

THE  
**ACTS**  
OF THE  
**GENERAL ASSEMBLY**  
OF  
**PRINCE EDWARD ISLAND,**  
FOR THE YEAR  
**1837.**

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CHARLOTTETOWN:  
PRINTED BY JAMES DOUGLASS HASZARD, PRINTER TO THE KING'S MOST  
EXCELLENT MAJESTY.

1837.

Rec. May 21, 1903.

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ANNO SEPTIMO  
**GULIELMI IV. REGIS.**

At the General Assembly of His Majesty's **1837.**  
 Island of *Prince Edward*, begun and holden  
 at *Charlotte Town*, the Twenty-sixth Day of  
*January, Anno Domini 1835*, in the Fifth  
 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:

Sir J. HARVEY,  
 Lieut. Governor.

E. J. JARVIS,  
 President of  
 Council:

G. DALRYMPLE,  
 Speaker.

And from thence continued, by several Proroga-  
 tions, to the Twenty-fourth day of *January, 1837*,  
 and in the Seventh Year of His said Majesty's  
 Reign; being the Fourth Session of the Four-  
 teenth General Assembly convened in the said  
 Island.

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CAP. I.

An Act to provide Seed Grain and Potatoes for  
 certain Settlers, and to regulate the distribution  
 thereof and mode of repayment.

[*March 10th, 1837.*]

**W**HEREAS the Crops of many of the Settlers  
 have been destroyed last year by early frost,  
 and they are unable to provide Seed for the ensuing

£1500 for the relief of settlers unable to provide Seed Grain for the ensuing season.

£574, part thereof for settlers in Prince County.

£575 for settlers in Queen's County.

£351 for settlers in King's County.

Mode of distribution of the same.

season: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That out of the Moneys which now are, or hereafter shall be in the hands of the Public Treasurer of this Island, arising from the supplies granted and to be granted to His Majesty, there be paid the sum of One thousand five hundred Pounds—to be distributed and applied in manner hereinafter mentioned, for the relief of such persons as aforesaid, (that is to say)—for such Settlers aforesaid as reside within Prince County, there shall be distributed and applied the sum of Five hundred and seventy-four Pounds; and for such as reside within Queen's County, the sum of Five hundred and seventy-five Pounds; and for such as reside in King's County, the sum of Three hundred and fifty-one Pounds—which said sums shall be distributed respectively in the several Districts of the Road Commissioners of each County, in manner following, (that is to say)—in Prince County, for District Number One, the sum of One hundred and seventy-eight Pounds; for Number Two, the sum of One hundred and seventy-eight Pounds; for Number Three, the sum of Fifty-three Pounds; for Number Four, the sum of One hundred and sixty-five Pounds; and in Queen's County, for District Number Five, the sum of One hundred and twenty Pounds; for Number Six, the sum of One hundred and ten Pounds; for Number Seven, the sum of Thirty-five Pounds; for Number Eight, the sum of One hundred and fifteen Pounds; for Number Nine, the sum of Eighty Pounds; for Number Ten, the sum of One hundred and fifteen Pounds; and in King's County, for District Number Eleven, the sum of Sixty Pounds; for Number Twelve, the sum of Sixty Pounds; for Number Thirteen, the sum of Sixty Pounds; for Number Fourteen, the sum of Ninety-five Pounds; for Number Fifteen, the sum of Seventy-six Pounds.

Lient. Governor to appoint a Committee in each

II. And be it further enacted, That from and after the passing of this Act, it shall and may be lawful for the Lieutenant Governor, by and with

the advice and consent of His Majesty's Council, to nominate and appoint as many fit and proper persons to form a Committee in each and every of the Districts within the several Counties as aforesaid, as to him shall seem proper; and shall and may, by Warrants under his Hand and Seal, authorize the said Committees, or any one Member of each respectively, who shall be nominated in writing by a majority of such Committees respectively, to receive at the Treasury of this Island the several amounts of Money hereinbefore apportioned for each District; and such Committees, or the majority of each of them respectively, shall have power, and are hereby required, to purchase all such Barley, Oats and Potatoes, in such proportions of each, and to distribute the same among the aforesaid Settlers, at such times and in such quantities as to such Committees, or the majorities of them respectively shall seem needful and necessary: And it shall be lawful for the several Members of such Committees within their respective Districts, and they are hereby required and directed, in all cases, to take from all such persons who shall be supplied with any Seed as aforesaid, an obligation in writing by them subscribed for the repayment or return of the value of the costs and charges of such Seed, either in money or work and labour on the Public Roads, at the election of the person giving the same; which Obligation in every case shall be made payable to the Commissioner of Roads in whose District the person giving the same may reside, or to his successor in office for the time being, and shall be assignable by the Commissioner for the time being to any Overseer of Roads within his District; and if not discharged according to the tenor of such Obligation, the amount thereby secured shall be recoverable with costs in any of the Courts in this Island for the recovery of Small Debts, in like manner as Promissory Notes now are: Provided always, that no quantity of Seed shall be delivered to any person until such obligation is given as aforesaid, nor where

District in the several Counties for distribution, &c.

Warrants to be issued to a member of any Committee authorized by a majority to receive money for distribution.

Duty of Committees.

Further duty of Committee.

Obligation to be taken for the repayment or return of value of Seed advanced to any settler.

How and to whom payable.

Mode of recovery of obligation.

No seed to be given to any settler until Obligation be taken.



the same shall not be payable at some certain period from the date thereof, to be fixed by a majority of each Committee.

Moneys received for seed grain, &c. to be paid into Treasury.

Road Commissioners to account therefor annually.

Labour on road in return for seed advanced; how, when and where to be performed.

Duty of Committees.

III. And be it enacted, That all Moneys which shall be received and recovered by the said Commissioners in return for the Seed Grain and Potatoes supplied as aforesaid, shall be by them paid into the Treasury of this Island, and shall be duly accounted for in their respective annual accounts or reports which shall be made to the Lieutenant Governor in Council next after the receipt of any such Moneys; and all such work and labour as shall or may be rendered in return for any such Seed supplied as aforesaid, shall be done and performed under the superintendency of the Commissioners of Roads for the time being, and on such Public Roads or lines of Roads and Bridges, and at such times and seasons, and according to such rate of payment as to the aforesaid Committees, or the majorities of them respectively, shall be deemed expedient: Provided always, that such Committees as aforesaid shall, and they are hereby required, without delay, to make a due return to the Lieutenant Governor in Council of all their proceedings under this Act, specifying therein the number of families relieved, the amount of relief afforded to each, and the manner in which the same may have been ordered to be reimbursed.

## CAP. II.

An Act to authorize the appointment of a Sheriff for each of the Counties in this Island.

[March 10th, 1837.]

**W**HEREAS by an Act passed in the Twentieth Year of His late Majesty King George the Third, intituled *An Act to empower the Gover-*

nor, Lieutenant Governor, or Commander in Chief for the time being, to appoint a Sheriff or Sheriffs for this Island; also to regulate the Office of Sheriffs, and the manner in which they shall return and pass their Accounts of all Fines and Forfeitures levied by them for the use of the Crown, it is enacted, that one Sheriff shall be appointed for the whole Island: and whereas it is necessary that there be appointed a Sheriff for each of the Counties of this Island:—Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That so much of the said recited Act, as authorizes the appointment of one Sheriff for the whole of this Island, be, and the same is hereby repealed; and that it shall and may be lawful for the Chief Justice, or, in his absence, for the eldest Justice of His Majesty's Supreme Court of Judicature of this Island, and he is hereby authorized and required, to nominate three Persons in each County of this Island, from whom the Administrator of the Government for the time being shall select One Sheriff for each of the several Counties of this Island, and each residing within the County for which he shall be appointed Sheriff, according to the mode of appointment prescribed in the said recited Act; and each of the said Sheriffs, when so appointed, shall, within his County, be invested with the same powers and authority, in all respects, as the High Sheriff of this Island is now invested with, and shall conform and be subject to all and singular the Enactments, Penalties, Duties and Regulations of the herein before recited Act, and also of an Act in amendment thereof, made and passed in the Forty-eighth Year of the Reign of His late Majesty King George the Third, so far as respects the County for which he is appointed Sheriff.

Repeals so much of Act 26 G. 3, c. 15, as relates to the appointment of one Sheriff for the whole Island.

Chief Justice or eldest Puisne Justice, in his absence, to nominate three fit persons in each County for the office of High Sheriff.

Administrator of government to select one for each County in this Island.

Powers of Sheriff when so appointed within his County.

Liabilities of Sheriff.

II. And be it further enacted, That from and after the passing of this Act, it shall not be necessary for any Sheriff to notify the Members of the Legislature to attend the Sittings thereof; but that the usual Proclamation in the *Royal Gazette*, or

In future, Sheriff not to notify Members of the Legislature, of time of meeting of the General Assembly.

except when required by the Administrator of the Government so to do.

other authorized Publication, for convening the General Assembly, shall be deemed sufficient notice, unless, in cases of peculiar urgency, the Administrator of the Government should deem a special notification of the Members expedient—any Law, Usage or Custom, to the contrary in anywise notwithstanding.

When this Act takes effect.

III. And be it further enacted, That this Act shall take effect and become in force on the Third *Monday* in *April*, in the year of our Lord One Thousand eight hundred and thirty-seven.

### CAP. III.

An Act relating to Merchant Seamen of this Island.

[20th *April*, 1837.]

**W**HEREAS the Act of the Imperial Parliament of *Great Britain*, passed in the Fifth and Sixth Year of His present Majesty's Reign, intituled *An Act to amend and consolidate the Laws relating to the Merchant Seamen of the United Kingdom, and for forming and maintaining a Register of all the men engaged in that service*, has repealed all former Acts of Parliament for the regulating of Merchant Seamen; and by the Fifty-fourth clause of the said Act, it is provided and enacted, that the said Act should not extend or apply to any Ship registered in or belonging to any *British Colony* having a Legislative Assembly, or to the crew of any such Ship while such Ship should be within the precincts of such Colony—any thing therein before contained to the contrary in any wise notwithstanding.

I. And whereas it is consequently expedient to introduce certain necessary regulations for the Government of Merchant Seamen in this Island:

Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall not be lawful for any Master of any Ship or Vessel Registered in and belonging to this Island, of the Burthen of Sixty Tons or upwards, trading to Parts beyond the Seas, or out of this Island, to carry to Sea on any Voyage, either from this Island, or from any other place, any Seaman or other Person as one of his Crew or Complement (Apprentices excepted), without first entering into an Agreement in Writing with every such Seaman, specifying what monthly or other Wages each such Seaman is to be paid, the capacity in which he is to act, and the Nature of the Voyage in which the Ship is intended to be employed, so that the Seaman may have some means of judging of the probable period for which he is likely to be engaged; and the said Agreement shall contain the Day of the Month and Year in which the same shall be made, and shall be signed by the Master in the first instance, and by the Seamen respectively at the port or place where such Seamen shall be respectively shipped; and the Master shall cause the same to be, by, or in the presence of the party who is to attest their respective Signatures thereto, truly and distinctly read over to every such Seaman before he shall be required to sign the same, in order that he may be enabled to understand the purport and meaning of the engagement he enters into and the terms to which he is bound.

Articles of agreement to be entered into between Ship Masters and Seamen.

II. And be it further enacted, That every such Agreement shall be in the Form and shall contain true Entries under their respective heads of the several particulars set forth in the Schedule to this Act annexed, so far as the same can be ascertained; and that the Owner and the Master of every such Ship, or one of them, shall, on reporting his Ship's arrival at her Port of Destination in this Island, deposit or cause to be deposited with the Collector of the Customs at such Port, a true Copy of such Agreement, attested by the Signature of the Mas-

Articles of agreement to be deposited with Collector of Customs at Port of arrival.

ter, to the intent that every person who may be interested in any such Agreement may at all times have the means of knowing the Terms and Conditions thereof.

In cases of Sale  
of Vessels abroad.

III. And whereas it frequently happens that Ships sailing from this Island, though departing on a particular designated Voyage, may in the course of such Voyage be sent to a Port or Ports where such Ships may be advantageously Sold and Disposed of; and in such cases it is an ordinary practice to Sell such Ships or proceed on the Voyage, as the Owner or his Agent may deem it expedient; and it is expedient to provide for such contingencies: Be it therefore enacted, that it shall and may be lawful for the Master or Owner of any such Ship so proceeding to a Port where it may be deemed advisable to Sell the same, to insert or cause to be inserted in the said Agreement, a Clause or Stipulation providing for such Sale at any designated Port or Ports during the Voyage described in such Agreement, and for the Discharge of the Crew at such Port or Ports, or either of them, upon such Sale taking place or being effected, which said Clause or Stipulation shall however distinctly and clearly express what Amount of Wages shall be paid to the Seamen on board of such Ship upon the Sale thereof at any and each of the said Port or Ports whereat it is proposed or designed to Sell the same, and whether any and what increased rate of Wages is to be paid upon the Sale of such Ship and the Discharge of the Crew.

Taking Seamen  
to sea without  
previous agree-  
ment.

IV. And be it further enacted, That if any Master of any such Ship as aforesaid shall carry out to Sea any Seaman (Apprentices excepted) without having first entered into such Agreement as is hereby required, he shall for every such Offence forfeit and pay the sum of Five Pounds for or in respect of each and every such Seaman he shall so carry out contrary to this Act; and if any Master shall neglect to cause the Agreement to be distinctly

read over to each such Seaman, as by this Act he is enjoined; he shall for every such neglect forfeit and pay the Sum of Five Pounds; and if any Master shall neglect to deposit with the Collector of the Customs a Copy of the Agreement hereby required to be made and deposited as aforesaid, or shall wilfully deposit a false Copy of any such Agreement, he shall for every such neglect or offence forfeit and pay the sum of Five Pounds.

V. And be it further enacted, That no Seaman, by entering into or signing such Agreement as aforesaid, shall forfeit his Lien upon the Ship, nor be deprived of any remedy for the recovery of his Wages which Seamen are now lawfully entitled to against either the Ship, the Master or Owners thereof; nor shall any Agreement made contrary to or inconsistent with the provisions of this Act, or any Clause whereby a Seaman shall consent to forego the right which the Maritime Law gives him to Wages in the case of Freight earned by Ships subsequently lost, or containing any Words to that effect, be valid or binding on any Seaman signing the same; and that in Cases in which it may be necessary that the Agreement should be produced to sustain a Claim on the part of a Seaman, no Obligation shall lie upon the Seaman to produce the same, nor shall any Seaman fail in any Suit or Proceeding for the Recovery of his Wages for want of the production of any such Agreement, or of any deposited Copy thereof as aforesaid, or for the want of any notice to produce the same; any Law or usage to the contrary notwithstanding.

Wages of Seamen  
in cases of ships  
being lost.

VI. And be it further enacted, That in case a Seaman shall at any time, after having signed an Agreement as herein-before mentioned, neglect or refuse to join the Ship on board of which he shall have engaged to serve, or shall refuse to proceed to Sea in her, or shall absent himself therefrom with-

Neglect of Seaman to join, desertion from ships.

*Amended by  
3 Vict. C. 22*

out Leave; it shall be lawful for any Justice of the Peace in any part of this Island near to the place where such Ship shall happen to be, upon Complaint of the fact made upon Oath by the Master, Mate, or Owner thereof, and such Justice is hereby required, by his Warrant to cause such Seaman to be apprehended and brought before him; and in case such Seaman shall not give a reason to the satisfaction of such Justice for his neglect, refusal, or absence, as the case may be, upon due Proof of such neglect, refusal, or absence, it shall be lawful for any such Justice to commit such Seaman to the County or District Jail, or to the House of Correction, there to be kept at hard Labour for a period not exceeding Thirty Days: Provided always, that in case such Seaman, on being apprehended and brought before the said Justice, shall consent to join the Ship and proceed on the Voyage for which he shall have agreed, it shall be lawful for the said Justice, at the request of the Master, instead of committing such Seaman, to cause him to be conveyed on board the said Ship, or to be delivered to the Master for the purpose of proceeding on the Voyage, and also to award to the Master such Costs incurred in the Apprehension of the Seaman as to such Justice shall seem reasonable, not exceeding in any case the sum of Two Pounds, exclusive of Jail Fees, which shall be chargeable against and may be abated from the Wages to grow due to such Seaman.

Seamen absenting  
themselves from  
their duty.

VII. And be it further enacted, That if any Seaman, after having signed such Agreement as aforesaid, or after the Ship on board which he shall have agreed to serve, shall have left her first Port of Clearance, and before the period for which he shall have agreed to serve shall be completed, shall wilfully and without Leave absent himself from the Ship, or otherwise from his Duty, he shall (in all cases not of absolute Desertion, or not treated as such by

the Master), forfeit out of his Wages to the Master or Owner of such Ship the amount of Two Day's Pay for every Twenty-four Hours of Absence; and in like proportion for any less period of time, or, at the option of the said Master, the amount of such Expences as shall have been necessarily incurred in hiring a Substitute to perform his work; and in case any Seaman while he shall belong to the Ship shall without sufficient cause neglect to perform such his Duty as shall be reasonably required of him by the Master or other person in command of the Ship, he shall be subject to a like Forfeiture for every such offence, and of every Twenty-four hours continuance thereof; and in case any such Seaman, after having signed such Agreement, or after the Ship's arrival at her Port of Delivery, and before her Cargo shall be discharged, shall quit the Ship without a previous discharge or Leave from the Master thereof, he shall forfeit to the Master or Owner One Month's Pay out of his Wages: Provided always, That no such Forfeiture shall be incurred unless the fact of the Seaman's temporary Absence, Neglect of Duty, or quitting the Ship shall be duly entered or recorded in the Ship's Log Book, which Entry shall specify truly the Hour of the Day at which the same shall have occurred, and the Period during which the Seaman was absent or neglected his Duty, the truth of which Entry it shall be incumbent on the Owner or Master in all cases of Dispute to substantiate by the Evidence of the Mate or some other credible Witness.

VIII. And be it further enacted, That in all cases where the Seaman shall have contracted for Wages by the Voyage or by the Run, and not by the Month or other stated period of time, the amount of Forfeiture to be incurred by Seamen under this Act shall be ascertained in manner following; (that is to say,) if the whole Time spent in the Voyage agreed upon shall exceed One Calen-

Seamen contracting by voyage or run.



dar Month, the Forfeiture of One Month's Pay, expressed in this Act, shall be accounted and taken to be a Forfeiture of a Sum of Money bearing the same proportion to the whole Wages as a Calendar Month shall bear to the whole time spent in the Voyage; and in like manner a Forfeiture of Two Day's Pay or less shall be accounted and taken to be a Forfeiture of a Sum bearing the same proportion to the whole Wages as the same period of time shall bear to the whole time spent in the Voyage; and if the whole time spent in the Voyage shall not exceed One Calendar Month, the Forfeiture of One Month's Pay shall be accounted and taken to be a Forfeiture of the whole Wages contracted for; and if such time shall not exceed Two Days, the Forfeiture of Two Day's Pay shall be accounted and taken to be a Forfeiture of the whole Wages contracted for; and the Master is hereby authorized to abate the amount of all Forfeitures herein-before enacted out of the Wages of any Seaman incurring the same.

Forfeiture by Seamen deserting ship.

IX. And be it further enacted, That every Seaman who shall absolutely desert the Ship to which he shall belong, shall forfeit to the Owner or Master thereof all his Clothes and Effects which he may leave on board, and all Wages and Emoluments to which he might otherwise be entitled, provided the circumstances attending such Desertion be entered in the Log Book at the time and certified by the Signature of the Master and Mate, or other credible Witness; and that an Absence of a Seaman from the Ship for any time within the space of Twenty-four Hours immediately preceding the sailing of the Ship, without permission from the Master thereof, or for any period however short, under circumstances plainly showing that it was his intention not to return thereto, shall be deemed an absolute Desertion; and in case any such Desertion shall take place in parts beyond

the Seas, or out of this Island, and the Master of the Ship shall be under the necessity of engaging any Seaman as a substitute for the Deserter at a higher rate of Wages than that stipulated in the Agreement to be paid to the Seaman deserting, the Owner or Master of the Ship shall be entitled to recover from the Deserter by summary proceeding, in the same manner as Wages are by this Act made recoverable, any excess of Wages which such Owner or Master shall pay to such Substitute beyond the amount which would have been payable to the Deserter in case he had duly performed his Service pursuant to his Agreement.

Secreting Seamen.

X. And be it further enacted, That if any person shall, either on Shipboard or on Shore, harbour or secrete a Seaman who shall have signed an Agreement to proceed on a Voyage to parts beyond the Seas, and shall have deserted or absented himself without leave from his Ship, knowing or having reason to believe him to be a Deserter, or to be absent without leave, every person so offending shall, for every such Seaman so harboured or secreted, forfeit and pay the sum of Five Pounds; and that no Debt exceeding in amount Five Shillings, incurred by any Seaman after he shall have signed any such Agreement as aforesaid, shall be recoverable until the Voyage agreed for shall have been concluded; nor shall it be lawful for any Keeper of a Public House or of a Lodging House for Seamen to withhold or detain any Chest, Bed or Bedding, Clothes, Tools, or other Effects of any Seaman, for any pretended Debt alleged to have been contracted by any such Seaman; and in case any such Chest, Bed, Bedding, Clothes, Tools, or Effects as aforesaid, shall be withheld or detained contrary to this Act, it shall be lawful for any Justice of the Peace in any part of this Island, upon complaint upon Oath to be made by any such Seaman, or on his behalf,

to inquire into the matter, and if he shall see right, by Warrant under his Hand and Seal, to cause any such Property or Effects so withheld or detained contrary to this Act to be seized and delivered over to the Seaman.

Payment of Seamen's Wages.

XI. 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 aforesaid his Wages, if the same shall be demanded, within the respective periods following; (that is to say) within Three Days after the Cargo shall have been delivered, or within Ten Days after the Seaman's Discharge, whichever shall first happen; in either of which last mentioned cases of payment being delayed, the Seaman shall, at the time of his Discharge, be entitled to be paid on account a sum equal to One Fourth part of the estimated Balance due to him; 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 or part 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.

Security of Seamen's Wages.

XII. And be it enacted and declared, That every such payment of Wages to a Seaman shall be valid and effectual in Law, notwithstanding any Bill of Sale or Assignment which may have been

made by any such Seaman of such Wages, or of any Attachment or Incumbrance thereon; and that no Assignment or Sale of Wages made prior to the earning thereof, nor any Power of Attorney expressed to be irrevocable for the receipt of any such Wages, shall be valid or binding upon the party making the same.

XIII. And be it further enacted, That upon the discharge of a Seaman from the Ship in which he shall have served, he shall be entitled to receive from the Master a Certificate of his Service and Discharge, specifying the period of Service and the time and place of the Discharge of such Seaman, which Certificate shall be signed by the Master; and if any Master shall refuse to give such Certificate to any such Seaman, without having reasonable cause for his refusal, he shall, for every such offence, forfeit and pay to him the sum of Five Pounds.

Seamen entitled to Certificate of service.

XIV. And be it further enacted, That if after a Seaman shall have been discharged from any Ship or Vessel Three Days he shall be desirous of proceeding to Sea on another Voyage, and in order thereto, shall require immediate payment of the Wages due to him, it shall be lawful for any Justice of the Peace, in any part of this Island, on application from such Seaman, and on satisfactory proof that he would be prevented from employment by delay, to summon the Master or Owner of such Ship or Vessel before him, and to require cause to be shown why immediate payment of such Wages should not be made; and if it shall appear to the satisfaction of such Justice that there is no reasonable cause for delay, he shall order payment to be made forthwith, and in default of compliance with such Order, such Master or Owner shall forfeit and pay the sum of Five Pounds.

Payment of Wages delayed.

Wages claimed  
by Seamen dis-  
puted.

XV. And whereas Seamen, in cases of dispute, may be exposed to great inconvenience, expense and delay, in obtaining payment of their Wages; for remedy thereof be it enacted, That in all cases of Wages not exceeding Twenty Pounds which shall be due and payable to a Seaman for his service in any Ship as aforesaid, it shall be lawful for any Justice of the Peace in any part of this Island, near to the place where the Ship shall have ended her Voyage, entered or 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 Justice by any such Seaman, or on his behalf, to summon such Master or Owner to appear before him to answer such complaint; and upon the appearance of such Master or Owner, or in default thereof, on due proof of his having been so summoned, such Justice is 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 the payment thereof as shall to such Justice 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 Justice to issue his Warrant to levy the amount of the Wages awarded to be due, by Distress and Sale of the Goods and Chattels 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 Seaman in the making and hearing of the complaint, as well as those 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 Justice to cause the amount of the said Wages

and Expenses to be leyied 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 Justice, then he is hereby empowered to cause the party upon whom the Order for payment shall be made to be apprehended and committed to the Common Jail 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; and the Award and Decision of such Justice as aforesaid, shall be final and conclusive, as well on every such Seaman as on the Owner and Master of the Ship.

XVI. And be it further enacted, That if any Suit for the recovery of a Seaman's Wages shall be instituted against the Ship, or the Master or Owner thereof, either in the Court of Vice-Admiralty, or against the Master or Owner in any Court of Record in this Island, and it shall appear to the Judge in the course of such Suit that the Plaintiff might have had as effectual a remedy for the recovery of his Wages by Complaint to a Justice of the Peace as herein-before provided, then and in every such case it shall be lawful for such Judge, and he is hereby required to certify to that effect, and thereupon no Costs of Suit shall be awarded to the Plaintiff.

Costs of Prosecutions-

XVII. And whereas it is necessary that due provision should be made for the preservation of the Health and Lives of the Seamen employed in the Merchant Service: Be it further enacted, That every Ship belonging to and sailing from this Island to any place out of the same, shall have and keep constantly on board the same a sufficient supply of Medicines suitable to Accidents and Diseases arising on Sea Voyages, which shall be renewed from

Vessels to be provided with Medicines.

Expense of Surgical and Medical advice, by whom defrayed.

time to time, as shall be requisite; and in case any default shall be made in providing or keeping supplied such Medicines as aforesaid, or in case any of the Seamen shall receive any hurt or injury in the Service of the Ship, the expense of providing the necessary Surgical and Medical Advice, and Attendance and Medicines, which the Seaman shall stand in need of until he shall have been cured or shall have been brought back to some Port of this Island, shall be borne and defrayed by the Owner and Master of the Ship, or one of them, without any deduction whatever on that account from the Seaman's Wages.

Discharging Seamen abroad.

XVIII. And be it further enacted, That no Master of any Ship belonging to or owned in this Island, shall discharge any person of his crew, whether British Subject or Foreigner, at any Port or Place in any of His Majesty's Dominions out of this Island, without the previous sanction in writing of the Governor, Lieutenant Governor, Secretary, or other Officer appointed in that behalf by the Government there, or of the Principal Officer of the Customs, or of Two respectable Merchants, resident at or nearest to the Port or Place where such Ship shall be; nor shall he discharge any such person at any other place out of this Island, without the like previous sanction in writing of His Majesty's Minister, Consul, or Vice-Consul there, or of Two respectable Merchants there—all which said several Functionaries and Merchants are hereby authorized, in a summary way, to inquire into the grounds of any such proposed discharge by examination on Oath, and thereupon to grant or refuse such sanction according to their discretion, having regard to the objects of this Act.

Leaving Seamen abroad.

XIX. And be it further enacted, That no such Master shall be at liberty to leave behind at any

place abroad, either on Shore or at Sea, any person of his crew as aforesaid, on the plea of such person not being in a condition to proceed on the Voyage, or having deserted from the Ship, or otherwise disappeared, unless upon a previous Certificate in Writing of one of such Functionaries or Merchants as aforesaid, if there be any such at or within a reasonable distance from the place where the Ship shall then be, if there be time to procure the same, certifying that such person is not in such condition, or has deserted or disappeared, and cannot be brought back; and all such Functionaries and Merchants as aforesaid are hereby authorized and required, on the application of any such Master, to inquire, by Examination on Oath, into the circumstance, and to give or refuse such Certificate according to the result of such Examination.

XX. And be it further enacted, That if any such Master shall leave behind any one of his Crew as aforesaid, contrary to this Act, in any Suit, Action, Indictment or Proceeding, the Proof of his having obtained such Sanction or Certificate as aforesaid shall be upon him—it being the intention hereof that, except in the case of entering into His Majesty's Naval Service, no person of the Crew shall be discharged, either with or without his consent, in any place abroad where such Functionaries or Merchants can be found, unless he or they shall have given such sanction thereto.

*Proof of the necessity of leaving Seamen abroad, to be given by Master.*

*Seamen may enter His Majesty's Naval service.*

XXI. And be it further enacted, That every such Master who shall leave any person of his Crew as aforesaid on Shore at any place abroad, under a Certificate of his not being in a condition to proceed on the Voyage, shall deliver to one of the said Functionaries, or if there be none such, to any Two respectable Merchants there, or if there be but One, then to such One Merchant, a just

*Duty of Master on leaving Seamen on shore abroad.*



and true Account of the Wages due to such person, and pay the same to the Seaman, either in Money or by a Bill drawn upon the Owner of his Ship; and if by Bill, then such Functionary or Merchant, according to the case, is hereby authorized and required, by Certificate indorsed on such Bill, to testify that the same is drawn according to this Act for Money due on account of Wages of a Seaman, or to that effect; and any such Master who shall deliver a false Account, or refuse or neglect to deliver a just and true Account of the Wages due to such person, and to pay the amount thereof in Money, or by Bill as aforesaid, shall, for such every Offence, forfeit and pay, in addition to the Wages due, the penal sum of Twenty-five Pounds.

Not to prevent Seamen from entering H. M. Naval Service.

Such entry not to be deemed desertion.

**XXII.** Provided always, and be it further enacted, That nothing in this Act or in any Agreement contained, shall be deemed to extend to prevent any Seaman or Person belonging to any Merchant Ship whatever, from entering or being received into the Naval Service of His Majesty, nor shall any such Entry be deemed a Desertion from the Merchant Ship, nor incur any Penalty or Forfeiture whatever, either of Wages, Clothes, or Effects, or other matter or thing, notwithstanding any Agreement made to the contrary hereof; and all Masters and Owners of Ships are strictly prohibited from introducing into any Ship's Articles or Agreement with the Crew any Clause or Matter by which any Penalty or Forfeiture of any kind is agreed to be incurred by a Seaman upon his Entry into His Majesty's Service.

On entering Naval Service, Seamen to be entitled Wages, Clothes, &c.

**XXIII.** And be it further enacted, That when any Seaman shall quit a Merchant Ship in order to enter His Majesty's Naval Service, and shall thereupon be actually received into such Service, not having previously committed any act amount-

ing to and treated by the Master as a total Desertion, he shall be entitled immediately upon such Entry to the delivery up of all his Clothes and Effects on board such Merchant Ship, and (in case the Ship shall have earned Freight) to receive from the Master the payment of the proportionate Amount of his Wages up to the Period of such Entry, either in Money or by a Bill on the Owner thereof; all which Clothes, Effects, Money, and Bill such Master is hereby required to deliver up to him accordingly, under a Penalty of Twenty-five Pounds for every refusal or neglect: Provided always, that if no Freight shall have been earned at the time of such Entry, then the Master shall and he is hereby required to give the Seaman so entering a Bill upon the Owner for his Wages to the Period of such Entry, payable on the Ship's safe arrival at her destined Port; but in case the Master shall have no Means of ascertaining the Balance justly due, he shall make out and deliver to such Seaman a Certificate of the Period of his Services and the Rate of Wages he is entitled to, producing at the same time to the Commanding or other Officer of His Majesty's Ship the Agreement entered into with the Seaman for the Voyage; and every such Master, upon the delivery up of such Clothes and Effects, and the Settlement of such Wages in manner herein mentioned, shall be entitled to receive from the Officer in command of the Ship of His Majesty into which such Seaman shall have entered, a Certificate signed by the said Officer, which such Officer is hereby required to give upon the Request of the Master, testifying that such Seaman has entered into such Ship of His Majesty, to serve as proof that the Master had not parted with the Seaman contrary to the Provisions of this Act.

Wages how to  
be paid.

XXIV. And to avoid doubts in the construction of this Act, be it further enacted, That every person

Definition of  
Terms of Act

having the charge or command of any Ship belonging to or registered in this Island shall, within the meaning and for the purposes of this Act, be deemed and taken to be the Master of such Ship; and that every person (Apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same, shall in like manner be deemed and taken to be a Seaman, within the meaning and for the purposes of this Act; and that the Term "Ship," as used in this Act, shall be taken and understood to comprehend every description of Vessel navigating on the Sea; and that the Term "Owner," as applied to a Ship, shall be understood to comprehend all the several Persons, if more than one, to whom the Ship belongs; and that all Steam and other Vessels employed in carrying Passengers or Goods shall be deemed Trading Ships, within the meaning and for the purposes of this Act.

Recovery of Penalties and Forfeitures.

