

This Assembly was dissolved by Proclamation on the 11th day of April, 1826.

At the **GENERAL ASSEMBLY** of the Province of Nova-Scotia, begun and holden at Halifax, on Wednesday, the First day of February, 1826, in the Seventh Year of the reign of our Sovereign Lord **GEORGE** the Fourth, by the Grace of God, of the United Kingdom of Great-Britain and Ireland, **KING**, Defender of the Faith, &c. &c. &c. being the Sixth and last Session of the Twelfth General Assembly, convened in the said Province.*

* In the time of Sir James Kempt, Knight Grand-Cross of the Most Honorable Military Order of the Bath, Lieutenant-Governor; S. S. Blowers, Chief-Justice and President of Council; Samuel George William Archibald, Speaker of the Assembly; Sir Rupert D. George, Bart. Secretary of the Council; and James B. Fracklin, Clerk of Assembly.

CAP. I.

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

MAY IT PLEASE YOUR EXCELLENCY,

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

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

200l. Speaker of Assembly

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

100l. Solicitor-General

And a further sum of 500l. to the Treasurer of the Province, for his Salary, and as Comptroller and Auditor of Public Accounts, and in lieu of Office Rent, Clerks, and all other contingent expenses, for the present year.

500l. Treasurer

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

100l. Clerk of the Council

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

30l. Expenses of Council

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

100l. Clerk of Assembly

And

And a further sum of 175l. to Messrs. Howe & Son, Printers, for Printing for Government and the General Assembly, for the same year. 175l. Howe & Son

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

And a further sum of 110l. to be paid on the certificate of the Commissioners of the Revenue, to the Land-Waiter of the Port of Halifax, for the same year. 110l. Land Waiter

And a further sum, to be paid on the certificate of the Commissioners of the Revenue, at the rate of 7s. 6d. per day, to such Person or Persons as shall be employed during the year aforesaid, by the Collector of Impost and Excise of the District of Halifax, as Extra Waiter or Waiters for the Port of Halifax: and 5s. per day to such Extra Waiter or Waiters, when unemployed; and at the rate of 5s. per day to Temporary Waiters. Allowance to Extra Waiters

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

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

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

And a further sum of 25l. to the Reverend John Thomas Twining, for his services as Chaplain to the House of Assembly, during the present Session. 25l. Rev. John Thomas Twining

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

And a further sum of 25l. to Matthew Forrester, for his services as Assistant-Sergeant at Arms to the House of Assembly, during the present Session. 25l. Matthew Forrester

And a further sum of 25l. to John Gibbs, for his services as Messenger to the House of Assembly, during the present Session. 25l. John Gibbs

And a further sum of 30l. to the Clerk of the Commissioners of the Revenue, for his services for the present year. 30l. Clerk to Commissioners of Revenue

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

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

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

And a further sum of 100l. to the Treasurer of the Province, in addition to his Salary for the present year. 100l. Treasurer

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

And a further sum of 600l. for the support of the Transient Poor for the present year, to be paid to the Commissioners of the Poor at Halifax. 500l. Transient Poor

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

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

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

50l. Sheriff of
Cape-Breton

And a further sum of 50l. to be applied upon the same conditions as heretofore, for a compensation to the Sheriff of the County of Cape-Breton, for the services he may perform in the execution of his office within the present year.

12l. 10s. to John
J. Greenwood

And a sum of 12l. 10s. to John J. Greenwood, in full for his time, and expenses incurred by him, in going from Halifax to Boston, as an evidence against the Forgers of Province Notes, in April last.

250l. Hon. Chas.
Morris

And a further sum of 250l. to the Honorable Charles Morris, Surveyor-General of the Province, in full compensation for services performed by him in superintending and directing the surveying of the Boundary Lines of certain Counties and Districts in the Province, under the orders of His Excellency the Lieutenant-Governor, during the last five years.

400l. Lines and
Boundaries

And a further sum, not exceeding 400l. to enable His Excellency the Lieutenant-Governor to proceed in making a survey of the Lines and Boundaries of the Counties and Districts in this Province, in addition to the balance of former Votes of the Legislature remaining unexpended.

900l. Post Com-
munication

And a further sum of 900l. for defraying the expenses of a Post Communication in the present year, as heretofore kept up.

39l. 2s. 6d. John
Howe & Son

And a further sum of 39l. 2s. 6d. to John Howe and Son, for printing the Acts passed in the last Session of the General Assembly, for transmission to England, per account.

200l. Commission-
ers of Bridewell

And a further sum of 200l. to the Commissioners of the Bridewell in the Town of Halifax, to aid in paying off the debts, and for the support of that Establishment:—100l. of which sum to be retained in the Treasury, to make good that sum paid by mistake last year, beyond the sum granted.

25l. George
Chipman

And a further sum of 25l. to George Chipman, Esq. of Horton, to enable him to complete his survey of the practicability of an Inland Water Communication, between the Gaspereau River and Lahave River; and for clearing out certain runs and falls between the Lakes, to facilitate the passage of Wood and Timber, pursuant to his Report and Plan of last year's survey, laid before the House of Assembly, by order of His Excellency the Lieutenant-Governor.

192l. J. G. A.
Creighton

And a further sum of 192l. to J. G. A. Creighton, being the amount of duty paid into the Treasury, on a quantity of Wheat, by him imported from Hamburgh in the year One Thousand Eight Hundred and Twenty-five, in the brig Nelly, Joseph Barret, master.

64l. 11s. 11d. to
Cuthbert Vaux

And a further sum of 64l. 11s. 11d. to Cuthbert Vaux, being the amount of duty paid into the Treasury on a quantity of Wheat imported by him from Trieste, in September last.

200l. Steam Boat
Company

And a further of 200l. to the Steam-Boat Company, to enable them to keep their Boat plying between Halifax and Dartmouth.

350l. Acadian
School

And a further sum of 350l. to the Trustees of the Acadian School in Halifax, to discharge the debts due from that Institution, including the sum due to Mrs. Joanna M'Kay, which is to be first paid.

293l. 7s. 2d. Na-
tional School

And a further sum of 293l. 7s. 2d. to the Trustees of the National School in Halifax, to enable them to discharge the debts of that Establishment.

92l. Catholic
School

And a further sum of 69l. to the Reverend John Carroll, to enable him to pay off the debts due from the Catholic School in Halifax; and the further sum of 50l. to reimburse the Reverend Messrs. Carroll and Dunphy the disbursements made by them in the two last years, on account of the said School.

50l. Messrs. Car-
roll and Dunphy

400l. Pictou Aca-
demy

And a further sum of 400l. to the Trustees of the Pictou Academy, for the support of that Institution for the present year.

50l. Town School
Windsor

And a further sum of 50l. to the Trustees of the Town School in Windsor, to enable

ble them to pay the balance due on that Establishment, and to aid them in making certain necessary repairs to the School House; the money to be paid on a certificate from the General or a Special Sessions, that such amount has been faithfully applied to the purpose for which it was granted.

And a further sum of 60l. to Caleb H. Rand, James D. Harris, and John Whidden, in aid of the subscription of them and others for building a Central School House in King's County upon an extended plan, for the furtherance of Education by the Madras System—the accommodation of a large Sunday School, and other beneficial purposes, agreeably to the prayer of their Petition; the expenditure to be accounted for, duly certified by the Justices in Session.

60l. School House
in King's County

And a further sum of 12l. 10s. to the Commissioners of the Poor in Halifax, to enable them to continue the School in the Poor-House, for the present year, for the benefit of Orphans and Poor Children in that Establishment.

12l. 10s. Poor-
House School

And a further sum of 25l. to enable the Inhabitants of St. Mary's, in the County of Sydney, to erect a Beacon on Wedge Island, and a Buoy at the mouth of the River; and the same to be paid when certified by two of the Magistrates that the money has been duly expended.

25l. Beacon on
Wedge Island

And a further sum of 1000l. to be at the disposal of His Excellency the Lieutenant-Governor, for the purpose of importing into the Province two or more thorough bred Seed Horses.

1000l. Seed Horses

And a further sum of 50l. to assist certain Inhabitants of Cornwallis in building a Wharf at Hall's Harbour, on the shore of the Bay of Fundy; the same to be drawn from the Treasury, when it shall be certified by the General Sessions of the Peace, that a sum of 25l. has been raised by private subscription, and expended on the said work.

50l. Wharf at
Hall's Harbour

And a further sum of 20l. to Angus M'Donald, of Little Harbour, for the erection of an Oat-mill at that place.

20l. Angus M'Do-
nald

And a further sum of 20l. to Charles B. Blackie, of Stewiacke, for the erection of an Oat-mill in that Settlement.

20l. Charles B.
Blackie

And a further sum of 20l. to Donald M'Kinnon, of Arisaig Point, for the erection of an Oat-mill in that Settlement.

20l. Donald
M'Kinnon

And a further sum of 20l. to Robert Dill, of Londonderry, for the erection of an Oat-mill in that Township.

20l. Robert Dill

And a further sum of 20l. to John Ehler, of Guysborough, for the erection of an Oat-mill in that Township.

20l. John Ehler

And a further sum of 20l. to David Murray, of Merigomish, for the erection of an Oat-mill in that Settlement.

20l. David Murray

And a further sum of 20l. to George M'Donald and Duncan Cameron, for the erection of an Oat-mill on the West River of Pictou.

20l. George
M'Donald

And a further sum of 20l. to Daniel Harrington, for the erection of an Oat-mill at Antigonishe.

20l. Daniel Har-
rington

And a further sum of 20l. to William Lutwidge Newton, for the erection of an Oat-mill on the new Dartmouth Road.

20l. William Lut-
widge Newton

And a further sum of 20l. to John M'Kay, for the erection of an Oat-mill in Earl's own, in the District of Colchester.

20l. John M'Kay

And a further sum of 100l. to assist the Inhabitants at or near Port Medway River, in Queen's County, to remove obstructions in the said River, to be paid when it shall be certified, by the Court of Sessions, that a sum of 50l. has been raised by private subscription, and expended in the said work.

100l. Port Med-
way River

And a further sum of 75l. to enable Inhabitants of Petit River, in the County of Hants,

75l. Petit River
Hants,

Hants, to remove certain obstructions from the said River, which impede its navigation; the said sum to be drawn from the Treasury, when it shall be certified by the Court of General Sessions, that a sum to that amount, together with the sum made up by private subscription, has been duly expended.

50l. St. Mary's
River

And a further sum of 50l. in addition to the sum of 50l. granted in the last Session of the Legislature, to aid the Inhabitants of St. Mary's River, in the County of Sydney, to clear that River of Rocks, and other obstructions, at the Big Falls, so called: the sum hereby granted, not to be drawn until the work be completed, and so certified by the Justices in Session.

75l. Petit River

And a further sum of 75l. to assist the Inhabitants of New-Dublin, in the County of Lunenburg, to remove obstructions from the Petite River; the same to be drawn from the Treasury, when it shall be certified by the Court of Sessions, that the said Inhabitants have contributed and expended the sum of 25l. for that purpose. The whole of the expenditure, when the work shall be completed, to be certified in like manner.

50l. Lahave River

And a further sum of 50l. to assist the Inhabitants of the Townships of Lunenburg and New-Dublin, to remove the obstructions out of the Lahave River; the same to be drawn from the Treasury, when it shall be certified, by the Court of Sessions, that the said Inhabitants have subscribed and expended the sum of 20l. for that purpose. The whole expenditure to be in like manner certified, when it shall be completed.

30l. Annapolis
River

And a further sum of 30l. to aid the Inhabitants of Aylesford in clearing out the Annapolis River in that Township; to be drawn from the Treasury when it shall be certified by the Justices in Session that the sum raised by private subscription has been duly expended, and the whole expenditure to be certified in like manner.

40l. Cornwallis
River

And a further sum of 40l. to assist further in clearing out the Cornwallis River, in addition to the Provincial Grant and private subscriptions expended for that purpose: the due expenditure of this sum to be certified by the Court of Sessions.

150l. Pier at Wil-
mot

And a further sum of 150l. to His Excellency the Lieutenant-Governor, to aid the Inhabitants of the Township of Wilmot in building a Pier or Wharf on the shore of the Bay of Fundy, at or near Gate's Mill, for the safety of Vessels: to be drawn from the Treasury when it shall be certified that the Inhabitants have raised and expended a sum of 75l. in that work; and also if, upon inquiry, His Excellency should find the building of a Pier or Wharf on the Bay of Fundy, as above mentioned, practicable.

93l. 0s. 11d Ship-
wrecked mariners
Cape-Breton

And a further sum of 93l. 0s. 11d. at the disposal of His Excellency the Lieutenant Governor, for defraying certain demands for articles furnished to sundry poor distressed Shipwrecked Mariners in the Island of Cape-Breton, in the year one thousand eight hundred and twenty-four.

20l. William Ro-
bertson

And a further sum of 20l. to William Robertson, in full for provisions supplied, and advances made by him, and services performed, for the relief of the passengers and crew of the brig New Active, wrecked upon the Seal Islands in July, one thousand eight hundred and twenty-three.

25l. Chester
River

And a further sum of 25l. to assist the Inhabitants of Middle River, in the Township of Chester, in removing certain obstructions that impede the navigation of that River: the said sum to be drawn from the Treasury when it shall be duly certified, by the Court of Sessions, that private subscriptions to the amount of 12l. 10s. together with this grant, have been duly expended.

50l. River from
Herring Cove
Lake to Herring
Cove

And a further sum of 50l. to assist the Inhabitants of Queen's County, to remove obstructions in the River from Herring Cove Lake to Herring Cove: the said sum to be drawn from the Treasury when it shall be duly certified by the Court of Sessions, that such amount has been properly expended, and that the said Inhabitants have subscribed and expended at the least 15l. in addition thereto, for the same purpose.

And

And a further sum of 100l. at the disposal of His Excellency the Lieutenant-Governor, to aid the Inhabitants of Musquodoboit in removing obstructions to the navigation of the River Musquodoboit. 100l. River Musquodoboit

And a further sum of 50l. to aid the Inhabitants in clearing out certain obstructions in the St. Croix River, below the Panuke Lakes, in the County of Hants: which sum is not to be drawn from the Treasury until it shall be certified by the Justices in General or Special Sessions, that 25l. raised by private subscriptions for the same purpose has been expended: the expenditure of the sum hereby granted to be certified in like manner. 50l. St. Croix River

And a further sum of 50l. to enable the Inhabitants to clear out the River Denny, in Cape-Breton: the expenditure of this sum to be duly certified. 50l. River Denny Cape-Breton

And a further sum of 300l. to be placed at the disposal of His Excellency the Lieutenant-Governor, for putting into a state of repair, and good order, the Militia Arms of the several Battalions of Militia throughout the Province, agreeably to the recommendation of His Excellency. 300l. Militia Arms

And a further sum of 19l. 12s. to be placed at the disposal of His Excellency the Lieutenant-Governor, to enable him to pay the Accounts for cleaning Militia Arms in King's County, as certified by Lieutenant-Colonel Gesner. 19l. 12s. Militia Arms

And a further sum of 105l. 5s. 11d. to be placed at the disposal of His Excellency the Lieutenant-Governor, for the purpose of paying the several Accounts for the repairs of Militia Arms in the Counties of Annapolis and Shelburne, as certified by the Adjutant-General of Militia. 105l. 5s. 11d. Militia Arms

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

And a further sum of 35l. to William Fraser, Esq. for his services as King's Counsel upon the Western Circuit during the past year. 35l. Wm. Fraser

And a further sum of 35l. to William Hill, Esq. for his services in conducting Criminal Prosecutions on the part of the Crown, in the Supreme Court at Pictou, in September last. 35l. Wm. Hill

And a further sum of 35l. to Thomas Dickson, Esq. for his services on the part of the Crown, in conducting Criminal Prosecutions at Pictou, in January last, under a Special Commission of Oyer and Terminer, and Gaol Delivery. 35l. Thos. Dickson

And a further sum of 126l. 8s. to defray the expenses incurred for extra work done on the Avon Bridge in the last year. 126l. 8s. Avon Bridge

And a further sum of 127l. 6s. 5d. to defray the expenses incurred in securing and completing the Bridge over the River St. Croix, in the last year. 127l. 6s. 5d. St. Croix Bridge

And a further sum of 44l. 18s. 1d. to defray the expenses incurred in sending a supply of Seed Potatoes and Indian Corn Meal, to distressed Inhabitants of Tracadie, in consequence of the failure of their crops in the last year. 44l. 18s. 1d. Distressed Inhabitants of Tracadie

And a further sum of 174l. 10s. 6d. to defray the expenses incurred under a Resolution of the Legislature, in the prosecution of Forgers of Province Notes at Boston in the last year. 174l. 10s. 6d. Prosecuting Forgers

And a further sum of 538l. 19s. 6d. to defray the Accounts for an additional expenditure on the new road from Fultz's to Thompson's, on the Windsor Road, in the last year. 538l. 19s. 6d. Road from Fultz's to Thompson's

And a further sum of 100l. to Thomas W. James, for losses sustained by him as stated in his Petition. 100l. T. W. James

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

And

351. A. Richardson And a further sum of 351. to Andrew Richardson, Guager and Weigher of the District of Halifax, in addition to his salary for the present year.
1001. Fuel, &c. for Council and Assembly. And a further sum of 1501. to defray the expense of Fuel, and for Sundries, supplied for the use of His Majesty's Council and the House of Assembly, in the present Session : to be paid on the Certificates of the President of the Council, and the Speaker of the House of Assembly.
1001. Clerk of Assembly And a further sum of 1001. to the Clerk of the House of Assembly, to defray the expense of Extra Servants, and other incidental expenses, during the present Session.
351. Clerk of Assembly And a further sum of 351. to the Clerk of the House of Assembly, to defray the expense of Stationary, furnished for the use of His Majesty's Council, the House of Assembly, and the Commissioners of the Revenue.
351. John Whidden And a further sum of 351. to John Whidden, for his services in drafting and copying Bills for the Members of the House of Assembly in the present Session.
351. William Hill And a further sum of 351. to William Hill, Esq. for his services as Deputy-Clerk of the Council in the present Session.
2001. Academy at Annapolis And a further sum of 2001. to be paid to Commissioners, to be appointed by His Excellency the Lieutenant-Governor, to aid the Inhabitants of the Town of Annapolis to erect a suitable Building for an Academy or Grammar School : the said sum not to be drawn from the Treasury until the sum of 2001. raised by private subscriptions, shall have been expended, and so certified by the Justices in Session.
981. R. U. Marsters And a further sum of 981. to Richard U. Marsters, to enable him to purchase a Transit Instrument, to further the important views of said Marsters, in relation to his contemplated improvements on Chronometers.
501. Rev. Pere Vincent And a further sum of 501. to be placed at the disposal of His Excellency the Lieutenant-Governor, to encourage the Reverend Pere Vincent, who is now settled at the Indian Chapel, which was built by the Indians, near the Bras d'Or Lake, in the County of Sydney, and engaged without any remuneration in educating and taking care of such Indians and their Families.
1001. Distressed Negroes And a further sum of 1001. to be placed at the disposal of His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, to be applied, by such persons as he shall appoint, for the purpose of procuring Seed Potatoes and Grain, for the Distressed Negroes at Hammond Plains, Dartmouth and Preston, and those at the Panuke Settlement, in the Township of Windsor, and Beech Hill near Halifax.
51801. Great Roads And a further sum of 51801. for the Great Roads of the Province, to be applied and expended agreeable to the Resolution passed in the House of Assembly on the twenty-seventh day of February, in the present year, and agreed to by His Majesty's Council.
5001. District of Halifax And a further sum of 5001. for the several Roads within the District of Halifax, to be applied and expended as aforesaid.
5001. District of Colchester And a further sum of 5001. for the several Roads in the District of Colchester, to be applied and expended as aforesaid.
5501. District of Pictou And a further sum of 5501. for the several Roads in the District of Pictou, to be applied and expended as aforesaid.
5501. County of Sydney And a further sum of 5501. for the several Roads in the County of Sydney, to be applied and expended as aforesaid.
4951. County of Cumberland And a further sum of 4951. for the several Roads in the County of Cumberland, to be applied and expended as aforesaid.
5201. County of Hants And a further sum of 5201. for the several Roads in the County of Hants, to be applied and expended as aforesaid.
5201. County of King's County And a further sum of 5201. for the several Roads in the County of King's County, to be applied and expended as aforesaid.

