be approved of by the Collector of Impost, in treble the Duties payable on such Goods, with a condition for the payment of the said Duties by instalments, and in manner following, that is to say: one fourth part of said Duties in six months, another fourth part thereof in nine months, and the remaining half part thereof in one year, from the date of such Bond respectively; and such Bond shall be given in the manner and form prescribed therefor by the Board of Revenue; and a Warrant of Attorney shall also then and there be executed by the same parties, and in the form by the said Bond to be directed, for the confession of a Judgment for the amount of the said Bond, in case default should happen to be made in payment of any instalment thereof: *Provided always*, that when Goods have been Warehoused above one year, then the Colonial Duty, if exceeding Ten Pounds, shall be payable, one half in three months, and the other half in six months, from the date of the entry from Warehouse, and the Bond shall be made accordingly.

IV. *And be it enacted*, That instead of the period of twenty days, allowed by the twenty-seventh clause of the said Act, hereby amended; for the entry inwards of Goods, after the arrival of the Importing Ship, there shall be allowed for such entry six days only after such arrival; and if due entry inwards be not made within the said six days, it shall and may be lawful to proceed as in and by the said clause is directed, in the same manner as if the said period of six days had been inserted in such clause, instead of twenty days, as therein mentioned.

Time allowed  
for making  
entry

CAP. CVII.

**An Act to continue and amend the Act to regulate the Weighing of Beef, and the Act in amendment thereof.**

(Passed the 10th day of April, A. D. 1841.)

**B**E it enacted by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the Tenth year of the Reign of His late Majesty King George the Fourth, entitled, An Act to regulate the Weighing of Beef, and every matter, clause and thing, therein contained, save and except as amended by the Act hereinafter mentioned, or by this Act; also, the Act, passed in the Second year of the Reign of Her present Majesty Queen Victoria, to continue and amend the Act first mentioned, and every matter, clause and thing, therein contained, save and except, as hereinafter altered or amended, shall be continued, and the said Acts, except as before excepted, are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

Former Act  
continued.

*And whereas*, it is necessary that some mode should be prescribed for the appointments of Officers for the Inspecting and Weighing of Beef, which will secure the better, and more efficient performance of the duties of such office:

II. *Be it enacted*, That, from and after the passing of this Act, any appointment or appointments made under or by virtue of the Acts herein mentioned, and hereby continued, shall be, and become absolutely void, and thereafter no appointment of any such officer, shall be made by the Grand Jury and Sessions, as in and by the said Act, herein first mentioned, and hereby continued, is enacted.

III. *And be it enacted*, That, from and after the passing of this Act, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to nominate and appoint, in any Township or place where it shall be required, any two or more persons to be Inspectors and Weighers of Beef, which said persons, when so appointed, shall have, use and exercise, the same powers and authorities, and be liable to the same duties, provisions and penalties, and be entitled to the same fees and emoluments, as any person or persons appointed for the Inspecting and Weighing of Beef, under or by virtue of the Acts, or either of the Acts, hereby continued and amended.

Officers to be  
appointed by  
Governor

IV. *And be it 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.

Term of con-  
tinuance

## An Act for regulating the Militia.

(Passed the 10th day of April, A. D. 1841.)

Persons liable  
to be enrolled

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That every man residing, or who shall come to reside, within this Province, of the age of sixteen years, and upwards, and not over sixty years of age, (excepting such as are hereinafter excepted) shall be enrolled in the Militia, and be bound to serve in the Militia, of the County, District, Town or Place, where he shall reside.

Formation of  
Militia

**II.** *And be it enacted,* That the Militia shall be formed into Regiments by Counties or Districts, being Divisions of Counties; and if any such County or District shall be sufficiently populous to admit of the Regiment being sub-divided into two or more Battalions, it shall and may be lawful for the Governor to sub-divide the said Regiment into Battalions, to consist respectively of not less than three hundred, nor more than eight hundred men, and to affix the limits of the District comprising any such Regiment or Battalion.

Strength of  
Companies

**III.** *And be it enacted,* That all Companies (Flank Companies excepted) shall be formed by Districts in such manner as that such Companies may be assembled as conveniently as possible, and each Company shall contain not less than thirty nor more than eighty men; and, in case of not being more than sixty men, shall have one Captain and two Subalterns to command the same; but if over sixty men, one additional subaltern may be appointed thereto.

Companies  
Limits—registra-  
tion of  
names

**IV.** *And be it enacted,* That the Field Officers and Captains, at their Meeting, hereinafter directed, shall, from time to time, regulate the limits of the Company, Districts, and the number of men enrolled in each Company; and the Clerk of the Company is hereby required to register in a book, to be provided and kept for that purpose by him, the names of all men belonging to such Company—which book is to be ready at all times for the inspection of the Colonel of the Regiment, as also for the inspection of the Captain and Officers of the Company.

Militia in Har-  
bours and Set-  
tlements

**V.** *Provided always, and be it enacted,* That in Harbours and Settlements, where the men liable to serve in the Militia are not so numerous as to form a complete Company, it shall be lawful to form the same into smaller Companies; and if any such Company shall not amount to more than twenty men, then only one Officer shall be appointed for the Company; and if to more than twenty, and not exceeding thirty men, only two Officers shall be appointed.

Flank Com-  
panies

**VI.** *And provided also, and be it enacted,* That where any Regiment, Battalion or Company of Militia, shall have heretofore been formed, and the limits thereof are now established, the same shall remain as heretofore established, unless otherwise ordered and directed by the authority hereinbefore prescribed.

Artillery Com-  
panies

**VII.** *And be it enacted,* That there shall not be more than two Flank Companies to any Regiment—which Flank Companies shall consist of Light Infantry or Riflemen only, (except were Grenadier Companies may be already formed,) and such Flank Companies shall be composed of such numbers as may have been heretofore directed, or as the Governor shall hereafter determine.

Flank Compa-  
nies formed

**VIII.** *And be it enacted,* That it shall and may be lawful for the Governor to establish one or more Artillery Companies in any County or place in this Province, and to limit the numbers of which any such Company shall consist: *Provided always,* that every Artillery Company heretofore established, shall remain so established, until the Governor shall otherwise direct.

Continuance  
of service in  
Artillery, Gre-  
nadier and  
Rifle Com-  
panies

**IX.** *And be it enacted,* That no Flank Company shall be formed in any Regiment, except of the men residing within the limits of such Regiment, except in the first and second Halifax Regiments, in each of which Regiments the Flank Companies may be composed of men living in any part of the limits, which are or may be assigned by Law for the Town or City of Halifax.

**X.** *And be it enacted,* That every man now enrolled, or who shall hereafter enrol himself, in any Artillery Company, Grenadier Company, Light Infantry or Rifle Company, now formed, or to be hereafter formed, shall continue in such Company for five years from the



the date of his enrolment therein, unless in case of removal from the County or the District of the Regiment, or being discharged by the Captain of such Company, with the approbation of the Colonel of the Regiment.

XI. *And be it enacted*, That at any meeting of any such Artillery Company, Grenadier Company, Light Infantry or Rifle Company, to be convened by order of the Captain of such Company, and of which meeting at least three days notice shall be given to each man in such Company—such Company shall and may, by vote of the majority present at such meeting, make and pass all or any Rules and Regulations necessary for the good order and government of the said Company, and for regulating the Dress, Drilling and Disciplining, of the same, and to impose any fine, not exceeding Forty Shillings, for the breach of any such Rule or Regulation; and the Rules and Regulations so passed, shall, when approved by the Captain of such Company, and by the Lieutenant-Colonel or Officer commanding the Regiment, be binding upon the whole Company; and the fines thereby imposed shall be recoverable, as fines imposed by this Act, on any man enrolled in the Militia, for not attending any meeting for Training or Drill, are hereby made recoverable.

Rules and Regulations may be passed by Artillery, Grenadier and Rifle Companies

XII. *And be it enacted*, That it shall be lawful for the Governor to establish one or more Troop or Troops of Cavalry in any County or Place in this Province, and to limit the number of Officers and Men of which any such Troop shall consist; and every man who shall enrol himself in any Troop, shall continue therein for five years from the date of his enrolment, unless he shall remove from the County, or be discharged by the Captain of such Troop.

Troops of Cavalry

XIII. *And be it enacted*, That if any man, enrolled in any Troop of Cavalry, shall, at any time during his enrolment, sell, exchange, or otherwise dispose of his Horse belonging to such Troop, without the consent of the Captain thereof, such man shall forfeit and pay Ten Pounds, to be recovered as is hereinafter directed, and to be applied in repairing the Arms and Accoutrements belonging to the Troop, or other incidental charges attending the same.

Cavalry Horses—penalty for disposing or exchanging them

XIV. *And be it enacted*, That every Captain of a Company, now appointed, or to be appointed, shall, as soon as conveniently may be, after the passing of this Act, enrol all the men, liable to be enrolled, who reside within the limits assigned for his Company; and every man liable to be enrolled, (not being already enrolled in such Company,) who, after the passing of this Act, shall neglect to present himself in person to the Captain of the Company where he resides, and give in his name, age, and place of residence, or cause the same to be made known in some certain way to the Captain of the said Company, shall forfeit and pay a fine of Ten Shillings.

Enrolment of Militia-men

XV. *And be it enacted*, That every man who shall remove out of the limits assigned for the Company in which he is or ought to be enrolled, and who shall not, within ten days after his removal, either present himself for enrolment, or cause his name, age, and place of residence, with that from which he last removed, to be made known to the Captain of the Company at his new place of residence, shall forfeit and pay a fine of Ten Shillings; and every man who shall not within thirty days after he shall have attained the age of sixteen years, either present himself for enrolment, or cause his name, age, and place of residence to be made known, as aforesaid, so that he may be enrolled in the Company of the limits wherein his place of residence may be, shall forfeit and pay a fine of Five Shillings; and every man, within the ages hereinbefore specified, who shall come to reside in this Province, and shall not, within thirty days after his arrival therein, present himself for enrolment, or cause his name, age, and place of residence to be made known, as aforesaid, so that he may be enrolled in the Company of the limits wherein he shall have come to reside, shall forfeit and pay a fine of Ten Shillings.

Persons neglecting to enrol themselves fined

XVI. *Provided always, and be it enacted*, That notwithstanding the neglect of any man to cause himself to be enrolled, the Captain of the Company shall enrol, or cause to be enrolled, in his Company, the name of every Man liable to be enrolled residing within the limits of his Company, that shall come to his knowledge; and when so enrolled every such man shall be subject and liable to perform all Militia Duties, under the same penalties, as if he had personally presented himself for enrolment; and if any difference shall arise between the Captain of a Company and any man, touching the age of such man, it shall be incumbent on the man to prove his age.

