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ACTS

OF

THE GENERAL ASSEMBLY

OF THE

PROVINCE OF NOVA-SCOTIA.

1844.

HALIFAX:

Printed at the Royal Gazette Office.



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Province of Nova-Scotia.

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At the **GENERAL ASSEMBLY** of the Province of Nova-
 Scotia, begun and holden at Halifax, on Thursday, the
 Eighth day of February, 1844, in the Seventh Year of
 the Reign of our Sovereign Lady Queen VICTORIA, by
 the Grace of God, of the United Kingdom of Great Bri-
 tain and Ireland, QUEEN, Defender of the Faith, &c. &c.
 &c., being the First Session of the Eighteenth General
 Assembly convened in this Province.*

* In the time of the Viscount FALKLAND, Lieutenant-Governor; Simon Bradstreet Robie, President of the Legislative Council; William Young, Speaker of the Assembly; Sir Rupert D. George, Baronet, 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-four, and for other purposes.

(Passed the 19th day of April, 1844.)

MAY IT PLEASE YOUR EXCELLENCY;

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

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, by or 2001. Speaker of Assembly.
 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 Two Hundred Pounds to the Speaker of the House of Assembly, in full, for his Salary as Speaker, during the present year.

And a further sum of Six Hundred Pounds to the Treasurer of the Province, for 6001. Treasurer.
 his Salary, and as Comptroller and Auditor of Public Accounts, and in lieu of Office Rent, Clerks, and all other contingent expenses, for the same year.

And a further sum of Two Hundred Pounds to the Clerk of the House of Assem- 2001. Clerk of Assembly.
 bly, for his services in the same year.

And a further sum of Twenty-five Pounds to the Clerk of the House of Assembly, 251. Chaplain of Assembly.
 to be paid by him to the Chaplain who has attended the House of Assembly during the present Session.

And a further sum of One Hundred Pounds to the Clerk Assistant of the House of 1001. Assistant Clerk of Assembly.
 Assembly, for his services for the same Session.

And a further sum of Fifty Pounds to George R. Grassie, for his services as Ser- 501. Serj. at Arms.
 geant-at-Arms to the House of Assembly for the same Session.

And a further sum of Thirty Pounds to John Jennings, for his services as Assistant 301. Assistant Serjeant at Arms.
 Seageant-at-Arms to the House of Assembly for the present Session.

And a further sum of Forty Pounds to the Messenger of the Governor, Lieutenant 401. Messenger of Governor.
 Governor, or Commander in Chief for the time being, and the Executive and Legis-
 lative Council, for the present year.

And

301. John Gibbs.

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

451. Clerk of Revenue.

And a further sum of Forty-five Pounds to the Clerk of the Commissioners of the Revenue, for his services for the present year.

2001. Guager.

And a further sum of Two Hundred Pounds 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 Extra Waiters.

And a further sum, to be paid on the Certificate of the Commissioners of the Revenue, at the rate of Seven Shillings and Six Pence 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; Five Shillings per day to each extra Waiter or Waiters when unemployed, and at the rate of Five Shillings per day to Temporary Waiters.

601. Keeper of Assembly.

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

6001. Transient Poor.

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

4001. Commissioners Sable Island.

And a further sum of Four Hundred Pounds to the Commissioners of Sable Island, for the support of that Establishment, for the present year.

501. Guysborough Packet.

And a further sum of Fifty Pounds 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 any Special Sessions of the Peace for the County of Guysborough, to be held for that purpose—to be paid upon the certificate of such Special 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; and that the said Packet shall also carry the Mail to be established between Guysborough and Arichat, if required.

201. to W. Weeks.

And a further sum of Twenty Pounds 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 satisfactorily to appear 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 their Sessions for the County of Cumberland.

201. County Hants.

And a further sum of Twenty Pounds 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 or Scow 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 certificate from said Sessions that said Boat has been running at least twice a week for six months, to the satisfaction of said Sessions under their regulations.

201. Cape Breton.

And a further sum of Twenty Pounds 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.

101. each, to the Licensed Ferrymen in the Counties of Colchester and Hants.

And a further sum of Ten Pounds each to the two Licensed Ferrymen 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 Boats procured and used.

151. John Pernette and Chas. Pernette

And a further sum of Fifteen Pounds to John Pernette and Charles Pernette for keeping up the Ferry over LaHave River.

101. Cornelius Craig.

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.

101. Richard Carter.

And a further sum of Ten Pounds to Richard Carter, to enable him to run a suitable Ferry Boat or Scow between his Landing on the Western side of the Gut of Canso, and

David McPherson's, on the Eastern side thereof; the said Ferry Boat or Scow to be run under the regulations of the General Sessions for the County of Guysborough.

And a further sum of Ten Pounds to the Ferryman 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 McPherson's, on the Eastern side thereof; the said Ferry Boat or Scow to be run under the regulations of the General Sessions, for the County of Richmond. 10l. Ferryman Gut of Canso.

And a further sum of Ten Pounds each to such persons as shall respectively keep up a Ferry at the mouth of the Harbour of Port L'Herbert—provided a Boat be kept to convey Horses and Cattle across said Harbour; said sum to be paid upon the certificate of the Court of Sessions in the County of Shelburne. 10l. each, to persons keeping up a Ferry at Port L'Herbert.

And a further sum of Twenty Pounds to Edmund Crowell, to enable him to keep up his Establishment at the Seal Islands for the relief of Shipwrecked Mariners, for the present year. 20l. Edwd. Crowell.

And the following sums, that is to say—the sum of Seven Hundred and Fifty Pounds allotted for the service of Roads and Bridges in the County of Cape-Breton; the sum of Seven Hundred and Fifty Pounds allotted for the service of Roads and Bridges in the County of Inverness; the sum of Five Hundred Pounds allotted for the service of Roads and Bridges in the County of Richmond; the sum of Five Hundred Pounds allotted for the service of Roads and Bridges in the County of Guysborough; the sum of Five Hundred Pounds allotted for the service of Roads and Bridges in the County of Sydney; and the sum of Six Hundred and Fifty Pounds allotted for the service of Roads and Bridges in the County of Lunenburg, at the disposal of His Excellency the Lieutenant-Governor, to be respectively expended on the said services. 750l. to the County of Cape Breton; 750l. to the County of Inverness; 500l. to the County of Richmond; 500l. to the County of Guysboro'; 500l. to the County of Sydney; 650l. to the County of Lunenburg.

And a further sum of Seven Hundred and Fifty Pounds for the several Roads and Bridges in the County of Halifax, to be applied and expended agreeably to a Resolution of the House of Assembly, passed on the tenth day of April, in this year of our Lord One Thousand Eight Hundred and Forty-four, and agreed to by the Legislative Council. 750l. to the County of Halifax.

And a further sum of Seven Hundred and Fifty Pounds for the several Roads and Bridges in the County of Pictou, to be applied and expended as aforesaid. 750l. to the County of Pictou.

And a further sum of Five Hundred and Fifty Pounds for the several Roads and Bridges in the County of King's, to be applied and expended as aforesaid. 550l. to the County of King's.

And a further sum of Seven Hundred Pounds for the several Roads and Bridges in the County of Hants, to be applied and expended as aforesaid. 700l. to the County of Hants.

And a further sum of Five Hundred Pounds for the several Roads and Bridges in the County of Queen's, to be applied and expended as aforesaid. 500l. County of Queen's.

And a further sum of Five Hundred Pounds for the several Roads and Bridges in the County of Yarmouth, to be applied and expended as aforesaid. 500l. Yarmouth.

And a further sum of Five Hundred Pounds for the several Roads and Bridges in the County of Digby, to be applied and expended as aforesaid. 500l. Digby.

And a further sum of Five Hundred Pounds for the several Roads and Bridges in the County of Shelburne, to be applied and expended as aforesaid. 500l. Shelburne.

And a further sum of Five Hundred Pounds for the several Roads and Bridges in the County of Annapolis, to be applied and expended as aforesaid. 500l. Annapolis.

And a further sum of Five Hundred and Fifty Pounds for the several Roads and Bridges in the County of Cumberland, to be applied and expended as aforesaid. 550l. Cumberland.

And a further sum of Six Hundred Pounds for the several Roads and Bridges in the County of Colchester, to be applied and expended as aforesaid. 600l. Colchester.

And a further sum of One Hundred and Fifty Pounds to James Purves and others, owners of the Steam Boat Pocohontas, provided they run the said Boat, or some other Steam Boat of equal power and accommodation for Passengers, once in each week, between the tenth day of May and the tenth day of November next, between Pictou and Arichat and St. Peter's, in the Island of Cape-Breton. 150l. James Purves.

And a further sum of One Thousand and Fifty-five Pounds Five Shillings and Ten Pence to meet the expenditure of the Post Office Department up to the fifth day of January, 1055l. 5s. 10d. Post Office Department

January, One Thousand Eight Hundred and Forty-four, agreeably to the Report of the Post Office Committee.

251. John Campbell.

And a further sum of Twenty-five Pounds to John Campbell, for carrying the Mail between Big Narrows and Ball's Creek, in Cape-Breton, for one year now past, pursuant to the Report of the Post Office Committee.

71. 10s. David M. Cummings.

And a further sum of Seven Pounds and Ten Shillings to David M. Cummings, being balance due him for his services in carrying the Mail from Londonderry to Five Islands for the last three years, pursuant to the Report of the Post Office Committee.

101. Lemuel Morehouse.

And a further sum of Ten Pounds to Lemuel Morehouse, to enable him to pay his Ferriages between Digby and Brier Island for the last year, pursuant to the Report of the Post Office Committee.

1161. John Ross.

And a further sum of One Hundred and Sixteen Pounds to John Ross, in full, of certain claims preferred by him against the Post Office Department, as reported by the Committee.

5651. 4s. 8d. disposal Lieut. Governor.

And a further sum of Five Hundred and Sixty-five Pounds Four Shillings and Eight Pence at the disposal of His Excellency the Lieutenant-Governor, to defray the expenses of Franking for the Session of the Legislature of One Thousand Eight Hundred and Forty-three.

131. 1s. 7d. disposal Lieut. Governor.

And a further sum of Thirteen Pounds One Shilling and Seven Pence at the disposal of His Excellency the Lieutenant-Governor, to pay the respective parties named in a List or Schedule contained in a Report of the Committee of the House of Assembly on Trade and Manufactures, the excess of certain Duties paid by such parties at the rate in such Report mentioned.

31. 17s. 8d. J. G. Bingay.

And a further sum of Three Pounds Seventeen Shillings and Eight Pence to J. G. Bingay, for return of Duties paid by him, agreeably to the Report of the Committee on Trade and Manufactures.

81. Benjamin Dewolf.

And a further sum of Eight Pounds to Benjamin Dewolf, for Drawback on articles imported from the United States, agreeably to the Report of the Committee on Trade and Manufactures.

251. 16s. 6d. King's College, Windsor.

And a further sum of Twenty-five Pounds Sixteen Shillings and Six Pence to the Governors of King's College, Windsor, for Drawback on articles imported from the United States, agreeably to the Report of the Committee on Trade and Manufactures.

531. 5s. Charles E. Leonard.

And a further sum of Fifty-three Pounds and Five Shillings to Charles E. Leonard, for Duties paid by him into the Excise in One Thousand Eight Hundred and Forty-two, in error, agreeably to the Report of the Committee on Trade and Manufactures.

101. Thomas Firth.

And a further sum of Ten Pounds to Thomas Firth, for Duties on Liquors lost at sea, agreeably to the Report of the Committee on Trade and Manufactures.

11. 15s. 10d. Amos Seaman.

And a further sum of One Pound Fifteen Shillings and Ten Pence to Amos Seaman and Company, for return of Duties on ten barrels of Foreign Flour entered at the Customs in the County of Cumberland, on the fifth day of July, One Thousand Eight Hundred and Forty-three.

141. 4s. 8d. disposal Lieut. Governor.

And a further sum of Fourteen Pounds Four Shillings and Eight Pence to His Excellency the Lieutenant-Governor, to reimburse him in that amount paid to Obadiah Wilson, Junior, and others, upon a vote of credit passed by the Legislature last year.

Sums granted to Overseers of Poor.

And such further sum as will be sufficient to defray the several amounts following, pursuant to the Report of the Committee on the subject of the expenses incurred for the support of Transient Paupers, that is to say:—To the Overseers of the Poor for the Township of New Glasgow, Seven Pounds Two Shillings and Eight Pence; to the Overseers of the Poor for the Township of Granville, Eighteen Pounds Eighteen Shillings and Three Pence; to the Overseers of the Poor for the Township of Yarmouth, Forty-three Pounds Thirteen Shillings and Three Pence; To the Overseers of the Poor for the Township of Digby, Fifteen Pounds Eleven Shillings and One Penny; to the Overseers of the Poor for the Township of Newport, Twelve Pounds Fifteen Shillings and One Penny; to the Overseers of the Poor for the Township of Amherst, Eight Pounds Seven Shillings and Six Pence; to the Overseers of the Poor for the Township of Horton, Six Pounds Ten Shillings and Six Pence; to the Overseers of the

the Poor for the Township of Aylesford, Eighteen Pounds; to the Overseers of the Poor for the Township of Weymouth, Seven Pounds Eleven Shillings and Nine Pence; to the Overseers of the Poor for the Township of Wilmot, County of Annapolis, Eleven Pounds Seven Shillings and Six Pence; to the Overseers of the Poor for the Township of Dorchester, County of Sydney, Eight Pounds Nine Shillings and Seven Pence; to the Overseers of the Poor for the Township of Pictou, Seventy-eight Pounds Eleven Shillings and Two Pence; to the Overseers of the Poor for the Township of Clare, Five Pounds and a Penny; to Doctor John Fox, of Egerton, Four Pounds; to Doctor Edward Carrit, of Guysborough, Two Pounds and Ten Shillings; to Doctor Ebenezer Annan, Liverpool, Twenty Pounds; to Doctor George Garraty, Liverpool, Eight Pounds.

And a further sum of Three Pounds and Four Shillings to the Overseers of the Poor for the Township of Saint Mary's, being amount of expenses incurred by them in the support of a Transient Pauper, agreeably to the prayer of their Petition.

And a further sum of Twenty-nine Pounds and Seven Shillings to the Overseers of the Poor for the Township of Rawdon, to defray expenses incurred in support of Transient Paupers.

And a further sum of Ten Pounds to Doctor F. C. Pike, for his services as Health Officer at Windsor, attending certain cases of Small Pox, agreeably to the Report of a Committee.

And a further sum of Two Pounds and Twelve Shillings to Doctor William L. Bent, for services performed in Digby, agreeably to the Report of a Committee.

And a further sum of Forty Pounds at the disposal of His Excellency the Lieutenant-Governor, to be drawn Twenty Pounds in each year for the next two years, and paid towards defraying the expenses of maintaining a Deaf and Dumb Boy, the son of James Allison, of Windsor, at the Asylum at Hartford, Connecticut, pursuant to the Report of the Committee.

And a further sum of Forty Pounds at the disposal of His Excellency the Lieutenant-Governor, to be drawn, Twenty Pounds in each year for the next two years, and paid towards defraying the expense of maintaining a Deaf and Dumb Boy, the son of James Stephens of Horton, at an Asylum for educating such, pursuant to the recommendation of the Committee.

And a further sum of Ten Pounds to Duncan Nicholson, to pay a part of the expense of erecting a Kiln for the manufacture of Oat-meal, upon a satisfactory certificate being produced that the same has been erected and is ready for operation.

And a further sum of Twenty-five Pounds at the disposal of His Excellency the Lieutenant-Governor for the purchase of Seed Potatoes for distressed Families among the Coloured Population at Hammond's Plains and Preston, to be applied under the direction of His Excellency, to the relief of such individuals as shall be found in circumstances of urgent necessity.

And a further sum of One Hundred and Five Pounds Five Shillings and Seven Pence at the disposal of His Excellency the Lieutenant-Governor, to reimburse the sums advanced for the relief of Shipwrecked destitute Seamen of the Barque "Africaine," and the Brig "William Rippon," which were totally lost.

And a further sum of Twenty-five Pounds for the purpose of repairing and replacing the Buoys in the West Passage of Barrington Harbour.

And a further sum of Eleven Pounds and Ten Shillings to Thomas James Wood, in conformity with the Report of the Committee on the Fisheries.

And a further sum of Six Pounds and Ten Shillings to Messrs. E. Moody and Benjamin Rogers, in conformity with the Report of the Committee on Navigation Scurtities.

And a further sum of Sixty-two Pounds and Ten Shillings to John Lewis Tremain, Esquire, pursuant to the Report on his Petition.

And a further sum of Twenty-two Pounds to Andrew Stevens, for disbursements made by him relative to Goods seized at Arichat, agreeably to the Report of the Committee.

31. 4s. Overseers of Poor, Township of Saint Mary's.

29l. 7s. Overseers of Poor, Township of Rawdon.

10l. Dr. F. C. Pike.

2l. 12s. Doctor Wm. L. Bent.

40l. disposal Lieut. Governor.

40l. disposal Lieut. Governor.

10l. Duncan Nicholson.

25l. disposal Lieut. Governor.

105l. 5s. 7d. disposal Lieut. Governor

25l. Buoys, Barrington Harbour.

11l. 10s. Thomas J. Wood.

6l. 10s. James E. Moody and Benjamin Rogers.

62l. 10s. John Lewis Tremain.

22l. Andrew Stevens

5061 disposal Lieut. Governor.

And a further sum of Five Hundred Pounds at the disposal of His Excellency the Lieutenant-Governor, to continue the service, during the Fishing Months, of one Revenue Cutter, in addition to the Schooner "Sisters," (which latter is to be borne exclusively on the Sable Island Fund,) on the Coast of Nova-Scotia as heretofore, and that no further sums be expended for that purpose.

421. disposal Lieut. Governor.

And a further sum of Forty Pounds at the disposal of the Lieutenant-Governor, or Commander in Chief for the time being, to enable him to continue a suitable Revenue Boat at Sydney, Cape-Breton.

2031. disposal Lieut. Governor.

And a further sum of Two Hundred Pounds at the disposal of His Excellency the Lieutenant-Governor, for the benefit of the Indians for the present year, to be expended agreeably to the Acts of the General Assembly, to provide for the instruction and permanent settlement of the Indians.

Sums allowed to Commissioners of Penitentiary.

And such further sum to the Commissioners of the Penitentiary as will suffice to defray the several amounts following, that is to say:—To the Governor of the Penitentiary for his Salary, One Hundred and Twenty-five Pounds; to the Matron for Salary, Twenty-five Pounds; to the Keeper, Fifty Pounds; to the Under Keeper and Turnkey, Fifty Pounds; for Fuel, Soap, and other incidental expenses, Clothing, &c., Four Hundred and Ten Pounds; to pay Carpenters' wages, and other expenses, to put Penitentiary in order for reception of Convicts, Thirty-seven Pounds and Four Shillings.

4301. 8s. 5d. Commissioners for building Bridewell or Penitentiary.

And a further sum of Four Hundred and Ninety Pounds Eight Shillings and Five Pence to the Commissioners for building a Bridewell or Penitentiary, to pay the balance of their Account for that Building, to the thirteenth day of March, One Thousand Eight Hundred and Forty-four, pursuant to the Report of the Committee.

2001 Pictou Academy.

And a further sum of Two Hundred Pounds for the use of the Pictou Academy, being the sum of One Hundred Pounds each year for the last and present year, the same to be expended by Commissioners, pursuant to the Report of the Committee on Education.

251 Infant School.

And a further sum of Twenty-five Pounds to the Ladies, Managers of the Infant School at Pictou, towards the support of that Institution, agreeably to the prayer of the Petition in behalf of the Institution, from the Ladies of Pictou.

1091. 19s. 10d. Richard Nugent.

And a further sum of One Hundred and Nine Pounds Nineteen Shillings and Ten Pence to Richard Nugent, being balance due him for Printing for the year One Thousand Eight Hundred and Forty-three, agreeably to the Report of the Committee.

1041 13s. 1d. John S. Thompson.

And a further sum of One Hundred and Four Pounds Thirteen Shillings and One Penny to John S. Thompson, late Queen's Printer, being balance due him for Printing for the Legislature, and other public services, for the year One Thousand Eight Hundred and Forty-three, agreeably to the Report of the Committee.

1701 John S. Thompson.

And a further sum of One Hundred and Seventy Pounds to John S. Thompson, to provide for the expense of reporting the Debates and Proceedings of the House of Assembly and of the Legislative Council during the present Session.

6001. disposal Lieut. Governor.

And a further sum not exceeding Six Hundred Pounds, at the disposal of His Excellency the Lieutenant Governor, to pay the expense of Printing for the Legislature and for the Government during the present year; the accounts for such Printing having been first properly certified as correct.

4551. 9s. 3d. Commissioners Public Buildings.

And a further sum of Four Hundred and Fifty-five Pounds Nine Shillings and Three Pence to the Commissioners of the Public Buildings to defray the expenses incurred by them during the last year.

6461. 3s. Expenses of Legislative Council.

And a further sum of Six Hundred and Forty-six Pounds and Three Shillings to defray the expenses of the Legislative Council for the present year.

201. 15s. Female Teacher African School.

And a further sum of Thirty-nine Pounds and Fifteen Shillings as the Salary of the Female Teacher of the African School at Halifax, for the present year.

1001. Rev. R. F. Uniacke.

And a further sum of One Hundred Pounds to the Rev. R. F. Uniacke, to enable him to defray the expenses incurred to support the School for Poor Children in the North Suburbs of the City of Halifax.

501. Infant School.

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

And a further sum of One Hundred Pounds to the Honorable Hugh Bell and others, to support a School in connection with the Methodist Church in Halifax.

1001. Methodist Church.

And a further sum of Twenty-five Pounds 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.

251. Commissioners Poor.

And a further sum of Fifty Pounds to Doctors Grigor and Sterling, in aid of the Halifax Dispensary, for the present year—provided they keep during the year a sufficient quantity of vaccine matter.

501. Doctors Grigor and Sterling

And a further sum not exceeding Sixty Pounds to the Clerk of the House of Assembly, to defray the expense of Stationary and Binding of the Journals and Laws for the House of Assembly, during the present Session.

601. Clerk of Assembly.

And a further sum of Ten Pounds each, to the two Chairmen of the Committees on Bills and of Supply, for their services for the present Session.

101. Chairmen.

And a further sum of One Hundred Pounds each, to the Clerk and Clerk Assistant of the House of Assembly, for their extra services during the present Session.

1001. Clerks of Assembly

And a further sum not exceeding Two Hundred and Thirty-eight Pounds 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.

2381. Messengers, Fuel, &c.

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

151. Speaker.

II. *And be it enacted*, That in the event of a Bill, entitled, An Act to provide for the Civil List of Nova Scotia, and to commute the Casual and Territorial Revenues, receiving Her Majesty's assent, and passing into a Law, the sum of Two Hundred Pounds, Sterling, be granted and paid to the present Lieutenant-Governor for contingencies for the present year—it not being the intention of the House of Assembly to renew such grant to any future Lieutenant-Governor.

2001. Lieut. Governor, for contingencies.

And also, in the like event, the sum of Two Hundred and Fifty Pounds, Sterling, to the present Lieutenant-Governor, for a Private Secretary for the present year—it not being the intention of the House of Assembly to renew such grant to any future Lieutenant-Governor.

2501. Private Secretary.

And also, in the like event, the sum of One Hundred Pounds, Sterling, to the Superintendent of Mines in Cape Breton for the present year.

1001. Superintendent Mines, C. B.

And also, in the like event, the sum of One Hundred and Fifty Pounds, Sterling, to the Surveyor General of Nova Scotia, as his Salary for the present year.

1501. Surveyor General, Nova-Scotia.

And also, in the like event, the sum of One Hundred Pounds, Sterling, to the Surveyor General of Cape Breton, as his Salary for the present year.

1001. Surveyor General, C. B.

And also, in the like event, the sum of Two Hundred Pounds, Sterling, as the Salary of the First Clerk in the Provincial Secretary's Office, for the present year.

2001. First Clerk, Secretary's Office.

And also, in the like event, the sum of One Hundred and Sixty Pounds, Sterling, as the Salary of the Second Clerk in the Provincial Secretary's Office, for the present year.

1601. Second Clerk, Secretary's Office.

And also, in the like event, the sum of One Hundred Pounds, Sterling, as the Salary of the Third Clerk in the Provincial Secretary's Office, for the present year.

1001. Third Clerk, Secretary's Office.

And also, in the like event, a sum not exceeding One Hundred Pounds, Sterling, for the Messenger of the Lieutenant Governor and Executive Council, and for Stationary, Printing, and other contingencies of the Provincial Secretary's Office, for the present year—the expenditure to be accounted for at the next Session of the General Assembly.

1001. Messenger and contingencies of Pro. Secretary.

And also, in the like event, the sum of Thirty Pounds, Sterling, to the Master of the Rolls, the Judge of Vice Admiralty, and the Judge of Probate at Halifax, for Fuel and Criers of their Courts, for the present year.

301. Master of the Rolls, &c.

And also, in the like event, the sum of One Hundred Pounds currency to Thomas Bown, Esquire, to compensate him for his services as Harbor Master at the Port of

1001. Harbor Master Sydney.

Sydney,

Sydney, for this present year, with the distinct understanding that the House of Assembly will not in future vote any sum for that office.

III. *And be it enacted*, That a Drawback of Seven Shillings and Six Pence, Sterling, per hundred weight be granted on all Refined Sugar used in the manufacture of Confectionary made in and exported from this Province direct to the United Kingdom; such amount to be drawn and paid by and under and subject to such conditions, limitations, rules and regulations, as may be from time to time fixed, established, directed and ordered, by the Board of Revenue.

IV. *And be it enacted*, That the Board of Revenue for the time being, shall be, and they are hereby authorized and empowered to allow a Drawback on all Wines imported for or consumed by the Commissioned Officers of Her Majesty's Army, comprising the several Regimental Messes of the Garrison in Halifax, or imported for and consumed by any such Commissioned Officers of Her Majesty's Army who may be resident in Halifax, although not members of any Regimental Mess therein, or to relinquish the Duties upon all such Wines, upon proof being made to the satisfaction of the said Board that the Wines whereon a Drawback or relinquishment of Duty is claimed, were actually imported and consumed, as aforesaid, by such Officers of the Army: Provided the whole amount do not exceed the sum of Three Hundred Pounds in any one year.

V. *And be it enacted*, That the sum of Six Pounds and Eighteen Shillings, being amount claimed for James Whitney, for excess of Light Duties on the Steamer "North America," on two voyages from Boston to Halifax during the past year, shall be, and the same is hereby remitted and allowed to the said James Whitney.

VI. *And be it enacted*, That the proper Officer shall be, and he is hereby authorized and directed to allow, and endorse on the Bond of Messrs. William Pryor and Company, the sum of Two Hundred and Thirty-three Pounds and Nine Shillings, Currency, being excess of Duties secured by them on Sugars, agreeably to the Report of the Committee on Trade and Manufactures.

VII. *And be it enacted*, That the proper Officer shall be, and he is hereby authorized and directed to allow and endorse on the Bond of Messrs. Fairbanks and Allison, the sum of Forty-five Pounds and Ten Shillings, Currency, being the excess of Duties secured by them on Sugars, agreeably to the Report of the Committee on Trade and Manufactures.

VIII. *And be it enacted*, That the Commissioners of the Revenue shall be, and they are hereby authorized to cancel the Bond of Herbert Huntington and others, given to secure the Duties on Live Stock, imported in the year One thousand eight hundred and forty-two, from Boston, for the Agricultural Society at Yarmouth.

IX. *And be it enacted*, That the sum of Five Hundred Pounds granted for three years, to encourage the running of a Steam-Boat between Halifax and St John's, Newfoundland, touching at certain Ports in the Island of Cape Breton, may be paid on condition of such Boat touching at any one or more Port or Ports in said Island, both in going and returning.

X. *And be it enacted*, That the sum of Twenty Pounds, parcel of the sum granted in the last Session of the General Assembly, to build the Bridge over Cornwallis River, near Kentville, and remaining unexpended, be expended on the Road leading from the late Benjamin Silver's to William Rusco's, in Cornwallis.

XI. *And be it enacted*, That His Excellency the Lieutenant-Governor shall be, and he is hereby authorized to direct the sum of Twenty-six Pounds Eleven Shillings and Seven Pence, to be retained out of the monies payable by Law for the School service in the County of Cumberland, for the present year, and allow that sum to be paid to William P. Moffatt, in full for his services as a Teacher in said County, in accordance with the Report of the Committee of the House of Assembly on the subject of Education.

And whereas, by an Act, passed by the Legislature in One thousand eight hundred and forty, it was provided that when Bonds, to the satisfaction of His Excellency the

Lieutenant

Drawbacks on refined Sugar used in Confectionary exported to the United Kingdom.

Drawbacks on Wines used by Officers of the Army

Process

Light Duties remitted to J. Whitney

Excess of Duties to be credited to Messrs. W. Pryor & Co

Excess of Duties to be credited to Messrs. Fairbanks & Allison

Bond of H. Huntington and others to be cancelled

Steamboat between Halifax and St John's, N. E.

Appropriation changed from Cornwallis Bridge to road from Silver's to Rusco's.

His. 76. Wm P. Moffatt, out of School Money at Cumberland

Proamble

Lieutenant-Governor should be given for the expenditure of subscriptions to the extent of Five Hundred Pounds upon the Road from Sackville to Scott's, simultaneously with the sum granted by the Legislature in the then last Session, that His Excellency be authorised to expend the sum of One thousand and five hundred pounds granted in such last Session; and whereas, John Steele, John Northup, and George Lister, in order to facilitate the opening of the said Road, have advanced the sum of Five hundred pounds, which sum has been expended upon the said Road, together with One thousand and sixty-three pounds nineteen shillings and eleven pence of the Grant made by the Legislature, and from the scarcity of money in circulation in the rural Districts, a very considerable portion of the sum subscribed for the above purpose remains unpaid:

XII. *Be it enacted*, That His Excellency the Lieutenant-Governor shall be, and he is hereby authorized to cause either the whole or part of the Grant made by the Legislature for the above purpose, and now remaining unexpended, to be expended by day's work, in order that persons having subscribed to the said Road may have an opportunity of working upon the said Road to pay their subscriptions.

Grant on road from Sackville to Scott's to be expended by days work.

XIII. *And be it enacted*, That the sum of Five pounds granted by the Legislature in One thousand eight hundred and forty-two, to repair the Road from Six Mile Road to McKenzie's, by Colter's, in the County of Cumberland, and not yet expended, be applied to the repair of the Road from Kenneth McKenzie's to Wallace Harbor.

£5. Appropriation changed from six mile road to Wallace Harbor.

XIV. *And be it enacted*, That the sum of Twenty pounds granted the last Session for the repair of the Road on the Aboiteau across the River La'Plance and undrawn, be expended on the Road from the said Aboiteau leading across the Fort Lawrence Marsh to the Bend on the said Road.

£20. Appropriation changed from the La' Planche Aboiteau to road across Fort Lawrence Marsh.

XV. *And be it enacted*, That if any of the Bridges on the Main Post Roads in this Province shall give way during the recess, or any of such Roads shall be unexpectedly obstructed by any unforeseen obstacle or accident, it shall and may be lawful for His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, to order a Commissioner or Commissioners to repair or rebuild such Bridges or to remove such obstructions; and it shall and may be lawful further, for the Lieutenant Governor, or Commander in Chief for the time being, to draw Warrants on account and in favor of such Commissioner or Commissioners—provided the same shall not exceed in the whole the sum of One Thousand Pounds.

Bridges giving away or roads obstructed Lt. Governor may repair them.

XVI. *And be it enacted*, That the Collector of Impost for the Port of Halifax shall, and he is hereby authorized, 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 several Acts of the General Assembly passed in the last and present Session of the General Assembly, respectively, 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.

Collector of Impost to keep a distinct account of Duties on live Stock, Apples, Onions, Fruit, Biscuit and Bread from the U. S. of America.

XVII. *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.

To be paid to Commissioners of Poor.

Proviso.

Allowance to Members of Assembly.

Proviso

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";

The 9th, 12, 16, and 18th Sec. of 41, Geo. 3d., and the 11th, 12th, and 13th Sec. of 4th, Wm. 3th continued.

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, will be in the year of Our Lord One Thousand Eight Hundred and Forty-five, and no longer.

