

## Technical and Bibliographic Notes / Notes techniques et bibliographiques

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

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

Additional comments / Commentaires supplémentaires:

Copy has manuscript annotations.

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

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

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

10x	14x	18x	22x	26x	30x
<input type="checkbox"/>	<input checked="" type="checkbox"/>				

12x

16x

20x

24x

28x

32x



At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on Tuesday, the Thirty-first day of January, 1837, in the Seventh Year of the Reign of Our Sovereign Lord WILLIAM the Fourth by the Grace of God, of the United Kingdom of Great-Britain and Ireland, KING, Defender of the Faith, &c. &c. &c. being the First Session of the Sixteenth General Assembly convened in the said Province.\*

\* In the time of Sir COLIN CAMPBELL, Lieutenant-Governor; Brenton Halliburton, Chief-Justice, and President of the Council; Samuel George William Archibald, Speaker of the Assembly; Sir Rupert D. George, Secretary of the Council; and John Whidden, Clerk of Assembly.

*John Young Recd 13 May*

An Act for applying certain Monies therein mentioned for the Service of the Year of Our Lord One Thousand Eight Hundred and Thirty-Seven, 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.

(Passed the 21st day of April, 1837.)

MAY IT PLEASE YOUR EXCELLENCY:

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

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

And a further sum of 150*l.* to the Attorney-General, for his services for the present year.

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

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

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

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

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

And a further sum of 100*l.* to the Deputy-Clerk of the Council, for his services for the present Session.

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

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

200*l.* Speaker  
of Assembly

150*l.* Attorney  
General

100*l.* Solicitor  
General

600*l.* Treasurer

200*l.* Clerk of  
Assembly

30*l.* expenses  
of Council

25*l.* Ven. Arch.  
Willis

100*l.* Deputy  
Clerk of Coun-  
cil

100*l.* Assistan-  
t Clerk of As-  
sembly

40*l.* Messenger  
of Governor

50l. M. Forrester

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

30l. J. Jennings

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

30l. J. Gibbs

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

200l. Guager & Weigher

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

Allowance to Waiters

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

45l. Clerk of Revenue Board

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

20l. Secretary of Province

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

600l. Transient Poor

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

350l. J. Howe

And a further sum of 350*l.* to John Howe, Esquire, Printer, for Printing for Government and the General Assembly, for the present year.

60l. Keeper of Assembly

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

40l. Lawrence Kavanagh

And a further sum of 40*l.* to Lawrence Kavanagh, Esquire, to be drawn from the Treasury when it shall be certified by a Judge of the Supreme Court that he has conveyed the Judge or Judges to the several Circuit Courts in Cape-Breton, during the present year.

100l. Indians

And a further sum of 100*l.* at the disposal of His Excellency the Lieutenant-Governor or Commander in Chief for the time being, to be applied in such way as he may deem most proper, for the relief of the Indians of this Province.

25l. Indians

And also, a further sum of 25*l.* to reimburse that amount advanced by His Excellency for the relief of Indians, under a Resolution of this Session.

25l. School in Poor House

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

45l. Parrsboro' Packet

And a further sum 45*l.* to the Owners of the Packet running between Windsor and Partridge Island, to encourage the running of the said Packet between the said places, under such regulations as may be made and ordered by the Justices in their Sessions for the County of Hants, for the present year.

50l. Guysborough' Packet

And a further sum of 50*l.* to such person or persons as will run a proper Packet between Guysborough and Arichat, touching occasionally at Fox Island and Canso, under such regulations as shall be established by the General Sessions of the Peace for the County of Guysborough, to be paid upon the Certificate of the said General Sessions that such Packet has been properly kept and run during the present year; and provided, that the Judges of the Supreme Court are conveyed from Guysborough to Arichat in the said Packet, and from Arichat to Guysborough on their return, if they return by this route.

400l. Sable Island

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

200l. Bridewell

And a further sum of 200*l.* to the Commissioners of Bridewell, for the support of the present Establishment for the current year, and for the temporary repair of the Buildings.

200l. Steam Boat

And a further sum of 200*l.* in aid of the Halifax Steam-Boat Company for the present year.

300l. Horton Academy

And a further sum of 300*l.* to the Managing Committee of the Horton Academy, in aid of that Institution for the present year.

100l. Arichat Academy

And a further sum of 100*l.* in aid of the Arichat Academy for the present year, to be placed in the hands of Trustees appointed by His Excellency the Lieutenant-Governor.

20l. Arichat Academy

And a further sum of 20*l.* to the Trustees of the Arichat Academy, for the use of Mr. Caffrey, the Master of said Academy, to compensate him for the deduction made from his Salary on account of his predecessor's death.

And

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

And a further sum of 100*l.* to the Trustees of the Yarmouth Academy, in aid of that Institution for the present year.

And a further sum of 50*l.* to the Commissioners of Schools for the County of Lunenburg, for the support of the National School in the Town of Lunenburg for the present year.

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

And a further sum of 50*l.* to the Mechanics' Institute and Mechanics' Library—30*l.* to the Institute and 20*l.* to the Library, for the support of these Establishments for the present year.

And a further sum of 50*l.* to Doctors Stirling and Grigor, in aid of the Halifax Dispensary for the present year; provided they keep during the year a sufficient quantity of Vaccine Matter.

And a further sum of 782*l. 5d.* to the Commissioners of Light-Houses, for the balance due them, agreeably to the report of the Committee of Public Accounts.

And a further sum of 250*l.* to defray the sum of 114*l. 17s. 2d.* due to sundry persons, according to the report of the Committee of Public Accounts, and for the repairs of Province Buildings and the Government House during the present year, and for no other purposes whatsoever.

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

And a further sum of 20*l.* to aid the Inhabitants of Douglas, at the mouth of the River Shubenacadie, in supporting a suitable Boat to run between Londonderry and that place—the said Boat to 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 such Boat has been running at least twice a week for four months, to the satisfaction of the said Sessions, under their regulations.

And a further sum of 960*l.* for the several Roads and Bridges in the County of Halifax, to be applied and expended agreeably to a Resolution passed in the House of Assembly on the seventh day of April, in this present year, and agreed to by His Majesty's Council.

And a further sum of 795*l.* for the several Roads and Bridges in the County of Hants, to be applied and expended as aforesaid.

And a further sum of 790*l.* for the several Roads and Bridges in the County of King's County, to be applied and expended as aforesaid.

And a further sum of 850*l.* for the several Roads and Bridges in the County of Annapolis, to be applied and expended as aforesaid.

And a further sum of 460*l.* for the several Roads and Bridges in the County of Shelburne, to be applied and expended as aforesaid.

And a further sum of 460*l.* for the several Roads and Bridges in the County of Yarmouth, to be applied and expended as aforesaid.

And a further sum of 520*l.* for the several Roads and Bridges in the County of Queen's County, to be applied and expended as aforesaid.

And a further sum of 730*l.* for the several Roads and Bridges in the County of Lunenburg, to be applied and expended as aforesaid.

And a further sum of 750*l.* for the several Roads and Bridges in the County of Colchester, to be applied and expended as aforesaid.

And a further sum of 630*l.* for the several Roads and Bridges in the County of Cumberland, to be applied and expended as aforesaid.

And a further sum of 790*l.* for the several Roads and Bridges in the County of Pictou, to be applied and expended as aforesaid.

And a further sum of 440*l.* for the several Roads and Bridges in the County of Sydney, to be applied and expended as aforesaid.

And a further sum of 440*l.* for the several Roads and Bridges in the County of Guysborough, to be applied and expended as aforesaid.

And a further sum of 440*l.* for the several Roads and Bridges in the County of Androgh, to be applied and expended as aforesaid.

100*l.* Rev. R.  
F. Uniacke

100*l.* Yar-  
mouth Acad-  
emy

50*l.* Schools  
Lunenburg

50*l.* Infant  
School

50*l.* Mechanics'  
Institute

50*l.* Dispensary

782*l. 5d.*  
Comms. Light  
Houses

250*l.* Province  
Buildings, &c.

20*l.* Canso  
Ferry

20*l.* Shuben-  
acadie Ferry

Road and  
Bridge Service  
District of Ha-  
ifax

Hants

King's

Annapolis

Shelburne

Yarmouth

Queen's

Lunenburg

Colchester

Cumberland

Pictou

Sydney

Guy'sboro'

Richmond

And a further sum of 420*l.* for the several Roads and Bridges in the County of Richmond, to be applied and expended as aforesaid.

Cape-Breton

And a further sum of 525*l.* at the disposal of His Excellency the Lieutenant-Governor or Commander in Chief for the time being, to be expended on the several Roads and Bridges in the County of Cape-Breton.

Inverness

And a further sum of 440*l.* at the disposal of His Excellency the Lieutenant-Governor or Commander in Chief for the time being, to be expended on the several Roads and Bridges in the County of Inverness.

250*l.* Bridge  
Sydney River

And a further sum of 250*l.* for building a Bridge over the South West Arm of Sydney River.

62*l.* 15*s.* 6*d.*  
survey of Road  
in Hants

And a further sum 62*l.* 15*s.* 6*d.* at the disposal of His Excellency the Lieutenant-Governor, to enable him to defray the expense of the survey and exploring the line of Road from the New Avon Bridge near Windsor, to Mud Bridge at Wolfville, in Horton, pursuant to His Excellency's recommendation.

300*l.* repair of  
Western Road

And a further sum of 300*l.* at the disposal of His Excellency, to pay that amount expended for the repair and improvement of the Great Western Road between Halifax and Windsor, under the Resolution of this House during the last Session.

100*l.* Wilmot  
Breakwater

And a further sum of 100*l.* to the Inhabitants of Wilmot, to assist them in building a Breakwater on the shore of Gate's Mountain, which sum of 100*l.* shall be paid out of the Treasury when the Commissioners for the erection of said Breakwater, shall give sufficient evidence of their having expended 150*l.* raised by subscription, for the purpose of building said Breakwater.

20*l.* Beacon on  
Wedge Island

And a further sum of 20*l.* in addition to the sum voted last Session, to erect a Beacon on Wedge Island, at the mouth of the Saint Mary's River.

220*l.* 8*s.* 5*d.*  
James Bain &  
others

And a further sum of 220*l.* 8*s.* 5*d.* to James Bain, James N. Shannon and Edward Allison, being the amount of duty paid at the Custom House in Halifax, upon wrecked Goods, afterwards exported to the United States of America, and on which they there paid the duties.

26*l.* 18*s.* 2*½d.*  
John Farquhar

And a further sum 26*l.* 18*s.* 2*½d.* to John Farquhar, being the amount of duties on Goods consumed in his store by Fire.

22*l.* 17*s.*  
Messrs. Cunard  
& Co.

And a further sum of 22*l.* 17*s.* to Messrs. Cunard and Company, for a drawback on Four Puncheons of Rum exported by Benjamin Terrio to Newfoundland.

19*l.* 13*s.* J.  
Leishman

And a further sum of 19*l.* 13*s.* to Jas. Leishman, being the amount of duties twice paid by him on Goods imported in the first instance in the Ship Eagle.

17*s.* 4*s.* 8*d.*  
Bar Society

And a further sum of 17*l.* 4*s.* 8*d.* to the Committee of the Bar Society, in pursuance of the prayer of their Petition and the report of the Committee thereon.

8*l.* 15*s.* 11*d.*  
A. Lawson

And a further sum of 8*l.* 15*s.* 11*d.* to Alexander Lawson, of Yarmouth, duties paid by him on a Printing Press and Apparatus.

7*l.* 2*s.* 11*d.*  
Rev. Mr.  
Cossman

And a further sum of 7*l.* 2*s.* 11*d.* to the Reverend Mr. Cossman, of Lunenburg, being the amount of duty paid by him on a Piano Forte imported, being part of his Furniture.

21*l.* 10*s.* James  
Dawson

And a further sum of 21*l.* 10*s.* to James Dawson, as a Drawback on Paper exported to Prince Edward's Island, in the year of Our Lord One Thousand Eight Hundred and Thirty-five, agreeably to the report of the Committee.

17*l.* 10*s.* Mary  
Hughes

And a further sum of 17*l.* 10*s.* at the disposal of His Excellency the Lieutenant-Governor, for the purpose of paying to Mary Hughes that sum, upon her executing to the Province, pursuant to the report of the Select Committee on her Petition, a sufficient conveyance of the Lot of Land at Digby, wherein the Block House now stands.

12*l.* J Romans

And a further sum of 12*l.* to John Romans, Collector of Impost at Truro, for expenses incurred in travelling from thence to Halifax, and back again, to appear before a Committee of this House.

2*l.* J Northrup

And a further sum of 2*l.* to John Northrup for that amount of Province Notes destroyed by Fire.

100*l.* S Cunard  
and M Dodd

And a further sum of 100*l.*—50*l.* thereof to the Honorable Samuel Cunard, and 50*l.* to Edmund M. Dodd, Esquire, to remunerate them for their services and expenses as Commissioners, under the Act of the last Session, relative to the proposed Light-Houses on St. Paul's and Scatarie.

13*l.* 5*s.* 10*d.*  
Commissioners

And a further sum of 13*l.* 5*s.* 10*d.* to the Commissioners for St. Paul and Scatarie, to defray their proportion of the expenses incurred in drawing up their award. And

And a further sum of 20*l.* to Charles E. Leonard, Esquire, Collector of Excise, at the Port of Sydnéy, to compensate him for extra trouble and expense incurred in securing duties on wrecked Merchandise, in accordance with the report of the Committee, and the recommendation of the Commissioners of the Revenue.

20*l.* Charles E  
Leonard

And a further sum of 53*l.* 13*s.* 9*d.* to James Turnbull, Esquire, to defray the expense of the extra Waiters, and to compensate him for his services in securing duties on Merchandise, saved from the wreck of the Iona.

53*l.* 13*s.* 9*d.*  
James Turn-  
bull

And a further sum of 5*l.* 5*s.* to Jacob Crook, for burying seven Seamen on Crook's Island, in the County of Guysborough.

5*l.* 5*s.* Jacob  
Crook

And a further sum of 3*l.* 15*s.* to Eliza Sherlock, agreeably to the prayer of her Petition.

3*l.* 15*s.* Eliza  
Sherlock

And a further sum of 9*l.* 17*s.* to the Clerk of the Crown at Halifax, to defray the amount of taxed costs in the cause of the King against twenty-three casks of Brandy, condemned in the Supreme Court.

17*l.* 17*s.* 3*d.*  
Criminal Pro-  
secution

And a further sum of 175*l.* 12*s.* 3*d.* at the disposal of His Excellency the Lieutenant-Governor, to enable him to pay the several expenses incurred in the Criminal Prosecution against Petit and Loramore, according to the report of the Select Committee.

100*l.* Seed, &c.

And a further sum of 100*l.* at the disposal of His Excellency for the purchase of Seed Oats and Field Peas, agreeably to the report of the Agricultural Committee.

75*l.* Colored  
Population

And a further sum of 75*l.* at the disposal of His Excellency, to repay the sum of 25*l.* expended by His Excellency for the relief of the Colored Population of Hammond's Plains, Birch Hill and Preston, agreeably to the Resolution of the House of Assembly during the present Session; and also, to enable His Excellency to take such measures for the further relief and amelioration of the condition of the said Colored Population as may be deemed proper, agreeably to the Message of His Excellency to the said House of the seventeenth day of March last.

370*l.* 8*s.* 10*d.*  
Emigrants CB.

And a further sum of 370*l.* 8*s.* 10*d.* at the disposal of His Excellency the Lieutenant-Governor to repay the amounts advanced by him for the relief of Emigrants and Poor Settlers in Cape-Breton, and the support of the Humane Establishment at Scatarie, agreeably to the report of the Committee thereon.

37*l.* 15*s.* 1*d.*  
Indian Meal  
for Inhabitants  
of Country  
Harbour, &c

And a further sum of 37*l.* 15*s.* 1*d.* at the disposal of His Excellency to defray the expenses incurred in furnishing Indian Meal for the relief of the Inhabitants of Country Harbour, Fisherman's Harbour and Beckington, agreeably to their Petition.

18*l.* 6*d.* Over-  
seers of Poor  
Annapolis

And a further sum of 18*l.* 6*d.* to the Overseers of the Poor for the Township of Annapolis, for so much paid by them for the support of a Transient Pauper, agreeably to the report of the Select Committee.

33*l.* 8*s.* 6*d.*  
Overseers of  
Poor Dorches-  
ter

And a further sum of 33*l.* 8*s.* 6*d.* to the Overseers of the Poor for the Township of Dorchester, for so much paid by them for the support of Transient Paupers, agreeably to the report of the Select Committee.

5*l.* 19*s.* 3*d.*  
Overseers of  
Poor Barrin-  
ton

And a further sum of 5*l.* 19*s.* 3*d.* to the Overseers of the Poor for the Township of Barrington, for expenses incurred by them in maintaining a Transient Pauper.

100*l.* African  
School

And a further sum of 40*l.* in addition to the sum of 60*l.* heretofore now by Law granted to the Reverend Dr. Willis, to enable him more fully to compensate the Teacher of the African School the present year.

36*l.* Indian  
Chapel

And a further sum of 30*l.* at the disposal of His Excellency the Lieutenant-Governor, to aid the Indians in erecting a Chapel in the Island of Cape-Breton.

25*l.* G. B.  
Watson

And a further sum of 25*l.* to George B. Watson, for his services as Teacher in the Annapolis Academy, agreeably to the report of the Committee.

11*l.* J. G.  
Hierlihy

And a further sum of 11*l.* to John George Hierlihy, for certain expenses, and as a compensation for his loss of time in pursuing a public prosecution under the Quarantine Act.

19*l.* Oat Mill  
Salmon River

And a further sum of 19*l.* to such person or persons as shall within two years erect and put in operation the first Oat Mill and Kilm on the North-West Branch of Salmon River, in the County of Guysborough.

500*l.* protection  
of Fisheries

And a further sum not exceeding 500*l.* at the disposal of His Excellency the Lieutenant-Governor, to enable His Excellency to employ small Vessels to protect the Fisheries in the Bay of Fundy, Gulf of Saint Lawrence, and on the Coasts of Nova-Scotia and Cape-Breton, with such force and powers and under such regulations as he shall deem expedient.

150*l.* Messrs S.  
Cunard & Co.

And a further sum of 150*l.* for one year, to Messrs. Samuel Cunard and Company, for the support

support of a sufficient Steam-Boat, for carrying Merchandise and Passengers, between the Port of Pictou and Prince Edward Island, upon the following conditions, that is to say—that the Government of the said Island shall make a similar provision for the same Boat, and that she shall be kept continually plying between the said places, from the opening to the closing of the Navigation, in each year, and perform a voyage at least once a week, during each Season, unless in case of unavoidable accident, with convenient accommodation for Passengers.

100l. J. Whitney

And a further sum of 100*l.* to James Whitney, for running the Steam-Boat between Annapolis and Digby, and St. John's, the present year, under the same regulations, and in the same manner as heretofore.

100l. Commissioners and  
150l. Treasurer for issuing Treasury Notes

And a further sum of 100*l.* to the Commissioners for signing Treasury Notes, and the sum of 150*l.* to the Treasurer of the Province, as a compensation for their services in issuing and cancelling Treasury Notes, and in negotiating Loans, paying off part of the Funded Debt, and preparing, renewing and altering Stock Certificates, since the year One Thousand Eight Hundred and Thirty-four.

150l. Cross Island Light

And a further sum of 150*l.* at the disposal of His Excellency the Lieutenant-Governor, to enable the Commissioners of Light-Houses to put in useful operation the Light-House on Cross Island, by a revolving and fixed lower light, or otherwise to distinguish said Light-House, as the Commissioners may deem proper, agreeably to the report of the Committee.

1520l. Post Communication

And a further sum of 1520*l.* for defraying the expenses of the Post Communication for the year One Thousand Eight Hundred and Thirty-seven, agreeably to the report of the Committee, and for the purposes therein stated—but such sum not to include the sums mentioned in the report of the Post Office Committee, as payable to Messrs. Bergman, Smith and Martin.

15l. Agent of Province

And such further sum as will pay 15*l.* Sterling in London to the Speaker of the House of Assembly, to pay for Acts of Parliament, and Journals of the House of Commons, and Parliamentary Papers, obtained by him from London for the use of the House of Assembly, pursuant to the Resolution of last Session.

47l. 6s. 9d. C. H. Belcher

And a further sum of 47*l.* 6*s.* 9*d.* to Clement H. Belcher for Binding and Lettering the Fourth Volumes of the Province Laws, and Journals of the Commons, and Acts of the Imperial Parliament, as per account, and the report of the Select Committee thereon.

72l. 10s. J. Howe & Son

And a further sum of 72*l.* 10*s.* to Messrs. John Howe & Son, for printing the Journals of His Majesty's Council, for the Session of the year One Thousand Eight Hundred and Thirtysix; and also, the further sum of 33*l.* 10*s.* for extra printing for the last year, agreeably to their Account.

10l. J. Sawyer

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

165l. Expenses of Council and House

And a further sum not exceeding 165*l.* to defray the expenses of extra Messengers to the Council and House of Assembly, and for Fuel, and sundry other Articles and services, for the Council and House of Assembly, according to Estimate, the said sum to be drawn and applied by the Clerk of the House of Assembly, under the sanction of the President of the Council and Speaker of the House of Assembly.

75l. Stationary, &c.

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

100l. Each Clerk of House

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

Allowance to Mrs. Wiswall

**II. And be it further enacted,** That it shall be lawful for His Excellency the Lieutenant-Governor to draw a Warrant on the Treasury, in favor of Mrs. Mary Wiswall, for the balance of Salary which would have been payable to the late Judge Wiswall, on the thirty-first day of December, in the year of Our Lord One Thousand Eight Hundred and Thirty-six.

**And whereas,** in the Year One Thousand Eight Hundred and Thirty-two, the sum of One Hundred and Fifty Pounds was granted in aid of the Breakwater at Margaree, Cape-Breton, to be drawn from the Treasury when it should be duly certified to the Secretary of the Province, that double the amount had been expended: **And whereas,** the sum of One Hundred

and Forty-five Pounds had been raised by private contributions, and expended on said work previous to said Grant, and doubts have been entertained as to the meaning thereof:

III. *Be it therefore enacted*, That the sum of One Hundred and Fifty Pounds granted as aforesaid, shall be paid to the Commissioners who may be appointed by His Excellency in that behalf, when it shall be certified to the Secretary of the Province that the sum of Four Hundred Pounds in all, including the above sum of One Hundred and Forty-five Pounds, has been expended in and about the erection of said Breakwater at Margaree; the further sum of Two Hundred and Fifty-five Pounds to be laid out by Contract, and the sufficiency of the work to be certified by the General Sessions.

150l. Breakwater at Margaree

IV. *And be it further enacted*, That the sum of Four Pounds granted for the Road between Kempt and Noel in the year One Thousand Eight Hundred and Thirty-four, and not drawn from the Treasury, be drawn and paid to Adam Hunter the Commissioner, to pay for a Road Plough furnished by him for the use of the Road.

4l. A. Hunter

V. *And be it further enacted*, That the sum of Five Pounds granted in the year One Thousand Eight Hundred and Thirty-two, from Cork Settlement to Downing's, and the sum of Six Pounds for a Bridge near Drysdale's, in Earl Town, be now appropriated and expended on the Main Road from Onslow to Tatamagouche, in addition to Forty Pounds granted for that purpose the present year.

5l. Road in Onslow

VI. *And be it further enacted*, That it shall be lawful for His Excellency the Lieutenant-Governor to draw his Warrant on the Treasury for the pay or salary of the Inspecting Field Officers of Militia, up to, and not beyond, the first day of July next.

Pay of Inspecting Field Officers

VII. *And be it further enacted*, That the sum of One Hundred Pounds per annum for three years, be granted and paid to any person or persons who will navigate the Waters of the Bay of Fundy, with a Steam-Boat of sufficient Horse power, to the satisfaction of the Lieutenant-Governor, to ply between Windsor and Partsborough, and Horton and Parrsborough, to carry a Mail once each week, to each place.

100l. Steam Boat, Windsor

VIII. *And be it further enacted*, That the sum of Fifty Pounds granted last year, to alter the road in Cornwallis, near William Tupper's, number fifteen, on Elder's plan, and unexpended, be applied as follows:—Twenty-five Pounds to alter the road near John Caldwell's, in Bill Town, marked on Elder's plan, No. 12; Twenty Pounds for the road from the Annapolis road, past Graham Bole's, to Black Rock, one half at least of said sum to be expended in altering the road, as laid out by a Committee, under the orders of the Court of Sessions; and Five Pounds to alter the road at the Hill, near the Shore at Black Rock.

50l. Road in Cornwallis

IX. *And be it further enacted*, That there shall be granted and paid to the Proprietors of the Eastern and Western lines of Stage Coaches, for three years, from and after the end of the present year, by quarterly payments, such sum as will, with the allowance now made from the General Post-Office Fund, amount to the annual sums of Three Hundred Pounds to the former, and Four Hundred Pounds to the latter, to ensure by each the transmission of the Mails between Halifax and Pictou, and Halifax and Annapolis, twice in each week, the above granted amounts to be included in the Post-Office Accounts.

300l. &amp; 400l. to Stage Coaches

X. *And be it further enacted*, That if any accident shall happen to any of the Bridges on the Main Roads in this Province, or any unforeseen obstruction to travelling shall arise from the fall of Trees or otherwise, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for time being, to order a Commissioner or Commissioners to repair or rebuild such Bridge or to remove such obstructions, and it shall be further lawful for the Governor, 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 the sum of Five Hundred Pounds.

500l. Road Emergencies

*And whereas*, it is by Law established that there shall be allowed and paid to any Grammar School combined with a Common School, wherein fifteen or upwards of the Scholars shall be taught and instructed in certain higher branches of Education, the sum of Thirty Five Pounds, of which combined Schools entitled thereto, there may be three in each County, but the grant is confined to Schools not receiving any separate Provincial Grant; *And whereas* in the County of Yarmouth there is not at present any combined Grammar and Common School except the Yarmouth Academy, which, receiving a separate Provincial allowance, is precluded from drawing the above allowance, although it would be otherwise entitled thereto, and the same is much needed therein, that an Usher may be employed:

351. Teacher  
Yarmouth Acad-  
emy

Members Pay

Duties on cer-  
tain Articles  
imported from  
United States  
applied in the  
support of the  
Poor

Sec. of Act 41,  
Geo. III, and  
of Act 4, Wm.  
IV. continued

**XI.** *Be it therefore enacted,* That the Trustees of said Academy shall be, and are hereby, authorised to receive from the Treasury the said allowance of Thirty-Five Pounds towards the support of said Academy, in addition to any other allowance made by the Legislature, but as it is not intended that the said County of Yarmouth shall receive aid for any greater number of Grammar Schools than is now by Law contemplated, the Commissioners of Schools for said County shall not be entitled to draw from the Treasury more than the allowance for two Grammar Schools under the Act now in force for the encouragement of Schools.

**XII.** *And be it further enacted,* That the sum of Twelve Shillings and Six Pence per day be paid to each and every of the Members 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 sixty-four days attendance.

**XIII.** *And be it further enacted,* That the Collector of Impost at the Port of Halifax, shall and he is hereby required and directed to keep a distinct account of all Duties collected by him upon the importation from the United States of America of Live Stock, Apples, Onions, Fruit, Biscuit and Bread, under the Act of the General Assembly, passed in the last Session of the General Assembly, entitled, An Act for granting Colonial Duties of Impost for the support of His 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 Poor of the Town of Halifax; Provided such payment do not exceed the sum of One Thousand Pounds during the present year.

**XIV.** *And be it further enacted,* That the ninth, twelfth, sixteenth and eighteenth, Sections or Clauses of the Act, made and passed in the Forty-first Year of the Reign of His late Majesty King George the Third, entitled, An Act for applying certain Monies therein mentioned for the service of the Year of Our Lord One Thousand Eight Hundred and One, and for appropriating such part of the Supplies granted in this Session of the General Assembly as are not already appropriated by the Laws or Acts of this Province; also, the eleventh, twelfth and thirteenth, Sections of the Act, passed in the Fourth Year of His present Majesty's Reign, entitled, An Act for applying certain Monies therein mentioned for the service of the Year of Our Lord One Thousand Eight Hundred and Thirty-four, and for appropriating such part of the Supplies granted in this Session of the General Assembly as are not already appropriated by the Laws or Acts of the Province, shall be, and each of the said Clauses or Sections, is hereby continued in force in as full and ample a manner as if herein repeated word for word, until the Thirty-first day of March, which will be in the Year of Our Lord One Thousand Eight Hundred and Thirty-eight, and no longer.

## CAP. II.

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

(Passed the 27th day of March, 1837.)

Act 4, Wm.  
IV. continued  
(with excep-  
tions)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act of the General Assembly of this Province, passed in the Fourth Year of the Reign of His present 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 the Year of Our Lord One Thousand Eight Hundred and Thirty-seven; and also, every matter, clause and thing, in the said Act contained, (save and except the fourth and forty-sixth Clauses or Sections of the said Act; and also, save and except so far as the said Act is altered or amended by this present Act) shall remain thenceforth in operation, and be further continued until the Thirty-first day of March, which will be in the Year of Our Lord One Thousand Eight Hundred and Thirty-eight, and no longer.

(To be published in the next issue of the Nova Scotian and Halifax Journal.)

II. *And be it further 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 Bonds given therefor, as required by the provisions of any Imperial Statute, then, and in every such case, the Bond for warehousing the said Goods, required by the said fifth Section to be entered into by the Importer, shall be dispensed with, and the Landing Permit shall be granted for such Goods, and shall specify the Security for the due warehousing thereof hath been certified to have been given at the Custom-House.

Warehouse  
Bond to Excise  
dispensed with

III. *And be it further 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 is provided, shall not exceed the sum of Ten 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 Ten Pounds, then the Importer shall give Bond, with two sufficient Sureties, to be approved of by the Collector of Impost, in treble the Duties payable on such Goods, with a condition for the payment of the said Duties by instalments, and in manner following, that is to say: one fourth part of said Duties in six months, another fourth part thereof in nine months, and the remaining half part thereof in one year from the date of such Bond respectively; and such Bond shall be given in the manner and form prescribed therefor by the Board of Revenue, and a Warrant of Attorney shall also then and there be executed by the same parties, and in the form by the said 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 payment of any Instalment thereof; *Provided always*, that where Goods have been warehoused above one year, then the Colonial Duties, if exceeding Ten Pounds, shall be payable one half in three months, and the other half in six months from the date of the entry from Warehouse, and the Bond shall be made accordingly.

Duties exceeding  
Ten Pounds  
—Bond to be  
given

IV. *And be it further enacted,* That instead of the period of twenty days, allowed by the twenty-seventh Clause of the said Act hereby amended, for the entry inwards of Goods after the arrival of the Importing Ship, there shall be allowed for such entry six days only after such arrival, and if due entry inwards be not made within the said six days, it shall and may be lawful to proceed as in and by the said Clause is directed, in the same manner as if the said period of six days had been inserted in such Clause, instead of twenty days as therein mentioned.

Proviso

Time allowed  
for entry in-  
wards of  
Goods

### CAP. III.

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

(Passed the 27th day of March, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fourth year of His present Majesty's reign, entitled, An Act for the prevention of Smuggling, which Act will continue in operation until the Thirty-first day of March, in the year of our Lord One Thousand Eight Hundred and Thirty-seven, and every matter, clause and thing, in the said Act contained, save and except so far as the same is altered or amended by the Act hereinafter mentioned; also, the Act passed in the fifth year of His present Majesty's reign, to continue and amend the said first mentioned Act, and which Act last mentioned will also continue in operation until the Thirty-first day of March, in the year of Our Lord One Thousand Eight Hundred and Thirty-seven, and every matter, clause and thing, in the said last mentioned Act contained, shall remain thenceforth in operation, and the said Acts are respectively hereby further continued until the Thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-eight, and no longer.