XXV. And be it further enacted, That all Penalties and Forfeitures imposed by this Act, and for the recovery whereof no specific mode is herein-before provided, shall and may be recovered, with Costs of Suit, in manner following, (that is to say)—all Penalties and Forfeitures not exceeding Ten Pounds shall be recoverable at the Suit of any person, by Information and Summary Proceeding before any Two Justices of the Peace, in any part of this Island, for the County where the offence shall be committed, or where the Offender shall be, which Justices shall have full power to levy the amount of any such Penalty or Forfeiture, and Costs, by Distress and Sale of the Offender's Goods, or by commitment of the Offender for the non-payment of the amount; and all Penalties and Forfeitures exceeding Ten Pounds shall and may be recovered, with Costs of Suit, in any of His Majesty's Courts of Record in this Island, at the Suit of His Majesty's Attorney General; and

that all Penalties and Forfeitures mentioned in this Act, for which no specific application is herein-before provided, shall, when recovered, be paid and applied in manner following, (that is to say)—one Moiety of every such Penalty shall be paid to the Informer or Person upon whose Discovery or Information the same shall be recovered; and the residue shall be paid over to the Commissioners or Overseers of the Poor, for the Town or Place wherein the Offence shall have been committed, or the Offender shall be sued: Provided always, that it shall be lawful for the Court before which, or the Justice or Justices before whom any proceedings shall be instituted, for the recovery of any pecuniary Penalty imposed by this Act, to mitigate or reduce such Penalty, as to such Court or Justices respectively shall appear just and reasonable, in such manner however that no such Penalty shall be reduced below one half of its original amount: And provided also, that all Proceedings so to be instituted shall be commenced within Two Years next after the commission of the Offence, or within Three Calendar Months after the return of the Offender to this Island, if such Offence shall have been committed without the limits thereof.

Penalties may be mitigated.

XXVI. And be it further enacted, That so much and such part of an Act of the General Assembly of this Island, made and passed in the Fiftieth Year of the Reign of His late Majesty King George the Third, intituled *An Act to prevent the harbouring Deserters from His Majesty's Navy or Army, and for giving a Reward for apprehending Deserters, and to prevent harbouring Deserters from Ships in the Merchant Service*, as relates to Merchant Seamen; and an Act made and passed in the Fifty-ninth Year of His said late Majesty's Reign, intituled *An Act for the better regulation of Merchant Seamen, and to repeal part of an Act passed in the Fiftieth Year of His*

Repeals certain parts of Act of the 50 G. 3, c. 3, relating to Merchant Seamen.

And an Act of 59 G. 3, c. 3, for the better regulation of Merchant Seamen.

*present Majesty's Reign, intituled: 'An Act to prevent the harbouring Deserters from His Majesty's Navy or Army, and for giving a Reward for apprehending Deserters, and to prevent harbouring Deserters from Ships in the Merchant Service,' be, and the same are hereby respectively repealed.*



## CAP. IV.

An Act to establish an additional Term of the Supreme Court, and to extend the *Hilary* and *Trinity* Terms for *Queen's County*.

[April 20th, 1837.]

**W**HEREAS the addition of another Term of the Supreme Court for *Queen's County*, during the long vacation between *Hilary* and *Trinity* Terms, and the extension of *Hilary* and *Trinity* Terms, would tend much to facilitate the business of Suitors in the said Court: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That a Term of the Supreme Court shall be held in *Charlottetown*, in and for *Queen's County*, on the First *Tuesday* in *May*, in each and every Year, and shall be called "*Easter Term*," and shall continue for any time not exceeding Five days, and no longer.

Grants an additional Term to Supreme Court in Charlottetown.

Name of Term.

No Jury to be summoned at such Term.

II. And be it further enacted, That the said *Easter Term* shall not be an issuable Term, nor shall any Jury be summoned, nor any Trial by Jury whatsoever take place during the said Term.

Days for the return of Writs, &c. after the end of *Hilary* and *Trinity* Terms.

III. And be it further enacted, That it shall and may be lawful for the Chief Justice to appoint any day or days, within Fourteen days after the end of *Hilary* and *Trinity* Terms respectively for *Queen's County*, for the hearing of arguments, or doing any other matter or thing pertaining to the business of the said Court, in which a Jury shall not be required; and the said days so to be appointed, shall be deemed and taken as part of and belonging to the immediately preceding Term, and Writs may be made returnable on any of the said last mentioned Fourteen days, or on any day in *Easter Term*.

Amended by  
4 Vict. C. 1

IV. And be it further enacted, That it shall be lawful for the said Court, during the said *Easter* Term, or during the extension of the said *Hilary* and *Trinity* Terms, to hear and determine any matter or thing upon points of Law reserved, or relating to any Suit or Suits then pending in the Courts held for *King's* and *Prince* Counties respectively.

Power of Court at Easter Term, and return days after Hilary and Trinity Terms.

V. And be it further enacted, That nothing in this Act contained shall in anywise interfere with or render irregular any Process already issued, or other Proceedings now pending in the said Supreme Court, but the same shall be in all respects as if this Act had not been made—subject nevertheless to any Order or Rule of the said Court relating to the same.

Not to interfere with process, &c. already issued.

VI. And be it further enacted, That this Act shall continue and be in force for and during the space of Four Years, from and after the passing thereof, and no longer.

Continuance of Act.

*Continued by 4 Vict. C. 1, for 2 yrs.*

CAP. V.

An Act to continue and amend the Act for more effectually preventing the spreading of Infectious Distempers within this Island.

[April 20th, 1837.]

WHEREAS an Act passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to make more effectual provision for preventing the spreading of Infectious Distempers within this Island*, will expire at the end of the present Session, and it is expedient that the said Act should be continued and amended: Be it therefore enacted, by the Lieutenant Governor, Council

Continues Act of 5 W. 4, for pro-



venting the spreading of Infectious Disorders.

and Assembly, That the said recited Act shall be and the same is hereby declared to be continued in force for and during the continuance of this present Act.

Power of Central Board of Health established under said Act.

II. And be it further enacted, That from and after the passing of this Act, the Central Board of Health shall manage all business and decide all questions touching the public health, by a majority of votes of those present at any appointed meeting; and any Seven of the said Board, the whole being duly notified; or in any urgent case, without notification, shall be a sufficient number of Members to proceed to business; and the said Central Board may nominate a Clerk, and any orders made by such Board, and signed by the Chairman and countersigned by the Clerk, shall (with the consent of the Lieutenant Governor and His Majesty's Council) be sufficient to enforce the power and authority of the said Board—any thing in the said recited Act to the contrary notwithstanding.

Continuance of Act.

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

*Continued by 4 Vict. C. 3, for 7 Yrs*

CAP. VI.

An Act to empower the Inhabitants of *Charlottetown* to assess themselves, for the purpose of purchasing or renting Sites for Engine Houses, and for erecting such Buildings thereon.

[April 20th, 1837.]

**W**HEREAS it is necessary that the Inhabitants of *Charlottetown* should be empowered to assess themselves from time to time, in sums

sufficient to purchase or rent a Site or Sites within the said Town, for a House or Houses, wherein to keep in safety one or more Fire Engine or Engines, with the requisite implements and appurtenances, and to enable the said Inhabitants to erect and keep in repair such Building or Buildings: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That when and as often as the said Inhabitants shall meet under and by virtue of any Act of the General Assembly of this Island, passed for making and repairing the Pumps and Wells of the said Town, the majority of such Inhabitants present at any such Meetings may vote such sum or sums as may, at the time of voting, be considered necessary to be raised for effecting any of the purposes aforesaid; and the same shall be assessed on the Inhabitants of the said Town, and collected in the same manner as the sums voted for making and repairing the Pumps and Wells of the said Town are now by Law assessed and collected.

Inhabitants of Charlottetown may assess themselves, for the purchase of Sites for Houses for Fire Engines, &c.

How to be assessed and collected.

II. And be it further enacted, That this Act shall continue in force until the end of the next Session after the passing thereof, and no longer.

Continuance of Act.

*Continued by 1 Vict. C. 4, for 5 yrs.*

CAP. VII.

An Act for regulating the Herring and Alewives Fisheries.

*Repealed -  
Vid. 3 Vict. C. 6*

[April 20th, 1837.]

**W**HEREAS an Act passed in the Third Year of His present Majesty's Reign, for the preservation and improvement of the Herring and Alewives' Fisheries, is about to expire, and it is deemed expedient to make further and more effectual provision for the purposes therein contemplated: Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of

No person to set Nets in any Bays,

&c. except as in this Act described.

this Act, it shall not be lawful for any person or persons to set any Net or Nets in any of the Bays, Harbours, Creeks or Rivers, in this Island, between sunrise and sunset, except in cases herejn-after described.

Administrator of Government, on recommendation of two Justices of the Peace, &c. to appoint Overseer or Protector of Fisheries.

II. And be it enacted, That on application being made by not less than Fifty persons, residing nearest to any Fishing station, including two Magistrates, it shall and may be lawful for the Administrator of the Government for the time being, by and with the advice of His Majesty's Council, to appoint one fit and proper person as Overseer or Prbtector of the Herring and Alewives Fisheries at such place; and every such person so appointed shall be entitled to receive from the Public Treasury of this Island, the yearly sum of Six Pounds, upon his producing a Certificate in the Month of *February*, in each Year, from Two of the nearest Justices of the Peace, that to the best of their knowledge he has faithfully performed the duties enjoined upon him by this Act.

Remuneration to such Officer.

Duty of Overseer or Protector of Fisheries.

III. And be it enacted, That it shall be the duty of the several Officers so to be appointed as aforesaid, immediately on its coming within their knowledge that the Fish have shoaled, to proceed to the usual or most general place of Fishing in the Bay or Harbour within their respective Precincts, and continue to be there, or at such place or places at which they may consider it most necessary to attend, for a period not less than Eighteen working days—during which time they and each of them are respectively authorized and required, to warn against and forbid the anchoring of Vessels on the Fishing ground, setting of Nets at improper times, or anything else that may tend to prevent the shoaling of the Fish; and the said Officers are further required, diligently to inquire and observe when the Fish shall have shoaled, and the water become turbid or disco-

loured by spawn, so as to justify the setting of Nets between the rising and setting of the Sun, notice of which each of the said Officers is required to indicate by sounding a conch or horn, and by hoisting a red flag in some conspicuous situation, at or near the Fishing ground, at which times every such person so appointed is hereby authorized and directed to permit Nets to be set in the day time under such circumstances; and nothing in this Act contained shall be construed to prevent persons from setting Nets either by night or day, while the Fish are shoaling, at such places where any such Officer as aforesaid shall not be in attendance.

IV. And be it enacted, That any person feeling himself aggrieved by finding any Net or Nets unlawfully set in the day time in any of the waters within this Island, may forthwith lodge a complaint with the protecting Officer of the District, which Officer shall and he is hereby authorized and commanded to cause such Net or Nets to be taken up, and without any unnecessary delay, to advertise the same in three of the most public places in the District; and having so done, he the said Officer, or some person deputed by him, shall, on the Sixth day after advertising as aforesaid, proceed to sell by Public Auction the said Net or Nets, together with the Tackle, unless redeemed by the owner or owners within the aforementioned period of six days.

Parties aggrieved by improper setting of Nets, how to procure redress.

V. And be it enacted, That the Officer holding and advertising any Net or Nets as aforesaid, shall and he is hereby required, at any time within the six days herein-before specified, upon application of the owner or owners of such Net or Nets, to deliver up the same, upon his or their paying into the hands of the said Fish Protector the sum of Twenty Shillings, together with all reasonable charges and expenses that may have accrued in taking up the said

Further duty of Overseer or Protector of Fisheries.

Penalty on persons setting Nets improperly.

Net or Nets—which Fine or Penalty shall be deemed a sufficient punishment for the first offence; and for any subsequent offence it shall not be in the power of any owner of such Net or Nets to redeem the same, and in addition to the Penalty of Twenty Shillings, he shall forfeit his Net or Nets, together with every thing in and appertaining thereto: Provided always, that nothing in this Act contained shall subject any person to a Fine or Penalty, when gales of wind or stress of weather would render it impracticable to remove such Net or Nets in the day time as may have been previously set.

Not to extend to inflict penalties on owners of Nets prevented by stress of weather from removing the same.

VI. And be it enacted, That if any person who accepts the office of Overseer or Protector of the Herring and Alewives Fisheries shall wilfully neglect to perform any of the duties enjoined upon such Officer by this Act, he shall forfeit and pay a sum not exceeding Ten Pounds, together with reasonable Costs—the same to be recovered in His Majesty's Supreme Court of Judicature, and paid into the Colonial Treasury, to and for the use of His Majesty's Government.

Penalty on Overseer or Protector for neglect of duty.

How to be recovered and appropriated.

VII. And be it enacted, That any person who shall wilfully injure or destroy any Net or Nets, set for the purpose of fishing in any of the waters of this Island, or in any other way offend against the provisions of this Act, shall forfeit and pay for every such offence a sum not exceeding Five Pounds, with Costs of Suit, save and except for such offences as are mentioned in the last preceding Section.

Penalty on persons wilfully destroying or injuring Nets.

VIII. And be it enacted, That all Fines and Penalties by this Act incurred shall, if not exceeding Five Pounds, be recovered, together with Costs, on the oath of one or more credible Witness or Witnesses, before any one of His Majesty's Justices of the Peace for the County wherein the offence shall be committed, and paid to the party

Penalties under this Act how to be recovered.

who may sue for and recover the same, except where otherwise provided; and all disputes which may arise respecting any Net or Nets forfeited by virtue of this Act, shall be settled and determined by any Two of His Majesty's Justices of the Peace residing in the County wherein such Forfeiture shall take place, on the Oaths of two or more credible Witnesses.

All disputes respecting Nets to be settled by two Justices of the Peace.

IX. And be it enacted, That for the first offence, in cases where Fines only are incurred or Redemption Money paid, such Fines and sums of Money shall be paid to the Protector of the Fisheries for the District; but for every subsequent offence, in all cases where Fines are incurred or Nets forfeited, such Fines, or the net proceeds of such Forfeiture, shall be paid, one half into the Treasury for the use of His Majesty's Government, and the other half to the Protector of the Fisheries as aforesaid.

Appropriation of Penalties recovered under this Act.

X. And whereas evils may arise if proper Regulations are not made respecting the Alewives Fisheries of this Island: Be it enacted, That from and after the passing of this Act, it shall be deemed unlawful to set any Net or Nets, or draw any Seines, in or near the entrance of any of the Creeks or Ponds where Alewives are generally taken, or resort to, or in any way prevent or obstruct the Fish from going into such places; but after it shall be ascertained that the Fish are in such Creeks or Ponds, it shall be lawful to set Nets or draw Seines in such Ponds, but not in the Creeks at any time, either by day or night; and in the event of any disputes arising among the persons engaged in the Alewives Fishery at any of the places aforesaid, it shall be lawful for any person feeling aggrieved or injured in consequence of any other person being guilty of a breach of this Act, to notify the nearest Protector of the Fisheries thereof, who is thereupon required to repair to the place where any such dis-

Regulates the setting or drawing of Nets for taking Alewives.

Further duty of Overseer or Protector.

pute may have arisen, and to exercise the authority in him vested by this Act: and any person unlawfully setting Nets or drawing Seines as aforesaid; shall be liable to the Penalties imposed by the Fifth Section of this Act.

Continuance of Act.

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

### CAP. VIII.

An Act to Incorporate the Steam Mill Company of Charlottetown.

[April 20th, 1837.]

**WHEREAS** the persons herein-after named, with divers others, have associated themselves into a Company for the purpose of erecting a Mill or Mills, to be propelled by Steam, and the said persons have subscribed and undertaken to pay the sum of Fifteen hundred Pounds, and upwards: and whereas such undertakings deserve to be encouraged: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing hereof, *Thomas Heath Haviland, James Peake, Donald Macdonald, Edward Palmer, Solomon Desbrisay, Charles Welsh, Isaac Smith*, Directors, and *John Gainsford* and others composing the said Company, their Associates, Successors and Assigns, be, and they are hereby declared a Body Politic and Corporate, by the name of "The Steam Mill Company of Charlottetown," and by that name shall have perpetual succession and a common Seal, and by that name shall and may

Persons herein named incorporated.

Name of Corporation.  
To have perpetual succession and common Seal, &c.

*Company dissolved*

sue and be sued, plead and be impleaded, answer and be answered unto, in all Courts and places; and they, and the major part of them, shall have power from time to time, to choose from among themselves such number of Directors as herein-after expressed, which said Directors when so chosen, shall be empowered to appoint the necessary Officers for the good management of the said Company, and shall have power to call for, receive, and to take such proportions of Subscription Money as may be ordered by a majority of the said Directors: Provided always, that no Money shall be called for from any of the Members of the said Company, unless the same shall have been first directed to be levied at a General Meeting of the Stockholders, at which not less than a majority of Members for the time being shall have been present.

Power of Corporation.

II. And be it enacted, That the Directors herein-before named shall be and continue in office for and during the time they have been thereunto elected, or until others shall be elected in their stead, in the manner herein-after provided for by this Act.

Time for which Directors named in Act shall continue in office.

III. And be it further enacted, That within Fourteen days after the passing of this Act, the said Directors, or the major part of them, shall cause an Advertisement to be inserted in the *Royal Gazette* Newspaper, calling upon the Stockholders of the said Company to meet at some convenient place in *Charlottetown*, to be therein mentioned, for the purpose of making Rules, Regulations and By Laws, which said Rules, Regulations and By Laws shall not be repugnant to the Laws and Statutes of *Great Britain*, or this Island.

Duty of Directors.

IV. And be it further enacted, That the Capital Stock of the said Corporation shall be Fifteen hundred and fifty Pounds, and divided into Shares of Ten Pounds each, to be called for in manner as is

Regulates the amount of Stock of the Corporation.



herein-after directed, with power however to add to the amount of the same a sum not exceeding One thousand five hundred Pounds, which additional Capital Stock shall also be divided into Shares of Ten Pounds each.

Limits the responsibility of the Corporation property and the responsibility of individual members.

V. And be it further enacted, That the Joint Stock or Property of the said Corporation shall only be responsible for the Debts thereof, and that the private property of any individual Member of the said Corporation shall not be liable to be proceeded against for or on account of the said Corporation.

Corporation may assemble and make By Laws, &c.

VI. And be it further enacted, That the Members of the said Corporation shall have power from time to time, after their first Meeting, to be convened as mentioned in the Third Section of this Act, to assemble together when and where, and as often, and upon such Notice as to them shall seem fit, for the management of the business of the said Corporation, and for the making, altering or rescinding of any By Laws; and shall also have full power and capacity to purchase, receive, take, hold and enjoy, for the use and benefit of the said Corporation, Lands, Tenements and Hereditaments, not exceeding in value the sum of Three thousand Pounds Currency.

and hold real estate not exceeding £3000 currency in value.

Time of meeting of Shareholders.

VII. And be it further enacted, That there shall be a General Meeting of the Stockholders of the said Corporation, to be holden on the first *Wednesday* of *January*, in each and every year, such Meeting to continue for such number of days as the business may require in each and every year, at *Charlottetown*; at which Annual Meeting there shall be chosen of the said Members, Seven Directors, who shall continue in office One Year, or until others are chosen in their stead.

Directors to be then chosen.

Shareholders entitled to vote at

VIII. And be it further enacted, That any person owning a Share in the Capital Stock of the said

Company shall be a Member of the said Corporation, and be entitled to vote at any Meeting of the same; and that absent Members may vote by proxy, such proxy being a Stockholder and authorized in writing.

any meeting by proxy.

IX: And be it further enacted, That the Directors of the said Corporation may, from time to time, assess upon each Share such sum or sums of Money as shall be judged by such Corporation necessary for raising a Capital for the payment of any Debts of the said Corporation, and for the purchase of such Real and Personal Property, and the erection of Buildings and Machinery, as may be deemed necessary for carrying on the business of the Corporation; to be paid to the Treasurer at such time and times; and by such Instalments, as shall be deemed requisite: Provided, that such Assessment shall not in the whole exceed the amount of the Capital Stock appointed by this Act, or to be increased as herein-before directed: and also, that when any such Assessment shall be made or ordered, notice thereof shall be given by the Secretary in the *Royal Gazette*; requiring payment at such time or times as may for that purpose be ordered; and if the Proprietor of any Share or Shares shall neglect or refuse to pay to the Treasurer the amount of such Assessment or Assessments, or Instalments thereof, duly assessed or ordered as aforesaid, it shall be the duty of the Treasurer to advertize such Delinquent's Share or Shares for sale at Public Auction, giving at least Thirty days Notice of the time and place of such Sale in the *Royal Gazette* aforesaid; and all Shares upon which the said Assessment or Instalment thereof shall not then be paid, shall be sold to the highest bidder, and such sale shall be a legal transfer of the Share or Shares so sold to the Purchaser or Purchasers, and shall be recorded accordingly by the Secretary, and such Purchaser or Purchasers shall be entitled to receive

Power of Directors.

Duty of Secretary.

Duty of Treasurer.

a Certificate of the number and transfer of such Share or Shares so by him purchased: Provided always, that no Stockholder shall be assessed in a greater sum than Ten Pounds in whole for each Share.

Account to be rendered previous to annual meeting of the Corporation, and attested by the oath of two Directors, the Secretary and the Treasurer,

X. And be it further enacted, That an annual statement of the affairs and account of property of the said Company shall be made previous to the General Annual Meeting of the said Company, shewing the amount assessed and paid in by the Shareholders, and the amount and value, as near as may be, of the Funds and Property of the said Company, and the amount of Debts due from such Company, which statement shall be certified as correct, by any Two or more of the Directors, the Secretary and Treasurer of the said Company, under Oath, each swearing to the best of his knowledge and belief respectively; and such statement shall at all seasonable times be open to the inspection of any person who shall *bona fide* be about to enter into any, or who shall become bound in any contract or engagement made with the said Company, for the performance of any work, or the supply of any Merchandise, Articles or Materials, for the use or consumption of the said Company.

and to be open for inspection.

Directors may sink one or more Wells in the Street.

XI. And whereas a supply of fresh Water is essentially necessary for the use of the said Company, and it may be necessary for that purpose to open the public Streets for the purpose of sinking Wells and laying Pipes communicating therewith: Be it enacted, that it shall and may be lawful for the said Directors to sink one or two Wells, and to open the Streets at a convenient depth for laying Pipes of communication: Provided always, that such Wells shall not be sunk in any situation which may be deemed injurious to the public by the Assessors of Pumps and Wells for the time being, and that the same be done at the proper costs and charges of the said Company, and that the Street be put in like

Such Wells to be sunk in places fixed upon by Assessors of Pumps and Wells.

good order as it was in previous to such Wells being sunk or Pipes laid.

**XII.** And be it further enacted, That when Two Thirds of the Shareholders shall at a Public Meeting so order, or when, on a Balance being struck, it shall appear that the said Company has sustained losses to the amount of One Third of the Capital Stock, that then, and in either case the said Company shall be dissolved, and the Property belonging there-to shall be sold for the benefit of all concerned: Provided always, that nothing in this Act contained shall in any case have the effect of absolutely dissolving the said Company, until its Contracts, Accounts and Affairs generally shall be finally performed, adjusted and paid—but after it shall appear as aforesaid, that One third of the Capital Stock of the said Company hath been lost, the said Company shall not be capable of carrying on business in its corporate capacity, except for the purpose of closing the concerns of the said Company.

*Two thirds of the Shareholders may declare a dissolution.*

*A loss of one third of capital to be a dissolution.*

**XIII.** And be it declared and enacted, That each and every person now or who shall hereafter become a Member of the said Company, shall in all cases be liable at Law as well as in Equity for every Contract or Agreement, either express or implied, which he or she may enter into with the said Company, or for any Debts which such Member may owe to the said Company, and shall and may be sued upon any such Contract or Agreement, or for any such Debts, in the corporate name of the said Association, in the same manner as if such Member was not connected therewith; and no Contractor or Debtor shall be entitled to vote as a Member of the said Company on any question relative to such Action or Suit, either before or after the same may be brought against him; and Mesne and Final Process may issue in such Actions and Suits against the person, or Real and Personal Estate of the Debtor

*Liability of Shareholders.*

or Defendant, anything in this Act contained, or any Law or Usage to the contrary notwithstanding.

Act may be given  
in evidence, on  
general issue.

XIV. And be it further enacted, That if the said Company or any other person or persons shall be sued or prosecuted for any matter or thing by such Company or any other person or persons done under or in pursuance of this Act, the said Company or other person or persons may be at liberty to plead the general issue, and give this Act and the special matter in evidence.

#### CAP. IX.

An Act for consolidating and amending the Act for the appointment of Limits and Rules for the Jail in Charlottetown, and the Act for regulating the Jails of King's and Prince Counties.

[April 20th, 1837.]

**WHEREAS** it is deemed expedient that the said Acts should be repealed, and that the provisions thereof should be consolidated and amended: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the First year of the Reign of his present Majesty, intituled *An Act to repeal an Act made and passed in the Tenth year of the Reign of the late King George the Fourth, intituled An Act for the appointment of Limits and Rules for the Jail of Charlottetown,* and to make other provisions in lieu thereof; and an Act made and passed in the Fourth year of the Reign of his present Majesty, intituled *An Act for the regulation of the Jails in King's and Prince Counties,* be, and the same are hereby respectively repealed.

Repeals Jail  
Limit Act of the  
1 W. 4.

and also the Act of  
the 4 W. 4, regu-  
lating Jails in  
King's and Prince  
Counties.

II. And be it further enacted, That when any person shall be in custody, or confined in any Jail within this Island, either on Mesne Process or Execution, except under any Law for the Recovery of Small Debts, the Sheriff in whose custody such Prisoner may be is hereby authorized and empowered to permit such Prisoner to have his liberty within the Boundaries following; (that is to say,) if such Prisoner shall be confined in the Jail at *Charlottetown*, in *Queen's County*, then he shall have liberty to go about within the Boundaries of *Charlottetown*, including the Wharves and Water Lots, and within the Common Lots and Royalty of the said Town; and if such Prisoner shall be confined in the Jail at *Georgetown*, in *King's County*, then he shall have like liberty within the Boundaries of *Georgetown*, including the Wharves and Water Lots, and within all that Tract of Land bounded on the West by the Eastern Boundary of Township Number *Fifty-two*, and on the East, North and South by *Cardigan Bay* and *River*, and *Albion Bay* and *Brudenell River*; and if such Prisoner shall be confined in the Jail at *Saint Eleanor's*, on Township Number *Seventeen*, in *Prince County*, then he shall have like liberty within the whole of the said Township—upon a Bond being given in every case to the Sheriff in whose custody the Prisoner may be, by the name of his Office, by such Prisoner, with two or more sufficient Sureties, in double the amount of the sum for which such Prisoner shall be in confinement, with a condition thereunder to be written as herein-after mentioned; and the Sheriff shall be entitled to demand and receive for making such Bond Five Shillings, and no more, and such Bond shall be in the Form following; (that is to say,)

Persons confined for Debt in any Jail in this Island to be permitted to go at large within certain Boundaries.

Defines the several Limits or Boundaries within this Island.

Bond to be given to Sheriff.

Fee to Sheriff for Bond.

Form of Bond.

KNOW all Men by these Presents, that We  
*A. B. C. D. & E. F.* are held and firmly bound to  
 Esquire, Sheriff of (*Queen's County, King's  
 County, or Prince County, as the case may be.*)  
 in the sum of            of lawful money of the said  
 Island, to be paid to the said Sheriff or his cer-  
 tain Attorney, Executors, Administrators or As-  
 signs; for which payment to be well and truly  
 made, we bind ourselves, and each of us by him-  
 self, for and in the whole, our and each of our  
 Heirs, Executors and Administrators, firmly by  
 these Presents. Sealed with our Seals, and  
 dated this            day of            18

Whereas the above named            Sheriff, as  
 aforesaid, hath given permission to the above  
 bounden *A. B.* a Prisoner in custody of the said  
 Sheriff, at the suit of            to go about and  
 have his liberty within the Boundaries of (*Here  
 describe the Limits of the Prison.*)

Now this Obligation is such, that if the said *A. B.*  
 shall not go or be at large out of the said Boun-  
 daries, or escape at any time while he has the  
 liberty of the same as aforesaid, then this Obliga-  
 tion shall be void, otherwise the same shall re-  
 main in force.

Sealed and delivered in }  
 the presence of            }  
*G. H.*

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

Sheriff on request  
 to assign Bond to  
 Plaintiff.

Which said Bond, the Sheriff who may have taken  
 such Bond, or his Deputy, or the Executors or  
 Administrators of the Sheriff, at the request of the  
 Plaintiff in such Action, or his Attorney, shall assign  
 to the said Plaintiff in such Action, by endorsing

the same under his Hand and Seal, in the presence of two or more credible Witnesses; and if the said Bond shall happen to be forfeited, the Plaintiff in such Action, after such Assignment made, may bring an Action and sue therefor in his own name; and the Court where the Action shall be brought may, by Rule or Rules of the same Court, give such relief to the Plaintiff and Defendant in the original Action, and to the Sureties in the said Bond, as shall be agreeable to justice and equity; and such Rules shall have the effect of a Defeazance to such Bond: Provided, that in all cases the Sureties entering into such Bonds shall justify on Oath, before one of the Justices of His Majesty's Supreme Court of Judicature of this Island, or a Commissioner for taking Special Bail in that Court, in the amount of the Penalty of the Bond—and notice in writing that the Sureties intend to justify shall be given by the Prisoner to the Plaintiff, his Attorney or Agent, at least Fourteen days before the time of Justification, or for such other period as the Judge or Commissioner may in his discretion deem sufficient, not exceeding Fourteen days—in which Notice shall be expressed the names and place or places of residence of the Sureties, and the time and place of Justification: Provided also, that after such Bond shall have been duly executed, and before the Sureties therein shall have justified, the Sheriff may immediately set any such Prisoner at liberty, but the Sheriff shall nevertheless be liable for any breach of the Bond which may happen until the Sureties shall duly justify as aforesaid; and if the Assignment of the said Bond shall not be demanded by the Plaintiff or Plaintiffs in any Action as aforesaid, at the time of such Sheriff going out of Office, or at any other time as prescribed by this Act, then it shall and may be lawful for the said Sheriff, and he is hereby directed, on his going out of Office, to cause the said Bond to be assigned to the Plaintiff, and filed in the Office of the Prothonotary of His Majes-

Court where Action is brought to give relief to parties, agreeably to justice & equity.

Sureties to justify on Oath.

Mode of justification.

Notice of justification to be given.

Requisites of notice.

If Sheriff allow Prisoner to be at large before Sureties justify, to be liable for any breach of Bond before justification.

Duty of Sheriff where assignment of Bond has not been demanded previous to his going out of office.



ty's Supreme Court; and he is hereby authorized to demand from the Defendant and Sureties in any such Action, in addition to the sum of Five Shillings as aforesaid, the amount of the Prothonotary's charge for filing and entering such Bond;

Sheriff, if sued,  
may plead the  
general issue.

III. And be it further enacted, That no Sheriff shall be liable to any Action of Escape, or other Suit or Information, for or on account of any liberty that may be granted to any confined Debtor under the provisions and according to the true intent and meaning of this Act; and in case the Sheriff should be sued for any thing done by him in pursuance of this Act, he may plead the general issue, and give this Act and the special matter necessary to his defence in evidence under that Plea.

Sureties may sur-  
render their prin-  
cipal,

IV. And be it further enacted, That the Sureties in any such Bond as aforesaid; or either of them, shall be, at any time before the same shall be forfeited, permitted to surrender the Defendant or Defendants for whom they are Sureties into the custody of the Sheriff, in like manner as Special Bail are now by Law allowed to do; and after such surrender made, and notice thereof given to the Plaintiff or Plaintiffs, or his, her or their Attorney, with a Certificate of the Sheriff or Jailer that the Defendant or Defendants is or are in his custody, pursuant to such surrender, the Sureties in the Bond shall be entitled to have the same delivered up on request to be cancelled.

and entitled to  
have Bond deli-  
vered up.

Debtors arrested  
in future to be  
sent to Jail of  
County in which  
they reside.

Jailers' fees in  
King's and Prince  
Counties.

V. And be it further enacted, That all persons liable to be committed to Jail within any County in this Island, shall be sent to the Jail of the County in which he was arrested, or in which the offence is alleged to have been committed; and the Jailers for *King's* and *Prince* Counties shall receive the same Fees, and no other, that are taken by the Jailer of the Jail of *Charlottetown*; and all Laws respecting

the conduct of such Jailer are hereby extended to the said Jails of *King's County* and *Prince County* respectively.

VI. And be it further enacted, That when any person shall be arrested, either under *Mesne* or *Final Process*, in any *Civil Action* out of the *County* wherein he generally resides, or seeks a livelihood, and shall desire to be confined in the *Jail* of such *County*, it shall be lawful for the *Sheriff*, or his *Deputy*, making the arrest, and he is hereby required, upon sufficient security against escape being first given by the *Prisoner*, if required, and payment of lawful mileage, to convey him to such *Jail*, and to leave with the *Jailer* thereof an entry of the nature of the process against the *Prisoner*, and the amount for which he was arrested, which shall be sufficient to charge the *Sheriff* of the *County*, to the *Jail* of which the *Prisoner* shall have been so removed, and his *Officers*, with his safe custody, the same as if the *Prisoner* had been originally arrested by such last mentioned *Sheriff*; and the *Sheriff* so removing any *Prisoner* shall endorse a *Memorandum* of such removal on the *Writ* by virtue whereof the arrest was made, for the information of the *Plaintiff*; but such removal of a *Prisoner* as aforesaid shall not of itself affect the *Venue* in any *Action*.