CAP. II.

An Act in addition to, and in amendment of, the Act, entitled, An Act to vest certain Lands belonging to the Congregation of the Presbyterian Church in Cornwallis in Trustees, and to enable them to dispose of the same, and to purchase others in their stead.

(Passed the 29th day of March, 1844.)

Preamble

WHEREAS, it is found necessary that Trustees should be appointed and empowered to take charge of the Presbyterian Church or House of Worship in Cornwallis, in which the Reverend George Struthers at present officiates, and the Cemetery adjoining, called the Presbyterian Burial Ground, and to receive all such donations, legacies and bequests, which have been made, or shall hereafter be made, for the use of the said Church or House of Worship, or the Pastor thereof, or for keeping up the fences and walls around the Cemetery, in order that the same may be applied to the uses and purposes for which they are intended:

Trustees appointed under Act 6, Vic. to take charge of Church and Cemetery.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That, from time to time, and at all times after the passing of this Act, it shall and may be lawful for the Trustees appointed under and in pursuance of an Act, passed in the sixth year of the Reign of Her present Majesty, entitled, An Act to vest certain Lands belonging to the Congregation of the Presbyterian Church in Cornwallis in Trustees, and to enable them to dispose of the same, and purchase others in their stead, to take charge of the said Church or House of Worship, and the Cemetery adjoining the same; and also to receive all donations, legacies and bequests, that have been made, or may hereafter be made, for the use or benefit of the said Church or House of Worship, or the Pastor thereof, or the Cemetery adjoining the said Church; and all monies, goods, chattels, or securities for money, or vouchers, or other obligations, of every description, belonging to, or held by such Congregation, and to appropriate the same for the purposes for which they were intended.*

And receive donations and legacies, &c.

Trustees to build and repair the walls of the Cemetery, and plant ornamental trees, &c.

II. *And be it enacted, That such Trustees shall have full power and authority to build up and keep in repair the walls and fences of the said Cemetery, and to plant such ornamental trees around the said Church and Cemetery as to them shall seem proper; and that nothing in this Act shall extend or be construed to extend to prevent the deceased of all denominations from being interred in the said Cemetery; but that all the rights and privileges that have been heretofore enjoyed by the Public in or to the said Cemetery for sepulchral purposes, shall remain and be continued the same as if this Statute had not passed.*

Deceased of every denomination may be interred in the Cemetery.

Trustees may sue and be sued.

III. *And be it enacted, That such Trustees shall, and they are hereby respectively authorised in their name of Office, to sue and be sued, and to have, commence, prosecute and defend, or cause to be commenced, prosecuted and defended, any action, suit, or prosecution at Law or in Equity for or in respect of all donations, legacies and bequests,*

quests, which have been made, or shall hereafter be made, for the use of the said Church or House of Worship, or the Pastor thereof, or the Cemetery adjoining the same, or touching or concerning any trespass or trespasses of any and every description committed upon the said Church or House of Worship, and Cemetery, and the trees so planted or to be planted as aforesaid.

IV. *And be it enacted*, That such part of the public ground lately enclosed, adjoining the said Cemetery and Church, or House of Worship, on the west and on the north of the Highway, shall and may be added to the said Cemetery, and used as part thereof; and the said Cemetery shall be under the superintendance and directions of the said Trustees, who are hereby authorised to make rules and regulations respecting the said Cemetery, so as the same be approved by the Court of General Sessions of the Peace for the County of King's County.

Addition may be made to Cemetery.

Trustees may make rules respecting the Cemetery—the same to be approved by the Sessions.

V. *And be it enacted*, That nothing contained in this Act, or in the Act of which this is an amendment, shall extend or be construed to extend to prejudice or in any manner affect the rights of Her Majesty, her Heirs and Successors, or of all and every person or persons, Bodies Politic or Corporate, his, her, and their respective Heirs, Successors, Executors, Administrators and Assigns.

Nothing in this Act to effect the rights of Her Majesty or any other person.

CAP III.

An Act for the government and regulation of the Provincial Penitentiary.

(Passed the 29th day of March, 1844.)

WHEREAS, it will be of great public advantage that provision be made for the regulating of a new Penitentiary, which has been erected at Halifax, in which Criminal Offenders are to be imprisoned and corrected, and are to receive such instructions, and be subjected to such discipline, as shall appear most conducive to their reformation, and to the repression of crime, and that provision be made for the future disposal of such Offenders:

Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That the said Building shall be called, "The Provincial Penitentiary," and shall be used as a Prison for such Offenders, as hereinafter specified, as shall have been convicted of crime.

To be called the Provincial Penitentiary and be used as a Prison for Convicts.

II. *And be it enacted*, That the said Penitentiary, and all the Lands, Tenements, and Hereditaments thereunto belonging, with the appurtenances thereof, and all persons in respect thereof, shall be wholly freed and discharged from all taxes, rates, assessments, and charges whatsoever.

Shall be free from Taxes, &c.

III. *And be it enacted*, That, from and after the expiration of one year, after the passing of this Act, the said Penitentiary, and all Lands, Tenements and Hereditaments, purchased before the passing of this Act, for the purposes thereof, under the power of this Act, shall become and remain absolutely vested in Her Majesty, her Heirs and Successors; and that if any proceedings shall be taken before the expiration of the said term of one year, upon which judgment shall be obtained for the recovery of the possession of any such Lands, Tenements, and Hereditaments, then within two calendar months after such judgment obtained, there shall be paid or tendered, to the person obtaining such judgment, instead of such Lands, Tenements, and Hereditaments, his costs on the proceedings for obtaining such judgment, and such sum of money as a Jury, in the manner hereafter mentioned, shall find to have been the value of such Lands, Tenements, and Hereditaments.

Shall be vested in Her Majesty.

If Judgment be obtained for the recovery of any of the lands the value in money shall be paid in stead of such land.

IV. *And be it enacted*, That the Jury, which shall try any proceedings brought for the recovery of the possession of any of the said Lands, Tenements, and Hereditaments, shall at the same time ascertain the value thereof, at the time when they were conveyed for

Value to be ascertained by a Jury,

for the purposes of this Act, or when possession was taken thereof, and the value so found, shall be certified by the presiding Judge, under his hand; and such certificate shall be delivered to the persons seeking to recover possession thereof; and the value so ascertained shall be the amount to be paid, instead of such Lands, Tenements and Hereditaments.

Commissioners to be appointed.

V. *And be it enacted*, That it shall be lawful for the Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of the Executive Council, to nominate and appoint any number of fit persons, not being less than five, or more than seven, to be Commissioners for governing the said Penitentiary or Prison; and it shall be lawful for the Lieutenant-Governor, or Commander in Chief, with the like advice, from time to time, to remove all or any of the said Commissioners, and to appoint others in their stead, or instead of such as shall die or resign, or be unable by sickness or otherwise to attend.

Officers to be appointed for the Government, &c. of the Penitentiary

VI. *And be it enacted*, That it shall be lawful for the said Commissioners, with the approval of the Lieutenant-Governor, or Commander in Chief, to appoint for the said Penitentiary or Prison, a Governor, a Chaplain or Chaplains, and a Medical Officer, and with the like approval to remove all or any of them; and it shall also be lawful for the said Commissioners to appoint, and at their pleasure to remove, so many other officers and servants as the Lieutenant-Governor or Commander in Chief shall deem to be necessary for the service and discipline of the said Penitentiary or Prison. Provided always, that nothing in this Act contained, shall extend to prevent any Prisoner from receiving religious instruction from any Clergyman, Minister or Religious Teacher, that he may select under such regulations, as the Commissioners shall for that purpose make and appoint.

Prison

Security to be given by Officers

VII. *And be it enacted*, That it shall be lawful for the Lieutenant-Governor and Commander in Chief, if he shall deem it necessary, to require any person employed in the said Penitentiary or Prison, to give security for the due performance of his duties in such sums and with such collateral securities, and in such form as he shall direct.

Mans of recovering possession if officers refuse to quit.

VIII. *And be it enacted*, That if any person appointed to any office or employment in the said Penitentiary or Prison, who shall be removed from his Office or employment, shall refuse or neglect to quit the said Penitentiary or Prison, or to give up possession of any House, Building or apartment therein or belonging thereto, within such period, as shall be fixed by the Lieutenant-Governor or Commander in Chief, in any order in writing, not being less than forty eight hours after the delivery to such person, or leaving at his last place of abode, of any such order, when it shall be lawful for any Justice of the Peace, acting for the County of Halifax, on application of any one of the Commissioners, by warrant under the hand and seal of said Justice, to direct the Sheriff of the County to remove such person out of the said Penitentiary or Prison; and the said Sheriff, shall thereupon, clear the possession thereof, so far as relates to any part of the Penitentiary or Prison, or any House, Building or Apartment therein or belonging thereunto, occupied by, or in possession of, such person, in like manner, as upon a writ of "Habere Facias Possessionem."

Power and duty of Commissioners.

IX. *And be it enacted*, That the said Commissioners shall have the same powers with respect to the said Penitentiary or Prison, which the visiting Justices of any Prison in England have, or so much thereof, as the Lieutenant-Governor and Commander in Chief, by and with the advice aforesaid, may, by commission under his hand and seal confer, and which he is hereby authorized and empowered to do; and the said Commissioners shall hold meetings, and they, or any three of them, shall be empowered, from time to time, to make and alter rules for their meetings, and for all matters relating thereunto, and also for the government of the said Penitentiary or Prison, and for the duties and conduct of the Governor, and other officers of the Penitentiary or Prison, and for the diet, clothing, maintenance, employment, and discipline of the Convicts imprisoned therein, as to the said Commissioners shall seem fit: Provided, that no such rule, whether it be original or an amendment, or revocation of a former rule, shall be enforced, until it shall have been approved by the Lieutenant-Governor, or Commander in Chief for the time being.

X. *And be it enacted*, That the said Commissioners shall, from time to time, appoint one or more of themselves, to visit the said Provincial Penitentiary or Prison, during the intervals between their meetings; and if they shall think fit, may delegate power to such visitors, or any of them, to make any order or give any directions in cases of pressing emergency, within said Penitentiary or Prison, which might be made or given by the said Commissioners: Provided, that every such order or direction shall be in writing, and shall be reported with the circumstances by which the same was occasioned, to the Commissioners at their next meeting.

Visitors to be appointed.

XI. *And be it enacted*, That the Commissioners of the said Penitentiary or Prison, and their Successors, shall be a Body Corporate, and shall sue and be sued, by the name of "The Commissioners for the Government of the Provincial Penitentiary."

The Commissioners to be a body corporate.

XII. *And be it enacted*, That the Commissioners shall have power to make contracts with any persons whomsoever, for the clothing, diet, and other necessaries, for the maintenance and support of the Convicts confined in such Penitentiary or Prison, and for the implements or materials for any kind of manufacture or trade, in which Convicts confined in such Penitentiary or Prison, shall be employed; and also to carry on such manufactures or trade in such Prison, and to sell such Goods, Wares and Merchandize, as shall there be wrought or manufactured.

Commissioners to make contracts, &c

XIII. *And be it enacted*, That the said Commissioners shall, on or before the tenth day of January, in each year, and oftener, if required by the Lieutenant-Governor, or Commander in Chief for the time being, make reports in writing, under the hands of three or more of them, to the Lieutenant-Governor, or Commander in Chief, specifying the state of the Buildings—the behaviour and conduct of the officers of the Penitentiary or Prison, and of the Criminals and Convicts—the amount of the earnings of the Criminals and Convicts, and the expense of such Penitentiary or Prison, and such other matters relating to the discipline and management of such Prison, as they shall deem expedient, or as the Lieutenant-Governor or Commander in Chief shall direct; and every such report shall be laid before the Legislative Council and House of Assembly, within one calendar month after the receipt thereof, if the General Assembly shall be then sitting, or if not, then within one calendar month after the then next meeting of the General Assembly.

Report to be made by Commissioners to the Lieutenant-Governor.

XIV. *And be it enacted*, That it shall be lawful for the Lieutenant-Governor, or Commander in Chief for the time being, to direct the removal to the Provincial Penitentiary of any Convict under sentence of Her Majesty's Supreme Court, who, having been examined by an experienced Medical Officer, shall appear to be free from any putrid or infectious distemper, and fit to be removed from the Gaol, Prison, or place in which such offender shall be confined; and the Sheriff or Gaoler having the custody of any offender, whose removal to the Provincial Penitentiary shall be ordered in manner aforesaid, shall, with all convenient speed, after the receipt of any such order, convey, or cause to be conveyed, every such offender to the said Penitentiary; and if, upon examination by the Medical Officer of the Provincial Penitentiary, he shall appear fit to be received into the Prison, shall there deliver him, or cause him to be delivered, into the custody of the Governor of the Provincial Penitentiary, with a true copy, attested by such Sheriff or Gaoler, of the caption and order of the Court by which such offender was sentenced, containing the sentence of every such offender, by virtue of which he shall be in the custody of such Sheriff or Gaoler, and also a certificate specifying such particulars, within the knowledge of the Sheriff or Gaoler, concerning such Offender or Convict, as may be from time to time directed by the Lieutenant-Governor or Commander in Chief; and the Governor of the Provincial Penitentiary shall give a receipt in writing for every Offender or Convict received into his custody, to the Sheriff or Gaoler for his discharge; and all reasonable expenses which the Sheriff or Gaoler shall incur in every such removal, shall be paid by the County for which the Courts in which the offender shall be convicted shall have been holden.

The Lieutenant-Governor to direct removal of convicts to the Penitentiary.

XV. *And be it enacted*, That when any Criminal or Convict who shall be ordered to be confined in the said Penitentiary or Prison, shall be brought thither, in pursu-

Convicts not to be removed till examined by a medical officer: and re-

ported fit to be received.

ance of the power contained in this Act, he shall continue in the custody of the person in whose custody he shall have been brought to the Penitentiary, until he shall have been examined by the Medical Officer, and ascertained to be fit to be received into the Penitentiary or Prison; and if the Medical Officer shall certify that he is not fit to be received there, he shall be placed in some Hospital.

Convicts to be continued in custody till entitled to their discharge, &c.

XVI. *And be it enacted*, That every Criminal, Offender, or Convict, who shall be received into the custody of the Governor of the Provincial Penitentiary, shall continue there until he shall be conditionally pardoned, or shall become entitled to his freedom, or until the Lieutenant-Governor, or Commander in Chief, shall direct the removal of such Convict to any other Prison or place of confinement, in which he may be lawfully imprisoned.

Not to be discharged if labouring under distemper, and when discharged to be assisted with clothing.

XVII. *And be it enacted*, That no Criminal, Offender, or Convict, who shall have been received into the custody of the Governor of the Provincial Penitentiary, shall be dismissed from the said Penitentiary at the end or other determination of his term, if he shall then labour under any acute or dangerous distemper, unless at his request; and when any such Criminal, Offender, or Convict, shall be finally discharged, such decent clothing, and such assistance in money or otherwise as shall be judged proper by the Commissioners, shall be given to such Criminal, Offender, or Convict.

Employment of convicts.

XVIII. *And be it enacted*, That such Criminal, Offender, or Convict, may be employed in work at the said Penitentiary every day in the year, except Sundays, Christmas Day, Good Friday, and any day appointed for a General Fast or Thanksgiving, so many hours, not exceeding twelve, exclusive of the time allowed for meals and exercise, as the Commissioners shall order: *Provided always*, that the said Commissioners, by a written order, may allow any Criminal or Convict, at his own request, to labour for a longer time than as required by the Rules of the Penitentiary.

Proviso.

Persons not allowed to enter the Penitentiary.

XIX. *And be it enacted*, That no person, except the Commissioners, Officers or Servants, of the said Penitentiary, or such person as shall be authorized according to the Rules made by the said Commissioners, shall be allowed at any time to enter any part of the Penitentiary Work or Airing Yards, allotted to, or used by, the Prisoners, or to converse or hold communication of any kind with any of them.

Power of the Governor of the Penitentiary.

XX. *And be it enacted*, That after delivery of any such Criminal, Offender, or Convict, as aforesaid, into the custody of the Governor of the Provincial Penitentiary, such Governor, or other person, having the custody of Criminals or Convicts under his direction, shall during the term for which such Criminals or Convicts shall be ordered to remain in his custody, have the same powers over such Criminals or Convicts as are incident to the Office of Sheriff or Gaoler; and in case of any abuse of such custody or other misbehaviour or negligence in the discharge of his office, shall be liable to the same punishment to which a Gaoler is now liable by Law.

Convicts assaulting officers to be punished.

XXI. *And be it enacted*, That if any Criminal or Convict in the Provincial Penitentiary shall assault the Governor, or any Officer or Servant employed therein, the Commissioners may order him to be prosecuted for the said offence, and, upon conviction thereof, such Criminal or Convict shall be liable to be imprisoned for any term not exceeding two years, in addition to the term for which at the time of committing such offence he was subject to be confined.

Lieutenant Governor or may order the removal of convicts as incorrigible.

XXII. *And be it enacted*, That it shall be lawful for the Lieutenant-Governor or Commander in Chief, at any time to order any Criminal or Convict to be removed from the Provincial Penitentiary, as incorrigible to any other Prison or place of confinement in which he may be lawfully imprisoned.

Convicts becoming insane to be removed to the Lunatic Asylum.

XXIII. *And be it enacted*, That if any Criminal or Convict confined in the said Penitentiary, shall become or be found to be insane during such confinement, and be so reported by the Commissioners to the Lieutenant-Governor or Commander in Chief, it shall be lawful for such Lieutenant-Governor or Commander in Chief, by warrant under his hand, to order that such insane Criminal or Convict shall be forthwith removed to such Lunatic Asylum as the said Lieutenant-Governor or Commander in Chief may judge proper; and every Criminal or Convict so removed shall remain under

der confinement in such Asylum, or in any other Lunatic Asylum to which such Criminal or Convict may be lawfully removed, until it shall be duly certified to the Lieutenant-Governor or Commander in Chief by two Physicians or Surgeons, that such Criminal or Convict has become of sound mind, whereupon if the time for which such Criminal or Convict was sentenced to be imprisoned shall not have expired, the Lieutenant-Governor or Commander in Chief shall issue his warrant to the Governor or person having the care of such Asylum, ordering that such Criminal or Convict be remanded to the Provincial Penitentiary, or if the period of imprisonment of such Criminal or Convict shall have expired, that he be discharged.

XXIV. *And be it enacted,* That every Criminal or Convict who shall be ordered to be imprisoned in the Provincial Penitentiary, who, at any time during the term of such imprisonment, shall break Prison, or who, while being conveyed to such Prison, shall escape from the person or persons having the lawful custody of such Criminal or Convict, shall be punished by an addition, not exceeding three years, to the term of his imprisonment; and if afterwards convicted of a second escape, or breach of Prison, shall be adjudged guilty of Felony; and every Criminal or Convict in the Provincial Penitentiary who, at any time during the term of his imprisonment, shall attempt to break Prison, or who shall forcibly break out of his cell, or make any breach therein, with intent to escape therefrom, shall be punished by an addition, not exceeding twelve calendar months, to the term of his imprisonment, by the order and direction of the Lieutenant-Governor for the time being.

Convicts escaping to be punished.

XXV. *And be it enacted,* That every person who shall rescue any Criminal or Convict who shall be ordered to be imprisoned within the Provincial Penitentiary, either during the time of his conveyance to the said Penitentiary, or of his imprisonment therein, and also, every person who shall aid in any such rescue, shall be guilty of Felony; and every person having the custody of any such Criminal or Convict as aforesaid, or being employed by the person having such custody as a Keeper, Under-keeper, Turnkey, Assistant, or Guard, who shall knowingly and wilfully allow such Convict to escape; and also, every person who, by supplying Arms, Tools, or Instruments of disguise or otherwise, shall in any manner aid any such Criminal or Convict in any escape, though no escape be actually made, and every person who shall attempt to rescue any such Criminal or Convict, or aid in any such attempt, though no rescue be actually made, shall be guilty of Felony, and every person having such custody as aforesaid, who shall carelessly allow any such Criminal or Convict to escape, shall be guilty of a misdemeanor, and, being lawfully convicted of such misdemeanor, shall be liable to fine or imprisonment, or to both, at the discretion of the Court.

Persons rescuing convicts to be guilty of felony.

XXVI. *And be it enacted,* That every Officer or Servant of the Provincial Penitentiary who shall bring or carry out, or endeavour to bring or carry out, or knowingly allow to be brought or carried out, to or for any such Criminal or Convict, any Money, Clothing, Provisions, Tobacco, Letters, Papers, or other articles whatsoever, not allowed by the Rules of the Penitentiary, shall be forthwith suspended from his office by the Governor of the Prison, who shall report the offence to the Commissioners at their next meeting; and the said Commissioners shall enquire thereof upon oath, which they shall be empowered to administer, and upon proof of the offence, shall dismiss such officer or servant, and may also, if they shall think fit, cause the offender to be apprehended, and carried before a Justice of the Peace, who shall be empowered to hear and determine any such offence, in a summary way; and every such officer or servant, upon conviction of such offence before a Justice of the Peace, shall be liable to a penalty not exceeding fifty pounds, or in the discretion of the Justice, to be imprisoned in the Common Gaol or Penitentiary, there to be kept with or without hard labour, for any term not exceeding six calendar months.

Officers supplying the convicts with money, &c. to be punished.

XXVII. *And be it enacted,* That every person who, upon examination on oath or affirmation, before the said Commissioners, shall wilfully give false evidence, shall be liable to the pains and penalties of perjury.

Person giving false testimony under oath to Commissioners, guilty of the penalty of perjury.

XXVIII. *And be it enacted,* That every Criminal or Convict, or other person who shall commit any offence mentioned in this Act, or in any way relating to the Provincial

Convicts offending against this Act not liable to be punished

vincial Penitentiary, for which he is not liable to be summarily convicted, may be tried before the Justices of the Supreme Court at Halifax, or for the County in which the offender shall be taken; and in case of any prosecution for any such offence, either against a Criminal or Convict, or against any person or persons accessory thereunto, a copy, properly attested, of the order of commitment to such Prison, with proof that the person then in question before the Court is the same who was delivered, with such order and production of the Register of the said Prison, shall be sufficient evidence of all the facts entered in such Register as to such Criminal or Convict, without the production of any record of conviction, or other proof, that such Criminal or Convict had been convicted of Felony, and legally ordered to be imprisoned in the Provincial Penitentiary.

Account to be laid before the General Assembly and Council

XXIX. And be it enacted, That an account of the expenses of carrying this Act into execution, shall be annually laid before the Lieutenant-Governor, Council and Assembly; and after deducting therefrom such profit as may have arisen from the earnings of the Criminals or Convicts, over and above the expenses occasioned by their labour, the remainder shall be provided for by such sums as may be granted by the Assembly.

Protection of Commissioners and Governor.

XXX. And be it enacted, That the provisions of all Acts of the Provincial Parliament for protecting Justices of the Peace in the execution of their office, shall extend to the said Commissioners and to the Governor of the Provincial Penitentiary.

Actions, &c. where to be tried

XXXI. And be it enacted, That all actions, suits, and prosecutions, to be commenced by any person or persons for any thing done in pursuance of this Act, shall be laid and tried in the County or place where the fact was committed, and shall be commenced within six calendar months after the fact committed, and not otherwise.

Punishment of persons guilty of felony under this Act

XXXII. And be it enacted, That any person guilty of Felony under this Act, and being convicted thereof, shall be liable to imprisonment in said Penitentiary for any term not more than fourteen years, nor less than one year, as the Court shall award.

Meaning of words used

XXXIII. And be it enacted, That in construing this Act, the word "person" shall be taken to designate a Body Corporate or Company, as well as an individual; and that words in the singular number shall, when necessary to give effect to the intention of the said Act, import also the plural, and vice versa, and words used in the masculine gender shall, when required, be taken to apply to a Female as well as Male; and the word Penitentiary shall, when required, be taken to mean Bridewell and House of Correction.

Act may be amended.

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

To continue five years.

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

CAP. IV.

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

(Passed 29th day of March, 1844.)

Act 4, Wm. 4, except 2d and 31st clauses and except as altered by this Act 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 concerning Goods exported, and for granting Drawbacks, 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-four, 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; and also, save and except so far as the same is or may be altered or amended by this Act, shall thenceforth remain in operation, and be fur-

ther

ther continued until the thirty-first day of March which will be in the year our Lord One Thousand eight hundred and forty-five, and no longer.

II. *And be it enacted*, That whenever any Goods shall have been Warehoused at the Custom House, and Bonds given therefor; and the Bond for the Warehousing of the said Goods, required under the fifth Section of 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, shall have been dispensed with, under the Second Section of the Act, passed in the present Session of the General Assembly, entitled, An Act to continue and amend the Act for regulating the Importation of Goods, then, and in such case, if upon entry outwards, of any such Goods, it shall be made to appear by the Certificates of the proper officer or officers of the Customs that such Goods have been duly entered outwards, and Bonds given at the Custom House for exportation thereof, as required by the provisions of any Statute of the Imperial Parliament, then, and in every such case, the Bond required by the Seventh Section of the Act hereby continued and amended, shall be dispensed with, and the Shipping Permit shall be granted for such Goods, and shall specify that Security for the due exportation thereof hath been certified to have been given at the Custom House.

When Bonds are given at the Custom House other Bonds to be dispensed with.

CAP V.

An Act to continue and amend the Act for the Warehousing of Goods.

(Passed the 29th day of March, 1844.)

BE it therefore 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-four, 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-five, and no longer.

Act 4, Wm. 4, except as altered by this Act continued.

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 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

Where Goods charged with Colonial and Imperial Duties are warehoused and Bonds given at the Custom House other Bonds dispensed with.

Not to be taken from the Warehouse for home consumption or Fisheries till a Permit be produced.

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. VI.

An Act to authorize the Congregation of the Baptist Church at Canard, in Cornwallis, to appoint Trustees to take charge of the said Church, and Cemetery adjoining the same, and to enclose and ornament the same.

(Passed the 29th day of March, 1844.)

- BE** it enacted, by the Lieutenant-Governor, Council and Assembly, That, from time to time, and at any time after the passing of this Act, it shall and may be lawful for the Baptist Church or Congregation in Cornwallis, assembling in the House of Worship, in which the Reverend Edward Manning at present officiates, at any public meeting of said Congregation, whereof due notice shall have been given to such Congregation in the aforesaid House of Worship, during the time that the said House shall be open for Divine Service on the two Sundays previous to such meeting, to nominate and appoint, by vote of the majority of the said Congregation present at such meeting, three fit and proper persons as Trustees to take charge of the said House of Worship, and of the adjoining Cemetery, called the Canard Burial Ground.
- II.** *And be it enacted,* That it shall and may be lawful for the said Congregation, upon due notice being given as aforesaid, whenever they may think it necessary at any public meeting so called as aforesaid, to fill up any vacancy that may have been made in said trust, by death, resignation, or otherwise, or may, if they think proper, remove any one or more of said Trustees from the office of said trust, and appoint others in their place; and the same power and authority of the former Trustees shall vest in the succeeding Trustee or Trustees, for all purposes intended by this Act.
- III.** *And be it enacted,* That the said Trustees shall be, and they are hereby respectively authorize to take charge of the said House of Worship; and that they shall and may have full power and authority to enclose a certain part or portion of the Public Parade Ground adjoining said Meeting House, and protect and enclose said House of Worship, by erecting a fence or wall around the same—the said fence or wall not to extend further than two rods from the aforesaid House of Worship.
- IV.** *And be it enacted,* That such Trustees shall have full power and authority to build up and keep in repair the walls or fences so enclosing said House of Worship, and to plant such ornamental trees around said House of Worship, and within such enclosure as they may think proper.
- V.** *And be it enacted,* That such Trustees shall be, and they are hereby respectively authorized, in their name of office, to sue and be sued, and to have, commence, and prosecute and defend, or cause to be commenced, prosecuted and defended, any act, suit or prosecution, either at Law or in Equity, as may be necessary; and shall and may sue and prosecute for any act of Trespass that may be committed upon the premises, in the same way and manner as Trespasses of the like nature are prosecuted for in ordinary cases.
- And whereas,* the Land hereby authorized to be enclosed, is a part of the Public Parade Ground, in Canard aforesaid:
- VI.** *And be it enacted,* That the said Trustees and their Successors in office, shall, when thereunto lawfully required by the Supervisors of Public Grounds in Cornwallis, procure, by rent or otherwise, as much Land adjoining said Parade Ground as shall render the Parade equally as commodious for all public purposes as before such enclosure was made; and the purchase money or rent for such purposes required, the said Trustees are hereby authorized and empowered to draw from the funds of said Congregation.
- VII.**

Trustees to be appointed to take charge of the Church and Burying Ground.

Vacancies to be filled up.

The Trustees to take charge of the Church and to enclose a piece of the Parade Ground.

Trustees to keep up fences, &c.

Trustees to sue, &c.

Preamble.

Trustees to procure land in lieu of that taken from the Parade Ground.

VII. *And be it enacted*, That the said Trustees shall be, and they are hereby authorized and empowered to take charge of the Cemetery, called the Canard Burying Ground, thereunto adjoining, and to enclose, protect, and ornament the same; and to make such rules and regulations respecting the same as they think proper, but which are not to be acted upon and enforced without the approbation and concurrence of the General Sessions of the Peace for the County of King's County.

Trustees to have charge of the Cemetery and make regulations.

VIII. *And be it enacted*, That nothing in this Act contained, shall extend, or be construed to extend, to prevent the deceased of every denomination of Christians and others being interred in the said Cemetery or Burying Ground; and that all the rights and privileges that have been heretofore enjoyed by the public in the said Cemetery for sepulchral purposes, shall remain and continue as if this Act had not been passed.

The right of the public not to be affected.

IX. *And be it enacted*, That nothing in this Act contained shall extend, or be construed to extend, to prejudice, or in any manner affect, the rights of Her Majesty, her Heirs and Successors, or of all or any person or persons, Bodies Politic or Corporate, his, her, and their respective Heirs, Successors, Executors, Administrators and Assigns.

Nothing in this Act to affect the right of Her Majesty, &c.

CAP. VII.

An Act for the Regulation of the Salmon Fishery in the River St. Mary's, in the County of Guysborough.

(Passed the 29th day of March, 1844.)

WHEREAS, the practice of Spearing Salmon in the River St. Mary's, in the County of Guysborough, as heretofore pursued, has been productive of serious injury to the Salmon Fishery in the said River, and if not prevented, will in a short time, entirely destroy such Fishery; and it is expedient to authorize the making of regulations in relation thereto:

Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the Court of General Sessions of the Peace in and for the District of Saint Mary's, in the County of Guysborough, to make such rules, orders and regulations, respecting the Spearing of Salmon in the River Saint Mary's, in the said County, and generally in relation to the Salmon Fishery in such River, as shall or may from time to time be considered necessary and proper; and the said rules, orders, and regulations, from time to time, to alter, vary and change, as may be deemed advisable and requisite for the preservation of the Salmon Fishery in such River, and to affix any penalty for breach of any such respective rules, orders, and regulations, not exceeding five pounds.

General Sessions to make regulations respecting spearing Salmon.

II. *And be it enacted*, That any penalty by any of such rules, orders or regulations, imposed for breach thereof, shall be recovered by and in the name of any person or persons who may sue for the same, before any Justice or Justices of the Peace, in and for the said District of Saint Mary's, according to the amount thereof, in the same manner and by the same ways and means as if it were a private debt due to such person or persons, so suing therefor; and when recovered, shall be applied one half thereof to the person or persons so suing for the same, and the remaining half to the use of the poor in and for the Township of St. Mary's; in the said District of Saint Mary's, and if, upon due conviction, the party offending shall not pay the penalty adjudged, he shall be forthwith committed to the Gaol or Lock-up House for the said District of Saint Mary's, 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.

Penalty, how to be sued for and recovered.

Application.

Proviso.

CAP VIII.

An Act to amend the Act to authorize the Congregation of the Baptist Meeting House at Bridgetown, to raise Money from the Pews of the said Meeting House for the repairing, ornamenting, altering, or enlarging the same, and for ratifying the appointment and defining the duties of the Trustees of the said Meeting House.

(Passed the 29th day of March, 1844.)