Acts 4 and 5  
Wm. IV con-  
tinued

## CAP. IV.

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

(Passed 27th day of March, 1837.)

Act 4. Wm.  
IV continued  
(with exceptions)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the fourth year of His present Majesty's Reign, entitled, An Act concerning Goods exported, and for granting Drawbacks, which Act will continue in operation until the Thirty-first day of March, in the year of Our Lord One Thousand Eight Hundred and Thirty-seven, 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 save and except so far as the same is hereinafter altered or amended, 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 Thirty-eight, and no longer.

Preamble

*And whereas*, it is expedient for the encouragement of the Fisheries and Trade of this Province, to provide for the relinquishment of certain Colonial Duties, imposed by the Act passed in the sixth year of His present Majesty's Reign, for granting Colonial Impost Duties upon certain Foreign Goods, over and above, and in addition to, the Imperial Duties thereon, charged under the Act of the Imperial Parliament.

Exemptions  
from Colonial  
Impost Duties

**II. Be it therefore enacted**, That the Board of Revenue shall be, and the said Board is hereby authorized by any order of the Board to free and exempt from all Colonial Impost Duties thereon imposed, in addition to, and over and above, the Imperial Duty thereon, all such Foreign Goods liable to Colonial Impost Duty, as by satisfactory proof on oath shall, to the said Board, appear to have been actually and *bona fide* purchased or procured with the proceeds of Fish and Fish Oil, caught, cured and made, by the Inhabitants of this Province, and others employed in the Fisheries thereof, and which shall have been exported in Vessels owned and registered in this Province, or belonging to British Merchants, engaged in, and carrying on, the Fisheries of the same, and all which proof shall be taken in writing in such way as that the same may be submitted to the inspection of the General Assembly.

## CAP. V.

**An Act to continue and amend the Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof.**

(Passed 27th day of March, 1837.)

Act 6. Wm.  
IV continued  
(with exceptions)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the sixth year of the reign of His present Majesty King William the Fourth, entitled, An Act for granting Colonial Duties of Impost for the support of His Majesty's Government within this Province, and for promoting the Agriculture, Commerce, and Fisheries thereof, and every matter, clause and thing, therein contained, save and except as hereinafter altered or amended, shall be continued, and the same are hereby continued from the Thirty-first day of March, in this year of Our Lord One Thousand Eight Hundred and Thirty-seven, until the Thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-eight, and no longer.

Barilla and  
Soda exempted  
from duty

**II. And be it further enacted**, That in addition to the Articles in the Table of Duties to the said Act contained, marked "*Duty free*," and declared to be free of Duty, by the fifth Section of the said Act, the Articles of "Barilla" and "Soda," whether the same shall or shall not be of British Growth, Production or Manufacture, when hereafter imported or brought into this Province, shall be, and the same are hereby declared to be, free of Duty, under

under the said Act, in the same manner as if the said Articles had been and were respectively inserted in the said Table of Duties in the said Act contained, with the words "Duty free," inserted in the several Columns of the said Table, opposite to, or against the same.

## CAP. VI.

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

(Passed 27th day of March, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth Year of His present Majesty's Reign, 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 the Year of Our Lord One Thousand Eight Hundred and Thirty-seven, 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 Thirty-eight, and no longer.

Act 4, Wm.  
IV. continued  
(with exceptions)

## CAP. VII.

## An Act for the encouragement of the Nova-Scotia Horticultural Society.

(Passed 27th day of March, 1837.)

**W**HEREAS, the said Society intend to found a Public Garden in the Western Suburbs of the Town of Halifax, in order to create and extend a taste for Horticultural pursuits, and to increase and improve the productions of the Province. *And whereas,* the site of the said Garden is proposed to be a certain piece or parcel of ground, containing about five and a half acres in all, and which was originally a part of the Common of Halifax.—*And whereas,* the said ground is now under lease, in different Lots, and the Lessees thereof are bound to pay certain rents in respect thereof, to the Commissioners of the said Common, to be expended under the Act, in that behalf, for improving the same. *And whereas,* the said Society having been instituted for a highly useful and beneficial purpose, and having no funds, except such as are to be raised by voluntary subscription, it is expedient and proper to relieve them from the payment of such rents:

See Laws of  
1847 ch 54

Preamble

Horticultural  
Society to  
have Common  
Lots Rent free

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That the rents due and payable to the said Commissioners, in respect of such Common Lots, as shall be actually occupied and used by the said Society, its Officers and Servants, as and for a Public Garden, not exceeding five and a half Acres, shall not be exacted or required by the said Commissioners, so long as such Lots shall be so occupied and used, under such regulations and restrictions only as may be required for the due management and superintendance thereof; but if such Lots, or any part thereof, shall not continue to be so occupied and used, then, and in such case, such Commissioners shall be entitled, and are hereby required, to demand and receive the Rents for, and in respect of, such portions thereof as shall not be so occupied and used, from the parties legally bound to render and pay the same, and to apply such Rents, when received, in the same way as if this Act had not been made.

II. *And be it further enacted,* That it shall and may be lawful for the Commissioners of the Common, and they are hereby required, upon application of the Committee of the said Horticultural Society, to grant a Lease of that part of the said Common adjoining the Lots before named, and lying between the said Lots and the Road to the Eastward thereof, to the said Horticultural Society, for such term of years, and for such Rent, not exceeding Five Shillings per Annum, as they may deem expedient; *Provided always,* that nothing herein contained

Lease of Com-  
mon Lots to be  
given to Hor-  
ticultural Soci-  
ety

contained shall extend, or be construed to extend, to authorise the said Commissioners to grant any Lease upon terms repugnant to the Laws now in force respecting the Common.

## CAP. VIII.

### An Act to continue the Act for the Warehousing of Goods, and in amendment thereof.

(Passed 27th day of March, 1837.)

Act 4, Wm.  
IV. continued  
(with exceptions)

Goods ware-  
housed under  
Bond to Cus-  
tom House  
cannot be re-  
moved unless  
by permit from  
Collector of  
Excise

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fourth year of His present Majesty's reign, entitled, An Act for the Warehousing of Goods, which Act will continue in operation until the Thirty-first day of March, in the year of Our Lord One Thousand Eight Hundred and Thirty-seven; and also, 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 Thirty-eight, and no longer.

II. And be it further enacted, That in every case during the continuance of 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 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 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 the said Goods; but it shall not be lawful for any Collector or other Officer of His 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 the Warehouse, shall be liable to a penalty of One Hundred Pounds, or five times the amount of the Colonial Duties thereon, at the election of the Board of Revenue.

## CAP. IX.

### An Act for granting a Bounty on Chocolate, manufactured in this Province.

(Passed 27th day of March, 1837.)

Preamble

**W**HEREAS, the manufacture of Chocolate hath been carried on for many years in this Province, and it is expedient to protect the domestic manufacture from foreign competition:

Bounty allow-  
ed

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That there shall be granted and paid to any and every manufacturer of Chocolate, upon all Chocolate which shall be actually manufactured within this Province, out of the monies which shall be from time to time paid into the Provincial Treasury, the bounty or sum of three shillings and six

six-pence currency, upon and for every nett hundred pounds thereof, which shall be so manufactured as aforesaid.

*II. Provided always, and be it further enacted,* That it shall be lawful for the Lieutenant-Governor or Commander in Chief for the time being, to issue his warrant for the payment of the said bounty to the manufacturer or manufacturers of Chocolate, for such sum and sums only as the Board of Revenue shall from time to time certify to be due for such bounty to the said manufacturer and manufacturers, under this Act.

Proviso

*III. And be it further enacted,* That it shall be lawful for the said Board of Revenue to make and prescribe such regulations for the correctly ascertaining the quantity of Chocolate actually manufactured, and upon which the bounty granted by this Act is to be claimed, as they may deem fit and proper; and unless the said manufacturer or manufacturers shall comply with such regulations, he or they shall not be entitled to have, or claim, or receive, any bounty thereupon.

Quantity of  
Chocolate ma-  
nufactured to  
be correctly  
ascertained

*IV. And be it further 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 Thirty-eight, and no longer.

Continuation  
of Act

## CAP. X.

### An Act to alter, amend and continue, the Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape-Breton.

(Passed 27th day of March, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the First Year of the Reign of His present Majesty King William the Fourth, entitled, An Act to regulate the Pilotage of Vessels at the Port of Sydney, in the Island of Cape-Breton, and every matter, clause and thing, therein contained, save and except so far as the same is or may be hereinafter altered or amended, shall be continued, and the same, except as aforesaid, are hereby continued for three years, and from thence to the end of the then next Session of the General Assembly.

Act I. Wm.  
IV. continued  
(with excepti-  
ons)

*II. And be it further enacted,* That on every Vessel entering the Port of Sydney, spoken by a Licensed Pilot outside of Low Point and Cranberry Head, when his services are not accepted, the Licensed Pilot who first has hailed her shall be entitled to one third of the Pilotage fixed in the Table to this Act annexed, if the Vessel be owned in this Province, and one half on other Vessels; and that the Master or Commander of any Vessel approaching Sydney, when hailed by any Licensed Pilot, such Pilot being within a reasonable distance, with his flag flying, shall shorten sail, haul to, or use other means as circumstances will admit, to facilitate such Pilots boarding, under a penalty of two pounds. *Provided always,* that Vessels owned within this Province, and employed in the Coasting Trade or Fisheries, (except Whalers,) and all Vessels under eighty tons burthen, coming from Prince Edward Island, Newfoundland or New-Brunswick, and all Vessels entering, not spoken outside of Low Point and Cranberry Head, and all Ships of War belonging to His Majesty, shall be exempted from Pilotage, unless a Pilot is voluntarily taken on board. *And provided also,* that nothing contained in this Act shall be construed into any obligation on the part of any Master to take a Pilot either in, to, or out of, the Harbour of Sydney; but in case of any Master acting as his own Pilot into the Harbour, then, and in that case, the Pilot first tendering his services shall be entitled to the proportion of Pilotage as aforesaid.

In case where  
services of Pi-  
lots are not re-  
quired

*III. And be it further enacted,* That instead of the Schedule or Table of Fees annexed to the said Act, of First, William the Fourth, hereby continued, the following Schedule or Table of Fees shall be substituted; that is to say:

Proviso

Rates of Pilot-  
age

*Table of Rates of Pilotage of Vessels in, to and out of, the Harbour of Sydney.*

For Vessels under 100 Tons, to Sydney Town £1 5 0 Plant's Bar £1 10 0 From

From 100 to 150 Tons	"	£1 10 0	"	£1 5 0
From 150 to 200 Tons	"	1 15 0	"	1 10 0
From 200 to 250 Tons	"	2 0 0	"	1 15 0
From 250 to 300 Tons	"	2 5 0	"	2 0 0
From 300 to 350 Tons	"	2 10 0	"	2 5 0
From 350 to 400 Tons	"	2 15 0	"	2 10 0

And Five Shillings for every Fifty Tons additional of the burthen of every Vessel above Four Hundred Tons.

## CAP. XI.

## An Act for establishing and regulating Ferries, and to repeal the Act now in force.

(Passed 27th day of March, 1837.)

Establishment  
of Ferries

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication of this Act, His Majesty's Justices of the Peace, in their General or Special Sessions of the Peace for each County, shall be, and they are hereby authorized and empowered to establish such Ferries, over Rivers, Bays or Creeks, within their respective Counties, as may be by them thought necessary, and to agree with, and grant Licenses to, such persons as they shall judge fit to act as Ferrymen, on one or on both sides of such Rivers, Bays or Creeks, under such rules and regulations, and at such rates of Ferriage, as the said Justices shall from time to time establish; and any person or persons who shall agree with such Justices, and shall accept of the office or place of Ferryman, and, after such agreement and acceptance, shall refuse to comply with and observe the several rules and regulations to be made as aforesaid, or shall take and receive more than the established rates of Ferriage, to be fixed by the said Justices, shall, for each and every offence, be fined by the said Justices in their Sessions, in any sum not exceeding Forty Shillings.

Rules and Re-  
gulations

Violation of  
Rules. &c.

Privileges of  
Ferrymen pre-  
tected

II. And be it further enacted, That when any Ferry is duly established, or shall hereafter be established, over any River, Bay or Creek, as aforesaid, and any person or persons duly appointed and licensed to attend the same, if any other person or persons whatsoever, not being so licensed, shall carry or ferry over such River, Bay or Creek, any person or persons, or any horse, ox, cow or other description of cattle, or any gig, waggon, cart or other description of carriage, for hire, unless by desire or consent of the Licensed Ferryman, or on his neglect or refusal to give due attendance, such person or persons shall forfeit and pay for each and every offence, to the person or persons who shall sue for the same, a fine not exceeding Twenty Shillings, nor less than Five Shillings, to be recovered on complaint before any two of His Majesty's Justices of the Peace in the County where the offence shall have been committed, together with the costs of prosecution; and it shall and may be lawful for the said two Justices, upon such conviction, to issue a warrant for the amount of the said fine or fines, together with the costs of prosecution, against the Goods and Chattles of the person or persons so convicted; and if no Goods or Chattles of the said person or persons so convicted can be found, sufficient to satisfy the said fine or fines, together with the costs of prosecution, then to direct, in and by the said warrant, that the said person or persons so convicted as aforesaid, be committed to the Common Gaol of the County where such offence was committed, for any number of days not exceeding ten, and not less than five, unless he or they shall sooner pay the amount of such fine or fines, together with the costs of prosecution. Provided nevertheless, that if any Ferryman appointed as aforesaid shall neglect or refuse to give attendance, pursuant to the regulations made for that purpose, in every such case any other person or persons may supply the place of such Ferryman until another be appointed and licensed as aforesaid, and receive payment for the same in the same manner as the Licensed Ferryman might do if present.

Ferryman neg-  
lecting their  
duties

Ferryman to  
provide Boats  
&c.

III. And be it further enacted, That every Licensed Ferryman shall keep a safe and good Boat or Boats, Vessel or Vessels, in good repair, suitable for such Ferry, and shall give ready

dy attendance on passengers on all occasions, according to the regulations established therefor; and for every neglect in keeping such Boat or Boats, Vessel or Vessels, or in giving such attendance, shall forfeit a sum not exceeding forty, nor less than ten shillings, to be recovered with costs of prosecution by whoever shall sue for the same, before any two Justices of Peace, in the same manner as aforesaid, (and shall be further liable, in an action on the case, for all such damages as any person shall sustain by such neglect.)

**IV. And be it further enacted,** That at the Lennox Passage, in the Island of Cape-Breton, and at the Gut of Canso, there shall be a Ferryman or Ferrymen appointed by the said Justices, on each side of the said Passages.

**V. And be it further enacted,** That the Act made and passed in the Twenty-third Year of the Reign of His Majesty King George the Third, entitled, An Act for establishing and regulating Ferries, be, and the same is hereby repealed.

Lennox Passage and Gut of Canso Ferries

Act 23. Geo. III, repealed

vol. 237

### CAP. XII.

## An Act in amendment of the Act to incorporate the Petite Plaister and Mills Company.

(Passed 27th day of March, 1837.)

**W**E HEREBAS, by an Act passed in the last Session of the General Assembly, Francis Parker, and certain other persons in said Act named, were incorporated as a body Politic and Corporate, under the style and title of the Petite Plaister and Mills Company, for the purpose of grinding Plaister of Paris or Gypsum, and for other purposes, in the said Act mentioned; *And whereas*, the said Company by Petition to the Legislature, setting forth that they are interested either in respect of the said Company, or of Francis Parker, one of the said Company, who hath also concurred in the said Petition, in a certain tract of Land, situate on both sides of the River Petite, in the County of Hants—have prayed that power may be granted them by the Legislature to erect, for the purpose of grinding Gypsum, and for other purposes, a Dam or Dams, Pier or Piers, Abutment or Abutments, across that part of the said River which runs through the said tract of Land, in which they are so interested as aforesaid; but not lower or further down the stream of the said River than twenty-five rods below Adams' Island, so called, in the said River. *And whereas*, it appears that the granting the prayer of their Petition will manifestly tend to the public benefit and advantage:

**I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,** That it shall and may be lawful for the said Petite Plaister and Mills Company to erect and construct such Dam or Dams, Pier or Piers, Abutment or Abutments, and to erect such Mills and other Machinery in and across the tideway of that part of the said River which runs through the tract of Land aforesaid; but not lower or farther down the stream of the said River than twenty-five rods below Adams' Island aforesaid, as they may think necessary and requisite; and to possess and enjoy the tide-waters and Lands covered with water, within the limits aforesaid, in the said River, from high-water mark down to low-water mark, with all the rights, privileges and immunities thereto belonging.

Preamble

Permission granted to erect Mills, &c.

### CAP. XIII.

## An Act to authorize the Grand Jury and the Court of Sessions in the County of Pictou, to present and assess Monies for the erection of a Lock-up House in New Glasgow, in the said County.

(Passed 27th day of March, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Grand Jury of the County of Pictou to present and assess, and for the Court

Assessments allowed

Court

Court of Sessions for the said County to confirm the same, any sum of Money which they may deem expedient and necessary for the erection and safe and proper keeping and regulation of a Lock-up House, to be erected in New Glasgow, in the said County; and it shall be lawful to assess and levy, and collect, the said sum, in the manner as now by Law provided for other sums presented and assessed for County purposes.

*Lock-up  
House placed  
under Keeper,  
&c.*

II. *And be it further enacted,* That the said Lock-up House shall be placed under the charge of such person as shall be appointed by the Court of Sessions, on the recommendation of the Grand Jury for that purpose; and it shall and may be lawful for the said Court of Sessions to make, from time to time, all necessary regulations for the proper keeping of the said Lock-up House, and for the custody and safe keeping of such persons as may be confined therein.

## CAP. XIV.

**An Act in addition to, and amendment of, an Act made and passed in the Fifth Year of His Majesty's Reign, entitled, An Act to Incorporate a Company for Insurance against Fire and on Lives.**

(Passed 27th day of March, 1837.

Preamble

WHEREAS, it is expedient to make provision for the better regulation and government of "The Albion Fire and Life Insurance Company," Incorporated by the said

Act:

*General Meet-  
ing of Share-  
holders to be  
held Annually*

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That, from and after the passing of this Act, there shall be a General Meeting of the Shareholders and Members of the said Corporation, to be annually holden in the third week in December, in each and every year at Halifax, and to adjourn to any day during said week, at which Annual Meeting there shall be chosen, by a majority of the said Shareholders and Members of the said Corporation, five Directors, (not being Directors of any other Fire or Life Insurance Company,) who shall annually choose one out of their number as President; and which President and Directors shall continue in office for one year, or until others are chosen in their room; in the choice of which Directors, the Shareholders and Members of the said Corporation shall vote according to the rule hereinafter mentioned. *Provided always,* that three of the Directors in office shall be re-elected at such Annual Meeting, for the next succeeding twelve month.

*Directors and  
President to be  
chosen*

Appointment  
of Officers, &c.

*Salaries of Of-  
ficers, Rents,  
&c.—how de-  
frayed*

Board of Di-  
rectors

II. *And be it further enacted,* That the Directors for the time being shall have power to appoint such Officers, Clerks and Servants, as they, or the major part of them, shall think necessary, for executing the business of the said Corporation, and shall allow them such compensation for their services respectively as to the Directors shall appear reasonable and proper; all which, together with the expences of buildings, office rents, and all other contingencies, shall be defrayed out of the funds of the Corporation, and the said Directors shall likewise exercise such other powers and authorities for the well regulating the affairs of the said Corporation as shall be prescribed by the Bye-laws and Regulations of the same. *Provided always,* that the compensation to be allowed by the Directors to any Officer, Clerk or Servant, of the said Company, shall be subject to the approval of the Shareholders at their next general meeting.

III. *And be it further enacted,* That not less than three Directors shall constitute a board for the transaction of business, of which the President shall always be one, except in case of sickness, or unavoidable absence—in which case, the Directors present may choose one of their Board as Chairman in his stead; that the President or Chairman shall vote at the board as a Director, and in case of there being an equal number of votes for and against any question before them, the President or Chairman shall also have a casting vote.

*Directors to  
receive no Sa-  
lary*

IV. *And be it further enacted,* That no Director shall be entitled to any salary or emolument for his services.

V.

V. *And be it further enacted,* That each Shareholder shall be entitled to one vote only, on every occasion, when by the provisions of this Act, and of the Act of which it is a amendment, the votes of the Shareholders are to be given, and all Shareholders may vote by proxy, provided such proxy be a Shareholder, and do produce sufficient written authority from his constituent or constituents so to act. *Provided always,* that no person shall hold more than three proxies at any one time.

Voting of  
Shareholders

VI. *And be it further enacted,* That the Directors shall fill up any vacancy that may be occasioned in the office of President or in the Board of Directors, by the death, removal, resignation, or absence from the Province for three months, or any incapacity of the said President or any of its Members; and the person or persons so chosen by the said Directors shall serve until the next succeeding annual meeting of the Shareholders.

Vacancies—  
how to be filled

VII. *And be it further enacted,* That, notwithstanding any Real Estate which the said Corporation may at any time own or possess, the shares and interest of and in the stock, funds, property, and estate of the said Corporation, shall be, and shall be held, deemed, and taken to be, personal property, to all intents and purposes whatsoever.

Shares consid-  
ered personal  
Property

VIII. *And be it further enacted,* That the Joint Stock or property of the said Corporation shall alone be responsible for the debts and engagements of the said Corporation; and that no person or persons who shall or may have dealings with the said Corporation shall, on any pretence whatsoever, have recourse against the separate property of any present or future member of the said Corporation or against their persons, further than may be necessary to secure the faithful application of the funds of the said Corporation, unless the said Corporation shall be made liable for any Monies under the operation of the Proviso contained in the fifth section of the Act hereby amended.

Joint Stock  
held responsi-  
ble

IX. *And be it further enacted,* That the Directors shall make annual dividends of such part of the profits, rents, premiums and interest, only as they may think fit, but not of the Capital or Joint Stock of the said Corporation, payable at such time and place as the Directors shall appoint.

Dividends

X. *And be it further enacted,* That the books, papers, correspondence and funds, of the said Corporation, shall at all times be subject to the inspection of the Directors; but no Shareholder, not a Director, shall inspect the same, without permission in writing from the said Board of Directors.

Inspection of  
Books, &c.

XI. *And be it further enacted,* That the said Board of Directors shall have power and authority, and they are hereby strictly required, to cause to be balanced the Books of the said Corporation, on the last day of November in each and every year, or at such other period, as any General Meeting of the Shareholders or Members shall require, and the same being so balanced shall be carefully examined, audited and signed, by the Board of Directors, and an abstract of the said balance, shewing clearly and explicitly the state of the debts and credits of the said Corporation, and shewing how many and what part of the Insurances made by the Corporation are determined or remain undetermined and at risk, and what claims for losses are unsettled, and what deductions or allowances ought to be made thereupon; and also, shewing how and in what manner the Capital Stock and other Monies of the Corporation are invested or disposed of, and what sums of Money are due to the said Corporation; and also, showing and stating such further particulars as by the Bye-laws and regulations of the said Corporation shall be required, shall be produced by them at the Annual General Meeting for the inspection of the Shareholders and Members of the said Corporation.

Books to be  
balanced *last day*  
Nov.

XII. *And be it further enacted,* That Special Meetings of the Shareholders and Members of the said Corporation shall be summoned by the Directors when they shall deem the same necessary, or whensover a requisition therefor, in writing, shall be delivered to the Board, signed by twelve Shareholders, and specifying the object of such Meeting. *Provided always,* that notice of the day appointed for the annual or any General or Special Meeting of the said Corporation, shall be given by an Advertisement, published at least seven days previous thereto, in the Royal Gazette Newspaper, in Halifax.

Special Meet-  
ings

XIII. *And be it further enacted,* That the said Corporation shall have full power and authority, from time to time, at any General Meeting, to make, ordain, and put in execution, such rules, orders and bye-laws, as to them shall seem meet and proper for regulating the proceedings of the Corporation—the transfer of Shares—the proceedings of the Board of

Bye-Laws and  
Regulations

Proviso

Directors—the transaction of the business of the Corporation—the government and regulation of all the Officers and Servants of said Corporation, and for the superintendance and management of the affairs of the Corporation in all respects whatsoever; and from time to time to alter and repeal such rules, orders and bye-laws, or any of them, and to make others, as to the Shareholders of said Corporation at a General Meeting shall seem meet and expedient; and all rules, orders and bye-laws, so made as aforesaid, being reduced into writing, and signed by the Chairman present at any such Meeting, and sealed with the seal of said Corporation, shall, in all or any Courts of Law or Equity, be deemed and taken to be the rules, orders, and bye-laws of such Corporation. *Provided always*, that such rules, orders and bye-laws, be not repugnant to the Laws of the Province, or to the Laws in force within the same, or to the express directions and provisions of this Act.

## CAP. XV.

## An Act for granting Duties on Licenses for the sale of Spirituous Liquors.

(Passed 31st day of March, 1837.

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, and during the continuance thereof, there shall be raised, levied and collected from, and paid by, every person now licensed, or hereafter to be licensed, by any Tavern License or Shop License granted or to be granted for the sale of Rum, or other strong or distilled Spirituous Liquors, and Wine, Ale, Beer, Cider or Perry, at any Town or place within this Province, (save and except only the Town and Peninsula of Halifax,) pursuant to the rules, regulations and provisions, of the Act passed in the second year of His present Majesty's Reign, entitled, An Act concerning persons licensed to keep Public Houses and Shops, and the Duties thereon—the several and respective License Duties and Taxes following, that is to say:—

For and upon every Tavern License, the sum of Five Pounds and Ten Shillings.

For and upon every Shop License, the sum of Three Pounds:

Which said several License Duties or Taxes shall be paid and payable at such times, and in such proportions, and under and subject to such reductions for any time less than one year, and shall be raised, levied, collected and secured, in and by such Bonds or Obligations, Ways and Means, and under such Penalties and Forfeitures, and shall be applied and disposed of in such manner, and to such persons, and for such purposes, as in and by the said Act of the second year of His present Majesty's Reign, or any other Act in addition, alteration or amendment thereof, to be passed, are or shall be provided, declared, directed or enacted, of, and concerning the said License Duties or Licenses aforesaid, or any of them respectively.

II. *And be it further enacted*, That no General License whatever shall be granted, made or issued, to any person or persons whomsoever, residing in any part of this Province, save and except only to persons residing in the Town or peninsula of Halifax.

III. *And be it further enacted*, That hereafter no such License as heretofore, called a Wine and Beer License, shall be made, issued or granted, on any pretence whatsoever.

IV. *And be it further enacted*, That it shall be lawful for the Justices of the Peace of the several Counties or Districts in this Province, upon the recommendation of the Grand Jury, but not otherwise, to grant a License gratis, or upon payment of such less Duty or Tax than is hereby imposed, as may seem to them proper, to any person or persons living on Roads which are little frequented, for the encouragement of such persons keeping Houses of Entertainment on such Public Roads for the accommodation of Travellers.

V. *And be it further enacted*, That no Magistrate or Person holding His Majesty's Commission as Justice of the Peace in and throughout the different Counties in this Province, shall be allowed or considered eligible to hold or take out any Tavern License for the retail of Ardent Spirits.

VI. *Provided always*, and be it further enacted, That nothing in this Act, or any other Act

Tavern License  
5l. 10s.  
Shop License  
3l.

Collection and  
appropriation  
of License  
Duties

General Li-  
cense only to  
be granted in  
Halifax

Wine and Beer  
Licenses dis-  
continued

Licenses may  
be granted  
gratis

Licenses with-  
held from Ma-  
gistrates

Proviso

Act contained, shall extend, or be construed to extend, to prevent any person holding a Tavern License, except in the Town of Halifax,) from selling any quantity of Spirits, Wine or other Liquor, not exceeding at any time one quart, to any person whomsoever, (excepting Indians,) whether the same is to be consumed in his house or elsewhere.

VII. *And be it further 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 Thirty-eight, and no longer.

Continuation  
of Act

CAP. XVI.

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

(Passed 3d day of March, 1837.)

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

Act 4 and 5  
Geo. IV. con-  
tinued

CAP. XVII.

**An Act to continue the Act to amend an Act for establishing a Public School in the Town of Halifax.**

(Passed the 3d day of March, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act passed in the fifty-first year of the reign of His late Majesty King George the Third, entitled, An Act to amend an Act passed in the twentieth year of His Majesty's reign, entitled, An Act for establishing a Public School in the Town of Halifax, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 51, Geo.  
III. continued

CAP. XVIII.

**An Act respecting the Inferior Courts, General Sessions and Justices of the Peace, within the Island of Cape-Breton.**

(Passed 27th day of March, 1837.)

**W**HEREAS, by the Act passed in the fifth year of His present Majesty's reign, entitled, An Act to divide the County of Cape-Breton, and to regulate the Representation thereof, no provision is made relative to the times and places for holding the several Courts therein:

Preamble

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That, save and except as hereinafter mentioned, the times and places now by Law appointed for holding the Supreme Courts, Inferior Courts of Common Pleas and General Sessions of the Peace, within the North Eastern, Southern, and North Western Districts of the former County of Cape-Breton respectively, shall be, and be deemed, and taken to be, the times and places for holding the said several Courts in the respective Counties of Cape-Breton, Richmond and Juste-au-Corps, created and established by the said Act hereinbefore mentioned.

Times and  
places for hold-  
ing Courts in  
certain Dis-  
tricts of Cape-  
Breton, by  
Law establish-  
ed, confirmed

Inferior Court  
to be held in  
County of  
Cape-Breton  
third Tuesday  
of April

Return of  
Writs, &c.

Preamble

Powers of  
Courts, Judges,  
&c. confirmed

Judgments  
proceedings,  
&c. to be held  
valid

**II. And be it further enacted,** That the next term or sitting of the Inferior Court of Common Pleas and General Sessions of the Peace, to be held in the present County of Cape Breton, shall be held on the third Tuesday of April, instead of on the last Tuesday of March, as now by Law prescribed—of which, all Judges, Justices, Officers, Witnesses, Suitors, and other persons whatsoever, shall, and they are hereby required to, take notice.

**III. And be it further enacted,** That all Writs, Process and other Proceedings whatsoever, returnable to either the said Inferior Court of Common Pleas, or to the General Sessions of the Peace, on the said last Tuesday of March, shall be and become returnable on the said third Tuesday of April; and all persons summoned or required, or held, bound or liable to appear at either of the said Courts on the said last Tuesday of March, shall be held, bound and be required and liable to appear on the said third Tuesday of April.

And to prevent difficulty arising respecting the powers and authorities of the said Courts, and of the Judges, Justices and Officers thereof:

**IV. Be it therefore enacted,** That the said Courts of Common Pleas and General Sessions for the said North Eastern, Southern and North Western Districts, and the Judges and Justices thereof, and all Justices of the Peace, Constables and Officers whatsoever, who, at the time of the passing of the said Act hereinbefore mentioned, were in Office, or commissioned and appointed to act as such Judges, Justices, Constables and Officers, within, or for the said North Eastern, Southern, and North Western Districts respectively, shall, until a new Commission or Commissions shall be issued, or new appointments take place, be deemed, and taken, and be adjudged to be, the Inferior Courts of Common Pleas and General Sessions of the Peace, and the Judges, Justices of the Peace, Constables and Officers respectively, for the several and respective Counties of Cape-Breton, Richmond and Juste-au-Corps, in the same manner as if appointed or commissioned for the said several Counties respectively.