Debtors arrested out of Counties wherein they reside, may be conveyed to Jail of the County of their residence.

Duty of Sheriff.

VII. And be it further enacted, That this Act shall be and continue in force for and during the space of *Five Years*, and from thence to the end of the next *Session* of the *General Assembly*, and no longer.

Continuance of Act.

## CAP. X.

An Act to explain and amend an Act passed in the Fourth Year of His present Majesty's Reign, intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned.*

[April 20th, 1837.]

**W**HEREAS it is oftentimes found difficult for the Commissioners named and appointed in and by an Act of the General Assembly of this Island, intituled *An Act for ascertaining and establishing the Boundary Lines of Counties and Townships, and parts of Townships, and for regulating the duty of Surveyors, and to repeal a certain Act therein mentioned*, to ascertain who is or are the Proprietor or Proprietors of Lots or Townships, or parts or shares of Lots or Townships, adjoining Lots or Townships, or parts or shares of Lots or Townships, the Proprietors of which have applied to them to establish and fix the Boundary Lines between such Lands, for the purpose of giving him, her or them, the notice required in and by the said recited Act: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, it shall and may be lawful for the Commissioners aforesaid, and they are hereby required and directed, to give at least Thirty days notice in the *Royal Gazette* Newspaper, published in this Island, of all applications made to them by any Proprietor or Proprietors desirous of having his, her or their Boundary Line or Lines ascertained, in which Notice shall be stated the time and place when and where the said Commissioners shall commence their

Notice to be given  
by Commissioners  
under Boundary  
Act.

survey; and which shall be inserted each time the said Newspaper shall be published during that period; and such Publication shall be deemed and taken to be a sufficient notice to the Proprietor or Proprietors of the adjoining Township, or parts or shares of such adjoining Township.

II. And whereas the above recited Act hath been found beneficial in its operation, as far as respects the Owners of large Tracts of Land, and it is desirable that the provisions of the said Act should be extended to sub-divisions of Lots or Townships, being not less than One thousand acres in one Block; and that the Twelfth Section of the said Act should for that purpose be repealed: Be it therefore enacted, That from and after the passing of this Act, the Twelfth Section of the said herein-before recited Act shall be and the same is hereby repealed; and that the provisions of the said Act, and of this Act, shall extend to the ascertaining and settling of the Boundaries and Division Lines of all single Tracts or Parcels of Township Lands in this Island, not being of less quantity than One thousand Acres each.

Repeals 12th section of Act relating to Boundaries,

and extends provisions of that Act to tracts of land not less than 1000 acres each.

III. And whereas doubts have arisen whether the directions contained in the Seventh Section of the herein-before recited Act for running Township Boundaries, should be construed to apply to such Boundaries as may at one point commence on any part of the Seashore or Coast of this Island, and terminate at a River, but not intersect the Island by running from Coast to Coast: Be it therefore enacted, That the said Seventh Section of the herein-before recited Act shall not extend, or be applied, to any such Boundaries as are last above mentioned; but the same shall in all cases be run and ascertained by commencing at the real and true place of beginning of such Township Boundaries on the Seacoast, and from thence running the same

Explains Seventh section of Boundary Act of the 4 W. 4.

to the extremity of every such Township Boundary, as directed in and by the First Section of the said recited Act.

Rate of Fees to be taken under Boundary Act or this Act.

IV. And whereas the herein-before recited Act does not define the Fees or Allowances to be made to the several persons employed to carry into effect the provisions of the said Act: Be it enacted, that no persons so employed shall, either directly or indirectly, demand, take or receive any other or greater Fee or Fees for the services herein-after mentioned than are hereunder specified; (that is to say.)

### TABLE OF FEES.

Table of Fees.

#### COMMISSIONERS.

Thirty shillings *per diem* each, to be computed from the time each shall leave his own residence to the day of his return—no unnecessary time to be allowed.

#### SURVEYORS.

Twelve shillings and sixpence *per diem*.  
Plan of each Survey, ten chains to an inch, Eleven shillings and eight-pence.

### CAP. XI.

An Act to amend the several Acts of this Island relating to Small Debts.

[April 20th, 1837.]

**W**HEREAS by two Acts of the General Assembly of this Island, the one passed in the Second year of the Reign of His present Majesty, intituled *An Act to consolidate and amend the several Acts of the General Assembly therein*

mentioned relating to the recovery of Small Debts, and the other, passed also in the same year, intitled *An Act to authorize Justices of the Peace and Commissioners under the Small Debt Act, to issue Writs of Summary Capias against persons about to leave this Island*, the Jurisdiction of Justices of the Peace and Commissioners is confined to Forty Shillings before one Justice of the Peace or Commissioner, and to the sum of Five Pounds before two Justices of the Peace or Commissioners: And whereas it has been found necessary, in certain cases only, to extend the powers of such Justice or Justices of the Peace, Commissioner or Commissioners, beyond the sum or sums hitherto limited and prescribed by Law: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that from and after the passing of this Act, it shall and may be lawful for any Justices of the Peace or Commissioners, in adjudicating under the several Acts of this Island relating to matters of Small Debt, to add any Interest that may have become due on Notes of Hand or Accounts, or on any other sum or sums within their Jurisdiction and legally bearing Interest, to the original Debt, and to make the same part of the Judgment, although such addition of Interest together with the original Debt may exceed the sum or sums hitherto limited and prescribed by Law: Provided always, that the Summons or Capias shall state separately the original Debt as the immediate cause of Action, and the amount of Interest to be added thereto.

Extends the jurisdiction of Commissioners of Small Debts and Justices of the Peace in certain cases, to sums beyond those which former Acts restricted it to.

II. And be it enacted, That in all cases where any Action shall be brought before any Commissioner or Commissioners for the recovery of Small Debts, or by Capias before any Justice of the Peace, it shall and may be lawful for such Commissioners or Justices to order and direct, that the costs or charges of Witnesses shall be paid by either party, or apportioned as they in their discre-

Commissioners or Justices may order costs in any case to be paid by either party or apportioned between them.

tion shall deem just and equitable—any thing in the herein before recited Acts to the contrary notwithstanding.

## CAP. XII.

An Act for the appointment of Harbour and Ballast Masters, and for more effectually preventing the throwing of Ballast into Harbours and navigable Rivers.

[April 20th, 1837.]

**W**HEREAS it is become necessary to consolidate the Acts for preventing the unloading or throwing of Stones, Ballast, or other Rubbish which will not float, into any of the Harbours, Rivers or Creeks in this Island: Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, that an Act made and passed in the Forty-eighth year of His late Majesty King George the Third, intituled *An Act for repealing an Act intituled An Act to prevent the throwing of Ballast into Rivers and Creeks on this Island, and for the empowering the Governor, Lieutenant Governor, or Commander in Chief for the time being to appoint Ballast Masters, and to regulate their duty*, be and the same is hereby repealed, except so much thereof as relates to the repealing of any former Acts.

Repeals Ballast Act 48 G. 3, c. 3.

except so much as relates to the repealing of any former Act.

Lieut. Governor to appoint Ballast Masters for the different Harbours, &c. in this Island.

**II.** And be it enacted, That it shall and may be lawful to and for the Lieutenant Governor for the time being, from and after the passing of this Act, to nominate and appoint one fit and proper person to act as Harbour and Ballast Master for each of the following Harbours and Rivers in this Island; (that is to say,) *Charlottetown, Three Rivers, Rich-*

mond Bay, and at such other Harbour or River in this Island as the Lieutenant Governor or Commander in Chief for the time being may think fit.

III. And whereas it is necessary that Harbour and Ballast Masters should be appointed for the lesser Harbours, navigable Rivers and Creeks in this Island: Be it therefore enacted, That it shall and may be lawful to and for the Commissioners of Highways, and they are hereby required, within their respective Districts, to nominate and appoint Harbour and Ballast Masters for each Harbour, navigable River or Creek, within their District; such Harbour and Ballast Masters so to be appointed by the Commissioners of Highways, shall be appointed at the time and in the same manner as Overseers of Statute Labour are now appointed and subject to the same Fines, Penalties and Forfeitures for neglect of duty, as are imposed on Overseers of Statute Labour, in and by an Act made and passed in the First year of the Reign of His present Majesty, intituled *An Act for the further regulation of Statute Labour, and to amend Two certain Acts therein mentioned*; and all such Harbour and Ballast Masters, when appointed, shall be exempted from performing Statute Labour and Militia Duty during the period they hold such appointments, any thing in the said last mentioned Act to the contrary notwithstanding: Provided always, that such appointment of Ballast and Harbour Masters by the Commissioners of Highways, may be superseded at any time, by the Lieutenant Governor for the time being appointing a person to act as Harbour and Ballast Master for any Harbour, River or Creek within this Island.

Commissioner of Highways to nominate Ballast Masters for the lesser Harbours, &c. in their District.

To be liable to such Fines, &c. as Road Overseers.

1 W. 4, c. 2.

and exempt from Statute Labour and Militia Duty.

IV. And be it enacted, That in case any person or persons to be appointed Harbour and Ballast Masters by the Lieutenant Governor or Commander in Chief for the time being, by virtue of this

Person appointed Ballast Master by Licut. Governor, and refusing to serve, to signify



refusal within  
Twenty-one days.

In default thereof  
to pay a fine of  
£5.

Ballast Master  
appointed by  
Commissioner of  
Highways refus-  
ing to serve, to  
signify such refus-  
al within 10 days,  
or forfeit £3.

Penalty on Bal-  
last Master for  
neglect of duty.

Ballast Masters  
to be sworn.

Form of Oath.

Duty of Ballast  
Masters on arri-  
val of vessels.

Act, shall refuse to accept the said office, such person shall signify his refusal to the Clerk of His Majesty's Council, in Twenty-one days next after he shall have been notified of such appointment, or in default thereof shall forfeit and pay the sum of Five Pounds; and if any person or persons to be appointed Harbour and Ballast Master by the Commissioners of Highways, according to the provisions of this Act, shall refuse to accept the said office, such person shall signify his refusal to the Commissioner of Highways within his District, within Ten days next after he shall have been notified of his appointment, or in default thereof shall forfeit and pay the sum of Three Pounds; and any person having accepted the office of Harbour and Ballast Master, and who shall fail to do his duty according to the true intent and meaning of this Act, shall forfeit and pay the sum of Twenty Pounds for each and every offence.

V. And be it enacted, That on the appointment of each and every Harbour and Ballast Master, according to the provisions of this Act, he shall, within Ten days after receiving and accepting such appointment, and before he enters on the duties of his said office, take the following Oath, before one of His Majesty's Justices of the Peace in this Island; (that is to say;)

‘ I *A. B.* do swear, that I will well and truly perform the duty of Harbour and Ballast Master, for the district for which I am appointed, to the best of my skill and ability, and without favour, affection or partiality, according to the directions of the Act of the General Assembly of this Island made and provided.

‘ So help me GOD.’

VI. And be it enacted, That every Harbour and Ballast Master shall, without delay, on the arrival of any Ship or Vessel into the Port, Harbour or

District, to which he shall be appointed, go on board of any such Ship or Vessel, and inform the Master, Mate, Owner, or Person having charge or command thereof, of the provisions of this Act; and shall diligently attend to the discharging or delivery of all Stones, Gravel or other Ballast, from on board the same; and shall not knowingly permit Stones, Gravel or other Ballast, or any part thereof, to be cast, thrown, or let fall into the waters where navigable; but shall direct, and to the utmost of his power, cause all such Ballast to be carried and laid on shore, at some convenient place or places, for the improvement of Wharves, Hards, or to where it will not obstruct Navigation by being washed into the Channel; and in case any Master, Owner, or other Person having charge as aforesaid, shall offend against any of the provisions of this Act, the said Ballast and Harbour Master shall, and he is hereby required and commanded, without delay, to prosecute for the Forfeiture, Fine or Penalty imposed on any such offence according to this Act: Provided always, that nothing herein contained shall prevent, or be construed to prevent, any Master, Mate, Owner, or other Person having charge or command of any Ship or Vessel, from disposing of any Ballast, Stones, Gravel or other Rubbish, and landing the same above highwater mark.

Further duty of Ballast Masters.

Ballast Master to prosecute for penalties incurred by Shipmaster, &c.

Shipmaster, &c. may land ballast above highwater mark.

VII. And be it enacted, That no Master, Mate, Owner, or other Person belonging to or having charge or command of any Ship, Vessel, Lighter or Boat, shall unload, discharge, or throw overboard, or from any Ship, Vessel, Lighter or Boat cast or let fall Stones, Gravel, Ballast, or other Rubbish which will not float, into any of the Harbours, Ports, Havens, Rivers, Channels or Creeks in this Island, nor within one League of the Bars, Headlands or Points which bound the Entrances to any of the Harbours, Ports, Rivers, or Creeks of this Island, but shall carry and land above highwater mark, all

No Shipmaster, &c. to unload Ballast, &c. into any River, &c. nor within a league of headland to Harbours, &c.

but to land the same where directed by Ballast Master.

Stones, Ballast, or other Rubbish which will not float, or into such other Place, Wharf, Hard or Ballast Bank, as the Harbour and Ballast Master of such Harbour, Port or District shall appoint and direct.

Shipmaster, &c. offending against the directions of last preceding clause,

VIII. And be it enacted, That if any Master, Owner, or other Person having charge of, or belonging to any Ship, Vessel, Lighter or Boat, shall unload or discharge Stones, Gravel or other Ballast, contrary to the true intent and meaning of this Act, or permit any person on board such Ship, Vessel, Lighter or Boat to unload, discharge or throw overboard, Stones, Gravel or other Ballast, in any of the Ports, Harbours, Rivers, Channels, Creeks, or within one League of their Entrances respectively as aforesaid, or in any other place within such Limit than that pointed out and directed by the Harbour and Ballast Master, except as is hereinbefore provided, each and every person so offending shall forfeit and pay for each and every offence, the following Fines and Penalties; (that is to say,) where the offence shall be committed on board of, or by persons belonging to any Ship or Vessel of Two hundred Register Tons and upwards, the Fine or Penalty of Fifty Pounds; and for Ships or Vessels under Two hundred Tons, and above One hundred Tons Register Tonnage, the Fine or Penalty of Twenty-five Pounds; and for Ships or Vessels under One hundred Tons, and above Fifteen Tons Register Tonnage, the Fine or Penalty of Ten Pounds; and for all other Vessels, Lighters, Boats or Flats, the Fine or Penalty of Five Pounds— which Forfeitures, Fines and Penalties shall be recovered and applied in way and manner herein-after prescribed and directed.

to pay the penalties herein mentioned.

Remuneration to Ballast Master.

IX. And be it enacted, That the Harbour and Ballast Masters shall be paid by the Master, Owner, or other person having charge or command

of any Ship or Vessel which shall unlade or discharge Ballast as aforesaid, at the rate of Ten Shillings *per* day, during the time he is necessarily employed in attending such Ship or Vessel, and discharging the duty enjoined on him by this Act.

X. And whereas it is necessary to encourage such persons as are employed in the Fisheries of this Island, or in its Trade with other *British American Colonies*: Be it enacted, that the Masters of all Vessels, Lighters or Boats, owned in and belonging to this Island, employed in the Fishing and Colonial Trade, who shall provide themselves with a copy of this Act, and also with the Rules and Regulations of the Harbour and Ballast Master of the respective Ports, Harbours or Districts into which they may arrive, and of the place or places for unlading Ballast, or other Rubbish or Thing which will not float, and who shall comply with the provisions of this Act, and the Rules and Directions of the respective Harbour and Ballast Masters, in the discharging of any Ballast, or other Rubbish which might obstruct the Navigation, shall be free and exempt from the attendance of the Harbour and Ballast Master, and from all Fees and daily pay to such Harbour and Ballast Master.

Masters of Vessels, &c. owned in this Island, who keep a copy of this Act, &c. not liable to pay fees of Ballast Master.

XI. And be it enacted, That if any Master, Mate, Owner, or other Person having charge, command of, or belonging to any Ship, Vessel, Lighter or Boat, whether employed in the Foreign, Coasting, Fishing, or any other Trade or Business whatever, shall throw overboard, cast or let fall Rubbish, or any thing that will not float, and which offence might not come under the denomination of unloading or discharging of Ballast, but would tend to obstruct the Navigation of the Small Harbours, Channels, Rivers or Creeks in this Island, contrary to the true intent and meaning of this Act, or contrary to the Rules and Regulations made by any

Master, &c. throwing overboard any thing that will not float &c.

to forfeit £5.

Harbour and Ballast Master for their respective District, except as is herein-before provided, each and every person, so offending shall, for every such offence, forfeit and pay a fine not exceeding Five Pounds to the Ballast and Harbour Master of the respective District wherein the offence is committed, or to such other person or persons as may sue or prosecute for the same.

Fines and penalties how to be recovered and applied.

XII. And be it enacted, That all Fines and Forfeitures imposed by this Act shall be recovered, with Costs, if not exceeding Five Pounds, exclusive of Costs, before a Justice or Justices of the Peace, or a Commissioner or Commissioners for the Recovery of Small Debts, in like manner in all respects as Small Debts of the same amount may now be recovered; and each and every of such Fines and Forfeitures as shall exceed Five Pounds exclusive of Costs, the same shall be sued for and recovered, with Costs, by due course of Law, in His Majesty's Supreme Court of Judicature of this Island; and in every case all such Fines as aforesaid shall be recovered by any person suing for the same: Provided, that if any Suit or Action be brought against any person or persons for any Penalty by this Act imposed, such Suit or Action shall be commenced within Six Calendar Months next after the offence shall have been committed, and not afterwards: Provided also, that the Courts or Justices before whom Judgment shall be given in any such case, shall have power to remit any proportion of such Fines, in all cases, in their discretion, where any circumstances may be made to appear in mitigation of any such offences, in such manner however that any such Penalty shall not be reduced below one half the original amount.

Prosecution to be commenced within Six Months.

Penalty may be mitigated.

Appropriates penalties not herein before appropriated.

XIII. And be it enacted, That one half part of all such Fines or Forfeitures as shall be incurred by any breach of this Act, and which are not herein-

before appropriated, shall be paid to such person as shall sue or prosecute for the same; and the remainder of such Fines or Forfeitures shall be paid into the Treasury of this Island, to and for the use of His Majesty's Government.

### CAP. XIII.

An Act for vacating the Seats of Members of the Assembly, in certain cases therein mentioned, and to repeal a certain Act heretofore passed for that purpose.

[April 20th, 1837.]

**W**HEREAS it is deemed expedient to repeal the said Act, and to make other provisions in lieu thereof: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act for vacating the Seats of Members of the Assembly, in certain cases therein mentioned*, shall be, and the same is hereby repealed; and that from and after the passing of this Act, any Member of the House of Assembly who shall accept any Office of Emolument under the Crown, shall be incapable of taking or holding his seat in the General Assembly of this Island while in such office, unless re-elected after his acceptance thereof.

Repeals Act of the 5 W. 4. c. 1.

Any Member of Assembly accepting Office of Emolument under the Crown, incapable of holding his seat, unless re-elected.

**H** Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to vacate the Seat of any Member of the House of Assembly who may accept a Commission or appointment in His Majesty's Army or Navy, or who may accept any Office which is now or may be hereafter rendered compulsory or obligatory by the imposition of any Fine or Penalty by the Laws of this Island.

Not to extend to vacate the seat of a Member who may accept a Commission in the Army or Navy, or may be compelled to accept an office under a penalty.

Mode in which  
such vacancies are  
to be declared and  
filled up.

III. And be it further enacted, That when it shall be declared by the House of Assembly that any Member thereof hath accepted an Office of Emolument under the Crown, either during the Session or Recess of the Legislature, that then and in every such case it shall be lawful for the Administrator of the Government for the time being, and he is hereby required, within seven days next after information thereof shall be by him received in writing, under the hand of the Speaker of the House of Assembly, to issue a Writ for the Election of a Member or Members to fill the place or places which may be so vacated as aforesaid.

Seat of Member  
contracting to  
perform public  
work, or becoming  
security for  
contractor, to be  
vacated.

IV. And be it further enacted, That any Member of the House of Assembly who shall hereafter, either directly or indirectly, enter into any Contract for the performance of any public work within this Island, or who shall become security for the same, shall vacate his Seat in the said House of Assembly, in the same manner, and under the same regulations, as are provided for by this Act in cases where he shall have accepted any Office of Emolument under the Crown.

#### CAP. XIV.

An Act relating to the Titles to Lands acquired under Deed from Sheriffs or Coroners.

[April 20th, 1837.]

**W**HEREAS it is found necessary to define what shall be proof of Title to real Estate sold by the Sheriff or Coroner, under the Acts of the General Assembly of this Island making Lands and Tenements liable to the payment of Debts: Be it enacted, by the Lieutenant Governor, Council and Assembly, That in all cases where Lands and

When lands have  
been sold under  
Execution for the

Tenements have heretofore been sold by any Sheriff or Coroner, or other Officer authorized to sell the same, under any Act or Acts of the Legislature of this Island, making Lands and Tenements liable to the payment of Debts, and where the purchaser or purchasers have been in the quiet and undisturbed possession thereof for the term of Two Years, the Deed or Conveyance of any such Sheriff or Coroner, or other Officer authorized to execute the same, duly executed, acknowledged and recorded, as the Law directs, and the Exemplification of the Judgment and Execution upon which the same is founded shall in all cases be *prima facie* Evidence of all matters and things therein set forth, so far as the obtaining the Judgment, issuing Execution, levying upon the property sold for the want of Goods and Chattels of the Defendant from whom the property is taken, the appraising and advertising the same by the Sheriff or Coroner, as by Law required, and the sale thereof under the Execution recited in the said Deed or Conveyance, and exemplified as aforesaid, and that the *onus* of proving any defect in the appraising, advertising or selling the property conveyed, or any neglect or mal-practice whatsoever, in any way concerning the same, on the part of any Sheriff or Coroner, or of the Officers of either of them, shall henceforth lie on the party or parties disputing the same, any Law, usage or custom to the contrary thereof notwithstanding: Provided always, that nothing in this Act contained shall extend, or be construed to extend, to affect the rights of the parties, or either of them, in any cause of action, in any suit which may have already been commenced, and now pending, in any way relating to Lands or Tenements so sold as aforesaid.

payment of Debts, and the purchaser has been 2 years in quiet possession, the burthen of proof in certain cases to fall upon parties seeking to avoid such sales.

Not to extend to effect any suit already commenced.

II. And be it further enacted, That all Deeds to be made in future by the said Sheriff or Coroner, or other Officer authorized to execute the same, under any Act or Acts of the Legislature of this Island

In cases of sales hereafter made, like burthen to fall upon parties seeking to avoid such sales.



making Lands and Tenements liable to the payment of Debts, duly executed, acknowledged and recorded, as the Law directs, and the Exemplification of the Judgment and Execution upon which the same is founded, shall, in all such cases, be *prima facie* evidence of all the matters and things therein set forth, so far as the obtaining the Judgment, issuing Execution, levying upon the property sold for the want of Goods and Chattels of the Defendant from whom the property is taken, the appraising and advertising the same by the Sheriff or Coroner, as by Law required, and the Sale thereof under the Execution, recited in the said Deed, and exemplified as aforesaid, and that the *onus* of proving any defect in the appraising, advertising or selling the property conveyed, or any neglect or malpractice whatsoever in any way concerning the same, on the part of any Sheriff or Coroner, or of the Officers of either of them, shall henceforth lie on the party or parties disputing the same, any Law, usage or custom to the contrary notwithstanding: Provided always, that such Sheriff, Coroner, or other Officer, by whom the Deed was executed, under and by virtue of which the party or parties in any Action or Actions claim title, or some one of the Under Sheriffs or Deputies of such Sheriff, regularly appointed, shall, at the time of the Execution of the said Deed, make and subscribe an Affidavit in the form set forth in the Schedule to this Act annexed, before the Officer authorized by Law to take acknowledgment and proof of the Execution of Deeds and other Instruments, who shall and is hereby required to take the same Affidavit, and endorse the same thereon; and which said Affidavit shall be Registered with the said Deed in the Register Office of this Island.

If Sheriff or Coroner making such sales, shall have made an affidavit in the form set forth in Schedule to this Act.

FORM OF AFFIDAVIT.

Form of Affidavit.

Prince Edward Island, }  
County ss: }

A. B. of \_\_\_\_\_ in the said Island, (Sheriff, Under Sheriff, or Coroner, for \_\_\_\_\_ as the case may be), maketh Oath and saith, that the Lands and premises conveyed by the within Deed were regularly seized, appraised, advertised and sold, in every respect as by Law directed.

Sworn before me }  
this \_\_\_\_\_ day of \_\_\_\_\_ 183\_\_\_\_\_ }

C. D.  
Commissioner or Register.

CAP. XV.

An Act to explain and amend Two several Acts of the General Assembly therein mentioned, for raising a Fund by an Assessment on Land.

[April 20th, 1837.]

*Richardson Sen.  
Assessment &c.  
by Wm. G. C. 3.*

**W**HEREAS the Act of the Eleventh Year of the Reign of His late Majesty, intituled *An Act for raising a Fund by an Assessment on Land, for erecting a Government House, and other Public Buildings within this Island*, and an Act of the Third Year of the Reign of His present Majesty, intituled *An Act to explain and amend an Act made and passed in the Eleventh Year of the Reign of the late King, for raising a Fund by an Assessment on Land*, will severally expire at the end of the Session of the General Assembly next after the Twenty-first day of August, One thousand eight hundred and thirty-seven: And whereas doubts have arisen whether such Lands as shall be proclaimed for the non-payment of Assessment under

Supreme Court in Trinity Term, 1833, to proceed to final judgment against lands in arrear of Land Tax under Land Assessment Acts, and proclaimed in Hilary Term, 1833, and direct a sale of such lands at public Auction,

and issue a *Fieri Facias* to Sheriff. Duty of Sheriff thereunder.

Equity of redemption reserved to former owner.

and by virtue of the said herein-before recited Acts, which Assessment will become due and payable on the First day of *June* next, can be prosecuted to final Judgment, provided the said next Session of the General Assembly be held at any time prior to the sitting of the Supreme Court in *Trinity Term*, One thousand eight hundred and thirty-eight: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the said Supreme Court, at its sitting in *Trinity Term*, One thousand eight hundred and thirty-eight, to proceed to final Judgment against all such Lands as shall then be in arrear, and duly proclaimed at the *Hilary Term* of the said Supreme Court next before the *Trinity Term* of the said Supreme Court, and shall order and direct so much of the said Lands so in arrear as shall be sufficient to pay the said sum charged by the said first herein recited Act, together with reasonable Costs, to be sold at Public Auction, to the highest bidder, and shall thereupon issue a *Fieri Facias*, directed to the Sheriff of the County in which the said Lands so in arrear are situate, for that purpose, who, after having given Thirty days previous notice, shall proceed to the said Sale, and shall thereupon execute to the Purchaser a Conveyance thereof, which shall be good and valid in Law, to all intents and purposes whatsoever.

II. Provided always, and be it further enacted, That in case of any Lands being sold under the authority of this Act, an Equity of Redemption shall nevertheless be open to the former Owner or Owners, Proprietor or Proprietors, his, her or their Heirs or Assigns, for the space of Two Years next after the levying of the *Fieri Facias* thereon—the former Owner or Owners, Proprietor or Proprietors, his, her or their Agents, Heirs or Assigns, repaying the purchase Money, with lawful Interest thereon, and also all expenses attending the same, and a fair al-

lowance for such improvements as shall or may be made thereon—the same in case of a dispute to be ascertained by the Supreme Court.

III. And be it further enacted, That when the Sheriff or other Officer who shall have sold any Lands under the provisions of the said recited Acts for non payment of Assesment, and that such Lands shall have produced more than sufficient for the payment of such Assesment, the Sheriff or other Officer shall, and he is hereby authorized to pay over into the hands of the Treasurer of this Island for the time being, the overplus of such Moneys for the benefit of the Proprietor or Proprietors of such Lands; and in case of dispute as to the right of any Claimant to receive such Overplus, the same shall be determined in a summary way by the Justices of His Majesty's Supreme Court of Judicature of this Island, and any Costs incurred thereby shall be paid by such Claimant.

If lands sold by Sheriff shall produce more than judgment and costs, he is to pay the overplus to Treasurer for the benefit of former owner.

*Private Land Assessment Act 7th. 4. c. 3.*

#### CAP. XVI.

An Act to prevent the running at large of Horses within the Streets and Squares of *Charlottetown*, in the Winter season.

[April 20th, 1837.]

**W**HEREAS the running at large of Horses within the Streets and Squares of *Charlottetown*, in the Winter season, ought to be prohibited:

Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, if any Horse, Mare or Gelding shall be found at large within the Streets or Squares of *Charlottetown*, between the First day of *January* and the Fifteenth day of *April* in each Year, the

No Horse, Mare or Gelding to be at large on the Streets or Squares of *Charlottetown*, from the First of *January* until the Fifteenth *April* is

each year, under penalty of owners paying 5s.

Mode of recovery of penalty.

Appropriation of penalty.

owner or owners thereof shall be liable to pay a fine of Five Shillings—to be recovered with Costs before any one of His Majesty's Justices of the Peace for the said Town, on the Oath of one credible Witness, and to be levied by Warrant of Distress on the Goods and Chattels of the said owner or owners, and paid, one half to the person who shall prosecute or sue for the same, and the other half to the Fire-wardens of the said Town, to be applied towards keeping in repair the Fire Engines of the said Town.

### CAP. XVII.

An Act to continue for one Year an Act passed in the Fifth Year of His present Majesty's Reign, providing for the payment of Interest on Warrants.

[April 20th, 1837.]

Continues Act of the 5 W. 4, to provide for the payment of Interest on Treasury Warrants for one year.

**W**HEREAS the said Act will expire at the end of the present Session of the General Assembly, and it is deemed expedient to continue the same for a limited period: Be it enacted, by the Lieutenant Governor, Council and Assembly; That an Act passed in the Fifth Year of the Reign of His present Majesty, intituled *An Act to provide for the payment of Interest on Warrants which are not paid at the Treasury on demand*, be and the same is hereby continued in force for and during the term of One Year, and no longer:

*Continued by 1 Vict. c. 3*

## CAP. XVIII.

An Act relating to a certain Road in the Royalty of *Charlottetown*.

[April 20th, 1837.]

**W**HEREAS a survey of all the Roads which ought to run through the Royalty of *Charlottetown* hath lately been made, by His Majesty's Surveyor General of Lands for this Colony, by order of the Government thereof, and the Plan of such Survey hath been made, and is kept in the Office of the said Surveyor General, at *Charlottetown*; and it appears by the said Plan, that the Road which leads from *Great George Street* in *Charlottetown*, through the Common and Pasture Lots towards *Princetown* and *Saint Eleanor's*, has been erroneously laid off from the southern Boundary Line of Pasture Lot Number *Two hundred and Forty-eight*, to the southern Boundary Line of Township Number *Thirty-three*: and whereas since such survey, part of the said erroneous line of Road, viz: from the Southern Boundary Line of said Pasture Lot Number *Two hundred and Forty-eight*, to the Northern Boundary Line of Pasture Lot Number *Three hundred and Ninety-four*, hath been altered by order of the said Government of this Island, to its original and proper position, as defined and marked on the original Map or Plan of the said Royalty, kept in the Office of the said Surveyor General, and Public Money and Statute Labour expended and employed thereon: And whereas it is deemed necessary that the said part of the said Road, so altered as aforesaid, should be confirmed and established as a Public Road, and provision be made for the continuance thereof, from the said Northern Boundary of Pasture Lot Number *Three hundred and Ninety-four*, to the old Road leading to *Princetown* and *Saint Eleanor's*, as aforesaid: Be

Confirms new  
Princetown Road  
from Pasture Lot  
No. 248, to Pas-  
ture Lot No. 394,  
as a public road.

Commissioner of  
Highways within  
one Month to con-  
tinue such road,  
Sixty feet in  
breadth, from  
Pasture Lot No.  
394, until it joins  
the present road  
on Township No.  
88.

The same to re-  
main a Public  
Road.

it therefore enacted, by the Lieutenant Governor, Council and Assembly, That the said new line of Road leading from the Southern Boundary Line of Pasture Lot Number *Two hundred and Forty-eight*, to the Northern Boundary Line of Pasture Lot Number *Three hundred and Ninety-four*, as the same is now used, shall be, and the same is hereby established and confirmed as a Public Road; and it shall and may be lawful for the Commissioner of Highways for the District wherein the same is situate, and he is hereby authorized, at the expiration of One Calendar Month after the passing of this Act, to lay off and continue the said Road Sixty Feet in breadth from the said Northern Boundary Line of Pasture Lot Number *Three hundred and Ninety-four*, to the Southern Boundary Line of Township Number *Thirty-three*, and from thence through the said Township, until it shall join the present Road, being a distance from the said Boundary Line of Ten Chains, or thereabouts, as by reference to the said Plan will more fully appear— and the same when so laid off shall be, and for ever remain and continue a Public Road, to and for the use and benefit of the people of this Island.