Nothing in the Act hereby amended to affect the right of Her Majesty. &c.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That no matter or thing contained in an Act, passed in the last Session of General Assembly, entitled, An Act to authorize the Congregation of the Baptist Meeting House at Bridgetown, to raise Money from the Pews of the said Meeting House, for the repairing, ornamenting, altering or enlarging the same, and for ratifying the appointment and defining the duties of the Trustees of the said Meeting House, shall extend, or be construed to extend, to affect, alter, limit, or defeat any right of Her Majesty, her Heirs or Successors, or any right, title, or interest, of any Body, or Bodies Politic or Corporate, or any person or persons, save and except such only as are mentioned in the said Act, and those claiming from, by or under them, or any or either of them.

CAP IX.

An Act to enable the Inhabitants of Liverpool, in Queen's County, to provide Monies for procuring a Fire Engine for said Town.

(Passed the 29th day of March, 1844.)

Money may be assessed for procuring a Fire Engine &c

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for the Justices of the Peace in and for the County of Queen's, at any General Sessions of the Peace, to be hereafter held for the said County, to appoint and assess such sum or sums of money as may be necessary and adequate, for providing, procuring, and purchasing, for the use and benefit of the Inhabitants of said Town, and within the limits of the District hereinafter described, and keeping in good, proper, and sufficient repair, a Fire Engine, of such quality and description as may be approved of by the said Justices, together with such quantities of Hose, Fire Buckets, and other things necessarily appurtenant to the said Engine, as to the said Justices may seem proper.

To be assessed and levied as County Rates.

II. And be it enacted, That all and any Monies so presented and assessed, shall be assessed, levied, collected, and raised, in the same manner, and by the same means and under the said regulations as County and District Rates are now by Law assessed, levied, collected, and raised, in such proportions, and at such times as the said Justices in Session as aforesaid, shall and may, from time to time, limit, direct, and appoint, from and upon such of the Inhabitants of the said Township of Liverpool, as are or may be resident within the following limits or district, that is to say:—Bounded Southwardly by Waterloo Street, Eastwardly by Fort Point, Westwardly by Oliver Tupper's, at Milton, embracing both sides of the River, with the Village of Bristol, as far as Robert Harlow's inclusive.

District to be assessed

CAP. X.

An Act to amend the Act to provide for the regulation and management of the Grammar School or Academy at Sydney, in Cape Breton.

(Passed the 29th day of March, 1844.)

WHEREAS, the Act, passed in the sixth year of the Reign of His late Majesty King William the Fourth, entitled, An Act to provide for the regulation and management of the Grammar School or Academy at Sydney, in Cape Breton, provides for the appointment of Five Trustees for the management of said Academy, under the provisions of the said Act; And whereas, it is advisable to authorize the appointment of an additional number of Trustees for the said Academy, in case the same shall be considered expedient:

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That in addition to the said Trustees now or hereafter to be appointed under the said hereinbefore mentioned Act, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, if he shall deem it proper and advisable so to do, to nominate and appoint such and so many fit and proper persons, as may be considered expedient, to be, and act with the said Five Trustees, now or hereafter to be appointed as Trustees of the said Academy, during pleasure, and to supply all vacancies among such new Trustees, in the same manner as if their appointment had been made under the said Act, hereby amended: *Provided always*, that the whole Board of Trustees for the said Academy, whether appointed under the said Act or under this Act, shall not at any time exceed ten in number.

II. *And be it enacted*, That the said Trustees so appointed under this Act, and the said Act hereby amended, shall have all and the same powers and authorities, and be subject to the same liabilities, as if the said amended Act had authorized the appointment of the said Trustees, and had not limited the number thereof, as aforesaid.

CAP. XI.

An Act to exempt certain Officers and persons employed in Her Majesty's Ordnance Department, Dock Yard, Victualling and Naval Hospital Establishments at Halifax, from working on Highways, and discharging other civil duties.

(Passed the 29th day of March, 1844.)

WHEREAS, it is beneficial to Her Majesty's service that persons employed by Her Majesty should be exempt from certain civil liabilities, so as to be more immediately under the controul of Her Majesty, her Heirs and Successors:

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That Her Majesty's Ordnance Storekeeper, Her Majesty's Naval Storekeeper, Her Majesty's Victualling Storekeeper, Her Majesty's Clerks, Porters, Shipwrights, House Carpenters, Smiths, Masons, Sailmakers, Painters, Glaziers, Watchmen, Hulksmen, Messengers, Apprentices, Labourers, and other persons employed and borne on the Books of Her Majesty's Ordnance Department, Naval Yard, Victualling Establishment, and Naval Hospital Establishment, at Halifax, shall be, and are hereby exempted from serving on Juries, or the Office of Constable, or discharging Militia Duty, and from working on the Highways, during their continuance in said offices, and faithfully discharging the duties thereof, any law, usage or custom, to the contrary in anywise notwithstanding: *Provided always, nevertheless*, that nothing herein contained, shall

shall be construed to exempt a greater number than forty persons in the whole, whose names shall be furnished by the officers at the head of the Departments aforesaid, to the Mayor and Corporation of the said City, from time to time.

CAP. XII.

An Act to continue the Acts for granting Duties on Licences for the sale of Spirituous Liquors.

(Passed the 29th day of March, 1844.)

Acts 7, Wm. 4, and 2, Vic., except as amended, and Act 6, Vic. continued.

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 Licences for the sale of Spirituous Liquors, which will continue in force until the thirty-first day of March in this year of our Lord One Thousand Eight Hundred and Forty-four, except so far as altered or amended by the Acts hereinafter mentioned; 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 Licences for the sale of Spirituous Liquors, which will also remain and continue in force until the thirty-first day of March in this same year of our Lord One Thousand Eight Hundred and Forty-four, except as altered or amended by the Act hereinafter mentioned; also, the Act, passed in the sixth year of Her present Majesty's Reign, entitled, An Act for continuing and amending the Acts for granting Duties on Licenced Houses, which will also remain and continue in force until the thirty-first day of March in this same year of our Lord One Thousand Eight Hundred and Forty-four, shall be further continued, and the said Act, 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-four, until the thirty-first day of March, which will be in the year of our Lord One Thousand Eight Hundred and Forty-five, and no longer.

CAP. XIII.

An Act to continue the Act for the General Regulation of the Colonial Duties.

(Passed the 29th day of March, 1844.)

Act 4, Wm. 4, except 3d Sec. 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 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-four, 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-five, and no longer.

CAP. XIV.

An Act to continue the Acts for granting Duties on Licences for the sale of Spirituous Liquors, and Sales by Auction, in Halifax.

(Passed the 29th day of March, 1844.)

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 Licences for the sale of Spirituous Liquors, and for Sales by Auction, to persons resident in Halifax, which will continue in force and remain in operation until the thirty-first day of March, in this year of our Lord One Thousand Eight Hundred and Forty-four, except as altered or amended by the Acts hereinafter mentioned; 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 Licences for the sale of Spirituous Liquors, and for Sales by Auction, in Halifax, which Act will also continue in operation until the thirty-first day of March, in this same year of our Lord One Thousand Eight Hundred and Forty-four, except as altered or amended by the Act hereinafter mentioned; and also the Act, passed in the sixth year of Her present Majesty's Reign, entitled, An Act to continue and amend the Acts for granting Duties on Licences for the sale of Spirituous Liquors, and Sales by Auction, in Halifax, which last mentioned Act will also continue in operation until the thirty-first day of March, in this year of our Lord One Thousand Eight Hundred and Forty-four, shall be continued, and the said several Acts, and every matter, clause and thing, therein contained, except as before excepted, are hereby respectively continued from the said thirty-first day of March, in this year of our Lord One Thousand Eight Hundred and Forty-four, until the thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Forty-five, and no longer.

Acts 7, Wm. 4, 2 & 6, Vic., except as amended, continued.

CAP. XV.

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.

(Passed the 29th day of March, 1844.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That upon, from and after the thirty-first day of March, in this year of Our Lord One Thousand Eight Hundred and Forty-four, this Act shall come into and be in operation, and shall remain and continue in operation until the thirty-first day of March, which will be in the year of our Lord One Thousand Eight Hundred and Forty-five, and no longer.

Continuation of Act.

II. *And be it enacted*, That upon, from and after the day appointed for this Act to come into operation, and during the continuance thereof, and instead, and in lieu of all other Colonial Duties whatsoever and howsoever denominated, there shall be raised, levied, collected and paid unto Her Majesty, her Heirs and Successors, for the use of the Province and the support of the Government thereof, and other public purposes within the same, for and upon all Goods, Wares, and Merchandize imported or brought into this Province, by Sea or Inland Carriage or Navigation, on and after the said thirty-first day of March, One Thousand Eight Hundred and Forty-four, and during the continuance of this Act, the several and respective Impost Duties, rates and impositions, inserted, described, and set forth in figures, in the Table of Duties hereinafter contained, denominated Table of Colonial Impost Duties, opposite

Duties inserted in Table hereinafter contained to be levied and paid.

to and against the respective articles in the said Table mentioned, described and enumerated, and according to the value, number or quantity, of such articles therein specified.

Duties to be additional to those imposed by Imperial Act 5 and 6, Vic.

III. *And be it enacted*, That all the said several Duties hereinbefore imposed, and in the said Table mentioned, shall be, and shall be held and taken to be in addition to, and over and above any Duties in, by or under, the Act of the Imperial Parliament, passed in the fifth and sixth year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to amend the Laws for the Regulation of the Trade of the British Possessions abroad, or any other Act or Acts of the said Imperial Parliament, in amendment of, or in addition to, or alteration of the same, now or hereafter to be passed, imposed, levied, collected, charged, or payable upon the several articles in such Table respectively mentioned, contained, or referred to.

Duties on Rum and Spirituous Liquors specified in Table.

IV. *And be it enacted*, That there shall be raised, levied, collected, and paid unto Her Majesty, her Heirs and Successors, for the purposes aforesaid, for and upon all Rum and other Spirituous Liquors which shall be by any way or method whatsoever manufactured, compounded, extracted, distilled, or made in this Province, and which in the said Table are specifically enumerated and described, the several Duties therein stated.

Duties upon Spirituous Liquors if five per cent. over proof

V. *And be it enacted*, That on all Spirituous Liquors, except Rum or Spirits distilled from Molasses, Grain, or Fruit, which by any way or method whatsoever shall be manufactured, compounded, extracted, distilled, or made within this Province, the Duty by this Act made payable on such Spirituous Liquours, if five per cent. over proof, shall be levied, collected, and paid in all cases, wherever such Spirituous Liquours shall be of the strength of five per centum, or upwards, above proof, as denoted by the Hydrometer, called Sykes' Hydrometer, as established and used in the United Kingdom.

The words "duty free" exempt from Colonial Duties

VI. *And be it enacted*, That the several and respective Goods, Wares and Merchandize, mentioned in the said Table, and against or opposite to which the words "duty free" are inserted in the said Table, shall respectively be held free of any Colonial Duties by this Act imposed.

Duties on Goods derelict and wrecked

VII. *And be it enacted*, That all Goods, derelict, *floatsam*, *jetsam*, and wrecked, brought or coming into this Province, shall at all times be subject to the same duty as Goods of the like kind imported into this Province, are respectfully subject unto: *Provided always*, that if any such Goods be of such sorts as are entitled to allowance for damage, such allowance shall be made under such regulations and conditions as the Board of Revenue shall from time to time direct; *And provided also*, that all such Goods as cannot be sold for the amount of duty thereon, shall be delivered over to the person entitled to receive the same, and shall be deemed to be unenumerated Goods, and shall be liable to, and shall be charged with, duty accordingly.

Duties to be paid according to British weight and measure

VIII. *And be it enacted*, That all the said Colonial Duties hereby imposed shall be collected, paid, and received, according to the British weights and measures now in use in this Province; and that in all cases where the said Colonial Impost Duties are, in the said Table of Duties imposed, according to any specific quantity or any specific value or number, the same shall be deemed to apply in the same proportion to any greater or less quantity, value or number.

Duties how to be collected and applied.

IX. *And be it enacted*, That the said Colonial Duties by this Act imposed, shall be ascertained, secured, paid, levied, collected, recovered and applied, under and according to the directions, provisions, regulations and penalties, and by the ways and means respectively prescribed, and contained in the several Acts of the General Assembly now or hereafter to be passed, and from time to time in force, concerning the securing, paying, levying, collecting, recovering, and applying the said Duties.

Goods may be warehoused.

X. *And be it enacted*, That it shall be lawful for the Importer of any Goods, subject to the Duties hereby imposed, to Warehouse such Goods upon the first entry thereof, under and according to the rules, regulations, and conditions from time to time in force, or to be enacted, concerning the Warehousing of Goods, and without payment of Duty upon such first entry thereof.

XI. *And be it enacted*, That all Goods which shall have been Warehoused, in this Province before this Act goes into operation, and which shall remain so Warehoused after the operation thereof commences, and on which the Colonial Duties heretofore imposed, have not been paid or secured by a subsisting and continuing security, shall, in lieu of all former Duties, become liable to, and be charged with, the Colonial Duties hereby imposed on the like Goods and Merchandize.

Goods previously warehoused subject to Duties imposed by this Act.

XII. *And be it enacted*, That upon the exportation from this Province, of any Goods by this Act charged with Colonial Duties, there shall be allowed and granted a drawback of the whole amount of the Colonial Duty paid or secured thereon. Provided, such exportation shall be made in all respects conformably to the rules and regulations from time to time in force or to be enacted, touching the allowance of drawbacks on exportation. And provided also, that all the requisites for obtaining such drawbacks be observed in respect of the Goods exported.

Drawback on Goods exported.

Proviso.

XIII. *And be it enacted*, That the amount of all drawbacks granted, allowed, or made payable under or by virtue of any Act of the General Assembly in force, on or immediately before the day when this Act is limited to take effect for and upon any Goods charged with duty under any prior Act or Acts shall remain and continue and be allowed, with respect to such Goods, in the same manner as if the Act or Acts whereby such drawbacks were allowed, had continued in force after the commencement hereof.

Drawback under former Acts.

XIV. *And be it enacted*, That all Duties imposed by this Act, and all drawbacks allowed by this or any former Act or Acts, shall be under the management of the Board of Revenue, who shall, in respect of such Duties and Drawbacks, manage and allow the same, as hath been or is, or shall be by Law prescribed.

Duties and Drawbacks under management of Board of Revenue.

XV. *And be it enacted*, That all the Monies arising from the Duties by this Act imposed, after deduction made of the legal allowances in respect to the collection thereof, shall be remitted and paid into the Public Treasury of the Province in Halifax, by quarterly payments, on, or as near as may be practicable, to the first day of every quarter, and shall be carried to the account of the Provincial Revenue, and be and be deemed part of the Public Funds of this Province; and shall be paid, applied, and appropriated, to such purposes, and no others, as are or may be expressed or contained in the several Acts of the General Assembly of this Province from time to time in force.

Duties to be paid into Treasury quarterly, &c.

XVI. *And be it enacted*, That all Monies arising from the said Colonial Duties, and paid into the Public Treasury, shall from time to time be drawn by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by Warrant under his Hand and Seal, pursuant to the instructions and directions of Her Majesty, and in payment and discharge of any Monies appropriated, or to be appropriated, by any Act or Acts of the General Assembly.

To be drawn from Treasury by warrant.

XVII. *And be it enacted*, That all Duties on Goods imported, or to be imported, before the coming of this Act into operation, and imposed by any Act or Acts of the General Assembly of this Province, passed for raising a Revenue, and which have expired, or shall expire, at or after the coming of this Act into operation, and all penalties and forfeitures incurred or inflicted under the provisions of such former Act or Acts, shall be collected, paid, raised, levied, recovered and enforced, according to the several and respective provisions of such former Act or Acts, whereby such duties, penalties and forfeitures, were imposed, the expiration or repeal of such former Act or Acts, or any thing therein contained, to the contrary notwithstanding.

Duties on Goods imported under former Act and penalties, how to be collected and levied.

XVIII. *And be it enacted*, That all the said several Duties hereby imposed, and in the said Table of Duties mentioned and contained, shall be estimated, calculated, and reduced into the Currency of this Province, as follows, that is to say:—All the several specific Duties imposed by the said Table of Duties upon any article or articles therein mentioned, according to the weight, measure or tale thereof, shall be considered and deemed to be imposed and charged in Sterling Money, and the same shall be reduced and converted into the Currency of this Province, by adding to the aggregate amount of the Duty or Duties imposed and payable on any such article or articles according

Duties to be Sterling Money, and mode of reducing into Currency.

according to the rate of Duty charged and imposed thereon, one fourth part of the said aggregate amount, and in calculating all Duties by the said Table imposed upon any article or articles according to the value thereof, One Hundred Pounds, Sterling, shall in all cases be deemed and taken to represent, and be equivalent to One Hundred and Twenty-five Pounds, Currency, of this Province.

In what monies to be paid.

XIX. *And be it enacted*, That all such Duties, when so reduced and converted into Currency, shall and may be paid and received at the Provincial Treasury, or by, or to any Collector of the Colonial Revenue, in Treasury Notes of this Province, at and after the rate of Twenty Shillings for each and every One Pound Currency, in Doubloons of full weight and fineness, at and after the rate of Four Pounds, Currency, and in British Sovereigns and British Silver Coins at and after the rate of Twenty-five Shillings, Currency, for each Sovereign, and in the like proportion for such British Silver Coins—provided, that no greater sum than Fifty Shillings, Currency, shall be tendered or received, or paid in such British Silver Coins, at any one time, in discharge of such Duties as aforesaid.

Animals imported to improve breed to be duty free.

XX. *And be it enacted*, That any Animal hereby charged with Duty, which shall be imported for the purpose of improving the Breed, and which shall be certified to be so imported by the President and Secretary of any Agricultural Society, recognized and known as such by the Central Board of Agriculture, shall be wholly free of any Colonial Impost Duty by this Act imposed.

Act may be altered.

XXI. *And be it enacted*, That this present Act may be altered and amended by any Act or Acts of the present Session of the General Assembly.

Table of Colonial Impost Duties referred to in the foregoing Act.

Table of Duties.

ARTICLES.	Colonial Duties in Sterling Monies.		
	£	s.	d.
Anchors and Grapnels, and Anchor Palms			duty free.
Apples, fresh or dried—per barrel	0	4	0
Ashes, to-wit—Pot Ashes and Pearl Ashes			duty free.
Bacon—per cwt	0	6	0
Baggage and Apparel, not intended for sale			duty free.
Barley, unground			duty free.
Barilla			duty free.
Beans			duty free.
Beef, salted, of all sorts—per cwt	0	3	0
“ fresh, brought by Land or Inland Navigation, or otherwise imported—per cwt.	0	5	0
Biscuit or Bread—per cwt.	0	1	8
“ Fine, called Crackers or Cakes—per cwt	0	3	4
Books prohibited to be imported into the United Kingdom			prohibited.
“ Not so prohibited			duty free.
Bullion, Gold or Silver			duty free.
Burr Stones			duty free.
Butter, per cwt.	0	4	0
Cables, of Hemp, or other vegetable substance, and of Iron			duty free.
Candles, Wax, Spermaceti, or Composition—for every pound weight	0	0	3
“ of Tallow—for every pound weight	0	0	1
Carriages of Travellers, not for Merchandize, or intended to be sold			duty free.
Cattle, viz—Asses and Mules			duty free.
Horse, Mare, or Gelding—each	2	0	0
Neat Cattle, viz—Ox or other Neat Cattle, three years old or upwards—each	1	10	0
Cows and Cattle under three years old—each	0	10	0
Sheep—each	0	3	0

Cattle,

ARTICLES.

Colonial Duties
in Sterling Mo-
nies.

Table of Duties.

	£	S.	D.
Hogs over 100 lbs. weight—each	1	0	0
“ of 100 lbs. weight and under—each	0	2	0
Chocolate or Cocoa Paste—for every pound weight	0	0	1
Coal	duty free.		
Cocoa, used in the manufacture of Chocolate	duty free.		
Coffee, Green—per cwt.	0	4	4
“ Roasted, burned, or ground, for every pound weight	0	0	2
Clocks of all kinds—each	0	10	0
All wheels, machinery, and materials for manufacturing Clocks— for every £100 of the value	20	0	0
Corkwood	duty free.		
Coin, base or counterfeit	prohibited.		
“ Gold and Silver Coins, and British Copper Coins	duty free.		
Copper, viz—Copper Ore, or in pigs or bricks	duty free.		
“ In plates, sheets, bars or bolts, for Ship-building	duty free.		
“ Wrought or cast, for Machinery, pure or without other metal	duty free.		
“ Copper Castings of every description, for Machinery, for Mills or Steam Boats; Copper and Composition Nails and Spikes, for Ship-building	duty free.		
“ Old or worn, or fit only to be re-manufactured	duty free.		
Corn, viz—Wheat, Rye, Indian Corn, and Buckwheat, unground—Bar- ley Meal, Rye Meal, Oat Meal, Indian Meal, Buckwheat Meal, Peas, Beans, and Calavances	duty free.		
Cordage, tarred or untarred	duty free.		
Fish, viz—Fresh, salted, dried or pickled	duty free.		
Fish Hooks	duty free.		
Fish Oil, viz—Train Oil, Spermaceti Oil, Head Matter and Blubber	duty free.		
Fins and Skins, the produce of fish or creatures living in Sea, taken or caught by the crews of British Ships	duty free.		
Not taken or caught by British subjects, or the crews of British Ships, or imported otherwise than from the Uni- ted Kingdom, or a British Possession	duty free.		
Flax	duty free.		
Fruit, fresh, not otherwise charged with duty—for every £100 value	5	0	0
“ dried, viz—Currants and Figs—for every £100 value	10	0	0
“ “ Raisins in boxes—for every pound weight	0	0	0 ¹ / ₂
“ “ Raisins in other packages—for every pound weight	0	0	0 ¹ / ₄
Hay and Straw—for every £100 of the value	20	0	0
Hemp	duty free.		
Hides or pieces of Hides, raw, not tanned, curried or dressed	duty free.		
Horns	duty free.		
Iron, viz—In bars or pigs, unwrought or pig Iron	duty free.		
“ Ores of Iron of all kinds	duty free.		
“ Castings for Machinery, for Mills, for Steam Engines, and for other purposes, and cast or wrought Pipes and Tubes	duty free.		
“ Sheet Iron intended to be used in manufacturing Cut Nails	duty free.		
“ Iron Rails for Rail Roads, Boiler, Plates and Plough Moulds	duty free.		
Lard—per cwt.	0	5	0
Leather—Sole Leather, including Hides and Skins, partially dressed therefor—for every pound weight	0	0	1
“ Upper Leather of all sorts, including Hides and Skins, partial- ly dressed therefor—for every pound weight	0	0	2

Leather—

Table of Duties

ARTICLES.		Colonial Duties in Sterling Mo- nies.
		£ S. D.
Leather—Boots, Shoes, and Leather Manufactures of all sorts—for every £100 value		10 0 0
Lentils		duty free.
Line and Limestone		duty free.
Lines for the Fisheries, of all kinds		duty free.
Maps and Charts		duty free.
Machinery, or parts of Machinery, for Steam Engines or Carding Ma- chines, or Agricultural purposes		duty free.
Meat, fresh—for every £100 value		10 0 0
Nets—Fishing Nets and Seines of all kinds		duty free.
Oats, unground,		duty free.
Oakum		duty free.
Onions—per cwt.		0 2 6
Ores of all kinds		duty free.
Paintings		duty free.
Pears, fresh or dried—per barrel		0 4 0
Pitch		duty free.
Plate of Gold and Silver, old, and fit only to be re-manufactured		duty free.
Plants, Shrubs, and Trees		duty free.
Pork, salted, of all kinds—per cwt.		0 3 0
“ fresh, brought by land or inland navigation, or otherwise—per cwt.		0 4 0
Potatoes		duty free.
Poultry of all sorts, dead—for every £100 value		10 0 0
Rags, viz—old Rags, old Rope, Junk, and old Fishing Nets		duty free.
Rice, unground		duty free.
Rosin		duty free.
Sails or Rigging, saved from Vessels wrecked on the Coast of the Pro- vince		duty free.
Sail Cloth of all kinds, Canvas included		duty free.
Salt		duty free.
Seeds of all kinds		duty free.
Skins, Furs, Pelts or Tails, undressed		duty free.
Spirits, viz—Brandy, Gin, Rum, or other Spirituous Liquors, (save and except Rum or Spirits distilled from Molasses, Grain or Fruit,) which, by any way or method whatsoever, shall be manufactured, compounded or extracted, distilled or made within the Province—the gallon		0 1 4
“ If 5 per cent. over proof—the gallon		0 1 10
Spirits, viz—Rum or Spirits distilled in this Province from Molasses, Grain, or Fruit—the gallon		0 1 0
“ Brandy, Whiskey, Geneva, Cordials, and other Spirits, except Rum—the gallon		0 1 8
“ Rum—the gallon		0 1 6
“ Shrub or Santee—the gallon		0 1 4
Stone, unmanufactured, not otherwise charged with duty		duty free.
Sugar, viz—Of the Maple		duty free.
“ Refined—per cwt.		0 8 0
“ Crushed—per cwt.		0 6 0
“ Called Bastard Facings—per cwt.		0 4 0
“ Brown or Muscovado, not refined—per cwt.		0 2 0
Tar		duty free.
Tea, viz—Souchong, Congo, Pekoe, Bohea, Pouchong, and all other Black Teas—for every pound weight		0 0 1½

Tea,

	£	s.	d.	Table of Duties.
Tea, viz—Gunpowder, Hyson, Young Hyson, Twankey, and other Green Teas—for every pound weight	0	0	3	
Twines and Lines used in the Fisheries				duty free.
Tobacco, manufactured, (except Snuff and Cigars)—for every pound weight	0	0	1½	
“ Cigars and Snuff—for every £100 of the value	15	0	0	
“ Unmanufactured				duty free.
Tongues of Cattle, dried or pickled—per cwt.	0	6	0	
Tow				duty free.
Turpentine				duty free.
Whale, Fin or Bone				duty free.
Wines, viz—Hock, Constantia, Malmsley, Tokay, Champagne, Burgundy, Hermitage, Claret, called Lafitte, Latour, Margaux, or Hautbrian—the gallon	0	3	0	
Madeira and Port—the gallon	0	2	6	
Sherry Wine, of which the first cost is £20 per pipe, or upwards—the gallon	0	2	6	
Other Claret Wines, Barsac, Sautern, Vin de Grave, Moselle, and other French Wines, and Lisbon and German Wines—the gallon	0	1	3	
All other Sherry Wines, Teneriffe, Marsala, Sicilian, Malaga, Fayal, and all other Wines—the gallon	0	1	3	
All Wines, the produce of the Cape of Good Hope, except Constantia—the gallon	0	1	3	
Wood, viz—Of all sorts, (except the manufactures of wood next hereafter enumerated)				duty free.
“ Manufactures of, viz—Chairs, Tables and other Household Furniture and Utensils, Carriages of all sorts, Carts, Waggons, Cabinet Maker’s work, Carpenter’s work, and Wheelwright’s work of all kinds—for every £100 of the value	10	0	0	
All other Goods, Wares, and Merchandize, not otherwise charged with duty, and not herein declared to be free of duty, (except Wheat Flour and Molasses)—for every £100 of the value	5	0	0	

CAP XVI.

An Act for granting a Colonial Duty of Impost for the support of Her Majesty’s Government within this Province, on Flour and Molasses, in certain cases.

(Passed the 29th day of March, 1844.)

WHEREAS, by an Act of the Imperial Parliament, passed in the fifth and sixth year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to amend the Law for the regulation of the Trade of the British Possessions abroad, a duty of Two Shillings, sterling, for every barrel of one hundred and ninety-six pounds weight of Wheat Flour, and a duty of three shillings, sterling, for every hundred weight of Molasses imported into any of the British Possessions in America, is imposed—the said Flour and Molasses, not being of the growth, production or manufacture of the United Kingdom, or of any of the British Possessions in America, or of the Mauritius, or of any of the British Possessions within the limits of the East India Company’s Charter; and whereas, for ensuring the collection of the said duty on Flour and Molasses, and the prevention of fraud in respect thereto, it is proper and necessary that similar or corresponding duties of Impost should be imposed on all such Flour and Molasses imported into this Province, to be paid in all cases

Preamble.
where

where the said Imperial Duty shall not have been paid, and not otherwise, but subject to the assent of Her Majesty, to be first given to this Act :

Commencement and duration of Act.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That from and immediately after the assent of Her Majesty to this Act may be given, and such assent may have been made known within this Province, by publication in the the Royal Gazette, this Act shall come into effect, and shall 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-five, and no longer.

Duties on Foreign Flour and Molasses.

II. *And be it enacted,* That upon, from, and after the day when this Act may come into and be in operation, and during the continuance thereof, and while the said Imperial Duties on such Flour and Molasses as aforesaid shall continue in force, there shall be raised, levied, collected and paid, unto Her Majesty, Her Heirs and Successors, for the use of the Province, and the support of the Government thereof, and other public purposes within the same, for and upon all Flour and Molasses, not being the growth, production, or manufacture of the United Kingdom, or any of the British Possessions in America, or of the Mauritius, or of any of the British Possessions within the limits of the East India Company's Charter, imported or brought into this Province, by sea or inland carriage or navigation, the respective Impost Duties following, that is to say :

2s. Stg. per barrel on Flour, 3^d. St. per gallon on Molasses unless paid in some port of this Province.

For every barrel of one hundred and ninety-six pounds weight of such Wheat Flour as aforesaid, Two Shillings, Sterling ; and for every gallon of such Molasses as aforesaid, Three Pence Half-penny, Sterling, except and provided that where it shall be shewn to the Collector, or other proper officer of the Colonial Revenue, that the said Imperial Duty on any such Flour or Molasses, has been actually paid at some port or place within this Province, either by the production of a Certificate from the Collector of Her Majesty's Customs, or otherwise to the satisfaction of said Collector or Officer of the Colonial Revenue, then, and in every such case, the payment of such Imperial Duties shall be taken, held, and received to be in full payment and discharge of the Colonial duty hereby imposed on such Flour or Molasses respectively ; and the security given for such Colonial Impost Duty shall be cancelled, and credit given and allowed thereon for the Duties paid, in the same manner as if such Colonial Impost Duties on the same quantity and quantities of Flour or Molasses had been actually paid to the said Collector or Officer of the Colonial Revenue.

Suspending clause

III. *And be it enacted,* That nothing herein contained shall be of any force or effect until Her Majesty's assent shall be given hereto, and the same shall have been signified by publication thereof in the Royal Gazette at Halifax.

CAP XVII.

An Act to continue and amend the Act for regulating the Importation of Goods.

(Passed the 29th day of March, 1844.)

4. Wm. 4. (except certain clauses) 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 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-four, and every matter, clause and thing, in the said Act contained, save and except the fourth, twenty-fifth, thirtieth, thirty-seventh, thirty-eighth, 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-five, and no longer.

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 Officer or Officers of the Customs that the same Goods have been duly entered at the Custom House to be warehoused, and Bond given therefore 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.

When Goods entered at Customs to be warehoused Bonds to Excise not required.

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 continued and amended, or by this Act is provided, shall not exceed the sum of Thirty Pounds, then the said Duties shall be paid down by the 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 Thirty 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 said Duties by instalments, and in manner following, that is to say: One third part of said Duties in three months, another third part thereof in six months, and the remaining third part thereof in nine months, from the date of such Bond respectively; and such Bond shall be given therefor in the manner and form prescribed 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 Board to be directed for the confession of a Judgment for the amount of the said Bond in case default shall happen to be made in payment of any instalment thereof. *Provided always*, that when Goods shall have been warehoused above one year, then the Colonial Duty, if exceeding Thirty 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.

Duties not exceeding £30 to be paid before Landing Permit granted.

If exceeding £30 Bond may be given payable by instalments.

IV. *And be it enacted*, That instead of the period of twenty days allowed by the twenty-seventh clause of the said Act, hereby continued and 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.

6 days allowed for entry.

V. *And be it enacted*, That if any Goods which are not charged with Colonial Duties, according to the number, measure, weight, or tale thereof, shall receive damage during the voyage, an abatement of such Duties shall be allowed in proportion to the damage so received; provided proof be made to the satisfaction of the Board of Revenue, or any Officer of the Colonial Revenue acting therein, under their direction, that such damage was received after the Goods were shipped abroad in the ship importing the same, and before they were landed, and provided claim to such abatement of Duties be made at the time of the first examination of such Goods.