**V. And be it further enacted,** That all lawful Acts, Matters and Things, Suits, Judgments and Proceedings whatsoever, had, done, suffered or prosecuted, before any such Courts, or either of them, or by or before any such Judge, Justice, Constable or Officer hereinbefore mentioned, shall be, and be deemed, and held to be, as good, valid, binding and sufficient, as if such Courts, Judges, Justices, Constables or Officers, had been commissioned or appointed for the said Counties of Cape-Breton, Richmond and Juste-au-Corps respectively.

## CAP. XIX.

### An Act to continue the Act to authorize the Sessions of the Peace for the County of Queen's County to make regulations for the gathering of Sea Manure in the said County.

(Passd 3d day of March, 1837.)

Act 8, Wm.  
IV. continued

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, That an Act, passed in the Third Year of the Reign of His present Majesty King William the Fourth, and entitled, An Act to authorise the Sessions of the Peace for the County of Queen's County to make regulations for the gathering of Sea Manure in said County, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. XX.

### An Act further to amend the Act to Incorporate a Marine Insurance Company in Halifax.

(Passed 27th day of March, 1837.)

Preamble

**W**HEREAS, the liability of Shareholders in the Nova-Scotia Marine Insurance Company, Incorporated by an Act passed in the fifth year of the reign of King William the

the Fourth, entitled, An Act to Incorporate a Marine Insurance Company in Halifax, is limited and restricted to the amount of the Capital Stock held by such Shareholders respectively, unless in case of any loss or deficiency of the Capital Stock of the said Corporation occurring from the official mismanagement of the Directors of the said Company, when the individual responsibility of each Shareholder is extended to such further amount, as the amount held by such Shareholder may be in addition to the amount of such Stock; *And whereas*, it would tend to the better security of the public, and further assure the stability of the said Corporation, that the same responsibility of the individual Shareholders should be extended to cases of loss or deficiency of Capital, whether arising from mismanagement as aforesaid, or from any other cause.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That in case of any loss or deficiency which shall or may hereafter arise or occur in the Capital or Joint Stock of the said Corporation, whether arising from the official mismanagement of the Directors of the said Company, or from any other cause whatsoever, the persons who are or may be Shareholders in such Company at the time of any such loss or deficiency so occurring as aforesaid, shall, in their private individual capacities, be respectively liable to make good any such loss or deficiency so far as may be requisite or necessary to pay off and discharge any claims or demands against the said Corporation then existing; *Provided always*, that in no case shall any one Shareholder be liable to pay a sum exceeding the amount of the Stock then actually held by such Shareholder, in addition to the Stock so held by him.

*And whereas*, although the present number of Shareholders in the said Corporation is one hundred and twenty-nine persons, actually and *bona fide* holding Shares therein, yet the limitation of the number of Shares to be held by any one Shareholder of the said Corporation is deemed advisable:

II. *Be it therefore enacted,* That no person now a Shareholder in the said Corporation, who holds less than ten Shares therein, nor any person who may hereafter become a Shareholder in the said Corporation, shall purchase, obtain, retain or hold, or be entitled to purchase, obtain, retain or hold, more than ten Shares in the said Corporation; and no person holding ten shares or upwards in the said Corporation, shall, at any time hereafter, be entitled to obtain, purchase, retain or hold, any other or further share or shares therein, so long as such person shall hold or retain as many as ten shares, and in case any person now holding more than ten shares, shall, by sale or transfer, reduce the number of shares held by such person to ten shares, or to a less number than ten shares, then, and in such case, the person so reducing his number of shares, shall, at no time thereafter, be entitled to hold or retain, or become Proprietor of more than ten shares; *Provided always*, that nothing herein contained shall extend, or be construed to extend, to shares held or retained by any person or persons, as the Executor or Executors, or Administrator or Administrators of any deceased Shareholder.

Liability of Shareholders

Proviso

Preamble

Limitation of Shares to be held by Shareholders

Provisc

## CAP. XXI.

### An Act to authorize the appointment of Sheriffs for the several Counties of Juste-au Corps, Pictou, and Colchester and Richmond.

(Passed 3d day of March, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the passing of this Act, and immediately thereupon, and annually thereafter, in manner, and at the time as may be or is required by Law, it shall and may be lawful for the Chief Justice of His Majesty's Supreme Court of this Province, and for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to nominate and appoint Sheriffs for the several Counties of Juste-au Corps, Pictou, Colchester and Richmond respectively, any Law, usage or custom, to the contrary notwithstanding.

Sheriffs to be appointed

## GAP. XXII.

**An Act in addition to, and in amendment of, the various Acts made and passed by the General Assembly of this Province, for the relief of Insolvent Debtors.**

(Passed 3d day of March, 1837.)

Preamble

**W**HEREAS, many Acts have been passed by the General Assembly of this Province for the relief of Insolvent Debtors. *And whereas*, the benefits intended to be conferred upon Insolvent Debtors by such Acts, are sometimes withheld from Debtors, who have been arrested upon Mesne Process, and are unable to give bail, or who, after having given bail, have been subsequently rendered in discharge of their bail, by Creditors purposely delaying to enter up judgment against such Debtors, with the design of preventing such Debtors from taking the benefit of such Acts—which proceedings are manifestly in breach of the spirit of the said Acts, and of the benevolent intentions of the Legislature, in passing the same—for remedy thereof:

Relief to be afforded to Insolvent Debtors

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That whenever it shall be made to appear to the satisfaction of the Judges or Justices authorized to extend the benefit of the said Acts to Insolvent Debtors, that any delay whatever has taken place in the proceedings against any Debtor or Debtors now confined, or who may hereafter be confined, in Jail for Debt, in this Province, for the purpose of preventing such Debtor or Debtors from taking the benefit of the said Acts, passed for the relief of Insolvent Debtors, it shall and may be lawful for the said Judges or Justices, upon the application of such Debtor or Debtors, and upon its appearing satisfactorily to the said Judges or Justices, that such delay has taken place with such aforesaid design, to proceed to consider the application of such Debtor or Debtors, and to extend or withhold the benefits of the said Acts, to or from such Debtor or Debtors, as justice may require, in the same manner as if judgment had been duly entered up against the Debtor or Debtors making such application.

## CAP. XXIII.

**An Act to continue the Act in amendment of an Act, made and passed in the first and second year of His late Majesty's reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton.**

(Passed 3d day of March, 1837.)

Act 1, Wm.  
IV. continued

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act made and passed in the first year of His present Majesty's reign, entitled, An Act in amendment of an Act made and passed in the first and second years of His late Majesty's reign, entitled, An Act to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. XXIV.

**An Act to continue the Act relating to Marriage Licenses.**

(Passed 3d day of March, 1837.)

Act 2, Wm.  
IV. continued

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the second year of His present Majesty's reign, entitled, An Act relating to Marriage

Licenses

riage Licenses, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. XXV.

**An Act to continue the Act to prevent disorderly Riding, and to regulate the driving of Carriages on the Streets of Halifax or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned.**

(Passed 3d day of March, 1837.)

**BE it enacted, by the Lieutenant-Governor, Council and Assembly,** That the Act, passed in the fourth year of the reign of His late Majesty King George the Fourth, entitled, An Act to prevent disorderly Riding, and to regulate the driving of Carriages on the Streets of Halifax or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned, and every matter, clause and thing, in the said Act contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 4, Geo.  
IV. continued

## CAP. XXVI.

**An Act to continue the Act to lessen the Expense of the Proof of Written Documents in Actions depending in any of the Courts within this Province.**

(Passed 3d day of March, 1837.)

**BE it enacted, by the Lieutenant-Governor, Council and Assembly,** That the Act, passed in the Third Year of His present Majesty's Reign, entitled, An Act to lessen the Expense of the Proof of Written Documents in Actions depending in any of the Courts within this Province, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 3, Wm.  
IV. continued

## CAP. XXVII.

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

(Passed 3d day of March, 1837.)

**BE it enacted, by the Lieutenant-Governor, Council and Assembly,** That an Act, made and passed in the Third Year of His late Majesty's Reign, entitled, An Act for consolidating and reducing into one Act all the Acts heretofore made relating to Trespasses, except so far as the same is or may be altered or amended by the several Acts hereinafter mentioned; and also the Act made and passed in the Fourth and Fifth Year of His late Majesty's Reign, to alter, amend and continue, the said Act; also the Act made and passed in the Ninth Year of His said late Majesty's Reign, to alter and continue the said Acts; also, the Act passed in the Second Year of His present Majesty's Reign, to amend and continue the said Acts; and also, the Act made and passed in the Third Year of His present Majesty's Reign, entitled, An Act in further amendment of the Acts relating to Trespasses, and every matter

Act 3, Geo.  
IV. (with ex-  
ceptions) and  
Acts 4, 5 & 9;  
Geo. IV. and  
Acts 2 and 3,  
Wm. IV. con-  
tinued

matter, clause and thing, in the said several Acts contained, except as aforesaid, shall be continued, and the same are hereby severally and respectively continued for five years, and from thence to the end of then next Session of the General Assembly.

## CAP. XXVIII.

## An Act for granting Duties on Licenses for the Sale of Spirituous Liquors, and for Sales by Auction, to Persons resident in the Town of Halifax.

(Passed 31st day of March, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That from and after the passing of this Act, and during the continuance thereof, there shall be raised, levied, and collected from, and paid by, every person now licensed, or hereafter to be licensed, by any Tavern License, Shop License or General License granted, or to be granted, for the sale of Rum or other distilled Spirituous Liquors, Wine, Ale, Beer, Cider or Perry, within the Town or Peninsula of Halifax, pursuant to the rules, regulations and provisions, of the Act passed in the second year of His present Majesty's reign, entitled, An Act concerning persons licensed to keep Public Houses and Shops, and the Duties thereon; and pursuant to the provisions of this Act, the several and respective License Duties and Taxes following, that is to say:—

Tavern License  
5l. 10s.  
Shop License  
3l.  
General License to persons holding Tavern License 1l.  
General License to persons holding Shop License  
3l. 10s.  
Duties secured

General License to be granted without fee

Auctioneer's License 20l.

Auctioneer's License to be granted by order of Justice of Peace, and to continue one year

For and upon every Tavern License, Five Pounds and Ten Shillings.

For and upon every Shop License, Three Pounds.

And for and upon every General License, when granted, made or issued, to a person holding a Tavern License, One Pound.

And for and upon every General License, when granted, made or issued, to a person holding a Shop License, Three Pounds and Ten Shillings:

All which said several License Duties or Taxes shall be paid and payable at such times, and in such proportions, and under and subject to such reductions for any time less than one year, and shall be raised, levied, collected and secured, in and by such Bonds or Obligations, Ways and Means, and under such penalties and forfeitures, and shall be applied and disposed of in such manner, and to such persons, and for such purposes, as in and by the said Act of the second year of His present Majesty's reign, entitled as aforesaid, or any other Act in addition, alteration, or amendment thereof, passed or to be passed, are, or shall be provided, declared, directed or enacted, of and concerning the said License Duties or Licenses aforesaid, or any of them respectively.

II. *And be it further enacted*, That every General License to be hereafter made, issued or granted, shall be made, issued or granted, without any further fee or charge whatsoever, over and above the Tax or Duty hereinbefore mentioned and imposed; and it shall not be lawful either for the Clerk of the Peace, or for the Clerk of the License, to take or receive any fee or reward whatsoever, for issuing, making or granting, any such General License, or in respect thereof.

III. *And be it further enacted*, That in each and every year, during the continuance of this Act, there shall be raised, levied and collected from, and paid by, every person who shall be licensed to act as, or follow the business of, an Auctioneer, within the Town or Peninsula of Halifax, a Duty of Twenty Pounds Currency, for every such License, to be granted as hereinafter mentioned.

IV. *And be it further enacted*, That every License to act as, or carry on, the business of an Auctioneer, shall be called an Auction License, and shall be granted to the applicant therefor by the order of any Justice of the Peace, delivered to the Clerk of the Peace at Halifax, and shall be made out and issued by the Clerk of the Licenses, upon the payment by the party applying therefor of the said Duty of Twenty Pounds thereon; and every such License shall continue and endure for the space of one year, from the date thereof, and no longer; and the Clerk of the Peace and of the Licenses shall each, for the entry and issuing such

such License, and all proceedings connected therewith, be entitled to a fee of Five Shillings, and no more.

V. *And be it further enacted,* That the whole amount of such Duty on Auction Licenses shall be forthwith paid over by the Clerk of the Licenses to the Commissioners of the Streets for the Town and Peninsula of Halifax, who shall apply the same Duties, or such part thereof, as may be necessary therefor, to the construction and completion of the new line of Road and Bridge leading southwardly over the Fresh Water Run; *Provided*, the sum so applied do not exceed One Hundred Pounds in the whole during the continuance of this Act.

VI. *And be it further enacted,* That if any person whosoever shall, within the Town or Peninsula of Halifax, use, follow or practice, the business or calling of an Auctioneer or Vendue Master, or act on any occasion as such Auctioneer or Vendue Master, or sell, or offer to sell, or expose for sale, at Public Auction or Out-cry, or Public Vendue, in the manner of Auctioneers or otherwise, any Goods, Wares, Merchandise, or Personal Property whatsoever, whether belonging to himself or to any other person whomsoever, every such person so doing, unless licensed thereto by such Auction License as aforesaid, shall forfeit and pay for every such offence the sum of Fifty Pounds, to be sued for and recovered by the Clerk of the Licenses in any Court of Record, with costs of Suit, and to be applied as other penalties for breach of the Law respecting Licenses and Licensed Houses as aforesaid, are or may be applied or appropriated. *Provided*, that nothing in this Act contained shall extend, or be construed to extend, to Sheriffs, Constables or other Public Officers, selling under process of Law, or the decree, order or direction, of any Court whatsoever, or to Sales at Auction by the Trustees or Commissioners of Public Property in Halifax.

Appropriation  
of Auction Li-  
cense Duty

Penalty for  
acting as Auction-  
eers without License

Proviso

VII. *And be it further 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 Thirty-eight, and no longer.

Continuation  
of Act

#### CAP. XXIX.

### An Act to amend the Acts for recovering Debts from absent or absconding Debtors.

(Passed 3d day of March, 1837.)

WHEREAS, at present, in order to recover any debt, however small, the Creditor of any absent or absconding Debtor is compelled to pursue a cumbrous and expensive process, which may be rendered unnecessary by introducing, as respects such debts, the same course of Trial as is now pursued in this Province for the Trial of Summary Causes —a course which can be productive of no injury to the Debtor, but will save expense both to the Debtor and Creditor:

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That whenever any Attachment or other Process shall be issued for any sum less than Twenty Pounds, against any absent or absconding Debtor, in a case, in which, if the Defendant were not an absent or absconding Debtor, the cause would now be proceeded in and tried as a Summary Cause, it shall not be requisite or necessary to file or serve any Declaration, but there shall be incorporated in the Writ of Attachment or Summons, to be issued in any such Action or Suit, a short statement of the Cause of Action, similar to the course now pursued in Summary Actions; and the said Action or Suit shall be entered on the Summary Docket of the Court wherein it has been commenced, and shall remain on such Docket until the third Term after its commencement, and then be tried in a Summary way, and, upon proof given in the usual manner, the Court shall give judgment in such Suit, and judgment shall be entered, and execution be issued, as if the said Action or Suit were an ordinary Summary Action or Suit.

Attachment  
against absent  
or absconding  
Debtors

Process substi-  
tuted instead  
of Declarations

Actions decid-  
ed in Summary  
way

II. *Provided always, and be it further enacted,* That if any such absent or absconding Debtor shall enter his appearance at or before the said third Term, after the commencement of such Suit or Action, it shall and may be lawful for such absent or absconding Debtor to defend

Debtors ap-  
pearing within  
certain time  
may defend  
Suits

fend the said Action before the Court as a Summary Cause in the usual manner, or in case he shall put in Special Bail to abide the event of such Suit, to move for a Jury to try such Action or Suit, and such Suit shall then be tried by a Jury, as other Summary Actions are now tried by a Jury, when the same is ordered.

*III. And be it further enacted,* That the costs in every such Suit or Action shall, if tried in a Summary manner on the part of the Plaintiff, or on the part of the Defendant, if judgment be given for the Defendant, in case of his appearance, be the same as the costs in ordinary Summary cases, and no more; and if any Agent be summoned in such Suit, such Agent shall be allowed no more costs than One Pound Three Shillings and Four Pence.

*IV. And be it further enacted,* That upon any Attachment made against any absent or absconding Debtor, for any sum less than Twenty Pounds in any such case as aforesaid, the Sheriff or Officer making such Attachment shall not levy any greater or further sum for probable costs than the sum of Seven Pounds, over and above the sum sworn to, and indorsed on the Writ; and where any Agent is summoned, such Agent shall not be required to retain in his hands, over and above the sum sworn to and indorsed on the Writ for probable costs, a greater sum than Seven Pounds.

*V. Provided always, and be it further enacted,* That, save and except as hereinbefore is provided, all the requisites, proceedings and regulations, by the several Acts now in force respecting the recovery of Debts from absent or absconding Debtors, shall be pursued in such Suits for sums under Twenty Pounds in such cases as aforesaid, whether the same respect the manner of issuing the Writ or Process, the summoning and appearance of Agents, the issuing of Executions, or other step or proceeding in the said Suits.

*VI. Provided also, and be it further enacted,* That if, in any such Suit or Action for less than Twenty Pounds in such cases as aforesaid, the absent or absconding Debtor therein sued shall, after the lapse of three years, seek a re-hearing, as provided for by the Acts now in force relating to absent or absconding Debtors, either before the Court or before a Jury, such absent or absconding Debtor shall enter into Special Bail to abide the event of such re-hearing, in the same manner as is hereby required in the case of an appearance and motion for a Jury.

---

#### CAP. XXX.

### An Act to change the name of the County of Juste-au Corps to the County of Inverness.

(Passed 31st day of March, 1837.)

Preamble

WHEREAS, the said County was called the County of Juste-au-Corps, in the Act passed in the Fifth Year of His present Majesty's Reign, for dividing the Island of Cape-Breton, and a large proportion of the Inhabitants thereof having originally come from Inverness-shire, in Scotland, are desirous that the said County should be so called:

*I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That the said County of Juste-au-Corps shall be henceforth called and known by the name of the County of Inverness, and that all Acts of the Assembly, Grants, Judicial and other proceedings whatsoever, shall hereafter be understood and taken to refer to the said County by the last mentioned name, and not by the name or title of Juste-au-Corps.

---

#### CAP. XXXI.

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

(Passed 3d day of March, 1837.)

Act continued

*B*E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act passed in the tenth year of His late Majesty's reign, entitled, An Act in amendment of an Act made

made and passed in the thirty-second year of the reign of His late Majesty King George the Second, entitled, An Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates; and the Act passed in the thirty-fourth year of His said late Majesty's reign, in amendment of the said Act, and every matter, clause and thing, in the said Act contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. XXXII.

**An Act to continue the Act concerning Malicious Injuries to Property.**

(Passed 3d day of March, 1837.)

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, That the Act, passed in the second year of His present Majesty's reign, entitled, An Act concerning Malicious Injuries to Property, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 2, Wm.  
IV, continued

## XXXIII.

**An Act to continue the Act to encourage the Killing of Bears, Loup-Cerviers and Wild Cats.**

(Passed 3d day of March, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Third Year of His present Majesty's Reign, entitled, An Act to encourage the Killing of Bears, Loup-Cerviers and Wild Cats, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 3, Wm.  
IV, continued

## CAP. XXXIV.

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

(Passed 3d day of March, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Third year of His present Majesty's reign, entitled, An Act 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 one year, and from thence to the end of the then next Session of the General Assembly.

Act 3, Wm.  
IV, continued

## CAP. XXXV.

**An Act to continue the Act for appointing Supervisors to take charge of Public Grounds, and for other purposes, and the Act in amendment thereof.**

(Passed 3d day of March, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the Fourth Year of the Reign of His present Majesty King William the Fourth, en- titled,

Act 4, Wm.  
IV, (with ex-  
ceptions)

Act 5, Wm.  
IV, continued

titled, An Act for appointing Supervisors to take charge of Public Grounds; and for other purposes, and every matter, clause and thing, therein contained, save and except so far as the same is or may be altered or amended by the Act hereinafter mentioned; also, the Act passed in the Fifth Year of His said present Majesty's Reign, to amend the said first mentioned Act, and every matter, clause and thing, therein contained, shall be continued, and the said Acts, except as aforesaid, are hereby continued for one year, and from thence until the end of the then next Session of the General Assembly.

---

## CAP. XXXVI.

**An Act to continue the Act in addition to the Act for regulating the Rates and Prices of Carriages.**

(Passed 3d day of March, 1837.)

Act 50, Geo.  
III, continued

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act passed in the Fiftieth Year of the Reign of His late Majesty King George the Third, entitled, An Act in addition to an Act passed in the Thirty-third Year of the Reign of His late Majes King George the Second, entitled, An Act for regulating the Rates and Prices of Carriages, 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. XXXVII.

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

(Passed 3d day of March, 1837.)

Act 7 Geo.  
IV, continued

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an 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, Regrating and Monopolizing, of Cord Wood in the Town of Halifax, and every matter, clause and thing, in the said Act contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

---

## CAP. XXXVIII.

**An Act to continue 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.**

(Passed the 3d day of March, 1837.)

Acts 10, Geo.  
IV, and 2,  
Wm. IV, con-  
tinued.

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act made and passed in the Tenth Year of His late Majesty's Reign, entitled, An Act in further addition to, and in amendment of, the Act for the choice of Town Officers and regulating of Townships; and the Act passed in the Second Year of His present Majesty's Reign, entitled, An Act to alter and amend the Act in further addition to, and in amendment of, the Act

Act for the choice of Town Officers and regulating of Townships, and every matter, clause and thing, in the said several Acts contained, shall be continued, and the same are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. XXXIX.

**An Act to continue the Act to suspend the operation of several Acts of the General Assembly, passed to prevent Forestalling, Regrating and Monopolizing.**

(Passed 3d day of March, 1837.)

**BE it enacted, by the Lieutenant-Governor, Council and Assembly,** That an Act, passed in the seventh year of His late Majesty's Reign, entitled, An Act to suspend the operation of several Acts of the General Assembly, passed to prevent Forestalling, Regrating and Monopolizing, and every matter, clause and thing, in the said Act contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 7, Geo.  
IV. continued

## CAP. XL.

**An Act to continue the Act to prevent damage to the Nets of Fishermen by Coasting Vessels.**

(Passed 3d day of March, 1837.)

**BE it enacted, by the Lieutenant-Governor, Council and Assembly,** That the Act, passed in the Fifth Year of His present Majesty's Reign, entitled, An Act to prevent damage to the Nets of Fishermen by Coasting Vessels, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 5, Wm.  
IV. continued

## CAP. XLI.

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

(Passed 3d day of March, 1837.)

**BE it enacted, by the Lieutenant-Governor, Council and Assembly,** That an Act passed in the Fifty-second Year of the Reign of His late Majesty King George the Third, entitled, An Act in further addition to the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 52, Geo.  
III. continued

## CAP.

## CAP. XLII.

**An Act to continue the Act in amendment of the Act relating to Highways, Roads and Bridges.**

(Passed 3d day of March, 1837.)

Act 4. Wm.  
IV. continued

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in Fourth Year of the Reign of His present Majesty King William the Fourth, entitled, An Act in amendment of the Act relating to Highways, Roads and Bridges, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. XLIII.

**An Act to afford relief to the Poor Settlers in this Province.**

(Passed 21st day of April, 1837.)

Preamble

Loan of  
£ 3,900 auth-  
orizedSubscription  
for Loan to be  
opened at  
Treasury, after  
notice is givenLoan to be  
paid in Provin-  
cial Notes or  
DoubloonsCertificates to  
be grantedInterest on  
Loan to be  
paid every six  
monthsLoan Certifi-  
cates to be  
made in De-  
uplicate

**W**HEREAS, from the failure of the Crops throughout this Province during the last Season, it is apprehended that unless Legislative Provision is made for furnishing Seed Oats and Potatoes, to the poorer classes of Settlers, much distress will ensue; *And whereas*, for the same reason it is inexpedient to withhold the ordinary appropriations for the Road and Bridge and other essential Services, and it will therefore be necessary to authorize the Lieutenant-Governor or Commander in Chief for the time being, to contract a Loan to the extent of Three Thousand Eight Hundred Pounds:

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the Lieutenant-Governor or Commander in Chief for the time being, to authorize and direct the Treasurer to negotiate and procure a Loan for such sum of money not exceeding Three Thousand Eight Hundred Pounds, at the lowest rate of interest for which such Loan can be obtained, not exceeding five per centum per annum.

II. *And be it further enacted*, That, at any time when the said Treasurer shall be so directed and authorized to procure and negotiate such Loan, he shall give notice by Public Advertisement in the Royal Gazette and other Public Newspapers at Halifax, that such Loan is to be contracted for, and that a subscription for the same shall be opened at the Treasury, on a certain day to be specified in the said notice, and not to be less than twenty days after the date of such notice; and on the day so specified such subscription shall be opened, and the Treasurer shall receive the subscription or subscriptions of the persons willing to furnish such Loan.

III. *And be it further enacted*, That the monies so subscribed, for as aforesaid shall be received and paid into the Treasury, in Provincial Treasury Notes, or Doubloons of full weight and fineness, at and after the rate of Four Pounds Currency each; and for every sum paid in by any person or persons, there shall be granted to such persons a Loan Certificate or Certificates, signed by the Treasurer of the Province, and any two of the Commissioners for issuing Treasury Notes, to be dated on the day on which the monies therein specified shall have been paid into the Treasury, and expressing the sum for which any such Certificate shall be granted, and which shall bear interest from the date thereof, at and after the rate at which the said Loan shall be taken.

IV. *And be it further enacted*, That the amount borrowed under this Act shall bear interest from the date of such Loan Certificates as aforesaid, at and after the rate at which the said Loan may be contracted, which interest shall be payable, and shall be paid at the Treasury every six months; and it shall be lawful for the Lieutenant-Governor or Commander in Chief for the time being, from time to time, to draw Warrants on the Treasury for the payment of such interest, out of any monies then in the Treasury.

V. *And be it further enacted*, That Certificates, to be made and granted under this Act, shall be made in duplicate, and one part thereof shall be delivered to the person or persons to

to whom the same shall be made and granted, and the duplicate thereof shall be retained in the Treasurer's Office, and such Certificate shall be assignable by indorsement thereon, made by the persons from time to time holding the same, and entitled to the Monies thereby made payable; *Provided*, a memorandum of such indorsement be entered on the duplicate of such Certificate to be retained in the Treasurer's Office.

**VI.** *And be it further enacted*, That the amount to be borrowed and received on the Loan, to be contracted under this Act, shall be repaid and be payable at the Treasury of the Province on the first day of November, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-eight, out of the Public Revenues of this Province, in Provincial Notes, or Doubloons of full weight and fineness at Four Pounds each, at the option of the Treasurer of the Province.

**VII.** *And be it further enacted*, That it shall and may be lawful for the Lieutenant-Governor or Commander in Chief for the time being, to appoint three or more of the Magistrates or other Persons resident in the several Counties, as Commissioners, to carry into effect the purposes in this Act hereinafter expressed.

**VIII.** *And be it further enacted*, That it shall and may be lawful for the Lieutenant-Governor or Commander in Chief for the time being, with the advice of His Majesty's Council, to allot to each of the Counties of this Province a sum not exceeding, for any County, the sum hereinafter specified for such County, that is to say:—For the County of Pictou, Three Hundred and Fifty Pounds; for the County of Sydney, Three Hundred Pounds; for the County of Guysborough, Three Hundred Pounds; for the County of Cumberland, Two Hundred and Fifty Pounds; for the County of Hants, Two Hundred and Fifty Pounds; for the County of King's County, Three Hundred Pounds; for the County of Annapolis, Two Hundred Pounds; for the County of Lunenburg, One Hundred and Fifty Pounds; for the County of Queen's County, One Hundred and Fifty Pounds; for the County of Halifax, Three Hundred and Fifty Pounds; for the County of Colchester, Two Hundred and Fifty Pounds; for the County of Shelburne, One Hundred Pounds; for the County of Yarmouth, One Hundred Pounds; for the County of Cape-Breton, Two Hundred and Fifty Pounds; for the County of Richmond, Two Hundred and Fifty Pounds; and for the County of Inverness, Two Hundred and Fifty Pounds, and to authorise the said persons so to be appointed as aforesaid, by Warrant, to receive the sum allotted from the Provincial Treasury, to procure Potatoes and Oats, or other Grain therewith, and to distribute the same in the County for which the same is so allotted, under such rules and regulations as shall be adopted by such Commissioners in each County.

**IX.** *And be it further enacted*, That the sum allotted to the said Counties under this Act shall be, and constitute, a debt due to the Province by the said Counties, to be re-paid in the manner hereinafter expressed.

*And whereas*, many poor Persons may be unable to pay for the Oats and other Grain and Potatoes, which may be supplied to them under this Act, but may be willing to pay for the same in labouring upon the Roads:

**X.** *Be it therefore further enacted*, That it shall be lawful for such Commissioners, and they are hereby required to take from each and every person Promissory Notes, with two or more Sureties, for the payment of the costs and charges of the Potatoes and Oats or other Grain so furnished—which said Notes shall be made payable to the Treasurers of the several Counties, in money, within six months from the date of the said Notes.

**XI.** *And be it further enacted*, That any persons desirous to pay the whole or a part of the money due by them in labor upon the Roads and Bridges, shall and may make application to the said Commissioners for permission so to do, whereupon a day shall be appointed, (of which public notice shall be given, and after which no further application shall be received,) to allot amongst the respective Commissioners for the expenditure of the Road Money for the present year as may be most convenient, the persons so making application, and the number of days work which each of them shall perform; and the Commissioners under whom the labor is to be performed shall be specified, and notice thereof shall be given to the respective Commissioners, who are hereby directed to obey the directions which in that behalf they shall receive from the Commissioners under this Act.

**XII.** *And be it further enacted*, That the said Commissioners shall severally deduct from

Certificate may be assigned  
and the same  
shall be retained  
in the Treasurer's  
Office.

Loan to be re-  
paid 1st Nov.  
1838

Appointment  
of Commissi-  
oners

Sums allotted  
to the several  
Counties of the  
Province

Sums allotted  
constituted a  
Debt against  
Counties

Preamble

Persons fur-  
nished with  
Potatoes, Oats,  
&c. to give  
Promissory  
Notes for same

Notes may be  
paid in labour  
and Roads and  
Bridges

Road Comrs.  
to deduct value  
of labour per-  
formed and  
draw on Treas-  
ury for bal-  
ance

Treasurer to  
keep accounts  
with each  
County

Sums remain-  
ing due from  
Counties

In case no mon-  
ies shall be  
granted next  
Session for  
Road Service  
Counties to be  
assessed for  
advance made  
under this Act

County Treas-  
urer to enforce  
payment of  
Notes

County Treas-  
urers to ac-  
count to Pro-  
vincial Treas-  
urer

Credit to be  
given on Notes  
for labour per-  
formed

Counties not  
included in  
this Act

the amounts of Road Money which they are commissioned to expend, the amount and value of the labor which shall be performed by the persons receiving relief under this Act, and it shall be lawful for them to receive payment from the Provincial Treasury of the balance only of the sums which they are authorized to expend; and the said Commissioners shall severally specify upon their Accounts the particular sums so received by them from the persons receiving relief under this Act.

XIII. *And be it further enacted,* That the Provincial Treasurer shall keep an account with each County, and shall exhibit the same with the Public Accounts at the next Session, shewing what sums have been so re-paid by labor or otherwise, by the several Counties of this Province.

XIV. *And be it further enacted,* That the sums which shall severally remain due of the Monies respectively allotted to the Counties, shall be deducted from the sum or amount to be granted to the several Counties for the Road and Bridge service, at the next Session of the General Assembly.