Proviso

Neglect to enrol

XVII. *And be it enacted*, That if any man shall neglect to cause himself to be enrolled, as hereinbefore directed, in the Company wherein he ought to have been enrolled, and in consequence of such neglect, he shall be absent from any meeting for Training or Drill, or other duty, which, had his name been enrolled, he ought to have attended, and would have been summoned to attend, then, and in every such case, in addition to the fine hereby imposed for neglecting to cause himself to be enrolled, such man shall also be liable to pay, and shall forfeit and pay, any fine to which he would have been liable for neglecting to attend such meeting for Training, Drill, or other duty, in case he had received due notice so to do.

Preamble

And to prevent inconveniences arising to the Halifax Regiments by the frequent change of men from one Company thereof to another :

Continuance of enrolment

XVIII. *Be it enacted*, That every man in the respective Halifax Regiments, shall be bound to do and perform his duty in that Company in which he was enrolled, before the first day of October in every year, and shall be deemed to belong to such Company for the year next following such enrolment, notwithstanding any change of his residence within the limits of his Regiment.

Removal out of limits

XIX. *And be it enacted*, That any man in the said Halifax Regiments, who shall move out of the limits of the Company in which he may be enrolled, shall, within one week after such removal, give notice to the Clerk of his Company of his new place of residence ; and in case of any subsequent removal, shall give the same notice, and for every neglect shall forfeit and pay a fine of Ten Shillings.

Appointment of Adjutant

XX. *And be it enacted*, That some fit and proper person shall be appointed Adjutant of every Regiment, whose duty it shall be to attend at the meetings for Drill or Training of his Regiment, or of any Company or Detachment of such Regiment, then and there, under the directions of the Colonel of the Regiment, or Commanding Officer of any such Detachment, to inspect the Arms, Accoutrements and Ammunition of the men ; to superintend their exercise and manœuvres, and to introduce a proper system of discipline, agreeably to such orders as he shall receive from time to time from the Colonel of the Regiment ; and to do and perform such other duties and services, suitable and appertaining to the office of Adjutant, as the Colonel of the Regiment shall from time to time direct and order.

Compensation to Adjutant

XXI. *And be it enacted*, That every such Adjutant shall be allowed and paid, as a full compensation of his services under this Act, the sum of Ten Shillings, per day, for every day, respectively, he shall be actually employed in the performance of his duty, when not on actual service, so that the whole sum to be received by any Adjutant, not on actual service, shall not exceed Ten Pounds in any one year—for which compensation it shall and may be lawful for the Governor to draw a warrant on the Treasury of the Province, on the certificate of the Colonel and a majority of the Captains of the Regiment, and also of the Inspecting Field Officer, if any shall be appointed for the District to which the Adjutant may belong, that such Adjutant is duly qualified, and has attended all the meetings for training and disciplining of the Regiment and Companies ; has distributed the orders and made up the Returns of the Regiment, and in other respects has faithfully performed his duties.

Sergeants, Corporals, Drummers and Fifers, or Buglers and Pipers

XXII. *And be it enacted*, That the Captain of every Company shall, and he is hereby empowered, with the approbation of the Colonel of the Regiment, to nominate and appoint some man he may deem qualified, to act as Clerk of the Company ; and also, with the like approbation, to nominate and appoint out of his Company, Sergeants, Corporals, Drummers and Fifers, or, if deemed advisable, Buglers or Pipers, and from time to time with the like approbation, to displace them, or any of them, and appoint others ; and any man, appointed as aforesaid, for any of the respective offices, who shall refuse to accept such appointment, shall forfeit and pay a fine of Forty Shillings, and another man shall be appointed in his room, who shall, in case of refusal, be liable to the same fine, and so on until one man do accept ; and in case any Sergeant, Corporal, Drummer, Fifer, Bugler, or Piper, accepting such appointment, shall neglect or refuse the duties thereof, he shall forfeit and pay, for every offence, a fine of Forty Shillings.

To continue in one Company

XXIII. *And be it enacted*, That when any man shall be appointed to, and be enrolled as Drummer, Fifer, Bugler or Piper, in any Company, he shall remain therein, notwithstanding he may not continue to reside in the limits of the Company : *Provided however*, that no such Drummer, Fifer, Bugler or Piper, shall be obliged to serve in any Company out of the

Proviso

the limits of the Regiment in which he may reside, unless when ordered out on actual service, agreeably to the provisions of this Act.

XXIV. *And be it enacted*, That every Clerk of a Company, before he enters upon his office, shall be sworn before some Justice of the Peace, to the faithful performance of the duties of his office, in the form following, that is to say—

Clerk of a Company to be sworn

“I, A, B, do swear truly to perform the duties of my office, as Clerk of the Company of Militia, now under the command of \_\_\_\_\_ to the utmost of my skill and power, in all things appertaining to said office, according to Law. So help me God.”

Form of Oath

XXV. *And be it enacted*, That the duties of the Clerk of a Company shall be to keep a Register of his Company, to furnish to the Non-commissioned Officers lists of men, whom they are directed to warn for any meeting for Training or Drill, and to take lists of the Company when required by the Captain, to attend Officers making inspection of Arms, to attend every meeting of the Company, and to sue and prosecute for all fines, penalties and forfeitures, incurred by any man of the Company, in the name of the Captain of the Company, when ordered so to do by the Captain; and such Clerk shall be allowed, and be entitled to deduct and retain, one fourth of all such fines, penalties and forfeitures, which may be recovered, for his trouble in doing the duties enjoined by this Act, and shall be exempt from any Draft or Ballot for actual service.

Duties of Clerk

XXVI. *And be it enacted*, That if any Clerk of a Company shall neglect or refuse to perform any of the respective duties hereby required, he shall forfeit and pay, for every offence, a fine not exceeding Five Pounds, nor less than Twenty Shillings, to be sued for and recovered by the Captain of the Company.

Refusing to act

XXVII. *And be it enacted*, That it shall and may be lawful for the Colonel of every Regiment to appoint a Sergeant Major, and Clerk for such Regiment, (and where, in any place, from local circumstances, the Regiment cannot be assembled entire, one additional Clerk, for the division of such Regiment, which cannot be assembled at the place of general rendezvous: *Provided, however*, that there shall be but one such additional Clerk appointed in any Regiment, and any such Sergeant Major or Clerk to displace, and another to appoint in his stead, as such Colonel shall think fit.

Appointment of Sergeant Major & Clerk

XXVIII. *And be it enacted*, That every Serjeant Major or Clerk, so appointed, shall be exempted from the Ballot or Draft for actual service; and every Clerk so appointed, shall take an oath for the faithful discharge of his duties, in manner as hereinbefore directed, in respect to the Clerk of a Company; and shall be liable, for neglect or breach of duty, to the like fines, penalties, or forfeitures, as any Clerk of a Company.

Exempted from actual service

To be sworn

XXIX. *And be it enacted*, That once in every year, on or before the last day of November, the Colonel of every Regiment shall make out and transmit to the Adjutant General of Militia, for the information of the Governor, a Return of the strength of his Regiment, and of every Company thereof; and also a Return of Arms, and an account of all fines collected or paid, and of the expenditure thereof, with certified copies of the Vouchers for each Expenditure; and every Captain of a Company shall transmit to the Colonel of the Regiment, to which his Company belongs, once in every year, that is to say—on or before the first day of November, annually, and as often further as required by the Colonel of the Regiment, Returns of the strength of his Company, with a fair Roll thereof, and also a Return of the Arms of the Company.

Colonel to make a return to Adj. Gen. of strength of Regiment

Captain of his Company to Colonel

XXX. *And be it enacted*, That every such Return herein required to be made, shall be made in the form prescribed and furnished, or to be prescribed and furnished, by the Adjutant General of Militia. And any Officer who shall be guilty of wilfully making a false Return shall be cashiered, by sentence of some General Court Martial, to be appointed under this Act, and shall moreover be liable to pay a fine of Twenty Pounds. And any Colonel who shall neglect to make the Return hereby required of him, shall for every such neglect forfeit and pay a fine of Twenty Pounds. And any Captain who shall neglect to make the Returns hereby required of him, shall forfeit and pay for every such neglect a fine of Five Pounds.

Officer making false return to be cashiered

XXXI. *And be it enacted*, That every Freeholder, enrolled in the Militia, who is of the age of twenty-one years or upwards, shall, within twenty days after public notice given that Arms and Accoutrements, of the description hereinafter mentioned, are lodged at any place, within the limits of the Regiment or Company to which such Freeholder shall be

Arms

long, for distribution among the men of his Regiment or Company, attend at the place of distribution, to receive such Arms and Accoutrements, which may be then ready for distribution.

Accoutrements

XXXII. *And be it enacted*, That every Freeholder shall be entitled to receive a good and sufficient Musket, with a Bayonet suitable thereto, of the same description and size as those used in Her Majesty's service; or if enrolled in a Rifle Company, a good and sufficient Rifle Gun, with a Bayonet or Sword suitable thereto; and in addition to such Musket or Rifle, with the Bayonet or Sword, shall also be entitled to receive a Cartouche Box, capable and sufficient to contain Eighteen Rounds of Ball Cartridge, with proper Belts for such Bayonet or Sword, and Cartouche Box.

Bond to be given for Arms &c.

XXXIII. *Provided always, and be it enacted*, That upon receiving such Arms and Accoutrements, every Freeholder shall execute and leave with the party from whom he shall receive the same, a Bond, with one sufficient surety, in the sum of Five Pounds, with a condition in the form or to the effect following, that is to say—"Know all Men by these Presents, the We, A B and C D, are held and firmly bound to our Sovereign Lady the Queen, in the sum of Five Pounds, to be paid to our said Sovereign Lady the Queen, her Heirs or Successors, for which payment, well and truly to be made, we bind ourselves and either of us by himself, our and each of our Heirs, Executors and Administrators, firmly by these Presents. Sealed with our Seals, and dated the \_\_\_\_\_ day of \_\_\_\_\_ in the year of our Lord One Thousand Eight Hundred and \_\_\_\_\_

Form of Bond

"The condition of this Obligation is such, that if the above bounden A B shall at all times hereafter safely keep in good and serviceable order and condition, and have ready to return, when called for by the Commanding Officer of the Regiment (or Battalion as the case may be, specifying the particular Regiment or Battalion to which such Freeholder may belong) one Musket, &c. (specifying the arms which may have been received by such Freeholder) which have been issued to him under and pursuant to an Act of the General Assembly, entitled, 'An Act for regulating the Militia,' now in force, and shall, in all things, well and truly perform the provisions of the said Act, touching such Arms and Accoutrements, then this Obligation shall be void, otherwise shall remain in full force and effect."