If Goods damaged, abatement of Duty allowed.

VI. *And be it enacted*, That in all cases where Impost Duties imposed by any Act for granting Colonial Duties upon the importation of Goods into this Province, are charged not according to the weight, tale, guage, or measure, but according to the value thereof, the Importer or his known agent, shall be required to declare on oath before the Collector of Impost, what is the invoice price of such articles, and that he verily believes such invoice price is the current value of the articles at the place from whence the said articles were imported, and shall at the same time exhibit to the Collector the original Invoice of the said Goods, and shall on oath before such Collector, verify the same as such original Invoice, or if he has not, and cannot procure such original Invoice, he shall, on oath, before such Collector, declare that he has not in

Affidavit of value of Goods subject to advalorum Duties.

Importer to exhibit and verify by oath the Invoice.

his

Oaths signed by party
Chief Clerk in ab-
sence of Collector
may administer
oath.

One partner may
sign Bonds and
Warrants for the
Firm.

his possession, or under his controul, and cannot procure such original Invoice, and shall account for the want thereof. *Provided always*, that all such oaths shall be signed by the party who shall make the same, and that in case the Collector shall be prevented by indisposition or other necessary cause, from being present when such entry is made, every such oath shall be administered by the chief clerk or authorized substitute of such Collector.

VII. *And be it enacted*, That in cases where Mercantile Firms or Co-partnerships shall be required, as principals, to give security for Colonial Duties of Impost and Excise, under any Act or Acts of this Province, the Bonds and Warrants to confess judgment required in such cases, may be made and executed by one partner of any such Firm or Co-partnership, in the names of and for himself and his Co-partners; and all Bonds and Warrants to confess judgment, so executed and made, shall be as effectual to bind all the Partners of such Firm or Co-partnership, as if the same had been severally executed and made by each of the Partners.

CAP. XVIII.

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

(Passed the 29th day of March, 1844.)

4. Wm. 4—and 5,
Wm. 4, (except as
altered; 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 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-four, 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, or by this Act; 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 this same year of Our Lord One Thousand Eight Hundred and Forty-four, and every matter, clause and thing, in the said last mentioned Act contained, except the fourth clause or section thereof, and also except as altered or amended by this Act, shall 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-five, and no longer.

Vessels seized as for-
feited considered
as condemned un-
less claimed within
one month.

II. *And be it enacted*, That all Vessels, Boats, Goods, and other things, which shall have been, or shall be hereafter seized as forfeited, under and by virtue of any Act now in force, or hereafter to be made relating to the Colonial Revenue, shall be deemed and be taken to be condemned, and may be dealt with in the manner directed by Law in respect to Vessels, Boats, Goods, and other things seized and condemned, for breach of any such Laws, unless the person from whom such Vessels, Boats, Goods, or other things shall have been seized, or the owner of them, or some person authorized by him, shall within one calendar month from the day of seizing the same, give notice in writing to the person or persons seizing the same, or to the Collector, or other chief Officer of Excise, at the nearest Port, that he claims, or intends to claim, such Vessel, Boat, Goods, or other things.

Board of Revenue
may make addi-
tional compensa-
tion to officer or
person seizing.

III. *And be it enacted*, That it shall and may be lawful for the Board of Revenue, by and out of the Government portion, in the twenty-fourth section of the Act herein first mentioned, and hereby continued and amended, of the proceeds of all Vessels, Boats, Goods, and other things liable to forfeiture, and seized and condemned as forfeited, under any Act now in force, or hereafter to be made, relating to the Colonial Revenue, to grant and allow to the Officer or persons making such seizures respectively, in addition to the share of the seizor, granted by the Statute, such further gratuity,

gratuity, share, or allowance, whether in whole or in part of such government portion aforesaid, in recompense of the vigilance and exertion displayed by such Officer or persons respectively, for the prevention of Smuggling, as the said Board of Revenue shall deem reasonable under the circumstances.

CAP XIX.

An Act to postpone the next ensuing Sittings of the Supreme Court at Halifax, and on the Western Circuit.

(Passed the 29th day of March, 1844.)

WHEREAS it is expedient to alter and amend the Act, passed in the fourth year of Her present Majesty's Reign, 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, so far as the same relates to Easter Term of the Supreme Court at Halifax, and the respective Terms or Sittings of the Supreme Court at Windsor, Kentville, Annapolis and Digby, in this present year :

Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly, That in this present year the Term or Sittings of the said Supreme Court shall respectively be held at Halifax, and in the several Counties of this Province hereinafter mentioned, at the times and places following, that is to say : At Halifax, in Easter Term, on the Fourth Tuesday of April, in this present year.*

Sittings of the Court in the present year.

At Windsor, in the County of Hants, on the First Tuesday of May, in this present year.

Windsor,

At Kentville, in the County of King's, on the Second Tuesday of May, in this present year.

Kentville.

At Annapolis, in the County of Annapolis, on the Third Tuesday of May, in this present year.

Annapolis,

And at Digby, in the County of Digby, on the Fourth Tuesday of May, in this present year.

Digby.

II. *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 at Halifax, and in the said several respective Counties in this Province hereinbefore mentioned in the said several Terms or Sittings of the Supreme Court, which are altered by this Act, shall be returned, and held and deemed to be returnable, on the respective days herein and hereby appointed for the next Terms or Sittings of the said Supreme Court at Halifax, and in the said several Counties herein mentioned respectively ; and all parties, witnesses, officers, and persons who are summoned or bound to appear, or who ought to appear, at the said several Courts whereof the Terms or Sittings are hereby altered respectively, or any of them respectively, 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.*

Writs, &c. when returnable.

CAP XX.

An Act to continue the Act for the regulation of the Fisheries at Chedabucto Bay.

(Passed the 29th day of March, 1844.)

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 for the regulation of the Fisheries at Chedabucto Bay, and every matter,

Act 2, Vic. continued.

matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for two years, and from thence to the end of the then next Session of the General Assembly.

CAP. XXI.

An Act to continue the Act to extend to the Township of Egerton the Act respecting the collection of Poors' Rates of Pictou, and to amend the said Act.

(Passed the 29th day of March, 1844.)

Act 4, Vic. continu-
ed.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to extend to the Township of Egerton, the Act respecting the collection of Poors' Rates of Pictou, and to amend the said Act, except so far as the same is altered or amended by the Act, passed in the Fifth-year of Her said Majesty's Reign, entitled, An Act to amend the Acts respecting the collection of Poor's Rates of Pictou and Egerton, shall be continued, and the said first mentioned Act, and every matter, clause and thing, therein contained, except as before excepted, are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XXII.

An Act to continue the Act respecting the collection of Poors' Rates of Pictou, as amended.

(Passed the 29th day of March, 1844.)

Act 6, Wm. 4, con-
tinued.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Sixth year of the Reign of His late Majesty King William the Fourth, entitled, An Act respecting the collection of Poors' Rates of Pictou, except in so far as the same is altered or amended by the Act, passed in the Fifth year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to amend the Acts respecting the collection of Poors' Rates of Pictou and Egerton, shall be continued, and the said first mentioned Act, and every matter, clause and thing, therein contained, except as before excepted, are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XXIII.

An Act to continue the Act to preserve and regulate the Navigation of the Harbour of Pugwash.

(Passed the 29th day of March, 1844.)

Act 3, Wm. 4, con-
tinued.

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 preserve and regulate the Navigation of the Harbour of Pugwash, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for two years, and from thence to the end of the then next Session of the General Assembly.

An Act to continue the Act for setting off a part of the Township of Egerton as a separate District for the support of the Poor.

(Passed the 29th day of March, 1844.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Sixth year of the Reign of Her present Majesty Queen Victoria, entitled, An Act for setting off part of the Township of Egerton, as a separate District for the support of the Poor, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 6, Vic. continued.

CAP. XXV.

An Act to continue the Act to extend to the Town of Dartmouth the Act to amend the Act to regulate the Assize of Bread.

(Passed the 29th day of March, 1844.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Sixth year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to extend to the Town of Dartmouth the Act to amend the Act to regulate the Assize of Bread, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 6, Vic. continued.

CAP. XXVI.

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, 1844.)

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 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.

Act 7, Wm. 4, continued.

CAP. XXVII.

An Act to continue the Act relating to Marriage Licences.

(Passed 29th day of March, 1844.)

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 relating to Marriage Licences, and every matter, clause and thing,

Act 2, Wm. 4, continued.

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.

XXVIII.

An Act to continue the Acts to regulate the Survey of Timber and Lumber.

(Passed the 29th day of March, 1844.)

Act 7, Wm. 4. (except 8th and 9th clauses and except as amended) continued.

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 the Survey of Timber and Lumber, and to repeal certain Acts now in force, and every matter, clause and thing, therein contained, save and except the eighth and ninth clauses or sections thereof, and also except as altered or amended by the Act hereinafter mentioned; and also the Act, passed in the sixth year of the Reign of Her present Majesty Queen Victoria, to continue and amend the said Act, and every matter clause and thing, in the said last mentioned Act contained, 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.

CAP. XXIX.

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

(Passed the 29th day of March, 1844.)

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 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.

CAP. XXX.

An Act to continue the several Acts to provide for the accommodation and billeting of Her Majesty's Troops, or of the Militia, when on their march from one part of the Province to another.

(Passed the 29th day of March, 1844.)

Act 48, Geo. 3, and Acts 51 and 53, Geo. 3, except as amended, and Act 6, Vic. continued.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Forty-eighth year of the Reign of His late Majesty King George the Third, entitled, An Act to provide for the accommodation and billeting of His Majesty's Troops, or of the Militia, when on their march from one part of the Province to another; and also the Acts, passed in the fifty-first and fifty-third years of His said late Majesty's Reign, in amendment thereof, and every matter, clause and thing, in the said Acts contained, except so far the same may be altered or amended by the Act hereinafter mentioned; and also the Act, passed in the sixth year of the Reign of Her present Majesty Queen Victoria, to continue and amend the said Act, and every matter, clause and thing, therein contained, shall be continued, and the same,

same, 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.

XXXI.

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 29th day of March, 1844.)

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 direct and ascertain the mode of assessing County and District Rates, and for other purposes, except so far as the same is altered or amended by the Acts hereinafter mentioned, and also except the eighth clause or section thereof; 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; and also, the Act, 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 Act 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, and every matter, clause and thing therein contained, 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.

Act 5, Wm. 4, with exceptions, also Acts 6, Wm. 4, & 1 and 2, Vic. continued.

CAP. XXXII.

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

(Passed the 29th day of March, 1844.)

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 George the Fourth, entitled, An Act to suspend the operation of the Acts to prevent Forestalling, Re-grating, and Monopolizing of Cord Wood in the Town of Halifax, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for three years, and from thence to the end of the then next Session of the General Assembly.

Act 7, Geo. 4, continued.

CAP. XXXIII.

An Act to continue the Act for the Regulation of the Fisheries in the County of Richmond.

(Passed the 29th day of March, 1844.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fourth year of the Reign of Her present Majesty Queen Victoria, entitled,

Act 4, Vic. continued.

entitled, An Act for the regulation of the Fisheries in the County of Richmond, shall be continued, and the said Act, and every matter, clause and thing, therein contained, are hereby continued for two years, and from thence to the end of the then next Session of the General Assembly.

CAP. XXXIV.

An Act to continue the Act additional, concerning Nuisances.

(Passed the 29th day of March, 1844.)

Act 5, Wm. 4, continued.

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.

CAP. XXXV.

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 29th day of March, 1844.)

Act 11, Geo. 4, and 1 and 2, Wm. 4, continued.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the eleventh year of the Reign of His late Majesty King George the Fourth, entitled, An Act to regulate the Pilotage of Vessels at the Port of Halifax, and the several Acts, passed in the first and second years respectively of the Reign of His late Majesty King William the Fourth, in amendment of, and additional to, the said Act, shall be continued, and the said Acts, and every matter, clause and thing, therein contained, are hereby severally and respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XXXVI.

An Act to continue the Act to revive the Act to amend the Act to regulate the Assize of Bread.

(Passed the 29th day of March, 1844.)

Act 5, Vic continued.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fifth year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to revive the Act to amend the Act to regulate the Assize of Bread, 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 for establishing a Harbour Master at Bridgeport, in the Island of Cape Breton.

(Passed the 29th day of March, 1844.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, Act 2, Vic. continued. passed in the second year of the Reign of Her present Majesty Queen Victoria, 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. XXXVIII.

An Act to continue the Act to regulate the Weighing of Beef, and the Acts in amendment thereof.

(Passed the 29th day of March, 1844.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, Acts 10, Geo. 4. and 2 and 4, Vic. continued. 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 Acts hereinafter mentioned; also the Act, passed in the second year of the Reign of Her present Majesty Queen Victoria, to continue and amend the first mentioned Act, and every matter, clause and thing, therein contained, save and except as altered or amended by the Act hereinafter mentioned; also, the Act, passed in the fourth year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to continue and amend the Act to regulate the Weighing of Beef, and the Act in amendment thereof, and every matter, clause and thing, in the said last mentioned Act contained, shall be continued, and the said several Acts, except as before excepted, are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XXXIX.

An Act to continue the Acts now in force to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape Breton.

(Passed the 29th day of March, 1844.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, Acts 1, Wm. 4, and 5, Vic. continued. 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, save and except so far as the same is or may be altered or amended by the Act hereinafter mentioned; and also, the Act, passed in the fifth year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to continue and amend the Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape Breton, and to repeal certain Acts relative thereto, shall be continued, and the said Acts, and every matter, clause and thing, therein contained, except as before

before excepted, are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

CAP. XL.

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, 1844.)

Act 3, Wm 4, 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 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.

CAP. XLI.

An Act to revive and make perpetual an Act for enabling persons Indicted for Felony to make their defence by Counsel.

(Passed the 29th day of March, 1844.)

Act 3, Vic revived and made perpetual

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the Third year of the Reign of Her present Majesty Queen Victoria, entitled, An Act for enabling persons Indicted for Felony to make their defence by Counsel, and every matter, clause and thing, therein contained, shall be revived, and the same are hereby revived and made perpetual.

CAP. XLII.

An Act relative to the performance of Statute Labour on Highways.

(Passed the 19th day of April, 1844.)

Preamble

WHEREAS, it is expedient to alter and amend the Laws now in force relating to Highways, Roads, and Bridges, so far as respects the performance of Statute Labour thereon :

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 27, 28 and 29, Act 7, Geo. 4; also, 1st sec. of Act 8, Geo. IV. repealed.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly, That the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twenty-seventh, twenty-eighth and twenty-ninth clauses or sections of the Act, made and passed in the seventh year of the Reign of His late Majesty King George the Fourth, entitled, "An Act relating to Highways, Roads, and Bridges," and also, the first clause or section of the Act, made and passed in the eighth year of the Reign of His said late Majesty, entitled, "An Act in addition to, and amendment of, the Act relating to Highways, Roads, and Bridges," and every matter and thing in the said several clauses or sections of the said Acts respectively contained, shall be, and the same are hereby repealed.*

II.

II. *And be it enacted*, That all fines, forfeitures and penalties, imposed or incurred under this Act or any Act hereafter to be passed in amendment thereof, shall be sued for, recovered and applied, as hereinafter directed, anything in the thirtieth clause or section of the said hereinbefore first mentioned Act, or in any Act or Acts of the General Assembly, heretofore made to the contrary notwithstanding.

Fines, how sued for and applied.

III. *And be it enacted*, That it shall and may be lawful for the Grand Juries in the several Courts of General Sessions of the Peace, in and for the respective Counties and Districts in this Province, at such Terms as the said Courts shall respectively direct, yearly, and every year to nominate so many fit and proper persons as they may consider necessary, as Surveyors of Highways in each Township and Settlement within such Counties or Districts respectively; and the said Court shall, from the persons so nominated, appoint as many as may be deemed expedient, to be Surveyors of Highways for the Township or Settlement for which they are so nominated, and the persons so appointed, shall be sworn to the faithful discharge of the duties of that office, before any Justice of the Peace for such County; and any persons so appointed, having received notice thereof from the Clerk of the Peace for the County or District, whose duty it shall be to give such notice, and who shall refuse to accept of the said appointment, or shall neglect to be sworn to the faithful discharge of the duties thereof, within fourteen days next after having received notice of such appointment, and to procure and forward within eight days thereafter, in order to be filed with such Clerk of the Peace, a certificate in writing from such Justice, of his having been so sworn, or having accepted, shall neglect his duty therein, shall forfeit for such refusal or neglect of duty, the sum of two pounds, to be sued for and recovered by the Clerk of the Peace, whose duty it shall be on every such refusal or neglect, to sue for the same before any one Justice of the Peace for the County, and to be applied one half thereof to the use of the said Clerk of the Peace, and the remainder on the Roads and the Bridges, within the said County or District, under the directions of the General Sessions of the Peace for such County or District.

Grand Juries to nominate Surveyors of Highways.

To be sworn.

Penalty for refusing to serve.

IV. *And be it enacted*, That in case any Surveyor of Highways appointed under this Act shall happen to die within the period for which he was appointed to serve, or shall remove out of the district for which he may have been appointed, or having been duly notified, shall neglect or refuse to be sworn in, or act in such Office of Surveyor of Highways, it shall and may be lawful for any two Justices of the Peace for the County to nominate and appoint a fit and proper person to serve in such vacant office, and every person so appointed to supply any such vacancy shall be sworn to the faithful discharge of the duties of such office in manner hereinbefore prescribed, and shall have all and the like powers and authorities, and be subject and liable to the same Rules, Regulations and Penalties, as if such new Surveyor had been originally nominated and appointed at the Court of General Sessions of the Peace, as hereinbefore directed and prescribed, and shall within and for the district for which he may have been appointed to perform the duties appertaining to the Office of such Surveyors of Highways, for and during the time for which such Surveyor in whose place he shall have been appointed, and shall have been nominated to serve.

In case of death or removal vacancy to be supplied.

V. *And be it enacted*, That every person within each Township or Settlement being able of body, and above the age of sixteen years, and under the age of sixty years, and not being a military person, nor holding a Commission from Her Majesty in the Military or Civil Department of the Army, shall be called out to labour on the Highways, Roads, Streets, and Bridges, within the Township or Settlement where they respectively reside; and shall perform the number of days' labour hereinafter provided, either by themselves, or by a good and sufficient substitute, to be approved of by the Surveyor of Highways or Commissioner of Streets within whose District or Jurisdiction such labour is to be performed; and provided with such necessary tools and implements as shall be directed by such Surveyor or Commissioners respectively; and shall faithfully labour thereon at least eight hours in every such day.

Persons liable to perform Statute Labor.

VI. *And be it enacted*, That the number of days' labour to be performed by every such person, shall be as follows, that is to say:

Number of days labor to be performed by each person.

Every person above the age of Twenty-one Years, and under the age of Sixty Years being a Householder, and the owner, occupier, or possessor of Real or Personal Estate, and not being a hired servant, journeyman, or day labourer, nor residing with his parents, as hereinafter mentioned, shall perform six days' labour.

Every person above the age of Twenty-one Years, being a hired servant, journeyman, or day labourer, shall perform two days' labour; all Masters of Vessels and all hired Seamen, such Masters and Seamen not being Freeholders, to be considered as hired servants.

Every person above the age of Twenty-one years, residing with his parent or parents, shall perform three days' labour.

Every person above the age of Twenty-one years, and under the age of Sixty years not being a householder, hired servant, journeyman, day labourer, nor residing with his parent or parents, shall perform four day's labour.

Every Minor and Apprentice above the age of sixteen years, and under twenty-one years, shall perform two day's labour.

Owners of Oxen and Horses under 60 years of age, to perform one day's labor for each Horse and pair of Oxen.

VII. *And be it enacted*, That in addition to, and over and above the number of days' labour hereinbefore required to be performed, every such person being above twenty-one years, and under sixty years of age, owning one or more pair of working Oxen, or one or more saddle or draught horse or horses, shall perform one day's labour for every such pair of working Oxen, and every such saddle or draught horse: Provided always, that no person shall be liable to perform more than four days' labour for or on account of any number of such working Oxen or Horses that he may own.

Oxen and draft horses to be sent to work if required.

VIII. *And be it enacted*, That every such person so owning any such working Oxen or draft Horses, as aforesaid, shall, when thereunto duly required by the said Surveyor or Commissioners, send such Oxen or Horses to labour upon the said Highways, Roads, Streets, or Bridges properly yoked and harnessed; and in case of refusal or neglect so to do, shall forfeit and pay three shillings per day for every such pair of Working Oxen, and every such draught Horse, so required to be sent; and for every such pair of Working Oxen, and every such draught Horse, sent to labour as aforesaid, in pursuance of such requisition from such Surveyor or Commissioner, or for every such penalty for neglect or refusal to send the same respectively as aforesaid, every such person shall be allowed one day's labour.

Penalty in case of refusal.

Owners of Oxen and Horses over sixty years of age to send them.

IX. *And be it enacted*, That every person above the age of sixty years, being a householder, and owning working Oxen or draught Horse or Horses, when thereto duly notified and required by the said Surveyor of Highways or Commissioners of Streets shall send to labour upon such Highway, Roads, Streets, or Bridges, a pair of such Oxen, or one of the such draught Horses, at the option of the said Surveyor or Commissioners, properly yoked or harnessed, for four days, or at the option of every such person, such pair of Oxen or draught Horse, with a driver for two days; and every such person so notified, who shall neglect or refuse to send the same, shall forfeit for each and every such day's neglect or refusal, the sum of three shillings for such pair of Oxen or draught Horse, or of six shillings for every such pair of Oxen or draught Horse, with a driver, as aforesaid, to be commuted or sued for and recovered in the same manner as hereinafter provided, in relation to other claims for non-performance of labour under this Act.

Penalty for neglect.

Owners of carts, trucks and waggons, to send them if required.

X. *And be it enacted*, That when any person owning Oxen or draft Horses shall be so required to send any such Oxen or Horses as aforesaid, such person shall also, if required so to do by the said Surveyor or Commissioners, send with the said Oxen, Horse or Horses, a Cart, Truck or Waggon, provided such person shall own any such Cart, Truck, or Waggon, as the said Surveyor or Commissioners shall consider fit and proper to be employed in labour aforesaid; and in case of refusal or neglect so to do, shall forfeit and pay two Shillings, for each and every such day's neglect or refusal.

Penalty for neglect.

Constable to make out lists of owners of oxen, &c. and

XI. *And be it enacted*, That the Constables for the several Townships in this Province shall make out lists of all such persons as are owners of working Oxen, Horses, Carts,

Carts, Trucks, or Waggon, as also of every other householder and other persons liable to perform Statute Labour under this Act, within their respective Townships and the settlements adjoining, and deliver the same to the said Surveyors of Highways, and Commissioners of Streets respectively; and the said Constables, or such other person or persons as may be required by the said Surveyors or Commissioners respectively, shall summon the said persons contained in the said lists to meet on such days and at such places respectively as the said Surveyors or Commissioners shall respectively direct, to perform the labour required by this Act, and every such Constable or other person so called upon to summon such persons as aforesaid, shall be allowed by such Surveyors or Commissioners respectively, a reasonable allowance out of his Statute Labour, not exceeding two days.

persons liable to perform Statute Labor.

To be summoned and allowance made to the person summoned.

XII. *And be it enacted*, That the said Surveyors of Highways and Commissioners of Streets shall summon, or cause to be summoned, the persons contained in their lists respectively, to labour on the Highways, Roads, Streets, and Bridges, at the most seasonable time, between the first day of June and the first day of September, in each and every year (seed time and harvest only excepted), by giving them at least six days' notice of the time and place where they are to be employed, and of the tools and implements necessary to be brought and used in and about such labour; such notice to be given by the said Surveyor or Commissioner, or by any Constable or other person thereunto in writing authorised by the said Surveyor or Commissioner, either in person to the party so required to labour, or left either verbally, or in writing, with some person of the age of discretion, at the usual place of abode of every such person, and at the time and place so appointed, the said Surveyors shall respectively attend, and oversee and order the persons so summoned to labour in making and repairing the Highways, Roads, Streets, and Bridges, in the most useful manner, during the number of days required by this Act, for each person to labour; and such Surveyors and Commissioners respectively shall be excused from any other service on the Highways than that of overseeing and ordering the persons employed thereon.

Labour to be done between 1st of June and 1st September.

Surveyors to oversee the work.

XIII. *And be it enacted*, That in case any public Highways shall become obstructed by the falling of trees or otherwise, or if any Bridge or Bridges shall be broken down or carried away, or the road rendered impassable by any other unforeseen cause, except by falling or drifting of Snow, as hereinafter mentioned and provided for, it shall and may be lawful for the Surveyor of Highways or Commissioners of Streets, within whose district or jurisdiction the same may have occurred, under the direction of any two of Her Majesty's Justices of the Peace for the County, to notify such person or persons within his or their district or jurisdiction as he or they may deem necessary to attend, either by themselves or with their Oxen, Horses, Carts, Trucks, and Waggon, as may be deemed advisable, to remove such obstruction, or make such repairs upon the said Highway, Road, Street, or Bridges, as may be by the said Justices considered absolutely necessary to render the same passable; and every person so attending and labouring shall be allowed for such labour so performed, by a reduction of the like number of days' labour from the labour to be performed by such person under this Act, either for that or the subsequent year, as the same may occur, before or after the time of performance of the Statute Labour in such district for that year, in the same manner and to the same extent as if such person had performed such labour at the usual time for the performance thereof; and every person duly notified to attend and labour as aforesaid, who shall neglect or refuse so to do, shall be liable to the same forfeitures as if such person had neglected to attend and labour at the regular time for labour in such his District as hereinbefore provided—such forfeiture for each day, when paid, however, to reckon for one days' labour of every such person under this Act.

In case of obstruction to road or damage to bridge, Surveyor under direction of two Justices to notify persons to attend and repair the same.

Allowance to be made them.

XIV. *And be it enacted*, That if any person liable to perform Statute Labour under this Act, shall prefer paying money to doing such labour, it shall and may be lawful for the said Surveyor or Commissioners within whose jurisdiction such labour is to be performed, and such Surveyor and Commissioners shall be, and he and they is and are hereby authorised, empowered and obliged, to take and receive, from any such person,

Persons liable to perform labor who may prefer to pay money.

Province.

person, at, and after the rate of two shillings and six pence for each and every days' labour to be performed by such person as commutation therefor: *Provided*, that the requisite amount for the commutation of the whole labour, which such persons shall be liable to perform during the current year, shall be paid or offered to such Surveyor or Commissioners on or before the day at which he shall be notified to attend and labour as aforesaid; and if any person so offering such commutation as aforesaid, shall be afterwards sued for not performing his Statute Labour for the year for which such commutation shall have been so tendered, on proof of such commutation having been so offered, and on the same being then paid to the Surveyor or Commissioners, the Plaintiff or Plaintiffs in any such action shall be non-suited with costs.

Penalty for not working.

XV. *And be it enacted*, That every person so notified to labour as aforesaid, who shall neglect or refuse to appear, and labour agreeably to such notice, and shall not pay the sum of two shillings and six pence for each days' labour, in commutation thereof as aforesaid, shall forfeit and pay the sum of three shillings for each and every days' labour such persons shall be liable to perform.

Two Justices empowered to relieve persons from a part of their labour.

XVI. *And be it enacted*, That any two of Her Majesty's Justices of the Peace, residing within the County in which the labour is to be performed, shall be, and they are hereby authorised and empowered by a certificate under their hands, to relieve any person from a portion of the labour required to be performed by such person, if it shall appear to such Justices that such person, from his circumstances and situation in life, is really entitled to such relief.

Persons residing on Islands.

XVII. *And be it enacted*, That no person residing upon any Island within this Province, whereon there are any Highways or Roads, on which the performance of any labour under this Act, may be enforced, shall be compelled to work upon any Highway, Road, Street, or Bridge, situate or being upon the Main Land, or to furnish any labour, cart, truck, waggon, oxen, or horses, for the said service, nor be liable to any penalty or penalties for neglecting or refusing so to do, but each and every person residing upon any such Island and liable to perform labour under this Act, shall be obliged to perform the same upon some Highway, or public Road as aforesaid, upon the Island, on which he lives.

Islands connected with the Main Land by bridge.

XVIII. *And be it enacted*, That where any Island shall be connected with the Main Land by a causeway, Bridge or Bridges, the persons residing on such Islands, who shall be liable to perform such labour, as aforesaid, shall be obliged to perform the same or such part thereof as may be required, in the keeping in repair or re-building such Causeway, Bridge or Bridges.

Justices in Session may permit persons to perform Statute Labor on such roads as they may appoint.

XIX. *And be it enacted*, That the Justices of the General Sessions of the Peace, in and for each of the several Counties and Districts in this Province, shall and may, and they are hereby authorised at any General Sessions of the Peace to be holden in such Counties and Districts, to grant permission to any person or persons in the said Counties and Districts, to perform his or their Highway or Statute Labour in the said several Counties and Districts upon such Roads as they the said Justices shall direct and appoint, and the faithful performance by him or them of such Statute or Highway Labour, in pursuance of such permission, shall be deemed and taken to be the doing and performing his or their Statute Labour, provided that such person or persons as may obtain such permission, shall within one month after the performance of such Statute or Highway Labour, obtain from the Surveyor of Highways or Commissioners of Streets, for the District in which such person or persons shall reside, (who, if the said labour has been faithfully performed, is and are hereby required and directed to grant the same) a certificate or certificates of the due performance by such person or persons of such labour, which said permission and certificate or certificates shall be a bar to any action to be brought against such person or persons under or by virtue of this Act.

Surveyors not to alter Highway.

XX. *And be it enacted*, That it shall not be lawful for any Surveyor of Highways, with the consent of the owner of the land, to alter any Highway, Road, or Street, or make any repairs to any Highway, Road or Street in any Town, Township, or Settlement, without the advice and consent of at least two Justices of the Peace.

XXI. *And be it enacted,* That it shall and may be lawful for the Surveyors of Highways, and Commissioners of Streets, to order and direct the Inhabitants, in their respective Districts and Jurisdictions, as often as they shall deem necessary during the winter, to work on the public Highways, with their shovels, horses, oxen, and sleds, in order that the roads may be rendered passable; and every inhabitant refusing or neglecting to obey such order shall forfeit and pay for each refusal or neglect the sum of Five Shillings. *Provided always, nevertheless,* that no inhabitant shall be compelled to furnish more than one day's labor of himself or cattle, for any one fall of snow, or where the fall or drift of snow shall not exceed the depth of twelve inches.

Labor to be performed during the winter.

Proviso.

XXII. *And be it enacted,* That each and every Surveyor of Highways shall, on or before the first day of the next General Sessions of the Peace, for the County or District which shall happen after the first day of September, in each and every year, make a true and faithful return to the Clerk of the Peace of the County or District, of all the labour performed under his directions, designating the names of the persons and the labour performed by each, and of all of the commutations and fines received by him, and the expenditure of such commutation monies and fines, and of the amount of monies then remaining in his hands, and shall at the same time pay over to such Clerk of the Peace all such monies so remaining in hand.

Surveyors to make Returns.

XXIII. *And be it enacted,* That all fines and forfeitures, directed to be paid by such person or persons, as shall neglect to attend and perform the labour, and furnish the carts, trucks, waggons, oxen, or horses, required by this Act for the repairs of Highways, Roads, Streets or Bridges, or rendering the same passable, as aforesaid, shall be sued for and recovered, with costs of suit, by the Surveyor of Highways or Commissioners of Streets, within whose jurisdiction such fine or forfeiture may have been incurred, before one or more Justices of the Peace, according to the amount thereof, in like manner as debts of the like amount may or can be ordinarily sued for and recovered; and all such fines and forfeitures, when so recovered, shall be applied to the repairs of the said Highways, Roads, Streets, and Bridges.

Fines to be sued for before one or more Justices of the Peace as debts.

Fines to be applied in repairing roads, &c.

CAP. XLIII.

An Act in addition to the Acts for regulating the Importation of Goods.

(Passed the 19th day of April, 1844.)