XV. *And be it further enacted,* That if no Money shall be granted for the Road and Bridge service, at the next Session, it shall and may be lawful for the Courts of General Sessions of the Peace, at the next, or any subsequent Sessions thereof, which shall occur after the termination of the next Session of the General Assembly; and the said Courts of General Sessions of the Peace are hereby required to cause the amounts due by the said Counties to be added to the sums to be assessed for County purposes, and to cause the same to be collected under and by virtue of the Laws of this Province, made in respect to County Assessments, and the amounts so collected shall be paid into the hands of the County Treasurers.

XVI. *And be it further enacted,* That the said County Treasurers shall, after the Promissory Notes to be given under this Act shall become due and payable, enforce the payment thereof, under and by virtue of the Laws of this Province for the collection of debts; and it shall also be lawful for the said Treasurer to receive, from time to time, from such of the persons as may receive relief under this Act, although the time of payment of their Notes shall not have arrived, any part or the whole of the amounts which the said persons may owe.

XVII. *And be it further enacted,* That the said County Treasurers shall, from time to time, as the monies therefor shall come into their hands, transmit the same to the Provincial Treasurer, and he shall give to the several Counties credit therefor in the account to be kept by him, and exhibited to the General Assembly as herein before provided.

XVIII. *And be it further enacted,* That it shall be lawful for the said County Treasurers, and they are hereby required, to give to the persons who may have performed labor on the Roads under this Act, credit therefor, upon their respective Promissory Notes, for such sum only as the Commissioner under whom the labor shall have been performed, shall testify under his hand.

XIX. *Provided always, and be it further enacted,* That such County or Counties to whom no part of the monies distributable under this Act shall be allotted, and who shall not receive any part of the same, shall, notwithstanding, receive the full proportion of Road Money at the next Session, as if this Act had not been made.

#### CAP. XLIV.

### An Act to continue, alter and amend the several Acts now in force relative to the Inspection of Pickled Fish.

(Passed 21st day of April, 1837.)

Act 9, and 10,  
Geo. IV, con-  
tinued (with  
exceptions)

**B**E 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 this Act or the Act hereinafter mentioned; and

and 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 hereinafter altered or amended, shall be continued, and the said Acts, except as aforesaid, are hereby severally continued for one year, and from thence to the end of the then next Session of the General Assembly.

*II. And be it further enacted,* That hereafter no Chief Inspector of Pickled Fish shall be appointed for any County or District in this Province, but that such office shall be, and the same is hereby, abolished.

*III. And be it further enacted,* That, in every County of this Province wherein it shall be judged necessary to appoint Inspectors of Pickled Fish, it shall and may be lawful for the Grand Jury, at the General Sessions of the Peace whereat Town Officers are chosen, to nominate and return the names of such fit and proper persons as Inspectors of Pickled Fish as may be necessary and proper for every Township or Settlement in such County where the appointment may be required; and, upon the respective application of the persons so nominated and returned, to be made to the Justices of the Peace at such General Sessions, if such nomination be approved, there shall be granted by such Justices, to such persons respectively, a License or Licenses as Inspectors of Pickled Fish in and for the Townships or Settlements for which such persons shall be respectively nominated, and wherein such persons shall be severally resident.

*IV. And be it further enacted,* That every person so licensed as aforesaid, at the time of receiving such License, shall give Bond with two sufficient Sureties, to be approved by the said Justices, to Our Sovereign Lord the King, His Heirs and Successors, in the sum of One Hundred Pounds, for the due and faithful performance of his duties as such Inspector; and also, for making full, true, and just Returns, yearly, of the quantities of Pickled Fish, which may be by him inspected and branded during his continuance in office.

*V. And be it further enacted,* That the several duties, powers and authorities, as well as the several responsibilities and liabilities of the Inspectors appointed under this Act, and of their several Sureties, shall be the same to all intents and purposes as the several duties, powers and authorities, responsibilities and liabilities, of any Chief Inspector or Deputy Inspector heretofore appointed under and by virtue of the said Acts hereby continued, and of their Sureties; *Provided always*, that the responsibility and liability of every such Inspector to be appointed under this Act, and of his Sureties, shall be confined and restricted to the Fish actually inspected and branded by such Inspector.

*VI. And be it further enacted,* That every Inspector to be appointed under this Act, shall be sworn to the faithful discharge of his duty by a Justice of the Peace for the County in which he shall be so appointed, and shall remain in office until discharged and removed by the General Sessions of the Peace for such County, and shall be liable to the same penalties and forfeitures for any neglect of the duties of his office as the Chief Inspector or any Deputy Inspector, under and by virtue of the Acts hereby continued, or either of said Acts, would have incurred or been liable to incur for the like neglect.

*VII. And be it further enacted,* That every Inspector appointed under this Act, shall take and receive in lieu of the Fees now by Law specified for branding and inspecting Pickled Fish, the following Fees, that is to say—For inspecting and branding every Tierce of Pickled Fish, Eight Pence—every Barrel, Five Pence—and every Half Barrel, Three Pence—and for every Certificate of Exportation One Shilling.

*VIII. And be it further enacted,* That the Inspectors appointed under this Act shall severally make and certify, yearly, on or before the thirty-first day of December in each year, to the Clerk of the Peace, full, true, and correct Returns, on oath, to be sworn before, and certified by, some Justice of the Peace in the County in which such Inspector shall be appointed, containing just and accurate accounts of the quantity or quantities of Pickled Fish inspected and branded by every such Inspector, and of the Fees payable to, and received by him, for such branding and inspection.

*IX. And be it further enacted,* That it shall be the duty of each and every Clerk of the Peace to whom such Return shall be made, to transmit a general abstract of such Returns to the Secretary's Office of this Province, on or before the twentieth day January, in each and every year.

Office of Chief Inspector abolished

Inspectors to be nominated by Grand Jury, and approved by Justices, in Counties where they are required

Inspectors to give Bond for good conduct and for making Returns

Duties and powers of Inspectors

L i b i l i t i e s  
Vol 6. 35.56

Inspectors to be sworn—  
their liability

Fees allowed  
Inspectors

Returns to be made by Inspectors to Clerks of Peace

Abstracts of Returns to be sent to Pro. Sec.

Mackerel  
BrandsCertificates  
required by  
Officers of  
CustomsDeclaration to  
made by  
Master, &c.False Declara-  
tionsPickled Fish  
brought from  
other ColoniesPickled Fish  
not liable to  
second inspec-  
tionTravelling  
Fees not al-  
lowed Inspec-  
torsInspectors not  
allowed to in-  
spect their own  
FishContinuation of  
this ActInspectors now  
in office

Proviso

Fee allowed  
upon Licences  
to Inspectors

X. *And be it further enacted,* That all Mackerel of the quality of number Three Mackerel, which shall be caught and taken in the Months of October, November and December, shall be marked and branded No. 3, F.; and all such Mackerel caught and taken at any time between the last day of December and the first day of October, shall be marked and branded No. 3, S.

XI. *And be it further enacted,* That the Certificate to be produced to the principal Officers of His Majesty's Customs, as required by the Eighteenth Section of the said Act herein last mentioned and continued, in addition to the statements already required to be made therein, shall state the name of the Inspector by whom, and the place where, the Pickled Fish therein mentioned have been inspected; and that instead of the oath required by the tenth Section of the Act herein first mentioned and continued, to be taken by the Master, Owner or Shipper, on the production of such Certificate, the said Master, Owner or Shipper, shall make and subscribe the following declaration before some one of the said principal Officers of His Majesty's Customs.

I, A, B, do solemnly declare, according to the best of my knowledge and belief, that the Certificate hereunto annexed contains the whole quantity of Pickled Fish shipped on board the \_\_\_\_\_ whereof \_\_\_\_\_ is Master, and that no Pickled Fish is shipped on board of said Ship or Vessel for the Ship's Company, or as Cargo or Freight, or otherwise, but what is inspected and branded according to the Laws of this Province.

And any person wilfully making any such Declaration which shall be false and untrue, and being thereof convicted, shall be subject and liable to the same pains, penalties and forfeitures, as if such person had been convicted of the crime of perjury.

XII. *And be it further enacted,* That all Pickled Fish which shall be brought or imported into this Province from any other Province or Colony, in Casks or Barrels, and shall not be inspected and branded in such Province or Colony, shall be subject and liable to be inspected and branded before the same shall be sold in, or exported from, this Province, in the same manner, and subject, and under and liable to the same pains, penalties and forfeitures, for want of such inspection and branding, as if the same had been caught and taken within this Province.

XIII. *And be it further enacted,* That when any Pickled Fish shall have been once inspected, marked and branded, in any town or place within this Province, the same shall not be liable or subject to be again inspected in any other town or place within this Province, before the sale or exportation thereof.

XIV. *And be it further enacted,* That no travelling Fees shall be allowed to any Inspector under the twenty-fifth Section of the said Act of the tenth year of the reign of King George the Fourth; but every such Inspector shall be bound to perform the duties required in and by the said twenty-fifth Section of the said Act, without any allowance for travelling fees.

XV. *And be it further enacted,* That it shall not be lawful hereafter for any Inspector to inspect his own Fish, either for Exportation or Home Consumption; and every such Inspector so inspecting his own Fish, shall be subject and liable to the same penalties and forfeitures, on the sale or exportation thereof, as if such Fish had not been inspected.

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

XVII. *Provided always, and be it further enacted,* That in every County of this Province, wherein the Chief Inspector and Deputy Inspectors are now in Office, until a General Sessions of the Peace shall take place in such County, such Chief Inspector and Deputy Inspectors shall remain in office, and have full power and authority, and, with their respective Sub-Inspectors, shall remain responsible in like manner as heretofore.

XVIII. *And provided also, and be it further enacted,* That in every County wherein the General Sessions of the Peace, at which Town Officers are usually chosen, has passed before the passing of this Act, it shall and may be lawful for the Grand Jury and General Sessions of the Peace, which shall be held in the said County, next after the passing of this Act, to proceed to nominate and appoint Inspectors under this Act.

XIX. *And be it further enacted,* That each and every person who shall hereafter obtain and take out any License for the Branding and Inspection of Pickled Fish, under and by virtue of this Act, shall pay to the Clerk of the Peace the fee of Ten Shillings, in full, for making

making out and preparing such License, and filling up and taking the Bond or Obligation required to be given as aforesaid, and for all other his services connected therewith.

**XX. And be it further enacted,** That it shall and may be lawful, upon a requisition made to them by twenty of the resident settlers of any Township or District, for the Justices, in a Special Session to be held for that purpose, to nominate and appoint one or more fit and proper persons in the room of any Inspector or Deputy Inspector now in office, who shall thenceforth be as fully empowered for that purpose as if appointed as is herein before enacted —which said Inspector or Inspectors, as well as those who may be nominated under other Clauses of this Act, shall, for every Tierce, Barrel or half Barrel, improperly branded, before the same shall be packed, filled and inspected, forfeit the sum of Forty Shillings, to be recovered before one Justice of the Peace for the County in which such Inspector shall reside, by any person who shall sue for the same, in the same manner as if the said penalty were a debt due, and shall be paid and applied, one half to the person who shall sue for the same, and the other half to be paid the County Treasurer, to be expended upon Roads and Bridges, under the direction of the Sessions.

Justices, upon  
requisition,  
may appoint  
Inspectors

Penalties—  
how recovered  
and appropri-  
ed

#### FORM OF LICENSE REFERRED TO IN THIS ACT.

Province of Nova-Scotia, } SS.  
County of }

##### *Pickled Fish Inspection License.*

WHEREAS, the Justices assigned to keep the Peace in and for the said County of at their General Sessions held at on the day of instant, have ordered a License for the Branding and Inspection of Pickled Fish, to be granted unto as Inspector for in the said County. *And whereas,* the security required by Law, previous to the issuing of such License, hath been duly executed.—License is therefore hereby accordingly granted unto the said to inspect and brand Pickled Fish in the Township or Settlement of pursuant to the several Acts of the General Assembly of this Province, now in force, relative to the Inspection of Pickled Fish. This License to remain and be in full force from the day of the date hereof, until the same be annulled and cancelled by the said Justices, at any General Sessions of the Peace to be hereafter held in and for the said County.

Form of Li-  
cence

Given under my Hand at this day of in the year of Our Lord 183

By order of the Sessions, Security having been first given as the Law requires.

A. B. Clerk of the Peace.

#### FORM OF BOND REFERRED TO IN THIS ACT.

KNOW all Men by these Presents, that we of in the County are held and firmly bound unto our Sovereign Lord the King, His Heirs and Successors, in the sum of One Hundred Pounds of lawful Money of Nova-Scotia, to be paid to Our Sovereign Lord the King, His Heirs and Successors, for which payment well and truly to be made, we bind ourselves, and each of us by himself, our and every of our Heirs, Executors and Administrators, firmly by these Presents. Sealed with our Seals, and dated the day of in the year of Our Lord One Thousand Eight Hundred and

Form of Bond

Whereas, the above bounden hath applied for a License to inspect and Brand Pickled Fish, in and for the Township or Settlement of in the said County; And whereas, the Justices of the Peace for the said County, at their General Sessions, have ordered such License to be granted.

Now the Condition of the above Obligation is such, that if the above bounden do, and shall in all things well and faithfully perform the duties of Inspector of Pickled Fish, in and for the said Township or Settlement of according to Law, and make full, true and just, yearly Returns of all quantities of Pickled Fish which may be by him inspected and branded, during his continuance in Office, as required by the Act of this Province, passed in the seventh year of the reign of King William the Fourth, entitled, "An Act to continue, alter and amend, the several Acts now in force, relative to the Inspection of Pickled

Pickled Fish," then the above obligation to be void, otherwise to remain in full force and virtue.

Signed, Sealed and Delivered, in the presence of

## CAP. XLV.

**An Act relative to the Establishment of Banks for Savings.**

(Passed 21st day of April, 1837.)

**W**HEREAS, by an Act passed in the Seventh Year of the Reign of His late Majesty King George the Fourth, entitled, An Act to facilitate the Establishment of Banks for Savings, as amended by the Act passed in the Second Year of His present Majesty's Reign, entitled, An Act to amend the Act to facilitate the Establishment of Banks for Savings, the sums to be paid into the Treasury under the said Acts are limited to Fifteen Thousand Pounds; *And whereas*, the said Banks for Savings have been found most beneficial in their operations, and in the Bank now established, under the authority of the said Acts, the whole sum of Fifteen Thousand Pounds has already been paid into the Treasury, and it is expedient to extend the amount to Twenty Thousand Pounds:

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for the Commissioners appointed to manage the affairs of the said Bank for Savings to permit sums to be received into the Treasury under the operation of the said Acts, in addition to the sum of Fifteen Thousand Pounds already permitted to be received; *Provided*, such sum do not exceed Five Thousand Pounds over and above the said Fifteen Thousand Pounds.

II. *And provided further, and be it further enacted,* That such sums so to be received under this Act shall be applied under the direction of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by the Treasurer of the Province, in payment of the Funded Debt, and to and for no other use or purpose whatsoever, and that so soon as the sum of Five Hundred Pounds shall be received under this Act the same shall be applied from time to time as aforesaid in such way as the Governor, Lieutenant-Governor, or Commander in Chief for the time being shall approve and direct.

Preamble

Bank for Savings may extend its receipts

Application of money received under this Act

## CAP. XLVI.

**An Act to continue the Act to regulate the Expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges, and the Act in amendment thereof, and to alter and amend the said Acts.**

(Passed 21st day of April, 1837.)

Acts 4, 5  
and 9, Geo.  
IV, continued  
(with exceptions)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act passed in the fourth and fifth year of His late Majesty's Reign, entitled, An Act to regulate the Expenditure of Monies hereafter to be appropriated for the service of Roads and Bridges; and also, the Act made and passed in the ninth year of His said late Majesty's Reign, to continue, alter and amend, the said Act, and every matter, clause and thing, in the said Acts contained, except in so far as the same are altered and amended by this present Act, 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.

*And whereas*, it is expedient to permit any Commissioner appointed to expend public Money upon the Roads, to expend the whole or any part thereof by Contract, or by Day's Works, as may appear to him most for the interest of the Public:

Preamble

II.

II. *Be it further enacted*, That it shall and may be lawful for any Commissioner or Commissioners hereafter to be appointed to expend any part or the whole of the Money intrusted to him, to be expended upon any Road whatever, as well as for the opening of new Roads, and for making and repairing of Bridges, to expend the whole or any part thereof by Day's Work, under the provisions of the Acts hereby continued, altered and amended.

Road Money  
may be ex-  
pended by  
Days' work

III. *Provided always, and be it further enacted*, That instead of the form of Contract prescribed in the fifth Section of the said Act, made and passed in the fourth and fifth year of His late Majesty's Reign, entitled as aforesaid, Commissioners shall enter into their Contracts, in the words set forth in an Act made and passed in the eighth year of His late Majesty's Reign, entitled, An Act to continue and amend the Act for regulating the expenditure of Monies appropriated for the service of Roads and Bridges, and not in the words prescribed in the said fifth Section.

Road Con-  
tracts

IV. *And be it further enacted*, That if any two Justices of the Peace, in and for the County wherein Road Money has been expended by Contract, or otherwise, shall certify to the Governor, Lieutenant-Governor or Commander in Chief for the time being, that the work or labor on any Road or Roads, or upon any Bridge or Bridges, hath not been faithfully performed, or that any Contract or Contracts have not been faithfully and honestly executed, then and in such case it shall not be lawful for the Commissioner who has directed the expenditure of the same to draw the remaining two thirds of the money entrusted to him to expend; but the Court of General Sessions of the said County shall, in such way and manner as shall appear to be most convenient, enquire into the expenditure of such Road Money, the performance of the labor, and the execution of the said Contract, notwithstanding the same may have been performed to the satisfaction of the Commissioner, and the said Court of Sessions shall, and they are hereby authorized to certify to the Governor, Lieutenant-Governor or Commander in Chief for the time being, the particulars of such expenditure, and also, the sum, which in the judgment and opinion of the said Court ought to be paid to the said Commissioner, for which sum only it shall be lawful for the Governor, Lieutenant-Governor or Commander in Chief, to grant his Warrant upon the Treasury.

Payment of  
Road Money  
may be defer-  
red in certain  
cases

V. *And be it further enacted*, That it shall not be necessary hereafter for Commissioners to procure any Certificate or Certificates of the performances of Highway Labor, in order to entitle them to obtain Monies granted for the Road and Bridge Service.

Certificate of  
performance of  
Highway labor  
not required

#### CAP. XLVII.

### An Act to extend the benefits of the Insolvent Debtors' Acts to Persons arrested upon Mesne Process.

(Passed 21st day of April, 1837.)

*Repealed*  
*2 Vic. Re-*

*Preamble* *1837*

WHEREAS the detention of the person of unfortunate or poor Debtors is in general useless and often expensive to their Creditors:

*Persons arrest-  
ed under  
Mesne Pro-  
cess allowed  
benefit of In-  
solvent Deb-  
tors Act*

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That whenever the person of any Debtor shall have been arrested upon Mesne Process, it shall and may be lawful for the person so arrested to apply to the Court, or Justice or Justices, from whence such process issued, for an order to bring him or her before such Court, or Justice or Justices, in order that he or she may take the benefit of the Acts passed in this Province, for the relief of Insolvent Debtors; which order it shall and may be lawful for such Court, or Justice or Justices, to make, in whatever stage the proceedings against such Debtor may be; *Provided always*, that due notice shall be given to the Plaintiff according to the provisions of the said Acts.

*Proviso*

II. *And be it further enacted*, That if, upon the examination of such Debtor before such Court, or Justice or Justices, he or she shall confess the debt to the amount indorsed upon the writ, as to the amount agreed upon between the parties, it shall appear that he or she would be entitled to his or her discharge, in case judgment had been entered up against him or her, it shall and may be lawful, in whatever stage the proceedings may be, for the said

*Confession of  
Debt*

Judgment against Debtors may be perfected

said Court, or the said Justice or Justices, to afford to such Debtor the relief extended by the said Acts to Debtors against whom Judgments have been entered up. *Provided always,* that the Creditor or Creditors, if he, she or they, shall think fit, may proceed to perfect a Judgment against such Debtor, notwithstanding his or her discharge from arrest.

## CAP. XLVIII.

## An Act to amend the Act concerning Persons Licensed to keep Public Houses or Shops, and the Duties thereon.

(Passed 21st day of April, 1837.)

Preamble

WHEREAS, the present mode of Prosecution and Conviction has been found inconvenient:

Summons to be used in cases of Prosecution

I. BE it enacted, by the Lieutenant-Governor, Council and Assembly, That in all Cases or Prosecutions under the Act passed in the Second Year of the Reign of His present Majesty, entitled, An Act concerning persons Licensed to keep Public Houses or Shops, and the duties thereon, or under any other Act relating to Licensed Houses, or the License Duties or Licenses, the Summons to be issued against the person complained of shall be in the form following, that is to say:—

To either of the Constables of the (Town or County) of

You are hereby commanded to summon A. B. of to be and appear before us at on the day of next, to answer to the suit of C. D. Clerk of License for the County of for a breach of the Act passed in the Second Year of the Reign of His present Majesty, entitled, An Act concerning Persons Licensed to keep Public Houses or Shops, and the Duties thereon, in having (here briefly state the nature and description of the offence as the case may be) contrary to the provisions of the said Act.

Witness our Hands and Seals at this day of A. D. 18

A. B. (L. S.) Justice of the Peace.

C. D. (L. S.) Justice of the Peace.

Trial of Offenders

II. And be it further enacted, That it shall and may be lawful for the Justice or Justices before whom any person shall be summoned, to proceed on the Summons aforesaid to the trial of the offence complained of, as in case of an ordinary action or debt before such Justice or Justices, and thereupon to convict the offender or offenders, either by default or upon confession, or upon evidence to be adduced before such Justice or Justices, and such conviction shall be indorsed upon, or annexed to, the original Summons, in the form following, that is to say:

Form of Conviction

The within named Defendant having been duly summoned, was this day convicted of the offence within mentioned, (*upon his own confession, or upon default, or upon the oath of A. B. a credible witness, as the case may be, stating the manner of the party's conviction, and the names of the witnesses who may be examined.*)

Preamble

Liability of Femes Covert or Servants

Witness our Hands this day of A. D. 183

Which, when signed by the said Justice or Justices, shall be and be deemed a good, valid and legal, record of such conviction, to all intents and purposes.

And whereas, doubts have arisen as to the liability of Femes Covert, and Servants, to the penalties imposed under any Act relating to Licenses:

III. Be it therefore enacted, That any Feme Covert or Servant offending against the Act hereby amended, or any other Act in force respecting Licenses or License Duties for Public Houses or Shops, shall be and be deemed, and held liable to any penalty for such offence, which shall be imposed by the Act for a breach, of which such Feme Covert or Servant shall be prosecuted; *Provided*, that no other or second prosecution shall for the same offence be entertained against the Husband or Master of such person so offending as aforesaid.

## CAP. XLIX.

**An Act to regulate the Fishery of Saint Mary's Bay, in the County of Annapolis.**

(Passed 21st day of April, 1837.)

**W**HEREAS, it is necessary for the preservation of the Net and Wear and Shore Fishery of, and in, Saint Mary's Bay—that some regulations should be made for such Fishery; *And whereas*, the first General Sessions of the Peace at Digby does not meet or sit until the month of July next, and before that time the Fishery will commence:

I. *Be it therefore enacted*, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for any Special Sessions of the Peace to be held at Digby, in the County of Annapolis, at which at least three Justices shall attend, and to be called for the purpose, to make such rules, orders and regulations, for the regulation, management, government, and preservation of the said Wear and Net and other Shore Fishery of, and in, Saint Mary's Bay aforesaid, and to appoint one or more Overseer or Overseers of said Fishery, as to such Special Sessions shall appear proper and necessary.

*Provided always*, that such rules, orders, and regulations so to be made as aforesaid, shall be submitted to the First General Sessions of the Peace to be held at Digby aforesaid, after such Special Sessions, and shall be subject to such revision and alteration as the said General Sessions, or any other General Sessions to be held at Digby aforesaid, shall from time to time judge fitting and proper.

II. *And be it further enacted*, That any Overseer or Overseers, to be appointed for the said Fishery, shall remain in office for one year only, and be annually appointed at the General Sessions of the Peace appointed by Law to be held at Digby aforesaid on the third Tuesday of December in each year, in the same manner as other Town Officers are appointed. *Provided always*, that the Overseer or Overseers first appointed by the Special Sessions as aforesaid shall remain and act in their said office until the General Sessions, which shall be held at Digby in December as aforesaid, next after their said appointment.

III. *And be it further enacted*, That any person or persons who shall be guilty of any breach of any of the said rules, orders, or regulations to be made as aforesaid, shall forfeit and pay a fine or penalty to be fixed in and by such rules, orders and regulations, and to be recovered with costs of prosecution on conviction, before any two Justices of the Peace for the County of Annapolis, by any Overseer of the said Fishery, whose duty it shall be to prosecute for such fine or penalty, and to be levied by Warrant of Distress on the Offender's Goods and Chattels; and in case of sufficient Goods and Chattels not being found to satisfy such Warrant of Distress, the Offender shall be imprisoned in the Common Jail, if such penalty shall not exceed One Pound, for the period of three days; and if such penalty shall exceed One Pound, for the space of six days. *Provided always*, that no fine or penalty shall be imposed by any such rule, order and regulation, for any breach thereof, over and above the sum of Three Pounds.

IV. *And be it further enacted*, That the duty of the Overseer or Overseers of the said Fishery shall be prescribed in and by the said rules, orders and regulations, and any penalty not exceeding Five Pounds shall be thereby imposed for any neglect of duty on the part of any such Overseer or Overseers—which penalty shall be prosecuted and recovered by any person who will sue for the same, in the same manner as hereinbefore prescribed.

V. *And be it further enacted*, That the fines and pecuniary penalties hereby imposed, when recovered, shall be paid and applied one half to the Overseer or Overseers of the Fishery, or other person prosecuting for the same, and the other half to the use of the Poor for the Township of Digby.

Preamble

Special Ses-  
sions may be  
held—regula-  
tions made and  
Overseers of  
Fishery ap-  
pointed

Proviso

Overseers to  
be chosen an-  
nuallyViolation of  
regulationsOverseers neg-  
lecting their  
dutyApplication of  
Penalties

## CAP. L.

**An Act to revive, as to the Town of Halifax, the Act to regulate the Assize of Bread.**

(Passed 21st day of April, 1837.)

Preamble

**W**HHEREAS, in and by the Act passed in the fifth year of the reign of His present Majesty King William the Fourth, entitled, An Act to amend the Act to regulate the Assize of Bread—it was enacted, that so much of the Act, made in the Thirty-sixth year of the reign of His late Majesty King George the Third, entitled, An Act to regulate the Assize of Bread, as provides for the regulation of the Assize of Bread by the Justices in their General or Special Sessions from time to time as thereby directed, should from and after the passing of the said first mentioned Act, cease to be of any force or effect, or to have any operation within and for the Town of Halifax, and as to such Town of Halifax such part of the said Act should be, and the same was thereby repealed; *And whereas*, the provisions which, by the said Act of the fifth year of His present Majesty's reign, were substituted for so much of the Act thereby repealed, were only temporary, and have been found less beneficial than the provisions of the Act so repealed as aforesaid:

Act 26, Geo.  
III. revived

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That from and after the passing of this Act, the said Act, passed in the thirty-sixth year of the reign of His late Majesty King George the Third, entitled as aforesaid, and every matter, clause and thing, therein contained, shall be revived, and the same are hereby revived, and declared to be in full force and effect in and for the said Town of Halifax, any thing in the said Act of the fifth year of His present Majesty's reign to the contrary notwithstanding.

## CAP. LI.

**An Act for placing the Bridge at Bridgetown under the direction of the Commissioners of Highways for Bridgetown.**

(Passed 21st day of April, 1837.)

Preamble

**W**HHEREAS the Bridge at Bridgetown is not at present under the particular superintendance of any person or persons authorized to take charge of the same, and, in order to prevent injury to the same, it is expedient to have such Bridge placed under the control and direction of proper authorities:

Bridge at  
Bridgetown  
placed under  
control of  
Commissioners  
of Highways

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That the Bridge at Bridgetown shall be hereafter placed under the direction and control of the Commissioners of Highways for Bridgetown, whose duty it shall be to see the proper keeping, repair and condition of the same; and they are hereby empowered and directed to take such measures for preventing injury to the said Bridge, and for bringing to punishment any person or persons who shall or may be guilty of wilfully injuring the same, as to such Commissioners may appear proper and expedient.

## CAP. LII.

**An Act to Incorporate the Halifax Whaling Company.**

(Passed 21st day of April, 1837.)

Preamble

**W**HHEREAS, the carrying on of the Whale Fishery from this Province is attended with great expense, and it has been proposed by certain persons to form a Company for the purpose of prosecuting such Fishery, which may be productive of public benefit:

Incorporation  
of Halifax  
Whaling Com-  
pany—Powers,  
Privileges, &c.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That William Stairs, William Lawson, Junior, William B. Fairbanks, Jonathan C. Allison, John E. Fairbanks and James McNab, and all and every other person or persons as shall, from time to time,

time, become Proprietors of shares in the Corporation hereby established, their Successors and Assigns, shall be, and they are hereby erected into a Company, and declared to be a Body, Politic and Corporate; by the name of "The Halifax Whaling Company," and by that name shall and may have succession and a Common Seal, and by that name shall and may sue and be sued, implead 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, Stores, Lands and Tenements whatsoever, in fee simple, leasehold or otherwise; and also, any Ship or Ships, Vessel or Vessels, Stock, Materials, Goods and Chattles, and all other things, real, personal and mixed; and also, to give, grant, sell, let, assign or convey, the same, or any part thereof, and to do and execute all other things in and about the same, as shall and may be thought necessary and proper for the benefit and advantage of the said Company; and also, that the said Company, or the major part of them, shall, from time to time, and at all times, have full power, authority and license, to constitute, ordain, make and establish, change, vary and alter, such Bye-laws and Ordinances, as may be thought necessary for the good rule and government of the said Corporation; *Provided*, such Bye-laws and Ordinances be not contradictory or repugnant to the Laws or Statutes of the Province, and those in force within the same; *And provided also*, that such Bye-laws and Ordinances shall not be of any force or effect until the same have been submitted to, and approved by, the Governor, Lieutenant-Governor or Commander in Chief for the time being, nor until the same have been registered in the office of the Register of Deeds for the County of Halifax.

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

Possession of  
Lands, &c.

*III. And be it further enacted,* That the said Company, and its affairs and business, shall be under the management and direction of a President, and such other Officers as shall or may be named and designated by the Bye-laws of the said Company; and the Capital of the said Company shall be divided into shares of such amount as by the said Bye-laws may be hereafter provided; and such shares shall be assignable and transferable, in such manner and upon such terms as by the said Bye-laws may be also provided and directed.

Officers of  
Company

*IV. And be it further enacted,* That, for and notwithstanding any Real Estate which the said Company may hold at any time, the shares and interest of the 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.

Capital divid-  
ed into Shares  
Shares trans-  
ferable

*V. And be it further enacted,* That all such Lands and Real Estate, or so much thereof as may be necessary to satisfy the same, may be taken under any Writ of Execution issued upon a judgment obtained against the said Corporation, and sold in the same manner as Goods and Chattles may be taken and sold; and the Sheriff shall, immediately after such Sale, make and execute a Deed to the Purchaser, which Deed shall convey and transfer all the Estate and interest of the said Corporation in the Lands so taken, sold and conveyed.

Shares consid-  
ered Personal  
Property

*VI. Provided always, and be it further 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, or engaging in any Banking operations whatever, or to become Underwriter or Underwriters upon any Insurance on a Ship or Vessel, or Marine risk, or upon any loss by Fire, or upon any Life or Lives.

