

said Sheriff shall return his doing on such order, at the next term for the sitting of the said Court, when it shall be lawful for the Court to confirm the doings of the Sheriff or to set the same aside, and order another sale as the case may require; and it shall be lawful for the said Court, when it shall approve of such sale, to order the Sheriff to execute a Deed or deeds, in fee simple, to the Purchaser or Purchasers, which when executed, shall make, to such Purchaser or Purchasers, a title as good and valid in law, as if executed by the person or persons owning the same, or their Heirs or Assigns; and the said Court shall order the Sheriff to pay over the amount of the arrears so recovered to the said Surveyors, to be by them expended on said Roads, and, out of the residue of the proceeds of such sale, to pay such costs and charges as the said Court shall have taxed and allowed.

Provided

Provided always, That no sale shall take place of the Lands of any absent proprietor, until the Overseers, or some one of them, which shall have been appointed under this Act, shall make and file an Affidavit in the Supreme Court, stating that the proprietors of the lots, who are residing within the Province, have fully performed all the labour upon the Roads, passing through the said second division of Wilderness Lands in the Township of Truro, which by this Act they are bound to perform.

Appointment of
Successors to
Overseers

V. *And be it further enacted,* That in each and every year, during the continuance of this Act, it shall be lawful for the said Justices to appoint annual Successors to the Overseers for such Roads, and to order them to proceed in opening and making the same, pursuant to the Rules and Regulations which the said proprietors may, from time to time, make and set forth in their memorials to the said Justices; provided that all such memorials be signed and agreed to, pursuant to the provisions contained in the first section of this Act.

Continuation of
Act

VI. *And be it further enacted,* That this Act shall be and continue in force for three years, and from thence to the end of the next Session of the General Assembly, and no longer.

CAP. IV.

An ACT to authorise the cancelling of Treasury Notes, and to issue others in lieu thereof.

Treasury Notes
to be cancelled

BE it enacted by the Lieutenant-Governor, Council and Assembly, That from and after the first day of June next, it shall and may be lawful for the Treasurer of the Province, and he is hereby directed, to deliver to the Commissioners, to be appointed under this Act, all such Treasury Notes heretofore issued under any Act of the General Assembly, as shall and may, from time to time, be paid into the Treasury, to be cancelled by the said Commissioners, in the presence of the Treasurer, by cutting off the name of the Treasurer, and the year in which the same were issued, and by them delivered to the Secretary of the Province, to be examined and destroyed by the Joint Committee of His Majesty's Council and House of Assembly, appointed to examine the Public Accounts.

Commissioners to
be appointed to
issue Treasury
Notes

II. *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 of His Majesty's Council, to appoint three fit and proper persons, as Commissioners, to issue Treasury Notes, in lieu of the Notes to be cancelled under this Act, and to the amount of the Notes so to be cancelled, and to be issued at such times and to such amount as may be required; to keep in circulation a sum not exceeding Sixty-Six Thousand Two Hundred and Twenty-Seven Pounds, as the Lieutenant-Governor or Com-

Amount and description of
Notes to be kept in
circulation

mander

mander in Chief, by and with the advice of His Majesty's Council, may, by his warrant or warrants, order and direct: which Notes, so to be issued, shall be Five Pound Notes; Two Pound Notes; One Pound Notes; Ten Shilling Notes; and Five Shilling Notes; and shall be of the same form, signed, countersigned and delivered, and shall be paid, and received in payment, in like manner, and again re-issued, under the rules, regulations, restrictions and provisions, as are mentioned, expressed and contained, in the Act, passed in the fifty-third year of His late Majesty's Reign, entitled, An Act to authorise the Preasurer of the Province to call in and pay the Treasury Notes heretofore issued, and to empower the Lieutenant-Governor or Commander in Chief, for the time being, to appoint Commissioners to issue Treasury Notes.

Commissioners to be sworn

III. *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 Peace the following Oath:—

I. A. B, do swear, that I will well and and faithfully do and perform what I am directed and empowered to do, as a Commisioner, to issue Treasury Notes, under an Act, entitled, An Act to authorise the cancelling of Treasury Notes, and to issue others in lieu thereof; 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 affidayit shall be filed in the Office of the Secretary of the Province.

Form of Oath

IV. *And be it further enacted*, That the Treasury Notes which shall be issued under this Act, between the first day of January and the first day of July, in any year, shall bear date the first Monday of January, in such year; and the said Treasury Notes, which shall be issued under this Act, between the first day of July and the first day of January following, in any year, shall bear date the first Monday of July, in such year.

Dates of Notes to be issued

V. *And be it further enacted*, That if any person or persons whosever, 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.

Counterfeiting of Notes

VI. *And be it further enacted*, That in case the Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall, by his Warrant or Warrants, require the Treasurer of the Province to re-issue Notes that may be issued under this Act, and received in payment at the Treasury; or to require the Commissioners to issue other Notes in lieu of those so received or any part thereof; it shall and may be lawful for the Treasurer to re-issue the said Notes, or the Commissioners to issue other Notes, agreeably to the said Warrants; provided the new Notes, so to be re-issued, shall not exceed the amount of the Notes so, from time to time, received in payment at the Treasury.

Re-issue o Notes

VII. *And be it further enacted*, That, from and after the expiration of two years from the date of any of the Treasury Notes which shall be issued under this Act, it shall and may be lawful for the Treasurer of the Province, and he is hereby directed, so often as such Notes shall be paid into the Treasury, to deliver the same to the said Commissioners to be appointed under this Act, to be cancelled by them in the presence of the Treasurer, and delivered to the Secretary of the Province, in manner as is mentioned in the first section of this Act.