Signed, Sealed and delivered } A. B. L. S.  
in presence of } C. D. L. S.

Bond lodged with Captain of Company

XXXIV. *And be it enacted*, That all Bonds to be taken under this Act, shall be, by the person taking the same, transmitted to and lodged with the Captain of the Company, and if any Freeholder, enrolled in the Militia as aforesaid, shall not receive such arms and enter into such Bond, as aforesaid; or shall not within the same time before limited for the purpose, provide himself, at his own expense, with the arms and accoutrements of the same description as before required, he shall forfeit and pay the sum of Two Pounds.

Fee to be paid on giving Bond

XXXV. *And be it enacted*, That for every such Bond, the Freeholder giving the same, shall pay to the person who takes the same, a fee of One Shilling for his trouble in filling up such Bond.

To whom arms, &c. will be furnished

XXXVI. *And be it enacted*, That any man, over Twenty-one years of age, enrolled in the Militia, who shall not be a Freeholder, shall be entitled to receive the same Arms and Accoutrements as aforesaid, upon entering into such Bond as aforesaid, with one sufficient security, being a Freeholder; and every man so enrolled under Twenty-one years shall be entitled in like manner to receive such Arms and Accoutrements, upon giving the like Bond, with two sufficient sureties.

Bond for Arms, &c. lost or mislaid

XXXVII. *And be it enacted*, That when any man shall be required to return such Arms and Accoutrements so received by him, and his Bond shall be lost or mislaid, the Captain of the Company, to which such man belonged when he received such Arms and Accoutrements, may tender and offer to such Man a Receipt for such Arms and Accoutrements, under the hand of such Captain; and if thereupon such man shall refuse or neglect to return such Arms and Accoutrements, he shall forfeit and pay a penalty of Five Pounds; and such Receipt shall cancel and discharge the Bond given by the man receiving the same, and returning his Arms and Accoutrements.

Accoutrements to be found by Militia-men

XXXVIII. *And be it enacted*, That every man, by Law required to be enrolled in the Militia, when thereto required by any General Order of the Governor, shall provide himself, at his own expense, with a set of straps for carrying a Great Coat or Blanket, a Pricker, and

and Brush to clean the pan of his Musket or Rifle—a leathern or canvas Knapsack, with straps and buckles—three good Flints, eighteen Ball Cartridges of a size to fit the Musket or Rifle, and forty Buck Shot, under the penalty of Ten Shillings.

**XXXIX.** *And be it enacted,* That at any meeting of his Company or Regiment, or on any other occasion of duty, when required to appear with his Arms, every man shall appear with the respective Arms, Accoutrements, Ammunition, and necessaries, hereinbefore enumerated, or with such of them respectively as he may then be required and ordered to have, on pain of forfeiting, for the want of Musket or Rifle, Ten Shillings; and for want of any of the foregoing Accoutrements, or Articles above specified, for each respective article wanting, One Shilling—the Flint, the Cartridges and the Buck Shot to be respectively considered one article only, in respect to such penalty.

Militia-men  
when required  
to appear with  
Arms, &c.

And to provide for the case of Minors and others, enrolled in the Militia, who may not be able to give the required security for Arms and Accoutrements:

Preamble

**XL.** *Be it enacted,* That the Captain of every Company shall prepare, or cause to be prepared, a list of every man in his Company who may not be compellable or able to give security, or to provide himself with Arms and Accoutrements at his own expense, and shall receive from the person having the custody of the Arms of the Regiment, a complete set of Arms and Accoutrements for every man named in such list, as aforesaid, for the safe custody and due return of which Arms and Accoutrements such Captain shall be responsible, and shall give Receipts for the same in Duplicate, one to be entered in the Orderly Book of the Regiment, and the other to be transmitted to the Adjutant General of Militia; and every Captain neglecting or refusing, within thirty days after public notice that such Arms and Accoutrements are to be distributed as aforesaid, to prepare such List, and to procure the Arms and Accoutrements, and to sign Receipts for the same, as hereinbefore required, shall be subject and liable to a penalty of Five Pounds; and on complaint to the Governor may be deprived of his Commission, and be thereafter liable to serve as a private in the Militia.

Inability of  
minors to give  
security for  
Arms

**XLI.** *And be it enacted,* That for all Arms and Accoutrements, or Articles whatsoever, delivered to the Colonel of any Regiment, or the Captain of any Troop of Cavalry or Company of Artillery, for the use of such Regiment, Troop or Company, such Colonel or Captain shall give to the Quarter Master General of Militia his Receipt, and shall be accountable and responsible for the same.

Receipt to be  
given for Arms  
&c.

**XLII.** *And be it enacted,* That all Arms to be issued in pursuance of this Act, shall be distinctly numbered and marked with a brand on the left side of the broad part of the Butt, with the name of the County and number of the Regiment to which the man who shall receive the same may belong, and with the Letter M immediately following, such brand to be provided at the County expense, by the Treasurer of the County, to the Colonel of each Regiment, within the same, who shall cause the Arms to be so marked and numbered before they are issued as aforesaid.

Issue of Arms

**XLIII.** *And be it enacted,* That the Captain of each Company shall lodge the Arms and Accoutrements, so received by him, in some suitable and convenient place or places within the limits of his Company, where they may be delivered out to the men for whom the same were received and are intended, upon all such times and occasions as such Captain may order and direct; and every man who shall receive any such Arms and Accoutrements, shall return the same and every part thereof, to the proper place of deposit thereof, within twenty-four hours after the service, for which the same may have been received by him, shall be terminated, under penalty of Five Shillings for every day's neglect so to do.

Lodgement of  
Arms

**XLIV.** *And be it enacted,* That every Man having any such Arms and Accoutrements, under the Provisions of this Act, who shall vend, pledge or exchange, the same, or any part thereof, or shall convey, or cause to be conveyed, the same or any part thereof, out of the limits of the Regiment for which the same may have been issued, except when such Man shall be ordered on duty with such Arms and Accoutrements; and every person who shall buy, receive or accept, in pledge or exchange, any such Arms and Accoutrements, shall forfeit and pay a fine of Five Pounds for every Musket or Rifle; and a fine of Ten Shillings for every Accoutrement so respectively sold, purchased, pledged, exchanged, received or conveyed, out of the limits of the Regiment as aforesaid; and every person who shall, without proper authority, convey, or cause to be conveyed, or assist in conveying, any such Arms

Embezzlement  
of Arms, &c.

Arms



Arms or Accoutrements, on board any Boat, Ship or Vessel, with the intent to have the same carried out of the County, for which the same may have been issued; and the owner, master or person, on board of such Boat, Ship or Vessel, who shall, without proper authority, knowingly receive any such Arms or Accoutrements, so intended to be conveyed out of any such County as aforesaid, shall forfeit and pay a fine of Ten Pounds.

Information  
against such as  
embezzle  
Arms, &c.

XLV. *And be it enacted*, That if information shall be given on oath to any Justice of the Peace, that any person so offending, not being a Freeholder, is about to remove out of the County with such Arms and Accoutrements, it shall and may be lawful for such Justice to issue his Warrant to apprehend every such person, and to bring such person forthwith before such Justice, to answer for such offence.

Recovery of  
Arms

XLVI. *And be it enacted*, That any person charged with selling, pledging, exchanging, purchasing or receiving, any Arms or Accoutrements as aforesaid, who shall immediately restore such Arms or Accoutrements, and cause the same to be delivered to such Justice, shall be entitled to a remission of one half of the fine hereby imposed for such offence, or of one half of any term of imprisonment which may be hereinafter prescribed in case of non payment of such fine.

Remission of  
punishment

Inspection of  
Arms, &c.

XLVII. *And be it enacted*, That the Colonel of every Regiment shall once in every year, or as often as he may think necessary, order an inspection of the Arms, Accoutrements and Ammunition, of the several Companies under his command, to be made at one and the same time, by one Officer from each Company, attended by the Clerk of the Company, by calling on each and every man of the said Company, at the usual place of his abode; and such Officer shall make an exact return of such Arms, Accoutrements, and Ammunition, describing the state and condition thereof; and every man required by Law to be provided with Arms, Accoutrements and Ammunition, and other Articles hereinbefore mentioned, who shall, at such inspection, have such Arms, Accoutrements and Ammunition, or other Articles, or any part thereof, in an unserviceable condition, or shall be deficient in any of the said Arms, Accoutrements, Ammunition, or other respective Articles hereinbefore required to be furnished to or by such man, shall, for every part of said Arms, Ammunition, Accoutrements, and other Articles respectively, not in serviceable order, or otherwise deficient, forfeit and pay the like penalty as herein prescribed, for any such default or deficiency in appearing at any Meeting for Training or Drill without such Arms, Accoutrements, Ammunition, and Articles respectively, or with the same in unserviceable condition, as herein mentioned.

Arms to be  
returned by  
Militia-men  
removing from  
limits of Com-  
pany

XLVIII. *And be it enacted*, That any man who shall receive Arms or Accoutrements under this Act, if he shall remove out of the limits of the Company, in which he may be enrolled at the time he shall receive such Arms and Accoutrements, shall, before he shall remove out of such limits, return to the Captain of the Company, the Arms and Accoutrements so received by him, in good and perfect order, under the penalty of Five Pounds.

Arms not in  
order

XLIX. *And be it enacted*, That if any Man shall appear at any Meeting for Training or Drill with Arms and Accoutrements, any of which, in the opinion of the Captain of his Company, are dirty, or not in good and serviceable order, such person shall forfeit and pay a fine not less than Two Shillings and Sixpence, nor more than Ten Shillings.

Keeping of  
Arms, &c. in  
order

L. *And be it enacted*, That until Arms and Accoutrements shall be ordered and provided for distribution under this Act, it shall and may be lawful for the Governor to make any General Order or Orders, Rules and Regulations, for storing, cleaning, and keeping in proper order, the Arms now placed in depot, under any Act hereinbefore in force, for the use of any Regiment, and, towards the cleaning and repairing of such Arms, all fines and forfeitures to be received by the Quarter Master under this Act, shall be paid and applied, after deducting the contingent expenses of the Regiment; and in addition thereto, if any further sum be required for such purpose, it shall and may be lawful for the Governor to draw a Warrant on the Treasury, in favor of the Colonel of every Regiment, having Arms under his charge, for such sum as may be so requisite—provided the same do not exceed in amount Sixpence for each and every Stand of Arms under the charge of each Colonel.