Liability of  
Lands of Com-  
pany

*VII. And be it further enacted,* That the names of all the Members of the said Corporation, and the number of shares owned by them respectively, shall be registered in the office of the Register of Deeds in the County of Halifax; and no transfer of any share in the said Corporation shall be final and effectual until the Certificate thereof shall have been registered in the said Office, to the end, that it may be publicly known who are the persons composing the said Corporation.

Names of  
Members of  
Corporation  
to be register-  
ed  
Transfers of  
Shares to be  
registered

*VIII. Provided always, and be it further enacted,* That nothing in this Act contained shall extend, or be construed to extend, to divest any of the Members of the personal responsibility which by Law would otherwise attach to them, and their individual Goods, Lands, Tenements and Hereditaments, and every of them, as Co-partners in the said Company.

Proviso

## CAP. LIII.

**An Act in amendment of the Act for the more easy Redemption and Foreclosure of Mortgages.***(Passed 21st day of April, 1837.)*

**W**HEREAS it is expedient that the provisions of an Act made and passed in the Third Year of the Reign of His present Majesty, entitled, An Act for the more easy Redemption and Foreclosure of Mortgages, should be extended to cases of absent or absconding Debtors:

Preamble

Act 3, Wm.  
IV. extended  
to cases of ab-  
sent or ab-  
scording Deb-  
torsCourse of pro-  
ceeding a-  
gainst absent or  
absconding  
DebtorsRe-hearing  
allowed absent  
DebtorsLands of ab-  
sent or ab-  
scording  
Debtors may  
be soldProceeds of  
Sales

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That, from and after the publication hereof, any action may be brought in His Majesty's Supreme Court or either of the Inferior Courts of Common Pleas, in any or either of the cases mentioned in the first Section of the said Act, against any absent or absconding Debtor, subject however to the provisions and restrictions in the said Act mentioned and contained.

II. *And be it further enacted,* That in such case the same course of proceeding, until final Judgment, shall be pursued in every respect as is now required by Law to be pursued where actions are now brought against absent or absconding Debtors.

III. *Provided always, and be it further enacted,* That any absent or absconding person, against whom Judgment shall be recovered in any or either of the cases in the said Act mentioned, shall be entitled to a re-hearing of such cause at any time within three years after such Judgment; and the Plaintiff in such action, before he shall obtain a rule for the sale of such Mortgaged Lands, Tenements or Hereditaments, shall give sufficient security to the satisfaction of the Court for the re-payment of all such Monies as may be levied under and by virtue of such rule, in case the said Judgment should be reversed on such re-hearing as aforesaid.

IV. *And be it further enacted,* That if such Mortgagor or Mortgagors, his, her, or their Heirs, Executors or Administrators, being Defendant or Defendants in such action, and sued as an absent or absconding Debtor, or absent or absconding Debtors, shall refuse or neglect, by reason of inability or otherwise, to pay or discharge the principal Monies due upon such Mortgage Bond or Note, with interest and costs, to be ascertained and computed by the Court or the proper Officer, it shall and may be lawful for the said Court, by rule or rules for that purpose made, to order and direct a sale of such Mortgaged Lands, Tenements or Hereditaments, in manner provided by the second Section of the said Act, to be sold as therein provided—reasonable notice and due return being made as therein also provided.

V. *And be it further enacted,* That, out of the proceeds thereof, the Sheriff shall pay to the Plaintiff or Plaintiffs the sum due to him or them for principal, interest and costs, if the said Lands shall sell for sufficient to satisfy the same; and in case the same shall be more than sufficient to pay and discharge the said principal sum, with the interest and costs, the surplus to be paid over by the Sheriff to the Mortgagor or Mortgagors, his, her, or their Executors, Administrators or Assigns, in case the same or either of them shall appear in Court, to claim the same, or in case neither of them shall so appear, then the same shall be deposited with the Prothonotary or Deputy Prothonotary of the Court, subject to the order of the Court as to the further disposition thereof to the party or parties entitled to the same.

## CAP. LIV.

**An Act to continue and amend the Act respecting the Trial of Issues in the Supreme Court, and for regulating the times of holding the Circuits of the said Court in the several Counties and Districts of this Province.***(Passed 21st day of April, 1837.)*

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

Act 4, Wm.  
IV. continued  
(with excep-  
tions)

tled, An Act respecting the Trial of Issues in the Supreme Court, and for regulating the times of holding the Circuits of the said Court in the several Counties and Districts of this Province, and every matter, clause and thing, therein contained, except so far as the same have been altered by the Act passed in the fifth year of His present Majesty's reign, entitled, An Act to discontinue one sitting of the Supreme Court in each year, in the Upper and Lower Districts of the County of Sydney, and for altering the sittings of the said Court in the said County, and in the County of Cape-Breton, and except also in so far as the same are altered by this Act, 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.

*II. And be it further enacted,* That, from and after the passing of this Act, the Supreme Court shall be held at Truro on the second Tuesday of June and third Tuesday of September, at Pictou on the third Tuesday of June and second Tuesday of September, and at Amherst on the fourth Tuesday of June and fourth Tuesday of September in each year.

*III. And be it further enacted,* That all Writs, Process, Recognizances and Complaints, which are or shall be made returnable to the said Supreme Court at its next Sittings in the said several Counties, shall be returned, and be held and deemed to be returnable on the days herein appointed for such respective Sittings of the said Court; and all parties and persons who are summoned, or who ought to appear at the said Courts, or any of them, at the next Sittings thereof, in any of the said Counties, shall be held and obliged to appear at such Court at the days and times on which such Sittings respectively are hereby directed to be held.

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

*And whereas,* the office of Associate Circuit Judge is now vacant, and it will not be necessary to appoint any person to fill such vacancy so long as this Act is in force:

*V. Be it therefore enacted,* That so long as this Act remains in force, it shall not be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, to appoint any person to be an Associate Circuit Judge; any thing in the Act passed in the fifty-sixth year of the reign of His Majesty King George the Third, entitled, An Act to alter and extend the times of holding the Supreme Court in the several Counties and Districts of this Province, to the contrary thereof notwithstanding.

Sittings of Supreme Court at  
Truro, Pictou  
and Amherst

Returns of  
Writs, &c.

In cases where  
the rule Nisi  
is demanded

Preamble

Associate Circuit Judge not  
to be appointed

## CAP. LV.

### An Act to repeal the Act for appointing Commissioners to enquire into, and report upon, the expediency of reforming the practice and proceedings of Courts of Law and Equity, and the revising and consolidating the Laws of the Province.

(Passed 21st day of April, 1837.)

*W*HEREAS, the Commissioners appointed under the Act passed in the Second Year of the Reign of His present Majesty, entitled, An Act for appointing Commissioners

Preamble  
ers

Act 2, Wm.  
IV, repealed

ers to enquire into, and report upon, the expediency of reforming the practice and proceedings of Courts of Law and Equity, and the revising and consolidating the Laws of the Province, have not proceeded in the discharge of the duties by such Act committed to them:

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That the said Act, and every matter, clause and thing, therein contained, shall be, and the same is hereby repealed.

## CAP. LVI.

## An Act in amendment of the Act relating to the Merchant Seamen of this Province.

(Passed 21st day of April, 1837.)

Preamble  
*See act 2, Wm. IV, repealed*

W HEREAS, the remedies provided in and by the Act made and passed in the Sixth Year of His present Majesty's Reign, entitled, An Act relating to the Merchant Seamen of this Province, have been found inconvenient and injurious, and have exposed the Masters and Owners of Ships registered in, and belonging to, this Province, to heavy and unnecessary costs for proceedings in the Court of Vice Admiralty, though as effectual a remedy might have been had against them by complaint to a Justice of the Peace; And whereas, it is expedient, as well for the protection of such Masters and Owners as for affording to the Merchant Seamen of this Province a more summary and easy mode of recovering their wages, to alter the provisions of the said Act in that behalf:

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That the thirteenth, sixteenth, seventeenth and eighteenth, Sections of the said Act be, and the same are hereby repealed.

Section of Act  
6, Wm. IV,  
repealed

Obligation im-  
posed upon  
Masters and  
Owners of  
Ships to pay  
Seaman's  
Wages

II. And be it further enacted, That the Master or Owner of every Ship shall, and he is hereby required, to pay to every Seaman entering into such contract, as is provided in and by the said Act, the wages due to such Seaman, if the same shall be demanded within twenty-four hours after the Seaman shall have been discharged by the Master or Owner, or the Cargo shall have been delivered; and in case any Master or Owner shall neglect or refuse to make payment in manner aforesaid, he shall, for every neglect or refusal, forfeit and pay to the Seaman the amount of two days pay for each day not exceeding ten days, during which, payment shall, without sufficient cause, be delayed beyond the period at which such wages are hereby required to be paid as aforesaid, for the recovery of which forfeiture, the Seaman shall have the same remedies as he is by Law entitled to for the recovery of his wages; Provided always, that nothing in this clause contained shall extend to the cases of Ships employed on Voyages, for which Seamen, by the terms of their agreement, are compensated by shares in the profits of the adventure.

Provisos

Cases for  
wages not ex-  
ceeding £20  
to be decided  
by two Justi-  
ces of Peace

III. And be it further enacted, That in all cases of wages not exceeding Twenty Pounds, which shall be due and payable to a Seaman for his services in any ship as aforesaid, it shall be lawful for any two Justices of the Peace in any part of this Province, near to the place where the Ship shall have ended her Voyage, cleared at the Custom-House or discharged her Cargo, or near to the place where the Master or Owner upon whom respectively the claim is made, shall be or reside, upon complaint on oath to be made to such Justices by any such Seaman, or on his behalf, declaring the amount of wages due to him as aforesaid, and that the same have been demanded and refused to be paid by such Master or Owner, to issue a Writ of Attachment in the form annexed to this Act, and to cause the same to be levied on the Goods and Chattles of such Master or Owner, and for want thereof on the Ship, in respect of the service on board which the wages are claimed, or on the Tackle and Apparel thereof, to be held, or sufficient bail to be taken instead thereof, to abide the event of such suit, and in and by such Writ of Attachment, or without such Writ, if not insisted on by the Plaintiff, then, in and by the usual Writ of Summons issued by Justices of the Peace, but directed to the Sheriff of the County or his Deputy, to summon such Master or Owner to appear before such two Justices to answer such complaint; and upon the appearance of such Master

Master or Owner, or in default thereof, on due proof under oath of his having been so summoned, such Justices are hereby empowered to examine upon the oath of the parties and their respective witnesses, (if there be any,) touching the complaint and the amount of wages due, and to make such order for payment thereof with costs as hereafter provided, or discharging the Defendant, with his costs, as shall to such Justices appear reasonable and just; and in case such order shall not be obeyed within two days next after the making thereof, it shall be lawful for such Justices to issue their Warrant in the form annexed to this Act, directed to the Sheriff or Deputy Sheriff of the County, to levy the amount of the wages awarded to be due, with the costs, by distress and sale of the Goods and Chattles of the party on whom such order for payment shall be made, rendering to such party the overplus, (if any shall remain of the produce of the sale,) after deducting thereout all the charges and expenses incurred by the distress and levy, and in the enforcement of the Justice's order; and in case sufficient distress cannot be found, it shall be lawful for the said Justices, in and by their said Warrant, to cause the amount of the said wages and expenses to be levied on the Ship in respect of the service on board which the wages are claimed, or the Tackle and Apparel thereof; and if such ship shall not be within the jurisdiction of such Justices, or if the costs of the Defendant when awarded to him shall not be paid, then the said Justices are hereby empowered to cause the party upon whom the order for payment shall be made to be apprehended and committed to the Common Gaol of the County, there to remain without bail until payment shall be made of the amount of the wages so awarded, and of all costs and expenses attending the recovery thereof, or if such party be the Plaintiff, there to remain for the space of three days, or until payment shall be made of the costs awarded to the Defendant, and the award and decision of such Justices shall be final and conclusive, as well on every such Seaman as on the Owner and Master of the Ship; *Provided always*, that neither of such Justices shall be any wise interested as part Owner, Consignee or otherwise, in the Ship for the service on board which the wages are claimed, or be of kin to the Owner, Consignee or Master thereof.

Proviso

IV. *And be it further enacted*, That the Fees to be taken in all causes before such Justices for the recovery of Seamen's wages as aforesaid, shall be as follows:

#### JUSTICE'S FEES.

- On Writ of Summons, Two Shillings.
- On Writ of Attachment and Affidavit, Three Shillings.
- On Judgment for both Justices, Three Shillings.
- On Warrant, One Shilling.
- On Subpoena, One Shilling.

#### ATTORNEY'S FEES.

For attending Trial, if the sum awarded be less than Ten Pounds, Eleven Shillings and Eight-pence.

Attorney's  
Fees

If Ten Pounds or upwards, One Pound Three Shillings and Four-pence.

#### SHERIFF'S FEES.

- For the service of every Writ of Summons, One Shilling and Six-pence.
- For levying under every Writ of Attachment and Service, Six Shillings and Six-pence.

Sheriff's Fees

For Attachment Bond, Three Shillings.

Poundage on all Monies received on Warrants, One Shilling in the Pound.

For serving Warrant, Five Shillings.

Travel per mile, Three-pence.

For the custody of any Ship, or the Tackle or Apparel thereof, Five Shillings per day.

#### WITNESSES' FEES.

So much as in the discretion of the Justices may be deemed proper, provided the same do not exceed Two Shillings and Six-pence for each day's attendance, and Travel per mile, Three-pence.

Witnesses'  
Fees

V. *And be it further enacted*, That, from and after the passing of this Act, no Suit for the recovery of the wages of any Seamen for his services on board of any Ship belonging to, or registered in, this Province, unless the same exceed Twenty Pounds, shall be brought in the Court of Vice-Admiralty, or in any of the Inferior Courts of Common Pleas in this Province.

Wages of Sea-  
men exceeding  
£20

VI. *Provided always*, and be it further enacted, That this Act, and any thing therein contained

Act not to ex-  
tend Coasting  
Vessels

tained, shall not extend, or be deemed or construed to extend, to any Ship trading coastwise between any Port of this Province, and any other Port or Ports therein, or to any Ship, which, by the Act passed in the fourth year of His present Majesty's reign, entitled, An Act for the support and regulation of Light-Houses, is directed to pay duty under such Act as a Coasting Vessel.

## ATTACHMENT.

Form of Attachment

To the Sheriff of the County of                  or his Deputy.

These are to require and command you that you attach the Goods and Chattles of A. B. and for want thereof, the Ship or Vessel called the                  or the Tackle and Apparel thereof, to the value of                  and also, that you summon the said A. B. to appear before us at                  on the                  day of                  at                  o'clock, in the                  to answer to the complaint of C. D. in the said sum, alleged to be due to him by the said A. B. for his wages as a Seaman, and make return hereof on or before the said day.—As witness our Hands and Seals the                  day of                  A. D.

## WARRANT.

Form of Warrant

To the Sheriff of the County of                  or his Deputy.

Whereas, an order was made by us on the                  day of                  directing A. B. to pay to C. D. the sum of                  which order hath not been obeyed. These are to command and require you to levy from off the Goods and Chattles of the said A. B. the said sum, with your Fees, by sale of the said Goods and Chattles, after duly advertizing the same for three days at the least. And for want thereof you are hereby commanded to levy the said amount, with your Fees, on the Ship or Vessel called the                  or the Tackle and Apparel thereof, if to be found within our jurisdiction, by sale of the said Tackle and Apparel, or any part thereof, after duly advertizing the same as aforesaid; and for want thereof, you are hereby commanded to take the body of the said A. B. and him to commit to His Majesty's Gaol in                  there to remain until he pay the sum above mentioned, with your Fees, or be discharged therefrom according to Law.—As witness our Hands and Seals the                  day of

## CAP. LVII.

## An Act for providing FireEngines for the Town of Yarmouth, and for other purposes.

(Passed 21st day of April, 1837.)

Preamble

**W**HÈREAS, in and by the Act passed in the third year of the reign of His late Majesty King George the Fourth, entitled, An Act to extend several Acts relating to Firewards to the Town of Yarmouth, two Acts therein mentioned are extended to the said Town, and Firewards have been duly appointed therein; *And whereas*, by a certain other Act, passed in the fourth year of His present Majesty's reign, to amend the said first mentioned Act, certain other provisions are extended to the said Town for preventing danger by Fire, and the limits of the said Town, for the purposes of the said Acts, are thereby defined and specified. *And whereas*, it is deemed necessary to provide Fire Engines for the said Town, and to make further provision for the management of Fires in such Town:

**I.** *Be it therefore enacted*, by the Lieutenant-Governor, Council and Assembly, That, when and so soon as they shall be required so to do by the vote of the majority of the Inhabitants residing within the limits hereinafter rendered liable to be assessed, as hereinafter mentioned, assembled at any Town Meeting in Yarmouth aforesaid, whereof notice shall be given by the Town Clerk, at least six days before such Meeting, by public notices posted up in at least three public places within such limits, and once published in any public Newspaper, if such there shall be printed in Yarmouth aforesaid, it shall and may be lawful for the Justices of the Peace for the County of Yarmouth, at any General Sessions of the Peace for the said County, to appoint and direct to be assessed such sum or sums of money as may be necessary and adequate, and as may be voted and agreed upon at such Meeting, for procuring and purchasing

Inhabitants of  
Yarmouth may  
be assessed to  
defray expense  
of Fire En-  
gines, Hose,  
&c.

purchasing two good and sufficient Fire Engines for the said Town of Yarmouth, with such quantities of Hose, Fire Buckets, and other things necessarily appurtenant to such Engines, as may be requisite.

II. *And be it further enacted,* That it shall and may be lawful for the said Justices in their said General Sessions to appoint and direct to be assessed the said sum or sums of money in one assessment, or to divide the same into two or more assessments, to be made from time to time in different years.

III. *And be it further enacted,* That it shall and may be lawful for the said Justices in General Sessions, at their first Session in the year, annually, after such Fire Engines with the appurtenances may be procured, to appoint and direct to be assessed sufficient monies as may be required by the Firewards of Yarmouth aforesaid, from time to time, for keeping the same in good order, repair and condition, and for providing a proper Engine House, or proper Engine Houses, for keeping such Engines. *Provided,* that when any such annual sum shall exceed Twenty Pounds, the same shall be voted and agreed upon at a public meeting of the Inhabitants to be convened and assembled as aforesaid.

Sum assessed  
may be divid-  
ed, and collect-  
ed in different  
years

Assessment  
may be made  
for providing  
Engine House,  
&c.

Proviso

IV. *And be it further enacted,* That, for the purpose of assessing any monies under this Act, the said Justices in their said Sessions, when they shall appoint the said monies to be assessed, shall also nominate and appoint three fit and proper persons as Assessors and Collectors of the said Monies, who shall be respectively sworn before some Justice of the Peace, to the faithful discharge of their duty, in the presence of the Clerk of the Peace, who shall make an entry thereof in a book to be kept for the purpose.

Assessors and  
Collectors to  
be appointed

V. *And be it further enacted,* That every Assessor and Collector appointed under this Act, shall be forthwith notified by the Clerk of the Peace of his appointment; and if any person so nominated and appointed shall refuse to act, or shall neglect to be sworn into office for three days after being so notified as aforesaid, or, being sworn into office, shall be guilty of any neglect or breach of any of the several duties hereby prescribed, he shall forfeit and pay a penalty of Forty Shillings, to be recovered by the Clerk of the Peace before any Justice of the Peace, and to be levied with costs, by Warrant of Distress, upon the Offender's Goods and Chattles, and to be applied one half to the said Clerk of the Peace for his trouble in suing for the same, and the other half to be paid into the hands of the Firewards, to be applied for the purposes of this Act.

Fine imposed  
on persons re-  
fusing or neg-  
lecting to serve  
as Assessors  
and Collectors

VI. *And be it further enacted,* That when any such person so nominated Assessor and Collector, shall refuse to act or neglect to be sworn into office as aforesaid, it shall and may be lawful for any three Justices of the Peace to nominate and appoint another person to act as such Assessor and Collector in the room of any and every person so refusing to act or neglecting to be sworn as aforesaid; and every such person so appointed by such three Justices, shall be notified by the Clerk of the Peace as before mentioned, and be bound and liable to serve under the like penalty as hereinbefore prescribed and imposed.

Others to be  
appointed

VII. *And be it further enacted,* That when and so soon as such Assessors and Collectors shall be sworn into office, and within twenty days thereafter, they shall proceed to make a fair, impartial, equal and proportionable assessment, of any sum or sums of money directed and appointed to be assessed under this Act, upon all the Houses, Stores and Buildings, situate, lying and being, within the limits of the said Town of Yarmouth, as particularly defined and specified in the said Act, passed in the Fourth Year of His present Majesty's Reign, entitled, An Act to amend the Act for extending several Acts relating to Firewards to the Town of Yarmouth; and also, upon the Goods, Chattles and personal effects, contained and being in such Houses, Stores and Buildings, according to the several values of the said Houses, Stores, Buildings, Goods, Chattles and personal effects, by a just, even and equal rate.

Assessment to  
be made on  
owners of  
Houses, Goods,  
&c.

VIII. *And be it further enacted,* That the said assessment shall be borne by the owners of the said several Houses, Stores, Buildings, Goods, Chattles, or personal effects respectively; and, when and so soon as the same shall be completed, such Assessors and Collectors shall procure a Special Sessions, to be held by at least three Justices of the Peace for the said County of Yarmouth, to be appointed for some day to be particularly named, for hearing any appeals from such assessment.

Appeal against  
assessment al-  
lowed

IX. *And be it further enacted,* That the said Assessors and Collectors shall give to the owner

Notice to be  
given of sum  
assessed

owner of every House, Store or Building, so assessed by them, or in case of the absence of such owner, to the occupier or occupiers thereof, and to the owner of any Goods, Chattles, or personal effects so assessed by them, or in case of the absence of such owner to the agent or agents of such owner, a notice in writing, specifying the amount assessed for such House, Store or Building, Goods, Chattles, or personal effects, and notifying the party assessed of the sitting of the said Special Sessions to be appointed as aforesaid, (such notice to be given at least six days before the sitting of the said Special Sessions) and requiring the party then to appear to state any objection to said assessment, or forthwith to pay the amount thereof.

*Justices to hear Appeals*

X. *And be it further enacted,* That the said Justices, in such Special Sessions, shall attend at the time and place appointed, and shall proceed to examine into, and determine, any question respecting the amount of the said assessment upon any particular person or persons which shall be made by or on behalf of any party assessed, and confirm or reduce the same, or to relieve any person or persons altogether, as to such Justices may appear just, without altering or reducing the whole assessment.

*Proceeds of assessment to be paid to Chairman of Firewards*

XI. *And be it further enacted,* That forty days after such Special Sessions shall be allowed to the parties assessed to pay the said assessment; and if within such forty days the several amounts assessed as aforesaid, or any of the same, or in case of any reduction made upon any such amount in respect of any particular person or persons by the said Special Sessions, the amount to which such assessment shall or may in such case be reduced, shall remain unpaid, the said Assessors and Collectors shall, at the expiration of the said forty days after such Special Sessions pay over all Monies received by them into the hands of the Chairman of the Firewards, and at the same time deliver to the Clerk of the Peace, to be kept and filed by him, a true copy of the assessment signed by them the said Assessors and Collectors, shewing the parties and amounts assessed, and for and upon what respectively, and the several amounts paid and remaining unpaid.

*Delinquents to be prosecuted*

XII. *And be it further enacted,* That such Chairman of the Firewards shall forthwith cause any party or parties assessed, or in case of the absence of the owner, the occupier of any House, Store or Building assessed, or in case of the absence of any owner of Goods, Chattles, or personal effects assessed, the agent of such owner, whose assessments remain unpaid, to be summoned before some Justice of the Peace for the said County of Yarmouth, and upon proof of the assessment and notice thereof as hereinbefore directed; and if the party appeared before the Special Sessions upon proof of the confirmation or reduction of the amount assessed, if it shall not be made to appear to the said Justice on behalf of the party assessed, that the amount of such assessment, or the amount to which it may have been reduced by the said Special Sessions, in case any reduction shall have been made has been paid, such Justice shall forthwith issue a Warrant of Distress for levying the amount due, with costs, upon the Goods and Chattles of the owner, or in his absence of the occupier of the House, Store, or building assessed, or upon the Goods, Chattles, and personal effects so assessed as aforesaid. *Provided,* that when any occupier of any House, Store or Building, so assessed, shall be compelled to pay the assessment thereon, he shall be entitled to set off and deduct the same from the rent or rents of the said House, Store or Building, against the owner thereof.

*Engines, &c. to be procured*

XIII. *And be it further enacted,* That all monies assessed under this Act shall be paid over to the Chairman of the Firewards, to be applied for the purposes for which the same have been assessed, under the direction of the Firewards; and when and so soon as the monies hereby directed to be assessed for procuring and purchasing the said Engines and the appurtenances, shall be paid up and received by such Chairman, the Firewards shall proceed without delay to procure such Engines, with the other things thereto appurtenant, and when procured the same shall be placed under the charge and direction of the said Firewards.

*Appointment of Engine Men*

XIV. *And be it further enacted,* That it shall and may be lawful for the said Justices of the Peace in any General or Special Sessions, to appoint proper persons to take the charge of the said Engines, who shall be called Engine men, and shall be responsible for the due keeping, repair, and good and serviceable condition of such Engines respectively, and who shall be bound to repair and attend with the same at any alarm of Fire, and to work and conduct the same under the order of the Firewards.

XV.

XV. *And be it further enacted,* That such Engine men shall always be exempted from any Militia Muster or Training or other Militia duty, unless in case of actual service; and one of the said Engine men for each Engine shall be appointed as an Officer or Captain, and have the same power and authority as a Fireward, to command the assistance of any person or persons to take such Engine to and from the Fire.

Officer ap-  
pointed to each  
Engine—with  
power of a  
Fireward

XVI. *And be it further enacted,* That the Firewards shall annually appoint a Chairman, who shall act as Treasurer of the Board, and shall submit his account annually to the said Firewards at some meeting to be held by them before the first General Sessions of the Peace in each year at Yarmouth, to be audited and signed by all such Firewards; and such account, when so audited and signed, shall be submitted to the said General Sessions for examination.

Chairman of  
Firewards to  
be appointed—  
to act as Treas-  
urer, &c.

XVII. *And be it further enacted,* That all monies required to be assessed for Pumps and Wells, or for any House or Building pulled down, in order to prevent the progress of any Fire within the limits aforesaid in the said Town of Yarmouth, shall be assessed and collected in the same manner, and by the same course, ways and means, as are hereinbefore prescribed and directed, and with any Monies, if any are required to be assessed under this Act.

Assessments and  
collection of  
Monies

### CAP. LVIII.

## An Act to prohibit the exportation of Grain and Potatoes out of this Province.

(Passed 31st day of March, 1837.)

WHEREAS it is expedient to prohibit the exportation of Grain and Potatoes from any part of this Province:

I. *BE it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That, from and after the passing of this Act, and until the expiration thereof, it shall not be lawful for any person or persons to export in any Ship, Vessel or Boat, from any part of this Province, to any Port or Place out of this Province, (the necessary stores or provisions for such Ship, Vessel or Boat, excepted,) any Wheat, Oats or Potatoes, whatsoever.

Pleasant  
Export of  
Wheat, &c. interdicted

II. *And be it further enacted,* That if any person or persons shall export, or load, or put on board, any Ship, Vessel or Boat, any of the Articles herein enumerated, with intent to export the same out of this Province, the person or persons so exporting, or loading, or putting on board, with intent to export the same, each and every of them shall forfeit and pay double the value of the articles so exported, or laden, put or placed on board any Ship, Vessel or Boat, with intent to export the same.

Penalty for  
violation of  
Law

III. *And be it further enacted,* That such Ship, Vessel or Boat, in which any of the articles herein enumerated shall be laden or put on board for exportation, together with said articles, (except as hereinbefore excepted,) shall be liable to seizure and condemnation; and any Officer or Officers, Person or Persons, authorized or empowered to seize and prosecute any Ship, Vessel or Boat, or Goods, or to prosecute for any penalty for any breach of the Revenue Laws of this Province, under any Act of this Province in force, or to be in force, relating to the Colonial Revenue, shall be, and such Officer or Officers, Person or Persons respectively, are hereby authorized, empowered, commanded and directed, to seize and prosecute any Ship, Vessel or Boat, or Goods, or to prosecute any person or persons for any breach of this Act; and such Officer or Officers, Person or Persons, shall proceed against the same in such and the like manner as is by Law directed, for or in respect of any seizure of the like value in amount, or for any penalty or forfeiture of like amount made or incurred under and by virtue of any Act relating to the Colonial Revenue.

Forfeiture of  
Ships, &c.

IV. *And be it further enacted,* That the net proceeds of any such Ship, Vessel, Boat or Goods, so seized and condemned, or the amount of any penalty or forfeiture recovered, shall be paid and applied—one moiety to the Officer or Person making the Seizure, and the other moiety thereof to the Overseers of the Poor, for the use of the Poor of the Township or Place wherein such Seizure shall be made as aforesaid.

Prosecution of  
Penalties

V. *Provided always, and be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, by and with the advice

Application of  
proceeds of  
Penalties and  
Forfeitures

Operation of  
Act may be  
suspended

Continuation  
of Act

vice of His Majesty's Council, at any time, or from time to time, during the continuance thereof, by Proclamation under his Hand and Seal, either temporarily or otherwise, and with regard to the whole Province, or any particular Port or Ports, or Part or Parts thereof whatsoever, to suspend the operation of this Act.

*VI. And be it further enacted,* That this Act shall continue in force, and be in operation for and in the Island of Cape-Breton, until the first day of July next, and for and in every other part of this Province until the tenth day of June next.

## CAP. LIX.

## An Act for the Summary Trial of Actions in the Island of Cape-Breton.

(Passed 27th day of March, 1837.)

Cape-Breton  
Commissioners  
Court Act re-  
pealedRecovery of  
Debts not ex-  
ceeding £5 in  
Cape-BretonRegulations to  
be observed

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act for establishing Courts of Commissioners in the said Island of Cape-Breton, shall be, and the same is hereby repealed, from and after the first Wednesday of May next, on which day, and after the passing hereof, this Act shall come into operation; and that the parties who shall have obtained Judgments before that day in any of the Courts established under the aforesaid Act, shall have power to issue Execution thereon, and to enforce the same in like manner as if such Act had not been repealed.

*II. And be it further enacted,* That, from and after the first day of June next, all Debts owing by any person within the said Island, where the whole dealing or cause of action shall not exceed Five Pounds, may be sued for and recovered before one Justice of the Peace, if the balance or sum demanded do not exceed Three Pounds, and before two Justices of the Peace, if the balance or sum demanded be more than Three, and do not exceed Five Pounds; and that such Justices shall have no jurisdiction or cognizance whatever of any other causes of action, excepting only for Debts as aforesaid, and in such other cases as are now or hereafter may be provided by Law.

*III. And be it further enacted,* That the following regulations shall be strictly observed and kept in all civil suits to be commenced and prosecuted before Justices of the Peace in said Island, that is to say:—

1st.—Every person applying to a Justice for process shall, at or before the issuing of the same, file with the Justice before whom such process shall be returnable, a statement or particular of his demand or cause of action, or the promissory note or other instrument on which he sues, and the Defendant shall be entitled to a copy of such statement, note or instrument, when he shall require the same to be furnished to him by such Justice, without fee therefor.

2d.—The Writs of Summons, Capias and Executions, to be used by the Justice, shall be in the forms annexed to this Act.

3d.—Writs of Summons and Capias may be served by any Constable of the County where the Defendant resides, or by any other person who can read and write, and may at the instance of the Plaintiff be specially appointed by the Justice, and whose name shall be endorsed by the Justice on the Writ, at or before the delivery thereof to such person; Provided, that no person, other than a Constable, shall be entitled to any Fees upon the service of such Writ.