### CAP. XIX.

An Act to regulate the duties and charges of Pilots; and to repeal the Acts formerly passed for that purpose.

[April 20th, 1837.]

**W**HEREAS it is deemed necessary to repeal the existing Law relating to the duties and charges of Pilots, and to make further provision for their encouragement, and the protection of Shipping: Be it therefore enacted, by the Lieuten-

ant Governor, Council and Assembly, That it shall and may be lawful for the Administrator of the Government, for the time being, on the recommendation of the resident Magistrates and Merchants, to appoint one or more fit and proper person or persons to act as Pilot or Pilots for the Harbour or Harbours, from whence such person or persons shall or may be recommended.

Administrator of Government, on recommendation of Magistrates, &c. to appoint Pilots.

II. And be it further enacted, That every Pilot so appointed shall provide himself with a good and sufficient Boat, and that the same shall be kept always in readiness, and fit to board a Vessel at sea; and that from and after the First day of *May* next, no Pilot for the Harbours on the South Side of the Island, shall be entitled to demand more than the following rates of Pilotage, (that is to say)—For every Ship or Vessel boarded at sea, or without the Harbour, the sum of Four Shillings *per* Foot, for each and every foot of water the said Ship or Vessel shall draw; and for every Ship or Vessel boarded within the Bar or Harbour, in case a Pilot be required, one third the said Pilotage; and for every Ship or Vessel outwards, the sum of Three shillings and six-pence *per* foot, for each and every foot of water which the said Ship or Vessel may draw; and for all Harbours on the North side of the Island, the sum of Five Shillings *per* foot, to the place of destination—provided such Ship or Vessel shall be boarded without the Bar of any such Harbour; and in case such Ship or Vessel shall be boarded within the Bar of such Harbour, and a Pilot shall be required at the time of boarding, then one third part of the said Pilotage; and a further sum of Five Shillings *per* foot outwards from the place of loading: Provided always, that nothing herein contained shall extend, or be construed to extend, to the compelling Masters or Owners of Coasting Vessels to pay Pilotage, unless a signal be made for a Pilot, or a Pilot be requested to take charge of any such Vessel.

Pilots to provide sufficient Boats for boarding Vessels at sea.

Rates of Pilotage.

Coasters not compelled to employ Pilots.



Defines limits of Harbour of Charlottetown.

III. And be it declared and enacted, That the limit of the Harbour of *Charlottetown*, according to which Pilots shall be entitled to receive Pilotage, shall be the Southernmost extremity of the Eastern shoal off *Saint Peter's Island*; and any Vessel taking a Pilot inside of the said limit, and outside of the Block House, shall be liable to pay only one half the full Pilotage, any thing in this Act contained to the contrary notwithstanding.

Rate of Pilotage within such Harbour.

All Foreign vessels to pay Pilotage, if a Pilot offers his services.

IV. And be it further enacted, That from and after the First day of *May*, One thousand eight hundred and thirty-seven, no Foreign Vessels (except such as are herein-after particularly excepted), shall sail into or out of any of the Harbours of this Island, without being liable to pay the rate of Pilotage, applicable to the case as herein-before stated, if a Pilot shall duly offer to board such Vessel outside of the Harbour, and shall be refused or shall offer his services within three hours after notice that any such Vessel is ready to proceed to sea, and that a Pilot is required for her, and shall be refused to perform his duty on board—but this Clause shall not apply to any Vessel owned, or partly owned, in any of the British North American Colonies, not exceeding Fifty Register Tons burthen, unless a Pilot be employed; nor to Vessels owned either in whole, or to the extent of at least one half, in this Island, unless a Pilot be employed.

Not to extend to vessels over Fifty tons, belonging to British Colonies.

Duty of Pilots.

V. And be it further enacted, That any licensed Pilot declining or refusing to take charge of any Ship or Vessel, when duly required so to do, by the Master of such Ship or Vessel, or by any owner, or by any Agent acting for the owner or owners, or exacting or bargaining for more than the rates herein-before allowed, or delaying to go on board of or take in charge any Ship or Vessel; or who shall improperly and contrary to his duty quit such

Ship or Vessel, after going on board or alongside thereof, or decline the piloting of any Vessel after he has engaged so to do, or gone alongside thereof, without leave of the owner or person having the chief command of such Vessel, or before the service for which he was hired shall be performed; or who shall by drunkenness render himself incapable of performing the same, or who shall negligently run any Ship or Vessel on shore, or cause the loss thereof, or any injury to her Tackle or Furniture, or who shall lend his License to any other person, shall for every such offence, forfeit a sum not exceeding Fifty Pounds, nor less than Five Pounds, and also be liable to dismissal or suspension from his Office; and such Penalty shall be recoverable with costs, in His Majesty's Supreme Court of Judicature of this Island, and applied to and for the use of His Majesty's Government.

Penalty on Pilots.

How to be recovered and appropriated.

VI. And be it further enacted, That an Act passed in the Fifth Year of the Reign of His late Majesty King George the *Fourth*, intituled *An Act to regulate the duties and charges of Pilots within this Island*; and an Act passed in the Eleventh Year of the Reign of His said late Majesty, intituled *An Act to continue an Act made and passed in the Fifth Year of His present Majesty's Reign, intituled 'An Act to regulate the duties and charges of Pilots within this Island,'* be, and the same are hereby respectively repealed.

Repeals Act of the 5 G. 4, regulating the duties of Pilots, and Act of the 11 G. 4, continuing said Act.

## CAP. XX.

*Experid—  
Vill. 4 Vict,  
Cap 6*

An Act for the Encouragement and Support of District and other Schools, and to repeal the Act formerly passed for that purpose.

[April 20th, 1837.]

Repeals Act of the  
4 W. 4, c. 1.

**W**HEREAS the said Act has been found insufficient, for the purposes for which it was enacted, and it is deemed expedient to repeal the same, and make further provision for the Encouragement of Education: Be it therefore enacted, by the Lieutenant Governor, Council, and Assembly, That an Act made and passed in the Fourth Year of the Reign of his present Majesty, intituled *An Act for the Encouragement of Education*, be, and the same is hereby repealed.

Board of Education, how constituted and when to meet.

**II.** And be it enacted, That it shall and may be lawful for the Administrator of the Government for the time being, by and with the advice and consent of His Majesty's Council, to nominate and appoint Nine fit and proper persons, Five of whom shall be a Quorum, which nine persons so appointed shall constitute a Board of Education, and shall meet Four times in each Year, that is to say, on the last *Thursday* in the Months of *January*, *April*, *July*, and *October*, respectively, and shall give notice of the place and hour of such their Meetings in the Public Newspapers, at least Thirty days previous to each Meeting.

Board to appoint a Secretary.

**III.** And be it further enacted, That the said Board when so constituted, shall nominate and appoint one of their number as Secretary of the Board, and the said Secretary shall be paid the sum of Fifteen Pounds annually for his services, and to reimburse him for Stationery, and other contingent expenses.

IV. And be it further enacted, That Two Members of the said Board (the Secretary being always excepted) shall in rotation go out of office each year, commencing with the two Members first nominated and appointed, who shall be replaced by two other persons, to be chosen and appointed as aforesaid, which person so last appointed shall have like power and authority with the other Members of the said Board who shall remain in office as aforesaid.

Two Members of Board to go out of office in rotation each year.

Vacancies how filled up.

V. And be it further enacted, That when and so often as any vacancy shall occur in the said Board, by death, removal, or otherwise, it shall and may be lawful for the Administrator of the Government for the time being, by and with the advice as aforesaid, to appoint other fit and proper person or persons to fill up such vacancy.

Vacancies by death, &c. how filled up.

VI. And be it further enacted, That any person who may be a Candidate for the situation of Schoolmaster for any District School in this Island shall, on one of the days of the said Meetings, or on such other day as any Five of the said Board shall appoint, present himself for, and submit to an examination of his qualifications in the Branches of Education hereinafter mentioned, and if the Board be satisfied with the Candidate's qualifications, they shall give him a Certificate of his having passed such Examination.

Candidates for Schools to undergo examination.

VII. Provided always, and be it further enacted, That the said Board shall in no case examine or grant a Certificate to any person whatsoever, who shall not have first produced to the said Board a satisfactory Certificate of good moral character.

And to produce certificate of moral character

VIII. And be it further enacted, That there shall be in future only two Classes of District Schoolmasters, who shall be licensed to teach in this Island

To be in future 2 classes of District Schools.

Qualifications of First or lowest class.

Qualifications of Second or highest class.

Board to grant certificates of qualification.

Allowance to Teacher of National School in Charlottetown.

Inhabitants of Districts to raise £25 per annum before First class Teacher is entitled to allowance under this Act.

And also to provide a School-house.

And must have 20 Scholars under his tuition for 12 months.

£35 per annum, a Schoolhouse and 20 Scholars, to entitle Second class Teachers to allowance.

—that Teachers of the First Class shall possess a competent knowledge of, and be qualified to teach English Grammar, Book-keeping, Reading, Writing, and Arithmetic—that Teachers of the Second Class, in addition to the above qualifications, shall be competent to teach the Latin language, Theoretical and Practical Mathematics, including Geometry, Trigonometry, Mensuration, Land Surveying and Navigation, together with Geography and the use of the Globes; and the Board of Education after having examined and ascertained the qualifications of such Candidates as may appear before them, shall specify in the Certificate to be given them, to what class of Teachers the said Candidates are duly entitled to belong.

IX. And be it enacted, That the Teacher of the National School in *Charlottetown* shall be entitled to the same amount as is intended to be paid to the first class Teachers, under and by virtue of this Act.

X. And be it enacted, That no Schoolmaster or Teacher of the First or lowest Class, shall be entitled to any allowance by virtue of this Act, unless the Inhabitants of the District shall first subscribe and raise for him at least the sum of Twenty-five Pounds *per annum*, and shall have also provided a sufficient School-house, to be exclusively used for that purpose; and also that he shall have had under his tuition the number of Twenty Scholars during the space of Twelve Months immediately preceding the period of his claiming such allowance.

XI. And be it enacted, That no Schoolmaster of the Second or highest class of Teachers shall be entitled to receive any allowance under and by virtue of this Act, unless the Inhabitants of the District to which such Teacher may be appointed shall have first subscribed and raised for him the sum of Thirty-five Pounds, to be paid for his services as

Teacher for the year for which he claims to be entitled to the allowance as specified by this Act, and shall have likewise provided a sufficient Schoolhouse, to be exclusively used for that purpose, and that during the same period no less than Twenty Scholars shall have been under his tuition.

**XII.** Provided always, and be it further enacted, That nothing herein contained shall prevent any such Schoolhouse as aforesaid being used as a place of Public Worship, with the consent of the majority of the Trustees thereof, when the same shall not interfere with the teaching of Scholars therein, as is contemplated by this Act.

Schoolhouse may be used for public worship, with consent of Trustees.

**XIII.** And be it enacted, That it shall be in the power of the Inhabitants of any Settlement or District within this Island, who shall have subscribed the respective sums as mentioned in this Act, and who shall have provided the Schoolhouse as aforesaid, and they are hereby required, to nominate and appoint Five Trustees, Three of whom shall be a Quorum, whose duty it shall be to examine the said School quarterly, and give to such licensed Teacher who has had the management thereof of the necessary Certificates required by this Act.

Inhabitants to appoint Five Trustees, Three to be a quorum.

Duties of Trustees.

**XIV.** And be it further enacted, That in all cases where the Trustees of any School shall enter into an agreement with the Subscribers to the School, on behalf of the Master, it shall be their duty, and they are hereby empowered and required, either by themselves, or such person as a majority of them shall appoint, to enforce the payment of such sum or sums as the Inhabitants shall have respectively subscribed towards the maintenance of the Master or Teacher, by suing for the same; and in case the sum due from any person so sued shall not exceed the sum of Five Pounds, then the same shall be sued for and recovered in the same manner as Small

Further duties of Trustees.

Debts are now recoverable, before any Commissioner or Commissioners appointed for the recovery of Small Debts.

Trustees may assess Subscribers to Schools, &c.

**XV.** And be it enacted, That a majority of the Trustees of any District School, so appointed as aforesaid, may, and they are hereby empowered, whenever occasion may require, to assess the Subscribers and persons interested in such Schools, in just proportions, for the necessary repairs, and supply of Fuel, which may be required for such Schools; and such Assessment shall be recoverable, with costs, before any Commissioner for the recovery of Small Debts, by and in the name of any one Trustee authorized by a majority of such Trustees; and such Assessment when recovered shall be applied for the purposes for which the same shall be levied.

Assessment, how to be recovered.

Allowance under this Act, to whom given.

**XVI.** And whereas many Schoolhouses have been erected in convenient situations, and qualified Teachers are employed therein, and it may hereafter be desirable to remove the same: Be it therefore enacted, That the allowance to the First and Second Class Teachers appointed under this Act as herein-before provided, shall only be given to such persons as shall teach in Schoolhouses already occupied by such Teachers, and such others as shall hereafter be erected, not being at a less distance from each other than Three Miles, except where Rivers intervene; and whenever it shall be deemed necessary by at least two thirds of the Subscribers and persons interested in any such School, that the Schoolhouse should be removed, it shall be lawful for them so to do: Provided the same shall not be placed nearer any other School entitled to the benefits of this Act than the distance herein-before prescribed.

Any Schoolhouse already erected may be removed to another site.

Disputes between Trustees, Masters

**XVII.** And be it enacted, That in case of any dispute arising between the Subscribers to such

School, or the Trustees thereof, and the Master as aforesaid, respecting his conduct, or the payment of his Salary, or otherwise, the same shall be referred to the Board of Education, and their decision thereon shall be final and conclusive.

or Subscribers, to be decided by Board of Education.

XVIII. And be it enacted, That each and every Teacher, on producing from the Board aforesaid a Certificate of qualification, together with one part of the original agreement made by him or on his behalf with the Subscribers, and a Certificate that the provisions of this Act shall have been duly complied with, and also from the Trustees of the School of which he shall have been appointed Master or Teacher, an annual Certificate of good conduct, attention and sobriety (which last Certificate shall also be signed by two Justices of the Peace nearest to such School), shall be entitled to receive from the Treasury of this Island, (that is to say), Teachers of the First Class the sum of Twelve Pounds, and Teachers of the Second Class the sum of Twenty Pounds—to be paid by Warrant under the Hand and Seal of the Administrator of the Government for the time being, by and with the advice and consent of His Majesty's Council.

Annual allowance to Teachers

Of the 1st Class, £12.  
Of the 2d Class, £20.

How paid.

XIX: Provided always, and be it further enacted, That the Teacher of the District School for *Georgetown* and *Royalty*, and the Teacher of the District School in *Princetown* *Royalty*, being duly qualified as Second Class Teachers, shall severally be entitled to receive from the Colonial Treasury the sum of Ten Pounds annually, in addition to the allowance to which they may be entitled by the foregoing Section of this Act.

Second Class Teachers in *Georgetown*, and 2d Class Teachers in *Princetown*, to receive £10 annually in addition to £20.

XX. And be it further enacted, That all such Teachers, whilst receiving the benefit of this Act, shall be exempted from the performance of Statute Labour and Militia duty.

Teachers to be exempt from Statute Labour and Militia Duty



Allowance to  
Female Teachers.

XXI. And be it enacted, That any Female Teacher who shall qualify for either Class as directed by this Act, shall be entitled to the allowance therein provided for Male Teachers, subject to all the regulations and provisions contained in this Act respecting other Schools, with this exception, that Schools taught by Females may be situate in any place, and not be confined to a Building used exclusively for that purpose: Provided that the said School shall be limited to the instruction of Female Scholars, and to that of Boys under the age of Eight Years: And Provided also, that there shall not be more than two such Schools in *Charlottetown*, to be taught by those who shall first duly qualify for that purpose.

Who shall exclusively teach Female Scholars, or Boys under eight years of age.

Two only in *Charlottetown* to receive allowance.

Allowance to  
Acadian French  
Teachers.

XXII. And be it further enacted, That a sum not exceeding Forty Pounds be granted yearly, and placed at the disposal of the Board of Education, to be paid in sums not exceeding Five Pounds each, to such deserving *French* Teachers in the *Acadian French* Settlements, as the said Board may think proper.

School Vacations.

XXIII. And be it further enacted, That every School shall have three annual vacations at the respective periods following, (that is to say,) the First for one week, commencing on the first *Monday* in *June*; the Second also for one week, commencing on the second *Monday* in *October*; and the last, from the *Twenty-fourth* day of *December* to the First day of *January* following, both inclusive; and no deduction shall be made from the Wages agreed upon, nor addition made to the period of the Master's service, on account of such vacations being allowed.

£100 to be appropriated for the purchase of cle-

XXIV. And be it further enacted, That there shall be granted and paid to the Secretary of the Board of Education at *Charlottetown*, the sum of

One hundred Pounds, to be drawn for by Warrant of the Administrator of the Government for the time being, on the Treasury of this Island, which said sum shall be expended in the purchase of such Elementary School Books as shall be most approved of by the said Board, and the same shall be distributed under the directions of the said Board to the Trustees of the respective Schools having the benefit of this Act, on such terms as to the said Board shall seem proper, having reference to the number of pupils in each School, and so as the Books are not disposed of under prime cost and charges.

Elementary School Books;

to be distributed by Board of Education.

XXV. And be it further enacted, That during the continuance of this Act, Four pupils from each County in this Island shall be taught gratis at the Central Academy in *Charlottetown*, for a period not exceeding Three years for each pupil, and who are to be chosen or selected from time to time, by a majority of the Trustees of the said Academy; and each District Schoolmaster receiving the benefit of this Act shall always teach gratis Four pupils, who are to be chosen from time to time, by a majority of the Trustees of each respective District School, and such last mentioned Scholars shall be so taught for a period not exceeding Two Years each.

Four Pupils from each County in this Island to be taught gratis at Central Academy in Charlottetown.

How chosen.

Each District Schoolmaster to teach Four Pupils gratis.  
How to be chosen.

XXVI. And be it enacted, That nothing in this Act contained shall make it necessary for any Teachers who have qualified as Teachers of the Second and Third Classes under the said hereinbefore recited Act, to qualify under the present Act, but they shall be considered duly qualified as Teachers of the First and Second Classes respectively under the present Act, until their present engagements shall cease and determine; and all persons who shall have qualified as First Class Teachers under the said recited Act, shall within Three Calendar Months after the passing of this Act,

Second and Third Class Teachers under former Act need not qualify under this Act.

To be considered qualified as First and Second Class Teachers under this Act.

First Class Teachers under former Act to qualify within 3 months, or after that pe-

riod to forfeit  
their allowance.

qualify as Teachers of the First Class hereunder, otherwise they shall afterwards, and until they have so qualified, be deprived of the benefit of this Act; yet they shall nevertheless be entitled to the bounty, allowed to First Class Teachers under the said recited Act, until they do so qualify within Three Months as last aforesaid, and producing the Certificate required by the herein-before recited Act, for the time so served.

Visiter of Schools  
to be appointed  
annually.

**XXVII.** And be it enacted, That it shall and may be lawful for the Administrator of the Government for the time being by and with the advice of His Majesty's Council to nominate and appoint annually one fit and proper person, whose duty it shall be to visit and examine three times in each year the different District Schools throughout the Island, and who shall have power to call Meetings of the respective Trustees connected with such Schools; and such Visiter shall made a Report of each visit to the Board of Education, of the state of each School, stating the method of Teaching practiced, the number of Scholars, the proficiency generally made by the Scholars, state and description of Schoolhouses, and such other information as he may see it necessary to give, or that the Board of Education may require, and such Reports shall be published in the *Royal Gazette* Newspaper, and laid before the Legislature within Fourteen days next after the opening of each Session; and such Visiter shall be allowed and paid the sum of One hundred Pounds *per annum* for his services, to be paid Quarterly—the same to be drawn for by Warrant under the Hand and Seal of the Administrator of the Government for the time being, upon the Treasurer of this Island.

Duty of Visiter.

Allowance to  
Visiter.

How paid.

£50 to be paid  
annually to Trustees  
of St. Andrew's  
College.

**XXVIII.** And be it enacted, That the sum of Fifty Pounds *per annum* shall be paid during the continuance of this Act to the Trustees of *Saint*

*Andrew's College*, for the use and benefit of that Institution; and that there shall be taught gratis at the said College Two pupils from each County of this Island, for a period not exceeding Three Years for each pupil, and who are to be chosen or selected from time to time by a majority of the Trustees of the said College.

Two Pupils from each County to be taught gratis at such College.

How chosen.

XXIX. And be it enacted, That the whole amount of Moneys to be paid by virtue of this Act, for the encouragement of Education, shall not exceed in the whole the sum of One thousand Pounds in any one Year.

Expenditure under this Act not to exceed £1000 per annum.

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

Continuance of Act.

### CAP. XXI.

An Act for granting Patents for Useful Inventions.

[April 20th., 1837.]

**BE** it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, whenever any person or persons who shall then be an Inhabitant or Inhabitants of this Island, or who shall have resided therein for one year previous thereto, shall apply to the Lieutenant Governor or Commander in Chief for the time being, and shall allege that he, she or they have invented or discovered any new or useful Art, Machine, Manufacture, or composition of Matter, or any new or useful improvement on any

Lieut. Governor may issue Letters Patent in manner herein specified, for useful Inventions or Discoveries.

Art, Machine, Manufacture, or composition of Matter, not before known and used, and shall, by Petition to the Lieutenant Governor or Commander in Chief for the time being, signify his, her or their desire to obtain an exclusive property in such new Invention and Discovery, and shall pray that a Patent may be granted for the same, it shall and may be lawful for the Lieutenant Governor or Commander in Chief for the time being to cause and direct Letters Patent under the Great Seal of this Island to be issued, which said Letters Patent shall recite the allegations and suggestions of the said Petition so to be preferred as aforesaid, and shall therein give a short description of the said Invention and Discovery; and thereupon shall grant to the said person or persons so applying for the same, his, her or their Executors, Administrators and Assigns, for a Term not exceeding Ten Years, the full and exclusive right and liberty of making, constructing, using, and vending to others to be used, the said new Invention or Discovery—which Letters Patent shall be good and available to the Grantee or Grantees therein named, by force of this Act, and shall be recorded in the Office of the Secretary of this Island, in a Book to be kept for that purpose, and shall be delivered to the Patentee or Patentees: Provided always, that before the Great Seal of this Island shall be affixed to any such Letters Patent, or the same shall be issued and signed as aforesaid, such Letters Patent shall be delivered to His Majesty's Attorney General of this Island, who shall examine the same, and shall, if he finds the same conformable to this Act, certify accordingly, and return the same within Thirty days into the Office of the Secretary for the Island, to be issued and signed.

II. And be it enacted, That when any Letters Patent shall be obtained by any person or persons in manner aforesaid, for any new and useful Inven-

Patentee of an original Invention or Discovery, or Patentee of

tion and Discovery in any Art, Machine, or composition of Matter, and thereafter any other person or persons shall discover any improvement in the principle or process of any such Art, Machine, or composition of Matter, for which such Patent hath been granted, and shall make application for and obtain Letters Patent under this Act for the exclusive right of such improvement, it shall not be lawful for the person or persons who shall obtain and procure Letters Patent for any such improvement, to make, use or vend the original Invention or Discovery, nor for the person or persons who shall have procured Letters Patent for the original Invention or Discovery, to make, use or vend any such Improvement.

improvement  
thereon, not to  
use or vend other  
than their own  
Inventions or  
Improvements.

III. Provided always, and it is hereby declared and enacted, That simply changing the form or the proportions of any Machine or composition of Matter in any degree, shall not be deemed a Discovery or Improvement within the meaning of this Act.

Changing the  
form or propor-  
tion of any  
Machine, &c. not  
to be deemed an  
Improvement.

IV. And be it enacted, That it shall and may be lawful for any person or persons to obtain and receive from the Office of the Secretary of this Island any Copy or Copies of any such Letters Patent, or of the Petition whereon the same were granted and issued, or of any paper connected therewith, or any Drawing relating to the same.

Copies of Patents,  
Petitions, &c.  
may be obtained  
from Secretary's  
Office.

V. And be it enacted, That before any person or persons shall obtain or receive any Letters Patent under this Act, such person or persons, or some or one of them, shall make Oath (or if a Quaker, shall make solemn affirmation, in writing,) before some one of His Majesty's Justices of the Supreme Court of this Island, or some Commissioner for taking Affidavits in the said Court, that he, she or they do verily believe that he, she or they is or are the true

Applicants for  
Patents to make  
Oath as to their  
being the true  
Inventor, &c.

Inventor or Inventors, Discoverer or Discoverers of the Art, Machine, composition of Matter, or Improvement, for which he, she or they solicit Letters Patent, and that such Invention or Discovery hath not, to the best of his, her or their knowledge or belief, been known or used in this Island, or in any other country; which Oath or Affirmation shall be delivered in with the Petition for such Letters Patent.

A full description of Inventions, accompanied with drawings, specimens of ingredients, &c. to be filed in the Secretary's Office, with Petitions for Patents.

VI. And be it enacted, That together with such Petition and Oath, or Affirmation, before any person or persons shall receive or obtain any Letters Patent as aforesaid, such person or persons shall also deliver in to the Office of the Secretary of the Island a written description of his Invention, and of the manner of using, or process of compounding the same, in such full, clear and exact terms as to distinguish the same from all other things before known, and to enable any person skilled in the Art or Science, of which it is a branch, or with which it is most closely connected, to make, compound and use the same; and shall explain the principle, and the several modes in which such person or persons have or hath contemplated the application of that principle, or character, by which it may be distinguished from other Inventions; and shall accompany the whole with Drawings and written references, where the nature of the case admits of Drawings; or with Specimens of the Ingredients, and of the composition of Matter, sufficient in quantity for the purpose of Experiment, when the Invention is a composition of Matter—which description, signed by such person or persons so applying for such Letters Patent, and attested by two Witnesses, shall be filed in the Office of the Secretary of the Island; and Copies thereof, certified under the hand of the Secretary, or Deputy Secretary of the Island, shall be competent Evidence in all Courts where any matter or

Certified copies to be sufficient evidence touching the Patents.

thing touching or concerning the said Letters Patent shall or may come in question.

VII. And be it enacted, That any Patentee, his Executors or Administrators, may assign and transfer all his right, title and interest in the said Invention and Discovery in the Letters Patent to him granted, to any person or persons whomsoever; and the Assignee or Assignees thereof, having recorded the said Assignment in the Office of the Secretary of the Island, shall thereafter stand in the place or stead of the original Patentee, as well as to all right, privilege and advantage, as also in respect of all liability and responsibility, as to the said Letters Patent, and the Invention and Discovery thereby secured; and in like manner shall the Assignee or Assignees of any such Assignee or Assignees stand and be considered to be in the place and stead of the original Patentee or Inventor.

Patentees may assign their rights in Patents.

VIII. And be it enacted, That whenever in any case any Letters Patent shall be, or shall or may have been granted to any person or persons under and by virtue of this Act, and any person or persons, without the consent of the Patentee or Patentees, his, her or their Executors, Administrators or Assigns, first had and obtained in writing, shall make, devise, use or sell the Things, Invention or Discovery, whereof the exclusive right is secured to the said Patentee or Patentees by such Letters Patent, such person or persons so offending shall forfeit and pay to the said Patentee or Patentees, his, her or their Executors, Administrators or Assigns, a sum equal to three times the actual damage sustained by such Patentee or Patentees, his, her or their Executors, Administrators or Assigns, for or by reason of such offence; which sum shall and may be recoverable, together with Costs of Suit, by Action on the Case founded on this Act, in the Supreme Court of this Island.

Persons making, using or selling Patent articles without consent of Patentee, to be liable in damages to three times the actual damage.



Defendant may plead the general issue, and give this Act and any special matter in evidence.

**IX.** Provided always, and be it enacted, That the Defendant or Defendants in such Action shall be permitted to plead the General Issue, and give this Act, and any special matter in evidence, tending to prove that the Specification filed by the Patentee or Patentees does not contain the whole truth relative to the Invention or Discovery therein alleged to have been made by the said Patentee or Patentees; or that it contains more than is necessary to produce the described effect (which concealment in addition shall fully appear to have been made for the purpose of deceiving the Public); or that the Thing, Invention or Discovery thus secured by Letters Patent as aforesaid, was not originally discovered by the Patentee or Patentees, but had been in use, or had been described in some public work anterior to the supposed Invention or Discovery of the said Patentee or Patentees; or that the said Patentee or Patentees had surreptitiously obtained Letters Patent as aforesaid for the Invention or Discovery of some other person or persons—in either of which cases, upon sufficient and legal proof thereof, a Verdict shall be returned, and Judgment shall be entered for the said Defendant or Defendants, with Costs; and the said Letters Patent shall thereupon be and become, and shall by the said Court be adjudged void, and of no effect.

Actions to be commenced within Six months after discovery of offence.

**X.** Provided also, and be it enacted, That no Action shall be brought against any person or persons whomsoever, for any offence committed against the provisions of this Act, unless the same be commenced within the space of Six Calendar Months next after the discovery of every such offence committed.

CAP. XXII.

An Act for establishing the Standard Weight of Grain and Pulse, and for the appointment of Officers for measuring and weighing the same.

[April 20th, 1837.]

**W**HEREAS the Acts heretofore passed relating to the Standard Weight of Grain and Pulse are about to expire, and it is deemed expedient to provide for the regulation thereof: Be it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant Governor for the time being, to appoint such persons throughout the Island as he may deem requisite, for the purpose of measuring and weighing all sorts of Grain and Pulse.

Lieut. Governor to appoint Measurers & Weighers of Grain, &c.

**H.** And be it enacted, That from and after the passing of this Act the Standard Weight of each Winchester Bushel of Grain exposed to sale in this Island shall be as follows; (that is to say)

Standard weight of Grain and Pulse.

Wheat shall weigh Fifty-eight Pounds Avoirdupois.

Rye shall weigh Fifty-six Pounds.

Indian Corn shall weigh Fifty-seven Pounds.

Barley shall weigh Forty-eight Pounds.

Oats shall weigh Thirty-six Pounds.

Peas shall weigh Sixty Pounds.

Beans shall weigh Sixty Pounds.

And all such Grain and Pulse as may be imported or brought to Market for sale, shall, on request of the Buyer or Seller, be measured and weighed by the Measurer and Weigher, where the same shall be brought for sale; and that the said Measurer and Weigher shall be allowed and paid One Farthing

Grain, &c. on request of buyer or seller, to be measured and weighed.

Allowance to  
Measurer and  
Weigher.

per bushel—the one half by the Buyer, and the other half by the Seller.

Duty of Measurer  
and Weigher  
when Grain, &c.  
is deficient in  
weight.

III. And be it further enacted, That if any Grain or Pulse shall be imported or brought for sale within any Port or place within the Island, which shall not be agreeable to the Standard Weight herein-before appointed for each sort of Grain and Pulse to weigh respectively, it shall and may be lawful for the Measurer and Weigher, if required either by the Buyer or Seller thereof, to add to each bushel a quantity sufficient to make the same weigh equal to the Standard herein-before appointed for each particular sort; and if such Grain or Pulse shall weigh more than the Standard Weight herein-before appointed, it shall in like manner be lawful to deduct as much for each bushel as will make the same conformable to the said Standard.

Penalty on Meas-  
urer and Weigh-  
er for neglect of  
duty.

IV. And be it further enacted, That if any person so appointed, and accepting the office of Measurer and Weigher as aforesaid, shall be guilty of any neglect or fraud in the execution of his office, he shall, for each and every offence, forfeit and pay a sum not exceeding Five Pounds—to be recovered before any one of His Majesty's Justices of the Peace for the County where the offence may have been committed—one half thereof to be paid to the person or persons who shall sue for the same, and the other half shall be paid into the Treasury of this Island; and the person so offending shall be liable in damages to the party injured.

How recovered  
and applied.

Continuance of  
Act.

V. And be it further enacted, That this Act shall continue and be in force for and during the space of Ten Years, and from thence to the end of the then next Session of the General Assembly, and no longer.

## CAP. XXIII.

An Act to repeal the Laws now in force for regulating Pounds, and to make more effectual provision in lieu thereof.

*Amended by  
2 Vict. C. 9*

[April 20th, 1837.]