Discipline

LI. *And be it enacted*, That it shall and may be lawful for the Governor to make and publish any General Order or Orders, or any such Orders, Rules and Regulations, as he may deem requisite, not repugnant to this Act, for the necessary and proper disciplining of the Militia of the Province generally, when not required to be called into actual service, prescribing

ing the number of days' Drill, and the mode of assembling on such days, whether by meetings of Companies, or of Regiments, or of Detachments of Regiments: *Provided*, that the number of days' Drill, unless in such cases as are hereinafter specifically provided for, shall not exceed three days in any one year: *And provided also*, that unless some particular exigency shall require otherwise, there shall be only one day's meeting for Training or Drill, at which only the first class of Militia, as hereby established, shall be required to attend.

LII. *And be it enacted*, That every Colonel of a Regiment who shall neglect to give Orders for assembling his Regiment by Companies, or otherwise, as may be required by any General Order or Orders, or any such Orders, Rules and Regulations, for the purpose of training, disciplining, and improving the men belonging to his Regiment, shall forfeit and pay a fine of Twenty Pounds; and every Captain having received orders from the Colonel of the Regiment to which he belongs, to call out his Company for Training and Discipline as aforesaid, who shall neglect so to do, shall, for every offence, forfeit and pay a penalty of Five Pounds.

Colonels of Regiments neglecting to call out their men for Training

LIII. *And be it enacted*, That any man enrolled in the Militia, who shall be notified, as hereinafter prescribed, to attend any meeting of his Company or Regiment for Drill or Training, and who shall neglect so to attend, not having some sufficient excuse, as hereinafter mentioned, satisfactory to the Captain of his Company, shall be subject for the first offence to a fine of Ten Shillings, and for the second offence to a fine of Fifteen Shillings, and for every subsequent offence to a fine of Twenty Shillings; and every man who shall appear on Parade at any such meeting of his Company or Regiment, and shall, while there, refuse or neglect to perform the Militia duty required by him, or shall depart from his Company without leave from the Colonel or Officer in command of the Regiment or Detachment thereof, then on Parade, or from the Captain of his Company, shall forfeit and pay a penalty not exceeding Twenty Shillings, nor less than Five Shillings, for every offence, to be imposed by the Colonel or Officer in command of the Regiment, or the Detachment, or portion of the Regiment, then on Parade.

Improper conduct of Militia men

LIV. *And be it enacted*, That notice of the imposition of any such fine, for non-attendance at any meeting for Drill or Training as aforesaid, shall be given by the Clerk of the Company, to any man belonging to the Company, upon whom any such fine may be imposed, either personally, or by notice in writing, left with the Master, Parent, Wife or Servant, of such man, or with his child, if of the age of discretion; and in addition to the notice of the imposition of such fine, the said Clerk shall also, in like manner, and at the same time, notify the said man that a Board of Officers has been appointed for hearing Appeals, and that the same will meet on some certain day and hour—such day not to be less than four days from the day of giving such notice, and at some certain place; and any man receiving such notice may attend before the Board of Officers, and prefer his Appeal against the fine, and be entitled to have the same heard and determined.

Notice of fines

LV. *And be it enacted*, That it shall and may be lawful for the Colonel of any Regiment, from time to time, as occasion may require, to form a Board of Officers of such Regiment, consisting of one Field Officer and two Captains, or of three Captains, or of two Captains and three Subalterns, or of one Captain and four Subalterns, for the purpose of hearing and determining any such Appeals as hereinbefore mentioned; and, by Regimental Order, shall appoint a day for the meeting of such Board, not to be longer than thirty days after the meetings of every Company in the Regiment for Training or Drill shall be fully completed—of which order, the Captain of every Company shall have notice.

Board of Officers appointed for Appeals

LVI. *And be it enacted*, That the said Board shall have power to remit or discharge any fine only on proof of sickness of the man fined, or sickness in his family, requiring his personal attendance, or of unavoidable accident, rendering it impossible for him to reach the place of meeting, or the sudden occurrence of urgent business, the neglect of which would have proved of serious injury to the affairs of such man, and which could not have been postponed to another time; and all fines, which shall be confirmed by any such Board, shall be certified in a Schedule, to be signed by the President of the Board.

Fines may be remitted

LVII. *And be it enacted*, That every man required to attend any meeting of his Company or Regiment, for Training or Drill, as hereinbefore mentioned, shall receive notice of such meeting, at least three days before the first day of such meeting, which notice shall

Notice of meeting to train

be given by any Officer or non-commissioned Officer, or the Clerk of his Company, or by any Private of the Company, having the written orders of the Captain, to such man personally; or if not to be found at his usual place of Dwelling, to receive personal notice, the leaving notice in writing with the Parent, Master, Wife, or Servant, or Child, of the years of discretion, of such man, or giving such man notice in any other reasonable or discreet manner, shall be deemed sufficient, unless it shall be made satisfactorily to appear to the Captain of his Company, or in case of appeal to the Board of Officers, that such man was ignorant of notice having been so given to him as aforesaid.

Trainings or Drills

LVIII. *And be it enacted*, That whenever any Regiment, Detachment, or Company of Militia, shall be assembled at any meeting for Training or Drill, it shall and may be lawful for the Commanding Officer then present, to order and direct such Regiment, Detachment or Company, to re-assemble on any other day, then to be named by him, on which day such Regiment, Detachment or Company, shall re-assemble; and such order and direction then given, shall be deemed to be good and sufficient notice to every man who shall have been duly notified of the first day of meeting.

Excuses for non-attendance

LIX. *And be it enacted*, That when any Captain shall accept of an excuse, offered by any man of the Company, for not attending any meeting for Drill or Training, such Captain shall, if required by the Colonel of the Regiment, make a report in writing of the nature of the excuse so offered, and so received; and upon neglect or refusal to make such report, such Captain shall forfeit and pay Two Pounds Ten Shillings.

Officers neglecting to attend Trainings

LX. *And be it enacted*, That any Officer under the Regimental rank of Lieutenant Colonel, who shall fail to attend any meeting of the Regiment or Company to which he belongs, without some reasonable excuse, to be adjudged of by a Board of Officers, to be appointed as before directed, shall forfeit and pay, according to his rank, for each and every default, a fine or penalty as follows, that is to say:—If a Major, Five Pounds, if a Captain, Three Pounds, and if a Subaltern Two Pounds—which fines shall be sued for by the Adjutant of the Regiment, and be recovered in like manner as is hereby directed in regard to fines imposed upon any man for non-attendance at meetings for Drill or Training; and from such fine, when recovered, the Adjutant shall be entitled to deduct and retain one fourth for his trouble in collecting the same, and the residue shall be paid and applied as hereinafter directed.

Recovery of Fines

LXI. *And be it enacted*, That the fines by this Act imposed upon any man for non-attendance at any meeting for Drill or Training, shall be recovered before any one of Her Majesty's Justices of the Peace, not being an Officer of the Company to which such man belongs, and not having been a Member of the Board of Officers for Appeals before whom any such fine may have been questioned, by Action, in the name of the Captain of the Company, as if the amount were an individual debt due to the said Captain—in which action the Clerk of the Company shall be, and is hereby declared to be, a competent Witness; and such Justice shall have no power to remit any fine, but upon proof made that the man sued had such notice of the imposition of the fine sought to be recovered, as by this Act is required; and that such man either did not appeal to a Board of Officers, or that upon appeal the fine had been confirmed, it shall be imperative on such Justices to give Judgment for the amount of the fine sought to be recovered, with costs, and to issue execution as in any case of a debt of the like amount. *Provided always*, that if any man shall be committed to Jail under any execution so issued, and shall apply for, and appear entitled to relief, under any Act or Acts for the relief of Insolvent Debtors, such man shall not be forthwith discharged, but shall be remanded to Jail, and shall suffer two days imprisonment for every Five Shillings of the amount of the fine recovered.

Actual Service

LXII. *And be it enacted*, That the Governor shall be, and is hereby authorized and empowered, in case of any invasion or sudden attack made or threatened by Her Majesty's enemies, to call into actual service the Militia of the several Counties of this Province, or any part thereof, as he, in his discretion, shall deem proper and necessary; and that the Militia, or any part thereof, so called into actual service by virtue of the provisions of this Act, shall and may be ordered to march from any County or part of this Province, to any other County or part thereof.

Voluntary service in defence of New Brunswick

LXIII. *And be it enacted*, That it shall and may be lawful for the Governor to accept the voluntary service of any one or more of the embodied Militia of this Province for the defence of the neighbouring Province of New Brunswick, against the common enemy; and such

such Militia, while serving in the said Province of New Brunswick, shall be subject to, and governed by, the Laws and Regulations made for the ordering and good government of the embodied Militia of this Province, and to none other.

**LXIV.** *And be it enacted,* That in case of any sudden attack, or any invasion made, or threatened to be made, in any County where the Governor cannot be immediately consulted, the Commanding Officer of Militia, within such County, shall have power, if he, in his discretion, shall deem it absolutely necessary, to call out the Militia of the County, or any part thereof, into actual service; and in case of any such invasion or sudden attack being made, or threatened to be made, in any Township or Settlement where the Commanding Officer of Militia in the County cannot be immediately consulted, the Officer commanding the Militia in such Township or Settlement, shall have power, if he, in his discretion, shall think it absolutely necessary or expedient, to call out the Militia under his command, or any part thereof, into actual service; and such last mentioned Officer shall forthwith report his proceedings, and the reasons and grounds thereof to the Commanding Officer of Militia in the County, who is hereby required, in case he shall call out, or continue in actual service, any part of the Militia under his command, forthwith to despatch an Express to the Governor, notifying the danger and the strength and motions of the enemy; and such Commanding Officer is hereby authorized and empowered to impress in such service, Men, Horses, Boats, Carts, Carriages and Waggon, as the nature of the case may require; and any man impressed and ordered for such Express, and the owner of any Horse, so impressed, shall be allowed a reasonable compensation, for which it shall and may be lawful for the Governor, with the advice of the Executive Council, on the Certificate of the Commanding Officer, and any two Captains of Militia, in the said County, as to the amount of the expense actually and necessarily incurred, to draw by Warrant on the Treasury of the Province.

When the Governor cannot be consulted on any sudden attack

**LXV.** *And be it enacted,* That, when in any case, as hereinbefore provided, any part of the Militia of the Province shall be called into actual service in the County to which such Militia may belong, all duties, except in cases of great emergency, shall be regulated by Rosters, to be framed as hereinafter directed, of the Militia fit for duty, so that the service may be fairly distributed.