And

- And a further sum of 565l. for the several Roads in the County of Annapolis, to be applied and expended as aforesaid. 565l. County of Annapolis
- And a further sum of 560l. for the several Roads in the County of Shelburne, to be applied and expended as aforesaid. 560l. County of Shelburne
- And a further sum of 490l. for the several Roads in the County of Lunenburg, to be applied and expended as aforesaid. 490l. County of Lunenburg
- And a further sum of 490l. for the several Roads in the County of Queen's County, to be applied and expended as aforesaid. 490l. County of Queen's County
- And a further sum of 1080l. for the roads in the County of Cape-Breton, to be applied and expended in such manner as His Excellency the Lieutenant-Governor may think fit, agreeably to the Resolution, passed on the 27th day of February, in the present year, and agreed to by His Majesty's Council. 1080l. County of Cape-Breton
- And a further sum of 40l. to aid the Inhabitants of the County of Annapolis to remove rocks and other obstructions from the Annapolis River, above Bridgetown: to be paid when it shall be certified by the Court of Sessions that a sum of 20l. has been raised by private subscription, and expended in the said work. 40l. Annapolis River
- And a further sum of 50l. for removing obstructions, and clearing out the Scissabou River, between the lower and upper Falls; to be paid when it shall be certified, by the Sessions, that the Inhabitants have performed labour to the amount of twenty-five pounds, in removing the above obstructions. 50l. Scissabou River
- And a further sum of 200l. for building a Bridge over Remsheg River, near Renisse's, in aid of 154l. subscribed by the Inhabitants: said sum not to be paid until the Bridge shall be finished and so certified by the Justices in Session. 200l. Bridge over Remsheg River
- And a further sum of 40l. to repair the Bridge at Middle Stewiacke, lately injured by a flood. 40l. Bridge at Middle Stewiacke
- And further sum of 50l. to aid the Inhabitants of Earl Town, in the District of Colchester, to make and repair the Road and Bridges leading through that Settlement towards Pictou. 50l. road and bridges in Earl Town
- And a further sum of 200l. to open and improve the road from the Upper Stewiacke to Pictou, by New Larwick. 200l. road from Upper Stewiacke to Pictou
- And a further sum of 200l. for the road from Upper Musquodoboit to the line of the County of Sydney. 200l. road from Upper Musquodoboit to Co Sydney
- And a further sum of 50l. for the road from the line of the County of Sydney, through St. Mary's, to Guysborough. 50l. road towards Guysborough
- And a further sum of 100l. for the new Post Road from Antigonish to Cape-Breton, and to rebuild the Bridge over the Pomquet River, on the said road. 100l. Post Road from Antigonish to Cape-Breton
- And a further sum of 250l. to enable the Inhabitants of New Glasgow to build a Bridge across the East River, on the line of the new road, leading from the Middle River, to the County of Sydney: the said sum not to be drawn from the Treasury until it shall be duly certified by the Justices in Session, to His Excellency the Lieutenant-Governor, that a sum of one hundred and twenty pounds has been subscribed and paid towards the erection of the said Bridge, and that the Bridge is built and completed. 250l. Bridge over East River
- And a further sum of 20l. to aid the Inhabitants of Onslow to rebuild the Bridge over the Chiganoise River, near Thomas's. 20l. Bridge over Chiganoise River
- And a further sum of 50l. to improve the Road and repair the Bridges between Mount Denson, in Falmouth, and the Horton Line, on the lower Great Road leading to Horton. 50l. Road and Bridges between Mount Denson and Horton Line
- And a further sum of 50l. to alter and improve the Petite Road, near Wm. Salter's, in Newport. 50l. Petite Road
- And a further sum of 30l. to assist the Inhabitants to erect a Bridge over Meander River, near John Chambers's, in the County of Hants. 30l. Bridge over Meander River
- And

500l. road at Ardoise Hills

And a further sum of 500l. to alter and improve the road at Ardoise Hills, in addition to the sum previously granted for that purpose.

100l. from Chester to Windsor

And a further sum of 100l. to improve the Road from Chester to Windsor : one half of which sum to be expended in the County of Hants.

100l. roads from Wellington Dyke

And a further sum of 100l. for widening, opening and improving, the roads as lately laid out, leading from the Wellington Dyke, in Cornwallis, to the Canar Street, on the north side ; and Church Street, on the south side thereof.

50l. Causeway on Gaspereau River

And a further sum of 50l. to raise the Causeway on the south side of the Great Bridge, on the Gaspereau River in Horton, on the Mount Denson Road.

50l. Bridge over Advocate Harbour

And a further sum of 50l. for completing the Bridge over a branch of Advocate Harbour, in Parrsborough, and the Causeways and Road connected therewith.

200l. Post Road near P. Martin's

And a further sum of 200l. to make the alteration of the Post Road, on the western side of the Gaspereau Bridge, to avoid the hill near Perez Martin's in Horton, agreeably to a statement and a plan laid before the House of Assembly by His Excellency the Lieutenant-Governor.

100l. road from Horton to Sherbrooke

And a further sum of 100l. for the improvement of the new road from George Chipman's, in Horton, to Sherbrooke ; to be expended between Gaspereau River in Horton, and the Main Road running through Sherbrooke towards Annapolis.

20l. road from Tremain's to Nine Mile River

And a further sum of 20l. to enable the Inhabitants to complete the road from Tremain's, on the Shubenaccadie River, to the Settlements on the Nine Mile River.

40l. from Fultz's to Fletcher's

And a further sum of 40l. to repair the Main Road from Fultz's to Fletcher's.

250l. New Road from Dartmouth to Fletcher's

And a further sum of 250l. in addition to the former grant of this Session, for the new road from Dartmouth to Fletcher's.

50l. Main Road from St. Peter's Bay to Sydney

And a further sum of 50l. to assist in the completion of the Main Road from St. Peter's Bay to Sydney.

50l. Roads to the main Road at the Gut of Canso

And a further sum of 50l. to assist equally the Inhabitants of the Military Settlements on the Lake Ainslie, in cutting out roads to the Main Road at the Gut of Canso.

100l. Bridge over Margeree River

And a further sum of 100l. to enable the Inhabitants at Margeree, to build a bridge over the Margeree River, in the County of Cape-Breton.

100l. Bridge over Plaister Paris Cove

And a further sum of 100l. to aid the Inhabitants of the Gut of Canso, to build a bridge over Plaister Paris Cove.

50l. Road from Barrington to Cockawit

And a further sum of 50l. for opening and improving the road from Barrington to Cockawit.

30l. Bridge at Barrington

And a further sum of 30l. for repairing the Bridge on the Post Road at Barrington.

50l. New Dublin Road

And a further sum of 50l. to aid the Inhabitants of New Dublin in opening a road from Conquerall Settlement to the Pleasant River road, passing Heb's Mill.

50l. Bridge over Floyd's River

And a further sum of 50l. to repair the bridge over Floyd's River, in the Township of Chester.

50l. Bridge over Pirate Cove

And a further sum of 50l. to assist the Inhabitants of the County of Sydney in building a Bridge over Pirate Cove.

50l. Road from Pubnico to Strawberry Point

And a further sum of 50l. for the road from Pubnico to Strawberry Point.

25l. from Little Harbour to Ragged Island

And a further sum of 25l. to repair the road from Little Harbour to Ragged Island, in the Township of Shelburne.

40l. from Morton's to Wellington

And a further sum of 40l. for the road from Morton's to Wellington, in Queen's County.

20l. road from Shelburne road to Port Jolly

And a further sum of 20l. for the road from the Shelburne road to Alexander M'Donald's, west side of Port Jolly, in Queen's County.

30l. road from Taylor's to Waterloo

And a further sum of 30l. for the road from James Taylor's to Waterloo, and to repair Waterloo Road, in Queen's County.

And

And a further sum of 30l. for the road from the Falls, by the east side of Liverpool River, to the north bounds of the Township of Liverpool.

And a further sum of 30l. for the road from Smith's Tan Yard to Port Medway, in Queen's County.

And a further sum of 100l. to open and improve the road from Scissabou Falls to Yarmouth.

And a further sum of 100l. to alter the Main Post Road, on the east side of Moose River, to avoid the Long Hill, in the County of Annapolis.

And a further sum of 50l. to aid the Inhabitants in Wilmot, to repair the Bridge across the Main River at Lawrence Town.

II. *And be it further enacted*, That for encouraging the opening of the Shubenaccadie Navigation between the Harbour of Halifax and the Basin of Mines, a sum of Fifteen Thousand Pounds be granted and paid to the Company now forming for that purpose, in manner following, that is to say:—The Company to be entitled to the sum of Four Thousand Pounds when the Communication is open and navigable for Vessels drawing eight feet of Water, from the mouth of the Shubenaccadie River to the South-east end of Lake William;—to the sum of Three Thousand Pounds when the Communication is complete, of the same depth, from Lake William to Lake Charles;—to the sum of Three Thousand Pounds when the Communication is complete, of the same depth, from Lake Charles to the south end of the Dartmouth Lake;—and to the sum of Five Thousand Pounds when the Communication is so completed, to the same depth, from the Dartmouth Lakes into the Harbour of Halifax. *Provided always*, That no greater sum than Three Thousand Pounds be paid out of the Treasury in any one year, on account of this Grant.

III. *And be it further enacted*, That a sum of One Thousand Pounds be granted and placed at the disposal of His Excellency the Lieutenant-Governor, for the relief of the Sufferers in the late calamitous Fire at Miramichi, in the Province of New-Brunswick, agreeably to the Resolution of the House of Assembly, passed on the sixteenth day of February last.

IV. *And be it further enacted*, That it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief, for the time being, by and with the advice and consent of His Majesty's Council, by Warrant, to draw from the Treasury of the Province, the sum of Five Hundred Pounds, yearly, for the term of two years, for the purpose of paying two Inspecting Field-Officers of Militia, independent of the sum heretofore granted for the like purpose in Cape-Breton.

V. *And be it further enacted*, That the Collector of Impost and Excise, at the Port of Halifax, shall, and he is hereby required and directed to, keep a distinct account of all duties collected by him, upon the importation from the United States of America of live stock, apples, fruit, onions, biscuit and bread, under the Act of the General Assembly, passed this present Session, entitled, An Act for the further increase of the Revenue, by imposing a duty on Articles imported from Foreign Countries, and that the said amount of Duties upon the above specified Articles during the present year, shall be paid quarterly to the Commissioners of the Poor, for the use of the Poor of the Town of Halifax. *Provided*, Such payment do not exceed the sum of One Thousand Pounds during the year.

VI. *And be it further enacted*, That out of the unclaimed Agricultural Funds, the sum of Forty-Two Pounds Nine Shillings and Ten Pence, be paid to John Young, Esq. for a Chemical Apparatus, imported by him in the year one thousand eight hundred and twenty, the articles of which shall be disposed of, by His Excellency the Lieutenant-Governor, for any Public Institution he may select. And that the further

30l. road from Falls to north bounds of Liverpool

30l. Road from Smith's to Port Medway

100l. Road from Scissabou Falls to Yarmouth

100l. Post Road at Moose River

50l. Bridge at Lawrence Town

15,000l. Shubenaccadie Canal

1000l. Miramichi Sufferers

500l. Inspecting Field Officers

Allowance towards the support of the Poor in Halifax

42l. 9s. 10d. and 79l. 3s. 4d. to John Young, Esq.

sum of Seventy-Nine Pounds Three Shillings and Four Pence, out of the same unclaimed funds, be paid to the said John Young, in full for any claim of any kind or sort he may have or make against the Province.

1451. Repairs to
Assembly Room

VII. *And be it further enacted*, That a sum of One Hundred and Forty-Five Pounds, the balance of the Vote for fitting up the Assembly Room, and remaining undrawn in the Treasury, be appropriated to pay sundry Persons for labour and materials furnished, for fitting up the Court-House, and for such other repairs and materials as may be necessary for the Province Building.

501. Road between
Halifax & Chester

VIII. *And be it further enacted*, That a sum of Fifty Pounds, granted in the year One Thousand Eight Hundred and Twenty-five, for repairing the Road from the bounds of the County of Halifax, towards Chester, be expended this year on the said road, agreeably to the intention of the Legislature; the same not having yet been expended by the Commissioner, Thomas Holland.

Allowance to Col-
lector of Light-
Duty

IX. *And be it further enacted*, That a Commission of Seven and a half per Cent. instead of Six per Cent. shall be allowed in the collection of the Light-Duties, for the Port of Halifax, for the present year.

Pay of Members
of the House of
Assembly

X. *And be it further enacted*, That the sum of Ten Shillings per day be allowed and paid to the Members of the House of Assembly, for their attendance in General Assembly.

Road Emergencies

XI. *And be it further enacted*, That if any accident shall happen to any of the Bridges on the Main Roads in this Province, or any unforeseen obstructions to travelling shall arise, from the fall of Trees or otherwise, it shall and may be lawful for His Excellency the Lieutenant-Governor, or Commander in Chief for the time being, to order a Commissioner or Commissioners to repair or re-build such Bridges, or to remove such obstructions; and it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to draw Warrants on account and in favor of such Commissioner or Commissioners, provided the same shall not exceed the sum of Seven Hundred and Fifty Pounds.

Sections of Act 41
Geo. III. continued

XII. *And be it further enacted*, That the ninth, twelfth, fifteenth, sixteenth, eighteenth and nineteenth Sections or Clauses of the Act, made and passed in the forty-first year of His late Majesty's Reign, entitled, "An Act for applying certain Monies therein mentioned, for the service of the Year of Our Lord One Thousand Eight Hundred and One, and for appropriating such part of the Supplies, granted in this Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province," shall be and continue in full force and virtue, until the twenty-fifth day of March, which will be in the year of our Lord One Thousand Eight Hundred and Twenty-Seven, in as full and ample a manner as the same Clauses would be were they again repeated word for word.

CAP. II.

An ACT relating to Highways, Roads and Bridges.

Surveyors of High-
ways—How ap-
pointed—

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Grand Juries in the several Courts of General or Quarter Sessions of the Peace for the respective Counties and Districts in this Province, at such terms as the said Courts shall respectively direct, yearly and every year to nominate so many fit and proper Persons as they may consider necessary, as Surveyors of Highways, for each Township or Settlement; and the said Court shall, from the Persons

Persons so nominated, appoint as many as may be deemed expedient, to be Surveyors of Highways, for the Township or Settlement for which they are so nominated; and the Persons so appointed shall be sworn to the faithful discharge of the duties of that office; and any Person, so appointed, having received notice thereof, who shall refuse to accept of the said appointment, or shall neglect to be sworn to the faithful discharge of the duties thereof, within fourteen days next after such appointment, or having accepted, shall neglect his duty therein, shall forfeit for such refusal or neglect of duty the sum of five pounds.

To be sworn—

Refusing to serve

II. *And be it further enacted*, That every Person within each Township or Settlement, keeping any Cart, Team, or Truck, shall send, on every day appointed by the Surveyor of Highways, one Cart, or Team, or Truck, with two oxen or two horses, or with one horse, in case he owns no more, and one able man to drive the same, four days in every year, to work on the highways, Roads, Streets, or Bridges, allowing eight hours to each day's work; and such person not attending, or neglecting to perform the said duty, shall forfeit, for every day's neglect, if owning two or more horses or oxen, ten shillings; and if owning one horse only, seven shillings; and that every other householder or other person, able of body, between the ages of sixteen and sixty, not being a Military Person, or holding a Commission from His Majesty, in the Military or Civil Department of the Army, or an hired servant, minor, apprentice, journeyman, or day labourer, shall, on every day appointed as aforesaid, either by himself or other sufficient person to be hired by him, and provided with such necessary implements as shall be directed by the said Surveyor, work, and continue so to do, for the space of six days in every year, on the said Highways, Roads, Streets, or Bridges, within the Township or Settlement where they respectively reside; and every hired servant, minor, apprentice, journeyman and day labourer, shall, on every day appointed as aforesaid, either by himself or other sufficient person, and provided with necessary implements, as aforesaid, work, and continue so to do, for the space of two days, on the said Highways, Roads, Streets, or Bridges, within the Township or Settlement where they respectively reside; and such householder, hired servant, minor, apprentice, day labourer, or other person, not attending, or neglecting to perform the said labour, shall forfeit three shillings for every day's neglect.

Statute Labour

III. *And whereas, the labour of Men may be more useful than the employing Teams, Carts, or Trucks, in some Townships and Settlements.*

IV. *Be it therefore enacted*, That when any Surveyor of Highways shall judge the labour of Men more useful and necessary than that of Carts, Teams, or Trucks, the persons who by this Act are to supply Carts, Teams, or Trucks, shall be, and they are hereby required under the like penalty, to send two labouring men, instead thereof, furnished with necessary implements as aforesaid.

The Labour of men may be substituted for that of Teams, &c.

V. *And be it further enacted*, That the Constables for the several Townships in this Province, shall make out lists of all such persons who are owners of teams, carts, or trucks, as also of every other householder, and other persons liable to perform labour, under this Act, within their respective Townships, and the Settlements adjoining, and deliver the same to the Surveyors of Highways; and the said Constables, when required by the said Surveyors, shall summon the said persons contained in the said lists to meet on such days, and at such places, as the said Surveyors shall direct, to perform the labour required by this Act.

Lists of Persons liable to perform Statute Labour to be made out

VI. *And be it further enacted*, That the said Surveyors of Highways shall, at the most seasonable time, between the first day of April and the first day of November, yearly, (seed time and harvest only excepted,) cause the persons contained in their lists respectively to be summoned, giving them at least six days notice of the time and place where

Notice to be given to persons liable to perform Statute Labour

where they are to be employed, and shall there oversee and order the persons so summoned to labour in making and repairing the Highways, Roads, Streets, and Bridges in the most useful manner, during the number of days required by this Act, for each person to labour, and the Surveyors of Highways shall be excused from any other service on the Highways, than that of overseeing and ordering the persons employed thereon.

Statute Labour,
in certain cases,
may be remitted

VII. *And be it further enacted*, That upon application to two of His Majesty's Justices of the Peace, the said Justices shall and may, in their discretion, lessen the number of day's labour to be performed by any poor person who cannot, without detriment to his family, perform the labour required by this Act.

Carts, &c. of aged
Persons

VIII. *And be it further enacted*, That all persons keeping Carts, Teams and Trucks, who, being sixty years old, or upwards, are exempt from labouring on the said Highways, or Roads, shall nevertheless, when summoned so to do, send their Carts, Teams, or Trucks, for four days, to assist in making or repairing the same.

Alteration of
Highways, &c.

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

Clearing of Roads
in Windsor

X. *And be it further enacted*, That it shall and may be lawful for the Surveyors of the Highways, to order and direct the Inhabitants in their respective districts, as often as they shall deem necessary during the winter, to work on the public Highways, with their horses, oxen and sleds, in order that the roads may be rendered passable. *Provided always, nevertheless*, That no Inhabitant shall be compelled to furnish more than one day's labour of himself or cattle, for any one fall of snow, or where the fall or drift of snow shall not exceed the depth of twelve inches.