WHEREAS, it is expedient that further checks and guards should be imposed on the entry of Goods charged with duty, not according to the weight, tale, guage or measure, but according to the value thereof, in addition to those prescribed in and by the sixth section of the Act, passed in the present Session of the General Assembly, entitled, An Act to continue and amend the Act for regulating the Importation of Goods:

Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That in all cases where Impost Duties imposed by any Act for granting Colonial Duties upon the entry of any Goods into this Province are charged not according to the weight, tale, guage, or measure, but according to the value thereof, and the original invoice thereof, is not under the control of the person making the entry thereof, and cannot be procured in addition to the oath of such facts required in and by the said sixth section of the aforesaid Act, the person making the same shall be required to make and sign an oath, before the Collector, or other person thereby authorised to administer the same, of what he believes to be the current value of such goods at the place from whence the same were imported, so near as the same can be ascertained.

Value of Goods charged with Duty according to value when Invoice cannot be procured to be ascertained by oath.

II. *And be it enacted,* That if it shall appear to the Collector of Impost, or other proper officer, upon the entry of any such Goods into this Province, whereon Colonial Impost Duties are charged, not according to the weight, tale, guage, or measure, but accord-

When Goods are valued too low persons to be appointed to fix the value.

ing to the value thereof as aforesaid, that such Goods have been valued below the real and true value thereof, at the place from whence the same were imported, or by the person making the entry thereof as aforesaid, such Goods shall be examined by two competent persons, to be nominated and appointed by the Collector of Impost, or other proper officer with whom such entry shall be made as aforesaid; and such persons shall declare, on oath, before such Collector, or other proper officer, what is the true and real value of such articles, and the value so declared on the oaths of such persons, shall be deemed to be the true and real value of such Goods, and upon which the Colonial Impost Duties imposed shall be charged and paid.

Remuneration.

III. *And be it enacted*, That such persons so appointed and sworn as aforesaid, shall, upon making such declaration, as to the value of such Goods as aforesaid, be entitled to receive the sum of ten shillings each, for every such valuation, to be paid by the Collector of Impost, or other proper officer, before whom such declaration shall be made as aforesaid, and charged in his accounts.

Continuing clause.

IV. *And be it enacted*, That this Act shall continue and be in force until the thirty-first day of March, which will be in the year of our Lord one thousand eight hundred and forty-five, and no longer.

CAP. XLIV.

An Act for the better securing the Revenue of the Province.

(Passed the 19th day of April, 1844.)

Preamble.

WHEREAS, the Duties on Foreign Wheat Flour and Foreign Molasses, imported into this Province, imposed by the Imperial Statute, passed in the fifth and sixth year of the Reign of Her present Majesty, entitled, An Act to amend the Laws for the regulation of the Trade of the British Possessions abroad, are greatly evaded, under pretence of the said articles being intended for the use of the Fisheries, notwithstanding the same are really introduced into general consumption, to the prejudice of the Revenue, and in contravention of the policy of the said Imperial Statute :

Duty on Foreign
Wheat Flour and
Molasses.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That on all Foreign Wheat Flour, and Foreign Molasses, imported or to be imported into this Province, and which shall not have paid, or shall not pay, whether by reason of any exemption claimed in favor of the Fisheries, or from any other cause, the said Imperial Duties within this Province, there shall be raised, collected, and paid unto Her Majesty, Her Heirs and Successors, for the use of this Province, and the support of the Government thereof, and other general purposes within the same, the respective Impost Duties following, that is to say : for every Barrel of one hundred and ninety-six pounds weight of such Wheat Flour as aforesaid, Two Shillings, Sterling ; and for every Gallon of such Molasses, Three Pence Half-penny, Sterling.

Continuing clause

II. *And be it enacted*, That this Act shall be in force until an Act, passed in the present Session of the General Assembly, entitled, An Act for granting a Colonial Duty of Impost for the support of Her Majesty's Government within this Province, on Flour and Molasses, in certain cases, shall come into operation, or until the Thirty-first day of March next, in case the said Act shall not be assented to, and no longer.

CAP. XLV.

An Act to amend the Act concerning Duties on Liquors distilled within this Province.

(Passed the 19th day of April, 1844.)

Distillers to give
Bonds for the pay-
ment of Duties.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That every Distiller or Manufacturer of any Brandy, Gin, Rum, or other Spirituous Liquors,

quors, within this Province, shall, hereafter, once in every year, give Bond, with two sufficient Sureties, to be approved of by the Collector of Impost, in the sum of Two Hundred and Fifty Pounds, with a condition for the payment of the Colonial Duties on all such Brandy, Gin, Rum, or other Spirituous Liquors, as may be distilled or manufactured by him, or her, his or her servants, within one year, from and after the date of such Bond, at such times, and in and by such instalments as are hereinafter provided; and such Bond shall be given in the manner and form to be prescribed by the Board of Revenue, and a Warrant of Attorney shall also then and there be executed by such Distiller and his said Sureties, in the Form by the said Board 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 the payment of the said Duties or any Instalment thereof.

II. *And be it enacted*, That if such Duties, upon the weekly or other due entry being made of the quantity of Brandy, Gin, Rum, or other Spirituous Liquors, so manufactured or distilled, do not exceed Ten Pounds, then the same shall be paid down in Cash; and if the said Duties exceed the sum of Ten Pounds, then the same shall be payable one third in three months, one third in six months, and the other third in nine months, from the date of such entry.

Duties when payable.

III. *And be it enacted*, That the Board of Revenue shall employ such number of fit and proper Officers as shall be necessary for attending on such Distilleries and Manufactories, at all times when they are at work, so as one of such Officers shall always be present thereat, and that no one of the said Officers shall attend the same Distillery or Manufactory more than six days in succession; but the said Officers, under the direction of the Collector of Impost nearest to the place where such Manufacture is carried on, or Distillery situate, shall be employed alternately in superintending and watching the progress of such Manufacture or Distillery, and shall report the same, twice at least in every week, to the said Collector.

Officers to attend Distilleries.

IV. *And be it enacted*, That such Officers shall be sworn by the said Collector, diligently and faithfully to attend the Manufactories or Distilleries to which they may from time to time be appointed, and to report to the said Collector truly and honestly, to the best of their knowledge and belief respectively, all such quantities of Brandy, Gin, Rum, or other Spirituous Liquors, as shall be manufactured or distilled thereat; and to use their utmost exertion and diligence in preventing any violation or evasion of the Act whereof this Act is an amendment, or of the provisions of this Act, or any other of the Acts now or hereafter to be in force for the protection of the Provincial Revenue.

Officers to report the quantity distilled and prevent evasion of the Law.

V. *And be it enacted*, That the said Officers, while actually employed in pursuance of this Act, shall be respectively entitled to receive, on the Certificate of the Board of Revenue, at and after the rate of One Penny for and upon every Gallon of such Brandy, Gin, Rum, or other Spirituous Liquors, so manufactured or distilled within this Province, at the Manufactory or Distillery whereat such Officers respectively shall be attending at the manufacture or distilling thereof, and whereon the Duty shall be actually paid or secured; and that any one of such Officers who shall appear to have been absent while the Manufactory or Distillery to which he was so appointed was at work, or to have connived in any way at the violation of the aforesaid Acts, shall be forthwith dismissed from his said employment, and shall be subject to a Fine of Ten Pounds, to be sued for and recovered by the Collector of Impost, before any two Justices of the Peace, and to be applied in such way as the Board of Revenue may from time to time direct and appoint.

Remuneration of Officers.

Penalty for neglect of duty.

VI. *And be it enacted*, That it shall be lawful for the Board of Revenue to make such regulations, from time to time, as to them shall seem expedient for regulating the attendance of such Officers as aforesaid, and the seasons of the year and hours at which such Distilleries and Manufactories shall be allowed to be at work, and for carrying into effect the provisions of the aforesaid Acts, or of this Act, so as to check or prevent the frauds that have heretofore prevailed in receiving or enforcing the collection of Duties on Spirituous Liquors distilled in this Province.

Regulations to be made by the Board of Revenue.

Copy of regulations
to be posted up in
Distillery.

VII. *And be it enacted*, That all such Manufacturers or Distillers, being duly notified of such regulations, as may from time to time be made as aforesaid, and whereof a copy shall be kept at all times posted up in such Distilleries and Manufactories by the owners thereof respectively, shall in all things comply with and observe the same, and shall give free access to such Officers whenever such Manufactory or Distillery is at work, or such Officers, or any of them, as shall think it necessary to enter into and inspect the same, by day or by night; and any such Manufacturer or Distiller neglecting or refusing to obey such regulations, or impeding such Officers, or any of them, in the execution of their duty, shall be subject for every such neglect or refusal, or impeding of such Officer, to a Fine of Five Pounds, to be sued for and recovered by the Collector of Impost, before any two Justices of the Peace, and to be applied in such way as the Board of Revenue may from time to time direct and appoint.

Fine for obstructing
Officers in the dis-
charge of their du-
ty.

Continuing clause.

VIII. *And be it enacted*, That this Act shall continue and be in force and operation from and after the passing hereof, until the Thirty-first day of March, which will be in the year of our Lord One Thousand Eight Hundred and Forty-five, and no longer.

CAP. XLVI.

An Act to continue and amend the Acts to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges.

(Passed the 19th day of April, 1844.)

4 and 5, Geo. 4—9,
Geo. 4—7, Wm. 4,
and 1, Vic. (with
exceptions) conti-
nued.

BE it enacted, by the Lieutenant-Governor, Council, and Assembly, That the Act, made and 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, except as altered or amended by the Act, made and passed in the Eight Year of His said late Majesty's Reign, to continue and amend the said Act, or by the Act hereinafter mentioned, or by this Act; also, the Act, passed in the Ninth Year of His said late Majesty's Reign, to continue, alter, and amend the said Act, except as altered and amended by the Acts hereinafter mentioned, or by this Act; also, the Act, passed in the Seventh Year of the Reign of His late Majesty King William the Fourth, 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 Act, except to be altered or amended by the Act herein mentioned, or by this Act; also, the Act, passed in the First Year of Her present Majesty's Reign, entitled, An Act in further amendment of the Act to regulate the expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, except as altered and amended by this Act, shall be continued, and the said Acts, and every other matter, clause and thing, therein contained, except as before excepted, are hereby respectively continued for one year, and thence to the end of the then next Session of the General Assembly.

Money to be expend-
ed by Tender and
Contract, except
where days work
more advantage-
ous.

II. *And be it enacted*, That all Monies hereafter to be appropriated for the service of Roads and Bridges, shall be expended by Tender and Contract, except it shall appear to the Commissioner or Commissioners, that such Monies or some portions thereof cannot be so advantageously expended by Tender and Contract, as by days' work as heretofore, in which case it shall be lawful for the said Commissioner or Commissioners to expend such Monies or such portion thereof, as may be requisite, by days' work: *Provided always*, that in the affidavit now by Law required to be made by him or them, the said Commissioner or Commissioners, so expending any such Monies

or any part thereof, shall include the following statements: "And I (or we) the said Commissioner (or Commissioners) do further declare that the days' work charged in the foregoing account has been more advantageous, in my (or our) opinion and belief to the Public than if the expenditure of the same had been made by Tender and Contract. Form of Affidavit.

III. *And be it enacted*, That instead of five per cent. as now by Law established, no such Commissioner or Commissioners shall hereafter charge or be entitled to retain out of any Monies by him or them to be expended, a greater sum than in the proportion of Two Pounds and Ten Shillings for and upon every Hundred Pounds of the amount to be so expended; and that instead of the sum of Five Shillings per day now allowed to such Commissioners, no Commissioner or Commissioners shall hereafter be entitled to charge or retain as aforesaid, more than Four Shillings for each and every such day, and then only where such Commissioner or Commissioners shall have been employed superintending day Laborers, and shall have at least ten Laborers at work throughout the day; and that no Laborer shall be allowed any higher rate of wages for any one day than Three Shillings and Six Pence—such wages to be paid only in such cases where suitable day Laborers cannot be had at a lower rate of wages; and no Laborer shall be paid for a day's work unless he shall have diligently labored at least ten hours in such day; and that no owner or owners of any Team, consisting of a Cart, with a suitable driver, and two Horses or four Oxen, shall hereafter be allowed or paid a greater sum than Seven Shillings and Six Pence for each day, or for any Team, consisting of a Cart, driver and one Horse, or two Oxen, shall be allowed or paid a greater sum than Six Shillings for each day employed on the said roads. Rate of Commission and wages of Commissioner and Laborers.

IV. *And be it enacted*, That it shall not in future be imperative upon any Commissioner or Commissioners in any case where the sum to be expended on any particular work shall not exceed Ten Pounds, to require of the person or persons contracting for the performance of such work any security for the due performance thereof, or to enter into the formal contract for such performance, now by Law required; but it shall be sufficient to make a memorandum in writing, describing the work to be performed, and by whom the same is to be done, and the time within which it shall be completed, with the amount to be paid by the Commissioner or Commissioners, who shall be named in the said memorandum for the performance of such work; and such memorandum in writing so made, and signed by the said person or persons so contracting, and the said Commissioner or Commissioners respectively shall be binding upon the person or persons contracting for the due performance of such contract as shall be entered into; and also upon the said Commissioner or Commissioners for the payment of all such sum and sums of money as shall be thereby agreed upon, to the same extent, and as fully to all intents and purposes, as if the contract had been made and entered into agreeably to the form now by Law prescribed. Security from Contractor and formal Contract not required.

V. *And be it enacted*, That such Commissioner or Commissioners shall be, and they are hereby required respectively to make a return, under oath, at the Secretary's Office, stating the amount of the different Contracts, under the sum of Ten Pounds, entered into by him or them; and that such Contracts so entered into have been, respectively, faithfully executed, and the money voted for such work hath been laid out properly, and to the entire satisfaction of such Commissioner or Commissioners. Memo. of Contract sufficient.

CAP. XLVII.

An Act in relation to the Law concerning Courts of Probate.

(Passed the 19th day of April, 1844.)

WHEREAS, doubts may arise whether under the Forty-third Clause or Section of the Act, passed in the Fifth year of Her present Majesty's Reign, entitled, An Preamble.

Act relating to the Courts of Probate, and to the settlement and distribution of the Estates of deceased persons, the division of the Real Estate of the Testator or Intestate, therein provided for, extends to, and includes the assigning and setting off to the Widow her Dower, in such Real Estate, or any undivided Estate in Land, that may have been devised to her by any last Will or Testamentary disposition.

Judge of Probate to order Widow's dower to be set off.

I. *Be it declared and enacted, by the Lieutenant-Governor, Council and Assembly,* That in all cases where there shall be a claim of Dower, or to any undivided share or right, devised by Will or any Testamentary disposition, in or to the Real Estate of any deceased person, it shall and may be lawful for the Judge of Probate, in any County where Administration or Probate has been granted, and he shall have full power and jurisdiction, to order such Dower or undivided Share, or Right, in Real Estate, to be assigned and set off by metes and bounds, to the Widow, in whatever County or District of the Province such Real Estate may be situate, by the five Freeholders appointed by the said Judge, under the hereinbefore mentioned Clause of the said Act, the same, in such case, to be and form part of their division of the Estate, or by any five sufficient and disinterested Freeholders, whom such Judge may think fit to appoint for that purpose; and that it shall and may be lawful for the said Judge, upon the return of such Assignment, and setting off, to confirm or reject the same, or to make such order thereupon as may seem just and equitable, subject in all cases to the right of appeal, as in other cases as given by the said Act; and upon the confirmation by the Judge of any Assignment or setting off of Dower, or of any such share or right in Real Estate by metes and bounds, the Widow shall have full right and power to enter into and hold the part so assigned or set off to her as her right, share or dower, in such Real Estate, subject, however, to the event of any appeal.

Judge of Probate may confirm or reject Return.

And Whereas, the operation of the Sixth Rule contained in the Preamble of the Act, passed in the last Session of the General Assembly, entitled, An Act to regulate the practice of the Court of Probates within this Province has been found inconvenient and expensive in some respects—for remedy thereof:

Application for Probate of Administration may be made verbally.

II. *Be it enacted,* That hereafter it shall not be necessary or requisite to make application for Probate of a Will or Letters of Administration in writing, but that such application may be made verbally to the Registrar of the Court of Probate at his office, who shall thereupon enter such application, and the Terms thereof, in his Act Book; and that such application so entered in the Act Book, shall be signed by the person or persons making the same; and all such applications shall be submitted by the Registrar to the Judge of Probate for his fiat thereon.

CAP. XLVIII.

An Act to provide for an additional Sitting of the General Sessions of the Peace at Guysborough, and for other purposes.

(Passed the 19th day of April, 1844.)

Preamble

WHEREAS, in and by the provisions of an Act, passed in the third year of Her present Majesty's Reign, entitled, An Act to divide and set off the Township Saint Mary's, in the County of Guysborough, as a separate and distinct District, the Inhabitants of the said new District of Saint Mary's, thereby established, are exempted from serving on Grand Juries at the General Sessions of the Peace held at Guysborough, in the said County, although still liable to serve as such at the Supreme Court there holden; *And whereas,* in consequence of such exemption, it has been found impracticable to obtain the attendance of a Legal Grand Jury at the said Sessions, and it is advisable and proper that the same should be remedied by providing for the attendance of a separate Grand Jury thereat; *And whereas,* also, it is desirable for various reasons, that in future there should be two Sittings of the General Sessions of the Peace, held at Guysborough, in the year instead of one as at present:

I.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly, That, hereafter there shall be held an additional Term or Sitting of the General Sessions of the Peace at Guysborough, in the County of Guysborough, on the first Tuesday of May, in each and every year, at which Term or Sitting the Grand Jury drawn and summoned, as hereinafter directed, shall attend, and at which Town Officers shall be appointed, and the other County business requiring the intervention of a Grand Jury, transacted instead of at the January Term or Sittings of the said General Sessions as heretofore.*

Additional Sitting of Sessions 1st Tuesday of May.

II. *And be it enacted, That all Process, Recognizances, Complaints, or other proceedings of what nature or kind soever, which are now or shall hereafter be made returnable, or which ought to be returned at the next January Term, or Sittings of the General Sessions of the Peace, at Guysborough, shall be and be held, and deemed to be returnable, and be returned at the first May Sittings of the said General Sessions hereby established.*

Return of Writs, &c.

III. *And be it enacted, That it shall and may be lawful for the Deputy Prothonotary of the Supreme Court at Guysborough, at the usual Term at which Grand Jurors are drawn in said Supreme Court, and after the drawing of the Grand Jury to attend at the Supreme Court, to draw from the Grand Jury box in his possession, and from the apartments thereof allotted to, and designating the several Townships and Settlements within that part of the County of Guysborough, not included within the limits of the District of Saint Mary's aforesaid, a Grand Jury separate and distinct from the Grand Jury, drawn in the usual mode, to attend at the Supreme Court in such County: which said separate Grand Jury, shall be the Grand Jury for the year, to attend at the Sessions at Guysborough aforesaid, and shall be summoned and bound to attend at the said May Term or Sittings of the said General Sessions hereby established; and the Grand Jury for the said Supreme Court for the year, shall not be summoned or attend at such General Sessions, nor shall either of the said Grand Juries be summoned or bound to attend at the said January Sittings of the said General Sessions of the Peace.*

Dy. Prothonotary to draw separate Grand Jury for Guysborough Sessions.

IV. *And be it enacted, That the names of the said respective Grand Jurors, so drawn, to attend at the Sessions, shall immediately after such drawing, be returned into the boxes and apartments thereof, from which they may have been respectively drawn; and the drawing of any such Grand Jurors under this Act, shall not in any way affect the drawing and liability to serve of every such Grand Juror on the Grand Jury at the Supreme Court; but such Grand Jurors so respectively drawn for attendance at the Sessions shall not be liable to serve upon any such Grand Jury at the General Sessions of the Peace aforesaid, oftener than once in three years.*

Names of Jurors to be returned into box.

Not to affect liability to serve on Grand Jury of Supreme Court.

And whereas, such separate Grand Jury hereinbefore provided for, cannot be drawn until after the first May Sittings of the Sessions hereby established:

V. *Be it enacted, That the present Grand Jury in and for the said County of Guysborough, shall be summoned and bound to attend at the first May Sittings of the General Sessions next ensuing, after the passing hereof, in the same manner as they would have been summoned and bound to attend at the next January Sittings of the said General Sessions, had not this Act been passed, and shall be the Grand Jury for the transaction of business at such first May Sittings, anything herein contained to the contrary notwithstanding.*

Present Grand Jury to attend 1st May Sittings.

CAP XLIX.

An Act to amend the Act relating to Passengers arriving in this Province.

(Passed the 19th day of April, 1844.)

WHEREAS, in and by the second section of the Act, passed in the sixth year of the Reign of Her present Majesty, entitled, An Act relating to Passengers arriving

Preamble.
ing

ing in this Province, it is amongst other things required of the Master or Commander of every Ship or Vessel, arriving at any Port or Place in this Province, having on board any Passenger or Passengers, who shall or may be landed in this Province, to pay the sum of five shillings for each and every Passenger received on board such Ship or Vessel, and landed within this Province, unless such Passenger be a resident within the said Province, and be returning thereto; *And whereas*, the operation of the said section so far as the same is applied to the intercourse between the said Province and the other British Colonies has been found to be injurious—for remedy whereof:

Master of Vessels
from Colonies not
to pay 5s. for each
Passenger.

I. *Be it enacted, by the Lieutenant-Governor, Council, and Assembly*, That the Master or Commander of any Vessel arriving from any of the British Colonies, shall not be required to make said payment of Five Shillings each for all or any of the Passengers on Board said Vessel, who may be brought into or land in the said Province, anything in the said second section contained to the contrary notwithstanding.

Continued for two
years.

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

CAP. L.

An Act to continue and amend the several Acts now in force for the Inspection of Flour and Meal.

(Passed the 19th day of April, 1844.)

3, Wm. 4—4, Wm.
4—6, Wm. 4. (with
exceptions) conti-
nued.

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 the Inspection of Flour and Meal; also, the Act, passed in the Fourth year of His said late Majesty's Reign, to amend and continue the said Act; also, the Act, passed in the Sixth year of His said late Majesty's Reign, entitled, An Act to amend and continue the Acts for the Inspection of Flour and Meal, save and except so far as the said Acts may be altered or amended by this present Act, shall be continued, and the said several Acts, and every matter, clause and thing, therein contained, 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.

Fee to Inspector.

II. *And be it enacted*, That instead of the sum of two-pence, in and by the second clause or section of the said last mentioned Act allowed to the Inspector and Weigher of Flour and Meal, or his Deputy, for weighing each and every Barrel of Flour or Meal, such Inspector and Weigher, or his Deputy, shall hereafter be entitled to receive one penny for each and every Barrel of Flour or Meal so weighed by him, and in the like proportion for half barrels, and no more.

CAP LI.

An Act to continue and amend the Acts for the regulation of Juries.

(Passed the 19th day of April, 1844.)

1, Vic., and 3, Vic.
(with exceptions)
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 for the regulation of Juries, 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, or by this Act; also, the Act, passed in the third year of Her present Majesty's Reign, entitled, An Act to continue and amend the Act for the regulation of Juries, and to render valid the proceedings of certain Grand Juries, and

and every matter, clause and thing, in the said last mentioned Act contained, except as altered or amended by this Act, 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.

And whereas, under the present mode of moving for Special Juries, much unnecessary delay often occurs to the great detriment of suitors, and it is advisable that the same should be remedied as far as practicable:

I. *Be it enacted*, That in any case where a Special Jury shall be desired by either party, the same shall only be granted upon application made on the first day of the first Term at which the suit shall have been commenced, unless the Court, upon sufficient cause shewn, shall think proper to allow such Jury, at any future or other day during the said first Term: *Provided always*, that nothing in this clause contained shall extend or shall be construed to extend to causes to be tried in Halifax.

Special Jury to be moved 1st day of 1st Term.

Not to extend to Halifax.

CAP. LII.

An Act to alter the Sittings of the General Sessions of the Peace for the County of Annapolis.

(Passed the 19th day of April, 1844.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That from and after the passing of this Act the Court of General Sessions of the Peace for the County of Annapolis shall be held on the third Tuesday of April and last Tuesday of October, in each and every year, instead of the times now by Law established for holding the same.

Sessions to be held 1st Tuesday of April and last Tuesday of Octr.

II. *And be it enacted*, That all Writs, Process, Recognizances, complaints, or other proceedings whatsoever, which are now, or shall be made returnable, or which ought to be returned to the Court of the General Sessions of the Peace for the said County of Annapolis, at the next Term or Sitting thereof, as now by Law established, shall be returned, and held and deemed to be returnable on the said third Tuesday of April, hereby appointed for the next Term or Sitting of the said Court of General Sessions of the Peace in the said County; and all parties, witnesses, officers, or persons who are summoned or bound to appear, or who ought to appear at the said Court at the said next Term or Sitting thereof, shall be held and obliged to appear, at such Court at the day and time in which such first Term or Sitting is hereby directed to be held.

Return of Writs, &c.

CAP. LIII.

An Act to amend the Act to extend to the Town of Arichat the provisions of the Act relating to Commissioners of Highways in Halifax, and certain other places.

(Passed the 19th day of April, 1844.)

WHEREAS, the Act, passed in the last Session of the General Assembly, entitled, An Act to extend to the Town of Arichat the provisions of the Act relating to Commissioners of Highways in Halifax, and certain other places, provides for the appointment of three Commissioners for the purposes of said Act; and such number of Commissioners has been found by experience to be too limited, and it is desirable that the same should be increased:

Preamble.

I. *Be it enacted*, by the Lieutenant-Governor, Council and Assembly, That in addition to the said three Commissioners appointed or to be appointed under the said

Two additional Commissioners to be appointed.

Act hereby amended, 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, during pleasure, two more fit and proper persons, inhabitants of the said Town of Arichat, to be jointly with the said other three Commissioners so appointed or to be appointed as aforesaid, Commissioners for the purposes of the said Act; and upon the death, removal, or refusal to act of any one or more of the said Commissioners, to appoint and commission some fit and proper person, being an inhabitant of the said Town, to supply every such vacancy, so that the said Commissioners may always in future continue to be five in number, instead of three as heretofore.

Limits of jurisdiction.

II. *And be it enacted*, That the jurisdiction, powers, and authority of the said Commissioners, shall be confined within the same limits, and be the same to all intents and purposes, as if the said Act hereby amended, had originally authorised the appointment of Five Commissioners to act thereunder, instead of the number of three as therein provided for as aforesaid.

CAP. LIV.

An Act to continue the Acts for the support and regulation of Light-Houses.

(Passed the 19th day of April, 1844.)

4, Wm. 4—1, Vic.—
and 6, Vic. conti-
nued.

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 support and regulation of Light Houses, and every matter, clause and thing, therein contained, except so far as the same is or may be altered or amended by the Acts hereinafter mentioned; also, the Act, passed in the first year of the Reign of Her present Majesty Queen Victoria, to amend the said Act, and every matter, clause and thing, therein contained, except as altered or amended by the Act hereinafter mentioned; and also, the Act, passed in the sixth year of Her present Majesty's Reign, entitled, An Act to continue and amend the Acts for the support and regulation of Light Houses, and every matter, clause and thing, therein contained, 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.

CAP. LV.

An Act to repeal certain Acts to afford relief to the Poor Settlers in this Province, and to authorize the liquidation of the monies received thereunder by Labour on the Roads.

(Passed the 19th day of April, 1844.)

Preamble.

WHEREAS it has been found impracticable to carry out the provisions of the Acts hereinafter mentioned, so far as the same relate to the payment of the monies paid out thereunder, and it is therefore expedient that the same should be repealed, and that provision should be made for the expenditure of all monies now collected as hereinafter mentioned, and also for the liquidation of all amounts now due by labour on the Roads and Highways:

7, Wm. 4—and 1,
Vic repealed.

I. *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,

Fourth, entitled, An Act to afford relief to the Poor Settlers in this Province; and also the Act, passed in the first year of Her present Majesty's Reign, entitled, An Act to extend for a further space of time certain provisions of the Act to afford relief to the Poor Settlers in this Province, shall be, and the said Acts, and every matter, clause and thing, therein contained, are hereby respectively repealed.

II. *Provided always, and be it enacted,* That nothing herein contained shall extend or be construed to extend to discharge, invalidate, or in any way affect any judgment which may have been entered against any person or persons whomsoever, under the provisions of the said Act, or to operate as a stay of, or in any way affect, any proceedings which may have been, or which may hereafter be taken for the recovery of any amounts paid out thereunder, or to discharge any person whether as principal or surety, upon any of the notes or other securities taken therefor; but all such judgments and proceedings shall remain in full force, and shall and may be carried into effect and proceeded in, and all such persons whether principal or sureties, and each of them, shall be and be held liable for payment of the said notes, or other securities, until the same shall be paid or discharged in the same manner as if this Act had not been passed, subject, however, to the provisions hereinafter contained for the liquidation thereof.

Act not to affect judgments, proceedings or sureties.

III. *And be it enacted,* That all sum and sums of money now remaining and being in the hands of the respective County Treasurers, or of any other person or persons whomsoever, in re-payment of any of the monies paid out under and by virtue of the said Acts, shall be laid out and expended, during the present year, on the Highways, Roads, Streets, and Bridges, within the respective Counties to which the same may have been loaned, and under the superintendance and direction of such person or persons, and under such rules and regulations as shall and may be appointed and made for that purpose, by the Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of the Executive Council, in every such County respectively.

Sums received to be expended on Roads &c.

IV. *And be it enacted,* That all sum and sums of money now due in any of the said Counties respectively, upon any Promissory Note or other security, or otherwise howsoever, for any loan under the said Acts, shall and may be liquidated, satisfied, paid off, and discharged in whole or in part, by labour to be performed during the present year by any person or persons liable therefor, on the Highways, Roads, Streets, and Bridges, within the County where the same shall be due, and under such person or persons, and subject to such rules and regulations as may for that purpose be appointed and made in manner aforesaid.

Sums still due to be discharged by labour on the Roads, &c.

V. *And be it enacted,* That all notes or other securities taken under the provisions of the said Acts, and all sum and sums of money loaned thereunder which shall remain unsatisfied either by payment in money or by labour as aforesaid, on the first day of October next, shall immediately thereafter be put in suit and collected, without discrimination, by the respective County Treasurers where the same shall be due, unless any such County Treasurer shall be clearly of opinion that the circumstances of all the parties liable for any such amount are such that nothing would be realised by such a proceeding, in such particular case or cases, and in all which cases such County Treasurer shall bring the same under the notice of the next General Sessions of the Peace for the County or District; and if they shall concur in the opinion of such County Treasurer, the note or security if any, in every such case, shall be forthwith cancelled, and all parties discharged from liability for any such amount so due; and all monies so collected by such County Treasurers respectively, shall be expended and laid out during the ensuing year on the Highways, Roads, Streets, and Bridges, within every such County or District respectively, under the direction of the General Sessions of the Peace for such County or District.

Notes, &c. unpaid by 1st October to be put in suit.

Unless County Treasurer think it useless.

Sums received to be expended on Roads.

CAP. LVI.

An Act to amend the Act for the Instruction and permanent Settlement of the Indians.

(Passed the 19th day of April, 1844.)

Preamble.

WHEREAS, the Act, passed in the Fifth year of Her present Majesty's Reign, entitled, An Act to provide for the Instruction and permanent Settlement of the Indians, provides for the appointment of a Commissioner for Indian Affairs in this Province, and it is deemed advisable to authorise the appointment of more than one Commissioner for the purposes of said Act, if it shall be considered expedient so to do :

Governor to appoint any number of Commissioners.

I. *Be it 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 Governor; Lieutenant-Governor, or Commander in Chief for the time being, to appoint, from time to time, during pleasure, such and so many person or persons as he may consider necessary to be Commissioner or Commissioners for Indian Affairs within this Province; or within and for such parts or portion thereof respectively as may be deemed advisable, and to allot and apportion the proportion of any Provincial Grant now or hereafter to be made for the benefit of the Indians, to be drawn by every such Commissioner respectively ; and every such Commissioner so appointed shall, within and for the limits for which he may have been so appointed, have and exercise, and be subject and liable to all and the same powers, authorities, rules, regulations and instructions, as the Commissioner appointed under the said Act hereby amended, now has and exercises, and is subject and liable to, in the same manner as if the said amended Act had authorised the appointment of more than one Commissioner.*

And to apportion Grant.

Power of additional Commissioners.

CAP. LVII.

An Act to provide two Lock-up Houses and Town Houses in the County of Inverness.

(Passed the 19th day of April, 1844.)