Regulation of duty in actual service

**LXVI.** *And be it enacted,* That every Officer and Man enrolled in the Militia, when called into actual service, shall be bound, and is hereby required, to yield obedience to all lawful commands of his superior Officer, in performing of his duty, whether for mounting Guards, erecting works, or any other Military service, for repelling, resisting or guarding, against the attacks of the Enemy, under penalty of incurring the forfeitures appointed by this Act, for disobedience of orders.

Obedience to orders

**LXVII.** *And be it enacted,* That when and so soon, after the publication of this Act, as the Governor may and shall direct, and thereafter in time of War, between the Tenth and Twentieth days of March in every year, unless otherwise directed by the Governor, the Colonel of every Regiment shall cause the Captains of the Companies thereof to divide the men enrolled in their respective Companies, into two classes; the first class to consist of all the able men, from the age of eighteen to the age of forty-five inclusive, which shall be considered the first class for service—the second class to consist of all men over forty-five and under eighteen years of age, which shall be considered the second class for service.

Companies to be formed into two classes

**LXVIII.** *And be it enacted,* That in case a sufficiency of Arms and Accoutrements shall not be provided at the expense of the Province, or otherwise, for arming the whole of the Militia, the men of the first class shall be completed with Arms and Accoutrements, before any men of the second class shall be furnished therewith.

Deficiency of Arms, &c.

**LXIX.** *And be it enacted,* That as soon as such classes shall be formed, the Captain of every Company shall cause a draft or ballot to be made of the first class, for forming a Roster or List, whereby the men of such class may be called into actual service, if, and when required in manner following, that is to say—the names of all the men of the first class shall be written on separate pieces of paper, all as nearly as may be of equal size, which shall be rolled or folded up, as nearly as can be, in the same manner, and shall be put into a hat, or box, or glass, suitable for the purpose, and be therein well mixed and shaken together, and in like manner separate pieces of paper, all as nearly as may be of the same size, and rolled or folded up in the same manner, having thereon written numbers, from one

Rosters to be formed by ballot

to

to the extent of the number of men enrolled in the Company of the first class, shall be put into another hat, box or glass, suitable for the purpose, and be therein well mixed and shaken together, and two indifferent persons shall be nominated by the Captain of the Company, publicly to draw the same; and such person shall respectively begin by drawing out of each hat, box or glass, one of the papers therein, and the Clerk of the Company shall form a list, by first setting down on paper the name of the man first drawn, and opposite to that name the number first drawn, and then the persons appointed as aforesaid shall each respectively draw another name and another number, and the Clerk shall set down as aforesaid such name secondly drawn, and opposite thereto the number secondly drawn, and so the drawings shall proceed in like manner until all the names and all the numbers shall be so drawn and set down in writing, and, from such List, the Clerk of the Company shall form a new List or Roster, beginning with the person against whom the number one stands in the List, and proceeding in numerical order to the name of the person who drew the last or highest number.

Cavalry and  
Artillery Com-  
panies to be  
classed

LXX. *And be it enacted*, That the men enrolled in any Troop of Cavalry, or Company of Artillery, shall be drafted and classed for service in the same manner as hereinbefore directed.

Drafts for ac-  
tual service

LXXI. *And be it enacted*, That when the Commanding Officer of any Regiment, or of any Troop of Cavalry, or Company of Artillery, shall be ordered by the Governor to furnish or embody any number of men of his Regiment, Troop or Company, for actual service, they shall be furnished in as exact proportion as possible, to the number of effective men of every Company or Troop; and every Company or Troop shall furnish its proportion of men out of the first class, beginning with number one, in the List or Roster formed, as before directed, and proceeding in the order the names stand on such List or Roster, until the numbers be complete; and every man so liable to serve, unless prevented by sickness or other sufficient cause, shall go in his proper person, or find a sufficient substitute, to be approved by the Commanding Officer of the Regiment, Company or Troop; and in case of wilful absence, neglect, or disobedience herein, of any man liable to serve, he shall be confined by such Commanding Officer, and be liable to pay a fine of Ten Pounds, or to remain in Jail three months; and the man next on the List or Roster shall be called out to serve in his place, who shall have the whole of said fine, if he shall not neglect or refuse to go, or to find a sufficient substitute to be approved of as aforesaid; and if such man shall so neglect or refuse, he shall also be liable to the like fine and imprisonment; and the man then next in rotation on the List or Roster, shall be called out to serve, who shall have the whole of the said last mentioned fine, if he shall not neglect or refuse to go, or find a sufficient substitute as aforesaid, and so as often as such case shall happen. *Provided always*, That no man shall receive more than one fine of Ten Pounds; and that all other such fines, if there shall be more than the one paid to the man who will go, shall be recovered and applied for the use of the Regiment or Troop of Cavalry, or Company of Artillery, wherein they may have been incurred. *And provided also*, that if any part of the Militia, in any Company, shall not be called out oftener than once in four years, no man who has been called out and served in person, or by sufficient substitute, shall be liable to serve again until all the other effective men of his Company shall have served in their turns, personally, or by substitute. *And provided also*, that no Quaker, duly certified as such, shall be liable to the foregoing fine; but in case he shall stand for service on the List, and shall refuse to go, or find a proper substitute, it shall be lawful for the Captain of the Company to which such Quaker belongs, to procure and hire a substitute in his place; and such Quaker shall be liable to pay the expense of such hiring, so as the same do not exceed Ten Pounds, to be recovered by such Captain, as Money paid to the use of such Quaker, before any two Justices of the Peace.

Fines

Quakers

Removal of  
Militia-men  
from one Com-  
pany District  
to another

LXXII. *And be it enacted*, That when any man shall remove from the limits of his Company to and within the limits of another Company, and be enrolled in such last mentioned Company, he shall fall in, and be placed on, the List or Roster immediately before the man who has drawn the same number, as the said man held in his former Company, and stand there ready to be called on for actual service, as if he had originally drawn such number in the Company to which he has so removed.

LXXIII. *Provided always, and be it enacted*, That when it shall happen that there are two



two or more Sons residing in a House or Family, of their Father or Mother, and who shall have resided therein for one year preceding, then, in case such Sons shall stand on the List or Roster aforesaid, so as to be liable to be ordered for service at the same time, one of the said Sons shall be excused from serving, and the next on the List or Roster shall be called out in his stead; and if any person, aged sixty years or upwards, or any Widow, shall have had a Son, Grandson or an Apprentice, on whom he or she depends for support, living with such aged person or Widow for the space of twelve months, before the ordering of any Draft as aforesaid, such Son, Grandson or Apprentice, shall be exempted from serving, so long as he resides in the House or Family of such aged person or Widow, and contributes to his or her support.

Exemption  
from actual  
service

*And whereas*, the drafting of Militia-men, employed as Clerks, Storekeepers, Mechanics or Labourers, in Her Majesty's Ordnance Stores, and Naval or Careening Yard, and in the Civil and Military Departments of the Army, might prove injurious to Her Majesty's Service—for remedy whereof:

Preamble

**LXXIV.** *Be it enacted*, That whenever a proportion of the Militia of the Town of Halifax shall be called into service, it shall and may be lawful for the Colonel of the Regiment, to which Clerks, Storekeepers, Mechanics or Labourers, belong, who are employed in Her Majesty's Ordnance Stores, or in the Navy or Careening Yard, or in the Departments of the Army, to apportion the number of Drafts such Clerks, Storekeepers, Mechanics and Labourers, in every such respective Department ought to furnish, and to procure good and sufficient substitutes in the place or stead of such Clerks, Storekeepers, Mechanics and Labourers, on the most reasonable terms—the amount of the cost and expense for procuring of which substitutes shall be duly assessed by the Colonel of the Regiment, with the assistance of two Captains of the Regiment, on each Clerk, Storekeeper, Mechanic or Labourer, so employed in each of the aforesaid Departments respectively, in proportion to the daily pay of every of the said Clerks, Storekeepers, Mechanics and Labourers.

Exemption of  
Clerks, &c. in  
Government  
employ

**LXXV.** *And be it enacted*, That each and every such Clerk, Storekeeper, Mechanic or Labourer, so assessed as aforesaid, shall, on due notice thereof, pay the amount of such rate or assessment to the Colonel of the Regiment, or to any person by him duly authorized to receive the same; and if any such Clerk, Storekeeper, Mechanic or Labourer, shall refuse or neglect to pay such rate or assessment, it shall and may be lawful for any of Her Majesty's Justices of the Peace for the Town of Halifax, on complaint of the Officer commanding the Regiment, and on due proof that such Clerk, Storekeeper, Mechanic or Labourer, having been notified of the amount of his rate or assessment, and of his neglect or refusal to pay the same, to issue his warrant to any of the Constables of the Town of Halifax, directing them to levy, by distress and sale of the Goods and Chattels of such Clerk, Storekeeper, Mechanic or Labourer, the sum so proved to be by him due and owing, as his proportion, rate or assessment, aforesaid, with costs of suit; and, for want of Goods and Chattels, to commit such Clerk, Storekeeper, Mechanic or Labourer, to Jail, there to remain until the amount, so specified in the warrant, be duly paid: *Provided always*, that nothing in this Act contained shall extend, or be construed to extend, to prevent the said Clerk, Storekeeper, Mechanic or Labourer, in each of the aforesaid Departments respectively, from procuring substitutes agreeably to Law, or performing the aforesaid Militia duty in person, on due notice given to them of such duty, and on their declaring such their intention, at the time of notification, and carrying the same into effect.

Refusal of  
Clerks, &c. to  
pay Assessment

**LXXVI.** *And be it enacted*, That whenever, agreeably to the authority granted by this Act, any part of the Militia shall be ordered into actual service, any man enrolled in the Militia, who shall neglect or refuse to obey such order, or shall not, by himself, or sufficient substitute, march and proceed to perform such service as may be legally required of him, shall be confined by the Officer commanding the Regiment or Company to which such man belongs, and shall be subject to a fine of Ten Pounds, or, in default of payment, be liable to three months close imprisonment.

Refusal of  
Militia when  
ordered into  
actual service

**LXXVII.** *And be it enacted*, That, whenever any part of the Militia of this Province shall be called out into actual service, the Officers, Non-commissioned Officers, Trumpeters, Drummers, Pipers, Buglers, Fifers and Privates, shall be entitled to the same pay and allowances as the Officers, Non-commissioned Officers, Trumpeters, Drummers, Pipers, Bu-

Pay of Militia  
when ordered  
into actual  
service

glers, Fifers and Privates, of Her Majesty's Regular Troops respectively receive, to be reckoned from the day that they march from the rendezvous of their respective Companies to go on actual service, until they shall be dismissed by order of the Governor; and at the time of their dismissal, they shall be allowed respectively a number of days' pay to defray their expenses to their usual places of residence, according to the distance, at the rate of fifteen miles per day. And the Militia, when called out into actual service, shall, on their arrival at the first Military Post, or at the place of general rendezvous, where they are to be embodied into Regiments, Battalions or Companies, be furnished with Rations in the same manner, and on the same terms, as they are supplied to Her Majesty's Troops.