**W**HEREAS an Act passed in the Eleventh Year of the Reign of His late Majesty King George the Fourth, intituled *An Act for providing Pounds within this Island, and to suspend an Act made and passed in the Thirty-first Year of the Reign of His late Majesty, intituled 'An Act for providing Pounds in the several Royalties in this Province,'* and continued by an Act passed in the Second Session of the Fifth Year of His present Majesty's Reign, intituled *An Act to continue Four several Acts therein mentioned,* will expire on the last day of the present Session, whereby the Act passed in the Thirty-first Year of the Reign of His late Majesty King George the Third, intituled *An Act for providing Pounds in the several Royalties in this Province,* the operation of which was suspended by the first above recited Act, will revive, unless provision to the contrary be made: And whereas it is deemed necessary to repeal the said last recited Act, and to make further provisions in lieu thereof: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that it shall and may be lawful for the Lieutenant Governor, by and with the advice of His Majesty's Council, to cause to be erected a common Pound or Pounds in each of the Town Plots or Royalties of *Charlottetown, Princetown and Georgetown,* in such places or parts thereof, and of such extent and dimensions, as may be judged necessary.

Lieut. Governor may cause Pounds to be erected in the several Towns and Royalties.

And also in any District, &c. on petition of Inhabitants offering a Site.

II. And whereas inconvenience hath been felt from the want of Pounds in the different Settlements and Districts of this Island: Be it therefore enacted, That as often as it shall appear to the Lieutenant Governor for the time being, on the Petition of the Inhabitants of any District, Township or Settlement, that a Common Pound is requisite in such District, Township or Settlement, (the Petitioners offering a good and proper Site for the erection of the said Pound) it shall and may be lawful for the Lieutenant Governor, by and with the advice of His Majesty's Council, to cause a Pound to be erected, of such extent and dimensions as may appear necessary, for such District, Township or Settlement.

If Horses, &c. break into Inclosures, the fences of which are not less than 4½ feet in height.

*This Clause repealed by 2 Vict. C. 9*

Damage to be inspected by one or more Housekeepers.

Who may certify when & by whose Horses, &c. the same has been committed.

Owners, &c. of Inclosure may then impound such Horses, &c.

Keeper of Pound to receive them.

Duty of Pound-keeper.

III. And be it further enacted, That if any damage shall be done by any Horses, Sheep, Goats, Swine or Neat Cattle, by breaking into any Inclosure, the Fence whereof shall not be less than Four Feet and a half in height, and otherwise a lawful Fence, and destroying any of the Produce thereof, it shall and may be lawful for the person or persons whose Fence or Fences shall have been broken, and whose Inclosure shall have received such damage, to cause such damage to be viewed and inspected by one or more respectable Housekeepers resident in the Neighbourhood or Settlement where such damage shall have been done, and who may, under their respective hands, certify when and where, and by whose Cattle (if known) the same may have been committed; and thereupon it shall be lawful for the Owner or Occupier of such Inclosure to cause such Horses, Sheep, Goats, Swine or Neat Cattle, to be taken to the nearest Pound; and the Keeper of such Pound, on the receipt of such Certificate, shall receive and impound such Cattle, until they shall be claimed by their respective owners; and shall in the meantime cause such impounded Beasts to be advertised, by posting up written Notices, in three of the most public places of

the Town, Royalty, District, Township or Settlement, in which such Pound is situate, within Twenty-four hours after they shall have been impounded; and the person or persons injured may proceed against the owner or owners of such Horses, Sheep, Goats, Swine or Neat Cattle, refusing to pay for the damage done by such Horses, Sheep, Goats, Swine or Neat Cattle, as is directed by an Act made and passed in the Third Year of His present Majesty's Reign, intituled *An Act to consolidate, amend, and reduce into one Act the several Acts of the General Assembly relating to Trespasses, and for other purposes therein mentioned*: and it shall be the duty of the Pound Keeper to provide for and sustain all such Cattle impounded, with necessary and wholesome provender and water; and the owner or owners of such Horses, Sheep, Goats, Swine or Neat Cattle, shall pay to the Keeper of the Pound, over and above the amount of damages which shall be adjudged to have been done by the said Horses, Sheep, Goats, Swine or Neat Cattle, for each and every day the same shall be impounded, for every Horse and head of Neat Cattle so provided and sustained, the sum of One shilling and three-pence, and for every Sheep, Goat or Swine, the sum of Sixpence; and if the owner or owners of such Horses, Sheep, Goats, Swine or Neat Cattle, shall refuse to pay the same to the Keeper of the Pound, together with the charges of advertising, within Fourteen days after the trespassing Beasts shall be impounded, then the said Keeper of the Pound shall cause the Horses, Sheep, Goats, Swine or Neat Cattle, so impounded as aforesaid, to be publicly sold; and the Money arising therefrom, after deducting the charge of the said Keeper for his Fees, and for supporting the said Horses, Sheep, Goats, Swine or Neat Cattle, whilst so impounded, and the damages adjudged to the person or persons in-

Persons injured  
may proceed  
against owners of  
Horses, &c. for  
the damage done,  
as directed in  
Trespass Act  
3 W. 4, c. 27.

Duty of Pound  
Keeper.

Owner of Horses,  
&c. to pay to  
Pound Keeper the  
cost of feeding  
same.

Remuneration to  
Pound Keeper.

Remedy of Pound  
Keeper on owners  
refusing to pay  
the same.

Appropriation of  
proceeds of sale.

jured as aforesaid, shall be paid to the owner or owners of the Horses, Sheep, Goats, Swine or Neat Cattle, so impounded and sold as aforesaid; and if no owner or owners shall appear within Six Months, the Money so remaining shall be paid into the Treasury of this Island, to and for the purposes of erecting and maintaining such Pounds.

Persons rescuing  
any Horses, &c.  
to forfeit £1.

IV. And be it further enacted, That if any person, or persons shall rescue any Horses, Neat Cattle, Sheep, Goats or Swine, from any Hog Reeve, or other person driving such Horses, Neat Cattle, Sheep, Goats or Swine, found trespassing as aforesaid, to any common Pound, within the Town or Royalty, District, Township or Settlement, where such Trespass is alleged to have been committed, the offender shall forfeit and pay for such offence the sum of One Pound, together with reasonable Costs of recovering the same, over and above all damages that may be sustained by the Trespass of such Horses, Neat Cattle, Sheep, Goats or Swine; which Penalty and Damages shall be recovered on the Oath of one or more credible Witness or Witnesses, before any one of His Majesty's Justices of the Peace for the County where the offence shall have been committed, and shall be levied by Warrant of Distress and Sale of the Offender's Goods and Chattels; and if any person or persons shall make any breach of the said Pound or Pounds, or shall by any other indirect means rescue any Horses, Neat Cattle, Sheep, Goats or Swine out of the same, the person so offending, on being duly convicted thereof before any Two of His Majesty's Justices of the Peace, shall forfeit and pay the sum of Five Pounds, to be levied as aforesaid; and the said Penalties for every such rescue and Pound breach shall, after deducting the expense of repairing the breach or breaches of said Pound, be paid into the Treasury of this Island, to be applied as

Mode of recovery.

Persons breaking  
Pounds, or rescu-  
ing Horses, &c.  
out of the same,  
to forfeit £5.

Application of the  
Penalty.

herein-before directed; and if in either of the said cases the person or persons so offending shall have no Goods or Chattels whereon to levy for the said Fines, the said Justice or Justices is or are hereby authorized and empowered to commit the person or persons so offending to the Jail of the County in which the offence shall have been committed, for a period not exceeding Two Months.

*Mode of punishment where offenders have no Goods, &c.*

V. And be it further enacted, That the above recited Act, intituled *An Act for providing Pounds in the several Royalties in this Province*, be, and the same, and every part and clause thereof, is hereby repealed.

*Repeals 31 G. 3, c. 3.*

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#### CAP. XXIV.

An Act to confirm certain Sales of Lands and Tenements made under the Act of the Legislature of this Island, enabling Creditors to recover their just Debts out of the Effects of their absent or absconding Debtors.

[April 20th, 1837.]

**W**HEREAS it appears to have been the practice of the Supreme Court of this Island, from the passing of the said Act, in the Year of our Lord One thousand seven hundred and eighty, until the Twenty-second day of June, in the Year of our Lord One thousand eight hundred and fourteen, to permit and suffer Execution to be sued out against the Lands and Tenements of absent or absconding Debtors, upon a verbal Award of Judgment by the Court, entered on the Minutes by the Prothonotary, but without any Judgment having been entered up



and docketed against the said absent or absconding Debtors, and divers Sales of such Lands and Tenements have been made by the Sheriff of this Island under such Executions, to *bona fide* Purchasers, who, in several instances, have re-sold the Lands so purchased to third Parties, and in other instances, they, or their heirs, have remained in the quiet and undisturbed possession of the same ever since: And whereas such purchases were made at Public Sale, under the presumption that all previous proceedings had been regularly conducted on the part of the said Supreme Court and its Officers; and it is therefore equitable and proper that all such Purchasers, and those claiming under them, should be quieted in their respective possessions, any want of any such Judgment notwithstanding: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that in all cases against absent or absconding Debtors, under the Act of the General Assembly of this Island, intituled *An Act to enable Creditors to recover their just Debts out of the effects of their absent or absconding Debtors*; had and prosecuted in the Supreme Court of this Island, from and after the passing of the said Act, in the Year of our Lord One thousand seven hundred and eighty, to the Twenty-second day of *June*, in the Year of our Lord One thousand eight hundred and fourteen, and wherein Execution has been sued out agreeably to the then practice of the said Supreme Court, and Lands and Tenements sold thereunder, the *bona fide* Purchasers at such Sales, and all persons legally claiming under them, shall be, and they are hereby declared to be, quieted in their respective possessions under and by virtue of such Sales, notwithstanding the want of any Record or Docket of any such Judgments—any Law, Usage or Custom to the contrary thereof in any wise notwithstanding: Provided always, that this Act shall not extend, or be construed to extend, to affect the right of any

Confirms Sales of lands under absent Debtor Act, made under Executions sued out previous to the 22d June, 1814, to *bona fide* purchasers, &c.

Not to affect the rights of parties in any action pen-

Parties in any Action or Suit already commenced, and now pending, in any way relating to Lands or Tenements so sold as aforesaid.

ding at the passing of this Act.

CAP. XXV.

An Act to authorize the appointment of a Coal Meter for *Charlottetown*.

*Expireid —*

*Vid. 2 Vict.*

*Cap. 5*

[April 20th, 1837.]

**W**HEREAS it is expedient to provide for the measurement of Coal exposed for sale in *Charlottetown*, and to authorize the appointment of a person for that purpose: Be it enacted, by the Lieutenant Governor, Council and Assembly, That it shall be lawful for the Administrator of the Government for the time being, by and with the advice of His Majesty's Council, to appoint one fit and proper person residing in *Charlottetown*, whose duty it shall be, when required, to measure all Coals which shall be hereafter imported into *Charlottetown*, according to the Standard Coal Measure of this Island; and in case such person shall refuse to attend to the measurement of any Coals when required, without just excuse, he shall forfeit and pay for every such offence a sum not exceeding Twenty Shillings—to be recovered, with Costs, in like manner as Small Debts are now recovered, and which shall be paid to any person who shall sue for the same.

Administrator of Government may appoint a Coal Meter for *Charlottetown*.

Duty of Coal Meter.

Penalty on Coal Meter for neglect of duty.

How recovered.

Appropriation of Penalty.

**II.** And be it enacted, That such Coal Measurer shall be entitled to receive for his services the Fees following; (that is to say,) for measuring every Chaldron of Coals the sum of Five-pence, and so in proportion for any less quantity, and which sum shall be paid by the Seller or Vender of such Coals.

Remuneration to Coal Meter.

Continuance of  
Act.

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

CAP. XXVI.

An Act to continue an Act for regulating the weight and quality of Bread within the Town and Royalty of *Charlottetown*.

[April 20th, 1837.]

Continues Act of the 3 W. 4, regulating the weight, &c. of Bread in Charlottetown for one year.

**BE** it enacted, by the Lieutenant Governor, Council and Assembly, That an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to regulate the weight and quality of Bread within the Town and Royalty of Charlottetown*, be, and the same is hereby continued, for the Term of One Year, and from thence to the end of the then next Session of the General Assembly.

*Continued by 2 Vict. C. 3 for 6 Yrs*

CAP. XXVII.

An Act to enable the Proprietors or Shareholders of a Company called "The Bank of *British North America*," to sue and be sued in the name of any one of the Local Directors, or of the Manager or Agent for the time being of the said Company in this Island.

[April 20th, 1837.]

**WHEREAS** several persons have formed themselves into a Company or Partnership,

called or known by the name of "The Bank of *British North America*," for the purpose of establishing and carrying on Banks of Issue and Deposit at various Cities, Towns and Places within the *British Provinces and Colonies in North America*, and adjacent to *British North America*, and have subscribed a considerable sum of Money in order to carry on the business of the said Bank: And whereas it is expected that this Island will be greatly benefited by the formation of such Company: And whereas difficulties may hereafter arise in recovering Debts due to the said Company, and also in enforcing claims for or on account of the said Company, and generally in suing and being sued, and also in prosecuting persons who may steal, injure or embezzle the property of, or who may commit or be guilty of any other offence against or with intent to injure or defraud the said Company, since by Law all the Proprietors or Shareholders for the time being of the said Company must in such cases sue and be sued, and prosecute, by their several and distinct names and descriptions; wherefore, for obviating and removing the difficulties aforesaid: Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, all Actions and Suits whatsoever, at Law or in Equity, which may be brought, instituted or prosecuted within this Island, against any person or persons already indebted, or who may hereafter be indebted, to the said Company, called "*The Bank of British North America*," and all Actions, Suits and other Proceedings whatsoever, at Law or in Equity, within this Island, for any injury or wrong done to any Real or Personal property of the said Company, in whomsoever the same may for the time being be vested, whether in the said Company or some person or persons in trust for the said Company, or in some person or persons for the use and benefit thereof, or upon or in respect of any present or future liability or liabilities to the said Company, or to any

Company may sue and be sued in the name of any local Director, Manager or Agent in this Island.

person or persons in trust for the said Company, or to any person or persons for the use or benefit thereof, or upon any Bonds, Covenants, Contracts or Agreements which already have been or hereafter shall be given or entered into with the said Company, or to or with any person or persons whomsoever in trust for the said Company, or to or with any person or persons for the use or benefit thereof, or wherein the said Company is or shall be interested, and all Instruments, Petitions or Proceedings for issuing or prosecuting any Writ of Attachment or Proceeding, under any Law against Insolvent or Absconding Debtors, now or hereafter to be in force in this Island, against any person or persons indebted, or who may hereafter be indebted to the said Company, or to any person or persons in trust for the said Company, or to any person or persons for the use and benefit thereof, and generally all other Proceedings whatsoever at Law or in Equity within this Island, wherein the said Company is or shall be concerned or interested, against any person or persons, or body or bodies politic or corporate, or others, whether such person or persons, or any of such persons, or such body or bodies politic or corporate, or any member or members thereof respectively, is or are, or shall be a Proprietor or Proprietors, or other Holder or Holders of any Share or Shares in the said Company or not, shall and lawfully may be commenced, made, instituted and prosecuted in the name of any one of the Local Directors, or of the Manager or Agent of the said Company in this Island, at the time when any such Action or Suit or other Proceeding shall be commenced or instituted, as the nominal Plaintiff, or as acting in any other character for or on behalf of the said Company; and all Actions, Suits and other Proceedings at Law or in Equity within this Island, to be commenced, instituted or prosecuted against the said Company, by any person or persons, or body or bodies politic or corporate, whether

such person or persons, or of any such persons, or such **Body** or **Bodies**, **Politie** or **Corporate**, or any **Member** or **Members** thereof respectively, is or are, or shall be a **Proprietor** or **Proprietors**, or other **Holder** or **Holder**s of any **Share** or **Share**s in the said **Company** or not, shall and lawfully may be commenced, instituted and prosecuted against one of the **Local Directors**, or the **Manager** or **Agent** of the said **Company** in this **Island**, at the time when any such **Action** or **Suit** or other **Proceeding** shall be commenced or instituted, as the nominal **Defendant** in such last mentioned **Action**, **Suit** or **Proceeding**, for and on behalf of the said **Company**; and the death, resignation or removal, or any other act of such **Local Director**, **Manager** or **Agent**, shall not abate or prejudice any **Action**, **Suit** or other **Proceeding** at **Law** or in **Equity**, commenced or instituted under this **Act**, but the same may be continued, prosecuted, carried on or defended, in the name of any other **Local Director**, or of the **Manager** or **Agent** for the time being in this **Island** of the said **Company**.

II. And be it further enacted. That from and after the passing of this **Act**, it shall be lawful for the said **Company**, by any **Local Director**, **Manager** or **Agent** for the time being within this **Island** of the said **Company**, to prefer any **Indictment** or **Indictments**, **Information** or **Informations**, or other **Criminal Proceeding** or **Proceedings** in any **Court** or **Courts** within this **Island**, against any person or persons, for any offence already committed, or which shall hereafter be committed against the said **Company**; and in all **Indictments**, **Informations** and other **Proceedings** against any person or persons, whether such person or persons or any of such persons be a **Proprietor** or **Proprietors**, or other **Holder** or **Holder**s of any **Share** or **Share**s in the said **Company** or not, for feloniously taking, stealing or embezzling, damaging or destroying, or for

All Indictments to be in the name of the Company.

any offence whatever; relating to any Goods, Chattels, Notes, Bills, Bonds, Deeds, or any Securities, Moneys, Effects, or any Real or Personal Property whatever, of or belonging to the said Company, in whomsoever the same may be vested, whether in the Company, or in some person or persons in trust for the said Company, or in some person or persons for the use or benefit thereof, such Goods, Chattels, Notes, Bills, Bonds, Deeds, Securities, Moneys, Effects, or Property respectively, may be laid and stated to be the Goods, Chattels, Notes, Bills, Bonds, Deeds, Securities, Moneys, Effects, or Property respectively, of the Bank of *British North America*; and in all Indictments, Informations or other Proceedings against any person or persons, whether such persons, or any of such persons, be a Proprietor or Proprietors, or other Holder or Holders of any Share or Shares in the said Company or not, for any Conspiracy, Crime, Fraud or Offence already committed, or which shall hereafter be committed, with intent to injure or defraud the said Company, the same may be laid or stated to have been done with intent to injure or defraud The Bank of *British North America*; and it shall not be necessary to state in any such Indictment, Information or other Proceeding, the name or names of all or any of the persons now, or at any time hereafter constituting the said Company; and any offender or offenders shall or may thereupon be lawfully convicted of such Conspiracy, Crime, Fraud or Offence, in as full, valid and effectual a manner, to all intents and purposes, as if the names of all the persons constituting the said Company, and the name or names of the person or persons in whom the Goods, Chattels, Notes, Bills, Bonds, Deeds, Securities, Moneys, Effects or Property relating to which such Indictment, Information or other Proceeding shall be preferred, were inserted or used in such Indictment, Information or other Proceeding, or in any Proceeding or Proceedings consequent or attendant thereon.

III. And be it further enacted, That any person being or having been a Proprietor or other Holder of any Share or Shares in the said Company, and having any claim or demand upon the Company, or the Funds or Property thereof, or any Account whatsoever, may for such claim or demand commence, prosecute and carry on any Action, Suit or other Proceeding, either at Law or in Equity within this Island, against any Local Director, or the Manager or Agent for the time being of the said Company in this Island, as the nominal Defendant; and any Local Director, and the Manager or Agent for the time being of the said Company in this Island, may as the nominal Plaintiff, commence and carry on in his own name any Action, Suit or other Proceeding at Law or in Equity within this Island, against any individual Proprietor or other Holder of any Share or Shares in the said Company, against whom the said Company may have any claim or demand; and all such Actions, Suits or other Proceedings shall be as valid and effectual as if all the Proprietors, or other Holders of Shares in the said Company, had been made parties thereto; and every Judgment, Decree and Order made therein, shall be binding for or against the said Company, and all the Proprietors or other Holders of Shares in the said Company, and no abatement shall arise from the death, resignation, removal or any other act of the said Local Director, Manager or Agent, pending any such Action, Suit or other Proceeding, but that the same may be continued, defended, prosecuted or carried on in the name of any other Local Director, or the Manager or Agent for the time being of the said Company in this Island.

Proprietors may sue any Local Director, Manager or Agent, who may also sue the Proprietors.

IV. Provided always, and be it enacted, That in case, for the purpose of discovery, or for any other purpose, any person or persons having any claims or demands against the said Company, whether such person or persons, or any of such persons, be a

Persons suing the Company in Equity, may include as Defendants, any Proprietors of the Company.



Proprietor or Proprietors, or other Holder or Holders of any Share or Shares in the said Company or not, shall be desirous to include any Proprietor or Proprietors, or other Holder or Holders of any Share or Shares in the said Company, besides such Local Director, Manager or Agent as aforesaid, as a Defendant or Defendants, in any Bill or other Proceeding, in any Court of Equity, it shall be lawful for him, her or them so to do, any thing in this Act contained to the contrary notwithstanding.

Proprietors to be sued and prosecuted under this Act as if they were not Proprietors.

V. Provided always, and be it enacted, That every person being a Proprietor, or other Holder of any Share or Shares in the said Company, shall in all cases be liable to be sued, prosecuted or proceeded against, by or for the benefit of the said Company, under the powers of this Act, by such Actions, Suits or other Proceedings, in such and the same manner, as effectually and with such and the same legal consequences, as if such person had not been a Proprietor or other Holder of any Share or Shares in said Company.

One Action only to be brought upon one cause.

VI. Provided always, and be it enacted, That no person or persons, or Body or Bodies Politic or Corporate, having or claiming, or who shall have or claim any demand upon or against the said Company, whether such person or persons, or any of such persons, shall be a Proprietor or Proprietors, or other Holder or Holders of any Share or Shares in the said Company or not, shall bring more than one Action or Suit in respect of such demand; and in case the merits in respect of any demand shall have been determined in any Action or Suit against any Local Director, or the Manager or Agent of the said Company in this Island, the proceedings in such Action or Suit may be pleaded in bar of any other Action or Suit, or Actions or Suits for the same demand, against any other Local Director, Manager or Agent of the said Company in this

Island; and in case the merits in respect of any demand which the Company now has, or hereafter may have on any person or persons, or body or bodies politic or corporate, whether such person or persons, or any of such persons, shall be a Proprietor or Proprietors, or other Holder or Holders of any Share or Shares in the said Company or not, shall have been determined in any Action or Suit, commenced and prosecuted by any Local Director, or the Manager or Agent of the said Company in this Island, the proceedings in such Action or Suit may be pleaded in bar of any other Action or Suit, or Actions or Suits for the same demand, which may be commenced or prosecuted by the same, or any Local Director, Manager or Agent of the said Company in this Island.

VII. Provided always, and be it enacted, That any Local Director, Manager or Agent of the said Company in this Island, being the Plaintiff or Prosecutor, or being the Defendant in any Action, Suit, Proceeding, Prosecution, or Indictment, commenced, instituted, prosecuted or preferred under the authority of this Act, or any other Proprietor or Holder of any Share or Shares in the said Company, shall not by reason thereof be deemed incompetent to be a Witness in any such Action, Suit, Proceeding, Prosecution or Indictment, but such Local Director, Manager, Agent or other Proprietor or Proprietors, or other Holder or Holders, shall and may, if not otherwise interested or objectionable, be a good and competent Witness, or good and competent Witnesses, and be admissible, and be admitted as such in all Courts, and by and before all Judges, Justices and others, in any such Action, Suit, Proceeding, Prosecution or Indictment, in the same manner as he or they might have been if his or their name or names had not been made use of as the Plaintiff, Prosecutor or Defendant, in such Action, Suit, Prosecution, Proceeding or Indict-

Local Director,  
Manager or  
Agent, being  
Plaintiff or De-  
fendant, may be a  
Witness.

ment, or as if he or they had not been a Local Director, Manager or Agent, or Proprietor or Proprietors, or other Holder or Holders of any Share or Shares in the said Company.

Execution upon judgment against Local Director, Manager or Agent, may be issued against any present Proprietor.

If such Execution ineffectual, fresh one may be issued against former Proprietor,

by leave of Court where Action is brought.

VIII. And be it enacted, That Execution upon any Judgment or Decree in any Action, Suit or other Proceeding under this Act, obtained against any Local Director, Manager or Agent for the time being of the said Company in this Island, whether as Plaintiff or as Defendant, may be issued against any Proprietor or Proprietors, or other Holder or Holders for the time being, of any Share or Shares in the said Company: Provided always, that in case such Execution against any Proprietor or Proprietors, or other Holder or Holders of any Share or Shares in the said Company, shall be ineffectual for obtaining payment of, and satisfaction for the sum or sums sought to be recovered thereby, it shall be lawful for the party or parties who shall have obtained a Judgment or Decree against any Local Director, or the Manager or Agent for the time being of the said Company in this Island, to issue Execution against any other person or persons who was or were a Proprietor or Proprietors, or other Holder or Holders of any Share or Shares in the said Company, at the time the Contract or Contracts was or were entered into upon which such Action, Suit or other Proceeding may have been brought or instituted; but no such Execution as last mentioned shall be issued without leave first granted by the Court in which such Action, Suit or other Proceeding may have been brought or instituted, which leave shall be applied for on motion to be made in open Court, on notice to the person or persons sought to be charged: Provided also, that nothing herein contained shall render such part Proprietors liable for the payment of any Debt, for which such Action, Suit or other Proceeding may have been brought, to which they would not have been liable

by operation of Law as Partners, in case any Action, Suit or other Proceeding had been originally brought against them for the same: Provided also, that nothing herein contained shall be deemed or taken to enable any Plaintiff, Prosecutor or Defendant in any Action, Suit or other Proceeding under this Act, to recover from any Proprietor or other Holder for the time being of Shares in the said Company, or any other person whomsoever, any greater sum or sums of Money than such Proprietor or other Holder or Person would or might have been liable to pay, either at Law or in Equity, under any Contract for the time being subsisting if this Act had not been passed: Provided also, that every Local Director, Manager or Agent, in whose name any Action, Suit or Proceeding under this Act shall be commenced, prosecuted or defended; and every Proprietor or other Holder of any Share or Shares in the said Company against whom any Execution upon any Judgment or Decree obtained in any such Action, Suit or Proceeding, shall be issued as aforesaid, shall always be reimbursed and repaid out of the Funds of the said Company all such Costs, Charges, Losses and Damages, as by the event of such Action, Suit or Proceeding he or they shall be put unto, or become chargeable with; and if the Funds of the said Company for the time being shall be insufficient to pay such Costs, Charges, Losses and Damages, in full, then the deficiency shall be made good by the Proprietors or other Holders for the time being of Shares in the said Company.

No greater sum to be recovered in Actions than could have been recovered if this Act had not passed.

Local Director, Manager or Agent, against whom judgment obtained, to be indemnified from costs of suit, &c.

IX. And be it enacted, That all and every Judgment or Judgments, Decree or Decrees, which shall at any time after the passing of this Act be obtained or recovered, in any Action, Suit or other Proceeding, in Law or Equity, against any Local Director, Manager or Agent of the said Company in this Island, shall have the like effect and opera-

Judgments in Actions against the Local Directors, Manager or Agent, shall extend to the property of the Company.

tion upon and against the Funds or Property of the said Company, as if such Judgment or Judgments, Decree or Decrees, had been recovered or obtained against the said Company in any Action, Suit or Proceeding in Law or Equity, brought or commenced against the said Company by or in the several and distinct names and descriptions of the several Proprietors, or other Holders of Shares in the said Company, and as if this Act had not been passed; and further that the Insolvency of such Local Director, Manager or Agent in his individual character or capacity, shall not be, or construed to be, the Insolvency of the said Company, and the said Company and the Funds and Property thereof, shall notwithstanding the Insolvency of any such Local Director, Manager or Agent, be attached or attachable, and be in all respects liable to the lawful claims and demands of the Creditor or Creditors of the said Company, in like manner as if no such Insolvency had happened or taken place.

A Memorial of the names of the Local Directors, Manager or Agent and Proprietors, to be enrolled in the Office of the Secretary of this Island.

X. And be it enacted, That a Memorial of the names of the several Local Directors, and the Manager or Managers or Agent for the time being of the said Company within this Island, and of the names, residences and description of the several Proprietors, or other Holders of Shares in the said Company, whether in this Island or elsewhere, in the form or to the effect expressed in the Schedule to this Act, or as near thereto as the circumstances of the case will admit, shall be verified by a declaration in writing, in the Form (or as near thereto as the circumstances of the case will admit) prescribed in the Schedule to this Act, which shall be made by one of the Local Directors, or the Manager or Agent for the time being of the said Company in this Island, before the Chief Justice or one of the Puisne Judges of His Majesty's Supreme Court of Judicature in this Island, and when so verified, shall be enrolled in the Office of the Secretary of

this Island, within Twelve Calendar Months next after the passing of this Act; and when any new Local Director or Directors, Manager or Managers, Agent or Agents, shall be appointed, a Memorial of the name or names of the new Director or Directors, Manager or Managers, Agent or Agents, specifying in whose place or places he or they shall have been appointed, shall in like manner be verified by one of the Local Directors, Managers or Agents for the time being of the said Company in this Island, and enrolled within Twelve Calendar Months after such appointment or appointments, in the form or to the effect expressed in said Schedule for that purpose; and when any person or persons shall cease or discontinue to be a Proprietor or Proprietors of the said Company, a Memorial of his, her or their name or names shall in like manner be verified by one of the Local Directors, or Manager or Agent for the time being of the said Company in this Island, and enrolled within Twelve Calendar Months after such person or persons shall have so ceased or discontinued to be such Proprietor or Proprietors; and when any new Proprietor or Proprietors shall be admitted into the said Company, a Memorial of his, her or their name or names shall in like manner be verified by one of the Local Directors, Manager or Agent for the time being of the said Company in this Island, and enrolled within Twelve Calendar Months after any such new Proprietor or Proprietors shall have been so admitted into the said Company; and when and so often as it shall be necessary and proper to memorialize the name or names of any person or persons who shall have been appointed a new Local Director or Directors, Manager or Managers, Agent or Agents of the said Company in this Island, and also of any person or persons who shall have ceased or discontinued to be a Proprietor or Proprietors of the said Company, and also of any person or persons who shall have been admitted a new Proprietor or Pro-

Punishment for  
making false de-  
claration:

prietors into the said Company, or to memorialize the names of any two or more of the above classes of persons, the names of such persons respectively may be contained in one and the same Memorial, to the form and effect expressed in the said Schedule, and be verified and enrolled as herein-before directed: Provided always, that if any Declaration so made shall be false or untrue in any material particular, the person wilfully making such false Declaration shall be deemed guilty of a Misdemeanor.

Actions not to be  
brought until  
Memorial shall  
be enrolled.

XI. Provided always, and be it enacted, That until the First Memorial shall have been duly enrolled in manner by this Act directed, no Action, Suit or other Proceeding shall be commenced, made or instituted under the authority of this Act; and until the Memorial by this Act required to be enrolled in the event of any person or persons ceasing or discontinuing to be a Local Director or Directors, Manager or Managers, Agent or Agents of the said Company in this Island, or a Proprietor or Proprietors of the said Company, shall have been enrolled as herein-before mentioned, the persons whose names shall appear in the last Memorial which shall have been made as herein-before required, shall be and continue liable to all such Actions, Suits, Executions and other Proceedings under this Act, and shall be entitled to be reimbursed out of the Funds or Property of the said Company all Costs, Charges, Losses, Damages and Expenses incurred or sustained thereby, in the same manner as if he, she or they had not ceased or discontinued to be a Local Director, Manager or Agent, or Local Directors, Managers or Agents of the said Company in this Island, or a Proprietor or Proprietors of the said Company.

Examined copy  
of Enrolment

XII. And be it enacted, That an examined copy of the enrolment of every Memorial to be enrolled

pursuant to this Act, shall be received in evidence as proof of the contents of such Memorial; and proof shall not be required that the person by whom the Memorial purports to be verified was at the time of such verification one of the Local Directors, or the Manager or Agent of the said Company within this Island.

may be received  
as evidence.

XIII. And be it enacted, That this Act and the provisions herein contained, shall extend, and be construed to extend, to the said Company to be called "*The Bank of British North America,*" at all times during the continuance thereof, whether the said Company hath been heretofore from time to time, or shall hereafter be composed of all or some of the persons who were the original Proprietors thereof, or of all or some of those persons, together with some other person or persons, or whether the said Company be at the time of passing this Act composed altogether of persons who were not original Proprietors of the Company, or whether the said Company shall hereafter be composed of persons who were not original Proprietors thereof, or of persons all of whom shall have become Proprietors of the said Company subsequently to the passing of this Act.

Act to apply to  
all future Propri-  
etors or Share-  
holders of the  
Company.

XIV. Provided always, and be it enacted, That nothing herein contained shall extend, or be deemed, construed or taken to extend, to incorporate the said Company, or to relieve or discharge the said Company, or any of the Proprietors or other Holders of Shares in the said Company, from any responsibility, contract, duty or obligation whatsoever, to which by Law they, he or she now are or is, or at any time hereafter may be subject or liable, either as between such Company and other Parties, or as between the said Company and any of the individual Proprietors, or other Holders of Shares in the said Company and others, or as between or

Not to extend to  
incorporate the  
Company.



among themselves, or in any other manner howsoever.