4th.—Writs of Summons and Capias, shall be served at least six days before the time of appearance, by delivering a copy thereof to the Defendant, and the Constable or other person serving the same explaining the meaning and contents thereof, if required so to do.

5th.—No person shall be arrested in any case for a Debt due by him under Twenty Shillings, nor shall any person be arrested for a Debt exceeding Twenty Shillings and less than Three Pounds, unless in addition to an affidavit of the Debt the Plaintiff or his agent shall also make oath that he verily believes the Debt will be lost if a Writ of Capias is not allowed.

6th.—The service of Process shall be authenticated by an affidavit to be made by the Constable or other person serving the same, before any Justice, certifying that he has delivered

vered a copy thereof to the Defendant, and explained the meaning and contents thereof, if required so to do; and without such affidavit, or the Defendant personally appearing to answer the suit, the Justice shall not proceed therein.

7th.—When the parties, Plaintiff and Defendant, reside in the same Township, the Suit shall be brought before a Justice residing therein. *Provided*, there is a Justice residing in such Township, and if not, the Suit shall be brought before the Justice residing nearest to the limits of such Township.

8th.—The hearing of all Suits shall be commenced between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, and shall always be open to the public.

9th.—In all cases where the Plaintiff's demand or cause of action is not confessed by the Defendant in person, or in writing under his hand, the same shall be established, whether the Defendant appear or no, on the oath of one credible witness, except only where the Plaintiff sues on a Promissory Note, in which case, if the Defendant do not appear, it shall be sufficient when there is a subscribing witness to prove his hand-writing by himself, or any other witness, and when there is no subscribing witness to prove the making of such Note by the Defendant.

10th.—Whenever the Defendant shall establish a sett-off, arising out of a Debt, and equal to the demand proved by the Plaintiff or any other sufficient defence thereto, the Defendant shall have judgment entered for him with costs. If the sett-off be less than the Plaintiff's Debt, the Plaintiff shall have judgment for the residue only with costs; and if it shall exceed the Plaintiff's demand as proved, and the whole amount of such sett-off do not exceed Five Pounds, the Defendant shall have judgment for the excess or balance, with costs.

11th.—Whenever a Defendant shall prove that he hath tendered the amount before Suit, and shall pay the same at or before Trial, into the hands of the Justice, he shall be entitled to a judgment for his costs, to be paid him out of such money.

12th.—When any Judgment shall exceed Twenty Shillings, either party may appeal to the Supreme or Inferior Court at the next term of the one or the other, which is to happen and be held next after such Judgment has been given in any of the Counties respectively in said Island; and such party appealing or his agent, when he himself is absent, shall make and file an affidavit in writing, which the Justice shall administer, that he is really dissatisfied with, and feels aggrieved by, such Judgment on the merits, and does not appeal therefrom solely for the purpose of delay; and such party appealing, or his agent, when he himself is absent, shall likewise enter into a bond with two sufficient sureties, in a penalty of double the amount of such Judgment, and with a condition thereto annexed, that the party so appealing shall abide by, and perform the Judgment of the Court to which such appeal shall be made and allowed, and which said bond and condition shall be in the form annexed to this Act.

13th. When such affidavit and bond are duly made or offered to be made, at any time within one month after Judgment, the Justice shall allow such appeal to the Supreme or Inferior Court, according as the next sitting of the one or the other is to happen, and be held first; after the allowance of the appeal and execution, if not issued, shall be thereafter entirely stayed; and on the first day of the next sitting or term of the Supreme or Inferior Court to which such appeal hath been allowed, unless he shall receive notice in writing, signed by both parties or their agents to the contrary, the Justice shall retain and file to, and with the Clerk of such Court, all the papers and proceedings in the cause, with a transcript of the Judgment and the appeal bond, and affidavit aforesaid; and the party appellant shall enter such appeal upon the docket of Sub-summary Causes in said Court, and the Court shall proceed to examine the witnesses and hear the said Cause in a Summary way, or shall order a Jury therein, if they shall think fit, and final Judgment shall be given on such appeal, with the like costs, as are now allowed in Sub-summary Causes, and execution shall be issued thereon for the amount of the Judgment and costs—which Judgment, in the event of the original Judgment being reversed after the same hath been enforced, shall include the full amount levied by virtue thereof; but if the party appellant shall not enter his appeal in such case, the original Judgment shall be affirmed, at the instance of the opposite party, on the last day of the Term, with Sub-summary costs, and execution shall be issued thereon.

14th.—Every Execution on any Judgment shall be returnable in thirty days from the day on which it is issued.

15th.

15th.—No Execution shall be issued by a Justice after the expiration of one year from the time of rendering judgment; and if it be returned in whole, or in part, unsatisfied, a further Execution for the amount remaining due thereon may be issued.

16th.—The Constable to whom any Execution shall be delivered, shall proceed forthwith to levy the same, and, unless the debt and costs be paid, shall take sufficient Goods and Chattels of the party against whom the same is directed, to satisfy the same, and shall advertise the said Goods and Chattels in two or more public places in the Township, for sale by Public Auction; and such advertisement shall describe the Goods and Chattels taken, and shall be put up at least five days before the time appointed for the sale.

17th.—At the time and place so appointed, if the amount remain unpaid, the Constable shall expose the Goods to sale at Auction, to the highest bidder—he shall forthwith return the Execution, and pay the debt and costs levied to the Plaintiff, or his Agent, duly authorised, returning the overplus, if any, to the person against whom the Execution issued, or his Agent, duly authorised, or in his absence, to the Justice who issued the same, for the use of such party; if the Goods shall remain unsold for want of buyers, the Constable may adjourn the time of sale for any period, not less than twenty-four hours, nor more than six days, and may in such case proceed to advertise anew, and sell the same after the return day of the Execution; but immediately after such sale he shall make return and payment as above specified; and whatever Goods remain unsold, after the Execution is fully satisfied, shall be restored to the party from whom the same were taken.

18th.—No Constable shall directly or indirectly purchase any Goods or Chattels at any sale made by him upon Execution, but every such purchase shall be absolutely void.

19th.—For want of Goods and Chattels whereon to levy, the Constable, unless otherwise directed by the party in whose favor such Execution hath issued, shall take the body of the person against whom the Execution is directed, and convey him to the common Gaol of the County, the Keeper whereof shall keep such person in safe custody, until the debt and costs shall be paid, or he is thence discharged by due course of Law; and for every person so committed to Gaol on Execution the Keeper shall be entitled to a fee of two shillings and no more.

20th.—Every person so committed to Gaol, shall be entitled to the full benefit of the Acts made for the relief of Insolvent Debtors.

21st.—If a Constable neglect to return an Execution within ten days of the return thereof, unless with the consent of the party in whose favor the same was issued, or neglect to pay over the money received or levied thereon, for the space of five days after he shall have received the same, or to pay over the overplus as aforesaid, on demand, the party entitled thereto may maintain an action for money had and received against such Constable, and shall recover therein the amount of the Execution, or of the overplus thereon, with interest, from the time such money was received; and a Justice of the Peace shall have jurisdiction of such action, though the amount claimed therein exceed Five Pounds.

*IV. And be it further enacted,* That the Fees to be taken in all Causes before such Justice or Justices shall be as follows:

*Justices' Fees.*—On Writ of Summons, Two Shillings. On Capias and Affidavit, Two Shillings and Six Pence. On Judgment, One Shilling. On Subpoena, Six Pence. On Execution, One Shilling.

*Constables' Fees.*—Service of Process, One Shilling. Travel, Three Pence per mile, to be computed from the place where the Process is returnable to the place of residence of the Defendant. Poundage or Sale of Goods, and paying over the proceeds, Six Pence per Pound.

*Witnesses' Fees.*—Each, Two Shillings and Six Pence, and Travel Three Pence per mile, to be computed from the Witnesses' place of residence within the County, to the place where the Process is returnable.

*V. And be it further enacted.* That, if any Justice, or Constable or Gaoler, shall ask, demand or receive, any greater or other Fees than are herein allowed, he or they shall forfeit and pay a fine of Five Pounds, together with costs, to be recovered in an action of Debt by any one that will sue for the same, in the Supreme or Inferior Court for the County; and such action shall be commenced by a Writ of Summons, setting forth that the Defendant therein is indebted to the Plaintiff, by virtue of this Act, in the amount of the said fine, and declaring

declaring the Fees, in respect whereof the same is demanded; and such action shall be heard and determined in a summary way, unless the party shall demand, or the Court shall think fit to order a Jury to try the same.

**VI. And be it further enacted,** That, whereas in the foregoing provisions one Justice is named, the same shall be understood as applying to the Justice who shall first sign the writ, in all cases where two Justices must be present at the Trial; *And whereas*, words importing the singular number or the masculine gender, are used; yet, the said provisions shall be understood to include several matters as well as one matter, and several persons as well as one person, and females as well as males.

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

FORM OF SUMMONS.

To either of the Constables of \_\_\_\_\_ You are hereby required to summon A. B. of \_\_\_\_\_ to appear before \_\_\_\_\_ at \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock in the \_\_\_\_\_ to answer to C. D. in the sum of \_\_\_\_\_ and make return hereof on or before the said day.—Witness \_\_\_\_\_ Hand and Seal at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ (L. S.)

CAPIAS.

To either of the Constables of \_\_\_\_\_ You are hereby commanded to take A. B. of \_\_\_\_\_ and him safely keep, so that you have him before \_\_\_\_\_ at \_\_\_\_\_ on the \_\_\_\_\_ of \_\_\_\_\_ to answer to C. D. in the sum of \_\_\_\_\_ Thereof fail not, and have then there this Writ.—Given under \_\_\_\_\_ Hand and Seal at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ By oath for \_\_\_\_\_ J. P.

EXECUTION.

To either of the Constables of \_\_\_\_\_ Whereas, judgment hath been awarded against A. B. of \_\_\_\_\_ at the suit of C. D. for the sum of \_\_\_\_\_ and \_\_\_\_\_ more for costs; these are to command and require you to levy from off the Goods and Chattles of the said A. B. the said sums, making together \_\_\_\_\_ by sale of the said Goods and Chattles, after duly advertising the same; and for want thereof, you are hereby commanded to take the body of the said A. B. and him to commit to His Majesty's Gaol in \_\_\_\_\_ there to remain until he pay the sum above mentioned, with your fees, or that he be discharged by the said C. D. or otherwise by order of Law. Thereof fail not, and make return of this Writ to within thirty days.—Witness \_\_\_\_\_ Hand and Seal at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ J. P.

FORM OF APPEAL BOND.

KNOW all Men by these Presents, that we, A. B. C. D. and E. F. (names of Appellant and Sureties, with places of residence and additions,) are held and firmly bound to G. H. (name and description of party against whom the Appeal is allowed,) in the penal sum of \_\_\_\_\_ of lawful money of Nova-Scotia, to be paid to the said G. H. (name of person against whom Appeal is allowed,) his certain Attorney, Executors, Administrators or Assigns, for which payment well and truly to be made we bind ourselves, and each of us by himself, our and every of our Heirs, Executors and Administrators, firmly by these presents.—Sealed with our Seals, and dated the \_\_\_\_\_ day of \_\_\_\_\_ in the Year of Our Lord One Thousand Eight Hundred and \_\_\_\_\_

Appeal Bond

Whereas, in a certain cause, between the said A. B. and the said G. H. tried before Justice of the Peace for the County of \_\_\_\_\_ on \_\_\_\_\_ day Judgment was given for (here state the judgment, and for whom given, with the sum,) and the said A. B. (name of party appealing,) has desired to appeal against such judgment. The condition of the above Obligation is such, that if the said A. B. at the next term of (here state the Term and Court to which this Appeal is allowed,) shall duly enter and prosecute, with effect, his said Appeal, and shall proceed therein, and shall abide by, and fulfil the judgment of said Court, to be given on such Appeal, then the above Obligation to be void, otherwise to remain in force.

A. B. L. S.

C. D. L. S.

E. E. L. S.

Explanation of Terms

Form of Summons

Capias

Execution

Appeal Bond

Signed, Sealed and Delivered,

in the presence of \_\_\_\_\_

CAP.

## CAP. LX.

**An Act to continue and amend the Act for the Summary Trial of Actions, and the Act in amendment thereof.**

(Passed 21st day of April, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act made and passed in the Third Year of His late Majesty's Reign, entitled, An Act for the Summary Trial of Actions; and also, the Act in amendment of the said Act, passed in the Sixth Year of His said late Majesty's Reign, and every matter, clause and thing, in the said Acts contained, save and except so far as the same are or may be hereinafter altered or amended, shall be continued, and the said Acts, except as aforesaid, are hereby severally continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 3 and 6.  
Geo. IV., con-  
tinued (with  
exceptions)

**II. And be it further enacted,** That it shall and may be lawful for any two Justices of the Peace to proceed in and with, and to give Judgment, and issue Execution, in any Action or Suit, which, if the whole dealing or cause of Action therein did not exceed Five Pounds, could, or might now, under the Acts hereby continued, be tried and determined before such two Justices, in the same manner, and by the same course of proceedings, as by the said Acts hereby continued, or hereinafter is directed, notwithstanding the cause of Action or whole dealing shall exceed Five Pounds; *Provided*, that the cause of Action, or whole dealing in such Action, do not exceed Ten Pounds.

Jurisdiction of  
two Justices in  
cases of Debt

**III. And be it further enacted,** That in every case where the whole dealing or cause of Action shall exceed Five Pounds, the Summons or Capias shall be served upon the Defendant or Defendants, at least six days before the day on which the same shall be returnable.

Service of  
Summons of  
Capias upon  
Defendants

**IV. And be it further enacted,** That if any party, Plaintiff or Defendant, in any Action or Suit in which the whole dealing or cause of Action shall exceed Five Pounds, shall, two days before the day on which the writ of Summons or Capias shall be returnable, notify any one of the said Justices that it is the desire of such party to have a Jury in such Cause, then, and in such case, the said Justice shall issue a Venire, directed to any Constable, not being a person of kin to either party in the cause, or interested in the event thereof, commanding such Constable to summon a Jury of three fit and proper persons, of and from the neighbourhood, to be and appear before the two Justices who are to try such Action, at the time and place when and where the Defendant or Defendants are summoned, or bound and required to appear.

Plaintiffs or  
Defendants  
may be allow-  
ed a Jury

**V. And be it further enacted,** That every Juror who shall be so summoned, and shall neglect to appear as required by the Venire aforesaid, shall be, and be deemed, and held to be, liable to a penalty of Five Shillings, which shall be levied by warrant of distress against the Goods and Chattles of such Juror so neglecting to appear, to be issued by the said two Justices, upon the oath of the said Constable, that he summoned such Juror at least twenty-four hours before the time he shall be required to appear, unless such Juror shall make it appear to the said two Justices that he had some legal and sufficient excuse for his absence.

Trials

**VI. And be it further enacted,** That such Jury shall be sworn by one of the said two Justices, before whom such Cause shall be tried, in the presence of both Justices, and in open Court, well and truly to try the Cause, according to the evidence and the allegations of the parties; and the evidence of the witnesses shall be made and delivered in the hearing and presence of the said Justices and Jury so impanelled, and having heard the directions of the said Justices, the Jury shall, if they require it, retire to some convenient room or apartment, under the charge of some Constable, duly sworn to keep such Jury together, without meat or drink, and not to suffer any one to speak to them, or to speak to them himself, without leave of the said Justices, and shall, when agreed, return their verdict, whereupon Judgment shall be given for the party in whose favor such verdict shall be returned, with costs.

Challenge to  
Jurors

**VII. And be it further enacted,** That either party shall or may be permitted to make any legal challenge for cause to any of the said Jurors, and if any such challenge be allowed, or in any case where any person shall not appear, who is summoned, the said Justices shall direct

rect the said Jury to be filled up by any person then present, who may not be liable to any such legal challenge, or by directing any Constable to summon any other person not liable to such challenge; and if, after hearing the testimony, and parties, and direction of the Justices, before whom such Trial shall be had, such Jury shall find it impracticable to agree on their verdict, they shall be discharged, and a new Jury summoned for another day, which shall be appointed for the trial of the Cause.

VIII. *And be it further enacted,* That the Fees to be allowed for and in respect of any Cause, tried by a Jury as herein before directed, over and above, and in addition to, the Fees already allowed by Law, for Causes between Three Pounds and Five Pounds, shall be as follows:—

To the Justice for the Venire, One Shilling.

To the Constable for summoning the Jury, One Shilling.

To each Juror, One Shilling.

IX. *And be it further enacted,* That whenever, in any case, a Defendant or Defendants shall, before any Justice or Justices, as a defence, produce a sett-off, it shall and may be lawful for the Justice or Justices to inquire into, and determine upon, such sett-off, and in case of finding it sufficient in amount to meet the Plaintiff's demand, to give Judgment for the Defendant or Defendants, with costs of the defence, whether the amount of such sett-off shall or shall not be greater than the sum for which a Plaintiff could or might maintain, and prosecute, an action against the said Defendant or Defendants. *Provided always,* that where such sett-off shall be of greater amount than the sum or amount for which an Action could or might be maintained before such Justice or Justices, the said Justice or Justices shall not give Judgment in favor of the Defendant or Defendants for any excess of such sett-off, over the claim or demand of the Plaintiff or Plaintiffs, but only for the costs of the Defendant or Defendants.

Defendants producing a  
sett-off

X. *And be it further enacted,* That in case of any appeal from the Judgment of any Justice or Justices of the Peace before such appeal shall be allowed, the party making the same shall make and file with such Justice or Justices an Affidavit in writing, that he is really dissatisfied with such Judgment, and feels aggrieved thereby, and that such appeal is not prosecuted solely for the purpose of delay.

Appendix

XI. *And be it further enacted,* That when any Plaintiff or Plaintiffs shall sue out any writ of Summons or Capias, such Plaintiff or Plaintiffs shall file with the Justice or Justices an account or written statement of his demand against the Defendant or Defendants, at the time of issuing out such Writ, and, if such Action be brought or commenced on any written instrument, shall file the same with such Justice or Justices.

Statement of  
demand to be  
made and filed  
before issue of  
Summons, &c.

XII. *And be it further enacted,* That nothing in this Act contained, shall extend, or be construed to extend, to the Counties of Cape-Breton, Richmond or Inverness.

Act not to ex-  
tend to certain  
Counties

## CAP. LXI.

### An Act to repeal an Act in addition to, and amendment of, the Act for the choice of Town Officers and regulating of Townships, and to revive an Act in further addition to, and amendment of, the several Acts for the choice of Town Officers and regulating of Townships.

(Passed 21st day of April, 1837.)

WHEREAS, in and by the Act 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, an Act passed in the Fifty-first Year of the Reign of His late Majesty King George the Third, entitled, An Act in further addition to, and amendment of, the several Acts for the choice of Town Officers and regulating of Townships is repealed. *And whereas,* it would be more conducive to the object of the said Act of the

Seventh

Preamble

Seventh Year of His Majesty King George the Fourth, to repeal the Act passed in the Fiftieth Year of the reign of His said late Majesty King George the Third, entitled, An Act in addition to, and amendment of, the Acts for the choice of Town Officers and regulating of Townships, instead of the said Act of the Fifty-first Year of King George the Third, which said last mentioned Act has hitherto been pursued in the choice of Town Officers:

*I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That the said Act of the Fiftieth Year of the Reign of His said late Majesty King George the Third, shall be, and is hereby repealed.

*II. And be it further enacted,* That the said Act passed in the Fifty-first Year of His said Majesty King George the Third, entitled, An Act in further addition to, and amendment of, the several Acts for the choice of Town Officers and regulating of Townships, is, and shall be, hereby revived, and be in force in as full and ample a manner as if the same had not been repealed by the said Act, passed in the seventh Year of His late Majesty King George the Fourth; and all the acts and proceedings of each and every Town Officer who has and have been appointed agreeably to the provisions of the said Act hereby revived, shall be as good and valid to all intents and purposes as they would have been if the said Act had not been repealed.

Act 50, Geo.  
III, repealed

Act 51, Geo.  
III, revived

Proceedings of  
Town Officers  
valid

## CAP. LXII.

### An Act respecting the Militia of this Province.

(Passed 21st day of April, 1837.)

Clauses of I. &  
2, Geo. IV,  
continued

Militia not to  
be called out

Annual Re-  
turns of Com-  
panies and  
Regiments to  
be made

Penalty for  
neglecting to  
make Returns

Arms to be  
kept in good  
order—allow-  
ance for that  
Service

Return of  
Arms

Adjt. and Qr.  
Mr. Genr. on-  
ly to be allow-  
ed compensa-  
tion

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, forty-third, forty-fourth, forty-fifth, and forty-sixth Clauses or Sections of the Act, passed in the first and second year of the reign of His late Majesty King George the Fourth, entitled, An Act to provide for the greater security of this Province, by a better regulation of the Militia, and to repeal the Militia Laws now in force, shall be continued, and the said several Clauses or Sections are hereby continued until the thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-eight, and no longer.

*I. And be it further enacted,* That the Militia shall not be called out or required to attend any muster for drill, training or discipline, during the continuance of this Act.

*III. And be it further enacted,* That once in every year during the continuance of this Act, that is to say—on or before the last day of October, in each year, every Captain or Officer commanding a Company, shall make out and transmit to the Officer commanding the Regiment to which such Company belongs, a return of the strength of such Company, with a fair roll thereof, and in like manner, once in every year, that is to say—on or before the last day of November, in each year, the Commanding Officer of every Regiment or Battalion shall make and transmit to the Adjutant-General of Militia, for the information of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, a return of the strength of such Regiment or Battalion, with a Return of the Arms and Accoutrements thereto belonging, and of the state and condition thereof; such returns to be made in the form prescribed by the Adjutant-General; and any Captain or Officer commanding a Company, neglecting to make such returns as aforesaid, shall forfeit and pay a fine of Two Pounds, and any Officer commanding a Regiment or Battalion, neglecting to make such returns, shall forfeit and pay a fine of Five Pounds.

*IV. And be it further enacted,* That the Arms belonging to every Regiment or Battalion shall be stored and kept in good order and condition, under the charge of the Officer commanding such Regiment or Battalion, who shall be entitled to receive from the Treasury of the Province the sum of Four Pence for each and every stand of Arms so placed under his care and direction, to be drawn upon the Certificate of the Adjutant-General, that a due and proper return of such Arms, and the state and condition thereof, has been made by such commanding Officer.

V. *And be it further enacted*, That no other compensation or allowance whatsoever be made to any Officer of Militia, for services done by him, the Adjutant and Quarter-Master Generals alone excepted.

VI. *Provided always, and be it further enacted*, That in case of war, invasion, or any sudden emergency, which shall require the calling out of the Militia, it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, by Proclamation, under his hand and seal, to revive and call into operation the Acts of this Province, relating to the Militia, which were continued by the Act of the last Session of the General Assembly, until the thirty-first day of March, in the year of Our Lord One Thousand Eight Hundred and Thirty-seven, or such of the said Acts, or such parts thereof, as shall be in the said Proclamation designated; and thereupon and thereafter such Acts or such parts thereof shall come into and remain in operation, and this Act shall cease and determine until the end of the then next Session of the General Assembly.

In case of  
War, Invasion,  
&c. Militia  
may be called  
out

VII. *And be it further enacted*, That all Fines and Penalties imposed by this Act, or under and by any of the Clauses or Sections of the said Act herein first mentioned, which are hereby continued, shall be recovered and recoverable, and be applied, as is prescribed in and by the tenth Clause or Section of the Act passed in the ninth year of His said late Majesty's reign, entitled An Act to alter, continue and amend the several Acts for the regulation of the Militia, in the same manner as if such tenth Clause or Section had been and was hereby continued.

Recovery and  
application of  
Fines

VIII. *And be it further enacted*, That where any Fine or Penalty as aforesaid shall be imposed on, and be recoverable from, any private Militia Man or Non-commissioned Officer, the same shall be sued and prosecuted by, and in the name of, the Clerk of the Company to which such Militia Man or Non-Commissioned Officer shall or may belong, and when on or from the Clerk of any Company, then, by and in the name of the Captain or Officer commanding such Company, and when on or from any commissioned Officer, other than the commanding Officer of the Regiment or Battalion, then, by and in the name of such Commanding Officer, and when on or from such Commanding Officer, then by and in the name of the Adjutant-General.

Prosecutions  
for Fines

IX. *And be it further enacted*, That this Act shall continue and be in force from the passing thereof until the thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and thirty-eight, and no longer.

Continuation  
of Act

### CAP. LXIII.

## An Act to render less dangerous the Navigation of the Gulf of Saint Lawrence, by erecting Light-Houses on the Islands of St. Paul's and Scatarie, and for the support and maintenance thereof.

(Passed 21st day of April, 1837.)

WHEREAS His Majesty's Government have agreed to erect and build Light-Houses on the Islands of St. Paul's and Scatarie, free from any expense to the British North American Colonies. *And whereas*, the Provinces of Lower Canada, New-Brunswick, Nova-Scotia and Prince Edward Island, have agreed to support and maintain the same, and to adjust and arrange what contribution each Colony was to make for such humane purpose, did appoint Commissioners to meet and arbitrate thereon.—*And whereas*, Augustin Norbert Morin, Esquire, was nominated by the Government of Lower Canada; the Honorable Joseph Cunard, and Alexander Rankin, and William Abrams, Esquires, were nominated by the Government of New-Brunswick; and the Honorable Samuel Cunard and Edmund Murray Dodd, Esquire, were nominated by the Government of Nova-Scotia; and Thomas Owen, Esquire, was nominated by the Government of Prince Edward Island, to be Commissioners for and on behalf of the respective Provinces aforesaid, to award and determine on the most fit Sites for the erection of said Light-Houses, and the equitable contribution to

Preamble

be

be made by each Province for maintaining the same. *And whereas*, the said Commissioners did, on the sixteenth day of August, now last past, meet at Miramichi, in the Province of New-Brunswick, produce their respective powers, exchange the same, and assume the charge of award and arbitrament aforesaid, and, after mature deliberation, adjudge that the superintendance and building of said Light-Houses shall rest in the Board of Commissioners appointed by the Government of Nova-Scotia. That two Light-Houses shall be erected on the Island of St. Paul, and one Light-House on the Island of Scatarie, with the necessary Keepers Houses, Stores and Frost-proof Cellars, for the preservation of provisions, and the lights in all said Light-Houses shall be kept burning throughout the year; and for the maintenance of said Lights and Establishments, that the Government of New-Brunswick shall pay to the Government of Nova-Scotia, into the Treasury thereof, Two Hundred and Fifty Pounds, current money of the said Province, on the first day of July in each and every year; that the Government of Lower Canada shall pay to the Government of Nova-Scotia, into the Treasury thereof, Five Hundred Pounds currency aforesaid, on the first day of July of the first year after the said Light-Houses and Humane Establishments shall be in operation, and annually, as long as they shall continue to be so, a proportional part of a sum, which, added to the unexpended balance (if any) remaining from the preceding year—New-Brunswick being in this respect considered as having contributed the same amount as Nova-Scotia—as shall amount to a sum of One Thousand and Thirty Pounds; that the Government of Prince Edward Island shall in like manner pay into the Treasury of Nova-Scotia Thirty Pounds on the first day of July, of the first year after the said Light-Houses and Humane Establishments are in operation, and then, at the same period in every year, as long as they shall continue to be so, a proportional part of a sum, which, added to the unexpended balance, if any remains from the preceding years—New-Brunswick being in this respect considered as having contributed the same amount as Nova-Scotia—as shall amount to the said sum of One Thousand and Thirty Pounds.

That the Government of Nova-Scotia shall contribute Two Hundred and Fifty Pounds, current money aforesaid, for the first year after the said Light-Houses and Humane Establishments are in operation, and then for every year as long as they shall continue to be so, a proportional part of a sum, which, added to the unexpended balance, (if any remaining from the preceding years,) New-Brunswick being in this respect considered as having contributed the same amount as Nova-Scotia, as shall amount to the said sum of One Thousand and Thirty Pounds, current money aforesaid. *And whereas*, it was further agreed upon, awarded and adjudged, by the Arbitrators aforesaid, that if the said Light-Houses and Humane Establishments shall be destroyed or impaired by fire, tempest or other causes, that the expense of re-building or repairing the same shall not devolve on the Province of Nova-Scotia, but be sustained and borne by the Government of Great-Britain, or as may be agreed or decided upon; and further, that the Board of Commissioners of Light-Houses of the Province of Nova-Scotia aforesaid shall render accounts annually to the House of Assembly of said Province; Duplicates of which shall be transmitted annually to the respective Legislatures of Lower Canada, New-Brunswick and Prince Edward Island, and that the said several sums apportioned to the above mentioned Provinces shall be permanently provided for by Acts of the respective Legislatures. *And whereas*, it is expedient that the various provisions made by such award shall be adopted and carried into operation:

Annual contribution from Nova-Scotia towards support of Light-Houses, &c.

I. *Be it therefore enacted*, by the Lieutenant-Governor, Council and Assembly, That there shall be annually granted and paid unto His Majesty, His Heirs and Successors, out of the Public Revenues of this Province, for the purpose of carrying into effect the said Award and Judgment above in part recited, the sum of Two Hundred and Fifty Pounds, current money of the Province of Nova-Scotia, for the first year after the said Light-Houses and Humane Establishments are in operation, and then, for every year as long as they shall continue to be so, a proportionate part of a sum, which added to the unexpended balance (if any) remaining from the preceding years—New-Brunswick being in this respect considered as having contributed the same amount as Nova-Scotia—as shall amount to the sum of One Thousand and Thirty Pounds, current money aforesaid.

II. *And be it further enacted*, That the said yearly sum shall be part of the permanent Establishment of this Province, and shall be borne on the Civil Lists thereof, and shall, in each year, be issued, paid and satisfied, out of the Public Treasury thereof; and it shall be lawful

Contribution to be borne on Civil List

lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, at or immediately after the said Light-Houses and Humane Establishments shall be in operation, and in each successive year, to draw his Warrant on the Treasury of the Province in favor of the Commissioners, appointed from time to time to superintend and take charge of said Light-Houses and Humane Establishments.

III. *And be it further enacted*, That this Act shall be of no force or effect until the Governor, Lieutenant-Governor or Commander in Chief for the time being, shall issue a Proclamation, notifying that due proof has been produced to him that the Legislatures of Lower Canada, New-Brunswick and Prince Edward Island, have passed Acts conformable to the Award made at Miramichi on the Sixteenth day of August last, by the Commissioners appointed by those Provinces, and by Nova-Scotia, or that His Majesty's Government at Home have made arrangements to fulfil the said Award.

Contribution  
conditional

#### CAP. LXIV.

### An Act to enable Members of the House of Assembly about to leave the Province, or unable from indisposition to attend their duty, to resign their Seats therein.

(Passed 21st day of April, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That hereafter whenever any Member now elected in this present House of Assembly, or hereafter to be elected, either in this present or any future House of Assembly, shall become so seriously sick and unwell as to be unable to attend his duty therein, or be about to remove from the Province without any intention of returning thereto, and shall desire to vacate his seat in said House, it shall and may be lawful for such Member, having first verified his inability or intention as aforesaid, under oath, before a Judge of the Supreme Court or Inferior Court, to declare, by a written notice to the Speaker of the said House, that he is desirous to be relieved from his trust and duty as a Member, and to resign his seat in the said House, which notice, if the House shall be in Session, shall, upon the receipt thereof, be laid before the House, who may thereupon declare the Seat to be vacant, and if the House shall not be in Session, then the said notice shall be filed in the Secretary's Office, together with a Certificate from the Speaker that he is satisfied that the said notice is genuine, whereupon the said Seat shall be, and the same is hereby, declared vacant; and the Speaker of such House shall make application for a Writ for the election of a fit and proper person to represent the County or Town for which such Member so resigning his Seat shall have been the Representative, in the place of said Member, whose Seat shall have been so vacated as aforesaid.