LXXVIII. *Provided always, and be it enacted,* That if the pay, so to be allowed to persons under the rank of Commissioned Officers, shall not amount to the rates of pay hereinafter mentioned, clear of all deductions, that is to say: to every Sergeant, Two Shillings per day; to every Corporal, Trumpeter, Drummer, Bugler, Piper or Fifer, One Shilling and Six Pence per day; and to every Private, One Shilling and Threepence per day, it shall be lawful for the Governor, at the Monthly or other periods of paying the Militia, to cause the said deficiency to be made up to the Non-commissioned Officers, Trumpeters, Drummers, Fifers, Buglers, Pipers and Privates, out of the Treasury of the Province, and to draw his warrants therefor accordingly, by and with the advice of the Executive Council.

LXXIX. *And be it enacted,* That where Militia Guards shall be appointed for the purpose of watching and warding, that the said duties shall be equally and fairly distributed to and amongst, and equally and fairly borne by each and every able-bodied man of the District, as well Officers, and those exempted from Militia Trainings, as others, in his turn, according to a List or Roster to be kept by the Captain of every Company; and every person refusing or neglecting by himself, or sufficient substitute, to perform his fair turn of watching and warding, in manner and at the time directed by the Captain of his Company, shall forfeit and pay, for each and every neglect or refusal, a fine of Ten Shillings, to the use of the Company, and to be disposed of for the use and benefit of the Company, in such manner as the Captain of the said Company shall direct.

*Provided always,* That nothing in this Act contained shall extend, or be construed to extend, the number of days required for Training, to be performed by men between the ages of Forty-five and Sixty years; or to subject any man above Forty-five years of age to any of the fines imposed by this Act, for non-attendance at any meeting for Drill.

LXXX. *And be it enacted,* That when, from the exposed situation of the District, and the appearance or threatenings of the enemy, or by directions of the Governor, Militia Guards shall be so appointed and kept, as that any man's duty of watching and warding shall exceed the number of six days or nights in any one year, it shall and may be lawful for the Governor to cause every such man's service, over and above the said number of six days or nights, to be paid for out of the Treasury of the Province, according to the rate of Militia pay by this Act allowed, upon such over-service being duly stated and certified by the Colonel of the Regiment, in manner and form as shall be prescribed by the Governor.

LXXXI. *And be it enacted,* That every person, who shall wilfully make, or cause to be made, any false alarm, shall forfeit and pay, for each and every offence, the sum of Ten Pounds.

LXXXII. *And be it enacted,* That in any County or District, exposed to the attack of the enemy by water, it shall and may be lawful for the General Sessions of the Peace, on Presentment of the Grand Jury of such County, to assess such sum or sums of Money as may be so presented, for the providing of one or more armed Boats for the defence of such County—such Boats to be under the direction of the Officer commanding the Militia in such County, until, by the Sessions, and on Presentment of the Grand Jury, such Boats shall be judged no longer necessary, when they shall be at the disposal of such Sessions, on the presentment of the said Grand Jury, for the benefit of such County.

LXXXIII. *And be it enacted,* That whenever the Commanding Officer of the Militia, in any County where such Boats are provided, shall find it necessary to order the Boats so provided, or any other Boats or Vessels, with which he may be furnished, to proceed in repelling the Enemy, or to the assistance of any neighbouring district or place, or to be stationed as a watch for the defence of any such place, the Militia of such County shall, on the orders of such Commanding Officer, proceed in such Boats accordingly. *Provided always,*

that

Pay of Sergeants, Corporals, Trumpeters, Drummers and Fifers

Watching and Warding

Proviso

Watching and Warding by Militia-men over six days to be paid for

False alarm

Armed Boats to be provided

Armed Boats how employed

that the Officer commanding the party of Militia on board such Boats, shall have the command also of such Boats, and that the Militia shall not be obliged to proceed more than three leagues from the land, when so ordered.

**LXXXIV.** *And be it enacted,* That in case of an invasion of an Enemy, or imminent danger thereof, when any part of the Militia shall be drawn out and embodied for actual service, in the manner hereinbefore directed, from the time that such part of the Militia shall be so embodied, until they shall be discharged by order of the Governor, such of the Articles of War, which may be then in force for the Government of Her Majesty's Forces in this Province, as the Governor, by and with the advice of the Executive Council, shall consider applicable, and shall alter, so as render the same conformable to the restrictions hereinafter mentioned, shall be printed, agreeably to such alterations; and such of the said Articles, when so altered and printed, (until otherwise provided for by the Legislature,) shall be judicially taken notice of by all Judges, and all Courts whatsoever; and shall be binding on, and extend to, all the Officers, Non-commissioned Officers, and men of the Militia, embodied as aforesaid; which Articles of War the Governor may cause to be made and published as soon after the publication of this Act as he may think proper.

Articles of War

**LXXXV.** *Provided always, and be it enacted,* That no Officer serving in Her Majesty's Regular Forces, shall sit on any Court Martial upon the Trial of any Officer, Non-commissioned Officer or Man, serving in the Militia; nor shall any sentence of General Court Martial extend to death, unless for the desertion to the Enemy, for Mutiny and Sedition, for traitorous correspondence with, or traitorously delivering up to the Enemy any Garrison Fortress, Post or Guard; nor shall any man serving in the Militia be subject to be whipped; or otherwise corporally punished, in any case whatsoever, except by Imprisonment; nor shall the sentence of any General Court Martial be carried into execution until it has been approved of by the Governor.

Courts Martial

**LXXXVI.** *And be it enacted,* That the Governor is hereby empowered, by Warrant under his Hand and Seal, to constitute and appoint General Courts Martial for the trial of all offences made cognizable by such Courts, by virtue of this Act, or which shall be made cognizable by such Courts, under such Articles of War as shall be published for the government of the Militia, as hereinbefore mentioned—which Court shall consist of not less than thirteen Commissioned Officers, the President whereof shall not be under the rank of Field Officer.

Governor to appoint General Courts Martial

**LXXXVII.** *And be it enacted,* That in all Trials by General Court Martial, every Officer, before any proceedings be had, shall take the following Oath, and the Judge Advocate is hereby authorized to administer the same:

Members to be sworn

"I, A. B., do swear, that I will duly administer Justice, according to the Laws of this Province, now in force for regulating the Militia, without partiality, favor or affection; and I further swear that I will not divulge the sentence of this Court, until it shall be approved by Her Majesty, or some person duly authorized by her; neither will I, upon any account whatsoever, disclose or discover the vote or opinion of any particular Member of the Court Martial, unless required to give evidence thereof, as a witness, by a Court of Justice, in a due course of Law. So help me God."

Form of Oath

And no sentence of death shall be given against any offender by such General Court Martial, unless twelve Officers shall concur therein. And the Governor shall have power to appoint any one of Her Majesty's Justices of the Peace for said Province, or other fit person, to act as Judge Advocate at any such General Court Martial; and the Judge Advocate, previous to any proceedings had on the Trial of any Prisoner, shall take the following Oath, to be administered by the President of the Court Martial, to-wit:

Judge Advocate to be sworn

"I, A. B., do swear, that I will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular Member of the Court Martial, unless required to give evidence thereof as a witness, by a Court of Justice, in a due course of Law." So help me God."

Form of Oath

**LXXXVIII.** *And be it enacted,* That no person shall be put to death, under the sentence of a General Court Martial, until a Warrant, under the Hand and Seal of the Governor, shall issue for the execution of such sentence—which Warrant shall direct the time and place when and where the person sentenced to death shall be executed; and all sentences of death shall be executed by either shooting or hanging the offender, as the same may be directed

Persons sentenced to death by a Court Martial

directed and ordered in the said Warrant: which Warrant shall be a sufficient justification to the Officer to whom the same may be directed, and to all those lawfully employed under him in executing such sentence. *Provided always*, that previous to any person being put to death, pursuant to the sentence of a General Court Martial, such sentence, and the Warrant for the execution thereof, shall be publicly read in the hearing of the bye-standers, at the time and place appointed for such execution.

LXXXIX. *And be it enacted*, That no Officer, under the rank of Captain, shall sit upon a Court Martial for the Trial of any Field Officer.

XC. *And be it enacted*, That General Courts Martial are hereby empowered, upon appeal being made from the sentence of Regimental Courts Martial, to enquire into, and confirm or annul the said sentence, as to the same Court shall appear fit and right; and in case it shall appear to the Court, that an appeal hath been made, without any sufficient cause, by a person sentenced by such Regimental Court Martial, then, and in that case, the said General Courts Martial are hereby empowered to increase the punishment of such appellant, by imprisonment in the Jail of the County, where such appellant doth reside, for a time not exceeding thirty days.

XCI. *And be it enacted*, That Officers commanding Regiments, Battalions or Detachments, not under the rank of Captains, are hereby empowered to order a Regimental Court Martial for the trial of all offences cognizable by such Court, under and by virtue of this Act; and that such Regimental Court Martial shall consist of five Members at the least—the President whereof shall not be under the rank of Captain.

XCII. *And be it enacted*, That the said Regimental Courts Martial are hereby empowered to fine or imprison offenders for offences made by Law, cognizable by such Court, in their discretion, according to the nature of the offence—provided that the fine to be by them imposed, shall in no case exceed the sum of Five Pounds; and the imprisonment, shall in no case exceed thirty days.

XCIII. *And be it enacted*, That no sentence of a Regimental Court Martial shall be executed until the same shall be approved of, and confirmed by, the Officer commanding the Regiment, Battalion or Detachment of Militia, in which the person prosecuted shall serve, nor shall the same be executed without an order under the hand of such Commanding Officer, for that purpose.

XCIV. *And be it enacted*, That all Courts Martial are hereby empowered to administer an Oath to Witnesses in the same manner as is accustomed by the Court Martial in the British Regular Army; and to punish all and every person or persons for contempt of the Court, by disobedience of its orders, made in pursuance of the power and authority vested in them, or gross abuse of the said Court, in presence of the said Court, by fine or imprisonment, so as the said fine by them imposed shall in no case exceed the sum of Five Pounds, and the imprisonment shall in no case exceed twenty days.