Fees of Secretary  
for enrolling  
Memorials, &c.

XV. And be it enacted, That for the registering of every such Memorial—which the Secretary of the Island, on receipt of the same, with the Declaration herein-before mentioned, is required immediately to do—it shall and may be lawful for the said Secretary to demand and receive the sum of Eight-pence for the first Folio, consisting of One hundred words, and at the rate of Eight-pence *per* Folio for the residue of every such Memorial; and for every search into such Memorial or Memorials so registered, the said Secretary is authorized to demand and receive from the person making any such search the sum of One Shilling; and for every examined Copy of such Memorial or Memorials—which Copy or Copies the said Secretary is hereby required to make, or cause to be made and delivered, certified as aforesaid, to any person or persons requiring the same—the sum of Eight-pence for every Folio of One hundred words; and the sum of One Shilling for every such Certificate, and no more.

Nothing in this  
Act or any other  
Act of this Island  
to extend to pre-  
vent the Com-  
pany's issuing  
Notes under £5  
each.

XVI. And be it further enacted, That nothing in this Act, or in any other Act of the General Assembly of this Island contained, shall extend, or be construed to extend, to prevent the said Company from making, signing and issuing, or re-issuing, any Note payable on demand to the Holder or Bearer thereof, in Gold or Silver, at the place where the same purports to be issued or re-issued, for any less sum than Five Pounds.

Suspending  
Clause.

XVII. Provided, That nothing in this Act contained shall be of any force or effect until His Majesty's pleasure thereon shall be known.

SCHEDULE to which this Act refers.

MEMORIAL made the \_\_\_\_\_ day of \_\_\_\_\_ of the names of the present Local Directors, Manager or Agent in the Island *Prince-Edward*, of "*The Bank of British North America*," and the Proprietors of the said Bank in this Island and elsewhere, enrolled pursuant to an Act passed in the Seventh Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act to enable the Proprietors or Shareholders of a Company called "The Bank of British North America," to sue and be sued in the name of any one of the Local Directors, or of the Manager or Agent for the time being of the said Company in this Island.*

Form of Memorial of names of Local Directors, Manager or Agent, or Proprietors.

A. B. of \_\_\_\_\_ }  
 C. D. of \_\_\_\_\_ } Local Directors.

E. F. of \_\_\_\_\_ } Manager or Agent.

G. H. }  
 I. K. } Proprietors.  
 &c. &c.

L. M. one of the Local Directors, (Manager or Agent) of the said Company, doth declare, that the above written Memorial doth contain the names of the present Local Directors, Manager or Agent of the said Company in this Island, and of the present Proprietors of the said Company, as the same appear in the Books of the said Company, by the latest Returns received in this Island.

Form of Memorial of change of Local Directors, Manager or Agent.

IN CASE OF A CHANGE OF LOCAL DIRECTORS,  
MANAGER OR AGENT.

**MEMORIAL** made the \_\_\_\_\_ day of \_\_\_\_\_ of the names of the new Local Directors (Manager or Agent) in this Island, of "The Bank of *British North America*," and of the persons in whose places they have (or he has) been appointed, enrolled pursuant to an Act passed in the Seventh Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act to enable the Proprietors or Shareholders of a Company called "The Bank of British North America," to sue and be sued in the name of any one of the Local Directors, or of the Manager or Agent for the time being of the said Company in this Island.*

*E. F.* of \_\_\_\_\_ in the place of *A. B.* of \_\_\_\_\_  
*G. H.* of \_\_\_\_\_ in the place of *C. D.* of \_\_\_\_\_

*A. B.* of \_\_\_\_\_ one of the Local Directors (Manager or Agent) of the said Company, doth declare, that the above written Memorial contains the names of the new Local Directors, (Manager or Agent) of the said Company in this Island, and of the persons in whose places they have (or he has) been appointed, as the same appear in the Books of the Company.

(Signed) *A. B.*

**N. B.**—The last Memorial as to new Local Directors (Manager or Agent), was enrolled on the \_\_\_\_\_ day of \_\_\_\_\_

IN CASE OF PERSONS CEASING TO BE  
PROPRIETORS.

Form of Memorial of persons ceasing to be Proprietors.

**MEMORIAL** made the            day of  
of the names of the persons who have ceased or discontinued to be Proprietors of "The Bank of *British North America*," since the            day of  
being the date of the Memorial last registered, respecting the Proprietors of the said Company, enrolled pursuant to an Act passed in the Seventh Year of the Reign of His Majesty King *William the Fourth*, intituled *An Act to enable the Proprietors or Shareholders of a Company called "The Bank of British North America," to sue and be sued in the name of any one of the Local Directors, or of the Manager or Agent for the time being of the said Company in this Island.*

A. B. of

E. F. of            one of the Local Directors, (Manager or Agent) of the said Company in this Island, doth declare, that the above Memorial doth contain the name or names of the persons who have ceased or discontinued to be Proprietors of the said Company, since the            day of            so far as the latest Returns received in this Island shew.

(Signed)

E. F.

IN CASE OF PERSONS BECOMING NEW  
PROPRIETORS.

Form of Memorial of persons becoming new Proprietors.

**MEMORIAL** made the            day of  
of the persons who have become new Proprietors in "The Bank of *British North America*," since the  
day of            being the date of the Memorial last enregistered respecting new Proprietors of the

said Company, enrolled pursuant to an Act passed in the Seventh Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act to enable the Proprietors or Shareholders of a Company called "The Bank of British North America," to sue and be sued in the name of any one of the Local Directors, or of the Manager or Agent for the time being of the said Company in this Island.*

J. K. of  
L.M. of

A. B. of one of the Local Directors, (Manager or Agent) of the said Company in this Island, doth declare, that the above Memorial doth contain the names of the persons who have become new Proprietors of the said Company, since the day of so far as the latest Returns received in this Island shew.

(Signed)

A. B.

Form of Memorial of several changes at the same time.

IN CASE OF MEMORIALIZING SEVERAL CHANGES  
AT THE SAME TIME.

MEMORIAL made the day of of the names of the new Local Directors, and of the Manager or Agent in this Island, of the Company called "*The Bank of British North America,*" and of the persons in whose places they have been appointed, and of the names of the persons who have ceased or discontinued to be Proprietors of the said Company, enrolled pursuant to an Act passed in the Seventh Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act to enable the Proprietors or Shareholders of a Company called "The Bank of British North America," to sue and be sued in the name of any one*

*of the Local Directors, or of the Manager or Agent for the time being of the said Company in this Island.*

Names of the new Local Directors, and of the persons in whose places they have been appointed.

*E. F.* of            in the place of *A. B.* of  
*G. H.* of            in the place of *C. D.* of

Name of the Manager or Agent, and of the person in whose place he has been appointed.

*E. F.* of            in the place of *A. B.* of

Names of persons who have ceased to be Proprietors.

*A. B.* of  
*C. D.* of

Names of new Proprietors.

*I. K.* of  
*L. M.* of

*E. F.* of            in the District of            (description), one of the Local Directors (Manager or Agent) of the said Company in this Island, doth declare, that the above written Memorial doth contain the names of the new Local Directors, and of the Manager or Agent of the said Company in this Island, and of the person or persons in whose places they have been appointed, and of the persons who have ceased or discontinued to be Proprietors of the said Company, and of the new Proprietors of the said Company, as the same respectively appear

in the Books of the said Company, so far as the latest Returns received in this Island shew.

(Signed)

*E. F.*

**N. B.**—The last Memorial as to new Local Directors, was enrolled on the            day of

The last Memorial as to the appointment of Manager, was enrolled on the            day of

The last Memorial as to the ceasing and discontinuing of Proprietors, was enrolled on the            day of

The last Memorial as to new Proprietors, was enrolled on the            day of

## CAP. XXVIII.

An Act to prohibit the Exportation of Grain, Meal and Potatoes, and for other purposes therein mentioned.

*Export*

[April 20th, 1837.]

**W**HEREAS it is expedient to prohibit the Exportation of Grain, Meal and Potatoes from any part of this Island: 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 Island, to any port or place out of this Island, (the necessary stores or provisions for such Ship, Vessel or Boat excepted) any Wheat, Barley, Oats, Potatoes, Flour or Meal of any sort whatsoever.

Prohibits the exportation of Wheat, Barley, &c.

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 Island, 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 on persons exporting any of the before enumerated articles.

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

Vessels, &c. in which the same are laden, liable to seizure.

Who may seize.



Duty of seizing  
officer.

prosecute for any Penalty for any breach of the Revenue Laws of this Island, under any Act of this Island 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 and amount, or for any penalty or forfeiture of like amount made or incurred under and by virtue of any Acts relating to the Colonial Revenue.

Appropriation of  
proceeds of Ves-  
sel, &c. seized,  
and also of penal-  
ties.

IV. And be it further enacted, That the net proceeds of any such Ship, Vessel or 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 be paid into the public Treasury, for the use of His Majesty's Government.

Administrator of  
Government, with  
advice of Council,  
may suspend the  
operation of this  
Act.

V. Provided always, and be it further enacted, That it shall and may be lawful for the Administrator of the Government, by and with the advice 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 Island, or any particular port or ports, or part or parts thereof whatsoever, to suspend the operation of this Act.

Prohibits the  
making of Malt

VI. And whereas it is necessary to prohibit the making of Malt, and the Distillation of Spirits from Corn or Grain in this Island for a limited period: Be it therefore enacted, That from and after the

passing of this Act, until and upon the First day of *August* next, it shall not be lawful for any person or persons to make Malt in this Island of any Corn or Grain whatsoever: and if any person or persons shall, from and after the passing of this Act, make, or cause, or suffer to be made, any Malt of Corn or Grain; or shall wet, or put into steep, or cause or suffer to be wetted or put into steep, any Corn or Grain; or shall put, or cause to be put, on any Kiln any Corn or Grain so wetted or malted as aforesaid; or shall cause to be put any Corn or Grain into any process of manufacturing into Malt, or any part of such process; or if any person shall have in his or her possession any such Malt of Corn or Grain, or any Corn or Grain in process for manufacturing into Malt, every such person as aforesaid shall, for every barrel of such Malt, or Corn or Grain, forfeit and pay the sum of One Pound, and also all such Malt, or Corn or Grain, in process as aforesaid.

until the 1st  
August, 1837.

Penalty on persons making  
Malt, &c.

VII. And be it enacted, That every Servant, Workman or Labourer employed or assisting in any part of the process of making any Corn or Grain into Malt as aforesaid, or in any part of the process of making or distilling any Spirits from any Corn or Grain, or from Malt, Meal, Flour or Bran, mixed or unmixed with any other material, shall forfeit and pay the sum of Fifteen Pounds.

Penalty on servants, &c. assisting in making  
Malt, &c.

VIII. And be it enacted, That if any person on whom any such Fine as aforesaid shall be inflicted, shall in due course of Law be convicted of any subsequent offence against this Act, every such person shall be adjudged to suffer Six Months Imprisonment in the common Jail of the County in which such conviction shall be.

Persons guilty of a second offence to suffer Six Months imprisonment.

IX. And be it enacted, That from and after the passing of this Act, until and upon the First day of *August* One thousand eight hundred and thirty-

Prohibits the distillation of any Spirits until the 1st August, 1837.

seven, it shall not be lawful for any person or persons to distil or make any Spirits or strong Waters from any Corn or Grain whatsoever, or from any Malt, or from Meal, Flour or Bran, or any mixture from the same, or to brew or make, or prepare for brewing or making, any Worts or Pot Ale from any Corn or Grain, or from any Malt, or from Meal, Flour or Bran, or any mixture with the same, for the making of Spirits, or to make any Singlingo from any such Pot Ale: and if any person or persons shall during the said term distil or make, or cause or suffer to be distilled or made, any such Spirits or strong Waters, or brew or make, or cause to be brewed or made, or shall prepare for brewing or making, or have in his or her possession, any such Worts or Pot Ale; or if any person shall make, or cause to be made, or have in his or her possession, any such Singlingo, every such person shall forfeit the sum of One hundred Pounds: and all Spirits or strong Waters distilled or made from Corn or Grain, or from Malt, Meal, Flour or Bran, or any mixture with the same, during the time aforesaid; and all preparation for brewing such Worts and Pot Ale, and all such Worts, Pot Ale, Wash and Singlingo found during the time aforesaid, shall be forfeited, and may be seized by any Justice of the Peace, or by any Officer of Excise in this Island.

Penalty on persons distilling, &c. contrary to the provisions of this Act; and all Spirits, &c. to be forfeited.

X. And be it enacted, That all Fines and Penalties inflicted by this Act, shall be sued for and recovered, with costs of suit, in His Majesty's Supreme Court of Judicature of this Island; and the said Fines and Penalties shall be applied, one half to the person who may inform and sue for the same, and the other half to and for the use of His Majesty's Government of this Colony.

Mode of recovery of penalties, and appropriation thereof.

XI. And be it further enacted, That this Act shall continue in force and be in operation until the First day of *August* next.

Continuance of Act.

## CAP. XXIX.

An Act for vesting all Estates and Property in this Island belonging to or occupied for the Ordnance Service, in the Principal Officers of His Majesty's Ordnance, and for granting certain powers to the said Principal Officers.

[April 20th, 1837.]

**W**HEREAS divers Lands, Tenements, Estates, and other Hereditaments in this Island, have been reserved in many of the Grants of Land from the Government of this Island, and otherwise set apart for the use of the Department of His Majesty's Ordnance, and have been placed under the charge of the said Department, or of the Administrator of the Government, or Commander of His Majesty's Forces, in the said Island: And whereas it may be expedient that such parts of the said Lands, Tenements, Estates and Hereditaments, with the Messuages thereunto belonging, as may not be wanted for the service of the said Department, should from time to time be sold and disposed of: And whereas for effectuating such Sales it is necessary that all and every the said Messuages, Lands, Tenements, Estates and other Hereditaments so reserved or set apart for the service of the said Ordnance Department, and any other Messuages, Lands, Tenements, Estates and other Hereditaments, that may be hereafter purchased for the service of the said Department, should be vested in the principal Officers of His Majesty's Ordnance for the time being: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, that immediately from and after the passing of this Act, all Messuages, Lands, Tenements, Estates and other Hereditaments, which have been heretofore reserved or set apart for His

Lands reserved or set apart for the service of the Ordnance, and all buildings thereon, vested in the principal officers of that department.

Majesty, or His Royal Predecessors, and his or their Heirs and Successors, for the use or service of the said Ordnance Department, and all Erections and Buildings which now are or which shall or may be hereafter erected and built thereon, together with the Rights, Members, Easements and Appurtenances to the same respectively belonging, shall be and become, and remain and continue vested in the principal Officers of His Majesty's Ordnance in *Great Britain* for the time being, and their Successors in the said Office, according to the respective nature and quality of the said Messuages, Lands, Tenements, Estates and other Hereditaments, and the several Estates and Interests of and in the same Hereditaments respectively, in trust for His Majesty, his Heirs and Successors, for the service of the said Ordnance Department, or for such other public service or services as the said principal Officers, or their Successors in the said Office, shall from time to time order and direct.

Lands to be hereafter purchased, and also the buildings thereon, shall be vested in like manner.

II. And be it further enacted, That from and after the Purchase and Conveyance, Grant, or Demise thereof, all other Messuages, Lands, Tenements, Estates and other Hereditaments, which shall at any time or times hereafter be purchased by the principal Officers of His Majesty's Ordnance for the time being, or by any other person or persons by their order for the service of the said Ordnance Department, and all Erections and Buildings which shall then or which may thereafter be erected and built thereon, with the Rights, Members, Easements and Appurtenances to the same respectively belonging, by whatever mode of conveyance, either unto or in the name of His Majesty, his Heirs and Successors, or otherwise the same shall be purchased or taken, shall in like manner be and become, and remain and continue vested in the said principal Officers of His Majesty's Ordnance for the time being, and their Successors in the said Office,

according to the nature and quality of the said Messuages, Lands, Tenements, Estates and other Hereditaments, and the several and respective Estates and Interests of and in the same respectively, in trust as aforesaid.

III. And be it further enacted, That upon the death, resignation or removal of the present principal Officers of the Ordnance in *Great Britain*, or of any of them, or of any future principal Officers, or principal Officer in *Great Britain*, all such Messuages, Lands, Tenements, Estates and other Hereditaments respectively, shall become vested in and be held by the succeeding principal Officers in *Great Britain*, according to the respective nature and quality of the said Messuages, Lands, Tenements, Estates and other Hereditaments, and the several Estates and Interests of and in the same respectively, in trust as aforesaid.

In case of death or removal of principal Officers such premises shall vest in their successors.

IV. And be it further enacted, That it shall and may be lawful for the said principal Officers for the time being, or any Two or more of them, to sell, exchange, or in any manner dispose of, or to let or demise as well any of the Messuages, Lands, Tenements, Estates and other Hereditaments respectively, which shall be vested in them under and by virtue of this present Act, with their respective Appurtenances, either by public Auction or private Contract, in due form of Law to convey, surrender, assign or make over, or to grant or demise the same respectively (as the case may require) to any person or persons who shall be willing to purchase or take the same in exchange or otherwise respectively; and also to do any other act, matter or thing in relation to any such Messuages, Lands, Tenements, Estates and other Hereditaments, which shall by the said principal Officers be deemed beneficial to the public service in relation thereto, or for the better management thereof, which might be done

Lands may be sold, exchanged or let.

by any person having a like Interest in any such like Messuages, Lands, Tenements, Estates or other Hereditaments.

Purchase monies shall be paid to the person appointed to receive the same by the principal Officers of Ordnance.

V. And be it further enacted, That the Moneys to arise and be produced by the sale or exchange of any of the said Messuages, Lands, Tenements, Estates or other Hereditaments, which shall be so sold or exchanged under the provisions of this present Act, shall be paid by the respective purchaser or purchasers thereof, or the person or persons making such exchange, unto the respective or other chief Officers or Officer of the Ordnance in this Island for the time being, or to such other person or persons as the said principal Officers for the time being, or any Two or more of them, shall direct or appoint to receive the same, for the use of His Majesty, his Heirs and Successors, and that the receipt of the said principal Officers, or of any Two of them, or of the said respective or other chief Officers or Officer, for such Moneys—such receipt to be indorsed on every such Conveyance, Surrender or Assignment as aforesaid—shall effectually discharge the purchaser or purchasers, or person or persons by whom or on whose account the same shall be paid.

After payment of purchase money, &c. the purchaser to have full right and possession.

VI. And be it further enacted, That immediately from and after the payment of such purchase money, and the execution of every such Conveyance, Surrender and Assignment as aforesaid, the purchaser or purchasers therein named, or the person or persons making such exchange as aforesaid, shall be deemed and adjudged to stand seized and possessed of the Messuages, Lands, Tenements, Estates and other Hereditaments, which shall be so purchased or taken in exchange by and conveyed, surrendered, assigned or made over to him, her or them respectively, freed and absolutely discharged of and from all and all manner of prior Estates, Leases, Rights,

Titles, Interests, Charges, Incumbrances, Claims and Demands whatsoever, which can or may be had, made, set up, in, to, out of or upon or in respect of the same Messuages, Lands, Tenements, Estates or other Hereditaments, by any person or persons whomsoever, on any account whatever, (save and except such Estates, Leases, Rights, Titles, Interests, Charges, Incumbrances, Claims and Demands, as in any such Conveyance, Surrender, Deed of Exchange or Assignment shall be excepted.)

VII. And be it further enacted, That it shall be lawful for the said principal Officers for the time being, and for the said respective or other Chief Officers or Officer for the time being, and they are respectively hereby authorized and empowered, to bring, prosecute and maintain in the name of His Majesty, his Heirs or Successors, any Action or Actions of Ejectment or other Proceeding at Law or in Equity, in the Supreme Court of Judicature or Court of Chancery of this Island (as the case may require), for recovering possession of any Messuages, Lands, Tenements, Estates or other Hereditaments, by this Act vested in them as aforesaid; and to distrain or sue for any arrears of Rent which shall have become or shall become due for or in respect thereof, under any parol or other demise from the said principal Officers, or respective or other Chief Officers or Officer for the time being as aforesaid; and also to bring, prosecute and maintain in the name of His Majesty, his Heirs or Successors, any other Action or Suit in respect of or in relation to the said Messuages, Lands, Tenements, Estates or other Hereditaments, or of any Trespass or Encroachment committed thereon, or damage or injury done thereto.

Actions of Ejectment may be brought in the name of His Majesty to recover possession of Lands vested in the Ordnance department.

VIII. And be it further enacted, That it shall be lawful for all Bodies Politic or Corporate,

Power given to bodies politic and



others to treat for  
sale, exchange or  
lease of Lands.

Ecclesiastical or Civil, and all Feoffees or Trustees for charitable or other public purposes, and for all Tenants for life and Tenants 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 Messuages, Lands, Tenements, Estates and other Hereditaments in the said Island, which have been or may be hereafter agreed to be purchased or taken for the use of the said Ordnance Department, as shall be Femes-covert, Infants, Lunatics, Idiots, or Persons beyond the seas, or otherwise incapable of acting for themselves, to contract or agree with the said principal Officers for the time being, either for the absolute sale or exchange of any such Messuages, Lands, Tenements, Estates or other Hereditaments, or sale of any reversion after any Estate or Estates for lives or years, or for the Grant of any Lease, either for life or lives, or for any term of years certain therein, or for such period as the exigency of the public service shall require, and to convey, surrender, demise or grant the same accordingly; and all Contracts, Conveyances, Surrenders, Leases and Agreements, which shall be made in pursuance hereof, shall be valid and effectual in Law to all intents and purposes whatsoever, and shall be a complete bar to all Dower, and claims of Dower, Estates Tail and other Estates, Rights, Titles, Trusts and Interests whatsoever.

Investment of  
purchase money.

IX. And be it further enacted, That in every such case of purchase or exchange of any Lands or Hereditaments, or of any such reversion as aforesaid, or purchase of any other Interest belonging to any such body or other person or persons under any disability or incapacity, or not having the absolute Interest therein, the purchase money, of the same shall amount to or exceed the sum of Two hundred Pounds, shall be paid into the hands or into the name of the Accountant General or other pro-

per Officer of His Majesty's Court of Chancery of the said Island respectively for the time being, for the use and benefit of the Owners and Proprietors of such Lands and Hereditaments, and such Accountant General or other proper Officer respectively, is hereby authorized and required to receive or accept and to give a discharge for the same, and upon the acceptation or receipt thereof, to sign a Certificate to the Chancellor of the said Court of Chancery, under his hand, purporting and signifying that such Money or other consideration was received and accepted by and paid to him in in pursuance of this Act, for the use and benefit of such Owners or Proprietors as shall be named in such Certificate; and the said Certificate shall be filed or deposited in the said Court of Chancery, and a true copy thereof, signed by the said Accountant General or other proper Officer respectively of such Court, shall and may be read and allowed as evidence for the purposes herein-after mentioned; and immediately upon the filing or depositing of such Certificate, the said Lands and Hereditaments shall be and become vested in the said principal Officers of the Ordnance for the time being, for the public service, in trust for His Majesty, his Heirs and Successors.

X. And be it further enacted, That the Chancellor of this Island for the time being is hereby authorized and empowered in a summary way, upon Motion or Petition for and on behalf of any person or persons interested in or entitled to the benefit of the Money so paid to and received by the said Accountant General or other proper Officer, or the Interest or Produce thereof, and upon reading the Certificate directed to be signed by the Accountant General or other proper Officer respectively concerning the same as aforesaid, and receiving such further satisfaction as he shall think necessary, to make and pronounce such orders and directions for

Chancellor may make order for the investment of such purchase money.

paying the said Money, or any part of the same, or for placing out such part thereof as shall be principal in or upon the Public or Government or Real Securities, either in this Island or *Great Britain*, and for payment of the Dividends or Interests 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, Estates or Hereditaments, to be conveyed and settled to, for and upon the same uses, trusts, intents or purposes as the said Lands, Estates and Hereditaments so purchased or taken stood settled at the time of the payment of such Money as aforesaid, or as near thereto as the same can be done, or otherwise concerning the disposition of the said Money, or any part thereof, and the Interest of the same, or any part thereof, for the benefit of the person and persons entitled to and interested in the same respectively, or for appointing any person or persons to be a Trustee or Trustees for all or any of such purposes, as the said Court shall think just and reasonable.

Investment of  
purchase money  
when less than  
£200.

XI. Provided always, and be it further enacted, That in case such purchase Money as is lastly herein-before mentioned shall be less than the sum of Two hundred Pounds, and shall exceed the sum of Twenty Pounds, then and in all such cases the same shall, at the option of the person or persons for the time being entitled to the Rents and Profits of the Lands and Hereditaments so purchased, or of his, her or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in writing under their respective hands, be paid into the hands of the said Accountant General or other proper Officer respectively of the said Court of Chancery, in order to be applied in manner herein-before directed, or otherwise the same shall be paid at the like option to Three Trustees, to be nominated by the person or persons

making such option, and approved of by the said principal Officers, or any Two or more of them, or by the said respective or other Chief Officer of the Ordnance for the time being as aforesaid—such nomination or approbation to be signified in writing under the hands of the nominating and approving parties, in order that such principal Money may be invested in the purchase of Public or Government or Real Securities, either in this Island or *Great Britain*, and that such Stock when purchased and the Dividends arising therefrom, may be applied in manner herein-before directed, so far as the case be applicable, without obtaining or being required to obtain the order, direction or approbation of the said Court of Chancery.

XII. Provided always, and be it further enacted, That in case such purchase Money shall be less than Twenty Pounds, then in all such cases the same shall be applied to the use of the person or persons who would for the time being be entitled to the Rents and Profits of the Lands and Hereditaments so purchased, in such manner as the said principal Officers, or any two or more of them, or as the said respective or other Chief Officers or Officer for the time being as aforesaid shall think fit; or in case of any Infancy or Lunacy, then to his, her or their Guardian or Guardians, Committee or Committees, for the use and benefit of such person or persons entitled respectively.

Investment of purchase money when less than £20.

XIII. And be it further enacted, That upon the death or removal of any such Accountant General or other proper Officer respectively, all Public or Government and Real Securities vested in him by virtue of this Act, shall vest in the succeeding Accountant General or other proper Officer respectively, for the purpose herein-before mentioned, without any Assignment or Transfer, and all Moneys remaining in the hands of any Accountant

Securities vested in Accountant General, &c. shall, in case of death or removal, vest in his successor.

General or other proper Officer respectively, at his death or removal, and not vested in the Funds, or placed out on Public or Government or Real Securities as aforesaid, shall be paid over to the succeeding Accountant General or other proper Officer respectively for the time being.

Description of principal Officers of Ordnance in this Island in all Contracts, Conveyances, &c.

XIV. And be it further enacted, That in all Contracts, Conveyances, Surrenders, Leases and other Deeds and Instruments whatsoever, relating to the public service, which shall hereafter be made or entered into by, to or with the principal Officers of the Ordnance for the time being, or by, to or with the respective or other Chief Officers or Officer of the Ordnance for the time being in this Island, or whereunto they or any of them shall be parties or a party, it shall be sufficient to call or describe the said principal or other Officers or Officer as aforesaid, by the style or title of "The Officers or Chief Acting Officer (as the case may be), of His Majesty's Ordnance," without naming them, or any or either of them: and that all such Contracts, Conveyances, Surrenders, Leases and other Deeds and Instruments wherein the said principal Officers or the said respective or other Chief Officers or Officer as aforesaid shall be called or described by their style or title as aforesaid, and the execution thereof respectively by the said principal Officers, or any Two or more of them, or by the said respective or other Chief Officer as aforesaid, and be as valid and effectual and have the like force and operation to all intents and purposes whatsoever, as if the said principal Officers, or any two or more of them, or the said respective or other chief Officers or Officer as aforesaid, had been respectively named therein.

CAP. XXX.

An Act to repeal certain parts of an Act, intituled *An Act for the Limitation of Actions and for avoiding Lawsuits*, so far as the same relate to Actions concerning Real Estate, and to make other provisions in lieu thereof.

*Amended by 4 Vict. C. 10*

[April 20th, 1837.]

**B**E it enacted, by the Lieutenant Governor, Council and Assembly, That the words and expressions herein-after mentioned which in their ordinary signification have a more confined or a different meaning, shall in this Act, except where the nature of the provision or the context of the Act shall exclude such construction, be interpreted as follows; (that is to say,) the word "Land" shall extend to Messuages, and all other corporeal Hereditaments whatsoever, and also to any Share, Estate or Interest in them or any of them, whether the same shall be a Freehold or Chattel Interest; and the person through whom another person is said to claim, shall mean any person by, through or under, or by the act of whom the person so claiming became entitled to the Estate or Interest claimed as Heir, Issue in Tail, Tenant by the curtesy of *England*, Tenant in Dower, Successor, special or general Occupant, Executor, Administrator, Legatee, Husband, Assignée, Appointée, Devisee or otherwise; and the word "Person" shall extend to a Body Politic, Corporate or Collegiate, and to a class of Creditors or other persons as well as an individual; and every word importing the singular number only, shall extend and be applied to several persons or things as well as one person or thing; and every word importing the masculine gender only, shall extend and be applied to a Female as well as a Male.

Meaning of the words in this Act.

*1837.*

"Land."

Persons through whom another claims.

"Person."

Number and Gender.

No land to be recovered but within Twenty Years after the Right of Action accrued.

II. And be it further enacted, That no person shall make an Entry, or bring an Action to recover any Land, but within Twenty Years next after the time at which the right to make such Entry or to bring such Action shall have first accrued to some person through whom he claims; or if such right shall not have accrued to any person through whom he claims, then within Twenty Years next after the time at which the right to make such Entry or to bring such Action shall have first accrued to the person making or bringing the same.

When the right shall be deemed to have accrued in the case of an Estate in possession.

On dispossession.

abatement or th.

ions.

III. And be it further enacted, That in the construction of this Act, the right to make an Entry or bring an Action to recover any Land shall be deemed to have first accrued at such time as hereinafter is mentioned; (that is to say,) when the person claiming such Land, or some person through whom he claims, shall in respect of the Estate or Interest claimed have been in possession or in receipt of the profits of such Land, and shall, while entitled thereto, have been dispossessed or have discontinued such possession or receipt, then such right shall be deemed to have first accrued at the time of such dispossession or discontinuance of possession, or at the last time at which any such profits were or was so received; and when the person claiming such Land shall claim the Estate or Interest of some deceased person who shall have continued in such possession or receipt in respect of the same Estate or Interest until the time of his death, and shall have been the last person entitled to such Estate or Interest, who shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time of such death; and when the person claiming such Land shall claim in respect of an Estate or Interest in possession granted, appointed, or otherwise assured by any Instrument (other than a Will), to him or some person through whom he claims, by a person being in respect of the

same Estate or Interest, in the possession or receipt of the profits of the Land, and no person entitled under such Instrument shall have been in such possession or receipt, then such right shall be deemed to have first accrued at the time at which the person claiming as aforesaid, or the person through whom he claims, became entitled to such possession or receipt by virtue of such Instrument; and when the Estate or Interest claimed shall have been an Estate or Interest in reversion or remainder, or other future Estate or Interest, and no person shall have obtained the possession or receipt of the profits of such Land in respect of such Estate or Interest, then such right shall be deemed to have first accrued at the time at which such Estate or Interest became an Estate or Interest in possession; and when the person claiming such Land, or the person through whom he claims, shall have become entitled by reason of any Forfeiture or Breach of condition, then such right shall be deemed to have first accrued when such Forfeiture was incurred, or such condition was broken: Provided always, that when any right to make an Entry or to bring an Action to recover any Land by reason of any Forfeiture or Breach of condition shall have first accrued in respect of any Estate or Interest in reversion or remainder, and the Land shall not have been recovered by virtue of such right, the right to make an Entry or bring an Action to recover such Land shall be deemed to have first accrued in respect of such Estate or Interest, at the time when the same shall have become an Estate or Interest in possession, as if no such Forfeiture or Breach of condition had happened: Provided also, that a right to make an Entry or to bring an Action to recover any Land, shall be deemed to have first accrued in respect of an Estate or Interest in reversion, at the time at which the same shall have become an Estate or Interest in possession, by the determination of any Estate or Estates in respect of which such

In cases of future Estates.

In case of forfeiture or breach of conditions.

If advantage of forfeiture is not taken by remainder man, he shall have a new right when Estate comes into possession.

Reversioner to have a new right.



Land shall have been held, or the profits thereof shall have been received, notwithstanding the person claiming such Land, or some person through whom he claims, shall at any time previously to the creation of the Estate or Estates which shall have determined, have been in possession or receipt of the profits of such Land.

An Administrator to claim as if he obtained estate without interval.

IV. And be it further enacted, That for the purposes of this Act, an Administrator claiming the Estate or Interest of the deceased person of whose Chattels he shall be appointed Administrator, shall be deemed to claim as if there had been no interval of time between the death of such deceased person and the granting of the Letters of Administration.