Grand Jury to present sum for building Lock-up House and Town House at Ship Harbour & Margaree.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Grand Jury of the County of Inverness, to present, and for the Court of General Sessions of the Peace for the said County to confirm, any sum and sums of Money which may be deemed necessary and sufficient for the erecting and completing of a suitable building at Ship Harbour, and also of another suitable building at Margaree, in the said County of Inverness, to be respectively used as Town Houses for the holding of Elections, Town Meetings, Special Sessions, and for 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 Lock-up Houses.

Sum to be collected as other County Rates.

And paid to persons Jury and Sessions appoint.

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 respectively, as the Grand Jury and Court of Sessions shall appoint to expend the same respectively, for the purposes aforesaid.*

Jury to recommend persons to take charge of Sessions to make regulations for.

III. *And be it enacted, That the said respective Town Houses and Lock-up Houses shall be placed under the charge of such persons respectively 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*

and use of the said respective Town Houses and Lock-up Houses, and for the safe and proper keeping of such persons as may be confined in the said Lock-up Houses respectively, as may be requisite and necessary.

CAP. LVIII.

An Act further to amend the Act for regulating Elections of Members to serve in General Assembly.

(Passed the 19th day of April, 1844.)

WHEREAS, in and by the provisions of an Act, made and passed in the second year of Her present Majesty's Reign, entitled An Act for regulating Elections of Members to serve in General Assembly, it is required that at any Scrutiny held thereunder, the Sheriff should have two Clerks for the purpose of taking down the evidence received thereat, and the same has been found in practice to be attended with much inconvenience and unnecessary expense—For remedy thereof:

Preamble.

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, in any Scrutiny then depending, or thereafter to be had under the said Act, hereby amended, the Sheriff before whom the same shall be held, shall only appoint, or having appointed, shall only continue one person as an Assistant and Clerk, for the purpose of taking down the evidence received thereat; and such person so appointed or continued shall, before proceeding to, or continuing in, the duties of his office, publicly and openly take and subscribe the following Oath, before such Sherriff;

One Clerk only to be appointed or continued for Scrutiny.

I, A, B, do swear that I will, according to the best of my judgment and ability, take down, transcribe and engross, (or continue to take down, transcribe and engross, as the case may be) all such evidence as shall be received for any of the parties during the holding of this Scrutiny. So help me God.

Clerk's oath.

II. And be it enacted, That if any Clerk appointed or continued as aforesaid, shall, from any cause be unable, or shall neglect or refuse to attend throughout the same, some other person to be appointed Clerk, shall be sworn in manner and form aforesaid, in the place and stead of such Clerk so unable, or neglecting or refusing to attend; and the Sheriff shall return all proceedings on such Scrutiny, certified under his hand and seal, and the hand of such his Clerk, with all the Documents and Papers received thereat, to the House of Assembly, to be adjudged on and determined, and shall in all other respects conform himself to, and be guided by, the provisions of the said Act hereby amended, in the same manner as if the said Act had originally required the appointment of one Clerk only.

If Clerk does not attend another to be appointed.

Proceedings to be returned to House of Assembly.

III. And be it enacted, That the Clerk appointed or continued hereunder shall be entitled to demand and receive Sixpence per folio of Ninety words for the original minutes or continuation thereof, as the case may be, and also Threepence per folio of Ninety words, for a fair copy thereof, to be transmitted to the Assembly—such amount to be divided amongst, and borne and paid in equal proportions, by the Candidates respectively proceeding in and with the said Scrutiny; and Threepence per folio of Ninety words, for as many Copies as may be required by the Candidates respectively, from the Candidate requiring the same, and no more.

Fees of Clerk.

IV. Provided always, and be it enacted, That nothing herein contained, shall extend or be construed to extend to diminish, impair, or in any way affect the rights of any Clerks now appointed under the said Act, to receive the full sums allowed by such Act for their service up to the time of the passing of this Act.

Not to extend to services already performed.

CAP. LIX.

An Act to provide for erecting a new Bridge across the Liverpool River at Milton, and for the repair of the Road leading from thence to Middlefield.

(Passed the 19th day of April, 1844.)

Preamble.

WHEREAS, the Bridge which now crosses the Liverpool River at the Village of Milton, is in a delapidated and dangerous condition, and therefore requires to be immediately rebuilt :

And whereas, the road leading from thence to Middlefield, in consequence of certain alterations which have never been completed, is represented to be nearly impassable, and will require an expenditure of a sum of money beyond what the funds allotted to the Roads and Bridges of the County of Queen's will justify upon one section ; And whereas, it is believed certain individuals will advance Monies to the extent required for the above service, to be repaid by instalments :

Sum not exceeding £200 to be borrowed and Governor to appoint Commissioners to expend the same.

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That whenever the Governor, Lieutenant-Governor, or Commander in Chief, shall be satisfied that sufficient sums of money, not exceeding the sum of Two Hundred Pounds respectively, for each of the said services will be provided, and paid and advanced, when and as required during the progress of the work, it shall and may be lawful for the said Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint, in the usual manner, a Commissioner or Commissioners for expending such portion of said Monies as shall be required for the completing said Bridge and Road, who shall proceed to complete the same, and return upon oath, to the office of the Secretary of the Province, a full, true, and accurate account of the monies expended upon such works, and when, and from whom, or from what source received.

Account to be returned on oath to Secy's Office.

Sum borrowed to be repaid out of Road Money.

II. And be it enacted, That there shall be annually appropriated from and out of the monies granted and allotted for the service of the Roads and Bridges in the said County of Queen's County, one fourth part of the said sum of money so expended and advanced for the aforesaid services, together with legal interest on the principal sum from time to time remaining due, to be paid to the person or persons who shall lend and advance the same, in whose favor 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 amount ; and in case the monies so allotted shall be less than the said fourth part in any one year, then in every such year, the whole monies so allotted and granted shall be appropriated for the purposes aforesaid.

CAP. LX.

An Act to prevent damage to the Nets of Fishermen in Chedabucto Bay.

(Passed the 19th day of April, 1844.)

Preamble.

WHEREAS, the Nets of Fishermen in Chedabucto Bay are frequently injured and carried away by the different Vessels coasting, trading, or collecting Fish within the said Bay ; and it is believed that the same may be remedied to a great extent, by an observance of the provisions hereinafter contained :

Vessels under 60 tons to have piece of plank or iron to keel, to extend 6 inches beyond stern post.

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the first day of June next, all Vessels under the burden of sixty tons owned in this Province, and coasting, trading, or collecting Fish within the said Bay, shall be furnished with a narrow piece of plank or iron, closely and neatly affixed to, and well secured on, the bottom of the keel of said Vessel, and level therewith, and with the

the heads of the spikes through the same, properly filed down, so as to leave a smooth and even surface, to prevent, as much as possible, the catching the said Nets; and such piece of iron or plank shall extend aft at least six inches beyond the aperture left by the stern-post and rudder of said Vessel.

II. *And be it enacted*, That any owner or master of any such Vessel running foul of any Net, so set after the first day of June next, which shall not be so furnished, shall, upon due proof thereof, be made subject and liable to a penalty not exceeding Five Pounds, to be sued for and recovered by the person or persons sustaining the damage, to his or their use and benefit, before any two of Her Majesty's Justices of the Peace for the County of Guysborough. *Provided*, that nothing herein contained shall be construed to prevent any person or persons from seeking a remedy by an action at Common Law, for any damage done to such Nets.

Owners of Vessels not so furnished, and running foul nets, subject to penalty of 5l.

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

Continued for three years.

CAP. LXI.

An Act to Incorporate the Halifax Water Company.

(Passed the 19th day of April, 1844.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That His Worship the Mayor, Alexander Keith, Esquire, the Honorable Michael Tobin, James Boyle Uniacke, David Allison, Edward Cunard, Junior, Edward Allison, John Clarke Hall, Andrew M. Uniacke, Andrew M'Kinlay, William B. Fairbanks, James Tremain, William Caldwell, James N. Shannon, Alexander G. Fraser, John Duffus, Adam Henmeon, and William N. Silver, and all and every other person or persons who shall from time to time be and become Proprietors of Shares in the Corporation hereby established, their Successors and Assigns, shall be and are hereby erected into a Company, and declared to be a Body Politic and Corporate, by the name of the Halifax Water Company; and by that name shall have succession and a Common Seal, and by that name shall and may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in any Court or Courts of Law or Equity, or place whatsoever, and be able and capable in Law to have, hold, purchase, take, receive, lease, possess, and enjoy, any Houses, Lands and Tenements whatsoever, in Fee simple, leasehold, or otherwise, and also any goods and chattels, and all other things real, personal and mixed, and also to give, grant, sell, let, assign, or convey the same, or any part thereof, as shall and may be thought necessary and proper for the benefit and advantage of the said Company.

Company incorporated by name of the Halifax Water Company.

II. *Provided always, and be it enacted*, That the said Company shall not have, take, hold, possess, or enjoy, at any one time, Lands, Tenements or Hereditaments, of greater value than Five Thousand Pounds.

Not to hold lands of more than 5000l. value.

III. *And be it enacted*, That the original Capital or Joint Stock of such Company, hereby established, shall be the sum of Fifteen Thousand Pounds, to be divided into One Thousand and five hundred Shares, of Ten Pounds each; and it shall may be lawful for the persons first mentioned in this Act, immediately after the passing thereof, to open a Book for subscription of Shares to the said Company; and no person shall be entitled to subscribe for more than thirty Shares, until thirty days shall have elapsed from the day on which such subscription shall have been opened, and public notice thereof given by advertisement in the Newspapers in Halifax; and if, at the end of ten days, after public notice so given, the whole number of Shares of and in the said Joint Stock or Capital, as hereinbefore prescribed, shall not be taken up or subscribed, then any person or persons may subscribe for the residue of such Shares, notwithstanding such person or persons may have respectively subscribed for more than thirty Shares.

Capital Stock 15,000l.

Shares 10l. each.

Mode of taking shares.

IV.

When Company may
appoint officers,
make Bye Laws,
&c.

IV. *And be it enacted*, That when and so soon as the said Company shall be formed, and one-fourth of the Shares taken up, it shall and may be lawful for the said Company, by a majority of votes of any meeting or meetings to be thereafter held, to appoint a President, Directors, and Officers of the said Company, and to make Bye Laws, Rules and Ordinances, for prescribing the duties, powers, and authorities of the President, Directors, and Officers of the said Company, for limiting the number of Directors—for regulating the payment, transfer, registry, and forfeiture of Shares—the time or times of meetings of the Company, or of the Directors—the making of dividends of profit, and the keeping of the Accounts, and generally for the good order, conduct, and government of the said Company, its affairs and business, as may be requisite and necessary. *Provided always*, that no Bye Law, Rule, or Ordinance, shall be repugnant to this Act, or to the Laws or Acts of this Province, or those in force within the same; and provided also, that no Bye Law, Rule, or Ordinance, shall be of any force or effect until approved by the Governor, Lieutenant-Governor, or Commander in Chief for the time being.

Proviso.

Company may lay
pipes, &c. below
the streets, &c.

V. *And be it enacted*, That it shall and may be lawful for the said Company, when formed, to supply the Inhabitants of the City of Halifax with Water, and for that purpose, at a proper and convenient distance below the surface of the Roads, Streets and Highways, of the said City, to cause Reservoirs, Tanks, Fountains, Pipes, Leaders and Tubes, to be laid and placed as may be proper and necessary.

Opening of streets
for laying down
pipes, &c.

VI. *And be it enacted*, That for the purposes aforesaid, after ten days' notice given to the Commissioners of Streets of said City, it shall and may be lawful for the said Company to break up and open the Roads, Streets and Highways, in or near to the said City, in any place where necessary, and to keep any such Road, Street, or Highway open for such reasonable time as may be necessary: *Provided always*, that the said Company shall faithfully and carefully close up, repair, and make good the said Roads, Streets or Highways, to be so opened, at their own costs and charges, or otherwise shall be liable to defray all expenses to be incurred by the Commissioners of Streets in closing up, repairing, or making good any Road, Street or Highway, by the said Company to be opened up—which expenses shall be recoverable by said Commissioners against the said Company, with costs, in Her Majesty's Supreme Court, by suit or action against the said Company, in which it shall be sufficient for such Commissioners to declare for work and labor done by them for the said Company.

Capital may be in-
creased 50000

VII. *And be it enacted*, That whenever it shall become necessary to increase the Capital or Joint Stock of the said Company, it shall and may be lawful for the said Company at any general meeting to be called agreeably to the Bye Laws, Rules, and Ordinances, to be made as aforesaid, to declare and direct that such increased Capital shall be raised, not exceeding Five Thousand Pounds, to be divided in shares of the like amount, as in respect to the original Capital hereinbefore is prescribed; and such Shares shall be sold to the Shareholders, or at Public Auction, after notice in the public papers for at least thirty days, at the option of the Directors; and if sold at any profit, such profit shall be divided and paid equally among the Proprietors, as well of the increased Capital as of the original Capital.

Mode of voting.

VIII. *And be it enacted*, That at any general meeting of the said Company, every Proprietor or Shareholder, having paid up all calls on him made, and then due and payable, if any be then due and payable, under the Bye Laws, Rules, or Ordinances of the said Company, shall be entitled to vote according to the number of shares which any Proprietor or Shareholder may possess, that is to say: the owner of one share to have one vote, the owner of four shares to have two votes, and the owner of eight shares or any greater number of shares, to have three votes, and no more, and may give such vote or votes by his or her proxy, duly constituted according to the Bye Laws, Rules, or Ordinances of the Company; such proxy being a Shareholder and entitled to vote; and every such vote by proxy shall be as good and sufficient, to all intents and purposes, as if such Principal had voted in person; and whenever any share shall

be held by more than one person, then the person present at the Meeting who stands first on the Registry, or is first named in the Stock Certificate, shall vote therefor.

IX. *And be it enacted,* That the mode of voting by the Directors at any Meeting of the Board shall be regulated by some Bye Law, Rule, or Ordinance of the said Company, to be duly passed by the same. Mode of voting by Directors.

X. *And be it enacted,* That for, and notwithstanding any Real Estate which the said Company may hold at any time, the Shares and interests of the several Shareholders, of and in the Capital Stock and Funds of the said Company, shall be held and deemed to be personal property, to all intents and purposes whatsoever. Shares deemed personal property.

XI. *And be it enacted,* That nothing herein contained shall be held or construed to give the said Company the privilege of dealing in the lending of money, by way of discount, or otherwise in engaging in any Banking operation, or to underwrite, or make, as underwriters, any Insurance upon any Ship or Vessel or Marine Risk, or upon any loss by Fire, or upon any Life or Lives. Restrictions imposed on Company.

XII. *And be it enacted,* That the Shares subscribed for by any Shareholder in such Company, shall be payable in such manner, by such Instalments or Calls, and at such times, and upon such notices, as by the Bye Laws, Rules, or Ordinances, of the said Company may be ordered and directed; and if such Calls or Instalments shall not be paid, it shall and may be lawful for the said Company to sue for and recover such Calls or Instalments, by suit or action in the Supreme Court, against any Shareholders who shall make default in payment of any Call or Instalment. Payment of shares.

XIII. *Provided always, and be it enacted,* That nothing herein contained shall extend, or be construed, or taken to relieve or discharge the said Company, or any of the present or future Shareholders in the said Company, from any responsibility, contract, duty, or obligation whatsoever, to which by Law they, he, or she, now is, or at any time hereafter may be, or would have been, subject or liable, had this Act not been passed, as between such Company, and any other party or parties whomsoever; and the said Shareholders in the said Company, their Lands, Goods, and Chattels, shall be liable under any Execution that may be issued against the said Company, in the same manner, and to the same extent, as if this Act had not been passed: *Provided always,* that if the Directors of the said Company shall, by any contract or engagement, incur any responsibility for any sum or sums of Money beyond the amount of the shares subscribed for, without the sanction of the said Company, first had and obtained, at some General or Special Meeting of the said Company, to be called and summoned agreeably to the Bye Laws of the said Company, the Directors of the said Company shall themselves be held and deemed personally liable for the amount so by them incurred. Responsibility of Company.

XIV. *And be it enacted,* That all and every the Pipes and Conductors to be laid down by the said Company for the conveyance of water, in, under, through, along, across, or round any of the Streets, Lanes, or other public passages or places, within or adjacent to the said City, shall be so laid and placed at the greatest practicable distance, and wherever the width of the Street will allow thereof, at the distance of four feet at the least from the nearest part of any Pipe or other Conduit, already or hereafter to be laid down or used for the conveyance of Gas, in, under, through, along or across, or around any Road, Street, Lane, or other public passage or place, within or adjacent to the said City, except in cases where it shall be unavoidably necessary to lay the Water Pipes across any of the said Gas Pipes, in which case the said Water Pipes shall be laid under the said Gas Pipes, at the greatest practicable distance therefrom, and shall form therewith, as near as possible, a right angle. Pipes, &c. to be so laid as not to interfere with Gas Pipes.

XV. *And be it enacted,* That whenever it shall be necessary for the laying down or placing of any Reservoirs, Tanks, Fountains, Pipes, Leaders or Tubes, or for other the purposes of this Act, that the said Company should obtain and be invested with the title or possession of, or in any Lots or Parcels of Land or Premises, situate to the Westward of the Citadel Hill, it shall and may be lawful for the President and Directors of the said Company, in case they cannot agree with the Proprietors of such Lands respectively, for the Sale or Lease thereof, as may be required, to apply either Mode of obtaining property necessary for laying down pipes.

Petition to Judges of
Supreme Court.

in Term time or Vacation, to any two Justices of Her Majesty's Supreme Court in this Province, by Petition, stating the nature and situation of the Lands and Property, and the Estate or interest therein they desire to acquire, and the proceedings had with respect to the same, and the names and abode of the Owners, Proprietors, and Tenants thereof respectively, so far as they can be ascertained, and praying for the appointment of Appraisers to value the Property and Estate, and Interest therein, so required by such Company, and praying also the transfer and conveyance thereof to the Corporation, whereupon the said Judges shall appoint a time and place for considering the said Petition, with respect to each several Lot referred to, and shall direct to be given to all parties interested, in each particular Lot petitioned for, who may have their abode in this Province; or in case of the absence of any such parties, then to the person or persons intrusted with the care or management and control of such Lots respectively, proper notices in writing, requiring the parties respectively interested to attend before them in person, or by their Attorney or Agent, at the time appointed for the purpose; and at the time so appointed shall require the said President and Directors, on behalf of the said Company to nominate one Appraiser; and the party or parties interested in each particular Lot referred to, to nominate also on his or their part, two Appraisers; and the said Judges shall name two other Appraisers, and shall by an order in writing, constitute and appoint the person so chosen and named to act and be Appraisers of the value or rent, as the case may be, of the several and respective Lots or Parcels of Land, by the Petition respectively referred to; and in case the party or parties collectively interested in any Lot or Parcel of Land so required by the said Company, or having in the absence of the Proprietor or Proprietors, control and management thereof as aforesaid, shall fail to attend at the time and place appointed, or shall neglect or refuse to name two Appraisers as aforesaid, the said Judges shall name two fit and discreet persons, as the case may require, to act on behalf of the person or party or parties so failing to appear, or declining or neglecting to make such nomination as aforesaid; and the persons so named and chosen shall, before they enter upon the duties of their appointment, severally subscribe an affidavit, and make an oath before one of the said Judges, or any other Judge of the Supreme Court, or a Master in Chancery, faithfully and impartially to perform the trust and duties so required of them by the order of the said Judges—which Affidavit, with the said Petition, shall be filed in the office of the Prothonotary of the said Supreme Court at Halifax; and the said Appraisers, or a majority of them, shall make a just and equitable valuation and appraisement of the fair and reasonable value in money of the Fee Simple and Inheritance of each several Lot or Parcel of Land in the said Petition referred to and applied for, or of the just and fair annual Rent or gross sum which ought to be paid for the Lease thereof; and shall certify and return their award, appraisement and determination in writing, touching the value, price or rent aforesaid, and of each several lot under their hands, or the hands of the major part of them, into the office of the said Prothonotary—whereupon, if the Supreme Court at Halifax, in Term time, or any two Judges thereof in vacation, shall be of opinion that the said award and valuation hath been fairly, equitably and impartially made; and if no sufficient cause shall be shewn against such award and valuation, the said Court or Judges shall confirm the same, and thereupon the said Corporation shall pay and satisfy to the person or persons entitled to receive the same, the full amount of such award or valuation, together with such costs and expenses as the said Court, or two Judges, shall deem it reasonable to adjudge to be paid by the said Company.

Appointment of Ap-
praisers

Appraisers to be
sworn

Award to be return-
ed to Prothonota-
ry's office

Proceedings to set
aside award

Judges may enquire
into proceedings;
set aside award
or order new va-
luation, or appoint
other appraisers.

XVI. *And be it enacted*, That the said Judge or Judges, and also the said Supreme Court, shall have, with respect to the proceedings touching such appraisement and estimation of damage by means aforesaid, and with respect to the allowance or taxation of Costs, to or against the parties, all necessary discretion, powers and authority, and shall and may inquire into the proceedings by oath of witnesses or otherwise; and shall and may also, on good cause shewn, set aside any such award and appraisement, and either direct the parties appraisers, again to view, estimate, and decide upon the value of such Lands, yearly or otherwise, as aforesaid; or otherwise,

if it shall be deemed expedient, shall and may nominate other appraisers, and make an order for their making a new appraisement and valuation of the same respectively; and the appraisers so nominated shall be sworn as aforesaid, and the award or appraisement so by them, or the major part of them, made and returned in writing, when approved and confirmed by the Court or Justices aforesaid, shall be final between the parties, and may carried into effect accordingly.

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

XVIII. *And be it enacted,* That immediately upon payment of the sum awarded, and the costs being made as aforesaid, for any Lot or parcel of Land referred to in any such Petition, the said Corporation shall be and be deemed the rightful Purchasers and Owners of the Fee simple, and Inheritance of such Lot or Parcel of Land, with the appurtenances, if the said award be for the purchase thereof, or otherwise the Tenants thereof for such Term, as in their Petition or the award may be set forth, so far as the true and rightful ownership of the said Lot or Parcel of Land may have been correctly set forth in such Petition; and thereupon, upon application of the President and Directors of the said Company, it shall and may be lawful for the said Court, or any two Judges thereof, on proof made of such payment, by any order or orders to be made in the matter of the said Petition, to require the party or parties in possession of, or claiming title to, any Lot or Parcel of Land for which such payment has been made, to deliver up possession of the same to the Corporation, or to authorize the said President and Board of Directors to enter into such Lot, by any of the Officers or Servants of the Corporation, and to retain such possession; and further, if need be, by any order or orders of the said Court or Judges, to empower the Sheriff or his Deputy to put the said Corporation, by its Officers or Servants, into quiet possession of such Lot, and likewise by any order or orders of the said Court or Judges, to require and direct any such persons, so interested in any such Parcel or Lot so valued and paid for as aforesaid, or in case of their absence from the Province, then the person in charge thereof as aforesaid, to make, sign, seal, and execute, all such Deeds, Grants, Conveyances or Demises, as may be necessary for the purpose of conveying or demising the same to the said Corporation; and in case of neglect or refusal on the part of any person or persons to comply with any such orders, then, as the case may require, obedience to, and compliance with the same, shall be enforced by the usual process therefor, to be issued by the said Court or Judges.

XIX. *And be it enacted,* That unless the said Company shall go into operation within five years from the passing of this Act, then this Act, and every matter and thing, therein contained, shall be of no force or effect, anything herein contained to the contrary notwithstanding.

Second award to be final.

Corporation to be owners or tenants of lot.

Court or Judges to order party to deliver up possession.

Party to execute deeds, &c.

Mode of enforcing obedience.

Company must go into operation within 5 years.

CAP. LXII.

An Act concerning the Registrars of Deeds in the County of Halifax, and the other Counties of this Province.

(Passed the 19th day of April, 1844.)

WHEREAS, it would be beneficial that there should be appointed a distinct and independent Registrar of Deeds in each and every County of this Province, instead of one Registrar for the whole Province, with Deputies, in the several Counties as at present:

Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That on, from and after the first day of July next, after the passing thereof, this Act shall come into and be in operation.

Act to come into operation on 1st of July.

II. *And be it enacted,* That thereafter the Office of Registrar of Deeds for the whole Province shall be, and the same is hereby abolished.

Office of Registrar for Province abolished.

III. *And be it enacted,* That when and so soon as this Act shall come into operation, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander

Governor to appoint Registrars for each County and District.

Commander in Chief for the time being, by and with the advice of the Executive Council, to nominate, appoint and commission, one fit and proper person to be Registrar of Deeds in and for each and every respective County in this Province, Halifax excepted, or in and for any part of such Counties respectively in which such appointments are now made, and actually held by Deputy; and every such Registrar, when so appointed and commissioned, shall, within and for the County or such part of a County as aforesaid, for which he may be so appointed as aforesaid, have and exercise, and be subject and liable to all the same duties, powers, authorities, rules, enactments, and regulations as are now had and exercised by the present Registrar of Deeds, and his respective Deputies; or to which he or they is or are now subject and liable under any Act or Acts of this Province, or otherwise.

Sir R. George Registrar for Halifax only.

IV. *And be it enacted*, That when and so soon as this Act shall come into operation, Sir Rupert Dennis George, Baronet, the present Registrar of Deeds for the Province of Nova-Scotia, shall be and continue Registrar of Deeds and Conveyances in and for the County of Halifax only.

Grand Jury may present sum to purchase Iron safes

V. *And be it enacted*, That it shall and may be lawful for the Grand Jury in each and every County or District of this Province, and they are hereby authorized and empowered, if they shall think fit so to do, to present and assess, and for the Court of General Sessions of the Peace for the said County or District, to confirm all such sum and sums of money as may be necessary for the providing and procuring in and for each and every Office of Registry of Deeds within such County or District, a good and sufficient Iron Safe for the preservation and protection from Fire, of all such Deeds, Conveyances, and Papers, as may be therein respectively lodged for Registry, and of the Books of Registration thereof, under the charge of the respective Registrars so to be appointed as aforesaid.

Registrar to give Bonds, and to provide suitable place for deeds, &c.

VI. *And be it enacted*, That no Registrar to be appointed under this Act shall enter upon the duties of his Office, until he shall have given Bond, with such sureties, and to such amount, and in such form as shall be satisfactory to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and the Executive Council, for the faithful performance of the duties of his office, and the indemnifying of all persons who may be injured by any default or misconduct of such Registrar in his said office, and until he shall have made it appear to the satisfaction of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and the Executive Council, that he has provided a suitable place for the custody of all Deeds and Papers, and Books of Registry, which may come to his care, or be in his keeping as such Registrar.

Registrar to provide Books.

VII. *And be it enacted*, That every Registrar of Deeds appointed under this Act, shall be bound to furnish and provide well bound Books, suitable and proper for the Registry of Deeds, and other Conveyances which may be lodged with him for that purpose, and in which the same shall be recorded.

200l. Pension to Sir R. George.

VIII. *And be it enacted*, That there shall be annually paid to Sir Rupert Dennis George, Baronet, during the term of his natural life, the sum of Two Hundred Pounds, Currency, for which it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, from time to time, to draw warrants on the Treasury of the Province, by four quarterly payments in each year; the first payment to commence and be made on the first day of October next, after the passing hereof.

Registrars to pay into Treasury one third of fees.

IX. *And be it enacted*, That in order to form a Fund for the payment of such annual sum, the several Registrars in the different Counties in this Province, (Halifax excepted) shall, during the natural life of the said Sir Rupert Dennis George, pay into the Treasury of the Province one third part of all the Fees to be received by them.

Registrars to transmit to Treasury amount of fees received.

X. *And be it enacted*, That every Registrar of Deeds to be appointed under this Act, (Halifax excepted) shall, on or before the tenth day of January, in each and every year, transmit to the Treasurer of this Province, a written affidavit of the amount of all Fees received by him for the year previous, and at the same time pay or cause to be paid the one-third of such Fees into the Treasury of the Province.

XI. *And be it enacted*, That all the Acts of this Province made and passed for and respecting the Registry of Deeds within the same, except so far as altered or amended by this Act, shall apply, and are hereby made applicable, to the several Registrars to be appointed under this Act, and to the Registrar for the County of Halifax, in the same manner as if the said Registrars had been in office when the said Acts respectively came into operation.

Acts to apply to new Registrars.

XII. *Provided always, and be it enacted*, That from and after the decease of the said Sir Rupert Dennis George, the payments to be made into the Treasury, as aforesaid, shall cease and determine.

After death of Sir R. George, payments unto Treasury to cease.

XIII. *And be it enacted*, That the Fees to be taken by the said Registrars to be so appointed under this Act, and also by the Registrar of Deeds for the County of Halifax, shall be such as are hereinafter mentioned, and no more.

Fees.

For the attestation of the subscribing Witness when attested before the Registrar. One Shilling.

For entering and Registering every Deed or Conveyance for every Hundred words Nine Pence; and after such annual payments as aforesaid shall cease to be made into the Treasury, Six Pence, and no more.

For entering and filing every Certificate of Discharge of Mortgage, Two Shillings and Six Pence.

For entering every Docket of Judgment or Attachment, with appraisement, Two Shilling and Six Pence.

For entering and filing every discharge of any Judgment or Attachment, One Shilling.

For every Certificate of Registry, written on any Deed or Conveyance, One Shilling; not to be charged in case of a Judgment or Attachment, or discharge thereof.

For every Office Copy from the Books of Registry delivered out, for every Hundred words, Nine Pence: and after such annual payments as aforesaid shall cease to be made into the Treasury, Six Pence, and no more.

For Certificate on such Office Copy, when the same shall be required, One Shilling.

And for every Search, whether for a single Deed or Conveyance, or for a single Title made at one and the same time, One Shilling.

XIV. *And be it enacted*, That nothing herein contained shall be of any force or effect until Her Majesty's assent shall be signified hereto.

Suspending Clause.

CAP. LXIII.

An Act to provide for the Civil List of Nova Scotia, and to commute the Casual and Territorial Revenues.

(Passed the 19th day of April, 1844.)

WHEREAS, His Excellency the Lieutenant-Governor, has signified Her Majesty's Most Gracious Pleasure, That upon Provision made for the Civil List of this Province by the Legislature thereof, all Her Majesty's Casual and Territorial Revenues shall be placed under the control and management of this Legislature.

Preambles

And whereas, Her Majesty's faithful and loyal subjects, the House of Assembly of this Province, are desirous, as far as the circumstances of this Province and the ability of its Inhabitants will permit, to provide suitably for the due support and independence of the necessary Officers of Her Majesty's Government, and therefore have resolved to make a permanent allowance for the Salaries of the Lieutenant-Governor, the Judiciary of the Province, and Law Officers of the Crown, and the Secretary of the Province; and also to grant for the other officers of the Government a proper and liberal support annually, and subject to Her Majesty's assent thereto, to provide for the surrender and transfer of the Casual and Territorial Revenues now collected and received

received for and on behalf of Her Majesty, unto and for the use and benefit of this Province, and to be disposed of and managed asin and by any Act or Acts of the General Assembly, for the time being, shall be ordered and directed.

Commencement of Act. I. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly,* That when as soon as Her Majesty's assent shall be given to this Act, and such assent shall be signified by publication of the same in the Royal Gazette at Halifax, then, but not before, this Act shall come into and be in full force and operation.

Salaries. II. *And be it enacted,* That towards making an adequate and permanent provision, according to the means and ability of the people of this Province, for the support and independence of the principal officers of the Civil and Judicial Establishments, necessary to be maintained in this Colony, and for enabling Her Majesty to make a suitable compensation for their services, there shall be granted and paid unto Her Majesty, Her Heirs, and Successors, out of the Public Funds and Revenue of this Province, and in each and every year, which shall hereafter be or happen, such sum or sums of money as will suffice to pay unto the several and respective persons who now hold or possess, or hereafter shall hold or possess, the several offices and appointments in this Province, hereinafter mentioned, or execute the duties thereof, the several Salaries and allowances following, that is to say :

3000l. present Lieut. Governor. Unto the present Lieutenant-Governor, and Commander in Chief of this Province, the sum of Three Thousand Pounds, Sterling Money of Great Britain, for the Salary of that office, during his incumbency.

2500l. future Lieut. Governor. Unto any person who shall hereafter be appointed or become Governor, Lieutenant-Governor, or Commander-in-Chief of this Province for the time being, the sum of Two Thousand and Five Hundred Pounds Sterling Money as aforesaid, for the salary of that office.