Penalty for neglect

XI. *And be it further enacted*, That every Inhabitant refusing or neglecting to obey such order of the Surveyor of Highways, shall forfeit for each refusal, or neglect, the sum of ten shillings.

Surveyors to ac-
count for the la-
bour expended by
them

XII. *And be it further enacted*, That every Surveyor of Highways, shall yearly, at the expiration of his office, render to the Court of General Sessions of the Peace, a true and faithful account, under Oath, of all the labour expended by him, designating the names of the persons, and the labour performed by each, and of all the fines received by him, and shall pay the overplus, if any in his hands, to his Successor, for the use of the Highways, under a penalty not exceeding ten pounds for each neglect.

Opening of new
Roads, or altera-
tion of old

XIII. *And be it further enacted*, That where any new Highway or Common Road from town to town, or place to place, in any County or District in this Province, shall be wanting, and where old Highways or Roads with more conveniency may be altered, upon application being made to the Court of General Sessions of the Peace, within the said County or District, the said Court is hereby authorised and required to appoint three persons, being Freeholders of the adjoining Townships, having most occasion for the said Highway, to inquire into the necessity and conveniency thereof, and to make their report thereon, and the same being judged to be of common necessity or conveniency, the said Court shall issue a warrant to the Sheriff, or his Deputy, to Summon a Jury out of the adjoining Townships, to meet at some convenient day and place therein mentioned, to view and lay out, or alter, such Highway or Road, who shall have an Oath administered to them, by the said Sheriff or his Deputy, who is hereby authorised to administer the same, to lay out, or alter such Highway or Road, according to their best skill and judgment, with most conveniency to the Public, and least prejudice or damage to the owner or owners of the lands on which the said Highway is to be laid out or altered, and to assess the damages to the owner or owners of such lands, as the said

said Jury shall think reasonable for the value of the land, and improvements made on the same; and also for the making of Fences on the sides of such Highway, which having done, the said Sheriff, or his Deputy, shall make a return thereof on the day appointed by the said Court, as well under his own, as the hands of the Jurors, by whose Oath the same is laid out or altered, to the end the same may be allowed of, and recorded, and after known for a public Highway; and all public Highways, hereafter to be laid out as aforesaid, shall not be less than sixty-six feet wide.

XIV. *Provided always, and be it further enacted,* That before such Highway or Road is allowed, and recorded for a Public Highway, the Court shall cause notice thereof to be given for the space of thirty days, to the intent, that if any person shall think himself aggrieved thereby, he may make his complaint, and inquiry shall be made before the said Court into the cause of such complaint. Notice to be given

XV. *And be it further enacted,* That the said damages, to be assessed as aforesaid, with the expenses incurred, shall be assessed and levied upon the Inhabitants of the County or District wherein such Highway lies, and collected in such manner as County Rates are assessed, levied and collected. Damage to be assessed and levied

XVI. *And be it further enacted,* That the Surveyors of the Highways of each Township or Settlement shall be, and they are hereby, authorised, to lay out particular and private ways, either open or pent, with swinging gates, for such Township or Settlement only as shall be thought necessary by the said Court of General Sessions of the Peace, upon application made to them by the persons concerned and interested therein.—*Provided,* That no damage be done to any person in his land, or otherwise, without such recompense to be made by the Township or Settlement in which the said Way may be laid out, as the Surveyors of Highways and the persons interested may agree, or as shall be ordered by the said Court of General Sessions of the Peace, upon inquiry into the same, by a Jury to be summoned for that purpose; and the sum or sums of money so agreed to be paid by the said Surveyors of Highways, or assessed by the Jury as aforesaid, together with the expenses incurred, shall be assessed and levied upon the Inhabitants of the Township or Settlement wherein such way lies, and collected in like manner as Poor Rates are assessed, levied and collected. Private ways may be laid out

Recompense to owners of land how to be made

XVII. *And be it further enacted,* That it shall not be lawful for any Commissioner or Commissioners of Roads, now or hereafter to be appointed, to begin to lay out any new road, or to make any change or alteration in any old road, whereby any charge or expense of any kind whatsoever is to be brought on the Province, either for the purchase of enclosed and improved lands, or for any special damage which may be done to the owner of any waste or unimproved land, until such Commissioner or Commissioners shall first lay before the Governor and Council, a plan or admeasurement of such new road, or alteration of an old road, accompanied by an estimate, made by three credible and well qualified persons, of the probable expense of purchasing enclosed or improved lands, for such road or roads; and also the probable amount of any special damage which it may be necessary to pay, for carrying such roads through waste and unimproved lands, together with an estimate of the probable expense of making each and every part of such new road, and the probable expense of any Bridge or Bridges, Causeway or Causeways, necessary to be made therein; and no Commissioner or Commissioners of Roads, shall, on any account, commence to work on any such new road, or alteration of an old road, until the same shall have been approved of by the Governor, Lieutenant-Governor, or Commander in Chief, by and with the advice of His Majesty's Council, and until such Commissioner or Commissioners shall have received, in writing, a copy of the Order so made in Council, for the work on such new road or alteration of an old road, to commence; and the said Commissioner Plans of proposed Roads which may occasion any charge to the Province, to be submitted to the Governor and Council

er or Commissioners, upon receiving such Order in Council, shall notify all persons interested in the lands, that such Order has been made, so that all necessary steps may be immediately taken, for valuing, agreeably to the twelfth section of this Act, the land or damage which it may be necessary to pay, for the establishing such road or roads.

Compensation to
Owners of land

XVIII. And be it further enacted, That in all cases where compensation has been or may hereafter be adjudged to the owners of lands, to enable them to fence the sides of such new Highway, payment of such compensation shall not be made to the said Owner or Owners, until such fences have been by him or them erected.

Persons acquies-
cing in the altera-
tion of old, or
formation of new,
Roads through
their land

XIX. And be it further enacted, That in all cases where old roads have been heretofore, or shall hereafter be, changed and altered without the proprietor or proprietors of the land through which such new road or roads shall have been made and laid out, making any demand from the Commissioner or Commissioners of payment for the land taken for such new road or roads, and for which no compensation or payment shall have been afterwards made by the Public, such acquiescence on the part of the Proprietor or Proprietors, shall be deemed and taken to be a voluntary surrender to the King forever, for a public road or highway, of all the land through which such new road or roads shall have been laid out and made, the same to measure in all cases the full width of sixty-six feet from side to side; and it shall be lawful for the proprietor or proprietors of the land so surrendered and given up, to take, have and enjoy, in fee simple, the whole of the land contained within the old road, so changed and altered as aforesaid, in lieu of the land so given for the use of the public, without payment or compensation as aforesaid. *Provided,* That he or they shall be the owner or owners of the whole of the land on each side of the old road.

Sums awarded in
recompense of
lands taken for a
Highway how
drawn

XX. And be it further enacted, That it shall be lawful for the Lieutenant-Governor, or Commander in Chief, for the time being, to grant his Warrant upon the Treasurer of the Province, in favour of the person or persons who shall have obtained a Verdict of a Jury, in manner aforesaid, for the sums awarded in recompense of any land so required and taken for a public road or highway, and also for so much money as shall be sufficient to pay the expenses incurred about such valuation.

Jurors refusing to
serve

XXI. And be it further enacted, That if any Juror, duly summoned by the Sheriff, or his Deputy, for any purpose required in this Act, shall neglect to attend, or refuse to perform the duties required by this Act, every such Juror shall forfeit and pay for every such neglect or refusal, the sum of Twenty Shillings, to be levied by warrant of distress and sale of the offender's goods and chattels, on conviction of such offence before any two Magistrates of the County or District wherein the offender shall be resident, and the Sheriff or his Deputy shall summon others in the place of those who may neglect to attend or refuse to be sworn, until such Jury shall be completed to the number of twelve.

Persons altering a
Public Highway
or Private Road

XXII. And be it further enacted, That if any person or persons shall alter any public Road or Highway, or any private Road, the same having been laid out and established by Law, or shall make any encroachment thereon, not being lawfully authorised so to do, such person or persons so offending shall forfeit and pay the sum of Five Pounds.

Encumbering
Highways

XXIII. And be it further enacted, That any one of His Majesty's Justices of the Peace shall and may on his own view, or upon the Oath of one credible Witness, impose a fine not exceeding Twenty Shillings on any Person who shall encumber any of the Highways, Roads, Streets or Bridges, in this Province, by laying Timber, Wood, Carts, Trucks, Rubbish, or any other thing thereon, to be recovered by Warrant of Distress, and sale of the Offender's Goods and Chattels, or in case such Offender shall not be known or found, the same shall be recovered by sale of so much of the timber or wood,

wood, and the carts, trucks, rubbish or other thing, encumbering such road, or street as aforesaid, and be paid to the Overseers of the Poor, for the use of the Poor of the Town or Place where or nearest the Place where the offence shall be committed, rendering the overplus, if any be, to the owner, when discovered; and if the nuisance shall continue, the same shall be deemed a new offence, and shall be prosecuted and liable to the penalty aforesaid.

XXIV. *And be it further enacted,* That it shall and may be lawful for the Courts of General Sessions of the Peace, for the several Counties and Districts, to make such Rules and Regulations as may be deemed necessary to prevent the side paths or ways along any Public Road or Street from being injured or destroyed, and every person offending against such Rules and Regulations made, upon conviction thereof before one of His Majesty's Justices of the Peace, shall forfeit a sum not exceeding Forty Shillings, nor less than Five Shillings, to be levied by Warrant of Distress, and sale of the offender's goods and chattels, and shall be applied towards the repairs of such side paths or ways.

Side Paths or Ways
along a Public
Road

XXV. *And be it further enacted,* That if any person or persons shall at any time hereafter draw, or cause or suffer to be drawn, along the Windsor Road or Hammond Plain Road, on his or their cart, truck or waggon, or other wheel carriage, having wheels whereof the felloes are of a less breadth than six inches, any logs, timber or other lumber, not being for the actual use of their own farms and buildings, he or they shall be liable to, and shall on every day to be appointed by the Surveyor of Highways, respectively attend in person, or send one able man, provided with such necessary implements as shall be directed by the said Surveyor, to work on the said road for two days, in respect of every horse or ox used at any one time during such year, in drawing logs, timber or other lumber, on any such cart, truck, waggon, or other wheel carriage, over and above the labour hereinbefore required to be performed.

Injuring the Wind-
sor and Hammond
Plain Roads

XXVI. *And be it further enacted,* That if any person or persons who shall be liable to perform the aforesaid labour on the said roads, being duly notified, shall refuse or neglect to attend, or to send one able man to work as aforesaid, he or they shall forfeit and pay Four Shillings for every day's neglect.

Refusal to repair
Roads

XXVII. *And be it further enacted,* That if any person or persons shall trail on any of the Roads or Highways, within this Province, when the same are bare of snow, or the frost in the ground insufficient to support the cattle travelling thereon, any logs, timber or other lumber, he or they shall forfeit and pay for every such offence, a fine not exceeding Twenty Shillings, nor less than five shillings; to be recovered before any one of His Majesty's Justices of the Peace for the County or District, wherein the offence may be committed, who may impose the same on his own view, or on the oath of a credible witness; to be levied by warrant from off the goods and chattels of the offender.

Trailing Timber
on the Highways

XXVIII. *And be it further enacted,* That no person residing upon any Island within this Province, whereon there are any highways or roads in which the performance of any labour by this Act may be enforced, shall be compelled to work upon any highway, road, street, or bridge, situate or being upon the main land, or to furnish any labourer, cart, team, truck, oxen or horses, for the said service, nor be liable to any penalty or penalties for neglecting or refusing so to do, but each and every person residing on any such Island, and liable to perform labour under this Act, shall be obliged to perform the same upon some highway, or public road as aforesaid, upon the Island on which he resides.

Persons living on
Islands not liable
to perform Sta-
tute labour on the
main Land

XXIX. *And be it further enacted,* That where any Island shall be connected with the main land by a causeway, bridge, or bridges, the person residing on such Island who shall be liable to perform such labour as aforesaid, shall be obliged to perform

Bridges connect-
ing Islands with
main lands

such

such part of the same as may be required in the keeping in repair or rebuilding such causeway, bridge or bridges.

Fines and Forfeitures, how recovered and applied

XXX. *And be it further enacted,* That all fines and forfeitures directed to be paid by such person or persons as shall neglect to attend and perform the labour, and furnish the teams, carts and trucks, required by this Act for the repairs of Highways, roads, streets, or bridges, shall be sued for, and recovered with costs of suit, by the Surveyors of Highways before one or more Justices of the Peace, in like manner as debts are sued for and recovered; which fines, and forfeitures, so recovered, shall be applied to the repairs of the said highways, roads, streets and bridges.

Fines recovered by bill, plaint or information

XXXI. *And be it further enacted,* That all other fines and forfeitures, not being less than Five Pounds, as aforesaid, imposed by this Act, shall be recovered, with costs of suit, by bill, plaint or information, in any Court of Record in this Province, one moiety thereof to be paid to the person or persons who shall sue for the same, and the other half to be applied to the repairs of highways, roads, streets and bridges, within such Township or Settlement, as the Court of General Sessions of the Peace, for the County or District where the offence was committed, shall direct.

And whereas, the cutting down the trees and underwood, on the shores of the Harbour, Lakes, and Waters of this Province, near to which any public Highway is made, has been found injurious to such road, and exposes the same to be filled up with Snow—for remedy thereof,

Destroying Trees upon the Margin of Roads, &c.

XXXII. *Be it enacted,* That, after the publication of this Act, if any person or persons shall cut down, or otherwise destroy, any trees or underwood growing or being upon the land lying between any river, lake, or arm of the sea, in this Province; and any public Road or Highway, made, or to be made, within thirty feet from the margin or shore of any such river, lake, or arm of the sea, every person so offending shall, on proof thereof, by the oath of one credible witness, before any one of His Majesty's Justices of the Peace for the County wherein the offence shall be committed, forfeit and pay a sum not exceeding Forty Shillings; to be levied in the same manner as fines for the non-performance of Highway Labour, and to be paid and applied, one half to the informer, and the other half to some one of the Surveyors of Highways, for the benefit and improvement thereof.

Acts of 1 Geo.

3 Cap 14, 5 Geo.
3 Cap 2, 13 & 14
Geo 3 Cap 3, 19
Geo 3 Cap 3, 23
Geo 3 Cap 5, 28
Geo 3 Cap 4, 40
Geo 3 Cap 1, 56
Geo 3 Cap 24, 3
Geo 4 Cap 5, 32
Geo 3 Cap 6, 44
Geo 3 Cap 9, 51
Geo 3 Cap 24, repealed

XXXIII. *And be it further enacted,* That the Act, made and passed in the first year of the reign of His late Majesty George the Third, entitled, An Act for the repairing and mending Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways within the several Townships in this Province; and also the Act, made and passed in the fifth year of His late Majesty's Reign, in addition to, and amendment of, the said Act; and also, an Act, made and passed in the thirteenth and fourteenth years of His said late Majesty's Reign, in further amendment of the said Act; and also, an Act, made and passed in the nineteenth year of His said late Majesty's Reign, entitled, An Act to explain, amend, and render more effectual, the several Laws of this Province, for repairing and mending Highways, Roads, Bridges and Streets; and also, the Act, made and passed in the twenty-third year of His late Majesty's Reign, in further addition to, and in amendment of, the Act first mentioned; and also, the Act, made and passed in the twenty-eighth year of His said Majesty's Reign, in amendment of the said Act first mentioned; and also, an Act, made and passed in the fortieth year of His said Majesty's Reign, in further addition to, and amendment of, the said Act first mentioned; and also, an Act, made and passed in the fifty-sixth year of His said Majesty's Reign, in further amendment of the said Act, first mentioned; and also, of an Act, passed in the fifth year of His said late Majesty's Reign, in addition to, and amendment thereof; and also, an Act, made and passed in the

third

third year of His present Majesty's Reign, entitled, An Act in addition to, and amendment of, the several Acts now in force, for repairing and mending Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways within the several Townships in this Province. And all other Acts made in addition to the first Act before mentioned; also, the Act, made and passed in the thirty-second year of His late Majesty's reign, entitled, An Act to prevent the Windsor and Hammond Plain Road being injured by heavy loaded Carriages; and also the Act, made and passed in the forty-fourth year of His late Majesty's Reign, entitled, An Act to relieve a certain description of persons from sundry inconveniences arising from an Act, passed in the thirty-second year of the reign of His present Majesty, entitled, An Act to prevent the Windsor and Hammond Plain Road being injured by heavy loaded Carriages; and to extend the said Act, in amendment thereof, to the Township of Windsor; and also, an Act, made and passed in the fifty-first year of His late Majesty's reign, entitled, An Act in further addition to, and amendment of, the several Acts for the choice of Town Officers, and regulating of Townships, shall be, and are hereby repealed. *Provided always*, That any Statute by any of the aforesaid Statutes repealed, *Provide* in whole or in part, shall remain repealed,

CAP. III.

An ACT relating to Commissioners of Highways in Halifax, and certain other Places.

WHEREAS, by virtue of several Acts of the General Assembly of this Province, *Preamble* repealed during the present Sessions, Commissioners have been appointed for repairing the Streets and Highways in the Town and Peninsula of Halifax, and in the Towns of Annapolis Royal, Windsor, Liverpool, Lunenburg, and Pictou, and it is expedient to provide for the continuance of the authority vested in the said Commissioners—

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That the several and respective Persons who now are Commissioners for repairing, keeping in repair, and paving the Streets and Highways in the Town and Peninsula of Halifax, and in the Towns of Annapolis Royal, Windsor, Liverpool, Lunenburg, and Pictou, respectively, shall be, and they are hereby declared, Commissioners of Highways therein respectively, during the pleasure of the Governor, Lieutenant-Governor, or the Commander in Chief, for the time being, for the purposes and in the manner prescribed by this Act; and upon the death, removal, or refusal to act, of any one of the Commissioners for either of the said places, it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, with the advice of His Majesty's Council, to appoint some respectable Inhabitant and Freeholder of the town or place where the vacancy occurs, to supply the same; and such appointment to renew whenever necessary, to the end that the said Commissioners for each of the said places, may continue to be, in number, five for Halifax, and three for the other Towns. *Commissioners confirmed in their appointments*

II. *And be it further enacted*, That the jurisdictions, powers and authority, of the Commissioners of the said several Towns, shall be respectively confined and restricted to the bounds and limits following, that is to say:— *Jurisdiction of Commissioners in*

For Halifax—To the Town and Peninsula of Halifax, the Dutch Village, and to the Road leading round Bedford Basin to Sackville Bridge. *Halifax*

For

For

Annapolis

For Annapolis Royal—To such parts of the said Town as extend eastwardly to the intersection of the main Road to Halifax, by that which leads to the Dalhousie Settlement; southwardly, to the General's Bridge, so called; westwardly to Allen's Creek, so called; and northwardly to Hog Island, including the same.

Windsor

For Windsor—For such parts of that Town as extend from the Island, called Smith's Island, to the northward and eastward, as far as the Bridge over the Trecothic Creek; on the main Road leading out of the Town of Windsor as far as the Church; and on the southward and westward to the Falmouth Ferry.

Liverpool

For the Town of Liverpool—To such parts thereof, as extend from Fort Point by the western side of Liverpool Harbour, to the Bridge crossing the main Road, leading to the Falls, near More's Tan-yard; thence south-west one mile; thence south-east one mile; thence north-east until it strikes the harbour of Liverpool, and thence by the said harbour to Fort Point aforesaid.