In the case of a Tenant at Will, the right to be deemed to have accrued at the expiration of one year.

V. And be it further enacted, That when any person shall be in possession or in receipt of the profits of any Land as Tenant at Will, the right of the person entitled subject thereto, or of the person through whom he claims to make an Entry or bring an Action to recover such Land, shall be deemed to have first accrued either at the determination of such Tenancy, or at the expiration of one year next after the commencement of such Tenancy, at which time such Tenancy shall be deemed to have determined: Provided always, that no Mortgager or Cestuique trust shall be deemed to be a Tenant at Will within the meaning of this Clause, to his Mortgagee or Trustee.

No person after a Tenancy from year to year to have any right but from the expiration of the first year or last payment.

VI. And be it further enacted, That when any person shall be in possession or in receipt of the profits of any Land, as Tenant from Year to Year, or other period, without any Lease in writing, the right of the person entitled subject thereto, or of the person through whom he claims to make an Entry or bring an Action to recover such Land, shall be deemed to have first accrued at the determination of the first of such Years or other period, or at the

last time when any Rent payable in respect of such Tenancy shall have been received, (which shall last happen.)

VII. And be it further enacted, That when any person shall be in possession or in receipt of the profits of any Land, by virtue of a Lease in writing, by which a Rent amounting to the yearly sum of Twenty Shillings or upwards shall be reserved, and the Rent reserved by such Lease shall have been received by some person wrongfully claiming to be entitled to such Land in reversion, immediately expectant on the determination of such Lease, and no payment in respect of the Rent reserved by such Lease shall afterwards have been made to the person rightfully entitled thereto, the right of the person entitled to such Land subject to such Lease, or of the person through whom he claims to make an Entry or to bring an Action after the determination of such Lease, shall be deemed to have first accrued at the time at which the Rent reserved by such Lease was first so received by the person wrongfully claiming as aforesaid, and no such right shall be deemed to have first accrued upon the determination of such Lease to the person rightfully entitled.

When Rent amounting to 20s. reserved by a lease in writing, shall have been wrongfully received, no right to accrue on the determination of the Lease.

VIII. And be it further enacted, That no person shall be deemed to have been in possession of any Land, within the meaning of this Act, merely by reason of having made an Entry thereon.

A mere entry not to be deemed possession.

IX. And be it further enacted, That no continual or other claim upon or near any Land shall preserve any right of making an Entry or of bringing an Action.

No right to be preserved by continued claim.

X. And be it further enacted, That when any one or more of several persons entitled to any Land as Co-parceners, Joint Tenants, or Tenants in

Possession of one Coparcener, &c. not to be the possession of others.

common, shall have been in possession or receipt of the entirety, or more than his or their undivided share or shares of such Land, or of the profits thereof, for his or their own benefit, or for the benefit of any person or persons, other than the person or persons entitled to the other share or shares of the same Land, such possession or receipt shall not be deemed to have been the possession or receipt of or by such last mentioned person or persons, or any of them.

Acknowledgment  
in writing equivalent  
to possession  
or receipt of rent.

**XI.** Provided always, and be it further enacted, That when any acknowledgment of the Title of the person entitled to any Land shall have been given to him or his Agent in writing, signed by the person in possession or in receipt of the profits of such Land, then such possession or receipt of or by the person by whom such acknowledgment shall have been given, shall be deemed, according to the meaning of this Act, to have been the possession or receipt of or by the person to whom or to whose Agent such acknowledgment shall have been given at the time of giving the same; and the right of such last mentioned person, or any person claiming through him, to make an Entry or to bring an Action to recover such Land, shall be deemed to have first accrued at and not before the time at which such acknowledgment, or the last of such acknowledgments, if more than one was given.

Where possession  
is not adverse at  
the time of pass-  
ing the Act, the  
right shall not be  
barred until after  
Five Years.

**XII.** Provided also, and be it further enacted, That when no such acknowledgment as aforesaid shall have been given before the time appointed for this Act to take effect, and the possession or receipt of the profits of the Land shall not at the time of this Act taking effect have been adverse to the Right or Title of the person claiming to be entitled thereto, then such person, or the person claiming through him, may, notwithstanding the period of Twenty Years herein-before limited shall have expired,

make an Entry or bring an Action to recover such Land, at any time within Five Years next after the time appointed for this Act to take effect.

XIII. Provided always, and be it further enacted, That if at the time at which the Right of any person to make an Entry or bring an Action to recover any Land shall have first accrued as aforesaid, such person shall have been under any of the disabilities herein-after mentioned; (that is to say), Infancy, Coverture, Idiocy, Lunacy, unsoundness of mind, or absence beyond seas, then such person, or the person claiming through him, may, notwithstanding the period of Twenty Years herein-before limited shall have expired, make an Entry or bring an Action to recover such Land, at any time within Ten Years next after the time at which the person to whom such Right shall first have accrued as aforesaid shall have ceased to be under any such disability, or shall have died, (which shall have first happened.)

Persons under disability to be allowed Ten Years.

XIV. Provided nevertheless, and be it further enacted, That no Entry or Action shall be made or brought by any person, who, at the time at which his Right to make an Entry or to bring an Action to recover any Land shall have first accrued, shall be under any of the disabilities herein-before mentioned, or by any person claiming through him, but within Forty Years next after the time at which such Right shall have first accrued, although the person under disability at such time may have remained under one or more of such disabilities during the whole of such Forty Years, or although the term of Ten Years from the date at which he shall have ceased to be under any such disability, or have died, shall not have expired.

But no Action shall be brought beyond Forty Years after the right accrued.

XV. Provided always, and be it further enacted, That when any person shall be under any of the disabilities herein-before mentioned at the time at

No further time to be allowed for a succession of disabilities.

which his Right to make an Entry or to bring an Action to recover any Land shall have first accrued, and shall depart this life without having ceased to be under any such disability, no time to make an Entry, or to bring an Action to recover such Land beyond the said period of Twenty Years next after the right of such person to make an Entry or to bring an Action to recover such Land shall have first accrued, or the said period of Ten Years next after the time at which such person shall have died, shall be allowed by reason of any disability of any other person.

What parts shall not be deemed beyond seas.

XVI. And be it further enacted, That no part of the *British Provinces of Nova Scotia* (including *Cape Breton*), *Lower Canada*, *Upper Canada*, nor the Province of *New Brunswick*, nor *Newfoundland*, shall be deemed to be beyond seas, within the meaning of this Act.

When the right to an Estate in possession is barred, the right of the same person to future Estate shall also be barred.

XVII. And be it further enacted, That when the right of any person to make an Entry or bring an Action to recover any Land to which he may have been entitled for an Estate or Interest in possession, shall have been barred by the determination of the period herein-before limited, which shall be applicable in such case, and such person shall at any time during the said period have been entitled to any other Estate, Interest, Right or Possibility, in reversion, remainder or otherwise, in or to the same Land, no Entry or Action shall be made or brought by such person, or any person claiming through him to recover such Land, in respect of such other Estate, Interest, Right or Possibility, unless in the meantime such Land shall have been recovered by some person entitled to an Estate, Interest or Right, which shall have been limited or taken effect after or in defeazance of such Estate or Interest in possession.

**XVIII.** And be it further enacted, That when the right of a Tenant in Tail of any Land to make an Entry, or to bring an Action to recover the same, shall have been barred by reason, of the same not having been made or brought within the period herein-before limited, which shall be applicable in such case, no such Entry or Action shall be made or brought by any person claiming any Estate, Interest or Right which such Tenant in Tail might lawfully have barred.

*When Tenant in Tail is barred, remainder man shall not recover.*

**XIX.** And be it further enacted, That when a Tenant in Tail of any Land entitled to recover the same shall have died before the expiration of the period herein-before limited, which shall be applicable in such case for making an Entry or bringing an Action to recover such Land, no person claiming any Estate, Interest or Right which such Tenant in Tail might lawfully have barred, shall make an Entry or bring an Action to recover such Land, but within the period during which, if such Tenant in Tail had so long continued to live, he might have made such Entry or brought such Action.

*Possession adverse to a Tenant in Tail shall run on against the remainder man.*

**XX.** And be it further enacted, That no person claiming any Land in Equity shall bring any Suit to recover the same but within the period during which, by virtue of the provisions herein-before contained, he might have made an Entry or brought an Action to recover the same respectively, if he had been entitled at Law to such Estate, Interest or Right in or to the same as he shall claim therein in Equity.

*Limitation as to suits in equity.*

**XXI.** Provided always, and be it further enacted, That when any Land shall be vested in a Trustee upon any express Trust, the right of the Cestuique Trust, or any person claiming through him, to bring a Suit against the Trustee, or any person claiming through him, to recover such Land, shall

*Incases of express trust, the right not to accrue until conveyance.*

be deemed to have first accrued, according to the meaning of this Act, at and not before the time at which such Land shall have been conveyed to a purchaser for a valuable consideration, and shall then be deemed to have accrued only as against such purchaser, and any person claiming through him.

As to cases of Fraud.

**XXII.** And be it further enacted, That in every case of a concealed Fraud, the right of any person to bring a Suit in Equity for the recovery of any Land, of which he, or any person through whom he claims, may have been deprived by such Fraud, shall be deemed to have first accrued at and not before the time at which such Fraud shall, or with reasonable diligence might have been, first known or discovered: Provided, that nothing in this Clause contained shall enable any owner of Lands to have a Suit in Equity for the recovery of such Lands, or for setting aside any Conveyance of such Lands, on account of Fraud against any *bona fide* purchaser for valuable consideration, who has not assisted in the commission of such Fraud, and who, at the time that he made the purchase, did not know, and had no reason to believe that any such Fraud had been committed.

Saving the jurisdiction of Courts of Equity.

**XXIII.** Provided always, and be it further enacted, That nothing in this Act contained shall be deemed to interfere with any Rule or Jurisdiction of Courts of Equity, in refusing relief on the ground of acquiescence or otherwise, to any person whose right to bring a Suit may not be barred by virtue of this Act.

Mortgager to be barred at the end of Twenty Years from the time when the Mortgagee took possession.

**XXIV.** And be it further enacted, That when a Mortgagee shall have obtained the possession or receipt of the profits of any Land comprised in his Mortgage, the Mortgager, or any person claiming through him, shall not bring a Suit to redeem the

Mortgage, but within Twenty Years next after the time at which the Mortgagee obtained such possession or receipt, unless in the meantime an acknowledgment of the Title of the Mortgager, or of his right of Redemption, shall have been given to the Mortgager, or some person claiming his Estate, or to the Agent of such Mortgager or Person in writing, signed by the Mortgagee, or the Person claiming through him; and in such case no such Suit shall be brought but within Twenty Years next after the time at which such acknowledgment, or the last of such acknowledgments, if more than one was given; and when there shall be more than one Mortgager, or more than one person claiming through the Mortgager or Mortgagers, such acknowledgment, if given to any of such Mortgagers or Persons, or his or their Agent, shall be as effectual as if the same had been given to all such Mortgagers or Persons; but where there shall be more than one Mortgagee, or more than one Person claiming the Estate or Interest of the Mortgagee or Mortgagees, such acknowledgment signed by one or more of such Mortgagees or Persons, shall be effectual only as against the party or parties signing as aforesaid, and the person or persons claiming any part of the Mortgage Money or Land, by, from or under him or them, and any person or persons entitled to any Estate or Estates, Interest or Interests, to take effect after or in defeasance of his or their Estate or Estates, Interest or Interests, and shall not operate to give to the Mortgager or Mortgagers a right to redeem the Mortgage, as against the person or persons entitled to any other undivided or divided part of the Money or Land; and where such of the Mortgagees or Persons aforesaid as shall have given such acknowledgment shall be entitled to a divided part of the Land comprised in the Mortgage, or some Estate or Interest therein, and not to any ascertained part of the Mortgage Money, the Mortgager or Mortgagers shall

tion, or from the last written acknowledgment.



be entitled to redeem the same divided part of the Land; on payment with Interest of the part of the Mortgage Money, which shall bear the same proportion to the whole of the Mortgage Money as the value of such divided part of the Land shall bear to the value of the whole of the Land comprised in the Mortgage.

At the end of the period of limitation the right to be extinguished.

XXV. And be it further enacted, That at the determination of the period limited by this Act to any person for making an Entry or bringing any Action or Suit, the Right and Title of such person to the Land for the recovery whereof such Entry, Action or Suit respectively might have been made or brought within such period, shall be extinguished.

Receipt of Rent deemed receipt of profits.

XXVI. And be it further enacted, That the receipt of the Rent payable by any Tenant from Year to Year, or other Lessee, shall as against such Lessee or any person claiming under him, (but subject to the Lease) be deemed to be the receipt of the profits of the Land, for the purposes of this Act.

Real and mixed actions abolished after 1st January 1838.

XXVII. And be it further enacted, That no Writ of Right, or Writ in nature of a Writ of Right, and no other Action real or mixed, (except a Writ of Right of Dower, or Writ of Dower, *unde nihil habet*, or an Ejectment) shall be brought after the First day of *January* One thousand eight hundred and thirty-eight.

Money charged upon Land and Legacies to be deemed satisfied at the end of Twenty Years, if there shall be no interest paid or acknowledgment in the mean time.

XXVIII. And be it further enacted, That no Action or Suit or other Proceeding shall be brought to recover any sum of Money secured by any Mortgage, Judgment or Lien, or otherwise charged upon or payable out of any Land at Law or in Equity, or any Legacy, but within Twenty Years next after a present right to receive the same shall

have accrued to some person capable of giving a discharge for or release of the same, unless in the meantime some part of the principal Money, or some Interest thereon, shall have been paid, or some acknowledgment of the Right thereto shall have been given in writing, signed by the person by whom the same shall be payable, or his Agent, to the person entitled thereto, or his Agent, and in such case no such Action or Suit or Proceeding shall be brought but within Twenty Years after such payment or acknowledgment, or the last of such payments or acknowledgments, if more than one was given.

**XXIX.** And be it further enacted, That no arrears of Dower, nor any Damages on account of such arrears, shall be recovered or obtained by any Action or Suit for a longer period than Six Years next before the commencement of such Action or Suit.

No arrears of Dower to be recovered for more than Six Years.

**XXX.** And be it further enacted, That so much of an Act made and passed in the Twenty-first Year of the Reign of King George the Third, intituled *An Act for the Limitation of Actions, and for avoiding Lawsuits*, as relates to the Limitation of Actions of or for Real Estate, be, and the same is hereby repealed, except as the same may affect any Action now depending in any of His Majesty's Courts in this Island.

So much of Act of the 21 G. 3, as relates to Limitation of Actions of or for Real Estate repealed, except as the same may affect any Actions now pending. *e. 17.*

## CAP. XXXI.

An Act for levying an Assessment on all Lands in this Island.

[April 20th, 1837.]

**W**HEREAS by a Despatch from the Right Honorable Lord *Glenelg*, His Majesty's Principal Secretary of State for the Colonies, bearing date the Tenth day of *August*, One thousand eight hundred and thirty-six, His most gracious Majesty was pleased to disallow the establishment of a Court of Escheat in this Island, and to suggest the imposition of a Tax on all granted Lands in this Colony, as a remedy for the serious evils arising from the non-settlement of large tracts of Land, held by the Grantees from the Crown; and it being just and reasonable that the said Lands should contribute towards the General Revenue of the Colony, the burthen of which has hitherto been chiefly borne by the resident Colonists only; and as such a Tax would have the desired effect of compelling the Grantees either to settle or dispose of their Lands without delay: Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That there shall be paid annually during the continuance of this Act, into the hands of the Treasurer of this Island, or his Deputies, the sum of Four Shillings lawful money thereof for every Hundred Acres of wilderness or unimproved Lands contained in the several Townships, and the several Islands belonging thereto, except as herein-after is excepted; and the sum of Two Shillings for every Hundred Acres of cultivated or improved Land in the said several Townships and Islands as aforesaid; and the sum of Four Shillings for each and every uncultivated or unimproved Town Lot, Pasture Lot, Common Lot and Water Lot, granted in the Town and Royalty of *Charlottetown*; and the sum of Two Shillings

Rate of Land  
Assessment.

for each and every cultivated or improved Town, Pasture, Common and Water Lot as aforesaid; and the sum of Two Shillings and eight-pence for each and every Town Lot, Pasture Lot and Water Lot, granted in the Towns and Royalties of *Georgetown* and *Princetown*; and the sum of One shilling and four-pence for each and every cultivated or improved Town, Pasture and Water Lot granted in the said last mentioned Towns and Royalties—and so in proportion for a less quantity—the said several sums of Money to be paid as aforesaid by the several and respective Owners, Proprietors or Occupiers thereof, within Six Months after His Majesty's Royal Allowance to this Act shall have been signified: Provided always, that if the Royal Allowance to this Act shall be signified before the First day of *June*, which will be in the Year of our Lord One thousand eight hundred and thirty-eight, then and in such case this Act shall not commence or take effect until the said First day of *June* as aforesaid.

When payable.

II. And whereas the Owners or Occupiers of Lands in the Royalty of *Georgetown*, called reserved Lands, have hitherto been assessed in proportion to the Assessment levied on Township Lands in this Island: And whereas the Elective Franchise hath been conferred on persons owning or occupying Eight Acres of such reserved Lands, for the return of Members to serve in the General Assembly of this Island to represent the said Town and Royalty, in the same manner in which Owners or Occupiers of Pasture Lots in the said Royalty enjoy the said Franchise; and such privilege hath been conferred on such Owners or Occupiers on their own special application and request, and under such circumstances it is just and proper that the Owners or Occupiers of such Lands should pay a fair and reasonable Assessment for the same: Be it therefore enacted, that the Owners or Occupiers of at

Rate of Assessment of reserved Land near *Georgetown*.

least Eight Acres of such reserved Lands shall pay the sum of One penny *per* Acre on each and every Acre of such Lands as may be deemed cultivated or improved Lands, according to the provisions of this Act, as regards Pasture Lots in the Royalties of *Georgetown* and *Princetown*; and the sum of Two-pence *per* Acre on each and every Acre of such Lands as may be deemed uncultivated or unimproved Lands, under such provisions as regard Pasture Lots in the Royalties of the said Towns.

Treasurer to cause notices to be published, calling on Proprietors to pay.

III. And be it further enacted, That the Treasurer of this Island shall, and he is hereby required and directed, within Twenty days after His Majesty's Royal Allowance to this Act shall have been signified, to cause Advertisements in *Charlottetown*, *Georgetown* and *Princetown* to be posted, and also in the Island Newspapers to be published, calling on the respective Owners or Occupiers of Land, charged by this Act as aforesaid, to pay the sums respectively thereon charged, within the time limited by this Act, and such Notice to be annually repeated on the First week in *June*, in each and every succeeding Year, during the continuance of this Act; and the said Treasurer is hereby directed and required, at the next sitting of His Majesty's Supreme Court of Judicature at *Charlottetown*, after the expiration of Six Months as aforesaid, on the last day of the Term, to make Proclamation of all such Lands as shall then be in arrear for non-payment of the sums charged thereon by this Act; and immediately thereafter, to cause further Notice to be published in *Charlottetown*, *Georgetown* and *Princetown*, and in the Island Newspapers, notifying the Owners of the said Lands so in arrear, that in case the sums charged on them by this Act, together with Costs, shall not be paid before the next Term of the Supreme Court of Judicature, to be held at *Charlottetown*; application will be made to the said Supreme Court for Judgment against

If default be made, mode of further proceeding.

the said Lands so in arrear; and the said Supreme Court shall give Judgment accordingly, and shall order and direct that so much of the several Lands so in arrear as shall be sufficient to pay the sums charged by this Act, together with reasonable Costs, to be sold at Public Auction to the highest bidder, and shall thereupon issue a *Fieri Facias* directed to the Sheriff or Coroner for the County wherein such Lands shall be situate, for that purpose, who, after having given Thirty days previous notice, shall proceed to the said Sale, and shall thereupon execute to the Purchaser a Conveyance thereof, in the Form set forth in the Schedule to this Act annexed, marked (A.), which shall be good and valid in Law, to all intents and purposes whatsoever.

Supreme Court to give judgment and direct a Sale of Lands at Public Auction;

and issue a *Fieri Facias* directed to Sheriff or Coroner.

Duty of Sheriff or Coroner thereunder. Conveyance to be made to purchaser.

*Explained by  
3 Vict. C. 25*

IV. Provided always, and be it further enacted, That in case of any Lands being sold under the authority of this Act, an Equity of Redemption shall nevertheless be open to the former Owner or Owners, Proprietor or Proprietors, his, her or their Heirs or Assigns, for the space of Two Years next after the levying of the *Fieri Facias* thereon—the former Owner or Owners, Proprietor or Proprietors, his, her or their Agents, Heirs or Assigns, repaying the purchase money, with lawful Interest thereon, and also all expenses attending the same, and a fair allowance for such improvements as shall or may be made thereon, the same, in case of a dispute, to be ascertained by the Supreme Court.

Two years equity of redemption allowed to former owner.

V. And be it further enacted, That it shall and may be lawful to and for the Treasurer of this Island for the time being, by writing under his Hand and Seal, to nominate and appoint such and so many Deputies (not less than Three for each County) as to the said Treasurer shall seem meet, and for the faithful discharge of whose duties the said Treasurer shall be responsible; and such Depu-

Treasurer to appoint not less than Three Deputies in each County.

And to be responsible for their conduct.

Duty of Deputies.

ties shall, and they are hereby required, to open Books of Account for the receipt of the said Assessment, and shall keep open their Books until the Fourteenth day next before the First day of the Term at which proceedings by Proclamation are to be taken against the Lands of any Defaulter or Defaulters, agreeably to the provisions of this Act, and shall forthwith forward the Assessments received, together with their Books, or true copies thereof, to the Treasurer; and the said Deputies shall be allowed for their trouble at and after the rate of Seven Pounds Ten Shillings for every One hundred Pounds by them respectively collected.

Allowance to Deputies.

Treasurer and Deputies to grant receipts for all Moneys received by them.

VI. And be it further enacted, That the said Treasurer and Deputies shall, and are hereby required, upon receiving any sum or sums of Money under and by virtue of this Act, to grant a Receipt for the same, specifying thereon the name of the person paying the same, and the quantity of Land for which, and on what Township the same has been paid, or if situate in any of the Towns or Royalties, specifying the number of the Lot, and whether a Town, Common, Pasture or Water Lot, also stating whether improved or unimproved, cultivated or uncultivated, as the case may be.

After sale of Lands, overplus of moneys (if any) after satisfying judgment and costs, to be paid by Sheriff, &c. to Treasurer for the benefit of former owner.

VII. And be it further enacted, That when the Sheriff, Coroner, or other Officer, who shall have sold any Lands under the provisions of this Act, for non-payment of Assessment and Costs, and that such Lands shall have produced more than sufficient for the payment of such Assessment and Costs, the Sheriff, Coroner, or other Officer, shall, and he is hereby authorized, to pay over into the hands of the Treasurer of this Island for the time being, the overplus of such Moneys, for the benefit of the Proprietor or Proprietors of such Lands; and in case of dispute as to the right of any Claimant to receive such overplus, the same shall be determined

Right of claimant of overplus how determined.

in a summary way by the Justices of His Majesty's Supreme Court of Judicature; and any Costs incurred thereby shall be paid by the person or persons wrongfully claiming the same.

VIII. And be it further enacted, That all Lands liable to the Assessment as aforesaid shall be taken and deemed to be wilderness or unimproved Lands, as well in the Townships as in the several Towns and Royalties aforesaid, and the same shall be charged with Assessment as such wilderness or unimproved Land, unless the Owner or Occupier for the time being of any such Land shall, at the times such Assessment shall be paid, deliver or cause to be delivered at the Office of the Treasurer of this Island, or to any of his Deputies, a true Return or Account of such Land, the same to be entered in the Books of the said Treasurer or Receivers, in the Form set forth in the Schedule to this Act annexed, marked (B.); and if any Owner or Occupier of any such Lands or Lots as aforesaid shall make a false Return of such Lands or Lots, he, she or they shall, on conviction, forfeit and pay for every such offence a sum not exceeding Fifty Pounds, the same to be recovered with Costs in His Majesty's Supreme Court of Judicature in this Island, and one half of such Fine or Penalty shall be paid to the person who shall inform and sue for the same, and the other half shall be paid into the Treasury of this Island, for the use of His Majesty's Government—and the Books of original Entry of the said Treasurer or Receivers shall be deemed and taken as Evidence of the said Return.

All Lands shall be deemed wilderness or unimproved, unless owner or occupier delivers a return to Treasurer, &c. in the form set forth in Schedule to this Act.

Penalty for making false return.

How to be recovered.

Appropriation of penalty.

IX. And be it further enacted, That when by reference to the said Return it shall appear that any person or persons is or are the Owner or Owners, Lessee or Lessees of any Tract or Quantity of Land, containing Three hundred Acres, or any less quantity, and shall have actually settled

What Lands shall be deemed cultivated or improved.



thereon, or in case of non-residence, shall have inclosed and cultivated in the proportion of Five Acres for each and every Hundred Acres of Land of which such person or persons shall be the Owner or Owners, Lessee or Lessees for the time being as aforesaid, and in the same proportion for any less quantity thereof, such Tract of Land shall be deemed cultivated or improved Land within the meaning of this Act.

What shall be deemed cultivated or improved Lots in the several Towns and Royalties.

X. And be it further enacted, That no Town Lot in the Towns of *Charlottetown*, *Georgetown* and *Princetown* respectively, shall be deemed to be cultivated and improved, within the meaning of this Act, unless such Town Lot shall be wholly cleared, or unless such Town Lot shall have a Dwelling House, Barn or Stable, actually used as such, erected thereon—which said Clearance and Buildings, or any or either of them, shall be a sufficient improvement and cultivation: and no Pasture Lot or Common Lot within the Royalty and Common of *Charlottetown* shall be deemed to be so improved and cultivated, unless Three Acres of such Lot shall be cleared and inclosed under Fence; and no Pasture Lot within the Royalties of *Georgetown* and *Princetown* respectively shall be deemed to be improved or cultivated, unless Two Acres of such Lot shall be cleared, and under Fence as aforesaid.

Sheriff, &c. may adjourn Sales;

and re-sell Land if purchaser does not comply with conditions of sale.

XI. And be it further enacted, That it shall be in the power of the Sheriff or Coroner to adjourn any Sale from day to day at his discretion, on giving public notice thereof: and if any Purchaser shall not pay the amount declared on the day of sale, it shall be in the power of the said Sheriff or Coroner to re-sell the same on any other day to which the Sale of such Lands shall be adjourned.

Confirms sales, notwithstanding

XII. And be it further enacted, That no omission of any direction contained in this Act relative

to Notices or Forms of proceeding, previous to any Sale made under this Act, shall extend to render such Sale invalid, but the person guilty of any such omission or neglect shall be liable to punishment therefor, and shall answer the party for any damage occasioned thereby, in any legal proceeding that may be properly instituted for that purpose.

any omission of directions of this Act previous to such sales.

Party guilty of such omission liable to punishment and damages.

XIII. And whereas it is indispensable that a Fire proof Building should be erected in *Charlottetown*, wherein to keep in safety all the Public Records of this Colony, and also the Registeries of Titles to Real Estate, and of Wills, Judgments and Decrees in Law and Equity, and all other Documents and Writings from which Titles to Land are derived; and also for the accommodation of the Houses of Legislature, and for certain Public Offices; and it being just and equitable that the expense of erecting such Building should be borne and defrayed by an Assessment on all Lands in the Colony: Be it therefore enacted, That there shall be granted unto His Majesty, his Heirs and Successors, from and out of the first Moneys arising under and by virtue of this Act, a sum not exceeding Five thousand Pounds, for the purpose of erecting and completing such Building.

£5000 granted to His Majesty for erecting Building for Public Offices and for place of sitting of the Legislature.

XIV. And be it enacted, That it shall and may be lawful for the Administrator of the Government for the time being, and he is hereby empowered, on His Majesty's Royal Allowance of this Act being signified, to nominate and appoint Five Commissioners to superintend the erection of the said Building; which Commissioners are hereby authorized to make such Contracts for the purchase of Materials for erecting and finishing the said Building, and for Workmanship, as they, or the major part of them, may think proper, and shall without delay procure proper Plans and Estimates of the expense of Materials and Workmanship necessary to com-

Administrator of Government to appoint Five Commissioners.

Who are to make Contracts;

and procure plans and estimates, to be laid

before Administrator of Government in Council.

Province Building not to cost more than £5000.

Administrator of Government, &c. to draw Warrants on Treasury on requisition of Commissioners.

After erection of Building £1000 annually for three years to be applied to redemption of Treasury Notes.

Commissioners for the issue of Treasury Notes to cancel the same.

plete the same, which, with all Contracts that shall be entered into by them, shall, previous to their being executed; be laid before the Administrator of the Government for the time being in Council, for his approbation: Provided always, that the expense of erecting and completing the said Building shall not in the whole exceed the sum of Five thousand Pounds.

XV. And be it enacted, That the Administrator of the Government for the time being, by and with the advice of His Majesty's Council, be, and he is hereby empowered to draw Warrants on the Treasury, at the requisition of the said Commissioners, or the major part of them, for the sum appropriated by this Act for the said Building, or any part thereof, at such times and in such proportions as they may deem necessary.

XVI And be it further enacted, That from and out of the Moneys which may be raised under and by virtue of this Act, after providing for the completion of the said Building, there shall be applied the sum of One thousand Pounds annually, for Three Years, towards the redemption of the Treasury Notes which may then be and remain in circulation.

XVII. And be it enacted, That whenever the surplus Moneys so arising as aforesaid shall amount to One thousand Pounds, the Treasurer of this Island is hereby directed and required to deliver to the Commissioners appointed for issuing such Notes as aforesaid, the said sum of One thousand Pounds, and shall annually thereafter, for the space of Two Years, deliver to the said Commissioners a like sum of One thousand Pounds of such Notes; and the said Commissioners are hereby directed and required to cancel and destroy the same, until the Notes so paid off and cancelled shall amount to the sum of Three thousand Pounds.

**XVIII.** And be it further enacted, That the Commissioners shall keep a separate Account of the Notes so received, and lay before His Excellency the Lieutenant Governor in Council an account of the number and description of the different Notes so cancelled and destroyed; and the Notes so cancelled shall be destroyed in the presence of the Commissioners aforesaid, and the Treasurer of this Island.

Commissioners to keep an account of Notes cancelled.

Mode of cancelling Notes.

**XIX.** And be it further enacted, That the Receipts of the Commissioners for the sums so to be cancelled shall be deemed a sufficient discharge to the Treasurer for the respective amounts which shall be therein expressed.

Commissioners' receipt to Treasurer a sufficient discharge to him.

**XX.** And be it enacted, That the Treasurer shall keep a separate and specific Account of all Moneys raised and applied by virtue of this Act, which Account shall be annually laid before the House of Assembly within Ten days next after the commencement of each Session.

Treasurer to keep separate account of money raised under this Act.

**XXI.** And be it enacted, That if the Treasurer of this Island shall issue and pay any of the said Moneys arising under this Act, for any other purpose than is therein mentioned, or than shall be directed by any Act of the Legislature of this Island hereafter to be passed, he shall forfeit and pay the sum of One thousand Pounds, and be rendered incapable of holding the Office of Treasurer—the said Forfeiture to be applied to and for the use of His Majesty's Government, and to be recovered by Bill, Plaint or Information in His Majesty's Supreme Court of Judicature of this Island.

Penalty on Treasurer paying money for any other purpose than is authorized by this Act.

**XXII.** And be it further enacted, That this Act shall continue and be in force for and during the space of Ten Years, from the time that His Majesty's Royal Allowance thereof shall be published, and from thence to the end of the then next Session of the General Assembly, and no longer.

Continuance of Act.

**XXIII.** And whereas this Act has been passed in the confident expectation that His Majesty, taking into consideration the very depressed state of this Colony, and the small advancement heretofore made in its improvement, will be graciously pleased to forego his claim to the Quit Rents during the continuance of this Act: Be it therefore enacted, That the operation of this Act shall be suspended, and it shall be of no force or effect until it shall be ascertained that His Majesty shall have been pleased to relinquish all claim to the said Quit Rents during the continuance of this Act.

Act not to go into operation unless His Majesty shall relinquish his claim to Quit Rent during its continuance.

Suspending clause.

**XXIV.** Provided always, that nothing in this Act contained shall have any force or effect till His Majesty's pleasure therein shall be known.