XCV. *And be it enacted*, That no person shall sit as a Member of any Court Martial, for the trial of any offender, who shall be related within the fourth degree, either to the Prosecutor or to the person prosecuted; nor shall any accuser sit as a Member of the Court for the trial of the person accused.

XCVI. *And be it enacted*, That it shall and may be lawful for the Governor to draw, by warrant, from the Treasury of the Province, such sum or sums of money as may be necessary to defray the expense attending any Militia Courts of Enquiry, as the Governor may, from time to time, think proper to form, for the purpose of enquiring into such charges and allegations as may be exhibited against any Officer in the Militia.

XCVII. *And be it enacted*, That upon any emergency, arising either from invasion or from attack, made or threatened upon this Province, or upon the Province of New Brunswick, or upon danger of such invasion or attack upon this Province, or the Province of New Brunswick, it shall be deemed necessary to call into actual service and embody any portion of the Militia of this Province, it shall and may be lawful for the Governor to order and direct the Colonel of any Regiment of such Militia to furnish two hundred men for every six hundred men of the first class, or in the like proportion of any greater or less number of men of the first class, of which such Regiment shall or may be composed—such men to be furnished either from the drafts of such Regiment, agreeably to this Act, or by such men of the first class who may volunteer from such Regiment.

Rank of Officers composing Courts Martial

Power of Regimental Courts Martial

Regimental Courts Martial

Sentence of Regimental Courts Martial

Execution of sentence

Witnesses to be sworn

Consanguinity of Members of Courts Martial to delinquents

Militia Courts of enquiry

Upon any emergency from invasion of Provinces to direct the Commander of any Regiment of Militia to furnish 200 men for every 600 of which the Regiment is composed

**XCVIII. And be it enacted,** That it shall and may be lawful for the Governor, for the time being, to select and appoint, from and out of the Regiment to which the same may belong, as he shall judge necessary, a Captain or Captains, and Subalterns, as Officers to command each Draft or Body of men so furnished; and also, to form any number of such Bodies, furnished by several and different Regiments, or any portion thereof, which may be called out, into one Regiment or Battalion for actual service; and to appoint, from any such Regiment or Battalion, or otherwise, as he may deem fit, Field and Staff Officers, and an Adjutant for the same; and to order every Body of men so furnished, or a portion thereof, called out and required, into Barracks or Camp, and to adopt such measures to render the same efficient for actual service, as he may deem necessary.

Gov. empowered to appoint Officers to command each draft of men so furnished and to form the drafts into Regiments or Battalions and to appoint Staff Officers

**XCIX. And be it enacted,** That when so called into actual service, all such Bodies of Militia, or portions thereof, so called, shall be subject and liable to the same penalties, and all the Regulations and Enactments made in this Act, for the government, control, and discipline of Militia, who may be called into actual service.

Militia in actual service to be subject to regulation and penalties

**C. And be it enacted,** That it shall and may be lawful for the Governor to order and direct such Drafts to be made, and such Bodies of Men, or such portions thereof, to be furnished by such and so many Regiments of Militia, and from time to time, or at any one time, as he may judge meet and expedient.

Gov. to order drafts to be made from so many Regiments as he may judge meet

**CI. And be it enacted,** That, upon calling out any Body of Militia into actual service, it shall and may be lawful for the Governor to direct the necessary measures to be adopted, for ascertaining the ability and fitness of every man composing such Body of Militia to perform his duty on actual service; and if any man shall be found unable, from bodily incapacity, to perform his duty on actual service, such man shall be discharged, and the Colonel of the Regiment, by which such man shall have been furnished, shall be directed to provide another man in his place, if such man so discharged be a substitute, by directing the man, for whom such man shall have been substituted, to furnish another substitute, under the penalty by this Act imposed, for neglecting or refusing to go into actual service, or find a substitute; or if the man has been originally drafted for the Regiment, to take another man from the Draft of such Regiment, being the next man standing for actual service in the Company, from which the man so discharged shall have been drafted, who shall go or find a substitute, under the same penalty by this Act imposed for neglect or refusal to do so.

The ability and fitness of every man to perform his duty in actual service to be ascertained

If unfit to be discharged

If the man so discharged be a substitute another to be furnished if not another to be drafted

**CII. And be it enacted,** That every man shall, when called into actual service, supply himself with such necessaries, as may be directed by the Governor; and shall appear with such necessaries at the Barrack or Camp, where he shall be ordered; and if, upon the certificate of the Captain of the Company, from which such man shall be drafted, approved by the Colonel of the Regiment to which such Company belongs, it shall appear that any man is too poor, or, from other causes, not enabled to supply himself with such necessaries, it shall and may be lawful for the Officer appointed by the Governor for that purpose, to supply such man, at public cost, with the necessaries required, not exceeding in value Fifty Shillings; and to order and direct such man to be put under such moderate stoppages of pay as may suffice to reimburse the outlay.

Men to supply themselves with necessaries when on actual service

**CIII. And be it enacted,** That if any person, whomsoever, shall encourage, persuade, entice, procure, or endeavour to encourage, persuade, entice or procure, any man of the Militia, on actual service, to desert; or shall harbour, conceal or assist, any Deserter from the Militia, on actual service, knowing him to be such, it shall and may be lawful for the Colonel of the Regiment, Company or Detachment, to which such man or deserter may belong, at his option, to cause the person so offending to be prosecuted, by information in Her Majesty's Supreme Court, or before two of Her Majesty's Justices of the Peace, according to the nature and circumstances of the case; and if the person, on such prosecution in the Supreme Court, shall, by a verdict of a Jury, be convicted of any or either of the foregoing offences, such person shall forfeit and pay, for each and every offence, a sum not exceeding Twenty Pounds, or be liable to close imprisonment for a term not exceeding the term of Three Months; and if such prosecution shall be carried on before two of Her Majesty's Justices of the Peace, the person, who, on the oath of one or more credible witnesses, shall be convicted by such Justices, of any or either of the said offences, shall forfeit and pay, for each and every offence, the sum of Five Pounds—and in default of such payment, such offender shall, by such Justice, be committed to Jail, and closely confined

Desertion from actual service

Prosecution for anything done in pursuance of this Act





time of exercise or duty, if necessary, to prevent the continuance of such wilful interruption; and the person so offending shall forfeit and pay the sum of Ten Shillings for every offence.

**CX.** *And be it enacted,* That whenever it shall or may be necessary for any man, in going or returning to and from his place of abode, for the purpose of attending at, or returning from, any meeting for Training or Drill, or other Militia duty, to cross any Ferry, where there shall be a Licensed Ferryman, every such man shall be entitled to, and have, a passage across such Ferry, in the boat or boats there usually plying, free and exempt of and from all cost, charge or expense, whatsoever.

Militia men on duty entitled to have a passage across a Licensed Ferry exempt from charge

**CXI.** *And be it enacted,* That every man, duly enrolled, according to the provisions of this Act, and who shall have been notified or required to attend any meeting for Training or Drill, shall be wholly free and exempt from arrest, under and by virtue of any civil process, during his attendance at any such meeting, or while proceeding to such meeting, or returning therefrom; and every such arrest, if made, is hereby declared to be wholly void; and every Sheriff or other Officer, actually making such arrest, shall be subject and liable to an action for damages at the suit of the party who shall be so arrested.

Militia-men while on duty free from arrest

**CXII.** *And be it enacted,* That no established, ordained, or settled Clergyman or Minister of the Gospel, nor any Member of Her Majesty's Executive Council, nor the Chief Justice, nor any Judge of the Supreme Court, nor the Master of the Rolls, nor the Treasurer of the Province, nor the Secretary of the Province, shall be liable to be enrolled in the Militia.

Clergyman not liable to the provisions of this Act

**CXIII.** *And be it enacted,* That the following persons--except such of them as are or may be holding Commissions, that is to say: the Members of the Legislative Council, the Members of the House of Assembly, the Attorney General, the Solicitor General, Justices of the Peace, having taken the oath of Office, High Sheriff's, Coroners, the Surveyor General, Officers of Her Majesty's Customs, Officers of the Colonial Revenue, Physicians, Surgeons, all such Clerks, Storekeepers, Mechanics, Labourers, and others actually employed in the Civil and Military Departments of Her Majesty's Navy and Army, who may be exempted by the Governor; one Miller to every respective Grist Mill, every licensed Ferryman, the Deputy Postmaster General, and the Clerks in his office, the Deputy Postmasters, all Mail Carriers, Fire Engine Men and Firemen, in such Towns where Fire Engine Men or Firemen are already appointed, and Quakers, duly certified as such by their Society, and every licensed Teacher, shall be exempt from any meetings for Training or Drill: *Provided,* that whenever Arms and Accoutrements shall be distributed, all the said respective persons shall be compelled, under the like penalties as hereinbefore provided, unless hereinbefore exempted from enrollment, to obtain and provide for themselves, and keep in good and serviceable order, such Arms and Accoutrements, Ammunition and other articles, as are hereinbefore required, and shall be liable to be called out, and to perform the duties of Militia-men, when called out into actual service, or find, respectively, sufficient substitutes.

Exemptions from Militia duty

**CXIV.** *And be it enacted,* That when any man enrolled in the Militia, shall complain to the Colonel of the Regiment to which he belongs, that, by reason of sickness, or accidental or natural infirmity, he is unable to perform the Militia duties required by this Act, it shall and may be lawful for the Colonel to order a Board of one Field Officer and two Captains, or of three Captains, to enquire into and decide on the said complaint; and it shall be lawful for such Board to apply, or cause the man complaining to apply, to any able Physician or Surgeon, residing within the County or District to which the Regiment belongs, for his certificate or opinion respecting the nature and extent of the sickness or infirmity of the man complaining--which opinion or certificate the said Physician or Surgeon is hereby required to give forthwith, without fee or reward, under penalty of forfeiting Forty Shillings for each refusal or neglect; and if, after a full consideration of the said complaint, the Board shall report thereon to the Colonel of the Regiment that the party complaining is really unable to perform the said Militia duties, the Colonel shall grant a certificate thereof accordingly, which shall exempt the said man from such duties, so long as the disability shall exist; and every Physician or Surgeon, who shall give a certificate or opinion, of the actual existence of any sickness, complaint, or disability of any man, knowing that such sickness, complaint or disability, is false or pretended, shall forfeit and pay a fine of Ten Pounds for every such offence.