Lunenburg

For the Town of Lunenburg—To such parts thereof as extend east to the Garden Lots; south-west to Burn's Tan-yard; west to Fenner's Tavern; and north to the Bridge in rear of the Town.

Pictou

And for the Town of Pictou—To such parts thereof as extend from the west side of the Town Gut, so called; on the west to the west side line of the farm now occupied by David Lowden on the east; and from the waters of the harbour of Pictou on the south, to the rear line of the original lots laid out and fronting on the said harbour on the north.

Division of Districts among Commissioners

III. *And be it further enacted*, That each of the places aforesaid, for which Commissioners now are or shall hereafter be appointed, shall be by them divided into such and so many wards and divisions as they shall judge convenient, and such ward or division as each can respectively superintend, shall be assigned to him; and they shall appoint a Clerk and a Receiver of Monies for their respective jurisdictions.

Duties of Commissioners

IV. *And be it further enacted*, That in every town or place, subject respectively to the jurisdiction of the Commissioners of Highways, appointed or to be appointed—it shall be the duty of such Commissioners respectively, and they are hereby respectively required and authorized, to remove all obstructions and incumbrances, from time to time, being in or upon the Streets, Roads, or Highways, within their respective limits; and to prevent all encroachments in or upon such Streets, Roads, or Highways; and to manage, direct, and execute, all repairs, alterations and improvements, required thereupon; and to make and open new Streets or Highways, where the same shall be authorized to be made; and to make and repair all Bridges now or hereafter to be erected: and to enforce and cause to be observed all the regulations and provisions, which by this Act are, or hereafter shall be enacted, or in force, touching such Bridges or Highways, or the work or labour to be performed thereon; and especially to ask, require, call out, levy, and receive, of and from the several persons inhabiting within their respective limits or jurisdiction, and liable to perform Highway labour, all such sums of money, services, highway work, and labour, and penalties or compositions therefor, as are hereinafter provided, or shall be hereafter due, payable, or to be performed, by any such inhabitants.—And further, to prosecute for all offences committed against the provisions of this or any future Act relating to Highways; and moreover in the name of the said Commissioners respectively, to bring any action, or actions, against any person or persons, holding or receiving monies appropriated to the repair of Streets, Roads, or Highways, or refusing, or neglecting to pay, or satisfy, any fine or penalty appropriated thereto; or his, her or their, proportion of any rate or assessment of monies for highway work, or commutation or compensation therefor, or refusing or neglecting to perform his proportion of highway labour.

V. *And be it further enacted*, That in every suit to be prosecuted as aforesaid, the Commissioners prosecuting the same shall have the like process and remedy for the penalty or sum sought to be recovered, as if the amount thereof were a private debt contracted with them respectively ; and such suit shall be heard and determined in the Courts, or before the Justices possessing jurisdiction over suits, for debts to the like amount.

Prosecutions

VI. *And be it further enacted*, That every Person within the jurisdiction of the respective Commissioners aforesaid, keeping any Cart, Team or Truck, shall send, on every day appointed by the Commissioners, one Cart, Team or Truck, with two Oxen or two Horses, or with one Horse in case he owns no more, and one able man to drive the same, for four days in every year ; to work on the Highways, Roads, Streets or Bridges, allowing eight hours to each day's work ; and such person not attending, or neglecting to perform the said duty, shall forfeit for every day's neglect, if owning two or more Horses, ten shillings ; and if owning only one Horse, seven shillings ; and that every other householder, or other person, able of body, between the ages of sixteen and sixty, not being a Military Person, or holding a Commission from His Majesty in the Military or Civil Departments of the Army, or an hired servant, minor, apprentice, journeyman or day-labourer, shall, on every day appointed as aforesaid, either by himself, or other sufficient person, to be hired by him, and provided with such necessary implements as shall be directed by the said Commissioners, work, and continue so to do, for the space of six days in every year, on the said Highways, Road, Streets, or Bridges, within the Town or Place where they respectively reside. And every hired servant, minor, apprentice, journeyman and day labourer, shall, on every day appointed as aforesaid, either by himself or other sufficient person, and provided with necessary implements as aforesaid, work and continue so to do, for the space of two days, on the said Highways, Roads, Streets or Bridges, within the town or place where they respectively reside ; and such householder, hired servant, minor, apprentice, day labourer or other person, not attending, or neglecting to perform the said labour, shall forfeit three shillings for every day's neglect.

Statute Labour
to be performed

VI. *And be it further enacted*, That all persons keeping carts, teams or trucks, who, by being sixty years old or upwards, are exempt from labouring on the said highways, or roads, shall nevertheless, when summoned so to do, send their carts, teams, or trucks, for four days, to assist in making and repairing the same.

Statute Labour to
be performed by
aged persons own-
ing teams, &c.

VIII. *And be it further enacted*, That it shall and may be lawful for the said Commissioners, to order and direct the Inhabitants on the respective Districts, as often as they shall deem necessary during the winter, to work on the public highways, with their Horses, Oxen, and Sleds, in order that the roads may be rendered passable. And every Inhabitant refusing or neglecting to obey such order, shall forfeit for each refusal or neglect the sum of ten shillings. *Provided always, nevertheless*, That no Inhabitant shall be compelled to furnish more than one day's labour of himself or Cattle for any one fall of snow, or to work in any case where the fall or drift of snow shall not exceed the depth of twelve inches.

Clearing Roads in
Winter

And whereas, the labour of Men may, in certain places, be more useful than the employing Teams, Carts, or Trucks.

IX. *Be it therefore enacted*, That when the said Commissioners shall judge the labour of Men more useful or necessary than the employment of Carts, Teams, or Trucks, then and in every such case, the persons who by this Act are required to furnish carts, teams, or trucks, shall instead thereof be, and they are hereby required, under the like penalties, to send two labouring men, provided with necessary implements as aforesaid, to labour during the time appointed as aforesaid.

Labour of Men
preferred

Persons keeping
more than two
Horses

X. *And be it further enacted*, That every person resident in the Town or Peninsula of Halifax, and keeping Carts or Trucks, with more than two Horses, shall, besides the performance of highway labour, with a Cart or Truck, Horse or Horses, and man to attend the same, during four days as hereinbefore provided, be subject and liable to pay for the additional Horses so kept above the number of two, the following sums, that is to say, for a third horse, seven shillings, and for a fourth and every other horse, five shillings each.

Persons keeping
Horses not em-
ployed with Carts,
&c.

XI. *And be it further enacted*, That every person resident as last aforesaid, who may keep Horses not employed with carts or trucks, or for which he may not be subject to the labour or payments herein-before provided, shall pay for such horses annually as follows—for one Horse seven shillings; for each additional Horse five shillings.

Constables to
make out lists of
Owners of Horses,
&c.

XII. *And be it further enacted*, That the Constables for the several Towns and Places, aforesaid, shall make out lists of all such persons who are owners of Horses, Teams, Carts or Trucks; as also of every other householder and other person liable to perform labour under this Act, within the respective Districts of the said Commissioners, and deliver the same to them; and when required by them respectively, such Constables shall summon the person contained in such lists, to meet on such days, and at such places, as the said Commissioners shall direct, to perform the labour required by this Act.

Notification of
Persons to perform
Statute Labour

XIII. *And be it further enacted*, That the said respective Commissioners shall, at the most reasonable time, between the first day of April and the first day of November, yearly, (seed time and harvest in all the said places, save the Town of Halifax, excepted) cause the persons contained in their lists respectively to be summoned, giving them at least six days notice of the time and place where they are to be employed, and shall there oversee and order the persons so summoned, to labour in making and repairing the Highways, Roads, Streets and Bridges, within the jurisdiction of the said Commissioners respectively, in such manner as the said Commissioners shall deem most useful and necessary, during the time, by this Act required, for the performance of Highway Labour; and the said Commissioners shall be excused from any other service on the Highways.

Powers of Com-
missioners

XIV. *And be it further enacted*, That the said Commissioners, or the major part of them, shall and may, from time to time, order and direct the Streets and Lanes, or any of them, within their respective wards or divisions, to be cleaned, repaired, raised, sunk, altered, or paved, as they may think best; and also cause to be dug, gathered, and carried out of, or brought into, the said Streets, Lanes and Roads, such gravel, stones, earth, or other materials, from the shores of the harbours within their respective jurisdictions, provided the same be done with as little injury as possible to the proprietor or proprietors of the soil; and shall and may also employ Boatmen, Carts, Workmen, and Labourers, and pay and satisfy them for their services as they shall judge necessary and conducive to the accomplishing the ends and designs of this Act; and also make contracts with any fit persons for the repairing and paving the Streets, Highways and Lanes, within their jurisdictions respectively, or any part thereof, on the best terms that can be procured for the public; and shall and may, if they think proper, bargain or compound with any of the Inhabitants by the year for such sum or sums of money as the said Commissioners may think reasonable for the share or proportion of Highway Labour, or payments required by this Act, from such Inhabitants, for and towards the repairing, paving, or keeping in repair, the said Streets or Highways, provided such composition money be paid in advance; and shall also have power and authority to put up bars or fences, to shut up any street, streets or highways, while the same are undergoing repairs, by paving or otherwise.

Drains, Water
Courses, &c.

XV. *And be it further enacted*, That the said Commissioners respectively, shall have

have power to raise, sink, alter or new lay, any drain, water courses, pipes or common sewers, as often and in such place as they may think proper, provided the same be done with as little detriment and inconvenience to the neighbours and others as the circumstances of the case will admit of; and the said Commissioners may cause the course or direction of any gutter, water course or channel, running in or through the said Streets or Highways, to be turned or altered as they think proper.

XVI. *And be it further enacted,* That every Person within the Towns of Halifax, Annapolis Royal, Windsor, Liverpool, Lunenburg and Pictou, shall be obliged to keep the gutters and streets before the houses, building or land, inhabited or occupied by him, her or them, clear and free from dirt, filth and nuisances, of every kind; and that whenever any earth, ashes, manure, stones, brick, shavings, chips, dirt, filth, offal, or any other thing, shall be found lying, thrown or placed, in any of the said Streets, Lanes or Highways, the person or persons before or nearest whose house, building or land, the same shall be, shall forfeit and pay a fine of twenty shillings, together with the expense incurred by the said Commissioners in removing the same; and the said Commissioners, or any one of them, are hereby authorised to cause such earth, ashes, manure, stones, shavings, rubbish, dirt, filth or offal, to be instantly removed, without giving any notice to the owner or supposed owners thereof, or being at all answerable for the same. *Provided always,* That no person shall be liable to the said penalty, unless he shall have thrown or placed the said nuisance in the Street, Lane or Highway, where the same shall be found, or not having thrown or placed the same in the said Street, Lane or Highway, shall suffer the same to continue for the space of Twenty-four hours.

Inhabitants to
keep streets, &c.
clear before their
Houses

XVII. *And provided always, and be it further enacted,* That any Person or Persons, by leave of the said Commissioner, may place or deposit in any such Street, Lanes or Highways, Stones, Bricks, Timber or other materials, for the purpose of building Houses or other work, and may set up or erect posts, bars or enclosures, for the better securing such materials, and continue the same for such time only as the Commissioners, or the major part of them, may give leave, and in manner and form as they shall in writing direct, and no longer, on pain of forfeiture thereof.

Exception in fa-
vor of Persons en-
gaged in building

XVIII. *And be it further enacted,* That it shall and may be lawful for the said Commissioners, or the major part thereof, to cause any well or wells to be dug or sunk, and pumps to be therein placed, in any part of the Streets and Lanes, where they shall judge necessary and most convenient for the same to be placed, and constructed in such manner as the said Commissioners may direct.

Wells may be
sunk

XIX. *And be it further enacted,* That the said Commissioners shall cause all sign-posts, show glasses, show boards, porches, steps, fences, cellar doors, and all and every other material, matter or thing, belonging to any House, Warehouse, Shop, Cellar, or Building, or to any lot of ground or inclosure, which cause or occasion any nuisance, annoyance, encroachment, or obstruction, in any of the Streets, Lanes and Highways, within the respective jurisdictions of the said Commissioners, to be wholly removed, or otherwise to be placed or altered in such manner and form as shall be approved by them, or the Surveyor employed by them; and, in case it can be done without any particular inconvenience to the Public, shall and may permit and suffer the same to remain. *Provided,* The owners or proprietors thereof, or any of them, will give security that the same shall not be repaired, or again rebuilt; and also, to pay and satisfy to the said Commissioners, or the major part of them, a reasonable yearly ground rent, for the part of the Street so encroached on, to the satisfaction of said Commissioners, during the continuance of such encroachment.

Sign Posts,
Porches, &c.
may be removed

Lines of Streets
protected from en-
croachment

XX. *And be it further enacted*, That every person or persons intending to erect any building upon, or close to the line of any Street or Highway within the jurisdiction of such Commissioners respectively, shall, before digging a foundation, or beginning to erect such building, make application to the said Commissioners to cause the line of such Street or Highway to be defined and laid out, and shall dig such foundation, and erect such building, within the said line, so as to avoid making any encroachment upon such Street or Highway; and if it shall be necessary to employ a Surveyor on such occasion, the expense of such Surveyor shall be defrayed by the person or persons so intending to build as aforesaid; and if any person or persons shall erect any building upon the line of any such Street or Highway, without making application, and having the line thereof ascertained as aforesaid, he, she or they, shall forfeit and pay the sum of ten pounds, to be recovered and applied for the purposes of this Act, and shall also remove such building, if it shall be found to have encroached upon any such Street or Highway, or otherwise the said Commissioners shall and may proceed to remove the same, or take such other steps as are allowed by law in cases of common nuisance.

Differences arising
respecting Lines
of Streets

XXI. *And be it further enacted*, That when and so often as the Commissioners shall have proceeded as directed by this Act, to ascertain the line of any Street, Lane, or Highway, for any person or persons about to erect any building thereon, and the person or persons about to build, shall be dissatisfied with the line pointed out by the said Commissioners, it shall and may be lawful for the Chief Justice, or any other Judge of the Supreme Court, in term time, or during vacation, upon the application of the Commissioners, or the person or persons so dissatisfied, to issue a Precept to the Sheriff of the County, or his Deputy, to summon a Jury of the Freeholders nowise interested in establishing or altering the line of the said Street, to meet at some convenient day therein mentioned, to view and lay out the line of such Street, or Lane, or Highway, who shall have an oath administered to them by the Judge who shall issue the Precept, well and truly to lay out and fix the line of such Street, Lane, or Highway, according to the best of their skill and judgment, and the witnesses, if any shall be offered by either party, shall be sworn before the said Judge; and if the Jurors, or either of the parties shall require it, a new Survey shall be made of the line of such Street, Lane, or Highway, which being done, the Sheriff or his Deputy shall make a return forthwith, under the hands of himself and the Jurors, to the Judge, who, having approved and confirmed the same, shall direct the said return to be filed in the Office of the Prothonotary of the Supreme Court, and an exemplification thereof to be deposited in the Office of the Surveyor-General. *Provided always*, That if the said Judge shall not approve and confirm the said return, a new Precept may be issued for the purposes aforesaid, and the said Judge shall direct by whom the costs and expenses of the said proceedings shall be paid, which said costs and expenses shall be taxed, and shall in no case exceed ten pounds.

No street to be
broken up without
permission of
Commissioners

XXII. *And be it further enacted*, That no person shall be at liberty to dig up or break open the soil of any Street or Highway, within the jurisdiction of the said Commissioners respectively, without first applying to them, and obtaining their permission in writing, specifying the purpose for which such breaking of the soil is required; and the said Commissioners may impose such terms upon the person applying, as the security of passengers, by day or night, shall appear to them to require; and any person acting contrary hereto, or to the terms imposed by the said Commissioners, shall forfeit and pay five pounds for every such offence.

And whereas, it is necessary to provide for the preservation of the Side Paths or Ways, which are or hereafter may be made along any Public Street or Highway, within the respective Towns and Places aforesaid.

XXIII.

XXIII. *Be it therefore enacted,* That every Person who shall drive any Cart, Truck, or Carriage, or ride with a Horse upon or over any such Side Path or Way, or roll heavy articles of any description over, or place the same thereupon, to the injury or obstruction of such Side Paths or Ways—such person, so offending, shall, for every such offence, forfeit and pay a fine not exceeding forty shillings, and not less than five shillings; to be recovered with costs, in the manner, and to be applied as aforesaid.

Protection of Side
Paths

XXIV. *And be it further enacted,* That in addition to the rates, duties and services, by law imposed for the making and repairing of Streets and Highways, within the jurisdiction aforesaid, it shall and may be lawful for the Treasurer of each County, for the time being, in which the said Commissioners have jurisdiction, and he is hereby required to pay to the said Commissioners respectively, out of the County Treasury quarterly, three fifth parts of the monies arising from the duty from time to time collected on licensed houses and shops, within the respective jurisdictions aforesaid, to be applied by the said Commissioners for the purposes of this Act, and within their jurisdiction aforesaid.

Appropriation of
part of the License
Duty to the im-
provement of
Roads.

XXV. *And be it further enacted,* That the said Commissioners respectively shall keep a regular and exact account of all monies received by them, and of all services performed in the execution of this Act, under their direction, within their respective jurisdictions; and shall, on or before the tenth day of February in every year, make up and render, under their hands, or the hands of the major part of them, in Halifax, to the Treasurer of the Province, and in the other places aforesaid, to the Court of General Sessions of the Peace, a general, regular and fair account, in writing, of all monies received and paid by them in the execution of, or under and by virtue of this Act; and also of all services done and performed as aforesaid, and of the costs and expense of doing the same for the past year, to the end that the said account for Halifax may be audited and passed in the General Assembly at their next meeting; and the accounts in the other places aforesaid, be audited and passed by the said Court of Sessions.

Commissioners to
account annually.

XXVI. *And be it further enacted,* That no action or suit shall be commenced against any person or persons for any thing done in pursuance of this Act, until twenty days notice thereof shall be given in writing, to one or more of the said Commissioners, or after six calendar months next after the fact committed for which such action or suit shall be brought; and every such action shall be brought, laid and tried, in the County within which the Commissioners have jurisdiction, and not elsewhere. And the Defendant or Defendants, in such suit or action, may tender amends, or may plead the general issue, and give this Act, and the special matter, in evidence at any trial to be held thereupon; and if the matter or thing shall appear to have been done in pursuance of this Act; or if it shall appear that the said Action or Suit was brought before the twenty days notice thereof given as aforesaid, or that sufficient amends were tendered, or if the action or suit shall not be commenced within the time herein limited, or within the County aforesaid—then the Jury shall find for the Defendant or Defendants; and if a verdict shall be given for the Defendant or Defendants, or if the Plaintiff or Plaintiffs in such actions shall become nonsuit, or suffer a discontinuance thereof, or if upon any demurrer or demurrers in such action or actions, judgment shall be given for the Defendant or Defendants, then and in either of the cases aforesaid, such Defendant or Defendants shall recover treble costs, and have judgment therefor accordingly.

Action against
Commissioners.

And whereas the main public Road, leading from Halifax to Sackville Bridge, is frequently encumbered and obstructed, to the great annoyance and danger of Travellers and Passengers on the Road—for remedy whereof:

XXVII. *Be it enacted,* That all logs, spars, bark, scantling, boards, planks, slabs, cordwood, hoop poles, staves, laths, fencing materials, stones, and timber of any kind, which

Obstructions,
on the road be-
tween M^r Alpine's
and Sackville

which shall be found in the ditches or track of the said road, between M^r Alpine's house and the Sackville Bridge, shall be *ipso facto* forfeited ; and it shall and may be lawful for the said Commissioners for Halifax, or any of them, without any suit or process of law whatever, to cause all articles so found to be instantly seized and disposed of in such way, or manner, as they shall think proper ; and if the same shall be sold, the proceeds of such sale shall be applied by the said Commissioners for the repair and improvement of the said Road.