## SCHEDULES to which this Act refers.

## SCHEDULE (A.)

TO all to whom these Presents shall come:

I                    High Sheriff of the County of Form of Sheriff  
or Coroner's Deed  
referred to by this  
Act.  
in *Prince Edward Island*, (or Coroner,  
*as the case may be*,) send greeting:

Whereas by virtue of His Majesty's Writ of *Fieri Facias*, unto me directed, commanding me that I should cause to be satisfied and paid out of as well a certain Debt of

lawful Money of this said Island, which

Treasurer of the said Island had recovered against the said                    in His Majesty's Supreme Court of Judicature at *Charlottetown*, in the said Island, as also                    which in His Majesty's same Court were awarded to the said

for his Costs and Charges by him about his Suit in that behalf expended; and that I should have that Money at His Majesty's Supreme Court of Judicature aforesaid, on the last *Tuesday* in

next coming, to render to the said for the Debt and Costs aforesaid: And

whereas by virtue of the said Writ, and by force, and according to the form and effect of an Act made and passed in the Seventh Year of the Reign of His Majesty King *William* the Fourth, intituled *An Act for levying an Assessment on all Lands in this Island*, I the said High Sheriff (or Coroner, *as the case may be*,) took the said

in Execution, and Thirty days previous Notice of the Sale thereof having been given, in manner and form as is prescribed and directed by the said Act, sold                    at Public Auction, to

being the best or highest Bidder                    at or for the sum of                    lawful Money of the said Island.

Now know ye, that I the said High Sheriff (*or* Coroner, *as the case may be,*) as aforesaid, by virtue of the said Writ, and for and in consideration of the sum of lawful Money aforesaid, to me in hand paid by the said at and before the sealing and delivery of these Presents, the receipt whereof is hereby acknowledged, have bargained, sold and assigned, and by these Presents I the said High Sheriff (*or* Coroner, *as the case may be,*) as aforesaid, do bargain, sell and assign, unto the said Heirs and Assigns, all and singular the said described as follows being in arrear of the Tax imposed upon the said by the said Act herein-before in part recited; to have and to hold all and singular the said and every part and parcel thereof, with the appurtenances unto the said his Heirs and Assigns, to the only proper use and behoof of the said his Heirs and Assigns, and to and for no other use, trust, intent or purpose whatsoever, as fully, amply and beneficially as the original Grantee or Grantees of the said Heirs or Assigns, were possessed of or entitled to the same.

In Witness whereof, I the said High Sheriff (*or* Coroner, *as the case may be,*) have hereunto set my Hand, and affixed my Seal of Office, this day of in the Year of the Reign of our Sovereign Lord and in the Year of our Lord One thousand eight hundred and

Signed, sealed and delivered }  
in the presence of }

**SCHEDULE (B.)**

**RETURN OF TOWNSHIP LANDS AND ISLANDS.**

No. of Township or name of Island, (as the case may be.)	Owner or Occupier.	No. of Acres cultivated.	No. of Acres uncultivated.	Total.

Form of Return of Township Lands referred to in this Act.

**RETURN FOR TOWN AND WATER LOTS.**

Description.				Where situated	Owner or Occupier.	Improved or unimproved.
No.	Hun.	Range.	Letter.			

Form of Return of Town and Water Lots referred to in this Act.

**RETURN FOR COMMON AND PASTURE LOTS.**

No. of Common or Pasture Lots, (as the case may be.)	Where situated.	Owner or Occupier.	Improved or unimproved.

Form of Return of Common and Pasture Lots referred to in this Act.

**RETURN FOR RESERVED LANDS IN THE ROYALTY OF GEORGETOWN.**

Owner or Occupier.	No. of Acres cultivated.	No. of Acres uncultivated.	Total

Form of Return of reserved Lands in Georgetown Royalty referred to in this Act.



## CAP. XXXII.

An Act for the Increase of the Revenue of this Island. [April 20th, 1837.]

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

Impost Duty of Eleven-pence per Gallon over and above Ten-pence per gallon imposed by permanent Revenue Acts, to be levied on all Wines, Gin, Brandy, &c.

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

and £5 on every £100 worth of Goods brought into this Island and consumed therein, with certain exceptions.

Duty how calculated.

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

Duties to be secured as prescribed in Act 52 G. 3, c. 4.

And in 11 G. 4,  
c. 9.

And collected as  
prescribed in  
25 G. 3, c. 4.

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

Drawback to be allowed on all dutiable articles equal to seven-eighths of duty.

II. And be it enacted, That from and after the commencement of this Act, there shall be allowed and paid on all Wines, Gin, Brandy, Rum, or other distilled Spirituous Liquors, Tea, Tobacco, and all Goods, Wares and Merchandise, that shall hereafter be imported into this Island, on Exportation of the same therefrom, a Drawback equal in amount to Seven-eighths of the whole Duty paid, or secured to be paid, on such articles, on the Importation thereof.

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

III. And be it enacted, That such Drawback on all Wines, Gin, Brandy, Rum, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares and Merchandise, so exported, shall be paid to the Exporter or Exporters thereof, if the Duties imposed thereon as last aforesaid shall have been *bona*

*file* paid prior thereto, and in the same Currency or description of Money in which Warrants shall then be payable at the Treasury; and if only secured to be said, credit shall be given on the back of the security for the Drawback hereby allowed on the quantity exported: Provided, that before the Exportation of any of the before mentioned articles from this Island, on which a Drawback is allowed as aforesaid, the Collectors of Impost within this Island are hereby severally required, on request made to them for that purpose, to grant Permits for such Exportation to be made, therein stating the names of the Importers and Exporters, and the quantity permitted thereby to be exported; and no Drawback shall be paid nor credit allowed to any such Exporter; until he shall have obtained and produced to the Treasurer of this Island a Certificate endorsed on the back of the said Permit, from the principal Officer of His Majesty's Customs at the Port to which the same shall or may have been carried, or from some Officer or Officers there duly authorized to grant the same, stating such Wines, Gin, Brandy, Rum, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandise to have been there actually landed, and the Duties thereon (if any) duly paid, or secured to be paid, according to the Law of the place to which the same may have been exported from this Island, pursuant to such Permit: And for the better and more effectually preventing Frauds herein, the Exporter or Exporters of any or all such article or articles as aforesaid, shall take and subscribe the following Oath—which Oath the Collectors aforesaid are hereby severally empowered and directed to administer:

Collector to grant permit to ship the same.

No drawback to be paid or credited until permit be produced to the Treasurer, with a certificate from Officer of Customs, &c. at the port where articles are landed, that they have been so landed, and the duties paid or secured.

Exporter to make Oath before Collector.

‘ I *A. B.* do swear, that the quantity of  
 ‘ by me shipped for Exportation on board the Ship  
 ‘ or Vessel called the                    whereof  
 ‘ is Master, bound for the Port of                    in

Form of Exporter's Oath.

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

' So help me GOD.'

Master of Vessel  
 in which articles  
 are exported, to  
 make Affidavit to  
 be annexed to  
 Invoice.

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

Form of Master's  
 Affidavit.

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

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

' So help me GOD.'

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

Any articles subject to duty, if fraudulently relanded after being shipped for exportation, to be forfeited; and every person concerned therein liable to a fine of £50.

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

No Exporter to be entitled to drawback on a less quantity of Wine, &c. than 50 gallons, or of Rum, &c. than 100 gallons, or on a less quantity than 3 cwt. Tobacco, or 80 lbs. Tea, nor on any Goods, &c. unless Invoice price of shipment exceed £50,

and unless application for drawback be made within 12 months from time of re-shipment.

Time for re-shipment.

**VI.** And be it enacted, That all Masters of Ships; Coasting, Fishing, and all other Vessels whatever, coming into any Harbour, Port, River, Creek, or any part of the Coasts of this Island, having on board any Wine, Rum, Brandy, Gin, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandise, shall, before breaking bulk, and within Twenty-four hours after their arrival, make report in writing, upon Oath, to any

Masters of Vessels, &c. before breaking bulk, and within 24 hours after arrival, to report on Oath to Collector, &c. their cargoes.

Particulars of  
report.

of the Collectors within this Island; of all Wine, Gin, Brandy, Rum, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandise, on board any such Ship or Vessel, specifying therein the kind of Casks, Packages, Parcels, Boxes, Trunks, Bales, and all other manner of things in which they shall or may be contained; together with the marks and numbers thereof, and that they have not landed, nor suffered to be landed; sold, bartered or exchanged, any Wine, Gin, Brandy, Rum, or other distilled Spirituous Liquors, Tea, Tobacco, Goods, Wares or Merchandise, at any port or place within this Island, or on the coasts thereof, since their sailing from the port or place where the same were laden on board any such Ship or Vessel, for exportation—which Oath the said Collector or Collectors is or are empowered to administer, in the form following:—

Collector em-  
powered to ad-  
minister Oath.

Form of Oath.

‘ YOU *A. B.* do swear, that the Report which  
‘ you have made, read, or heard read, and subscri-  
‘ bed, contains a just and true account of all the  
‘ Wine, Rum, Brandy, Gin, or other distilled  
‘ Spirituous Liquors, Tea, Tobacco, Goods, Wares  
‘ or Merchandise, laden on board the . . . at  
‘ and that you have not landed, nor suffered to be  
‘ landed; sold or delivered, bartered or exchanged,  
‘ any Wine, Rum, Brandy, Gin, or other distilled  
‘ Spirituous Liquors, Tea, Tobacco, Goods, Wares  
‘ or Merchandise, at any port or place within this  
‘ Island, or on the coasts thereof, since your sailing  
‘ from . . . . . ‘ So help you GOD.’

VII. And whereas it may and frequently does happen, that the Reports, Manifests or Clearances made by Masters of Vessels at the Port of Shipment, and the Reports or Manifests directed to be made by this Act and the herein-before mentioned Acts do materially differ in the Description, Number and Quantity of Articles liable to duty, and no

provision hath hitherto been made in case the articles entered shall fall short of those stated to have been shipped—in order to remedy any inconvenience that may arise therefrom: Be it enacted, That in any case where the Numbers or Quantities of Goods, Wares and Merchandise liable to Duty, and specified in the Report or Manifest made to any Collector of Impost at any Port of Entry in this Island, shall be found not to agree with the Report, Manifest or Clearance made at the Port of Shipment, but there shall appear to be a deficiency in the Numbers or Quantities of the Goods, Wares or Merchandise reported as entered before the said Collector, and those described in the Report or Clearance at the Port of Shipment, the Master of any Ship or Vessel so making such deficient Report shall forfeit and pay a Penalty not exceeding Fifty Pounds—to be recovered and disposed of in like manner as other Penalties are directed to be recovered and disposed of by this Act—unless such Master or the Mate (in case there shall be such Officer belonging to the said Ship or Vessel) shall, if required, make and subscribe the following Oath, in addition to the Oath herein-before directed to be taken by the said Master, and which Oath the said Collector is hereby authorized to administer (that is to say:)

When report made to Collector varies from report made at the Port of clearance, Master to forfeit £50, unless he make oath before Collector, in form set forth.

‘ I *A. B.* Master (or Mate, as the case may be,)

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

Form of Master's Oath.



Importer to produce to Collector an Entry, stating particulars and amount of Invoices, Vessel's name and name of Master; and shall make and subscribe Oath, in form set forth, before Collector.

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

Form of Affidavit of Importer.

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

Collectors may open all packages and examine whether they correspond with clearance—if found to correspond, to be re-packed at charge of Collector.

IX. And be it enacted, That it shall be lawful for any of the Collectors aforesaid, or for any Surveyor or Landwaiter when directed by any such Collector, to open all Packages, and fully to examine all Goods therein contained; and if the Goods so examined shall be found to correspond in all respects with the Cocket or Clearance, or

with the Importer's Entry, such Goods shall be repacked at the charge of the Collector who may have examined, or directed the said Goods to be examined; and such charge may be repaid the said Collector, on application to the Lieutenant Governor and Council, if they see fit to allow the same.

Collector how to be refunded.

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

If any Goods, &c. liable to Duty arrive at any Port in this Island before Consignee shall have received an Invoice, Collector to grant a Permit to land the same; and on appraisal thereof, duty to be paid according to appraisal.

Duty to be paid on amount of Invoice, after deducting any drawback Importer may be entitled to at the place where Goods are shipped.

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

All Duties imposed by this Act or other Revenue Acts, to be paid over and above all Duties imposed by Imperial Acts.

XII. And be it enacted, That all Spirituous Liquors, of what nature or kind soever, manufactured in any part of the United Kingdom of *Great*

All Spirituous Liquors, &c. manufactured in *Great Britain* or

Ireland exempted from duty under this Act.

*Britain and Ireland*, be and the same shall be imported into this Colony duty free—any thing in this Act, or in the herein-before mentioned Acts, to the contrary notwithstanding.

Allowance to Collectors, under this Act and other Revenue Acts.

XIII. And be it enacted, That the Collectors that now are or hereafter shall be appointed by the Lieutenant Governor, by and with the advice and consent of His Majesty's Council, to secure and collect the Duties payable under the herein-before mentioned Acts and this Act, shall only be paid and have Five *per centum* on all Moneys paid or secured under and by virtue of the herein-before mentioned Acts and this Act, except the Collector for *Charlottetown*, who is already provided for by Salary.

If Duty exceed £100, credit to be given for 12 months.

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

Suspends 20, 21, 22 and 23 s. 25 G. 3, c. 4.

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

Articles exempted from payment of Ad-valorem Duty.

XVI. And be it enacted, That nothing herein contained shall extend, or be construed to extend, to the levying or collecting any *ad-valorem* Duty whatsoever, by virtue of or under the authority of

this Act, from or upon the several Articles following; (that is to say,)—Salt, Lime or Limestone, Wines, Rum, Brandy, Gin, or other distilled Spirituous Liquors, Porter, Ale, Tea, Tobacco, Fish, Fish Oil, Lumber, Staves, or the Baggage of Emigrants; nor upon any Wheat or Grain, Garden and Grass Seeds, Live Stock, or Implements of Husbandry which may be imported by any Agricultural Society, for the purpose of being sold or used by such Society within this Island; and all Sails, Rigging, Blocks, Cables and Anchors which may have been used in taking any new Vessel from this Island to a market, for Sale, if such Sails, Rigging, Blocks, Cables and Anchors shall be returned forthwith, after sale of the Vessel, direct to this Island, by the Exporters thereof, and shall have previously paid or been charged with the Duty imposed thereon by this Act, or any former Act, on the first importation thereof into this Island.

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

*On re-importation of any Sails, Rigging, &c. used in taking vessels to market, owner to make oath that such articles are the identical Sails, &c. so used.*

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

*Articles imported for the use of the Army or Navy, exempted from Duty, as also Officers' baggage.*

Act—any thing herein contained to the contrary notwithstanding.

Wheat, &c. imported prior to 1st August, 1837, exempted from duty.

**XIX.** And be it enacted, That nothing in this Act contained shall extend, or be construed to extend, to the levying or collecting a Duty on any Wheat, Barley, Oats, Flour, Meal, Biscuit or Potatoes, that may be imported into this Island before the First day of *August* next after the passing of this Act.

All Wines, &c. Tea, Tobacco and Goods, &c. imported in Boats, subject to same duties as if imported in larger Vessels.

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

Time during which Collectors are to keep open their Offices.

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

Collectors to receive payment of all duties, or secure the same as before directed.

**XXII.** And be it enacted, That it shall and may be lawful for the Collectors now appointed, or who may hereafter be appointed, for collecting and receiving the Duties of Impost payable to His Majesty in this Island, under and by virtue of any Act of the Legislature thereof, and they are hereby respectively directed, to take and receive the amount of Duties payable under and by virtue of this Act, or to secure the same as herein-before directed, and thereupon to grant a Permit for the landing of the Goods, the Duties upon which have

been so paid or secured as aforesaid; and if it should so happen, on the landing of any Wine, Gin, Brandy, Rum; or other distilled Spirituous Liquors liable to Impost Duty, the amount of which Duty has been included in any such Security, that on gauging such Wine, Gin, Brandy, Rum, or other distilled Spirituous Liquors, a difference in quantity should appear, the said Collectors are hereby severally directed and required to endorse on the back of such Security the difference either way, so ascertained after such gauging as aforesaid; and the Endorsement so made shall be signed by the Collector before whom the Entry has been made, and also by the Importer entering into such Security, if he thinks fit; and such Endorsement shall be, and is hereby declared to be part of the Defeazance or Condition to every such Bond or Security which may be so endorsed as aforesaid.

*Mode of proceeding when on gauging Casks quantity does not agree with Invoice or Entry.*

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

*Articles landed without duty paid or secured, or the value thereof, to be forfeited;*

*and the articles may be seized.*

*If concealed or destroyed, the Master, &c. to pay the value.*

Masters of Coasting and Fishing Vessels to report within 24 hours after arrival, in form prescribed in Sixth Section of this Act.

Not to be construed to permit Foreign Vessels to enter, which are prohibited from entry by Acts of the Imperial Parliament.

Penalty on Master neglecting to make such Entry, or making a false Entry.

Mode of recovery of Fines.

Appropriation of Fines.

**XXIV.** And be it enacted, That all Masters of Ships, Coasting, Fishing, and all other Vessels whatsoever, coming into any Harbour, Port, River, Creek, or any part of the Coast of this Island, shall, within Twenty-four hours after their arrival, make and subscribe a Report in writing, on oath, to any of the Collectors of Impost so appointed as aforesaid, of the Lading or Cargo of such Vessel, or whether in Ballast or otherwise (*as the case may be,*) and shall also make and subscribe a Report on oath, in the Form directed by the Sixth Section of this Act: Provided nevertheless, that nothing in this Act contained shall be construed to require or permit the Reporting or Entry of any Vessel or Vessels belonging to any Foreign Power or State, which are not legally entitled to make such Report and Entry at the Custom House, by any Laws of the Imperial Parliament of *Great Britain* now in force in this Colony.

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

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

**XXVII.** And be it enacted, That for the better and more effectually collecting and securing the several Duties levied by this or any other Act, it shall and may be lawful for any Collector of Impost having a Writ of Assistance, under the Seal of His Majesty's Supreme Court of Judicature of this Island, (which Writ the Chief Justice of the said Court, or in his absence, the Puisne Judges, are hereby authorized and empowered to grant, upon application for that purpose,) to take a Constable or other Public Officer inhabiting near the place, and in the day time to enter into and search any Shop, House, Cellar, Warehouse, Room, or other place, and in case of resistance, to break open Doors, Chests, Trunks and other Packages, there to seize, and from thence to bring, any Goods which have not been duly entered, and the Duties thereon paid or secured, and which may be deemed liable to forfeiture under this or any other Act of this Island, and to put and secure the same in some secure place at or near the Port where such Goods shall be so taken as aforesaid.

Writ of Assistance, how to be obtained by Collector.

Mode of proceeding thereunder by Collector.

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

Time for which Writs of Assistance shall be in force.

**XXIX.** And be it enacted, That all the Moneys arising from the several Rates and Duties raised and levied by this Act, and paid into the Treasury, shall be applied and appropriated to such purposes, and no other, as are or may be expressed or contained in an Act of the General Assembly of this Island, to be passed this present Session; and if the Treasurer of this Island shall issue and pay any of the said Moneys arising from this Act for any other purpose than is therein mentioned, declared or expressed, he shall forfeit and pay the sum of One

Appropriation of Moneys to be raised by this Act.

Treasurer to forfeit £1000 if he pays any Moneys other than shall be declared by Act hereafter to be passed.



thousand Pounds, and be rendered incapable of holding said office of Treasurer—said Forfeiture to be applied to and for the uses which shall be expressed in the said Act, and to be recovered by Bill, Plaint or Information, in His Majesty's Supreme Court of Judicature of this Island.

Continuance of  
Act.

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

*Continued from Year to Year to 4. Dick's  
vide page 525, 577. 446.*

#### CAP. XXXIII.

An Act for appropriating certain Moneys therein mentioned, for the service of the Year of our Lord One thousand eight hundred and thirty-seven. [April 20th, 1837.]

May it please your Excellency;

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

£500 to the Treasurer, for his salary for the present year.

The sum of Five hundred Pounds to the Treasurer of this Island, for his Salary for the present year.

And a further sum of Two hundred and sixty Pounds to the Collector of Impost and Excise for the District of *Charlottetown*, for his Salary for the present year.

£260 to Collector of Impost, for his Salary.

And a further sum of Two hundred Pounds, to defray the Salaries of the Sub-Collectors of His Majesty's Customs for the present year.

£200 for Salaries of Sub-Collectors of Customs.

And a further sum of Ten Pounds to the Assayer of Weights and Measures for *Queen's County*, in lieu of Office Rent and contingent expenses, for the present year.

£10 to Assayer of Weights and Measures, for *Queen's County*.

And a further sum of Twenty Pounds, to defray the allowance made by Law to the Commissioners for issuing Treasury Notes, for the present year, if required.

£20 to Commissioners for issuing Treasury Notes.

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

£40 to the Wharfinger.

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

£40 to the Market Clerk.

And a further sum of Seventy-five Pounds to the person who may be appointed to inspect the Militia and to receive the Returns, for the present year.

£75 to Inspecting Field Officer.

And a further sum not exceeding Two hundred and forty Pounds, to defray the Fees of the Colonial Secretary and Clerk of the Executive Council, and to provide Stationery, for the present year.

£240 for defraying Fees of Colonial Secretary and Clerk of the Council, &c.

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

£40 to the Messenger of the Executive Council, Crier and Tipstaff.

And a further sum of Three hundred and fifty Pounds, or as much thereof as may be necessary, to defray the expenses of Crown Prosecutions, including Fees of Crown Officers, Clerks of Courts and Witnesses, also Coroner's and Jurors' Fees, for the present year.

£350 to defray the expenses of Crown Prosecutions.

And a further sum not exceeding Fifty Pounds, for Crown Officers' Fees, for other services, should the same be required.

£50 to defray Crown Officer's Fees.

£100 to defray  
Chief Justice's  
travelling charges.

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

£20 to each of  
the Sheriff's of  
the several Coun-  
ties.

And a further sum of Twenty Pounds each, to the High Sheriffs of the different Counties, to be appointed agreeably to the Act of the present Session, for their services for the present year.

£270 to defray  
expenses of the  
several County  
Jails.

And a further sum of Two hundred and seventy Pounds, to defray the expenses of the three County Jails, including Fuel and Bread for the same, for the present year.

£40 to Jailer of  
Charlottetown.

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

£60 to Jailers in  
King's & Prince  
Counties.

And a further sum of Sixty Pounds, to defray the Salaries of the Keepers of the Jails at *Saint Eleanor's* and *Georgetown*, for the present year.

£10 to Medical  
attendant for  
Charlottetown  
Jail.

And a further sum of Ten Pounds to the Medical Attendant of *Charlottetown* Jail, and for supplying the Prisoners with Medicines, for the present year.

£250 for public  
Printing and  
Stationery.

And a further sum not exceeding Two hundred and fifty Pounds, to defray the expense of Public Printing and Stationery, for the present year.

£150 for contin-  
gent expenses of  
Government.

And a further sum of One hundred and fifty Pounds, to defray the contingent expenses of the Government, for the present year.

1300*l.* for Roads  
and Bridges.

And a further sum of One thousand three hundred Pounds, for the service of Roads and Bridges — to be applied and expended agreeably to the Report of the Committee of the House of Assembly on Roads and Bridges, for the present year.

100*l.* for incident-  
al repairs of  
Roads & Bridges.

And a further sum of One hundred Pounds, to defray the incidental repairs of Roads and Bridges, for the present year, to be apportioned equally between the three Counties.

150*l.* for Salaries  
of Commissioners  
of Highways.

And a further sum of One hundred and fifty Pounds, to defray the Salaries of the Commissioners of Highways, for the present year.

30*l.* to the person  
appointed to cor-  
respond with

And a further sum not exceeding Thirty Pounds, to the person appointed to correspond with the

Road Commissioners, for his services for the present year. Road Commissioners.

And a further sum of **Thirteen Pounds**, to defray the expenses incurred in the completion of the **Bridge over Goff's Mill Creek**. 13l. for Bridge over Goff's Mill Creek.

And a further sum of **Twenty Pounds** for the repairing of **Ellis River Bridge**, in addition to the sum appropriated for that purpose by the Committee of the House of Assembly on Roads and Bridges. £20 for Ellis River Bridge.

And a further sum of **Seventy-five Pounds**, to be applied in extending **Princetown Wharf**. 75l. for Princetown Wharf.

And a further sum of **Five Pounds five Shillings** to **Isaac Smith**, being the amount of his account for **Plans of Bridges**, and other public services. 5l. 5s. to Isaac Smith.

And a further sum of **Six Pounds** to **Prospier Gallant**, to defray the expenses of erecting **Beacons** at the entrance of **Cascumpeque Harbour**. 6l. for Beacons at Cascumpeque.

And a further sum of **Five Pounds**, to defray the expense of a set of **Weights and Measures** for the use of **Princetown and Royalty**. 5l. for set Weights and Measures for Princetown and Royalty.

And a further sum not exceeding **Five hundred Pounds**, to defray the expense of conveying the **Mails** for the present year, under the provisions of the Act, 6th Will. 4th, cap. 11. 500l. for conveyance of Mails by a Steam Vessel.

And a further sum of **Two hundred Pounds**, to defray the expenses of conveying the **Inland Mails** for the present year, should the same be required. 200l. for conveyance of Inland Mails.

And a further sum of **One hundred and fifty Pounds**, to defray the expense of conveying the **Winter Mails** to and from the Province of **Nova Scotia**. 150l. for conveyance of Winter Mails.

And a further sum of **Twenty Pounds**, to be paid to **Elizabeth Chappell**, for conducting the business of the **Inland Mails** for the past year. 20l. to Post Mistress.

And a further sum of **One thousand Pounds**, for carrying into effect the Act of the present Session, for the encouragement and support of **District and other Schools**. 1000l. for the support of District Schools.

And a further sum of **Three hundred Pounds**, to defray the **Salaries** of the **Two Masters** of the **Central Academy**, for the present year. 300l. to the Masters of Central Academy.

25/ to the Master  
of the National  
School.

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

9/ to Thomas  
Key.

And a further sum of Nine Pounds, to be paid to *Thomas Key*, District Teacher, residing at *Cas-cumpeque*, for the past year.

7/ 10s to Han-  
nah Bullpitt.

And a further sum of Seven Pounds ten Shillings, to be paid to *Mistress Hannah Bullpitt*, for conducting a preparatory School in *Charlottetown*.

30/ for premiums  
for destruction of  
Bears and Loup-  
cerviers.

And a further sum of Thirty Pounds, to defray the Premiums allowed by Law for the destruction of Bears and Loupcerviers, for the present year.

100/ for Quar-  
antine regulations.

And a further sum of One hundred Pounds, for carrying into effect the Quarantine Regulations (should the same be required,) during the present year.

1500/ for the pur-  
chase of Seed  
Grain for the  
poorer Settlers.

And a further sum of One thousand five hundred Pounds, to be expended in the purchase of Seed Grain and Potatoes for distribution among the poorer Settlers, agreeably to the Act of the present Session.

90/ for Lunatics.

And a further sum not exceeding Ninety Pounds, for the maintenance and safe keeping of Insane persons, for the present year.

10/ to John  
Ready.

And a further sum of Ten Pounds, to be paid to *John Ready*, a blind person.

10/ to Hercules  
Frize.

And a further sum of Ten Pounds, to be paid to *Hercules Frize*, a blind person.

5/ to William  
Macneill.

And a further sum of Five Pounds, to be paid to *William Macneill*, a blind person.

5/ to Daniel  
Quigley.

And a further sum of Five Pounds, to be paid to *Daniel Quigley*, of Lot *Eighteen*, an infirm Pauper.

5/ to L'Amable  
Bernard.

And a further sum of Five Pounds, to be paid to *L'Amable Bernard*, of Lot *Fifty*, an infirm Pauper.

11/ to Isaiah  
Poirier.

And a further sum of Eleven Pounds, to be paid to *Isaiah Poirier*, to reimburse him for the expense incurred in maintaining an insane Mulatto Female.

5/ to Alexander  
Finlayson.

And a further sum of Five Pounds, to be paid to the Reverend *John Maclellan*, towards the sup-

port and safe keeping of *Alexander Finlayson*, of *Little Sands*; a Lunatic.

And a further sum of **Eight Pounds**, to be paid to the Reverend *John Maclellan*, towards the support of *James Maddox*, a blind person. 5l. to J. Maddox.

And a further sum of **Five Pounds**; to be paid to *Ann Macgillivray*, of Lot *Forty-four*, to aid her in the support of her son, a Lunatic. 5l. to Ann Macgillivray.

And a further sum of **Five Pounds**, to be paid to the Reverend *Sylvanus Perry*, to aid in the support of Mistress *Holmes, Mascouche*, an aged and infirm person. 5l. to Mrs. Holmes.

And a further sum of **Ten Pounds**, to be paid to *Elizabeth Le Page*, of Lot *Forty-nine*, towards the support of her husband, a Lunatic. 10l. to Elizabeth Le Page.

And a further sum of **Five Pounds**, to be paid to *Charles Russell*, an old and infirm Teacher. 5l. to Charles Russell.

And a further sum of **Five Pounds**, to be paid to *Finlay M<sup>c</sup>Isaac*, to aid him in supporting his sister-in-law, a Lunatic. 5l. to Finlay M<sup>c</sup>Isaac.

And a further sum of **Ten Pounds**, to be paid to *William Purcell*, a blind person. 10l. to William Purcell.

And a further sum of **Five Pounds**, to be paid to *John Macnamara*, a disabled Seaman, in indigent circumstances. 5l. to John Macnamara.

And a further sum of **Five Pounds**, to be paid to *David Frisby*, an aged and infirm Pauper. 5l. to David Frisby.

And a further sum of **Sixty Pounds**, to be paid to the Speaker of the House of Assembly; and the sum of **Thirty Pounds** to each of the other Members of the Assembly, to indemnify them for their disbursements while attending the sittings of the House this Session, with travelling charges; at the rate of **Eight-pence per mile**, in making two-journeys to and from the same—with the exception of the Members in the custody of the Sergeant at Arms, who shall be paid the sum of **Five Pounds** each for their disbursements, prior to their commitment, with travelling charges at the rate of **Eight-pence per mile**, in coming once to and once returning from the present Session of the General Assembly. 60l. to the Speaker of the Assembly.  
30l. to each of the other Members, and travelling charges;  
except certain Members, to be paid 5l. and travelling charges.

207. to Chaplain  
of the Assembly.

And a further sum of **Twenty Pounds**, to be paid to the **Reverend Louis Charles Jenkins**, for his services as Chaplain of the House of Assembly, for the present year.

Contingent expenses  
of Legislative  
Council and As-  
sembly.

And a further sum sufficient to defray the contingent expenses of the Legislative Council and House of Assembly for the present Session—to be paid to the parties entitled thereto, on their Accounts being approved of by each House respectively, and certified by their respective Speakers.

67. to John  
Morrow.

And a further sum of **Six Pounds**, to be paid to **John Morrow**, for extra Work performed on the **Bay of Fortune Bridge**.

2007. for carrying  
into effect Road  
Compensation  
Act.

And a further sum not exceeding **Two hundred Pounds**, to be applied in carrying into effect the provisions of the **Road Compensation Act** of 10th Geo. 4th, cap. 10, and of the Act of 3d Will. 4th, cap. 9, in amendment thereof, should the same be required.

127. for the sup-  
port of 3 blind  
persons named  
Mackay.

And a further sum of **Twelve Pounds**, to be paid to **James Simpson**, senior, of **New London**, for the support of three blind persons of the name of **Mackay**.

307. for Jail at  
Georgetown.

And a further sum of **Thirty Pounds**, to defray the extra expenditure incurred in fencing the Jail Yard, and sinking the Well at **Georgetown**.

647. for Bridge  
over Bird Island  
Creek.

And a further sum of **Sixty-four Pounds**, to defray the expense of rebuilding the Bridge over **Bird Island Creek**.

107. for Mount  
Stewart Bridge.

And a further sum of **Ten Pounds**, in addition to the sum already voted, for the repairs of **Mount Stewart Bridge**.

257. to High  
Sheriff.

And a further sum of **Twenty-five Pounds**, to be paid to the **High Sheriff** of this Island, for his services for the year ending in **May** next.

2607. for Govern-  
ment House.

And a further sum of **Two hundred and Sixty Pounds**, to defray the cost of **Materials and Work** done and performed in and about the **Government House** during the past year; and also the sum of **Twenty Pounds five shillings and ten-pence**, for al-

207. 5s. 10d. for  
altering Bridge  
and making Road

tering the Bridge and making a Road to Government House. to Government House.

And a further sum of Nine Pounds five shillings and ten-pence, to be paid to *John Hobs*, for fixing Maps, and for a Table for the Council Room. 9l. 5s. 10d. to John Hobs, for work done for Council room.

And a further sum of Five Pounds, to be paid to *Archibald Campbell*, Lot *Forty-six*, for the support of his daughter, a Lunatic. 5l. to Archibald Campbell.

And a further sum of Forty Pounds, to be paid to the Speaker of the House of Assembly, for the purchase of Books for the Library, under the direction of the Special Committee appointed in the Year One thousand eight hundred and thirty-five, for a similar purpose. 40l. for the purchase of Books for the Library of Assembly.

And a further sum of Fourteen Pounds, to be paid to *John Gainsford*, being the amount of Impost Duty paid on certain Steam-Engines and Apparatus, imported by him from *Great Britain*, in the Year One thousand eight hundred and thirty-six. 14l. to John Gainsford, as a drawback on certain Steam Engines imported by him.