Infirmities

Fines not exceeding £8 to be sued before one Justice of the Peace

When exceeding £8 before two Justices of the Peace from a Militiaman in the name of the Commander of the Company

The Clerk a competent witness

No Justice of the Peace to receive any fee, &c. for service under this Act

No action to be brought under this Act after 3 months Process for the recovery of fines may be amended

Fines how to be appropriated

Quarter-Master

Conferences of Officers for a better regulation of Militia

Dress of Officers

CXV. *And be it enacted*, That all fines, imposed by this Act, the mode of recovering which is not otherwise directed or prescribed by this Act, when not exceeding Three Pounds, shall be sued for and recovered by information or suit, before any one Justice of the Peace; and when exceeding Three Pounds, before any two Justices of the Peace, if recoverable from any man, in the name of the Officer commanding the Company to which such man belongs, and in which information or suit the Clerk of the Company shall be, and is hereby declared to be, a competent witness; and if recoverable from any Officer, in the name of the Adjutant of the Regiment to which such Officer belongs, and upon due conviction, the amount of the fine or fines, with costs, shall be levied by warrant of distress on the Goods or Chattels of the party offending; or if he have not Goods and Chattels to satisfy such warrant, he shall be committed to Jail, for such specific time as hereinbefore prescribed and directed; or if no specific time be so prescribed, then, for two days, for every Five Shillings of the amount of such fines.

CXVI. *And be it enacted*, That no Justice of the Peace shall hereafter take, have or demand, or receive any fee, charge or reward, whatsoever, for any service done and performed by him, in that capacity, under and by virtue of any of the provisions of this Act.

CXVII. *And be it enacted*, That no person or persons shall be prosecuted by virtue of any clause of this Act, for any breach thereof, after the expiration of three months from the commission of the offence.

CXVIII. *And be it enacted*, That any Writ or Process, for the recovering or enforcing of any fine or fines, may be amended, in any particular, until final judgment rendered.

CXIX. *And be it enacted*, That all fines, penalties and forfeitures, to be recovered under and by virtue of this Act, and not otherwise hereby appropriated, shall, after deducting one fourth, allowed by the provisions of this Act for the trouble of collecting the same, be paid into the hands of the Quarter Master of the Regiment, to be applied under the order and direction of the Colonel of such Regiment, for defraying such expenses of the said Regiment, as may be requisite.

CXX. *And be it enacted*, That the Quarter Master of every Regiment shall, before he commences the duties of his office, give Bond, with two sufficient sureties, to the Colonel of such Regiment, for his faithful discharge of such duties, and for his duly accounting for, and applying, all monies he may receive, by virtue of this Act, and for all Provisions and Stores he may receive as Quarter Master of such Regiment. And the Quarter Master of every Regiment shall receive all fines and forfeitures, applicable to the service of his Regiment, for collecting, receiving, and paying over which, he shall be entitled to a commission of ten per cent., to be allowed in his general accounts; and such Quarter Master shall, annually, at the general meeting of the Officers of the Regiment or Battalion to which he belongs, and on any three other occasions, annually, if thereto required by the Colonel of the Regiment, exhibit fair accounts of the receipt and disbursement of all monies coming into his hands, for the use of his Regiment. And it shall and may be lawful for every Quarter Master, with the approbation of the Colonel of the Regiment to which he belongs, to appoint a Quarter Master Sergeant, and, with the like approbation, to remove him and to appoint another in his stead; and the Quarter Master shall be, and he is hereby made, responsible for all Monies applicable to the use of the Regiment, which shall come into the hands of such Quarter Master Sergeant.

CXXI. *And be it enacted*, That the Colonel of every Regiment shall, once in every year, and as often further, as, with the advice of three Captains of his Regiment, he shall judge fit, require the Officers of the Regiment to meet at such time and place as he shall appoint, and there with them to confer and take order for the better regulation of their Companies, for establishing and altering the limits of Company Districts, and prescribing the number of men in each Company; appropriating such fines as, by this Act, are to be applied to the service of the Regiment; and to make such rules and regulations as to them, or the major part of them, may seem meet, for the promotion of subordination and Military Discipline in the Regiment to which they belong; and all Officers shall yield obedience to the warrants or commands of their superior Officers; and shall observe such regulations, being in writing, as may be made at the meetings herein prescribed, under a penalty not exceeding Five Pounds, to be adjudged at the next meeting as aforesaid: *Provided always*, that no Officer shall be bound by any regulation, regarding his dress or appointment, unless two-thirds

thirds of all the Officers of the Regiment shall have concurred therein: *And provided also*, that an account of all fines, with their appropriation as aforesaid, shall, from time to time, be rendered to the Secretary's Office, by the Colonels of Regiments, and subject to the like penalty for default; and that no Rule or Regulation made at any of the aforesaid meetings, (except only such as may relate to the establishing the limits of Districts, and numbers of men in each Company, or to the appropriation of fines,) or any warrant or command thereupon, shall be of any force or validity, until the same shall have been transmitted to the Governor, and shall have received his approbation.

CXXII. *And be it enacted*, That if any Officer shall neglect to attend any board or meeting of Officers, established and required by this Act, when ordered by the Colonel of the Regiment to which such Officer may belong, without reasonable excuse, to be adjudged by a Board of Officers, appointed under this Act, he shall, for each offence, forfeit and pay as follows: if a Field Officer, Five Pounds; if a Captain, Three Pounds; and if a Subaltern, Two Pounds.

Field Officer,  
&c. neglecting to attend Board of Officers to be fined

CXXIII. *And be it enacted*, That every Officer who shall remove from the County or District to which his Regiment belongs, or who, from other causes, is not attached to any Regiment, but retains a Commission in the Militia, shall be liable to sit on Courts Martial, and to perform the other duties of his rank, when thereto required by his superior Officer, and may, in case of necessity or vacancy, be ordered to take his station in the Regiment of the County or District in which he shall reside; and, in case of refusal or neglect to obey such orders, such Officer shall be tried by a General Court Martial, and, on conviction of such offence, be deprived of his Commission.

Officers removing from the District to which their Battalions belong

CXXIV. *And be it enacted*, That no Officer who has been, or hereafter may be cashiered by the sentence of a general Court Martial; no Officer who may hereafter resign his Commission in the Militia; and no Officer who has been heretofore dismissed Her Majesty's Service, or who shall neglect, within six months after the publication of this Act, to qualify himself for the duties of his station, (and shall, upon the representation of the Colonel of the Regiment to which he belongs, be on that account deprived of his Commission by the Governor,) shall be entitled to any rank or privilege from having held such Commission, or exempted from enrolment, or the performance of the duties of a private.

Reduced Officers

CXXV. *And be it enacted*, That any Officer, who shall have been heretofore nominated and appointed, or who may be hereafter nominated and appointed to any Regiment, and who, being notified of such appointment by the Colonel of such Regiment, shall not, within Three Calendar Months thereafter, take out his Commission, shall be liable to be superseded, or shall only take rank from the day on which such Commission shall be taken out which day, if such Commission shall not be taken out within Three Months as aforesaid, shall be inserted therein as the date thereof.

Date of Commission

CXXVI. *And be it enacted*, That it shall and may be lawful for the Governor, from time to time, to commission and appoint proper Officers to inspect and command all Regiments of Militia throughout the Province, or to limit the command and inspection of such Officers to a particular number of Regiments, or to the inspection and command of all the Militia in particular Divisions of the Province, or particular Counties or Districts, as may be considered most convenient; and all such Officers, when so commissioned and published in General Orders to the Militia, shall be obeyed in all things lawful, by all persons who shall be so placed under their respective commands.

Appointment of inspecting Officers

CXXVII. *And be it enacted*, That the Adjutant General and Quarter Master General of Militia shall be exempt from serving on any Jury.

Adjutant Genl. and Quarter Master Genl. exempt from serving on a Jury

CXXVIII. *And be it enacted*, That the Negroes, or People of Colour, shall be set apart by the Colonel of the Regiment, and formed into Companies or Bands of Pioneers, as their numbers may admit, to be commanded by such trusty Non-commissioned Officer of Colour, or otherwise, as the Colonel may appoint; under which Non-commissioned Officer such Companies or Bands of Pioneers shall assemble and train, at such times as the Colonel shall direct, so as that no greater share of any Militia duty be imposed on such Negroes or Men of Colour, than by this Act to be imposed on other Militia-men.

Negro Militiamen

CXXIX. *And be it enacted*, That no action shall be brought against any person for any thing done in pursuance of this Act, unless the same be commenced within Three Calendar Months next after the act done; and the Defendant, in such action, may plead the general issue, and on the Trial give this Act and the special matter in evidence.

Men wounded  
in actual ser-  
vice

**CXXX.** *And be it enacted,* That if any person be wounded or disabled, while engaged on duty, in actual service of the Militia, he shall be supported and provided for, so long as the disability shall continue, from and out of the Public Funds and Treasury of the Province.

Widow and  
Family of Offi-  
cer, &c lost  
in actual ser-  
vice to be pro-  
vided for

**CXXXI.** *And be it enacted,* That in case of the loss of any Officer, Non-commissioned Officer, or of any Man, when on actual service, provision shall be made, from and out of the Public Funds and Treasury of the Province, for the Widow and Family of any such Officer, Non-commissioned Officer or Man, who may fall in actual service.

And in order to avoid useless repetitions :

**CXXXII.** *Be it enacted,* That the following terms and expressions, used in this Act, shall have the interpretation hereinafter respectively set forth, unless such interpretations are repugnant to the subject, or inconsistent with the context of the provisions in which they may be found, that is to say : the term "Governor" shall mean the Officer or Person Administering the Government, and being Commander in Chief for the time being of this Province ; the term "Regiment" shall include and mean any Regiment or Battalion of Militia ; the term "Colonel" shall mean and include the Colonel, Lieutenant-Colonel, or any Commanding Officer, for the time being, of any Regiment or Battalion of Militia ; the term "Captain" shall include and mean the Captain or Commanding Officer for the time being, of any Company of Militia ; the expression "Clerk of the Company" shall mean and include the Clerk, or any person performing the duties of Clerk, of any Company of Militia ; the expression "Man" shall mean and include any man enrolled, or liable to be enrolled, in the Militia, in any situation or station whatsoever, under the rank of a Commissioned Officer ; and, whenever, in this Act, with reference to any person or matter, the singular and plural number shall be expressed, such expression shall be understood to include and mean several persons or matters, as well as one person or matter, and one person or matter, as well as several persons or matters, unless it be otherwise specially provided, or the subject or context be repugnant to such construction.

This Act may  
be amended in  
the present  
Session  
This Act to  
continue one  
year

**CXXXIII.** *And be it enacted,* That this Act may be amended by any Act or Acts to be passed in this present Session of the General Assembly.

**CXXXIV.** *And be it enacted,* That this Act shall continue and be in force for one year from the passing thereof, and no longer.