800l. present Chief Justice. Unto the present Chief Justice of Her Majesty's Supreme Court of Judicature of this Province, the sum of Eight Hundred and Eighty Pounds, Sterling Money as aforesaid, for the Salary of that office, during his incumbency, but without any Fees of office whatsoever.

640l. future Chief Justice. Unto any person who shall hereafter be appointed Chief Justice for the time being of Her Majesty's said Supreme Court of this Province, the sum of Six Hundred and Forty Pounds, Sterling Money of Great Britain, for the Salary of that office, without any Fees of office whatsoever.

500l. Puisne Judges. Unto each person now appointed or hereafter to be appointed an Assistant or Puisne Justice of Her Majesty's said Supreme Court, the sum of Five Hundred and Sixty Pounds, Sterling Money as aforesaid, for the Salary of that office, without any Fees of office whatsoever.

560l. Master of the Rolls. Unto the present or any future Master of the Rolls, the sum of Five Hundred and Sixty Pounds, Sterling Money as aforesaid, as and for the Salary of that office, without any Fees of office whatsoever.

400l. Attorney General. Unto the present or any future Attorney General of the said Province, as and for the Salary of that office, the sum of Four Hundred Pounds, Sterling Money as aforesaid.

100l. Solicitor General. Unto the present or any future Solicitor General of the said Province, as and for the Salary of that office, the sum of One Hundred Pounds, Sterling Money as aforesaid, without any Fees of office whatsoever.

500l. present Provincial Secretary. Unto the present Secretary of the Province, the sum of Five Hundred and Sixty Pounds, Sterling Money as aforesaid, as and for the Salary of that office, but without any Fees of office whatsoever.

560l. future Provincial Secretary. Unto any person who shall hereafter be appointed Secretary of the Province, the sum of Five Hundred and Sixty Pounds, Sterling Money as aforesaid, as and for the Salary of that office, without any Fees of office whatsoever.

Salaries to include sums now by Law aid. III. *Provided always, and be it enacted,* That the said several sums of Money or Salaries hereinbefore mentioned, shall always be held and deemed to include and comprehend the several Sums and Salaries already by Law applied or appropriated for and towards the Salary of the Governor, Lieutenant-Governor, or Commander in

Chief

Chief of this Province for the time being, and for the Salaries of the respective Puisne or Assistant Justices of the Supreme Court, and the Master of the Rolls for the time being.

IV. *And be it enacted*, That in order to defray the Pension heretofore usually allowed to Miss Cox, out of the Casual and Territorial Revenues, during the remainder of her natural life, there shall be paid as aforesaid, annually, the sum of One Hundred Pounds, Sterling Money as aforesaid. 100l. pension to Miss Cox.

V. *And be it enacted*, That the collective amount of the said Salaries and sums of money by this Act so allowed as aforesaid; shall, during the continuance of this Act, be and be deemed part of the Civil List, and establishment of this Province, and shall always be borne thereupon, and shall be and become a yearly charge upon the public Funds, Income, and General Revenue of this Province; and shall in each and every year be issued, paid, and satisfied out of the Public Treasury thereof, in Sovereigns, or in such other current Monies of this Province, from time to time paid or payable into, or being within the said Treasury, at and after the rate of One Pound Five Shillings, Currency, of this Province, for every Sovereign or Pound, Sterling, of such Salaries or sums of money. Salaries part of Civil List.
Rate of payment.

VI. *And be it enacted*, That if it shall happen that this Act shall come into operation, then the said several Salaries and sums of money hereinbefore fixed, allowed, and specified, shall be deemed and taken to begin and commence on the first day of January, in this year of our Lord One Thousand Eight Hundred and Forty-four; and shall be payable from that time to the said several officers and persons aforesaid, and in and by Quarterly portions or instalments of the said Salaries respectively, which shall be and be considered due on the last days of March, June, September, and December Quarters, in each year. Salaries to commence from 1st January last, and be payable quarterly.

VII. *And be it enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, at or immediately after the expiration of any of the said Quarters of the year, to draw warrants on the Treasury of the Province for or in favor of the respective Officers aforesaid, or such person as shall be named therein for their respective Quarterly payments of the yearly Salaries to them allowed and granted as aforesaid. Governor to draw warrants on Treasury for payment of Salaries.

VIII. *And be it enacted*, That after this Act shall come into operation, the proceeds of all the Casual and Territorial Revenues of the Crown in this Province, as hereafter designated, from the first day of January, in this year of our Lord One Thousand Eight Hundred and Forty-four, and all the proceeds of such Revenues which shall thereafter accrue and be, and be collected and received, shall become payable, and be paid into the Treasury of this Province, to be from thence paid or applied for such public uses and purposes, as the Public Revenue of this Province is now paid and applied or shall be made applicable to, under and by virtue of any Act or Acts of the General Assembly now or hereafter to be in force. Proceeds of Casual Revenue to be paid into Provincial Treasury.

And for the more plainly and distinctly declaring the several Casual and Territorial Revenues of the Crown, and the Monies and Funds, and other rights which are by the General Assembly understood and desired, to be now severally and respectively surrendered to, and placed at their disposal for the use of this Province, under and by virtue of this Act :

Preamble.

IX. *Be it enacted*, That all rents, sum and sums of money, returns, profits, and emoluments arising, reserved, due, owing, or in any manner whatsoever, which shall have theretofore accrued, and shall be in hand, or shall be thereafter to be received from, for, or in respect of any lease, demise, sale, grant, transfer, or occupation of any of the Crown Lands, Mines, Minerals, or Royalties of Her Majesty within this Province, whether in the Island of Cape-Breton, or in any other part of this Province, of whatsoever nature or description; and also all and singular the fees and payments, and commutation therefor, at the office of the Secretary of the Province received or payable for or in respect of all or any Writings, Licenses, Instruments, Commissions or Patents, there to be made or issued; and on which fees were heretofore payable and established for the Lieutenant-Governor, and Secretary of the Province; and lastly, all

Specification of Revenues.

all fines, penalties and forfeitures, by or under any Laws or Acts of this Province imposed and applicable to, or for the use of Her Majesty, shall be, and the said several rents, sum and sums of money, returns, profits and emoluments, fees and payments, fines, penalties and forfeitures, respectively above mentioned, and all proceeds thereof, or therefrom, respectively, then collected and in hand, are hereby declared to be the Casual and Territorial Revenues of the Crown, which, if this Act shall come into operation, shall, from the first day of January, in this year of our Lord One Thousand Eight Hundred and Forty-four, be and become surrendered and transferred to this Province, and become and be payable into the Treasury thereof, as hereinbefore mentioned.

All Mines, &c., to belong to the Province

X. *And be it enacted*, That so soon as this Act shall come into operation, all the right and title of Her Majesty, whether in reversion or otherwise, of, in, to, or out of, all and singular, the Mines of Gold, Silver, Iron, Coal, Iron Stone, Lime Stone, Slate Stone, Slate Rock, Tin, Copper, Lead, and all other Mines and Minerals and Ores, within this Province, which, by Indenture of Lease, bearing date on or about the Twenty-fifth day of August, in the year of our Lord One Thousand Eight Hundred and Twenty-six, were granted, demised and leased, by or on the part of His late Majesty King George the Fourth, to his late Royal Brother the Duke of York and Albany, to hold to his said Royal Highness and his Assigns, for the term of sixty years from the date of the said Lease, at and under certain Rents and Renders therein contained, as by reference to the said Lease will at large appear; and also all Rents and arrears of Rents, and Returns due, or to become or grow due, by virtue of the said Lease, with all powers, rights and authorities, whether of entry for forfeitures or breach of condition or otherwise, in the said Lease reserved or contained in respect of the breach of any condition thereof; and also all the Estate, Right and Title of Her Majesty, reversionary, or otherwise, of, in and to, all such Coal Mines in the Island of Cape Breton, or, of, in and to, all such reserved Mines at Pictou, which were agreed to be leased and demised by His said late Majesty for the yearly rent of Three Thousand Pounds, Sterling, and certain other rents or reservations, payable for the use of his said late Majesty, and which said Mines, under such agreement, are in possession of, and were, or are now in operation, and worked by, or for a certain Company or Partnership, called the General Mining Association; and likewise the said yearly rent of Three Thousand Pounds, Sterling, and all other rents and reservations by the said agreement reserved or payable; and all rights, powers and authorities, whether of entry upon forfeiture, or breach of condition, or otherwise, in the said agreement contained or reserved, in respect of any breach of the condition thereof; and also, all and any Mines of Gold, Silver, Iron, Coal, Iron Stone, Lime Stone, Slate Stone, Slate Rock, Tin, Copper, Lead, and all or any other Mines and Minerals, and Ores within this Province, including the Island of Cape Breton, of which the Title is now in Her Majesty, shall be, and the said several enumerated premises are hereby respectively assigned, transferred, and surrendered to the disposal of the General Assembly of this Province; and shall and may be subject only to the existing rights of the Lessees, and persons entitled under the said Lease and agreement, as hereinbefore referred to; and all and every person or persons lawfully claiming under them, or any of them, managed, leased, disposed of, made available, paid and applied, in such and the like manner, and to and by such officers and persons, and to and for such public uses and purposes as in and by and Act or Acts of the General Assembly for the time being, shall be ordered and directed.

General Assembly to provide for management of Revenues, &c.

XI. *And be it enacted*, That it shall and may be lawful, when and so soon as such surrender, transfer, and assignment, shall take effect as aforesaid, and come into operation, for the General Assembly of this Province, by any Act or Acts to be passed for that purpose, to provide for the managing, collecting, and receiving of the said Revenues, and other matters hereby surrendered and transferred, and to appoint a proper officer or officers for the said Revenues.

Future officers to have same powers.

XII. *And be it enacted*, That for the more easy collecting, and enforcing payment of any such Revenues due, or to become due as aforesaid, it shall and be lawful for the officers,

officers, or persons charged with the collection or management of the Revenue, in the name of Her Majesty, Her Heirs or Successors, but to the use of this Province, to have and take all such lawful ways and means, by information, suit or proceeding at Law or in Equity, as by or on behalf of Her Majesty, Her Heirs, and Successors, might or could be adopted for or in respect of the said Revenues, or any the Lands, Mines or Royalties, chargeable therewith, if the surrender, transfer, and assignment aforesaid had never been made to or for the use of this Province.

for collecting rents &c., as the present.

XIII. *Provided always, and be it enacted*, That nothing herein contained shall extend or be construed to extend to interfere with the Grant, Sale, Lease, or disposal of any of the ungranted Lands of the Crown in this Province, save and except only the Mines, and Minerals hereinbefore specified, by or on behalf of Her Majesty, Her Heirs and Successors; but that all such Grants, Sales, Leases, or other disposal of such ungranted Lands, and the management, direction and control thereof, shall remain and be invested in such officer or officers, as Her Majesty, Her Heirs, and Successors shall deem proper, or as may or shall be directed by any Act of this Province; and that the nett proceeds only of such Grants, Sales, Leases, or disposal of such ungranted Lands, after deducting the necessary expenses of managing the same, shall be paid over to the Treasury of this Province.

Not to extend to ungranted Lands.

Provided also, that an account of such expenses shall be annually submitted to the General Assembly, and the Salary or allowance of the officer or officers employed, and other expenses of the department, be subject to the control and regulation of the said General Assembly; and that no other or greater Salary or allowance, or expenses shall, on any pretence, be taken than such as shall be fixed and allowed or sanctioned thereby.

Nett proceeds of lands only to be paid into the Treasury.

Account to be laid before General Assembly, and salary of officer subject to their control.

And whereas, it is intended that the Salaries allowed to the Chief Justice and Assistant Justices of the Supreme Court, shall be in full of all fees, perquisites, and emoluments whatsoever, save and except the travelling Fees allowed by Law.

Preamble.

XIV. *Be it enacted*, That after this Act shall come into operation, it shall not be lawful for the Chief Justice, or any Assistant, or Puisne Justice of the Supreme Court, to take or receive, or for the Prothonotary, Deputy Prothonotary, or any other officer, for or on behalf of the said Chief Justice, or any such Assistant or Puisne Justice, to demand, take, or receive, any fee, perquisite or emolument whatsoever, for or in respect of the issuing, endorsing, or marking of any writ, or of the filing of any declaration, or Entry of any Cause, or of the Trial of any Cause, or of the signing of any Judgment, or taxing any Bill of Costs, or for or in respect of any other proceedings had in any Cause in the said Supreme Court; but thereafter, the demanding or taking of every such fee, perquisite or emolument, shall absolutely cease and determine. *Provided always*, that such Chief Justice, and Assistant or Puisne Justices shall receive the Travelling Fees by Law allowed, or which may hereafter be allowed.

Chief Justices' fees abolished—

Not to affect travelling fees.

XV. *Provided always, and be it enacted*, That if the office of Lieutenant-Governor, or Chief Justice, shall become vacant after the passing of this Act, in this Province, and before the assent of Her Majesty shall be signified thereto, and published as aforesaid, and another Lieutenant-Governor, or Chief Justice shall have been appointed in the meantime, such other Lieutenant-Governor, or Chief Justice, shall receive the Salary hereby provided for any future Lieutenant-Governor, or Chief Justice, and no more.

If office of Governor or Chief Justice become vacant, successor to receive reduced salary.

XVI. *And be it enacted*, That this Act shall continue and be in force and operation until Eighteen Calendar Months after the demise of Her present Majesty, Whom God Long Preserve; and thereafter, every matter, clause and thing, herein contained; and the transfer, surrender, and assignment hereby made, shall cease and absolutely determine.

Duration of Act.

XVII. *And be it enacted*, That nothing herein contained, shall be of any force or effect until Her Majesty's assent hereto shall be given, and shall be signified by publication thereof in the Royal Gazette at Halifax.

Suspending clause.

CAP. LXIV.

An Act to repeal certain Clauses of the Act relating to Commissioners of Highways in Halifax, and certain other places, and also to amend the said Act.

(Passed the 19th day of April, 1844.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, and twenty-fifth Clauses or Sections, of the Act, made and 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 and thing in the said several Clauses or Sections of the said Act respectively contained, shall be, and the same are hereby repealed.

Clauses of 7, Geo. 4, repealed.

Commissioners shall keep account of monies and services, and return account to Clerk of the Peace by 1st of October.

II. And be it enacted, That all Commissioners of Streets now appointed or hereafter to be appointed in this Province, (except in and for the City of Halifax,) under and by virtue of the said hereinbefore recited Act, or any Act or Acts, made or to be made in amendment thereof, or of any Act or Acts, made or to be made, extending the provisions of the said Act, to any Town, Village, or place whatsoever, shall respectively keep a regular and exact account of all monies received by them, and of all services performed under their direction as such Commissioners of Streets, within their respective jurisdictions; and shall, on or before the first day of October, in each and every year, make and render, under their hands, or the hands of the major part of them, to the Clerk of the Peace for the County or District, to be by him laid before the Court of General Sessions of the Peace, a general, regular, and fair account, in writing, of all monies received and paid by them in the execution of their duties as such Commissioners of Streets, for the past year, to the end that the said accounts may be audited and passed by the said Court of Sessions.

Time for commencement of Act.

III. And be it enacted, That this Act shall come into and continue in operation in each and every respective County or District in this Province, (except the City of Halifax,) on, from and after the times respectively at which an Act, passed in the present Session of the General Assembly, entitled, An Act relative to the performance of Statute Labour on Highways, shall come into operation, in every such County or District, and up to such times respectively, all and singular, the Clauses or Sections of the Act hereby repealed, shall be and remain in full force and operation in such County or District, in every respect as if this Act had not been passed.

7, Geo. 4, in force until then.

CAP. LXV.

An Act to regulate the Shad Fishery in King's County.

(Passed the 19th day of April, 1844.)

Preamble.

WHEREAS, the Shad Fishery in many of the navigable Rivers in King's County is the source of great benefit to its Inhabitants, and if properly conducted, would contribute much to the prosperity of the Country, but has of late years been much injured, and is likely to be destroyed by the setting and placing of Drift Nets in the mouths of the Rivers to which the Fish resort, by means of which the Schools of Fish are broken and dispersed, and do not pass up the Rivers to which they were accustomed to resort; *And whereas,* to prevent the injury arising from the improper setting of such Drift Nets in the mouths of such Rivers as aforesaid, it is necessary that Regulations for the conducting of such Fishery should be made:

Justices to make rules as to the setting of Nets.

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 King's County, and such Justices are hereby required and directed, at their next General Sessions of the Peace,

to make, ordain, and establish Rules, Orders and Regulations, as to the setting of Nets, and making, erecting, and placing Wears for such Fishery, and as to the number of Nets to be allowed to any one person, and as to the distance at which all Nets shall be set and placed apart one from the other, and as to whether Drift Nets shall or shall not be allowed, and how or in what manner the same shall be used, and within what limits the same shall be placed, and generally for the due order, regulation, and conducting of such Fishery, in the mouths of the Rivers, and on the Shores of the said County, as to such Justices shall seem fit, proper, and necessary; *Provided* that such regulation, as regards the Basin of Mines, shall not extend beyond a Line drawn from the North end of Boot Island, in Horton, to Mill Creek, in Lower Pero, Cornwallis.

Proviso.

II. *And be it enacted*, That all such Rules, Orders, and Regulations, shall be subject, from time to time, to be revised, amended, changed, altered, or abrogated, by the said Justices, at any General Sessions of the Peace to be held, from time to time, in said County.

Rules subject to revision.

III. *And be it enacted*, That the said Justices at their next General Sessions, and annually thereafter at the General Sessions in said County, at which Town Officers are or may be nominated, shall appoint such number of persons as they may deem necessary to be Overseers of the said Shad Fishery in said County, and the Creeks, Rivers, and Bays thereof, who shall have charge of the same, and be sworn to the due and faithful performance of their duties in manner as other Town Officers are sworn, and who shall see the Rules, Orders and Regulations, to be made by the said Justices, and from time to time to be in force under this Act, carried into effect.

Overseers to be appointed.

IV. *And be it enacted*, That each and every Overseer, so to be appointed and sworn as aforesaid, shall be appointed an Overseer for such particular place and within such limits as may be assigned, by the said Justices within the said County, as the part of said County, and the Creek or Shore thereof, for which such Overseer is or may be appointed, and for every Net or Wear set or placed within his limits, the Overseer so appointed for the same shall be entitled to demand and receive for his trouble whatever sum or fee said Court of Sessions may fix for that purpose, to be paid by the person owning or having the use or benefit of the said Net or Wear; and in case of refusal or neglect to pay, the said Overseer shall have the same remedy for recovery of such fee or sum of money, as if the same were a debt of the like amount due for work and labour performed.

Limits to be assigned to Overseers.

Fees of Overseers.

V. *And be it enacted*, That it shall and may be lawful for the said Justices of the Peace, in making such Rules, Orders, or Regulations as aforesaid, to affix thereto any penalty for breach of any such Rule, Order, or Regulation, not exceeding Two Pounds, as such Justices may deem proper—such penalty to be recovered and received by the Overseer within whose limits the offence may be committed, in like manner, and with like costs as if the same were a debt due to the said Overseer, to be applied one half to the said Overseer, and the residue to the Overseers of the Poor of the Township within which such offence may be committed.

Penalty for breach of rules.

VI. *And be it enacted*, That the said Justices, in Sessions, shall have power to authorize, by any such order as aforesaid, the seizure and forfeiture of any Drift Net which shall be set across the mouth of any River within the County and limits aforesaid, contrary to any Regulation which may have been passed in Sessions as aforesaid; and all such Drift Nets, when so seized, shall be held and kept subject to the payment of the penalties imposed by this Act for such offences and costs, the same as if the said Drift Nets had been taken under execution.

Drift Nets set contrary to rules may be seized.

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

To continue in force one year.

An Act further to amend the Act to Incorporate the Town of Halifax, and in addition to, and amendment of, the Act relating to the Halifax Assessments, and a certain other Act.

(Passed the 19th day of April, 1844.)

Preamble.

WHEREAS, it is expedient to alter and amend so much of the Act, passed in the sixth year of the Reign of Her present Majesty Queen Victoria, entitled, An Act relating to the Halifax Assessments, and further to amend the Act to Incorporate the Town of Halifax, as is herein particularly set forth and provided :

Act 6, Vic. (except as hereby altered) continued

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That* the said last mentioned Act, which was continued for one year from the passing thereof, and thence to the then next Session of the General Assembly, be further continued, and every matter, clause and thing, therein contained, save and except so far as the same is or may be altered or amended by this present Act, for one year from the passing hereof, and from thence to the end of the then next Session of the General Assembly.

Party appealing from assessment may make declaration under oath of the amount of property liable to assessment

II. *And be it enacted, That* if any person or persons shall hereafter conceive himself, herself, or themselves, to be overrated, and shall duly enter his, her, or their appeal from such rate or assessment ; and at the time and place of investigating such appeal shall sign and deliver to the City Council, or such of them as may from time to time be appointed by the said Council to hear and determine such appeals, a statement declaring the truth of the facts of his, her, or their case, and the actual amount of property on which he, she, or they, are only liable, justly to be rated or assessed— which declaration, being made before and subscribed by the Mayor, or one of the Aldermen of the said City, it shall be lawful for the said Council, or those so appointed to hear appeals as aforesaid, to determine and adjust the said assessment, either by confirmation thereof, or if they shall see sufficient cause by reducing the same agreeably to such statement, or, as upon other proof that may then and there be adduced, shall to them seem fit.

Form of Warrant.

III. *And be it enacted, That* the Warrant or Writ to be issued and used by the City and County Treasurer, under the eighth Section of the said Act, shall be in form following, viz. : City of Halifax. To or any of the Constables of the City of Halifax.

Whereas, in and by a rate of assessment allowed and published according to the Statutes in that case made and provided. A. B. of Halifax, was duly rated and assessed for the present year, for City and County Rates and Assessment, the sum of £

And whereas, the said A. B. was duly notified of the said Rates and Assessment, and of the said amount thereof, and required to pay the same, and had due opportunity afforded to appeal against the same according to Law. And whereas the said Rates and Assessment have (or have not, as the case may be) been appealed against, and now stand at the sum of £ in the whole ; *And whereas* the said A. B. has been duly notified and summoned to pay the last mentioned amount, or that otherwise a Warrant would be issued for the collection of the same, with the addition of ten per cent. on the amount thereof, agreeable to Law, but hath neglected to pay the same, or any part thereof, and the same, with the addition of ten per cent. amounts to which the said A. B. is liable to pay, by virtue of the Act of

Assembly in such case made : These, therefore, are to require you forthwith to make Distress of the Goods and Chattels of the said A. B. for that amount ; and if within the space of seven days after such Distress by you taken, the said sum last mentioned, together with the reasonable charges for taking and keeping the said Distress, not exceeding three shillings per day, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained ; and out of the money arising by such Sale, that you

you detain and pay to me the said sum of _____ and also detain your reasonable charges, not exceeding as aforesaid, of taking, keeping, and selling the said Distress, rendering to him, the said A. B., the overplus; and in case no personal property of the said A. B. can be found on which to levy, you are hereby required to commit the said A. B. to Gaol at Halifax, there to remain till _____ pay the said sum of £ _____ with your fees as aforesaid, or be otherwise discharged by due course of Law.

Given under my Hand and Seal, this _____ day of _____ 184 _____ City Treasurer.

And for amendment of the ninth Section of the said Act :

IV. *Be it enacted*, That the Assessors for the City of Halifax, in making their Assessments on any Banking, Fire or Marine Assurance Association, or Joint Stock Company, established within the City of Halifax, or doing business therein, whether by the officers of such Company, or some or one of them, or by any Agent or Agents, as to the amount to be taxed or assessed upon the Stock or Capital of such Association or Company, for the ability or capacity thereof, towards any City or County Rates or Assessments beyond the Real Estate they shall respectively occupy or possess, shall have regard to the profit derived from such Stock or Capital as may be actually employed by said Association or Company in their business of the preceding year, in the same manner, and to the same effect as is expressed in the fifth Section of the said Act regarding Real Estate, the said Rate or Assessment being intended to operate as a property tax, and not as an income tax, further than as the same may apply to ability or capacity as aforesaid; and if any such Banking, Fire or Marine Assurance Association, or Joint Stock Company, shall neglect or refuse to pay the amount so assessed, subject to appeal, as in other cases, it shall and may be lawful for the City and County Treasurer to issue his Warrant of Distress, in form following, that is to say :

Mode of making assessments on Associations or Joint Stock Companies.

City of Halifax. To _____ or any of the Constables of the City of Halifax.

Form of Warrant of Distress against an Association or Company.

Whereas, in and by a Rate of Assessment allowed and published, according to the Statutes in that case made and provided _____ of Halifax, _____ was duly rated and assessed for the present year, for City and County Rates and Assessment, the sum of £ _____

And whereas the said _____ was duly notified of the said Rates and Assessment, and of the said amount thereof, and required to pay the same, and had due opportunity afforded to appeal against the same, according to Law. And whereas the said Rates and Assessment have (or have not, as the case may be) been appealed against, and now stand at the sum of £ _____ in the whole; And whereas the said _____ has been duly notified and summoned to pay the last mentioned amount, or that otherwise a warrant would be issued for the collection of the same, with the addition of ten per cent. on the amount thereof, agreeably to Law, but hath neglected to pay the same, or any part thereof, and the same, with the addition of ten per cent., amounts to _____ which the said _____ is liable to pay by virtue of the Act of Assembly, in such case made: These, therefore, are to require you forthwith to make Distress of the Goods and Chattels of the said _____ for that amount; and if within the space of seven days after such Distress by you taken, the said sum last mentioned, together with reasonable charges for taking and keeping the said Distress, not exceeding three shillings per day, shall not be paid, that then you do sell the said Goods and Chattels, so by you distrained; and out of the money arising by such Sale, that you detain and pay to me the said sum of _____ and also detain your reasonable charges, not exceeding as aforesaid, of taking, keeping, and selling the said Distress, rendering to the said _____ the overplus.

Given under my Hand and Seal, this _____ day of _____ 184 _____ City Treasurer.

And cause the same to be levied upon the Goods, Chattels, and Furniture of such Association or Company; and in case Goods, Chattels, or Furniture, to satisfy the full amount of such warrant shall not be produced and pointed out to the officer of the said Treasurer, having the execution of the said Warrant, all sums of money so assessed and due after the time of appeal shall be expired, shall be recoverable, with the costs.

costs incurred, in the name of the Corporation or of the City Treasurer, against any of the said Banks, Fire or Marine Assurance Associations or Joint Stock Companies, in the same manner as debts are now recoverable from any of the said Banks, Fire or Marine Assurance Associations, or Joint Stock Companies respectively, and suits for the recovery thereof, whether at Law or in Equity, may be commenced and prosecuted, where necessary, against any such Association or Joint Stock Company, whether incorporated or not incorporated, doing business in the said City, by means of any Agent or Agents as aforesaid, in manner provided in and by a certain 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 or Corporate, and to repeal the Acts now in force.

Preamble.

And whereas it may so happen that persons shall be liable to assessment, in different sections of the said City, and doubt and dissatisfaction may arise as to the just amount of his, her, or their ability or capacity :

Persons to be assessed but once for their ability.

V. *Be it enacted*, That those who are so rateable, in different portions of the said City, shall not be assessed for his, her, or their ability or capacity, until the assessment on his, her, or their Real and Personal Property shall first be completed; and he, she or they, shall only be assessed once in each general assessment, for his, her, or their ability or capacity, unless the same shall arise through or by his, her or their being a Shareholder or Shareholders in some or one of the said Banking, Fire or Marine Assurance Associations, or Joint Stock Companies, in which case such assessment shall be adjusted in manner and form aforesaid, by the parties to be appointed as aforesaid.

Preamble.

And whereas, discontent and inconveniencies frequently arise from the mode prescribed by the seventeenth Section of 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, whereby the Seller has the choice of the Surveyor :

Surveyors and Supervisor of Lumber to be appointed

VI. *Be it enacted*, That the City Council shall hereafter have the power, from time to time, to nominate and appoint such number of Surveyors of Timber and Lumber as they shall deem necessary for the City of Halifax, and from the number of Surveyors so appointed to select a Supervisor, and from time to time to make such regulations relative to the Survey of Timber and Lumber, and the choice of Surveyors thereof, and to prescribe and regulate the duties of such Surveyors and Supervisor, as to them may seem fit, anything in the said Act to the contrary thereof notwithstanding : *Provided always*, that no such regulations shall extend or be deemed to extend to alter, change, or vary the dimensions, size, quality and description of Timber or Lumber, as prescribed in and by the said Act.

Proviso.

Continuing clause.

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

CAP. LXVII.

An Act to continue and amend the Acts for regulating the Militia.

(Passed the 19th day of April, 1844.)

Acts 4 and 5, Vic. (except as amended) continued.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth year of the Reign of Her present Majesty Queen Victoria, entitled, An Act for regulating the Militia, except as altered or amended by the Act hereinafter mentioned; or by this Act; and also the Act, passed in the sixth year of Her present Majesty's Reign, to continue and amend the said first mentioned Act, except as altered or amended by this Act, shall be continued, and the said Acts, and every matter, clause

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

II. *And be it enacted*, That no Regiment, Battalion, or Company of Militia, shall hereafter be called out or required to assemble for the purpose of training or discipline, unless some particular public exigency shall arise, and a Special Order shall be issued by the Lieutenant-Governor, or Commander in Chief for the time being, for such purpose, anything in the Fifty-first clause or section of the said first herein before mentioned Act, or in any other clause or clauses thereof, or in any other Act or Acts of the General Assembly heretofore made, to the contrary notwithstanding.

Militia not to be called out to drill unless exigency require it.

III. *And be it enacted*, That hereafter no sum or sums of money shall be drawn out of the Treasury of this Province, as an allowance to any Adjutant of Militia, any thing in the said Acts hereby continued and amended, or either of them contained, to the contrary notwithstanding.

No sum allowed to Adjutants.

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

To continue one year.

CAP. LXVIII.

An Act relative to certain Streets in the Town of Guysborough.

(Passed the 19th day of April, 1844.)

WHEREAS, by the original Plan of the Town of Guysborough, the Streets and Alleys thereof run on straight lines with the Town and Water Lots fronting on them, and such Streets and Alleys having been laid out agreeably to such plan, without regard to the uneven surface over which they pass, those that have been opened and are now used as thoroughfares are very hilly, and in many respects inconvenient; *And whereas*, as far as possible to remedy these inconveniences, as regards the Lower or South Eastern Division of said Town, a new Road has been projected, to commence at the junction of Broad and Upper Water Streets, so called, and thence passing round Miller's Point, crossing near the head of the adjacent Cove, and following the windings of the Shore Southerly to Newton's Cove, at the uniform height of a few feet above high water mark, so as to afford an easy access at all points from the Wharves and Landing Places to the said Street, and for the purpose of avoiding the hills and highlands over which the present Street and Road passes between Broad Street aforesaid and Hart's Tannery, so called, it is of great importance that the said new line should be continued from Newton's Cove to join the Main Road from Guysborough to Canso, and also the new Eastern Road at or near to the aforesaid Tannery, thereby opening a level Road into and through the said South Eastern Division of the said Town, and connecting it with the aforesaid Main Roads, by which the intercourse with the Settlements through which they lead would be greatly facilitated and improved, and were the said new Street and Road opened, several of the Streets and Alleys nearest thereto would be wholly unnecessary and useless for public purposes; *And whereas*, several of the owners of the Lots through which such new line passes, have expressed their willingness to exchange the Land required therefor for so much of the Streets and Alleys adjoining their said Lots as would be a fair equivalent for the same, and it is desirable that such exchange should be made, and that the whole of such Streets and Alleys, not required as aforesaid, should be so exchanged or sold for the purpose of making compensation for the Land so required for such new line as aforesaid:

Preamble.

I. *Be it 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 Guysborough, in their General Sessions of the Peace for Guysborough, upon application of the Commissioners

Justices in Session to lay out new Street and after notice to make orders relative to sale or ex-

change of Streets not required.