Powers of Surveyors of Highways in Halifax, &c. suspended

XXVIII. *And be it further enacted,* That the Commissioners, appointed or to be appointed under this Act, shall, within their respective jurisdictions aforesaid, have and exercise all powers and authorities which are now, or hereafter may be, vested in any Surveyor or Surveyors or Highways, and that no Surveyor or Surveyors of Highways shall have, exercise or enjoy, any power or authority whatsoever within the respective places or jurisdictions aforesaid, but the same shall be wholly suspended during the operation of this Act.

Acts of 41, Geo. 3, cap. 5, 42, Geo. 3, cap. 8, 58, Geo. 3, cap. 17, repealed

XXIX. *And be it further enacted,* That the Act of the General Assembly of this Province, made and passed in the forty-first year of the reign of His late Majesty King George the Third, entitled, An Act for the repairing, keeping in repair, cleaning and paving, the Streets in the Town and Peninsula of Halifax, and for removing obstructions therein, and also to suspend the power and authority vested in the Surveyors of Highways within the Town and Peninsula of Halifax, after the first day of August next, during the operation of this Act ; and also the Act, passed in the forty-second year of the same reign, entitled, An Act in addition to the last recited Act ; and also the Act, made and passed in the fifty-eighth year of the same reign, entitled, An Act in addition to and in amendment of the first mentioned Act, and every matter, clause and thing, in the said Acts respectively contained, be, and the same are hereby, repealed.

Acts of 3, Geo. 4, cap. 16, 3, Geo. 4, Cap. 34, 4, Geo. 4, cap. 26, repealed

XXX. *And be it further enacted,* That the Act, passed in the third year of His present Majesty's reign, entitled, An Act to extend the Act, passed in the forty-first year of His late Majesty's reign, entitled, An Act for the repairing, keeping in repair, cleansing and paving, the Streets in the Town and Peninsula of Halifax, to the Town of Windsor ; and also the Act, passed in the same third year of His present Majesty's reign, to extend the said recited Act to the Towns of Liverpool and Lundenburg ; and also the Act, passed in the fourth year of His present Majesty's reign, to extend the same recited Act to the Towns of Pictou and Annapolis Royal, and every matter, clause and thing, in the said respective Acts contained, be, and the same are hereby, repealed.

CAP. IV.

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

Additional Duties on Articles of Foreign Growth, Produce or Manufacture

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That there shall be raised, levied, collected and paid, unto His Majesty, His Heirs and Successors, for and upon the Goods, Wares and Merchandize, hereinafter mentioned, and upon Horses, Neat Cattle, and other Live Stock, imported into this Province, not being the growth, produce or manufacture, of the United Kingdom of Great-Britain and Ireland, or of His Majesty's Possessions abroad, but of Foreign growth, produce or manufacture.

manufacture, the respective rates, duties, and impositions, hereinafter stated and set forth, in addition to the Duties imposed by the Statute of the Imperial Parliament of the said United Kingdom, passed in the sixth year of His present Majesty's Reign, entitled, An Act to regulate the Trade of the British Possessions abroad, that is to say :—

For and upon all Horses, Neat Cattle, and other Live Stock, such sum in addition to the Duty payable thereon by the said Act of the Imperial Parliament, as will make the whole duty upon each of the following Live Stock amount to the sums hereinafter mentioned :—

For every Horse, Mare or Gelding, Four Pounds of lawful money of this Province.

For every Ox, three years old, the sum of Two Pounds Ten Shillings.

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

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

And also, for and upon the following Wines, that is to say—Champagne, Madeira, Port, Claret, Lisbon or Sherry Wines, whether the same shall be imported in bottles, or otherwise, such additional sum as will make the whole duty payable thereon for every gallon, Two Shillings of lawful Money as aforesaid, over and above any duty payable thereon by any Act of the British Parliament, passed prior to the eighteenth year of the Reign of His late Majesty King George the Third.

And for and upon all other Wines, whether the same shall be imported in bottles, or otherwise, such additional sum as will make the whole duty payable thereon for every gallon One Shilling and Six Pence over and above as aforesaid.

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

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

For every hundred weight of Onions, and so in proportion for a lesser quantity, Two Shillings and Six Pence.

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

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

Articles exempted
from additional
Duties

III.

Gg

Collection and application of Duties

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

Time of Payment of Duties on Articles warehoused extended

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

Time of payment of Duties extended

V. *Provided always, and be it further enacted*, That when any Foreign Goods, liable to Duty by the said Act of the Imperial Parliament, and also to the Duties of Excise under this Act, shall be warehoused under the provisions of the said Act—that further time of payment shall be allowed upon the Bonds given for the Duty of Excise secured under the said Provincial Act, until the same shall be taken out of the warehouse for consumption, or until the duties imposed upon such goods by the said Act of the Imperial Parliament shall become payable.

Exportation of dutiable articles

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

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

Articles exempted from the additional Duty, purchased with the proceeds of Fish and Fish Oil exported from the Province

VII. *And be it therefore enacted*, That it shall and may be lawful for the Commissioners of the Revenue, and they are hereby authorised and required, by order of their Board, from time to time to exempt from the said Duty of Excise imposed by the said Provincial Act, such other Foreign Goods, liable to duty under the said Act of the Imperial Parliament, and not hereinbefore exempted, as shall appear to them, upon due and satisfactory proof upon oath, to have been actually and bona fide purchased or procured with the proceeds of Fish and Fish Oil, caught, cured and made, by the Inhabitants of this Province, and others employed in the Fisheries thereof, and which shall

shall have been exported in Vessels owned and registered within this Province, or belonging to British Merchants engaged in, and carrying on, the Fisheries of the same: all which proof shall be taken in writing, in such way as that the same may be submitted for the inspection of the General Assembly when required.

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

Allowance to Collectors of Impost and Excise

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

Allowance to Collectors of Impost and Excise at Halifax

X. *And be it further enacted*, That all Monies which shall be paid into the Treasury, by virtue of this Act, shall from time to time be drawn for by the Governor, Lieutenant-Governor or commander in Chief for the time being, by Warrant under his hand and seal, pursuant to the instructions and directions of His Majesty, in payment and discharge of any Monies appropriated, or to be appropriated, by any Act or Acts of the General Assembly.

Revenue applied to the payment of appropriations

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

Continuance of Act

CAP. V.

An ACT concerning Schools.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, for the Education and Instruction of the Youth and Children of this Province, in common reading, writing and arithmetic, in morals and manners, English Schools shall be established and supported throughout the Province, in manner hereinafter provided.

Establishment of Schools

II. *And be it further enacted*, That the Justices assigned to keep the Peace in each County and District, shall, at their General or Quarter Sessions, upon the presentment and return of the Grand Jury therefor, cause the whole of the inhabited parts of the same to be laid off and subdivided into such and so many convenient School Districts as to them it may appear necessary to establish for the education of the Children therein residing respectively, and shall allot to each District such extent and dimensions that the School-House therein to be erected may be within a reasonable distance from the residences of the Scholars.

In Districts

III. *And be it further enacted*, That the said Justices and Grand Jury shall establish the boundaries of every School District with as much accuracy as possible, and shall transmit a description thereof to the Commissioners of Schools for the County, to be appointed as is hereinafter provided.

Description of School Districts

IV. *And be it further enacted*, That whenever two thirds in number of the Inhabitants

Proceedings of Inhabitants

tants in any School District, rateable or subject to be assessed as herein enacted, desire the establishment of an English School under this Act, they shall certify the same in writing, signed by them respectively, to the Justices in any General or Special Sessions, who, upon proof made of such certificate, and that the parties subscribing the same compose two thirds of such rateable Inhabitants, shall allow such certificate, and order such School to be established, whereupon this Act, and every matter and thing herein contained, shall attach to such School District, and all the Inhabitants thereof, and commence and begin to be in operation therein.

Appointment of
Trustees

V. *And be it further enacted*, That the Inhabitants rateable as aforesaid in each School District, shall at such convenient time and place, and in such manner as shall be appointed by the Justices aforesaid, choose and nominate three fit and proper Persons to be Trustees of the School in such District, and certify such nomination forthwith to the said Justices, to be by them allowed and recorded; and the same proceedings shall be adopted in all cases of vacancy in the trust.

Trustees Incorporated

VI. *And be it further enacted*, That the Trustees so chosen, allowed and recorded, and their Successors in Office, shall be a Body Corporate in deed and in law, by the name of the School Trustees, for the District for which they are chosen, and by that name shall have succession; a common Seal and Corporate Powers for the purposes of this Act; and be capable of suing, and being sued, in relation to all matters connected with the School of the District, and the rights and property thereof; and shall and may receive grants and devises of Land, and gifts, and bequests, for the use or benefit of the School; stand seized of the School House, and Land thereto appertaining; contract with, hire and employ, any licenced Teachers for the School; direct the studies and discipline thereof; collect, recover, receive, pay and appropriate all monies, rents, and funds, raised, granted, or applicable for its support and maintenance, and generally manage, direct, conduct and superintend, all the affairs, concerns and business thereof; and have, possess, exercise and enjoy, all powers, authorities and privileges, necessary to such their office, and the well-being and support of the School. Moreover, the said Trustees shall, once in every year, make a report in writing, under their hands, of the state, affairs and condition, of the School, to the Board of Commissioners, hereinafter mentioned, and observe their instructions thereon.

Trustees neglecting
their duty

VII. *And be it further enacted*, That upon the request and representation of the said Board of Commissioners, and upon proof of misconduct or neglect of duty, by any such Trustees, the said Justices in Session shall, and they are hereby authorised to, remove him from office, and he shall not again be eligible thereto, and the Inhabitants shall proceed to choose another Trustee in manner aforesaid.

Appointment of
Commissioners

VIII. *And be it further enacted*, That there shall be established in every County, and in the Districts of Colchester and Pictou, for the inspection and general superintendence of the whole of the Schools therein respectively, a Board of Commissioners, consisting of three Persons, to be named and commissioned by His Excellency the Governor, and to hold such office during his pleasure.

Duty of Commissioners

IX. *And be it further enacted*, That it shall be the duty of every such Board of Commissioners, and they shall have power and authority within their jurisdiction, to superintend and inspect the Schools, and the management, conduct, and affairs thereof: to cause the provisions of this and all other Acts relating to Schools to be duly observed; to licence such persons to be Teachers or Schoolmasters, as, after due and careful investigation into their literary acquirements, general competency and moral characters, they shall deem fit to be employed in that office; to establish all the general regulations and course of instruction to be observed in the Schools; to decide all differences that may arise; to receive returns annually from the respective School Trustees,

Trustees, of the state, progress, and improvement of each School ; to report thereon at the end of each year, for the information of the General Assembly, in such manner as the Governor shall direct ; and generally to attend to, and enforce, the operation of the system of Schools hereby established.

X. *And be it further enacted*, That the said Commissioners shall be authorised to appoint a Clerk for the business of the Board, to whom such allowance for his services shall be paid from the Treasury, as the Governor, upon the Report of the Board, shall order, provided the sum do not exceed, in any year, the sum of Ten Pounds.

Appointment of
Clerk to Commis-
sioners

XI. *And be it further enacted*, That a sufficient School House shall be erected, provided and maintained, in every School District.

Erection of School
House

XII. *And be it further enacted*, That in every School all the Youths and Children within the District shall be taught and instructed in reading, writing and the common rules of arithmetic, in morals and manners, without any charge or expense therefor, save only for their respective proportions of the necessary fuel for the School ; but if it be at any time desired or requested of the Trustees, that any child shall be instructed beyond the common course of reading, writing and arithmetic, the Trustees shall, if they think proper, direct such further and additional instruction to be given by the Master.

Tuition

XIII. *And be it further enacted*, That in every School District containing thirty Families or Householdors, the School shall be kept up and supported during the whole year. *Provided always*, That the Board of Commissioners shall and may be authorised, under the particular circumstances or situation of any School District, to enlarge or diminish the number of families or householdors to which is attached the obligation of maintaining a School during the whole year.

Continuance of
School

Proviso

XIV. *And be it further enacted*, That whenever the number of families or householdors, by this Act, or by the order of the Commissioners, required to maintain a yearly School, shall not be found in any one School District, such District shall be, by the order of the Commissioners, attached to and connected with the nearest School District, where the number of families, to which a yearly School shall be assigned, shall be likewise deficient, and the two Districts shall conjointly maintain the School during the year, and the same shall be kept in each during such part of the year as the Commissioners, having reference to the number of families in each, shall appoint.

School Districts
may be united

XV. *And be it further enacted*, That no person shall be employed as a Teacher or Schoolmaster of an English School within this Province, unless he shall be first licensed in the manner hereinbefore directed, under a Penalty not exceeding Ten Pounds, to be recovered by the Trustees.

Schoolmasters to
be licensed

XVI. *And be it further enacted*, That each Schoolmaster or Teacher, employed in the Schools hereby established, shall be entitled to receive from the Trustees of the District, or combined Districts, for which he shall be engaged, such salary as shall have been contracted and agreed for, but the amount of such salary shall not be less than after the rate of the sum of Fifty Pounds Currency for the year, or such lesser amount as the Commissioners shall establish for each School District, upon consideration of the ability and situation of the Inhabitants.

Salary to School-
masters

XVII. *And be it further enacted*, That the Trustees shall and may also agree with the Schoolmaster, if they think it convenient, that a proportion of his salary shall be payable by the Inhabitants in produce, according to the custom of the Country ; and all sums which the Schoolmaster shall certify to be so paid to him, shall be allowed to the Inhabitants on account of their School rates ; and if the composition so agreed for shall not be duly paid, the said Trustees shall, and they are hereby required, to sue therefor.

A proportion of
Salary may be
paid in produce

XVIII.

School-Houses
built and main-
tained by assess-
ment

XVIII. *And be it further enacted,* That the expense of building and maintaining the School House in repair, of the salary of the Schoolmaster, and of other charges necessary for the support and maintenance of the School, in each School District, or in any combined School Districts, shall be raised and levied from the Inhabitants thereof, in each and every year, by an equal rate or assessment, upon each person according to his ability, and in all respects, in the like manner, and under and subject to the same regulations, and by the same means, course and proceedings, as by any Acts of the General Assembly of this Province now in force, or hereafter to be enacted, are, or may be provided for levying rates for the support of the Poor, and shall be assessed at the same time with the Poor Rate for the County, District or Township, wherein the School District may be situate, and shall be collected by, and be paid over, to the Trustees of the School District, from which it was raised.

Trustees to cer-
tify amount re-
quired to be raised

XIX. *And be it further enacted,* That the Trustees shall certify in every year, to the said Justices in Sessions, the amount required to be raised for the expenses of the School aforesaid, and after allowance by the said Justices of the sum necessary to be assessed for that purpose, they shall order and direct the rate therefor to be assessed by the Assessors of the Poor Rates.

Schools voluntari-
ly supported, ex-
empted from
School rate

XX. *Provided always, and be it further enacted,* That if the Inhabitants of any School District, or combined Districts, shall voluntarily raise and pay in any year the expense of the School House, and the salary of the Master, with the charges attendant on the maintenance of the School, then and in that case the said Inhabitants shall be exempt from such School Rate, for the year wherein such salary and expense would otherwise have been assessed.

Provincial allow-
ance towards sup-
port of Schools

XXI. *And to the end, that the education of the Children of the Poor, may be duly provided for, Be it further enacted,* That, during the continuance of this Act, there shall be placed at the disposal of His Excellency the Governor, in each and every year, the sum of Two Thousand and Five Hundred Pounds, wherefrom there shall be paid and allowed to the Board of Commissioners in each of the eleven Counties and Districts of Nova-Scotia, a sum not exceeding One Hundred and Eighty Pounds; and for the County of Cape-Breton a sum not exceeding Two Hundred and Twenty Pounds; and for the Town of Halifax, a sum not exceeding Three Hundred Pounds—that is to say, One Hundred Pounds each, for the National, Acadian and Catholic Schools; which monies, except the said three sums of One Hundred Pounds, shall be applied by the Board of Commissioners, according to the situation, ability and circumstances, of the People of each School District, within their Jurisdiction, towards defraying the expense of the schooling poor Orphans, and the Children of the poor within the same, in proportion to their numbers in each School District respectively, and the ability of the Inhabitants.

How to be drawn

XXII. *And be it further enacted,* That the sum allowed by the Commissioners shall be drawn by Warrant from the Treasury, upon their certificate to His Excellency the Governor.

Act may be altered
during present
Session
Act continued for

XXIII. *And be it further enacted,* That this Act may be altered or amended during the present Session of Assembly.

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

CAP. VI.

An ACT to authorise the Incorporation of a Company for working certain Mines of Iron in the County of Annapolis.

WHEREAS, in some Grants of Land formerly made by His Majesty within this Province, Mines of Iron and Iron Ore were not reserved for the Crown, but were transferred and conveyed by His Majesty to the Persons named in such Grants; and whereas certain Persons have associated themselves together for the purpose of working such Mines of Iron and Iron Ore, as have been so as aforesaid granted by His Majesty: Preamble

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, by Letters Patent under the Great Seal of this Province, to make, erect and incorporate, all and singular the Persons so associated as adventurers in, or parties to, the said undertaking, or their assigns, into one Body Politic and Corporate, in deed, and in name, under the Title of the Annapolis Iron Mining Company; and, by that name, to have succession, to sue and be sued, to have a common seal, and to possess and enjoy such powers with respect to the choice of a President, and other officers, making bye-laws, and regulating the affairs of the said Company, as shall be expressed in the same Letters Patent. Incorporation of Company

II. And be it further enacted, That the said Company, when so incorporated, shall, and they are hereby declared and made capable in law, to have, hold, purchase, receive, possess, enjoy, and retain lands, rents and tenements, monies, goods, chattels and effects, to the amount of Fifty Thousand Pounds, and no more at any one time; and also to sell, grant, demise, alien, or otherwise dispose of, such lands, tenements, rents, monies, goods, chattels and effects, at their free will and pleasure. Property of Company

III. And be it further enacted, That in such Letters Patent, the necessary Officers of such Corporation shall be named and designated, and proper persons appointed to be such Officers for the first year, and that the said Corporation may make, establish, and put in execution, such laws and regulations as may be necessary for carrying into effect the said purposes of the said Association, for levying the Assessments, and for the government of the said Corporation. *Provided*, The same shall in no case be repugnant to the Laws of this Province. Officers of Corporation to be named in Letters Patent.

IV. And be it further enacted, That the Capital or Joint Stock of the said Corporation shall be divided into such and so many shares, as the said Corporation, by their bye-laws or ordinances, shall, from time to time, appoint; and such shares shall be transferable, and be conveyed in such manner, and under such restrictions and conditions, as in such bye-laws shall be appointed. Regulations

V. And be it further enacted, That the Joint Stock or Property of the said Corporation shall first be responsible for the debts and engagements of the said Corporation, and that no person or persons who shall or may have dealings with the said Corporation, shall, on any pretence whatsoever, have recourse against the separate property of any present or future member of the said Corporation, beyond the amount of the shares or stock held by such individual member in the said Corporation, or against their persons, further than may be necessary to secure the faithful application of the funds of the said Corporation. Joint Stock to be divided into Shares.

And to the end that inconvenience, delay and expense, may be avoided in ascertaining whether His Majesty has granted the Iron Ore found in and upon any Lands that may come to the possession of the said Company— Debts of the Corporation

VI.