Members may  
vacate Seats  
on account of  
sickness, &c.

II. *Provided always, and be it further enacted*, That this Act and nothing herein contained shall be of any force or effect until His Majesty's assent shall be signified thereto.

Vacancies to  
be filled up

His Majesty's  
assent required  
to the Act

#### CAP. LXV.

### An Act to continue the several Acts concerning the Bridewell and Police in Halifax.

(Passed 21st day of April, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act passed in the Fifty-fifth Year of the Reign of His late Majesty King George the Third, entitled, An Act for establishing a Bridewell or House of Correction for the County of Halifax, and for the better and more effectual administration of the office of Justice of the Peace in the Township of Halifax, and for providing a Police Office in said Town, with proper Officers to attend the same, and every matter, clause and thing, therein contained, (save and except

Acts 55(except  
Sec. 10) 10th  
Geo. IV, (ex-  
cept Sec. 4)  
11 Geo. IV,  
and 2, Wm.  
IV, continued

cept the tenth Section of the said Act); and also, an Act passed in the Tenth Year of the Reign of His late Majesty King George the Fourth, entitled, An Act to amend and continue the Act concerning the Bridewell and Police in Halifax, and every matter, clause and thing, therein contained, (save and except the Fourth Section of the said Act); and also, an Act passed in the Eleventh Year of the Reign of His late Majesty King George the Fourth, entitled, An Act to amend and continue the Act concerning the Bridewell and Police in Halifax, and every matter, clause and thing, therein contained; also, the Act passed in the Second Year of His present Majesty's Reign, to continue the said Acts, and to alter and amend the same, and every matter, clause and thing, therein contained, shall be continued, and the said Acts are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

---

## CAP. LXVI.

**An Act to revive, continue and amend, the Act to encourage the Manufacture of Tobacco in this Province, by granting a Bounty thereon.**

(Passed 21st day of April, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the fourth year of His present Majesty's reign, entitled, An Act to encourage the Manufacture of Tobacco in this Province, by granting a Bounty thereon, shall be revived and continued, and the said Act, and every matter, clause and thing, therein contained, save and except as hereinafter altered or amended, are hereby revived and continued until the thirty-first day of March, which will be in the year of Our Lord One Thousand Eight Hundred and Thirty-eight, and no longer.

**II. And be it further enacted,** That instead of the Bounty of Twelve Pounds and Ten Shillings for every Hundred Pounds of the original cost of all Leaf Tobacco, by the first Section of the Act hereby continued, directed to be paid, there shall be paid a Bounty of Six Pounds and Ten Shillings, and no more, for every Hundred Pounds of the original cost of all Leaf Tobacco manufactured by any person or persons within this Province, as in and by the said Act is mentioned, in the same manner as if the same Bounty of Six Pounds and Ten Shillings had been originally inserted in the first Section of said Act instead of Twelve Pounds and Ten Shillings.

---

## CAP. LXVII.

**An Act to continue the Act concerning the Terms of the Supreme Court at Halifax.**

(Passed the 3d day of March, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act made and passed in the tenth year of His late Majesty's Reign, entitled, An Act concerning the Terms of the Supreme Court at Halifax, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

---

## CAP. LXVIII.

**An Act to continue the Act concerning the Inferior Courts of Common Pleas within this Province.**

(Passed 3d day of March, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act made and passed in the second year of His present Majesty's Reign, entitled, An Act concerning the Inferior Courts of Common Pleas 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 until the end of the then next Session of the General Assembly.

Act 2 Wm.  
IV, continued

## CAP. LXIX.

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

(Passed 21st day of April, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act made and passed in the Forty-eighth year of the reign of His late Majesty King George the Third, entitled, An Act to provide for the Accommodation and 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 year of His said late Majesty's reign, in amendment thereof, and every matter, clause and thing, in the said Acts contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 48 51 &  
53, Geo. III,  
continued

## CAP. LXX.

**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 21st day of April, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act made and passed in the eleventh year of His late Majesty's reign, 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 of His present Majesty's reign, in amendment of, and additional to, the said Act, shall be continued, and the said Acts, and every matter, clause and thing, therein contained, are hereby severally and respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 11. Geo.  
IV, continued

## CAP. LXXI.

**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 3d day of March, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Third Year of His present Majesty's Reign, entitled, An Act in amendment of the

Act 3, Wm.  
IV, continued  
beginning VI

## C. LXXII-LXXIV. Anno Septimo Gulielmi IV. 1837.

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. LXXII..

#### An Act relative to Elections for the Township of Amherst.

(Passed 21st day of April, 1837.)

Preamble

**W**HHEREAS it has been found that, under the present Election Law, the Poll can be held open in the said Township of Amherst for the full period of six days, which has been found grievously burdensome, and three days would be amply sufficient:

Duration of  
Poll at Am-  
herst

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That, at any future Election for the Township of Amherst, the Poll shall be kept open for three days only, and shall be closed at the hour by Law appointed on the third day after the opening thereof, unless sooner closed according to Law.

### LXXIII.

#### 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.

(Passed 21st day of April, 1837.)

Preamble

Directors of  
Bank of Nova-  
Scotia may be  
Partners in o-  
ther Banking  
Establishments

**W**HHEREAS, by the fourteenth Section of the Act passed in the second year of His present Majesty's reign, entitled, An Act to incorporate sundry Persons by the name of the President, Directors, and Company of the Bank of Nova-Scotia—it is enacted, that no person shall be eligible as, or continue to be, a Director of the said Corporation who is a Partner or Member of, or Director in, any other Bank within this Province, or a Director of any other Bank whatsoever—and it is expedient to remove such restriction:

Continuation  
of Act

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, during the continuance of this Act, for the present or future Directors of the Bank of Nova-Scotia, or any of them, to be eligible as, and continue to be, Directors of such Corporation, notwithstanding such Directors may be Partners or Members of, but not if they shall at any time be also Directors of, any other Bank within this Province, or of any other Bank whatsoever.

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

### CAP. LXXIV.

#### An Act to continue the Act in addition to, and in amendment of, the Act to prevent Nuisances by Hedges, Wears and other Incumbrances, obstructing the Passage of Fish in the Rivers of this Province.

(Passed 21st day of April, 1837.)

Act 10, Geo.  
IV, continued

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act made and passed in the Tenth Year of His late Majesty's Reign, entitled, An Act in addition to, and

and in amendment of, an Act passed in the Third Year of the Reign of His late Majesty King George the Third, entitled, An Act to prevent Nuisances by Hedges, Wears and other Incumbrances, obstructing the Passage of Fish in the Rivers of this Province, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. LXXV.

### An Act to extend to the Counties of Sydney and Guysborough the Act respecting Stray Horses and Cattle in the County of King's County, and for enabling the Owners thereof to discover the same.

(Passed 21st day of April, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Third Year of the Reign of His present Majesty, entitled, An Act respecting Stray Horses and Cattle in the County of King's County, and for enabling the Owners thereof to discover the same, and every clause, matter and thing, therein contained, shall be, and the same are hereby extended to the several Counties of Sydney and Guysborough, in the same manner, to all intents and purposes, as if such Counties had been originally named and inserted in the said Act.

Act 3, Wm.  
IV, extended  
to Counties of  
Sydney and  
Guysborough

## CAP. LXXVI.

### An Act to amend the Act concerning Cemeteries or Burial Grounds in the Town of Halifax.

(Passed 21st day of April, 1837.)

**W**HEREAS, by and under the said Act, a piece of Land being part and parcel of the Common of Halifax, in the said Act particularly described, and comprehending about twenty acres of Land more or less, has been appropriated for the purpose of a Public Cemetery; And whereas, representation has been made by the Commanding Royal Engineer, that the appropriation of the said piece of Land for the purposes aforesaid will interfere with the Military Defences of Halifax; And whereas, in case of an hostile attack upon Halifax, there is reason to apprehend that the said piece of Land so appropriated for a Public Cemetery would be occupied as a Military Position, and works be thereby rendered necessary, destructive of its sanctity as a place of Burial: For remedy thereof:

x 3. 21st 1837, c. 32  
(1837)  
Preamble

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Commissioners of Cemeteries to select some other part or parts of the Common of Halifax, not exceeding ten acres in the whole, to be used instead of the Land described in the said Act, for a Public Cemetery or Burial Ground; which part or parts of the said Common so selected by them, and approved of by the Lieutenant-Governor and His Majesty's Council, shall be set off, used and appropriated, for a Public Cemetery or Burial Ground, and shall be regulated in the same manner as if it had been originally described and set apart for that purpose in the said Act.

Some other part  
of the Com-  
mon to be  
substituted for  
a Cemetery

II. And be it further enacted, That from and immediately after the passing of this Act, the said twenty acres of Land described in the Act of which this is an amendment, shall again become part and parcel of the Common of Halifax, and be under the charge and care of the Commissioners of the Common, in the same manner as if the said Act had not passed.

Present Ceme-  
try to revert  
to Common

## CAP. LXXVII.

**An Act for increasing the Capital Stock of the Shubenacadie Canal Company, and the number of Shares therein, for conferring further Powers on that Corporation, and for other purposes.**

(Passed 21st day of April, 1837.)

Preamble

W HEREAS, by an Act of the General Assembly of Nova-Scotia, passed in the Year of Our Lord One Thousand Eight Hundred and Twenty-four, and entitled, An Act to authorise the Incorporation of a Company for making a Canal by the River and Lakes of the Shubenacadie, it was enacted, that whenever a sufficient number of persons should have associated themselves together for opening and making a navigable cut Canal or Water Communication, between the Harbour of Halifax and the Basin of Mines, by, along or near, to the course of the River Shubenacadie, and the Lakes thereof, and shall have agreed to raise sufficient Monies to effect the same, it should and might be lawful for the Governor, Lieutenant-Governor or Commander in Chief for the time being, at any time within five years from the passing of that Act, by Letters Patent, under the Great Seal of this Province, to make, erect and incorporate, all and singular, the persons, who from time to time should be adventurers in, or parties to, the said undertaking, and their Assigns, into one Body, Politic and Corporate, in deed and in name, under the title of "The Shubenacadie Canal Company," and by that name to have succession, to sue and be sued, to have a Common Seal, and to possess and enjoy such powers, with respect to the choice of a President and other Officers, making Bye-Laws, and regulating the affairs of the said Company, as should be expressed in the same Letters Patent:

And whereas, pursuant to the said Statute, Letters Patent, under the Great Seal of this Province, and dated the first day of June, One Thousand Eight Hundred and Twenty-six, were duly, and in conformity to the said Act, made and granted, whereby certain Persons, Inhabitants of Halifax, particularly named in the said Letters Patent, and their Associates, Successors and Assigns, were incorporated, by the name and title, and for the purposes aforesaid, with a Capital or Joint Stock, ordained in the first instance to consist of the sum of Sixty Thousand Pounds, of lawful Money of Nova-Scotia, divided into Two Thousand and Four Hundred Shares, each Share being of the sum of Twenty-five Pounds; but with power to the said Corporation to increase such Capital Stock to such greater sum as the object of the Company might require; and the said Corporation, under the authority of the said Letters Patent, and of the Statute aforesaid, therein recited, and under the additional powers and regulations contained in another Act of the General Assembly, passed in the Year One Thousand Eight Hundred and Twenty-seven, entitled, "An Act in addition to the Act, entitled, An Act to authorise the Incorporation of a Company for making a Canal by the River and Lakes of the Shubenacadie;" and also, under the Bye-Laws and Ordinances of the said Company, established by a General Meeting of the Proprietors of the said Company, held in Halifax, on the Twenty-first day of February, One Thousand Eight Hundred and Twenty-eight, and subsequently duly approved of and established by the then Lieutenant-Governor and His Majesty's Council, commenced their said undertaking, and constructed many large and expensive Works for the purposes of the said Inland Navigation, and proceeded therewith until the end of the Year One Thousand Eight Hundred and Thirty-one, at an expense for the said Canal Works of Seventy-two Thousand Pounds and upwards, exclusive of other large sums paid for the purchase of Lands for the purposes of their undertaking, and for the Salary of the Engineer employed thereon, and for other charges thereof; when the Funds of the said Corporation, derived from the Grant of Fifteen Thousand Pounds made by the General Assembly of the Province, in aid of the said undertaking, from part of the Capital Stock subscribed for in this Province, to the extent of Seven Hundred and Twelve Shares, from another portion of the said Stock subscribed for in England, to the extent of Twelve Hundred and Fifty Shares, and from the Loan of Twenty Thousand Pounds Sterling, made in aid of the said Work by His Majesty's Government,

ment, on the security of the Canal, and the Tolls and profits thereof, pursuant to an Act of the Imperial Parliament, having become wholly exhausted, the said Corporation was compelled to suspend all further proceedings in their said enterprise; and, since the said Year One Thousand Eight Hundred and Thirty-one, the Works and Constructions then in progress have remained, and yet are, unfinished, for want of the necessary Funds required for their completion, and for opening the Navigation from the Harbour of Halifax to the Basin of Mines.

*And whereas*, upon a particular survey and examination recently made of the whole line of the said intended Water Communication, various alterations have been recommended to be adopted in the line and direction thercof, in its depth and width, and in the position, nature and dimensions, of the Works, as originally designed, whereby the said Canal would be rendered more suitable to the purposes for which a great Inland Water Communication through the Province, with its Capital, is required, and be made more conveniently navigable by Steam Boats and Sea-going Vessels; and Plans and Estimates have been made for the further prosecution of the said enterprise in an improved mode, and by Works of a more durable character, and of greater extent and magnitude than were first intended—for the expense of which, large additional Funds will be required by the said Corporation; and for as much as the completing of the said enterprise is deemed an object of great public utility and importance, it has therefore become expedient to authorise the said Company to extend its present Capital Stock and number of Shares; and also to grant unto the Corporation certain other and further powers and authorities, and make other Regulations as hereinafter contained, for facilitating the enterprise and Works of the Company, and for the more convenient management and conduct of its affairs:

I. *Be it therefore enacted*, by the Lieutenant-Governor, the Council and Assembly, That henceforth the Capital and Joint Stock of the said Shubenacadie Canal Company shall be increased and enlarged to, and established at, the sum of Two Hundred and Fifty Thousand Pounds, of lawful Money of Nova-Scotia, instead of its present amount of Sixty Thousand Pounds, and shall be divided into Ten Thousand Shares, each of Twenty-five Pounds, instead of the present number of Twenty-four Hundred Shares of the like amount; and that all the said new and additional Shares, being Seven Thousand and Six Hundred in number, shall be transferable, and be conveyed in such and the like manner, and be of the same nature, and confer on their holders respectively the same rights and privileges as the said original Shares are or confer, and shall subject their holders respectively to such and the like, but no other or greater, liability to payment of Money than the holder of any original Share was subject to. And the amounts which may be payable on any such additional Shares to be subscribed for, shall be paid, levied and recovered, by the said Company, at such times, and in such manner, and by such calls and assessments, as the Board of Directors for the time being may appoint, or in such manner as in or by the Bye-laws now or hereafter in force is or may be provided.

*Provided always*, That those who are now Shareholders in the said Canal may take any number of the additional Shares authorized by this Bill, which they may choose to subscribe for.—And for remedying the inconvenience heretofore experienced, from the difficulty of procuring the attendance of the Members of the Board of Directors, in sufficient numbers for transacting the business of the Company:

II. *Be it further enacted*, That instead of a President, two Vice Presidents, and nine Directors, who, under the said Letters Patent, Statutes and Bye-Laws, are appointed to compose the Board of Directors of the Company—those Officers shall be reduced to the number of seven Directors only, of whom one shall be the President, and another the Vice President of the Company; and the said seven Directors shall, in future, constitute the Committee of Management and Board of Directors, designed by the Letters Patent, Bye-Laws, and the additional Act hereinbefore referred to; and five Members of the said Board, of whom the President or Vice President shall be one, (being attended by the Secretary, or a Clerk appointed to act in his absence for him,) shall be competent at every Meeting to transact any business whatever of the said Company.

And forasmuch as divers Shareholders in the said Company reside out of this Province, and His Majesty's Government, by the Loan aforesaid, made to the said Company, are interested in the successful prosecution of the enterprise aforesaid—it is expedient for the protection

Joint Stock  
may be in-  
creased to  
£250,000

Proviso

Preamble

Board of Di-  
rectors

Preamble

**Lieut-Governor may appoint four additional Directors**

tection of the interest of those Shareholders and of His Majesty's Government, that a certain portion of the Board of Directors should be nominated by the Executive Government of this Province:

**III. Be it therefore further enacted,** That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by the advice of His Majesty's Council, to nominate and commission four competent persons resident in Halifax, and of whom two at least shall be Shareholders in the said Company, to be, during his pleasure, Directors of the said Company, and to constitute with other three persons to be chosen by the Shareholders the Board of Directors aforesaid, and the appointments of such four Directors, or of any of them, from time to time, to revoke, and new appointments to those offices to make as vacancies shall happen therein; and each of the said four Directors so to be commissioned, shall, during his continuance in office, have, possess and exercise, all the powers, privileges and authorities, which to any Director heretofore, now or hereafter to be chosen, pursuant to the Bye-laws belonged, or can or ought to appertain.

**IV. And be it further enacted,** That so much of the third section of the additional Act aforesaid, and of any Bye-Law of the said Company, as prohibits the re-election of any Member of the Board going out of office, until the next annual Meeting, shall be, and is hereby repealed; and that in every case where a new election of Officers shall happen to be omitted at the Annual General Meeting by which they ought to be chosen, then the person in office shall continue to hold the same until such election shall be made; and the person then elected shall come into office at such time as the Board direct.

**V. And be it further enacted,** That whenever the Annual General Meeting shall be omitted to be held in the month of February, in any year after the present year, the Board of Directors may order the same to be held in any other month by them deemed most convenient within the year.

**Omitting to choose Directors at annual Meeting**

**VI. And be it further enacted,** That whenever hereafter the majority in number and value of the Shareholders of the said Company residing in this Province shall, by their Petition, to be preferred to the Governor for the time being, signify to him their desire that the new Board of Directors, as provided by this Act, shall be brought into operation, it shall then be lawful for him forthwith to nominate and commission the four Directors whom he is herein before authorised to appoint to be Members of the Board.

**New Board of Directors to be brought into operation**

And thereupon, also the Members of the present Board of Directors shall meet together, and, by their Resolution, designate three of their number to be the Directors on the part of the Company, which three Directors, and the four persons to be commissioned as aforesaid, shall, upon the day in such Resolution to be named, come into office, and thenceforth be deemed the Board of Directors of the Company; and thereafter only two instead of three Members of the Board (which two shall be of the number elected by the Company,) shall go out of office annually as prescribed by the Bye-Laws.

**Restriction on Corporation respecting holding Real Estate repealed**

**VII. And be it further enacted,** That so much of the second section of the Act above mentioned, for authorizing the Incorporation of the said Company, as restrains the Corporation from holding Real Estate of greater value and amount than Fifty Thousand Pounds, or Personal Estate of greater amount than Twenty-five Thousand Pounds at any one time, shall be, and is hereby repealed.

**Preamble**

**And whereas,** by the result of the survey and examination recently made as aforesaid, it has been rendered probable that the said Canal may be more conveniently constructed, by conducting the line thereof partly over land, at varying distances from the right or left banks of the River Shubenacadie, and partly through the Channel of the River: and otherwise by using the whole River Channel for the purpose of the Navigation, especially in the Northern parts of the River, between Parker's Point, so called, and the Village at the mouth of the River; for which purposes it may become necessary to erect one or more Weirs, Dams or Aboiteau in and over the said River, at or near to the said Village, or at some place or places above the same, where proper sites for such Works may be found; and by means of the works of such Dams, Weirs or Aboiteaux, respectively, convenient Bridges of communication between the two sides of the said River may be established, and the waters above the same may be rendered applicable and productive for water privileges for the movement of Machinery and other useful objects. **And whereas,** also, in conducting the said Canal overland, it may become requisite for the formation thereof, to cross the

the course or channels of the Nine Mile River, so called, and of divers other the Rivers, Creeks, Brooks and Streams, which flow into the River Shubenacadie, on the right and left banks thereof, or to place Dams, Weirs or Embankments across, in or through, the said Rivers, Brooks and Streams respectively, or to obstruct, raise, or to divert the waters thereof, or appropriate the same for the purposes of the Navigation; also, enlarge and widen the Channel of such Rivers, Creeks, Brooks or Streams, or to provide new Channels and Water Courses for the same respectively.

And, for all or any of the purposes aforesaid, to obtain the title to, or possession of, various Lands and Premises where such works may be formed, or the materials therefor obtained.

VIII. *Be it therefore enacted,* That, (subject in all cases to the liabilities of the said Company to make compensation, as by the said Acts referred to, or by this Act is provided, for all damages to any person or persons to be occasioned by any of the works or proceedings of the Company, or their Servants,) it shall and may be lawful for the said Corporation, at any time or times hereafter, to form, make and maintain, the said Canal or Navigation, of such extent, width, depth and dimensions, as they from time to time shall think proper, and either in part or wholly over land, and at such distances from the River Shubenacadie as shall be deemed expedient, and either wholly or partially on the right or left bank of the said River, or in part or wholly in the Channel, Water Course or Tide-way, thereof; and also, at such places respectively as may be deemed most suitable for the Navigation aforesaid, between the Great Lake and the mouth of the River, where crossed by a line to be drawn between points on each Bank thereof, situated respectively fifty chains northward of the Ferry Houses there, and as well in any parts of the over-land course or direction to be adopted for the said Canal or near thereto, as also, in, through, along, over or across or upon the Water-course, Channel or Tide-way, Banks or Shores of the said River Shubenacadie, and of the Nine Mile River, of the River Stewiack, and of any other River, Creek, Stream or Brook, which enters into the said River Shubenacadie, wheresoever such works may appear necessary, there the said Corporation is hereby fully authorised and empowered to provide suitable foundations for, and to make, build, drive, erect, set up, execute and maintain, such and so many Piles, Piers, Dams, Weirs, Aboiteaux or Batoideaux, Pens for Water, Reservoirs, Aqueducts, Bridges, Arches, Banks, Embankments, Excavations, Tunnels, Cuts, Soughs, Sluices, Culverts, Flood-gates, Locks, Wharves, Basins, Docks, Machines, and other Works, Landing Places, Ways, Roads, Fences and other conveniences, for the purposes of the said Canal or Navigation, as and when the said Corporation shall think proper; and further, to widen, enlarge, straiten, contract, obstruct, divert, change or alter, in whole, or in part, the Course and Channels of the said several Rivers, Creeks, Brooks and Streams respectively, and to lead the waters thereof into other and different Channels; and further, from time to time to alter, repair, amend or discontinue, the said works or constructions, or any of them, and to place, lay, work or manufacture, any materials on the lands or grounds adjoining to the places where any of the said works may be carrying on; and likewise, to make, set out and appoint such towing paths, banks, roads and ways, on any parts of the whole Canal line or leading thereto, for bringing materials for the works aforesaid, or for the towing, hauling and drawing of Vessels, Boats, Lighters, Barges or Rafts, passing upon any part of the said Navigation, with Men, Horses or otherwise, and such convenient places in which to turn, lie, or pass each other, as the said Corporation may deem fit; and moreover, from time to time, to make, build, erect, and keep in repair, any Bridges, Piers, Arches, Aqueducts, and other works, in, upon, over or across any Roads, Rivers, Brooks or Valleys, for making, carrying on, using, maintaining or repairing, of the said Canal and Towing-paths; and furthermore, to abate, remove and take away, all wood, timber, brush, stone, or other impediments, piers or constructions, which may be found in the course of the Canal line, or of the Rivers or Streams aforesaid, by which the works, construction, or use of the Navigation may be obstructed or injured, and generally to have, use and exercise, all and singular, the rights, powers, authorities and privileges, which, by the Acts before referred to, or by the said Letters Patent, were conferred on the said Corporation, or which are requisite and necessary, or convenient for making, completing, repairing, improving, carrying on, or maintaining and using, the said Canal or Navigation, according to the true meaning and intention of the said Statutes and Letters Patent, and of this present Act.

Additional  
powers, authority  
and privileges  
conferred  
on Corporation

Water-powers  
and privileges  
procured by  
means of Dams,  
&c. vested in  
Corporation

Corporation  
making Bridge  
over Shuben-  
acadie entitled  
to Toll

Complaints of  
Damages by  
Canal to ad-  
joining Lands

Proviso

Brooks, &c.  
flowing into  
Shubenacadie  
rendered Navi-  
gable by Canal  
Works

Preamble

**IX. And be it further enacted,** That all water powers and privileges, and all quantities of water, to be procured by means of any Weirs, Dams, Embankments, Aboiteaux, or other works, now or hereafter to be by the said Company built, constructed, raised or formed, in, upon, across, or near to the said Navigation, or the said Rivers, Creeks, Streams or Brooks thereof, and all deposits of soil, accretions and alluviums in the present Channels, caused by, or necessarily consequent upon, any of such their works, shall be vested in the said Corporation, and shall or may be sold, leased, or otherwise disposed, appropriated, and applied, for such payments, and under such conditions as to them shall seem fit.

**X. And be it further enacted,** That if the said Corporation, at, upon, near to, or in connection with, any Weir, Dam, Embankment or Aboiteaux, or other construction, for the purposes of the said Canal, by them to be built, or erected in or across the said River Shubenacadie, at any part of its course, at or below Fort Ellis, so called, shall think proper to construct and provide a substantial and sufficient Bridge, for the passage of Cattle, Carriages, Property and Passengers, across the said River, it shall and may be lawful for the said Corporation to erect and construct such Bridge at their proper costs and charges; and upon the same being fully completed and opened for public use, to have, demand, receive and levy, from all Persons, and for all Cattle, Carriages and Property, passing across the said Bridge, such rates, tolls and pass-money, as shall be therefor established by the said Corporation, and approved by His Majesty's Council, and, upon payment thereof, the said Bridge shall be at all times free and open for the passage of His Majesty's Subjects.

**XI. And be it further enacted,** That the said Corporation shall, and they are hereby required, at their own costs and charges, to cause to be made such Arches, Tunnels, Culverts, Drains, or other passages, over, under, by the side of, or into, the said Canal, and the Trenches, Streams and Water-courses communicating therewith, and the Towing-paths on the sides thereof respectively, of such depth, breadth and dimensions, as shall be sufficient at all times to convey the water clear from the lands adjoining or lying near to the said Canal, without obstructing or impeding the same; and shall also cause to be made such back drains as may be necessary and sufficient to carry off any Water which may ooze or pass through any of the banks of the Canal, to the prejudice of any of the Lands contiguous or near thereto; and all such Arches, Tunnels, Drains, Back-drains, Culverts and other Passages, shall, from time to time, be supported, cleansed, and kept in good and sufficient repair, by the said Corporation; and if at any time default shall be made in complying with any of the provisions of this Section, it shall be lawful for the party thereby injured to make complaint to any one of His Majesty's Justices of the Peace, who, upon view of the Premises, shall, by his order in writing, to be delivered to any Director, Chief Manager, or Engineer of the Company, direct the provisions of this Section to be complied with by the Company, in respect to the subject of the complaint, and within a reasonable time in such order to be stated; and if the said Company fail to comply with the said order, then, and in every such case, the said Justice may order the party complainant to procure to be done, as directed by such order, such works as will remove the said waters, or prevent the injury to arise therefrom to the Complainant's Land, so far as may be practicable, without obstructing the Canal Works; and the reasonable expense attending the same, with all charges, shall and may be recovered by the Complainant, in the same manner as if the amount thereof were a debt due to him by the said Company.

*Provided always,* that nothing in this Section contained shall extend to authorise the interference of the Complainant with or in the making any of the works of the Company, or enforce the admitting of any water arising from floods in the said Canal, which may injure the said Navigation; nor shall this Section extend to any case where the party injured shall seek or obtain compensation for the damages sustained by the means in the twelfth Section of the said additional Act provided, or by other legal remedy.

**XII. And be it further enacted,** That all such parts of the said River Stewiacke, the Nine Mile River, or other Rivers, Creeks, Brooks and Streams, flowing into the River Shubenacadie on either side, as shall be rendered navigable by the works of the said Company, shall be, and be deemed, part and parcel of the Canal or Navigation, authorised to be constructed by the said Corporation.

*And whereas,* the method now by Law provided for enabling the said Company to obtain the

the title and possession of any Land or Real Estate required for the purposes of the said Navigation, has been found very expensive and inconvenient.—For remedy whereof:

**XIII.** *Be it further enacted,* That when and so often as for the purposes of making or constructing the said Canal or Navigation, or any the Works or Erections which by the aforesaid Act, or this present Act, they are empowered to erect or make, or for the more convenient or beneficial use of the said Canal or Works aforesaid, or for Roads and Ways thereto—before or after the construction of the said Canal or Works, the said Corporation shall deem it necessary or expedient to obtain, and be invested with, the title or possession of, or in any Lots or Parcels of Land or Premises whatsoever, lying in the vicinity of, or contiguous to or near to the course or line by the said Corporation to be at any time determined or adopted for the said Canal or Navigation, or in the vicinity of, or near to, any the Works, Constructions or Erections aforesaid, then, and in every such case, it shall be lawful for the Board of Directors, by their order, to authorise and empower any person or persons to enter into and upon the required Lands, and to survey, mark out and admeasure, so much and such parts thereof as the Board of Directors shall deem necessary for all or any the purposes aforesaid; and to make and return a correct plan, admeasurement and description, of each Lot or Parcel of Land so required for the purposes of the Corporation, with the lines, courses and boundaries thereof; and also, an account of the person or persons in whom, by the Registry of Deeds, or otherwise, the title and possession thereof may appear to be, together with an estimate of the fair and reasonable value of the same in money to a purchaser. And thereupon the said Corporation is hereby authorised to treat and agree with the Owner or Owners of such Lot or Parcel of Land for the absolute purchase of the fee simple or inheritance thereof, or for a demise thereof, for such term of years, and under such rent, or other conditions, as may be deemed reasonable.

Lands in vicinity of Canal required by Corporation

**XIV.** *And be it further enacted,* That it shall be lawful for all Persons, Bodies, Politic or Corporate, and all Foeffees or Trustees for any purpose, public or private, Mortgagees, Tenants for Life or in Tail, and for the Husbands, Guardians, Trustees, Committees, Curators or Attorneys, of such of the Owners or Proprietors of, or persons interested in, any such Lands or Premises required for the purposes aforesaid, as shall be Femes-covert, Infants, Lunatics, Idiots, or persons beyond the Seas, or otherwise incapable of acting for themselves, to contract and agree with the said Corporation, either for the absolute purchase of the Fee-simple or inheritance of and in such respective Lots or Parcels of Land required as aforesaid, or for a demise thereof, for any term of years, at, under and subject, to such price, rents and conditions, as may be ascertained and settled by Appraisers in the mode hereinafter provided; and to fulfil and carry into effect such Contracts and Agreements, by granting, selling and conveying, absolutely in fee-simple, or leasing and demising, for a term of years, as the case may be, such Lots and Parcels of Land, with their appurtenances, unto the said Corporation, or in trust therefor, as may be deemed fit; and all such Grants, Deeds, Conveyances and Leases, shall be valid and effectual in Law to all intents and purposes whatsoever.