Commissioners of Streets for the said Town of Guysborough, or of the Commissioner or Commissioners that may be duly appointed to lay out and open the said new Street and Road, and upon proof to the satisfaction of such Sessions of due notice of such application having been given to such of the Proprietors of the Lands through which the said new Road and Street shall be intended to run respectively, as shall be resident in the said County of Guysborough; and in case any of the Proprietors of such Lands shall not be resident within the said County, then that due notice of such application has also been posted up in at least three of the most public places in the said Town of Guysborough, to make such order or orders for the sale or exchange of so much of the said Streets and Alleys, not required as aforesaid, as, upon due enquiry, shall appear to be just and necessary; and every such order of itself, or in case any further or other proceeding shall therein be directed to be had thereunder, then such order, in connection with such further and other proceeding, duly taken and had in pursuance thereof, shall be sufficient to vest in the person or persons to or with whom such Streets and Alleys, or any portions thereof, may have been sold or exchanged under any such order, or such order and further proceeding as aforesaid, his, her, and their respective Heirs and Assigns, a good and sufficient Estate, in fee simple, in and to such Streets and Alleys, not required as aforesaid, or in and to so much and such portions thereof as in and by the said order of itself, or in connection with such further proceeding, may have been sold to, or exchanged with, or intended to be sold to, or exchanged with, such person or persons respectively.

Power of Commissioners in laying out Street.

II. *And be it enacted*, That the said Commissioners of Streets, or Commissioner or Commissioners appointed to lay out and open the said new Road and Street, shall be, and they or he, is and are hereby authorized and empowered to carry into effect all and singular, the laws, provisions and enactments now in force, for laying out and establishing new Roads or altering old ones so far as the same may be necessary and requisite, for the laying out and establishing the aforesaid new Street and Road.

Not to affect the rights of Her Majesty, &c.

III. *And be it enacted*, That nothing in this Act contained shall extend, or be construed to extend, to prejudice, or in any manner affect the rights of Her Majesty, Her Heirs and Successors, or of all or any person or persons, Bodies Politic or Corporate, his, her, and their respective Heirs, Successors, Executors, Administrators and Assigns.

CAP. LXIX.

An Act for dividing the Township of Pictou into separate Districts for the support of the Poor.

(Passed the 19th day of April, 1844.)

Preamble.

WHEREAS, the Inhabitants of the Township of Pictou are desirous that the said Township should be divided and set off into separate and independent Districts, for the support of the Poor, and the same would be attended with convenience and advantage to the said Inhabitants generally :

Separate Districts to be set off.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the time hereinafter mentioned, the respective portions or sections of the Township of Pictou hereinafter mentioned, by their respective bounds, shall be, and the same are hereby set off and established as separate Districts for the support of the Poor within the same respectively.

Division of Township.

First Section.

II. *And be it enacted*, That for the purposes aforesaid, the said Township shall be, and the same is hereby divided as follows, that is to say : The First Section thereof for the Town of Pictou to extend from the Town Gut to the East Line of the late Hugh Denoon's Farm, and North to the rear of the first Division of Lots on the Harbour of Pictou, together with the settlement of Fisher's Grant. The second Section to begin at the Town Gut aforesaid, and to extend thence up the Western side of

Second Section.

of the West River till opposite the mouth of the Rogers' Hill Road, near the Seven Mile House; thence along the Main Road leading to the West Branch of the River John, till it comes to the Cross Road near Andrew Munroe's; thence Northerly along the Road leading to Toney's River, till it comes to said River; thence to follow the said River to the Shore; and thence along the Shore Eastwardly, and round by the same to the East line of Denoon's Farm aforesaid; and thence round the first Section above described to the place of beginning, together with the Carriboo Islands.

The third Section to begin at the mouth of Toney's River aforesaid, thence Southerly up the same to the Road leading to Rogers' Hill; thence along said Road to the Rogers' Hill Road, so called; thence Easterly along the same till it comes to the County Line at Donald Cameron's; thence North along the said County Line till it comes to the Shore at Rocky Point, so called; and thence Eastwardly along the Shore to the place of beginning.

Third Section.

The fourth Section to include all within the Township of Pictou lying on the West side of the West River, and South of the Division Line aforesaid, on the Main Road leading from the Seven Mile House aforesaid, to Donald Cameron's on the County Line aforesaid.

Fourth Section.

And the fifth Section to include all within the said Township of Pictou, lying on the Eastern side of the West River of Pictou aforesaid.

Fifth Section.

III. *And be it enacted*, That at the next General Sessions of the Peace in and for the County of Pictou, it shall and may be lawful for the Justices attending thereat, to ascertain the number of Paupers then chargeable on the said Township of Pictou; and also to ascertain the amount of Rates for the support of said Paupers, and by any order or orders to be made at such General Sessions aforesaid, to direct and order that the said respective portions or Sections of said Township of Pictou hereby set off and established as separate Districts, shall bear such proportion of the whole charges and expenses of all the Paupers then chargeable on the said Township, as to the said Justices may appear equitable and just; and that from and after the said order or orders shall have been so made as aforesaid, the expenses of the Paupers who shall become chargeable to the said Township, shall be defrayed by the District in which such Pauper shall have gained a residence, and therefore it shall and may be lawful for the respective Inhabitants residing within the limits of the second, third, fourth, and fifth Sections respectively hereby established and set off as separate Districts, to hold a Public Meeting, in some central and convenient place within each of such Sections respectively, on the first Monday of November in each and every year, and to then appoint one Assessor of Poor Rates for each of such Sections respectively, and also one Freeholder, who shall possess at least as much property, real and personal, as he is appointed to collect, who shall act as Collector of Poor Rates in and for the Section for which he may be appointed, and who shall pay the monies by him collected to the Overseers of the Poor for such Section; and that at such respective Public Meetings, the said Inhabitants shall respectively vote such sums of money as may be required for the support of the Poor of such Sections or Districts respectively.

Proportion of the charges of Paupers to be apportioned to the separate Sections.

Assessors and Collectors of Poores' Rates to be appointed.

Inhabitants to vote money for the support of the Poor.

IV. *And be it enacted*, That at the usual time for the appointing of Town Officers in said County, it shall and may be lawful for the Grand Jury to nominate four persons, two of whom shall be appointed by the Sessions to act as Overseers of the Poor, and two persons, one of whom shall be appointed to act as District or Section Clerk in each of the said second, third, fourth, and fifth Sections so set apart and established; and such second, third, fourth, and fifth Sections shall, in all other respects, be governed by the general Laws now in force within this Province for the settlement and support of the Poor, anything in any Act or Acts of the General Assembly heretofore made to the contrary notwithstanding.

Overseers of the Poor to be appointed.

V. *And be it enacted*, That the first of the said Sections for the Town of Pictou, hereby established, shall be and continue in all respects subject to the provisions of the Laws now in force respecting the collection of Poores' Rates at Pictou, in the same manner, and to the same extent, as if the said other Sections respectively had not been set off therefrom and established into separate Districts, and as if the said

Rates, &c. and Suits now commenced.

Laws

Laws had been originally passed for the said first Section, and not for the whole Township of Pictou.

First Section subject to the Laws now in force.

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

To continue in force three years.

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

CAP. LXX.

An Act further to amend the Act to preserve and regulate the Navigation of the Harbour of Pictou.

(*Passed the 19th day of April, 1844.*)

Preamble.

WHEREAS, in and by the Act, passed in the fifty-ninth year of the Reign of His late Majesty King George the Third, entitled, An Act to preserve and regulate the Navigation of the Harbour of Pictou, it is provided that the Justices, in their Sessions of the Peace for Pictou, shall regulate the rate of Pilotage to be demanded and taken by the Pilots to be appointed for the Harbour of Pictou, and it is expedient that such regulations should be placed under certain limitations and restrictions :

Vessels over 80 tons declining a Pilot not to pay more than half pilotage.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That hereafter no Vessel over the burden of eighty tons, when the Master thereof declines taking a Pilot, shall in any case be liable for or obliged to pay more than one half of the amount of Pilotage to which such Vessel would have been liable under any such regulations made as aforesaid, had such Pilot been taken on board.

CAP. LXXI.

An Act to amend the Act for amending the Law relative to offences against the Person.

(*Passed the 19th day of April, 1844.*)

Persons convicted of assaults with intent to commit Felony to be imprisoned

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That where any person shall be charged with, and convicted of, any assault, with intent to commit any Felony, the Court may sentence the offender to be imprisoned with or without hard labour, in the Common Jail, Bridewell, or House of Correction, in the County where such conviction shall take place, or in the Public Penitentiary, Bridewell, or House of Correction at Halifax, for any term not exceeding two years, 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 to exceed one month at any one time, and not to exceed three months in any one year, and may also, if it shall so think fit, require him to find sureties for keeping the Peace.

CAP. LXXII.

An Act to amend the Act to Incorporate the Halifax Gas Light and Water Company, and an Act passed in amendment thereof.

(*Passed the 19th day of April, 1844.*)

Preamble.

WHEREAS, by an Act, made and passed in the third year of the Reign of Her present Majesty, entitled, An Act to Incorporate the Halifax Gas Light and Water Company ; and also by an Act, passed in amendment thereof, in the fourth year

year of the Reign of Her said Majesty, certain powers and privileges are vested in, and bestowed upon, the said Halifax Gas Light and Water Company; *And whereas* the said Company, by Petition, stating that they are desirous to limit their operations to the manufacture of Gas, for the production and supply of Light only, and have prayed that an Act may be passed to change the name of the said Company, and that the said Company may be called the Halifax Gas Light Company:

I. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly,* That the said Company shall, from and after the passing of this Act, to be called and known by the name of the Halifax Gas Light Company, and not by the name of the Halifax Gas Light and Water Company, and that the President, Directors, and officers thereof, shall be called and known by the name of the President, Directors, and officers of the Halifax Gas Light Company, and not by the name of the President, Directors, and officers of the Halifax Gas Light and Water Company; and that the said Company shall be called and designated the Halifax Gas Light Company, in all respects, and as fully as if it had been so called in the said Acts, and the persons in the said first recited Act had been therein incorporated under the name of the Halifax Gas Light Company; and that all gifts, grants, conveyances, leases, agreements, contracts, suits, payments, reckonings, dealings, and transactions, to, by, with, against, for, or on account of, the said Company, before the passing of this Act, shall be, remain, and continue in the same plight and condition, as if the said Company had been originally incorporated under the name of the Halifax Gas Light Company.

Halifax Gas Light Company.

II. *Provided always, and be it enacted,* That all, or any and every, the powers and privileges conferred upon, or vested in, the said Company in and by the said Acts, or either of them, relating to, or in any manner concerning the supplying of the City of Halifax with Water by the said Company, shall be, and the same hereby are repealed and revoked; and that the said Company shall not be authorized or empowered, by the said Acts, to undertake, do, or perform, any act, matter or thing, for supplying the said City with Water, in any way or manner howsoever, anything in the said Acts, or either of them, contained to the contrary in anywise notwithstanding.

Powers granted to the Company herebefore to supply the City with water revoked.

CAP. LXXIII.

An Act for the preservation of Moose.

(Passed the 19th day of April, 1844.)

WHEREAS the killing of Moose Deer, in this Province, during the season when the Female is in an advanced state of gestation, and an easy prey to the hunter, is highly detrimental to the increase of the species, and threatens its extinction:

Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That, from and after the publication hereof, it shall be lawful for the Court of General Sessions of the Peace for any County or District of this Province, to make such rules, orders, and regulations, for directing the times and periods within which the catching, taking, or killing of Moose Deer, and the selling, or offering for sale, and the buying of Moose Meat, within such Counties and Districts respectively, ought to be restrained and prohibited, as shall and may, from time to time, be considered necessary and proper; and the said rules, orders, and regulations, at any future Sessions of Peace, from time to time, to alter, vary, and change.

Sessions authorized to make rules regulating the taking of Moose. &c

II. *And be it enacted,* That it shall and may be lawful for the said Court of General Sessions of the Peace to affix any penalty for breach of any such respective rules, orders, and regulations, not exceeding Five Pounds, for the offence of taking, catching or killing of each Moose Deer, and not exceeding Two Pounds for each offence of selling, or offering for sale, or buying, or causing to be bought, any Moose Meat.

Penalty.

III.

Recovery of Penalty.

III. *And be it enacted*, That any penalty by any of the said rules, orders, or regulations, imposed for breach thereof, shall be recovered before any two Justices of the Peace for the County wherein the offence shall be committed; and if, upon conviction, on 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 Jail, 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.

Proviso.

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. LXXIV.

An Act to authorize the Sale of the Old Court House and Jail at Arichat, and the Lot of Land on which it stands, and the purchase of a new Site therefor, and for other purposes.

(Passed the 19th day of April, 1844.)

Preamble.

WHEREAS, from the defective condition and inconvenient situation of the Court House and Jail at Arichat, in the County of Richmond, it is desirable that the same, and the Lot of Land on which it stands, should be sold, and a piece of Land more conveniently situated, for the erection of a new Court House and Jail, purchased instead thereof, and that Commissioners should be appointed for those purposes :

Commissioners.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the Lieutenant-Governor, or the Commander in Chief for the time being, by and with the advice of the Executive Council, to appoint and commission three persons for the purposes of this Act, which three persons, when so appointed and commissioned, and the survivors and survivor of them, and each and every of them, and all and every person and persons, who at any time or times hereafter shall be chosen and appointed, upon any vacancy in the trust and commission as hereinafter mentioned, shall be, and be deemed, to all intents and purposes, Trustees and Commissioners for the respective purposes of this Act.

Vacancies supplied.

II. *And be it enacted*, That upon the death, removal, or refusal to act of any one or more of the said Trustees and Commissioners, now or hereafter to be appointed, it shall and may be lawful for the Court of General Sessions of the Peace, in and for the said County of Richmond, from time to time to appoint some fit person, being an Inhabitant of the said County, to supply every such vacancy, and such appointments to renew whenever necessary, so that the said Commissioners and Trustees may always continue to be three in number.

Authority of Commissioners to sell after notice.

III. *And be it enacted*, That the said Commissioners and Trustees shall be, and they are hereby invested with full power and authority to sell all that Lot or Parcel of Ground, situate at Arichat aforesaid, by whatever metes and bounds the same may be distinguished, usually occupied and held with the said Court House and Jail at Arichat aforesaid, and whereon the same stands, together with the said Court House and Jail, at Public Auction, to the highest and best bidder, after giving thirty days public notice of the time and place of making such sale, by hand bills, posted up in at least five of the most public places in and about the said Town of Arichat; and to sign, seal, and deliver to the purchaser or purchasers thereof at such sale, upon payment of the consideration money for the same, a Deed or Deeds of Conveyance thereof—which Deed or Deeds shall be sufficient to vest in such purchaser or purchasers, his, her, or their Heirs and Assigns, a good and sufficient Estate, in fee simple

simple therein: *Provided always*, that possession of said Court House and Jail, and Lot of Land, shall not be delivered to the purchaser or purchasers until the new Court House and Jail be in a condition to be occupied.

IV. *And be it enacted*, That the said Commissioners, and Trustees, shall be, and they are hereby authorized and empowered, from and out of the proceeds arising from such sale, or from and out of the same in conjunction with other monies which may be duly placed at their disposal for that purpose, to make choice of, and purchase a suitable piece of Ground, for the erection of a new Court House and Jail at Arichat aforesaid; and shall and may take any Deed or Deeds of Conveyance to them, and the survivors, and survivor, of them, and their successors in office as such Commissioners and Trustees for the purposes of this Act, of such Land so purchased, which Deed or Deeds shall be sufficient to vest in such Commissioners and Trustees, and their successors in office, the Legal Title of and in the said Land so purchased, and the same shall be held by them in trust, and to the intent and purpose, that a new Court House and Jail may be erected and continued thereon; and that such Lands may be used and enjoyed in connection with and for the purposes of such new Court House and Jail; and that such new Court House and Jail, when erected, and the said Land, may be had and used in the same manner as other County Court Houses, Jails, and Lands attached, are usually held and used in this Province.

Commissioners authorized to purchase ground for a new Court House.

V. *And be it enacted*, That if any surplus money arising from the proceeds of such sale shall remain after the purchase of the said piece of Land as aforesaid, the same shall be paid over by the said Trustees and Commissioners to the Treasurer of the County, to be applied under the direction of the General Sessions of the Peace, towards the erection of such new Court House and Jail.

Application of surplus proceeds.

VI. *And be it enacted*, That the said Commissioners and Trustees shall be, and they are hereby respectively authorized, in and by the name of "The Trustees of Public Property for Richmond," to sue and be sued, and to have, commence, prosecute and defend, or cause to be commenced, prosecuted and defended, any action, suit, or prosecution, either at Law or in Equity, as may be necessary for the purposes of and in and about the execution of this Act, and shall and may sue and prosecute, for any act of trespass that may be committed upon the premises hereby authorised to be purchased, in the same way and manner as trespasses of the like nature are prosecuted for in ordinary cases.

Commissioners to sue and be sued by name of Trustees of Public Property

CAP. LXXV.

An Act to authorize the Sessions of the Peace for the County of Halifax to make regulations for the gathering of Sea Manure in the said County.

(Passed the 19th day of April, 1844.)

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, it shall and may be lawful for the Justices of the Peace for the County of Halifax, at their General Sessions of the Peace, from time to time, to make such rules and regulations as they may deem necessary and expedient, to be observed and followed by the Inhabitants of the said County, in collecting and taking away Eel Grass, or other Sea Manure, which may, from time to time, be driven by the Sea and lodged upon the Shores and Beaches of the said County. *Provided always*, that nothing herein contained shall extend, or be construed to extend, to take away or diminish any right, title or interest, which is now vested in individuals, to any of the said Shores or Beaches in the said County, or to the Sea Weed deposited thereon, but such rights shall remain as they existed at the time of the passing of this Act.

Sessions to make regulations relative to the collection of Eel grass.

Proviso.

Penalty for breach
of regulations.

II. *And be it enacted*, That if any person or persons shall transgress any such of the rules or regulations so to be made as aforesaid, or shall neglect or refuse to obey the same, such person or persons shall forfeit and pay a fine not exceeding Two Pounds for every offence, to be recovered with costs, before any one Justice of the Peace for the said County, or before the City or Mayor's Court, in case the offence shall be committed within its jurisdiction, and to be applied one half thereof to the person complaining, and the other half to the use of the Poor of the Township where the offence shall be committed.

To continue in force
for three years.

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

CAP. LXXVI.

An Act to provide an additional Sittings of the General Sessions of the Peace in the County of Inverness.

(Passed the 19th day of April, 1844.)

Additional Term of
General Sessions
at Port Hood.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That hereafter there shall be held an additional Term or Sitting of the General Sessions of the Peace at Port Hood, in the County of Inverness, to commence on the First Tuesday of October in each and every year, at which Term or Sitting, the Grand Jury shall be summoned and bound to appear, instead of at the March Sittings of such General Sessions as at present, so that Town Officers may be appointed, and the other County business transacted at such additional Sitting hereby provided for.

Writs, &c. made re-
turnable to that
Term.

II. *And be it enacted*, That all Writs, Process, Recognizances, Complaints, or other proceedings whatsoever, which are now or shall be made returnable, or which ought to be returned to the Court of General Sessions of the Peace for the said County of Inverness, at the next March Term or Sittings thereof, as now by Law established, shall be returned, and be held and deemed to be returnable, or the said First Tuesday of October, hereby appointed for the next Term or Sittings of the said Court of General Sessions of the Peace in the said County; and all Parties, Witnesses, Officers, or persons who are summoned or bound to appear, or who ought to appear, at the said Court at the said next March Term or Sittings thereof, shall be held and obliged to appear at such Court at the day and time at which such First October Term or Sittings is hereby directed to be held.

CAP. LXXVII.

An Act to continue the Acts in amendment of the Acts relating to Commissioners of Sewers.

(Passed the 19th day of April, 1844.)

Acts 5, Wm. 4, and
3, Vic. continued.

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 in amendment of the Acts relating to Commissioners of Sewers, save and except so far as the same is 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, entitled, An Act to continue and amend the Act in amendment of the Acts relating to Commissioners of Sewers, and every matter, clause and thing, in the said Acts contained, except as before excepted, shall be continued, and the same are hereby continued for one year, and thence to the end of the then next Session of the General Assembly.

CAP. LXXVIII.

An Act to continue the Act for the Summary Trial of Actions before Justices of the Peace.*(Passed the 19th day of April, 1844.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fifth year of the Reign of Her present Majesty Queen Victoria, entitled, An Act for the Summary Trial of Actions before Justices of the Peace, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and thence to the end of the then next Session of the General Assembly. Act 5, Vic. continued

CAP. LXXIX.

An Act to continue the Act relative to the Assessment of Dyke Rates for the New or Wickwire Dyke in Horton.*(Passed the 19th day of April, 1844.)*

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Sixth year of the Reign of His late Majesty King William the Fourth, entitled, An Act relative to the Assessment of Dyke Rates for the New or Wickwire Dyke in Horton, and every matter, clause or thing, therein contained, shall be continued, and the same are hereby continued for one year, and thence to the end of the then next Session of the General Assembly. Act 6, Wm. 4, continued.

CAP. LXXX.

An Act to continue the Acts in force relative to the Inspection of Pickled Fish.*(Passed the 19th day of April, 1844.)*

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 is 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, 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, except as altered or amended by the Act, passed in the Second year of Her present Majesty's Reign, entitled, An Act respecting Inspectors of Pickled Fish, and Gaugers of Fish Oil, shall be continued, and the same are hereby continued for three years, and thence to the end of the then next Session of the General Assembly. Acts 9, Geo. 4, and 10, Geo. 4, and 7, Wm. 4, (except as amended) continued

An Act to continue the Acts in amendment of the Act for the choice of Town Officers, and regulating of Townships, and the Acts to alter and amend the same.

(Passed the 19th day of April, 1844.)

Acts 10, Geo. 4,—2,
Wm. 4—2, Vic. &
3, Vic continued.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the Tenth year of the Reign of His late Majesty King George the Fourth, entitled, An Act in further addition to, and in amendment of, the Act for the choice of Town Officers, and regulating of Townships, save and except so far as the same is or may be altered or amended by the Acts hereinafter mentioned; also the Act, passed in the Second year of the Reign of His late Majesty King William the Fourth, entitled, An Act to alter and amend the Act in further addition to, and in amendment of, the Act for the choice of Town Officers and regulating of Townships; also the Act, passed in the Second year of the Reign of Her present Majesty Queen Victoria, entitled, An Act to continue and amend the Act in further addition to, and in amendment of, the Act for the choice of Town Officers and regulating of Townships, and the Act to alter and amend the same; also the Act, passed in the Third year of Her present Majesty's Reign, entitled, An Act to continue and amend the Act in further addition to, and in amendment of, the Act for the choice of Town Officers and regulating of Townships, and the Acts to alter and amend the same, shall be continued, and the said several Acts, and every matter, clause and thing, therein contained, except as before excepted, are hereby respectively continued for one year, and thence to the end of the then next Session of the General Assembly.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on Saturday, the Twentieth day of July, 1844, in the Eighth Year of the Reign of our Sovereign Lady Queen 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 Second Session of the Eighteenth General Assembly convened in this Province.*

* In the time of the Viscount FALKLAND, Lieutenant-Governor ; Simon Bradstreet Robie, President of the Legislative Council ; William Young, 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 services therein specified.

(Passed the 29th day of July, 1844.)

MAY IT PLEASE YOUR EXCELLENCY ;

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

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, by or out of, any Monies which now are, or from time to time shall be or remain in the Public Treasury of this Province, the sum of One Pound per day shall 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.

Pay. of Members.

And a further sum of One Hundred and Thirty Pounds at the disposal of the Clerk of the House of Assembly to defray the contingent expenses of that House, during the present Session.

£130 Contingent Expenses.

And a further sum of Seventy-one Pounds to defray the contingent expenses of the Legislative Council in the present Session.

£75 Contingent Expenses.

CAP. II.

An Act to amend the Act to provide for an Additional Sit- tings of the General Sessions of the Peace at Guysbo- rough, and for other purposes.

(Passed the 29th day of July, 1844.)

Preamble.

WHEREAS the attendance of the Grand Jury, and the transaction of County business at the May Term or Sittings of the General Sessions of the Peace at Guysborough, as provided for in and by an Act, passed in the last Session of the General Assembly, entitled, An Act to provide for an additional Sittings of the General Sessions of the Peace at Guysborough, and for other purposes, has been found in practice very inconvenient:

Grand Jury to at-
tend at the Janua-
ry Sittings of Ge-
neral Sessions.

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That the separate Grand Jury drawn to attend at the Sessions at Guysborough aforesaid, as provided in and by the hereinbefore mentioned Acts, shall in future be summoned and bound to appear at the January Term or Sittings of the said General Sessions at Guysborough aforesaid, instead of at the May Term or Sittings of the said General Sessions as directed by the said Act, and Town Officers shall be appointed, and the other County business requiring the intervention of a Grand Jury be transacted at the said January Term or Sittings of the said General Sessions, instead of at the said May Term or Sitting thereof.

Process, &c. made
returnable at the
next January Sit-
tings.

II. And be it enacted, That all Process, Recognizances, Complaints, or other proceedings of whatsoever kind or nature which are now, or shall previous to the first day of September next, be made returnable at the next May Term or Sittings of the said General Sessions of the Peace at Guysborough, shall be, and be held and deemed to be returnable, and be returned to the next January Term or Sittings of the said General Sessions, instead of to the next May Term thereof.

CAP. III.

An Act relating to certain proceedings had and pending in the Supreme Court at Sydney, in the County of Cape- Breton.

(Passed the 29th day of July, 1844.)

Preamble.

WHEREAS the Judge appointed to preside at the Supreme Court at Sydney, in the County of Cape Breton, at the intended last May Term or Sittings thereof, was prevented attending thereat, during the time in that behalf by Law prescribed; and although proclamation was duly made during such time, yet, from the entire absence of such presiding Judge, the said Term or Sittings of the said Court could not be held, and the business thereof proceeded in; and it is therefore necessary to make provision for difficulties arising from the not holding of such Term of the said Court:

Writs, &c. returna-
ble at the last May
Term made to be
held duly returned

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That all Writs, Recognizances, Papers, and Process whatsoever, which may have been returnable, or which ought to have been returned to the said Supreme Court at Sydney, at the said last intended May Term or Sittings thereof, and of which a proper and lawful return shall have been or shall be in other respects made, shall be taken and held to be duly returned to all intents and purposes whatsoever, in the same manner as if such Term or Sittings had been held pursuant to Law: *Provided always,* that no default shall be marked or other steps or proceeding whatsoever, other than by way of notice, shall be taken against any person or persons summoned or bound to appear, or who ought to have appeared, at the said May Term, until such and the like time shall

shall have elapsed during the next ensuing September Term or Sittings of the said Supreme Court at Sydney aforesaid, as would have authorized the taking of such step or proceeding—provided the same time had elapsed after the convening of the said intended May Term or Sittings, in case the same had been held according to Law.

II. *And be it enacted*, That all proceedings of whatsoever kind or nature pending, or to be had in the said Supreme Court at Sydney aforesaid, at the time appointed for the holding of the said last May Term or Sitting thereof, shall be and be deemed continued to all intents and purposes whatsoever, until the next September Term or Sittings of such Supreme Court at Sydney aforesaid, and no abatement or discontinuance thereof shall be, or be construed to have been worked, by reason of the said May Term not having been held as aforesaid.

All proceedings continued till September Term.

III. *And be it enacted*, That all Officers, Jurors, Parties, and other persons summoned, notified or bound, or liable to appear, or who ought to have appeared at the said last intended May Term or Sittings of the said Supreme Court at Sydney aforesaid, shall be held liable and bound to appear at the said next September Term or sittings thereof, and in default thereof shall be subject and liable to the same and the like liabilities, orders, rules, provisions, duties and penalties, as if they had not duly appeared in the said Supreme Court at Sydney, at its said last mentioned May Term or Sittings as aforesaid, in case the same had been held, and all Sureties for the appearance of such persons shall respectively continue and be liable for their appearance respectively at the said time hereby appointed therefor, in the same manner, and to the same extent as they were liable for their appearance at the said May Term or Sittings. *Provided always*, that all such Jurors shall receive the like summons for such attendance, as in ordinary cases; and that no trial of any cause which shall now, or within fourteen days previous to the said next September Term at Sydney aforesaid, be at issue, shall be proceeded in at the said Term, unless the party defendant shall have been duly notified thereof for the time, in such cases respectively by Law required.

Officers, Jurors, Parties, &c. bound to appear at the last May Term hereby directed to appear at the next September Term.

Proviso.

IV. *And be it enacted*, That no advantage in any way shall be taken of any defect or irregularity in the teste of any writ or process whatsoever, which has, since the first day on which the said last intended May Term or Sittings of the said Supreme Court at Sydney aforesaid was appointed to be held, issued out of the said Supreme Court at Sydney, or which shall previous to the first day of the said next September Term issue out of the same, or for the want of any teste in any such writ or process; but all such writs and process, if formal and regular in other respects, shall be, and be deemed, and held duly and regularly issued out of such Supreme Court, notwithstanding any such defect or irregularity in such teste or the want thereof as aforesaid.

Want of or irregularity in teste in Writs waived.

And in order to prevent any further or other difficulty that might arise by reason of the said Term not having been held as aforesaid :

V. *Be it enacted*, That all acts, matters and things, whatsoever necessary, or by Law directed to be done, or which should and ought to have been done at the said intended May Term or Sittings of the said Supreme Court at Sydney aforesaid, in case the same had been duly held, shall and may be lawfully done and performed at the next September Term or Sittings of the said Court at Sydney aforesaid, in the same manner, and by the same ways and means, to and for all intents and purposes whatsoever, as the same could or might have been done at the said May Term or Sittings, had the same been held, and to this end, and for all necessary purposes whatsoever, the said next September Term or Sittings of the said Supreme Court at Sydney aforesaid, shall be taken and held to be the first Sittings of the said Supreme Court in the County of Cape Breton aforesaid, for this present year.

Acts required to be done at the May Term may be lawfully done at the next September Term.

CAP. IV.

An Act to continue the Acts to encourage the Seal Fisheries of this Province.

(Passed the 29th day of July, 1844.)

Act 3, Wm. 4, 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 Seal Fisheries of this Province, shall be continued, and the said Act, and every matter, clause and thing, therein contained, are hereby continued until the thirty-first day of December, which will be in this year of our Lord One Thousand Eight Hundred and Forty-four, and no longer.

CAP. V.

An Act in relation to the performance of Statute Labour on the Highways, in the County of Shelburne, during the present year.

(Passed the 29th day of July, 1844.)

Preamble.

WHEREAS, in and by an Act, passed in the last Session of the General Assembly, entitled, An Act relative to the performance of Statute Labour on Highways, it is required that the Statute Labour to be done thereunder should be performed between the first day of June and the first day of September in each and every year. *And whereas* in consequence of the late period of the year at which such Act was published and generally known in the County of Shelburne, a great portion of the Statute Labour in that County for the present year will be lost to the public, unless the time for the performance thereof shall be extended :

Statute Labour to be done by last of September.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That the time within which the Statute Labour on the Highways, Roads, Streets, and Bridges, within the County of Shelburne, shall and may be performed during the present year, shall be, and the same is hereby extended to the last day of September in this present year; and all and every person and persons liable to perform such Statute Labour in the said County, shall and may be respectively summoned for the performance thereof, at any time during the present year, not later than the said last day of September.

Persons refusing to perform Statute Labor subject to penalties.

II. *And be it enacted*, That every person who may have been, or shall be notified to labour as aforesaid, who shall neglect or refuse to appear and labour agreeably to such notice, shall be liable to the same and the like penalties and forfeitures for such non-attendance as could and might have been imposed and levied under the said hereinbefore mentioned Act, for neglecting or refusing to perform such Labour, within the time therein prescribed; and the same shall and may be sued for, recovered, collected, accounted for, paid and applied, in the same manner, and by the same ways and means in all respects as if the time in the said Act prescribed for the performance of such Statute Labour, had originally extended to the said last day of September, instead of the said first day of September as aforesaid; and all Surveyors of Highways, Constables, and persons whomsoever in the said County of Shelburne shall, in relation to the performance of such Statute Labour in the said County, for the present year, at the time hereby appointed therefor, be in all other respects governed and bound by all and singular the provisions of the said Act, and have and exercise, and be liable to all and the same powers, duties and penalties, as if the said last day of September had been originally inserted and limited in the said Act for the performance of such Statute Labour, instead and in place of the said first day of September.

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OF THE

Province of Nova-Scotia.

ANNO SEPTIMO ET OCTAVO VICTORIÆ REGINÆ.

1844.

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