Measures necessary to be taken preparatory to the opening of Mines

VI. *Be it further enacted, by the authority aforesaid,* That whenever the said Company shall be desirous of opening any Mine or Mines of Iron or Iron Ore, and before they shall proceed to work the same, the President of the said Company shall transmit to the Surveyor-General of the Province, an Abstract of the Grant of the Lands in and upon which the said Company shall intend to open Mines, and dig Iron, or Iron Ore, containing in such Abstract the date of the Grant, the name of the Governor who made the same, a description of the lands therein granted, and the name or names of the Grantees; and also, the whole of that part of the Grant in which it is supposed His Majesty has conveyed and transferred to the Grantee, His right in such Mines; and if upon comparing the same with the Record of the said Grant, the said Surveyor-General shall find that the same is a correct Abstract of the Grant, and that His Majesty's right in Mines of Iron is granted therein, he shall certify the same under his hand to the Governor or Commander in Chief for the time being, which said certificate shall be written upon the said Abstract, or annexed thereto; and if the Governor or Commander in Chief, for the time being, shall be satisfied with such certificate, and that His Majesty has granted His right to the Iron, and Iron Ore, in and upon such land, and shall signify such his satisfaction in writing, under his Hand, and Seal at Arms, to be indorsed upon the said Abstract, or annexed thereto; then the said Company shall and may proceed to open and work any Mines of Iron, or Iron Ore, found in and upon the Lands described in such Grant and Abstract; and the said certificate of the Surveyor-General, and assent and satisfaction of the Governor or Commander in Chief, as aforesaid, made and signified, shall be adjudged, and taken to be full and perfect evidence that His Majesty has granted the Mines of Iron and Iron Ore in and upon the said Lands; and the said Company shall never thereafter be hindered, sued, or prosecuted, by His Majesty, His Heirs, or Successors, for opening and working such Mine or Mines.

Unauthorised removal of Iron Ore, &c.

VII. *And be it further enacted, by the authority aforesaid,* That if the said Company, or any of the persons belonging thereto, shall knowingly and wilfully dig, take or carry away, any Iron, Iron Ore, or other Mineral, in, upon, or from any land or place, where the same Iron, Iron Ore, or other Mineral, shall not have been expressly granted by His Majesty, either to the said Company, or to some person or persons from whom the said Company shall have purchased or procured the same—that then, and in that case, the said Letters Patent shall cease and be void; and all the powers, rights and privileges, of the said Corporation, and the persons composing the same, shall cease and determine in the same manner as if this Act had not been made.

Reservation in favor of His Majesty

VIII. *And be it further enacted,* That nothing herein contained shall extend, or be construed to extend, to prevent any other Company, or Persons, to whom His Majesty shall at any time grant permission or licence therefor, from working any Iron Mines, and digging Ore therefrom, or at all to interfere with His Majesty's rights in Mines and Minerals.

The Rights of the Crown in Mines

IX. *And be it further enacted,* That this Act, nor any clause thereof, nor any thing herein contained, shall extend, or be construed to extend, to invest the said Company with any power, right or authority, to work any Mines of Iron, or to procure or raise any Iron Ore, or to manufacture any Iron, in, from, out of, or upon, any Lands whatever, in which any Mines of Iron, or Iron Ore, are, and is, or may be reserved to the Crown, or which are, and is, or may be, in any manner, vested in the Crown, of which the Crown has not been, and is or may be divested, nor in any manner to interfere with, infringe, or prejudice the rights, privileges and prerogative of the Crown; nor the rights, privileges, property, or interest of any individual or individuals, unless upon full and proper grant, deed, lease, licence, permission, or other sufficient authority from the Crown,

Crown, or from such individual or individuals as may have property or interest therein to the said Company.

X. *And be it further enacted*, That the said Letters Patent shall continue and be in force for the space of Ninety-Nine years from the passing thereof, and no longer.

Limitation of
Letters Patent

XI. *And be it further enacted*, That the Act, made and passed in the last Session of the General Assembly, entitled, An Act to authorize the incorporation of a Company for working Mines of Iron, and manufacturing Iron, in the County of Annapolis, and every matter, clause and thing, therein contained, shall be, and the same are hereby, wholly repealed.

Act of 6 Geo 4,
cap 18, repealed

CAP. VII.

An ACT for the more easy recovery of Debts against Co-Partners and Joint Debtors.

WHEREAS, Co-Partners and other Persons often contract Debts jointly, and some of such Joint Debtors being resident out of the Province, or absent from it, the recovery of such Debts is thereby delayed and impeded—for remedy thereof:

Preamble

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That where Co-Partners, or others, are, or shall become jointly indebted, by specialty or simple Contract, to any person or persons, and any one or more of such Joint Debtors shall be absent or resident out of the Province, the creditor or creditors in all suits in such cases hereafter to be instituted, may proceed to recover such Debts, by purchasing out of the Supreme Court, a writ or writs of Mesne Process against all the said Co-Partners or Joint Debtors, which shall be served in the usual manner, upon such of the Defendants as shall be in the Province; and if such Mesne Process shall be a writ of Attachment, the Sheriff or Officer to whom the same shall be directed, may, and is hereby authorised, to levy such Attachment on the joint property of all the Co-Partners or Joint Debtors, and hold the same to respond the Judgment to be given in such case.

Mode of proceeding
against Joint
Debtors

II. *Provided always, and be it enacted*, That if it shall be made appear to the said Court by affidavit, or plea in abatement, that the names of any of the said Co-Partners or Joint Debtors, are omitted in the writ, or that any of them who were in the Province at the time of issuing such Mesne Process, as aforesaid, have not been duly served with the same in the usual manner, it shall be lawful for the Court to abate the writ, or to stay the proceedings, as the case may require: any thing herein contained to the contrary notwithstanding.

Writs to abate on
non-joinder of co-
defendant

III. *And be it further enacted*, That in all cases as aforesaid, the Plaintiff or Plaintiffs may file his or their declaration against such of the Co-Partners or Joint Debtors as have been duly served with Mesne Process, and may suggest in the said Declaration, that the other Co-Partners or Joint Debtors (naming them) were absent out of the Province, and without the jurisdiction of the Court, at the time of issuing the Process, and at the time of filing such Declaration; and thereupon the Plaintiff or Plaintiffs may proceed, according to the usual practice of the Court, to obtain Judgment against the said Co-Partners or Joint Debtors, who have been so duly served with Process, in the same manner as is practiced in England against a Defendant whose Co-Partner or Joint Debtor has been outlawed.

Filing Declarations

IV. *And be it further enacted*, That it shall be lawful for the Plaintiff or Plaintiffs, after Judgment recovered as aforesaid, to take out Execution thereon, and to cause the same to be extended on the joint or separate property, or on the persons of all the said Co-Partners or Joint Debtors. *Provided always*, That it shall not be lawful, by virtue

Judgments

Writs of Execu-
tion

Proviso

Proviso

Imparance may
be granted on affi-
davitReturn of Debtors
pending ActionsDebtors returning
subsequent to Ac-
tionsThis Act not to
interfere with that
against absent or
absconding Debt-
ors

of this Act, to execute any such writ or process against the body, goods, or estate, the sole property of any person not brought into Court, as a party to such suit. *And provided also*, That if any such defendant shall make affidavit, that it is necessary for him to receive instruction or information respecting such suit from his absent Partner or Joint Debtor, and that he cannot safely proceed to the trial of the cause without communication with the said absentee, and that he is not seeking for delay only—it shall be lawful for the Court, on application grounded on such affidavit or other sufficient cause, to grant to the defendant or defendants a reasonable imparance allowed in common cases.

V. *And be it further enacted*, That if any Co-Partner or Joint Debtor, being absent as aforesaid, and not served with Mesne Process, shall come into the Province before the final determination of the suit against his Co-Partner or Joint Debtor, and shall apply to the Court to be admitted to appear to defend the said action, the Court shall admit him accordingly, and shall cause such amendment to be made in the proceedings as may be required to make the same regular and consistent.

VI. *And be it further enacted*, That if any such absent Debtor or Co-Partner shall come into the Province after final Judgment given in any such cause, it shall be lawful for the Plaintiff or Plaintiffs, in case he or they shall not have received full satisfaction on such Judgment, to sue out a writ of *seire facias* against such last-mentioned Co-Partner or Joint Debtor, requiring him to appear and shew cause why execution should not be had against him, his goods, chattels, lands, and tenements, to satisfy the said Judgment, or whatever may remain due thereon; and such defendant shall be allowed to plead, either in bar to the original suit, or in answer to the said *seire facias*; and thereupon the Court shall proceed to try and determine the same, and to give Judgment, as in other causes instituted by such writ.

VII. *And be it further enacted*, That nothing herein contained shall be construed to affect, or prevent any proceedings which may or shall hereafter be instituted against any absent or absconding Debtors, pursuant to the Act in such case made and provided.

CAP. VIII.

An ACT in addition to, and in amendment of, an Act, made and passed in the thirty-second year of the Reign of His late Majesty King George the Second, entitled, An Act directing the Guardianship of Minors.

Preamble

WHEREAS, it is expedient to repeal certain Provisions in the Act, made by the General Assembly of this Province, in the thirty-second year of the Reign of His Majesty King George the Second, entitled, An Act directing the Guardianship of Minors, whereby certain grievances and disabilities are imposed upon Heirs and Minors professing the Popish Religion, and such Persons as may be appointed to the custody or tuition of such Heirs or Minors, or be by them chosen as their Guardians:

3d & 5th Sec. 32
Geo 2, cap 26, re-
pealed

I. *Be it therefore enacted*, by the Lieutenant-Governor, Council and Assembly, That so much of the said Act as prevents or excludes the committing, devising, or otherwise disposing of, the guardianship, custody, or tuition of children or minors, to persons not being Protestants, be repealed; and that it shall and may be lawful for Fathers to dispose of the custody and tuition of their children, according and subject to the provisions of said Act, to any person or persons whether Protestant or not.

Appointment of
Guardians

II. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant-

Lieutenant-Governor, or Commander in Chief, for the time being, and the Judges of Probate for the different Counties and Districts in this Province, to commit or dispose of the custody, care, or guardianship of children, or minors, according to the provisions of said Act, to any person or persons whether Protestant or not: which person or persons shall thereupon have the same rights and privileges, and be subject to the same limitations and conditions, as persons heretofore appointed under said Act.

III. *And be it further enacted*, That so much of the said Act as relates to the Recognizance to be entered into by persons to whom the custody and tuition of heirs and minors professing the Popish Religion, shall be committed, and which requires the condition, that such heirs shall be educated in the Protestant Religion, be repealed, and the same is hereby repealed. And it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, and the Judges of Probate for the different Counties and Districts in this Province, to take such recognizance as aforesaid, from all persons to whom the tuition and custody of all such heirs or minors, shall be committed, and their sureties, without any such condition, that the heirs or minors as aforesaid shall be educated in the Protestant Religion.

Recognizance of
Guardians

CAP. IX.

An ACT to allow of the Bridge at Bridgetownin, the County of Annapolis, being made a Drawbridge.

WHEREAS, the increase of Ship-Building on the Annapolis River, above the Bridge at Bridgetown, and the exportation from thence of large quantities of Lumber and Country Produce, render it expedient that said Bridge should be made a Draw-Bridge, in order that Vessels may pass through the same: Preamble

And Whereas, certain Persons have subscribed and made up a Sum of Money, for the purpose aforesaid—

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the publication of this Act, it shall and may be lawful for the Justices in any General or Quarter Sessions of the Peace, held at Annapolis Royal, in the County of Annapolis, to nominate and appoint two fit and proper Persons in said County, to be Supervisors for the purpose of altering the aforesaid Bridge, in such manner as to convert it into a Drawbridge, convenient for the passage of Vessels through the same. Appointment of Supervisors

II. *Provided always, and be it further enacted*, That the said Supervisors shall not be at liberty to proceed in making such alteration until a sufficient sum to complete the same shall have been placed at their disposal, and that the said Supervisors shall be responsible over, and account to, the Courts of Sessions of the Peace at Annapolis Royal aforesaid, for the due and proper completion of such alteration, and the just application of said sum for that purpose, in such manner, and within such reasonable time, as the said Court may order and direct, under such penalty, not exceeding Fifty Pounds, as the said Court may adjudge in a summary manner, to be levied by Warrant of Distress, issued by said Court. Means for defraying expense to be provided

Responsibility of Supervisors

III. *And be it further enacted*, That, after such alteration shall have been completed, whenever it may become necessary to raise the Draw of said Bridge, for the purpose of allowing Ships, Vessels, or other bulky article, to pass through the same, it shall and may be lawful for the Master or other Person, having the charge and direction of such Ship, Vessel, or other article, to cause the Draw of the said Bridge to be raised, for the purpose aforesaid, replacing the same after the passing through of such Ship, Vessel, or Drawing Bridge

or other article, in such way as may be proper to allow the passing over said Bridge in the usual manner. *Provided always*, That the said Draw shall not be kept raised for the purposes aforesaid, for a longer period than fifteen minutes at any one time.

Draw kept raised
beyond limited
time

IV. *And be it further enacted*, That if any such Master or other Person or Persons having the charge or direction of the Ship, Vessel, or other article, passing through said Bridge, or any other person or persons under whose direction the said Draw may be raised, shall keep the same so raised, and without properly and carefully replacing it for passage over the same, for a longer period than fifteen minutes at any one time, (except it may be for the purpose of repairing the same under legal authority) every such person or persons, so offending, shall forfeit, for each and every time he or they shall so keep the said Draw raised for such longer period, a sum not exceeding forty shillings, nor less than twenty shillings, to be adjudged in a summary way by any one or more of His Majesty's Justices of the Peace, in the name of our Sovereign Lord the King, upon the oath of one credible witness, and levied, with costs of suit, by Warrant of Distress, from off the goods and chattels of the offender, and paid over to the Surveyors of Highways at Bridgetown, to be applied to the repairs of Highways.

Damages may be
recovered for in-
juries

V. *Provided always, and be it further enacted*, That nothing herein contained shall extend, or be construed to extend, to deprive any person or persons of the right he or they may have to recover damages for any injury sustained by the keeping up of said Draw, beyond the time herein before limited, or by its not being replaced in a careful and proper manner, or by any other thing connected therewith.

CAP. X.

An ACT to secure to William Hague, and his Assigns, for a definite period, the exclusive use of the Cast Metal Patent Machine or Weigh-Bridge, for the purpose of Public Weighing in the Town of Halifax.

Preamble

WHEREAS, William Hague proposes to import and bring into the Town of Halifax, at a large expense, a Cast Metal Patent Machine, called a Weigh-Bridge, for the purpose of weighing for the Public, at a fixed rate, in said Town, provided he can have the exclusive privilege of using such Machinery for public weighing for a certain term:—And Whereas, it is desirable that such improved Machinery should be brought into use in said Town—

Privilege granted
to William Hague
to import and use
for ten years, a
Cast Metal Patent
Weighing Ma-
chine

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after such time as the said William Hague shall have imported, and fully prepared for use in the Town of Halifax, at some convenient place, a Cast Metal Patent Machine or Weigh-Bridge, upon improved principles, to weigh as much as Five Tons at one time, and the same shall be such as shall meet with the approbation of the Justices in Session, or a majority of them, and be so certified, the said William Hague and his Assigns, shall have, exercise and enjoy, the right and privilege of weighing for the Public in the Town of Halifax, with such Machine, for such time during the term of Ten Years then next ensuing, as the said Machine shall be kept in good order and ready for public use, subject to the conditions of this Act. *Provided however*, That the said Machine shall be so imported, and made ready for use in said Town, within one year next after the publication hereof, and that such right and privilege shall cease and be determined at any time when the public right of using said Machine shall be withheld, or may have been suspended for the term of six months.

Proviso

II. *And be it further enacted*, That during such part of the said term of ten years as the said right and privilege shall be held and enjoyed by the said William Hague and his Assigns, it shall not be lawful for any other person or persons, to use, in or for public weighing, in said Town, or its vicinity, any such Machine, or Weigh-Bridge, as that to be so imported and brought into use by the said William Hague; but such right and privilege of using for public weighing such Weigh-Bridge as aforesaid, shall be confined to, and enjoyed exclusively by, the said William Hague, and his Assigns, for and during such term, within the said ten years, as he and they may be entitled to such right under the provisions of this Act, and shall conform thereto. *Provided always*, That nothing herein contained shall extend, or be construed to extend, to prohibit the use of the Weighing Machines at present erected and used in said Town, or any other of a similar construction.

Privilege granted exclusively to William Hague

Proviso

III. *And be it further enacted*, That the price or fees for Weighing, and the trouble connected therewith, to be charged and taken by the said William Hague and his Assigns, for such Public Weighing with said Weigh-Bridge, shall be as follows, and no more, viz:—

Allowance for Weighing

For any article or articles weighed at one time, whose weight shall not exceed fifteen hundred weight—six pence.

For every such article or articles, so weighed at one time, whose weight shall be upwards of fifteen hundred weight, and not exceed one ton—one shilling:

And in like manner, the addition of three pence for every additional five hundred weight, and so upwards, to the next additional five hundred weight, in such way as above regulated, with regard to articles weighing from fifteen hundred weight to one ton.—*Provided*, the same do not exceed three tons at one time.

And for such article or articles, weighed at one time, as shall be of the weight of three tons or upwards, the sum of three shillings, and no more.

Provided always, That no fee or charge whatever shall be demanded, made or taken, by the said William Hague, or his Assigns, for the weight of the Cart, Waggon, Truck, Sled, or other Carriage, containing the articles so weighed by such machine; and that he and they shall be bound to weigh such Carriage free of expense, after its load shall have been discharged, so as to ascertain the true weight thereof, and shall deduct the same from the gross weight, and charge only for the net weight of the article or articles.

Proviso

V. *And be it further enacted*, That if the said William Hague, or his Assigns, shall receive for such weighing, and the giving the usual Ticket, and any other trouble connected therewith, any other or greater fees than such as are herein before specified, it shall and may be lawful for the Justices of the Peace, in any General or Quarter Sessions, held in said Town, to declare and pronounce the right and privilege herein granted to the said William Hague and his Assigns, to be determined, and the same shall thereupon be determined and cease accordingly.

Demanding more than the legal allowance for Weighing

VI. *And be it further enacted*, That the said William Hague and his Assigns, and each of them, before making use of the said Machine or Weigh-Bridge, for the purpose of Public Weighing, shall be severally sworn to the faithful discharge of their duties, as Surveyors and Weighers of Hay, and be duly qualified therefor, in manner as is prescribed by the Laws of this Province; and shall be in addition to any Surveyors and Weighers of Hay that may be appointed and qualified under the said Laws. *Provided nevertheless*, That it shall not be lawful for the said William Hague, or his Assigns, to ask or receive, for his or their services or trouble, as such Surveyor or Weigher, in any manner whatever, any other or greater fees than those herein before mentioned and appointed therefor.

William Hague and his Assigns to be severally sworn

Proviso

CAP.

CAP. XI.

An ACT to provide for the Master of the Rolls in the Court of Chancery.

Preamble

WHEREAS, His Most Gracious Majesty has deemed it expedient to appoint a Master of the Rolls in the Court of Chancery in this Province, with the view of aiding His Excellency the Lieutenant-Governor, as Chancellor, in performing the various duties in the said Court.

Annual Salary for the Master of the Rolls

And Whereas, it has been recommended by His Excellency the Lieutenant-Governor, to the House of Assembly, to make a suitable provision for that Officer—

No fees allowed to Master of the Rolls.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That there shall be allowed and paid annually for the salary of the Master of the Rolls in the Court of Chancery for the time being, the sum of Six Hundred Pounds.