Fee-simple in Lands secured

**XV.** *And be it further enacted,* That in case any such Bodies or other persons hereby authorised to contract and convey on behalf of themselves or others as aforesaid, or any other person or persons interested in any such Lots or Parcels of Land so required for the purposes aforesaid, shall refuse or decline to treat or agree, or by reason of absence shall be prevented from treating or agreeing, with the Corporation as aforesaid, or shall refuse to accept such price or consideration money for the absolute purchase thereof, or such annual rent or sum for the Lease thereof, as shall be offered by the Corporation, then, and in every such case, it shall and may be lawful for the Corporation to apply either in Term time or vacation, to any two Justices of His Majesty's Supreme Court of 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 the Company—and praying also the transfer and conveyance thereof to the Corporation; and to the Petition shall be annexed a copy of the plan, admeasurement and description—account of the Proprietors, and estimate of the value of the respective Lots and Premises mentioned and referred to in every such Petition, which

Land may be taken by Appraiser

which may relate to one or more separate Lots or Parcels of the Land required, and to the several Owners thereof. 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 to whom, if not resident therein, notice may reasonably be given, whether such parties be persons interested in their own right, or be such Bodies Corporate, or Persons, as by this Act hereinbefore authorised to contract and convey for themselves, or for persons absent or under disability—which persons so authorised being, in all cases, to be deemed the parties interested in any such lot, for the purposes of this Act—proper notices in writing requiring the parties respectively interested to attend before them in person, or by their Attorney, at the time appointed for the purpose; and, at the time so appointed, shall require the Board of Directors, on their behalf, to nominate one or two Appraisers; and the party or parties interested in each particular lot referred to, to nominate also on his or their part one or two Appraisers, as the said Judges may deem necessary; and the said Judges shall name another Appraiser, and shall, by an order in writing, constitute and appoint the persons 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 Company, shall fail to attend at the time and place appointed, or shall neglect or refuse to name an Appraiser or Appraisers as aforesaid, or such party or parties, or any of them, shall be absent from the Province, the said Judges shall name a fit and discreet person or persons, as the case may require, to act on behalf of the person, or party or parties so failing to appear, or absent from the Province, or declining or neglecting to make such nomination when called on 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 oath before a Judge of a Court of Record, 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 and other Papers in the matter, shall be filed in the Office of the Prothonotary of the said 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 a lease thereof, according as the Appraisers shall determine whether it would be most equitable for the Company to acquire the use of the said Lands, by purchasing the fee simple thereof, or by a demise for a term of years only; and shall certify and return their award, appraisement and determination in writing, touching the value, price or rent aforesaid, of each several Lot under their hands, or the hands of the major part of them, into the Office of the said Prothonotary at Halifax. Whereupon, if the Supreme Court there, 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 shown against such award and valuation, the said Court or Judges shall confirm the same; and thereupon, the said Company shall pay and satisfy, either to the person or persons whom the Court or Judges shall find entitled to receive the same, or into such Bank, or to such Officer as the Court or two Judges may order, the full amount of such award and valuation, together with such costs and expences, as the said Court or two Judges shall deem it reasonable to adjudge to be paid by the said Company, and the receipt of the person or persons, Bank or Officer, appointed to receive the sum awarded, shall be to all intents and purposes a sufficient acquittance and discharge therefor to the said Corporation.

*XVI. And be it further enacted,* That all and singular the provisions of the thirteenth Section of the additional Act aforesaid, with respect to the proceedings touching the appraisement of damages occasioned by the acts of the Company, shall be applicable to, and be observed and in force, with regard to all the proceedings hereby authorised to be taken for vesting Lands in the said Corporation, and as fully as if the said thirteenth Section were herein repeated for that purpose.

*XVII. And be it further enacted,* That immediately upon the payment of the sum awarded

ed, 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 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.

Vested right in  
Land com-  
mences when  
Award is paid

And thereupon, on the application of the Board of Directors, it shall be lawful for the said Supreme 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 authorise the Board of Directors to enter into such lot by any the officers or servants of the Company, and to retain such possession: and further, if need be, by any order or orders of the said Court or two 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, Bodies Politic or Corporate, or other persons hereinbefore authorised to contract on behalf of themselves, or others as aforesaid, or any other person or persons interested in any such lot or parcel so valued and paid for, to make, sign, seal and execute, all such Deeds, Grants, Conveyances, Demises and Leases, as they are hereinbefore empowered to make and execute; 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 Courts.

Preamble

And in order to provide for the just disposition of all Monies awarded for, or in respect of, damages occasioned by means of works of the Company, under the provisions of the twelfth and thirteenth Sections of the said additional Act, or for or in respect of the value of any lands or premises, or any term therein acquired by the said Company, under the provisions of this Act, and for appropriating all monies so awarded to the use and benefit of the respective parties entitled to, or interested in, the Lands damaged or acquired by the said Company.

XVIII. *Be it further enacted,* That in all cases where the sums awarded shall not have been paid directly to the person or parties interested in such Land, but into any Bank, or to any officer or person appointed to receive the same, for the use of those who, according to their interests in the Land, may be entitled thereto, it shall be lawful for any person interested in, or entitled to, the benefit of any money so paid as last aforesaid, or to the interest or produce thereof, to apply by motion or petition, either to the said Supreme Court or any two Judges thereof, or to the Court of Chancery, in respect of the said money, and the right thereto: and thereupon, the said Courts or Judges are hereby authorised and empowered in a summary way, and upon reading the proceedings had upon the application for the appraisement of the damages or of the Land, and receiving such further satisfaction as they shall think necessary, to make and pronounce such orders and directions for paying the said money or any part of the same, or for placing out such part thereof as shall be principal in any public funds, or public or real Securities, and for payment of the dividends or interest thereof, or any part thereof, to the respective persons entitled to receive the same; or for laying out the principal or any part thereof in the purchase of other Lands, to be conveyed and settled, to, for and upon, the same uses, trusts, intents and purposes, as the said Lands, so damaged or taken, stood settled at the time of the payment of such money awarded as aforesaid, as near as the same can be done; or otherwise, concerning the disposing of the said money or any part thereof, and the interest of the same or any part thereof, for the benefit of the person or persons respectively, or for appointing any person or persons to be a Trustee or Trustees for all or any of such purposes as the said Courts or Judges shall think fit and reasonable.

Appropriation,  
&c. of Award

*And whereas,* by reason of the suspension of the operations of the Company as aforesaid, after the choice of the new Members for the Board of Directors made at the General Meeting of the Company, held in February, One Thousand Eight Hundred and Thirty-two, to supply the vacancies then existing—and by reason of there having since been no annual meeting

Preamble

meeting held for supplying vacancies in the said Board, the affairs and business of the Company have been since managed by the Board, constituted of the then continuing, and of the newly chosen, Directors, or by such of the latter as attended the meetings of the said Board:

**XIX. Be it therefore enacted,** That the Board of Directors of the said Corporation as composed of the Directors who continued in office on the first day of March, One Thousand Eight Hundred and Thirty-two, and of such of the new Directors as then came into office, and have since attended the Meetings of the Board, shall be, and be deemed and continue to be, the Board of Directors of the said Company, by the Statutes, Charter, and Bye-laws aforesaid. *Provided*, until the new Board of Directors, designed by this Act shall be established, and all resolutions, orders, acts, affairs and business, made, transacted or done, or to be hereafter made, transacted or done, by the said Board, when seven Members attended, or shall attend thereat, shall be deemed, and be, resolutions, orders, acts, affairs and business, made, transacted and done, by the Board of the Shubenacadie Canal Company, until the new Board aforesaid be established. *Provided always*, that nothing herein contained shall prevent any Member of the existing Board from resigning his office at his pleasure.

Present Board  
of Directors  
continued

Proviso

Members of ex-  
isting Board  
may resign

## CAP. LXXVIII.

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

(Passed 21st day of April, 1837.)

Act 58, Geo.  
III, continued

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

## CAP. LXXIX.

**An Act to continue the Act to repeal the Act to amend the Acts respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof.**

(Passed 21st day of April, 1837.)

Act 6, Wm.  
IV, continued

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Sixth Year of His present Majesty's Reign, entitled, An Act to repeal the Act to amend the Acts respecting Firewards and Fires in Halifax, and to substitute other provisions in lieu thereof, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly:

## CAP. LXXX.

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

(Passed the 3d day of March, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Fourth year of His present Majesty's Reign, entitled, An Act in addition to, and in amendment of, the Act relating to Wills, Legacies and Executors, and for the Settlement and Distribution of the Estates of Intestates, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of then next Session of the General Assembly.

Act 4. Wm.  
IV, continued

## CAP. LXXXI.

**An Act to continue the Acts to provide for the regulation and management of the Grammar School or Academy at Annapolis.**

(Passed 3d day of March, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act made and passed in the Ninth Year of His late Majesty's Reign, entitled, An Act to provide for the regulation and management of the Grammar School or Academy at Annapolis ; and also, the Act passed in the Fourth Year of His present Majesty's Reign, to continue and amend the said Act, shall be continued, and the said Acts, and every matter, clause and thing, therein contained, are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 9, Geo.  
IV, and 4,  
Wm. IV, con-  
tinued

## CAP. LXXXII.

**An Act to continue the Act further to amend the Act relating to Trespasses.**

(Passed 3d day of March, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the sixth year of His present Majesty's Reign, entitled, An Act further to amend the Act relating to Trespasses, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for five years, and from thence to the end of the then next Session of the General Assembly.

Act 6, Wm.  
IV, continued

## CAP. LXXXIII.

**An Act to continue the Act for the better regulation of Sable Island and Seal Islands in this Province.**

(Passed 21st day of April, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Sixth Year of the Reign of His present Majesty King William the Fourth, entitled, An Act for the better regulation of Sable Island and Seal Islands in this Province, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 6, Wm.  
IV, continued

## CAP. LXXXIV.

**An Act to continue the Act for the Support and Regulation of Light-Houses.**

(Passed 21st day of April, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act passed the Fourth Year of His present Majesty's Reign, entitled, An Act for the Support and Regulation of Light-Houses, 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. LXXXV.

**An Act to continue the Act to regulate the Weighing of Beef.**

(Passed 3d day of March, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act made and passed in the Tenth of Year His late Majesty's Reign, entitled, An Act to regulate the Weighing of Beef, 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. LXXXVI.

**An Act to continue the Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax.**

(Passed 21st day of April, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Sixth Year of the Reign of His present Majesty King William the Fourth, entitled, An Act to regulate the Fees of the Constable of the Court of Commissioners at Halifax, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. LXXXVII.

**An Act to continue the Act for regulating the Fishery in the River Shubenacadie.**

(Passed 3d day of March, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Fourth year of the reign of His present Majesty King William the Fourth, entitled, An Act for regulating the Fishery in the River Shubenacadie, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence until the end of the then next Session of the General Assembly.

## CAP. LXXXVIII.

**An Act to continue the Act relating to Grand Jurors.**

(Passed 21st day of April, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the Third Year of His present Majesty's Reign, entitled, An Act relating to Grand Jurors, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

## CAP. LXXXIX.

**An Act to divide the County of Annapolis, and to regulate the Representation thereof.**

(Passed 21st day of April, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the time this Act shall go into operation, the present County of Annapolis shall be divided into two distinct and separate Counties, that is to say—into the County of Annapolis, to comprehend and comprise all that part of the present County of Annapolis to the Eastward of a line to pass through the centre of the Gut of Annapolis, and from a line to be drawn from the same to the centre of Bear River, and from thence to be continued southwardly, following the course of the same River, to the head of the tide, and thence following a line South twenty-four degrees East to the boundary line of Queen's County, and containing the Townships of Annapolis, Granville and Wilmot, and so much of the Township of Clements as lies to the Eastward of Bear River, and of the aforesaid line; and also, all other parts of the County of Annapolis to the Eastward of the same line, and not included in any Township; and the remainder of the present County of Annapolis shall constitute and form the County of Digby, that is to say—the Townships of Digby and Clare, Bear Island, Long Island, and Brier Island, and that part of the Township of Clements lying to the Westward of Bear River, and of the line to be drawn as already described from the head of the Tide in Bear River aforesaid, in a due course South twenty-four degrees East to the line of Queen's County, together with all other Land lying to the Westward of the same line in the present County of Annapolis.

Boundaries of  
Counties of  
Annapolis and  
Digby

II. *And be it further enacted*, That when and so soon as this Act shall come into operation, from and after the dissolution of the then General Assembly, and the calling any new General Assembly, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to issue Writs for the Election of Members to serve in such New General Assembly for the said Counties of Annapolis and Digby respectively, one Member each; and for the Township of Granville, one Member; and for the Township of Annapolis, and that part of the Township of Clements lying to the Eastward of the aforesaid division line, and then being in the County of Annapolis, jointly, one Member, instead of a Member for the Township of Annapolis as at present, and for the Township of Clare one Member, and for the Township of Digby, and that part of the Township of Clements lying to the Westward of the said division line, and then being in the County of Digby, jointly, one Member, instead of a Member for the Township of Digby as at present.

Representation  
of Counties and  
Towns

III. *And be it further enacted*, That when and so soon as this Act shall come into operation, and until new commissions or appointments shall be issued or made in that behalf, all such Judges, Justices of the Peace, or other Officers as are or may be appointed or commissioned for the County of Annapolis, and be in office at the time this Act shall come into operation, and who may be then resident in the new County of Annapolis, as hereby created, and hereinbefore described, shall be, and be deemed, Judges, Justices of the Peace, and Officers for the said new County of Annapolis; and all such Judges, Justices of the Peace and other Officers as are or may be appointed or commissioned for the present County of Annapolis, and be in office when this Act comes into operation, and who may be then resident in the new County of Digby, as hereby created and hereinbefore described, shall, until a new commission or appointment as aforesaid, be, and be deemed, Judges, Justices of the Peace and Officers for the said new County of Digby, in the same manner to all intents and purposes as if the said Judges, Justices of the Peace and other Officers, had been respectively appointed and commissioned for the said new County in which they shall or may be so resident when this Act shall come into operation as aforesaid.

Justices of  
Peace, contin-  
ued in Office

IV. *Provided always, and be it further enacted*, That after this Act shall come into operation, until the said new County of Digby shall have been provided with a Jail, according to Law, the Jail of the present County of Annapolis shall be, and be deemed, the Jail of the said new County of Digby, and the Sheriff for the County of Annapolis shall continue to be and to act as the Sheriff for the said new County of Digby, in the same manner and with the same power and authority, as if the said County of Annapolis still remained undivided as at present.

Jail at Annapo-  
lis to be used  
by County of  
Digby at pre-  
sent

Sheriff to be appointed for County of Digby

V. *Provided further, and be it further enacted,* That so soon after this Act shall come into operation, as such Jail shall be provided, and shall be certified by the General Sessions of the Peace to be secure and sufficient, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, immediately thereupon, in the usual manner, upon the nomination of the Chief Justice of the Supreme Court, as by Law prescribed, to appoint and commission a Sheriff for the County of Digby, and thenceforth and thereafter, the power and authority of the Sheriff of the County of Annapolis, in such County of Digby, shall wholly and entirely cease and determine; and a Sheriff for the said County of Digby shall be thenceforth annually appointed at the time, and in the manner by Law prescribed for appointing Sheriffs.

Jurisdiction of first Justice of Inferior Court in Counties of Annapolis and Digby

VI. *And be it further enacted,* That the first Justice of the Inferior Courts of Common Pleas, and President of the General Sessions of the Peace for the western division of this Province, shall have and exercise the like power, jurisdiction and authority, in the said respective Counties of Digby and Annapolis, after this Act shall come into operation, as by such first Justice and President of Sessions is now exercised and had in the present County of Annapolis.

Elections in Counties of Annapolis and Digby

VII. *And be it further enacted,* That from and after the time this Act shall come into operation, at any Election to be held for a Member to serve in General Assembly for the then County of Annapolis, the Poll shall be opened at the Court-House in Annapolis, and be there held and continued for the space of three days; and thence, if required, according to Law, the Poll shall be adjourned and removed to some central and convenient place in Bridgetown, there to be held and continued for the space of two days; and from thence, being required, according to Law, the Poll shall be removed and adjourned to some central and convenient place in Lawrence Town, to be there held and continued for the space of two days; and for the Township of Annapolis, at any Election after this Act shall come into operation, the Poll shall be opened at the Court-House in Annapolis, and be there held and continued for the space of four days; and for any Election for the Township of Granville to be so held as aforesaid, the Poll shall be opened at some convenient place in the Settlement of New Caledonia, at or near the Annapolis Ferry, to be there held and continued for the space of two days, and being required, according to Law, the Poll shall be thence removed and adjourned to some central and convenient place in Bridgetown, there to be held and continued for the space of two days; and for the County of Digby, at any Election to be held as aforesaid, the Poll shall be opened at the Court-House in Digby, and be there held and continued for the space of four days; and from thence, being required, according to Law, the Poll shall be removed to some central and convenient place at Sissiboo, to be there held and continued for the space of two days; and from thence, being required, according to Law, the Poll shall be removed and adjourned to some central and convenient place near the Chapel at Montagan, in the Township of Clare, to be there held and continued for the space of three days; and for the Township of Digby, at any Election to be held as aforesaid, the Poll shall be opened at the Court-House in Digby, and shall be there held and continued for the space of four days; and for the Township of Clare, at any Election to be held as aforesaid, the Poll shall be opened at some central and convenient place near the Chapel at Montagan, to be there held and continued for the space of four days.

Adjournment of Poll

VIII. *And be it further enacted,* That, whenever the Poll is hereby directed to be removed and adjourned from one place to another, the Poll shall be opened at the place to which it shall be so adjourned, on the day next but one after the last day hereby limited and appointed for closing the Poll at the place at which it has been last previously held. *Provided always,* that the days of polling and the time of adjournment shall always be reckoned exclusive of Sunday, Christmas Day and Good Friday.

Proviso

IX. *And provided also, and be it further enacted,* That, as to the manner of conducting the Election in closing or adjourning the Poll, upon proclamation, or in any other respect not herein specifically provided for, the Sheriff shall be governed by any Act or Acts of the General Assembly now, or to be from time to time, in force, for regulating the manner of conducting Elections of Representatives in General Assembly.

Act required His Majesty's Assent

X. *Provided always, and be it further enacted,* That nothing herein contained shall be of any force or effect until His Majesty's Assent shall be signified to this Act.

CAP.

## CAP. XC.

**An Act to continue the Act to provide against the occurrence of Diseases from the Bite of Animals.**

(Passed 3d day of March, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the third year of His present Majesty's reign, entitled, An Act to provide against the occurrence of Diseases from the Bite of Animals, and every matter, clause and thing, therein contained, shall be continued, and the same are hereby continued for one year, and from thence to the end of the then next Session of the General Assembly.

Act 3, Wm.  
IV. continued

## CAP. XCI.

**An Act to continue the Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine, and the Act in amendment thereof.**

(Passed 3d day of March, 1837.)

**B**E it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the second year of His present Majesty's reign, entitled, An Act to prevent the spreading of Contagious Diseases, and for the performance of Quarantine; and also, the Act passed in the third year of His present Majesty's reign, to continue and amend the said Act, and every matter, clause and thing, in the said Acts contained, shall be continued, and the said Acts are hereby respectively continued for one year, and from thence to the end of the then next Session of the General Assembly.

Acts 2 & 3,  
Wm. IV. con-  
tinued

## CAP. XCII.

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

(Passed 21st day of April, 1837.)

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

Act 4, Geo.  
IV. continued

## CAP. XCIII.

**An Act for the quiet of the Subjects in their possession of Lands, Tenements and Hereditaments, within this Province.**

(Passed 21st day of April, 1837.)

**B**E it declared and enacted, by the Lieutenant-Governor, Council and Assembly, That the King's Majesty, His Heirs or Successors, shall not at any time hereafter, sue, impeach, question or implead, any person or persons, Bodies, Politic or Corporate, for or in anywise concerning any Lands, Tenements, Rents, or Hereditaments whatsoever, or for or in anywise concerning the Revenues, issues, or profits thereof, or make any title, claim, challenge, or

or demand of, in or to, the same, or any of them, by reason of any right or title which hath not first accrued and grown, or which shall not hereafter accrue and grow, within the space of sixty years; next before the filing, issuing, or commencing of every such action, bill, plaint, information, commission, or other suit or proceeding, as shall at any time or times hereafter be filed, issued or commenced, for recovering the same, or in respect thereof, unless His Majesty or some of His Progenitors, Predecessors or Ancestors, Heirs or Successors, or some other person or persons, Bodies, Politic or Corporate, under whom His Majesty, His Heirs or Successors, any thing, hath or lawfully claimeth, or shall have, or lawfully claim, have, or shall have, been answered by force and virtue of any such right or title to the same, the rents, revenues, issues or profits thereof, within the said space of sixty years; or that the same have or shall have been duly in charge to His Majesty or some of His Progenitors, Predecessors or Ancestors, Heirs or Successors, or have or shall have stood *insuper* of record within the said space of sixty years; and that all and every person or persons, Bodies Politic and Corporate, their Heirs and Successors, and all claiming by, from, or under them, or any of them, for and according to their and every of their several Estates and Interests which they have, or claim to have, or shall or may have, or claim to have, in the same respectively, shall, at all times hereafter, quietly and freely have, hold and enjoy, against His Majesty, His Heirs and Successors, claiming by any title which hath not first accrued or grown, or which shall not hereafter first accrue or grow, within the said space of sixty years, all and singular, Lands, Tenements, Rents and Hereditaments whatsoever, which he or they, or his or their, or any of their Ancestors or Predecessors, or those from, by, or under whom, they do or shall claim, have or shall have held or enjoyed, or taken the rents, revenues, issues, or profits thereof, by the space of sixty years next before the filing, issuing or commencing, of every such action, bill, plaint, information, commission, or other suit or proceeding, as shall at any time or times hereafter be filed, issued or commenced, for recovering the same, or in respect thereof, unless His Majesty, or some of his Progenitors, Predecessors or Ancestors, Heirs or Successors, or some other person or persons, Bodies Politic or Corporate, by, from or under, whom His Majesty, His Heirs or Successors, any thing hath or lawfully claimeth, or shall have, or lawfully claim, in the said Lands, Tenements, Rents or Hereditaments, by force of any right or title, have been, or shall have been, answered by virtue of any such right or title, the rents, revenues, issues, or other profits thereof, within the said space of sixty years; or that the same have, or shall have been, duly in charge, or stood *insuper* of record as aforesaid, within the said space of sixty years; and furthermore, that all and every person and persons, Bodies, Politic and Corporate, their Heirs and Successors, and all claiming, or to claim by, from, or under them, or any of them, for and according to their and every of their several Estates and Interests which they have or claim, or shall or may have a claim respectively, shall, forever hereafter, quietly and freely have, hold and enjoy, all such Lands, Tenements, Rents and Hereditaments, as they now have, claim or enjoy, or hereafter shall or may have, claim or enjoy, whereof His Majesty, his Progenitors, Predecessors or Ancestors, or whereof His Majesty, His Heirs or Successors, or he or they, by, from or under, whom His Majesty, His Heirs or Successors, any thing hath or lawfully claimeth, or shall have, or lawfully claim, or some of them, by force of some right or title to the same, have not, or shall not have been, answered by virtue of such right or title, the Rents, Revenues, Issues or Profits thereof, within the space of sixty years next before the filing, issuing or commencing, of every such Action, Bill, Plaintiff, Information, Commission, or other Suit or Proceeding, as shall at any time or times hereafter be filed, issued or commenced, for recovering the same, or in respect thereof, nor the same have been nor shall have been duly in charge or stood *insuper* of record as aforesaid, within the said space of sixty years, against all and every person and persons, their Heirs and Assigns, having, claiming, or pretending to have, or who shall or may have, claim or pretend to have, any estate, right, title, interest, claim or demand whatsoever, of, in, or to, the same, by force or colour, of any Letters, Patents or Grants, upon suggestion of concealment, or wrongful detaining, or not being in charge, or defective titles of, or for which said Lands, Tenements, Rents and Hereditaments, or any of them, no verdict, judgment, decree, judicial order upon hearing, or sentence of any Court now standing in force, hath been had or given, or any such verdict, judgment, decree, judicial order upon hearing, or sentence of Court, shall hereafter be had or given in any action, bill, plaint or information,

The Crown  
disabled to im-  
plead for any  
Land, &c. un-  
less the right  
shall have ac-  
crued within  
60 years

information, in any of His Majesty's Courts of Law or Equity in this Province, or elsewhere, for or in the name of the King's Majesty, or any of His Ancestors, Progenitors, Predecessors, Heirs or Successors, or any of the said Patentees or Grantees, or for their or any of their Heirs or Assigns, within the space of sixty years next, before the filing, issuing, or commencing, of every such action, bill, plaint, information, commission, or other suit or proceeding, as shall at any time or times hereafter be filed, issued or commenced, for recovering the same, or in respect thereof as aforesaid.

*II. Provided always, and be it further enacted,* That when the Rents, Revenues, Issues or Profits, of any Lands, Tenements or Hereditaments, are or shall be in charge, by, to, or with, any Auditor or Auditors, or other proper Officer or Officers of the Revenue, such Rents, Revenues, Issues and Profits, shall be held, deemed and taken, to be duly in charge, within the meaning and intent of this Act, any usage or custom, to the contrary notwithstanding.

*Provided always,* That this Act or any thing therein contained, shall not extend to bar, impeach or hinder, His Majesty, His Heirs or Successors, of, for or from, any Tenements, Rents or Hereditaments, whereof any reversion or remainder now is in His Majesty, for or concerning the said reversion or remainder, nor of, for or from, any reversion or remainder, or possibility of reversion or remainder, in any of His Majesty's Progenitors, Predecessors or Ancestors, which, by the expiration, end, or other determination, of any limited Estate of fee-simple, or of any fee-tail, or other particular Estate, hath, or ought to have first fallen, or become in possession, or which shall or may or ought hereafter first to fall or come in possession, within the space of sixty years next before the filing, issuing or commencing, of any such Action, Bill, Plaintiff, Information or Commission, or other Suit or Proceeding, as shall at any time or times hereafter be filed, issued or commenced, for recovering the same, or in respect thereof; nor of, for or from, any right or title first accrued or grown, to His Majesty, or any of His Progenitors, Predecessors or Ancestors, or which shall first accrue or grow, to His Majesty, or any of His Heirs or Successors, of, in or to, any Lands, Tenements, Rents or Hereditaments, at any time or times within the space of sixty years next before the filing, issuing or commencing, of any such Action, Bill, Plaintiff, Information, Commission, or other Suit or Proceeding, as shall at any time or times hereafter, be filed, issued or commenced, for recovering the same, or in any respect thereof, and not before.

*III. Provided also, and be it further enacted,* That this Act or any thing therein contained, shall not extend to any Lands, Tenements, Rents or Hereditaments, mentioned to be granted or conveyed by any of His Majesty's Progenitors, Predecessors or Ancestors, or by any other under whom His Majesty claimeth, to any person or persons, of any limited Estate in fee-simple, or of any estate in tail, or other particular Estate, which several Estates (if the same had been good and effectual in Law,) have, or ought to have first fallen or become in possession, or will or ought first to fall or come in possession, within the space of sixty years next before the filing, issuing or commencing, of any such Action, Bill, Plaintiff, Information, Commission, or other Suit or Proceeding, as shall at any time or times hereafter be filed, issued or commenced, for recovering the same, or in respect thereof as aforesaid, nor to any Lands, Tenements, Rents or Hereditaments, mentioned to be granted or conveyed by any of His Majesty's Progenitors, Predecessors or Ancestors, or by any other under whom His Majesty's claimeth, to any person or persons in fee-tail, or other particular Estate, whereof the reversion or inheritance (if such Estate Tail, or other particular Estate, had been good and effectual in Law,) should have been and continued in His Majesty, or any of his Progenitors, Predecessors or Ancestors, or should or ought hereafter to be and continue in His Majesty, or any of his Progenitors, Predecessors or Ancestors, or should or ought hereafter to be and continue in His Majesty, His Heirs or Successors, at any time within the space of sixty years next before the filing, issuing or commencing, of any such action, bill, plaintiff, information, commission, or other Suit or Proceeding, as shall at any time or times hereafter be filed, issued or commenced, for recovering the same, or in respect thereof as aforesaid.

*IV. Provided also, and be it further enacted,* That all and singular, the said Lands, Tenements and Hereditaments, shall, at all times hereafter, be holden of His Majesty, His Heirs and Successors, and of other person and persons, Bodies, Politic and Corporate, their Heirs and Successors respectively, by the same Tenures, to all intents and purposes, as the same should or ought of right to have been holden, if the Estate's Rights and Interests, established and made sure by this present Act had been, before the making of this Act, firm, good and effectual, in Law; saving to every person and persons, Bodies Politic and Corporate,

Limitation of  
Act with re-  
spect to Grants  
from the Crown  
of any limited  
Estate, &c.

The said Lands,  
&c. to be hold-  
en to the Crown  
upon the usual  
Tenures

porate, their Heirs and Successors, (other than His Most Excellent Majesty, His Heirs and Successors, and other than all Patentees or Grantees of Concealments or defective Titles, and all and every person or persons, claiming from, by, or under them, or any of them, for or in respect, or by reason of any such Patents, or Grants of Concealments or defective Titles;) all such Rights, Title, Interest, Estate, Rents, Commons, Customs, Duties, Profits, and other claims and demands whatsoever, in, to or out of, the said Lands, Tenements or Hereditaments, as they, or any of them, had, or ought to have had, before the making of this Act, any thing in this Act, to the contrary notwithstanding.

V. *Provided also, and be it further enacted,* That where any Rent or Rents, other than and except the Royal Quit Rents, which have been commuted by an Act passed in the fifth year of His present Majesty, entitled, An Act for the Commutation of the Royal Quit Rents in this Province, and which nothing in this present Act is intended to revive, or shall be directly or indirectly construed or holden to revive, have been or shall be answered, and actually paid to the King's Majesty, or to any His Predecessors, Heirs or Successors, within the space of sixty years next, before an Action, Bill, Plaintiff, Information, Commission, or other Suit or Proceeding, shall, at any time or times hereafter, be filed, issued or commenced, for recovering the same, or in respect thereof, out of any Lands, Tenements or Hereditaments, of which Lands, Tenements or Hereditaments, the Estates, Rights or Interest, being defective, are established and made sure by this present Act, that the King's Majesty, His Heirs and Successors, shall from henceforth forever have, hold and enjoy, the said Rents and Arrearages thereof, in such manner and form, and as fully and amply as the same are or were enjoyed at any time within the said space of sixty years.

VI. *Provided always, and be it further enacted,* That no putting in charge, nor standing *insuper*, nor taking or answering the Rents, Revenues or Profits, of any of the said Lands, Tenements or Hereditaments, by force, colour or pretext, of any Letters Patent, or Grants of Concealment, or defective Titles, or of Lands, Tenements or Hereditaments, out of charge, or by force, colour or pretext, of any Inquisitions, Presentments, by or by reason of any Commission or other authority, to find out concealments, defective Titles or Lands, Tenements or Hereditaments, out of charge, shall be deemed, construed, or taken to be, a putting in charge, standing *insuper*, or taking or answering the Rents, Revenues or Profits, by or to His Majesty, or any of His Progenitors or Predecessors, Heirs or Successors, unless thereupon such Lands, Tenements or Hereditaments, have been, or shall be, upon some information or Suit on behalf of His Majesty, or some of His Progenitors or Predecessors, Heirs or Successors, upon a lawful verdict given or to be given, or demurrer in Law adjudged, or upon a hearing, ordered or decreed, for His Majesty or some of his Progenitors or Predecessors, Heirs or Successors, or some of them, within the space of sixty years next before the filing, issuing or commencing, of every such Action, Bill, Plaintiff, Information, Commission, or other Suit or Proceeding, as shall at any time or times hereafter be filed, issued or commenced, for recovering the same, or in respect thereof as aforesaid.

VII. *Provided always, and be it further enacted,* That nothing herein contained shall be of any force or effect until His Majesty's Assent shall be signified to this Act.