What fees allowed Masters in Chancery

II. *And be it further enacted,* That the said salary, so to be allowed and paid as aforesaid, shall be in full of, and in lieu of, all fees and emoluments whatsoever; nor shall it be lawful for the Master of the Rolls hereafter, to take and receive any fee or emolument, for or in respect of his said situation of Master of the Rolls, or as a Master in Chancery, other than the salary granted by this Act; nor shall it be lawful for any Master in Chancery, after the passing of this Act, to take or receive any fees established by any Law heretofore passed, other than for Poundage on Sales, and for drawing and executing Deeds of Conveyance, or on references made to him out of Court.

CAP. XII.

An ACT to provide for the erection and support of a Light-House on Mauger's Beach, and to regulate the Light-Duties hereafter to be paid.

Preamble

WHEREAS, it has been deemed expedient, for the protection of Ships and Vessels entering the Harbour of Halifax, that a Light-House should be placed on the Beach commonly called Mauger's Beach—

1500l. appropriated for erection of Light House, on Mauger's Beach

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to erect, or cause to be erected, on the said Beach, a good and sufficient Light House for the aforesaid purpose, provided the cost of the same do not exceed the sum of One Thousand and Five Hundred Pounds.

Acts regulating Light-Houses extended to that at Mauger's Beach

II. *And be it further enacted,* That all the Provisions, Clauses and Regulations, mentioned and contained in any Act or Acts now in force, which regulate the Light-Houses of the Province, and provide for collecting the Light-Duties, and compelling the payment thereof, and regulating the expenditure of the Monies so collected, are hereby extended and made applicable to the said Light-House, whenever the same shall be established as aforesaid.

Light-Duties

III. *And be it further enacted,* That, from and after the publication of this Act, no Ship or Vessel whatsoever shall be liable to pay any further Light-Duty than Four Pence Currency per Ton, any Act to the contrary notwithstanding.

CAP.

CAP. XIII.

An ACT to continue an Act, in addition to an Act, passed in the thirty-third year of the reign of His late Majesty King George the Second, entitled, An Act for regulating the rates and prices of Carriages.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fiftieth year of His late Majesty's reign, entitled, An Act in addition to an Act, passed in the thirty-third year of the reign of His late Majesty King George the Second, entitled, An Act for regulating the rates and prices of Carriages, and every matter, clause and thing, therein contained, be continued, and the same are hereby continued, for five years, and from thence to the end of the next Session of the General Assembly.

Act 50th Geo. III.
cap. 7. continued

CAP. XIV.

An ACT to authorize the further issuing of Treasury Notes, and cancelling those heretofore issued.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Lieutenant-Governor, or Commander in Chief for the time being, to appoint three fit and proper Persons as Commissioners to issue Treasury Notes, to an amount not exceeding Forty Thousand Pounds: Thirty-five Thousand whereof to be in Notes of Twenty Shillings, and the remaining Five Thousand in Notes of Ten Shillings, which said Notes shall be indented and impressed with the words "*Nova-Scotia*," signed by the Treasurer of the Province, and countersigned by not less than two of the said Commissioners, and in such form, figures and words, as the said Commissioners shall direct; all which Notes shall be dated on the first day of the month in which the same are issued; and, when so completed and signed, shall be delivered to the Treasurer, in such sums as the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, shall by Warrant direct, by the Persons appointed to countersign the same, and the Treasurer shall be accountable for such Notes so delivered to him.

Appointment of
Commissioners to
issue Treasury
Notes, to an a-
mount not exceed-
ing 40,000l.

Description of
Notes

II. And be it further enacted, That the said Commissioners, so to be appointed as aforesaid, before they enter upon the duties imposed by this Act, shall respectively take and subscribe, before any one of His Majesty's Justices of the Courts of Record in this Province; the following Oath:—I, A. B. do swear that I will well and faithfully do and perform what I am directed and empowered to do as a Commissioner to issue Treasury Notes, under an Act, entitled, An Act to authorize the further issuing of Treasury Notes, and cancelling those heretofore issued, and that I will not knowingly sign any more or greater amount of Treasury Notes than I am authorised to do under the said Act—So help me God: which Affidavit shall be filed in the Office of the Secretary of the Province.

Oath to be taken
by Commissioners

III. And be it further enacted, That when and so often as Money shall become due and payable by virtue of any Act or Acts already passed, or that may be passed, during the present Session of the General Assembly, and Warrants for the same are produced for payment to the Treasurer of the Province, he shall pay the amount of such

Warrants on the
Treasury may be
paid in Notes

Warrants

Warrants on demand, in Gold or Silver, if such be in the Treasury, or if not, then in the said Notes, to the person or persons entitled to receive the same; which Notes shall be again received at the Treasury, and also taken by the Collectors of Impost and Excise for the several Districts in this Province, at the specified value, equal to the like value in Gold and Silver when and as often as the same are presented and offered in payment of Duties.

Notes may be
funded after the
expiration of three
years

IV. *And be it further enacted*, That if any Person at any quarterly period, after the expiration of three years from the date of the said Notes, shall tender for payment at the Treasury, any number of Treasury Notes, amounting to not less than One Hundred Pounds in value, issued under and by virtue of this Act, in case the Treasurer shall not be able to pay the same in Gold and Silver, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, by and with the advice of His Majesty's Council, by Warrant under His Hand and Seal, to direct the Commissioners aforesaid to fund such sum or sums of Money in Treasury Notes as shall be so tendered in payment from time to time as aforesaid, and to grant Certificates to the amount thereof on interest; and the said Commissioners shall, in the presence of the said Treasurer, cancel the said Notes, by cutting therefrom the name of the Treasurer, and the year in which they are issued, and shall deliver the same to the Secretary of the Province to be examined and destroyed by the Joint Committee of His Majesty's Council and the House of Assembly, appointed to examine the Public Accounts.

Printing and com-
pleting Notes

V. *And be it further enacted*, That the Treasurer of the Province, together with the Persons appointed to countersign the said Notes, are hereby empowered to contract for and superintend the printing and completing the Blanks of such Notes as are directed to be issued by virtue of this Act.

And whereas, *it is expedient to reduce the Funded Debt of the Province*—

Notes now in cir-
culation to be
withdrawn

VI. *And be it further enacted*, That the Treasurer of the Province is hereby directed, within ten days after each quarter, to pay over to the Commissioners appointed under and by virtue of this Act, for the amount of the new Notes delivered to him, an equal sum in Notes now in circulation, or in Gold or Silver; and the Commissioners are hereby directed to cancel the Notes so paid in by the Treasurer, and with the Gold and Silver so received by them from the Treasurer as aforesaid, to call in and pay the Loan Certificates, commencing with the first Certificate on the List kept by the said Treasurer and Commissioners, with the interest thereon, up to the end of the said quarter.

Payment of Loan
Certificates

Counterfeiting of
Notes

VII. *And be it further enacted*, That if any Person or Persons whosoever shall counterfeit any Treasury Notes issued by virtue of this Act, or alter any of the same so that they shall appear to be of greater value than when originally issued, or shall knowingly pass or give in payment any of the said Notes so counterfeited or altered, every Person convicted thereof, shall be set in the Pillory for the space of one whole hour, and one of the ears of such offender shall be nailed thereto, and such offender shall be publicly whipped through the streets of the Town or Place where such offence shall have been committed, and shall pay all charges of the prosecution.

CAP. XV.

An ACT to enable the Trustees of the Common of Lunenburg to lease the same for the improvement thereof.

Preamble

WHEREAS, the Common belonging to the Township of Lunenburg has run to waste, and become of little value from want of cultivation—

I.

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication of this Act, it shall and may be lawful for the Trustees of the aforesaid Common, to make Leases of such parts thereof, as they may think proper, for any term or terms not exceeding ten years, which Leases shall contain such provisoes, covenants, and conditions, as the said Trustees may judge best for the improvement of the said Common, and the due regulation of such Leases, and shall be sufficient to convey to the person or persons to whom the same may be so made, such Estate, as may be therein expressed, subject to the conditions and covenants therein contained.

Common of Lunenburg may be leased

II. And be it further enacted, That whatever sums of Money shall be received by the said Trustees as rent under the aforesaid Leases, the same shall be applied and made use of, by the said Trustees, for the general benefit and improvement of said Common, in such way as they shall deem most adviseable, and the expenditure thereof accounted for to the General Sessions of the Peace.

Rents to be applied to its improvement

CAP. XVI.

An ACT to alter and continue the Acts for the regulation of the Militia.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the first year of His present Majesty's Reign, entitled, An Act to provide for the greater security of this Province, by a better regulation of the Militia, and to repeal the Militia Laws now in force; and also, an Act, passed in the fourth year of His said Majesty's reign, to alter and continue the said Act, and every matter, clause and thing, in the said Acts contained, except so much thereof as may be hereby altered, shall be continued, and the same are hereby continued for one year, and from thence to the end of the next Session of the General Assembly.

Acts of 1 and 2 Geo 4 cap 2, and 4 Geo 4 cap 4, continued

II. And be it further enacted, That hereafter, instead of the Four Meetings of Militia, for the purpose of training, as directed by the twenty-seventh Section of the first mentioned Act hereby continued, the Militia shall be called out and assemble twice in the year, and no more, either by the entire Regiment or Battalion, or by such Detachments as the Commanding Officers of the respective Regiments or Battalions shall direct, and on such days as the Governor may appoint for that purpose.

Militia to assemble twice in each year

III. And be it further enacted, That instead of the fines imposed by the twenty-eighth Section of the said Act, for non-attendance at any Regiment or Battalion Meeting, each and every Militia-man, not attending such meeting, conformably to Law, shall, for the first offence, be subject to a fine of Ten Shillings, and for the second like offence, in the same year, to a fine of Twenty Shillings, which fines for non-attendance shall be sued for, prosecuted and recovered, and be applied conformably to the provisions of the said continued Acts, by the Clerk of the Company to which the offender may belong, but in the name of the Commanding Officer of such Company, instead of the Clerk thereof; and that such Clerk shall be a competent witness, upon such prosecution: any law, usage, or custom, to the contrary notwithstanding.

Fines for non-attendance at Trainings

IV. And be it further enacted, That in all cases of appeal, to a Board of Officers, against any fine according to the provisions of the Acts hereby continued, the notice of such appeal thereby prescribed, shall be given in writing; which notice shall be laid before the Board of Officers appointed to consider such appeal, at their meeting, for that purpose; and no appeal shall be by them considered, unless such notice of the same shall have been so given in writing: and notice of the time of meeting of the Board to consider the appeals, shall be given by the Clerk to the Appellant.

Appeals against Fines

Improper conduct
of Militia-men on
Parade

V. *And be it further enacted*, That the fine to which every enrolled Militia-man appearing on parade, who shall refuse or neglect to perform Militia duty, or shall depart from his Company without leave from the Commanding Officer of the Regiment, Battalion, or Company, to which he shall belong, is made subject, under and by the twenty-eighth Section of the said first mentioned continued Act, shall be imposed by the then present Commanding Officer of the Regiment or Battalion, or Detachment thereof, on parade, in place of the Commanding Officer of the Company, as provided in and by the said Section.

Militia protected
from arrest, on
days of training

VI. *And be it further enacted*, That each and every Militia-man, duly enrolled according to the provisions of said continued Acts, and who shall have received notice of any Militia muster or training, conformably thereto, shall be wholly free and exempt from arrest, under and by virtue of any civil process during the days on which such muster or training shall take place: *Provided*, he shall attend the same, or shall be proceeding from his place of residence towards the place of such muster or training, for the purpose of such attendance, or returning therefrom; and every such arrest, if made, is hereby declared to be wholly void; and every Sheriff or other Officer, actually making such arrest, shall be subject and liable to an Action for damages at the suit of the party who shall be so arrested.

CAP. XVII.

An ACT in addition to an Act, made and passed in the fifty-fourth year of His late Majesty's reign, relating to the quality and exportation of Ton Timber.

Ton Timber to be
marked

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication of this Act, each and every Surveyor and Surveyors of Ton Timber, who shall be called upon either by the Vendor or Purchaser thereof, shall, at the time of making survey of the same, mark in figures on each and every stick of Ton Timber, by him surveyed, the exact number of square feet such stick shall contain, together with the initial letters of his own name, and that of the private mark of the purchaser, and shall forthwith make out and deliver to such Vendor or Purchaser a Bill of Survey of such Timber, specifying the number and contents of each stick, the quality thereof, whether hardwood, pine, spruce, or other kind of Timber; and also, whether the same be merchantable or not merchantable, according to the provisions of the Act to which this is in addition.

Defacing Marks

II. *And be it further enacted*, That if any Person shall cut, deface, or otherwise destroy, any marks, so to be made upon any stick of Ton Timber, without the knowledge or permission of the owner thereof, every such person, so offending, shall forfeit and pay for every such offence, a sum not exceeding Twenty Shillings, nor less than Five Shillings; to be recovered on the oath of one or more credible witness or witnesses, or on the confession of the party, before any one of His Majesty's Justices of the Peace, in and for the County or District where such offence shall have been committed; the same to be levied with lawful costs either on the person or property of the offender, and paid to the informer.

CAP.

CAP. XVIII.

An ACT for the Relief of Roman Catholics.

WHEREAS, *Liberty of Conscience in all matters of religious belief, and freedom in regard to all religious rites and ordinances, are the undoubted right and privilege of His Majesty's Subjects in this Province:* Preamble

And Whereas, by a Statute of the General Assembly of this Province, passed in the twenty-third year of the Reign of His late Majesty King George the Third, entitled, "An Act for the relieving His Majesty's Subjects professing the Popish Religion from certain penalties and disabilities imposed upon them by two Acts of the General Assembly of this Province, made in the thirty-second year of His late Majesty's Reign, entitled, *An Act confirming Titles to Land, and quieting Possessions; and An Act for the establishment of Religious Public Worship in this Province, and for suppressing of Popery*"—the said penalties and disabilities were repealed, subject to certain conditions specified in the fifth and sixth Sections of the said Act.

And Whereas, the said fifth and sixth Sections ought to be repealed—

It is therefore enacted, That the fifth and sixth Sections of the said Act, passed in the twenty-third year of His late Majesty's Reign, entitled as aforesaid, and every matter and thing, in the said fifth and sixth Sections contained, shall be, and the same are hereby, altogether repealed; and His Majesty's said Subjects in this Province, professing the Roman Catholic Religion, shall henceforth be entirely free and exempt from all the penalties and disabilities aforesaid. Sec. 5th & 6th of Act 23 Geo 3 cap 9, repealed

CAP. XIX.

An ACT to repeal the last Clause of the Act to prevent the circulation of base and counterfeit Halfpence, and other Copper Coin, and to establish the current value of English Crowns, Half Crowns and Shillings, in this Province.

WHEREAS, *it is found expedient to repeal so much of the said Act as fixes, at a certain standard, the current value of the English Crown-piece, and the several proportions thereof, so that in future such Coin may pass current in this Province according to the actual value—* Preamble

It is therefore enacted, by the Lieutenant-Governor, Council and Assembly, That the last Section of the Act, passed in the twenty-eighth year of the Reign of His late Majesty King George the Third, entitled, *An Act to prevent the circulation of base and counterfeit Halfpence, and other Copper Coin, and to establish the current value of English Crowns, Half Crowns, and Shillings, in this Province, and every matter and thing, in the said Clause contained, shall be, and the same are hereby, repealed.* Last Section of Act 28th Geo 3 cap 9, repealed

CAP. XX.

An ACT to suspend the operation of several Acts of the General Assembly, passed to prevent Forestalling, Regrattling and Monopolizing.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the thirty-second year of the Reign of His Majesty King George the Acts of 32 Geo 2 cap 10, and 6 Geo 3 cap 6, suspended

the Second, entitled, An Act to prevent Forestalling the Market ; and also the Act, passed in the sixth year of His late Majesty King George the Third, entitled, An Act against Forestallors and Regrators, and every matter, clause and thing, in the said Acts contained, shall be, and the same are hereby, suspended for the term of five years, from the passing of this Act.

Continued for five
years

II. *And be it also enacted*, That this Act shall be in force for five years and no longer.

CAP. XXI.

An ACT to suspend the operation of the Acts to prevent forestalling, regrating and monopolizing, of Cord Wood, in the Town of Halifax.

Act 18th Geo. III.
Cap. 5, suspended
for five years

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the eighteenth year of His late Majesty's Reign, entitled, An Act to prevent forestalling, regrating, and monopolizing, of Cord Wood, in the Town of Halifax ; and also, the several Acts, passed by the General Assembly, to amend the said Act, and to continue the said amending Acts ; and every matter, clause and thing, in the said Acts contained, shall be, and the same are hereby suspended, for the term of five years, from the passing of this Act.

Continued for five
years

II. *And be it also enacted*, That this Act shall be in force for five years, and no longer.

CAP. XXII.

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

Act 4th Geo. IV.
Cap. 29, continu-
ed

BE it enacted by the Lieutenant-Governor, Council and Assembly, That the Act passed in the fourth year of His present Majesty's Reign, entitled, An Act to prevent Disorderly Riding, and to regulate the Driving of Carriages on the Streets of Halifax, or other Towns, or on the Public Roads of this Province, and for repealing certain Acts therein mentioned ; and every matter, clause and thing, in the said Act contained, be continued, and the same are hereby continued, for five years, and from thence to the end of the next Session of the General Assembly.

CAP. XXIII.

An ACT to continue an Act respecting Aliens coming into this Province, or residing therein.

Act 38th Geo.
III. cap. 1, con-
tinued

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

CAP.

CAP. XXIV.

An ACT to continue the Act for establishing a Bridewell, or House of Correction, for the County of Halifax, and for providing a Police Office in said Town, with proper Officers to attend the same.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the fifty-fifth year of His late Majesty's Reign, entitled, An Act for establishing a Bridewell, or House of Correction, for the County of Halifax, and for providing a Police Office in said Town, with proper Officers to attend the same; and every matter, clause and thing, therein contained, be continued, and the same are hereby continued, for one year, and from thence to the end of the next Session of the General Assembly.

Act 55th Geo. III.
Cap. 9, continued

CAP. XXV.

An ACT to continue an Act or the Summary Trial of Actions, and the Act in amendment thereof.

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

Acts of 3 Geo.
IV. cap. 30, and 6
Geo. IV cap. 10,
continued

CAP. XXVI.

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

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

Act 58th Geo.
III. cap. 12, con-
tinued

CAP. XXVII.

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

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act, passed in the third year of His present Majesty's reign, entitled, An Act to

Acts continued

Acts of 3 Geo. 4,
cap. 25, 4 Geo. 4,
cap. 21, and 6
Geo. 4, cap. 26,
continued

vide for the support of a Light-House erected on Cranberry Island, near the entrance of the Gut of Canso; also the Act, passed in the fourth year of His said Majesty's reign, to continue, alter and amend, the said Act; also an Act, passed in the last Session of the General Assembly, to alter and continue the said Acts, and every matter, clause and thing, in the said several Acts contained, shall be continued, and the same are hereby continued, for one year, and from thence to the end of the next Session of the General Assembly.

CAP. XXVIII.

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

Act 52d Geo. III
cap. 3, continued

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

CAP. XXIX.

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

Acts 52 Geo. III.
cap. 4, and 59
Geo. III. cap. 26,
continued

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

CAP. XXX.

An ACT to continue an Act, entitled, An Act relating to the Court of Commissioners at Halifax.

Act of 4 and 5
Geo. 4 cap. 36,
continued

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

CAP.

CAP. XXXI.

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

BE it enacted by the Lieutenant-Governor, Council and Assembly, That the Act, made and passed in the third year of His present Majesty's Reign, entitled, An Act more effectually to secure the payment of the Provincial Duties of Excise, and to prevent Frauds in the collection of the Provincial Revenue; and every matter, clause and thing, in the said Act contained, shall be continued, and the same are hereby continued, until the twenty-fifth day of March, which will be in the year of our Lord one thousand eight hundred and twenty-seven.

Act 3d Geo. I
cap. 24, continu

II. And be it further enacted, That all the Provisions and Regulations of the said Act shall, so far as they may or can be applicable thereto, extend unto, and be applied to, all articles whatsoever, which, by force or virtue of any Acts of the present Session of the General Assembly, shall be made chargeable with any Duties, or be declared entitled to any drawback of duties whatsoever.

Articles charge-
ble with duties, &
entitled to draw-
back

CAP. XXXII.

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

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

Acts of 39 Geo.
3, cap. 13, 41
Geo. 3, cap. 12,
46 Geo. 3, cap.
3, and 55 Geo. 3,
cap. 17, continued

CAP. XXXIII.

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

Acts of 48 Geo. 3,
cap. 2, 51 Geo. 3,
cap. 5, and 53,
Geo. 3, cap. 17,
continued.

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

CAP. XXXIV.

An ACT to continue an Act, passed in the Sixth year of His present Majesty's Reign, entitled, An Act to allow a Drawback on Foreign Flour, and other Articles, exported to Foreign Countries.

Act 6th Geo. 4,
cap. 35, continued.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made and passed in the sixth year of His present Majesty's Reign, entitled, An Act to allow a Drawback on Foreign Flour, and other Articles, exported to Foreign Countries; and every matter, clause and thing, in the said Act contained, shall be continued, and the same are hereby continued, until the twenty-fifth day of March, which will be in the year of our Lord one thousand eight hundred and twenty-seven, and no longer.

CAP. XXXV.

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

Acts of 57 Geo.
3, cap. 23, and 6
Geo. 4, cap. 33,
continued.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fifty-seventh year of His late Majesty's reign, entitled, An Act for granting a Drawback of the Duties on Brown or Raw Sugar, used in the manufacture of refined Sugars within the Province, and for regulating the mode of obtaining the same; and also, the Act, passed in the last Session of the General Assembly, to revive, amend and continue, the said Act, and every matter, clause, and thing, in the said Acts contained, shall be continued, and the same are hereby continued in force, until the twenty-fifth day of March, which will be in the year of our Lord One Thousand Eight Hundred and Twenty-seven, and no longer.

CAP.

CAP. XXXVI.

An ACT to provide for the support of His Majesty's Government in this Province, and for promoting its Agriculture, Commerce and Fisheries, by continuing and amending an Act of the General Assembly, for granting Duties of Import on Wine, Brandy, Gin, Rum, and other Distilled Spirituous Liquors, Molasses, Coffee and Brown Sugar.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the fifty-fifth year of His late Majesty's Reign, entitled, An Act for granting to His Majesty certain Duties on Wine, Brandy, Gin, Rum, and other Distilled Spirituous Liquors, Molasses, Coffee and Brown Sugar, for the support of His Majesty's Government, and for promoting the Agriculture, Commerce, and Fisheries, of this Province; and every matter, clause and thing, therein contained, save and except the first, twenty-first, twenty-second, twenty-fourth, twenty-fifth, twenty-sixth, twenty-seventh and twenty-eighth Sections of the said Act, and except, so far as the said Act is hereinafter altered or amended, shall be continued, and the same are hereby continued until the twenty-fifth day of March, which will be in the year of our Lord One Thousand Eight Hundred and Twenty-Seven, and no longer.

Act 55th Geo.
III cap. 2, [except
certain Sections]
continued

II. And be it further enacted, That instead, and in lieu, of the Duties in the first Clause of the said Act hereby continued, there shall be substituted, raised, levied, collected, and paid to His Majesty, His Heirs and Successors, on all Wine, Brandy, Gin, Rum, and other Distilled Spirituous Liquors, Molasses, Coffee, and Brown Sugar, Maple Sugar only excepted, which shall, or may hereafter be imported, or brought into this Province, or manufactured therein, the respective rates and impositions following, that is to say:—

Duties payable on
Wines, Brandy,
Gin, Rum, Molasses,
Sugar, Coffee

For and upon the following Wines, that is to say:—Champagne, Madeira, Port, Claret, Lisbon and Sherry, two shillings per Gallon.

For and upon all other Wines, one shilling and six-pence per Gallon.

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

For and upon all other Brandy, Gin, and Cordials, one shilling and four-pence per Gallon.

For and upon all Shrub, one shilling per Gallon.

For and upon all Rum, and other Distilled Spirituous Liquors, one shilling and one penny per Gallon.

For and upon all Rum, and other Spirituous Liquors, distilled in this Province, six-pence per Gallon.

For and upon every Gallon of Molasses, one penny.

For and upon every Pound of Coffee, one penny half-penny.

For and upon every hundred weight of Brown Sugar, Maple Sugar excepted, four shillings.

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

III. Provided always, and be it further enacted, That all Goods and Merchandize,

Kk

the

Articles subject to duty by Act of Imperial Parliament exempted from duty under this Act

Time allowed for payment of duties articles warehoused

Manifests of Cargoes of Vessels arriving in Ports of Nova-Scotia

Oath to be taken by Master

Penalty to which Masters are liable for breaking bulk previous to entry

Live Stock or perishable articles may be landed previous to entry

Seizures

Drawbacks

the growth, produce or manufacture, of any Foreign Country or Place, not under the Dominion of His Majesty, and subject to the Duties imposed by the Statute of the Imperial Parliament of Great-Britain and Ireland, passed in the sixth year of His Majesty's reign, and entitled, An Act to regulate the Trade of the British Possessions abroad, shall be wholly free and exempt from the Duties imposed by this Act.

IV. *And be it further enacted*, That whenever any Articles, chargeable with Duty under this Act, shall be warehoused in the manner prescribed by the said Statute of the Imperial Parliament, then, and in every such case, the party by whom the said Duties were secured, shall be allowed Credit, and further time, for the payments due upon his securities, for such of the Articles as there remain, and until they shall be taken out of the Warehouse. *Provided always*, That the said Articles have not remained in the Warehouse longer than one year from the date of the security taken for the duty thereon.

V. *And be it further enacted*, That the Master of every Registered Vessel, shall, within twenty-four hours after its arrival in any Port, Harbour, or Creek, of this Province, render an account or report in writing, to the Collector of Impost and Excise, for the District in which such Vessel shall arrive, of the articles of Cargo laden on board such Vessel, at her last Port, and then on board the same, and shall verify the said account or report by the following Oath:—

I, A. B. do solemnly swear, that the account or report which I have now made and subscribed, contains a true and just account of all the articles of every description laden on board the called the at and that I have not landed, or suffered to be landed, sold, delivered, bartered or exchanged, from or out of the said any articles whatever at any port or place within this Province, or on the coast thereof, since my sailing from: So help me God.

VI. *And be it further enacted*, That if any Master of any Registered Vessel shall neglect to render the account or report aforesaid, or shall break bulk of or on board of such vessel, or shall unlade or land any article whatever, before he shall have rendered the said account, or report, such Master, or the Owner of such registered vessel, shall forfeit and pay the sum of Twenty Pounds, to be recovered by bill, plaint, or information, in any Court of Record of this Province; one half to His Majesty, His heirs and successors, for the support of the Government of this Province; the other half to the person who shall sue for the same, with costs of suit.

VII. *And be it further enacted*, That in case any Coasting Vessel shall arrive at the Port of Halifax, with Live Stock, or other perishable articles, on the deck of such vessel, after the hours of transacting business at the Office of Impost and Excise there are passed, it shall and may be lawful for the Collector of Impost and Excise, the Gauger, or either of the Tide-Waiters, to permit and suffer the Master thereof to unlade the Live Stock, and other perishable articles, before rendering the report or account herein before required to be made and rendered.

VIII. *And be it further enacted*, That if any Ship, Vessel or Goods, shall be seized for any cause of forfeiture, and any dispute shall arise touching a breach of the Revenue Laws, or whether the Duties for such Goods have been paid, or whether the same have been legally imported, or exported, or concerning the place from whence such Goods were brought, then and in such case, the proof thereof shall lie upon the owner or claimant of such Ship, Vessel or Goods, and not upon the officer who shall seize or stop the same; any Law, usage or custom, to the contrary notwithstanding.

IX. *And be it further enacted*, That upon the exportation from this Province of any articles, chargeable with duty under this Act or the Act hereby continued, and upon compliance with, and observance of, all the Rules and Regulations from time to time in

in force, respecting drawbacks of the Impost Duty, there shall be allowed to the owner or exporter, in the manner prescribed for the payment or allowance of Drawbacks, the whole Duty of Impost by this Act, or the said continued Act, paid or payable upon the articles exported, and no part of such Duty shall be retained as a Sunk Duty ; any thing in the said continued Act to the contrary notwithstanding. *Provided always,* That the articles exported amount in quantity to the Weight or Measure in the said Act limited for the allowance of Drawbacks.

X. *And be it further enacted,* That every person employed by the Collector of Impost and Excise, for the District of Halifax, as a Waiter, Extra Waiter, or Temporary Waiter, shall have all the powers and authority to enter on board any Ship or Vessel, and to seize any Ship, Vessel, Boat, Cart, Waggon, Truck, Sled, or Horse, and to sue for any penalties or penalty, that are now by Law possessed by the Collector, Land Waiter or Guager ; and the person making any seizure, or prosecuting for any penalty, shall be entitled to one half of such seizure or penalty, and no Officer, or Person employed in the service of the Provincial Revenue, shall be entitled to any part of any seizure or penalty, save and except the Officer or Person who shall actually have made the seizure, or shall have been the means of recovering any such penalties respectively.

Powers vested in Waiters

XI. *And be it further enacted,* That the Act, passed in the first year of His present Majesty's Reign, entitled, An Act to impose an additional duty on Wine hereafter to be imported into this Province, and to appropriate the same for the payment of the Interest of the Funded Debt of the Province, and every clause, matter and thing, in that Act contained, shall, on the twenty-fifth day of March in this present year, cease, determine, and be wholly repealed.

Act 1st & 2d Geo. IV Cap 33 repealed

XII. *And be it further enacted,* That this Act, and every matter and thing herein contained, shall continue and be in force from the twenty-fifth day of March in the present year, until the twenty-fifth day of March, which will be in the year One Thousand Eight Hundred and Twenty-Seven, and no longer.

Continuance of Act

CAP. XXXVII.

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

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act passed in the thirty-second year of His late Majesty's Reign, entitled, An Act for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares and Merchandize, imported into this Province ; and every matter and thing in the said Act contained, save and except the third, fourth, fifth and sixth Sections of the said Act, and except so far as the said Act is hereinafter altered, or amended, shall be continued, and the same are hereby continued, until the twenty-fifth day of March, which will be in the year of our Lord One Thousand Eight Hundred and Twenty-Seven, and no longer.

Act 32d Geo. III Cap 13 (with exceptions) continued

II. *And be it further enacted,* That on all Goods, Wares and Merchandize, by the said Act chargeable with a Duty of Two Pounds and Ten Shillings for every Hundred Pounds worth thereof, there shall be raised, levied, collected and paid, an additional Duty of Excise, after the rate of One Pound and Five Shillings, to be calculated on the first cost of every Hundred Pounds worth of such Goods imported into, and consumed in this Province, and so in proportion for a greater or less quantity thereof.

Duty to be paid on Goods, Wares and Merchandize

III.

Articles exempted
from duty

III. *And be it further enacted*, That the following Articles shall be free and exempt from the Duties of Excise imposed by the said Act of the thirty-second year of the Reign of His late Majesty, and by this present Act, to say—all Goods, Wares and Merchandize, chargeable with any Duty under any other Act of the present Session of the General Assembly; also Flour, Meal, Grain, and Lumber of all kinds; also, Salt, Coals, Pitch, Tar, Turpentine, Fish, Fish Oil, Furs and Skins of all kinds, Iron in Bars and Bolts, unwrought Iron, Cast Iron Machinery for Mills, Hemp, Anchors, Grapnels, Copper used in Ship Building, Iron Cables, Sail Cloth, Cordage, Nets, Twine, Lines and Fish Hooks; and also, Salted Beef, Salted Pork, Butter and Cocoa, imported for the use of His Majesty's Army or Navy, by any Contractor or Commissary, actually in His Majesty's Service, and with respect to which the conditions and directions by the Seventh Section of the Act hereby continued, are or may be in all things observed: all which said enumerated and described articles shall and may be imported into, and consumed within, this Province, free from all Duties under the present and the above continued Act.

Collection of Du-
ties

IV. *And be it further enacted*, That the Duties imposed by the Act hereby continued, and by the present Act, shall be raised, levied, collected and paid, by the ways, means, rules, provisions and directions, and under the exemptions, regulations, forfeitures and penalties, expressed, prescribed and declared, in the Act hereby in part continued; and also, in the Act of the present Session of the General Assembly, entitled, An Act to provide for the support of His Majesty's Government in this Province, and for promoting its Agriculture, Commerce and Fisheries, by continuing and amending an Act of the General Assembly, for granting Duties of Impost on Wine, Brandy, Gin, Rum, and other distilled Spirituous Liquors, Molasses, Coffee and Brown Sugar, and also in the said continued Act; and all the Clauses of the said two last mentioned Acts, so far as the same can or may be made applicable thereto, are hereby applied to the Goods hereby made chargeable with a Duty of Excise, and to the Importation thereof.

Drawbacks allow-
ed

V. *And be it further enacted*, That the whole Duties of Excise, hereby made payable or chargeable, under the Act hereby continued, shall be drawn back on exportation of any Articles chargeable therewith, of the value of One Hundred Pounds Sterling, for the first cost thereof, and such drawback of duty shall be allowed in the manner, and under the conditions, penalties and regulations, prescribed with respect to Drawbacks of the Impost Duties upon Wine, Brandy, Rum and other distilled Spirituous Liquors, Molasses, Coffee and Brown Sugar.

Articles subject
to duties, may be
warehoused

VI. *And be it further enacted*, That the articles hereby subject to Excise Duties as aforesaid, shall and may be warehoused, and credit shall be allowed for the said Duties in the same manner as the said Articles, subject to Impost Duty, may be warehoused, and credit given for the payments of duty due thereon.

Differences arising
between Collectors
of Excise and
Importers how to
be settled

VII. *And be it further enacted*, That whenever any difference shall arise between a Collector of Impost and Excise, and the Owner or Importer of any Article, by this Act or the Act hereby continued, subject to Duty of Excise, as to the quantity, quality, or value thereof, such difference shall be settled by three Merchants, mutually to be chosen by the said Collector, and the Owner or Importer, and the opinion of two of the said Merchants shall be final. *Provided always*, That such Collector shall retain in his custody the Articles upon which the difference shall arise until the same shall be adjusted.

Contents of Pack-
ages

VIII. *Provided always, and be it further enacted*, That the Master of any Vessel importing Goods subject to the said Duties of Excise, shall not be compelled to disclose the contents of the several Packages, laden on board of his Vessel, in any other shape, manner or form, than he would be compelled to disclose the same at His Majesty's Custom-House in Halifax.

IX.

IX. *And be it further enacted,* That if any Goods of the value of Five Pounds or upwards, and subject to the said Duties of Excise, shall hereafter be found in the possession or custody of any Shopkeeper or Trader, without a Certificate that the Duty of Excise hath been paid or secured thereon, such Shopkeeper or Trader shall be subject, for such offence, to a penalty not less than five pounds, nor more than fifty pounds.

Certificates of Duties having been paid, may be demanded of Shopkeepers

X. *And be it further enacted,* That whoever shall have in possession any article subject to Excise Duty, under this Act, or the Act hereby continued, of the value of Fifty Pounds or upwards, and whereon such Duty shall not be paid or secured, as required by Law, with respect to the articles chargeable with Impost Duty—such persons shall be subject to the like penalties, and the Goods to the like forfeitures, as articles chargeable with Impost would be in similar circumstances; and all penalties and forfeitures in respect to Goods chargeable with Excise Duties, shall be sued for, prosecuted, condemned, and recovered, and be applied, and be distributed, in the like manner as penalties or forfeitures incurred, in respect to articles subject to the said Impost Duties.

Violations of this Act

XI. *And be it further enacted,* That out of the Monies which shall hereafter be secured, collected, and paid, in Cash, into the Treasury of the Province, by the Collector of Impost and Excise, for the District of Halifax, by virtue of the Act hereby continued, or by virtue of this Act, there shall be allowed and paid to the said Collector the sum of three pounds ten shillings for every hundred pounds so by him collected and paid into the Treasury. *Provided always,* That if the amount of the Commission granted by this Act, or any other Act of the General Assembly, to the Collector of Impost and Excise, for the District of Halifax, shall exceed in the whole the sum of Seven Hundred Pounds, for the year ending on the eighteenth day of March, One Thousand Eight Hundred and Twenty-Seven, the surplus shall be accounted for, and paid by the said Collector into the Treasury of the Province.

Allowance to Collector of Impost and Excise at Halifax

XII. *And be it further enacted,* That all Monies which shall be paid into the Treasury by virtue of this and the before recited and continued Act, shall from time to time be drawn for by the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, by warrant under his Hand and Seal, pursuant to the instructions and directions of His Majesty, in payment and discharge of any Monies appropriated, or to be appropriated, by any Act or Acts of the General Assembly.

Revenue applied to the payment of Appropriations

XIII. *And be it further enacted,* That this Act shall continue and be in force from the twenty-fifth day of March, in the present year, until the twenty-fifth day of March, which will be in the year of our Lord One Thousand Eight Hundred and Twenty-Seven and no longer.

Continuance of Act

CAP. XXXVIII.

An ACT to facilitate the Establishment of Banks for Savings.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That whenever any Bank or Institution for Savings, and for receiving the Deposits of the Poor, or of the Labouring Classes, shall be formed in this Province, it shall be lawful for the Lieutenant-Governor, with the advice of His Majesty's Council, to incorporate the Trustees, or persons appointed to manage the affairs thereof, by Letters Patent under the Great Seal of the Province, and to grant thereby all such corporate rights and privileges as shall be necessary for the management and well-being of the Institution, or as are usually granted thereto in England.

Incorporation of Saving Banks

Sums of £100 and upwards may be funded at the Treasury

II. *And be it further enacted*, That the Trustees of every such Bank for Savings shall, and they are hereby authorized, upon the first day of January, of April, of July, or of October in any year, to pay the Monies, from time to time deposited with them or remaining in their hands, on account of the Contributors to such Institution, into the Treasury of the Province, in sums of not less than One Hundred Pounds each, which payment shall be placed to the credit of the Trustees. *Provided always*, That the sums so to be paid into the Treasury, shall not exceed in the whole Fifteen Thousand Pounds.

Certificates to be granted by Treasurer bearing interest

III. *And be it further enacted*, That for every sum of one hundred pounds, or upwards, so paid into the Treasury, a Certificate, bearing even date with the payment, and payable at any time after the lapse of one year therefrom, and bearing Interest at the rate of four pounds per cent. by the year, shall be granted to the Trustees, in such and the like form and manner as the certificates for the Funded Debt of the Province are now granted.

Certificates transferable

IV. *And be it further enacted*, That the Certificates, so to be granted to such Trustees, shall be transferable by their Indorsement, and the holder shall be entitled to receive the Interest thereon, yearly, at the Treasury, out of any Monies therein.

Application of Money so funded

V. *And be it further enacted*, That the Monies, from time to time received from such Trustees, shall be applied under the direction of the Commissioners for signing Treasury Notes, towards the liquidation of the Funded Debt of the Province.