Notes issued 1rd this Act to be cancelled two years after date

VIII.

Payment of Notes

VIII. *And be it further enacted*, That, at the expiration of three years from the date of any Treasury Note or Notes issued under this Act, it shall and may be lawful for the holders of any such Treasury Note or Notes to present the same for payment at the Office of the Treasurer of the Province, and the Treasurer is hereby directed and required to pay all such Treasury Note or Notes on demand, in Gold and Silver.

Amount of Notes to be in circulation

IX. *Provided always, and be it further enacted*, That nothing herein contained shall extend, or be construed to extend, to authorise any issue or re-issue of Treasury Notes under this Act, or that may be issued or re-issued under any other Act heretofore made, so as to have in circulation, at any one time, a greater sum than Sixty-Six Thousand Two Hundred and Twenty-Seven Pounds.

Notes may be funded

X. *And be it further enacted*, That if any person, at any quarterly period, after the expiration of three years from the date of any Treasury Notes issued under this Act, that is to say, at the thirty-first day of March; the thirtieth day of June; the thirtieth day September; and the thirty-first day of December, in any succeeding year, shall tender for payment at the Treasury any number of the said Treasury Notes, issued under and in virtue of, this Act, so having been issued for three years since the date thereof, amounting in value to One Hundred Pounds or upwards; 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 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, as by the first section of this Act is directed.

Proviso

XI. *Provided always, and be it further enacted*, That nothing in this Act contained shall authorise the issue of Treasury Notes in lieu of such Treasury Notes as may be funded under this Act, or any other Act heretofore passed, authorising the issue of Treasury Notes.

Payment of Certificates of Notes funded

XII. *And be it further enacted*, That it shall and may be lawful for the Treasurer, and he is hereby directed, when and as soon as he shall receive a sum of Money, in Gold and Silver, sufficient to pay and discharge the amount, Principal and Interest, due upon any Certificate granted under this Act, he shall give sixty days notice of his intention to pay such Certificate, and fix a day for the payment thereof; and as Gold and Silver shall be received into the Treasury, sufficient to pay the Principal and Interest due upon any other Certificate or Certificates granted as aforesaid, he shall give the same notice, and continue to do so, paying and discharging the smaller Certificates before the larger ones, until the whole of the Principal and Interest due upon the Certificates granted as aforesaid shall be fully paid and satisfied; and the person or persons holding such Certificate or Certificates, failing to attend and produce the same at the times respectively limited, all future Interest thereon shall cease, and no other or greater amount of interest shall be paid on such Certificates, so called in, than was due and payable at the time the same were required to be presented to the Treasury, as aforesaid.

Payment of Interest on Notes funded

XIII. *And be it further enacted*, That it shall and may be lawful for the said Treasurer, and he is hereby directed, to pay to the Person or Persons duly authorised to receive the same, yearly, and every year, the Interest, as the same may become due upon

upon any Certificate or Certificates, granted under this Act, until the Principal thereof shall be fully paid and discharged

CAP. V.

An ACT to extend the Laws and Ordinances of the Province of Nova-Scotia to the Island of Cape-Breton.

WHEREAS His Majesty has been graciously pleased to re-annex the Island of Cape-Breton, as an integral part of the Province, and a distinct and several County thereof; to be called and known by the name of the County of Cape-Breton, and to be represented in the General Assembly of the Province by two Members, to be chosen in and for the said County: Preamble

I. *BE it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That the Civil Government, and the Administration of Justice, in the said Island, shall be conformable to the usage and practice of the Province of Nova-Scotia; and the Judges, Justices, Jurors, Constables, and other Civil Officers therein, shall be appointed and commissioned as such Officers are appointed and commissioned in other Counties of the said Province, and have the like powers and authority, and be subject to the same rules, fines, and restrictions, as similar Officers in other Counties of the said Province are by law liable. Civil Government and Administration of Justice
Appointment of Civil Officers

II. *And be it further enacted,* That the Supreme Court shall be held by the Chief Justice, or, in his absence, by two of the Assistant Justices, or by one of the Assistant Justices and the Associate Circuit Judge of the said Court, at Sydney, in the said County, on the last Tuesday of August, and at Arichat, in the said County, on the first Tuesday of September in each year, and may continue its sittings, at each of the said Courts, for four successive days, and no longer. Supreme Court—by whom and when to be held at Sydney and Arichat

III. *And be it further enacted,* That it shall and may be lawful for His Excellency the Lieutenant-Governor to commission and appoint five fit and proper persons to be Justices of the Inferior Court of Common Pleas, in the said County, which Persons, so commissioned and appointed, shall possess all the privileges, and exercise the same jurisdiction, within the said County of Cape-Breton, as the Justices of the several Courts of Common Pleas, in the Province of Nova-Scotia, do possess and exercise in the respective Counties for which they are commissioned and appointed. And whenever vacancies shall occur in the said Courts, by the death, or removal from Office, of any Justice or Justices so appointed, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint such other person or persons as he shall deem fit and proper to fill the said vacancy or vacancies. And the said Inferior Court of Common Pleas, shall be opened and held at Sydney on the second Tuesday of January, and on the second Tuesday of July, in each year; and at Arichat on the second Tuesday of February, and on the second Tuesday of August, in each year, and may continue its sittings, at each of the said times and places, for five successive days, and no longer. Inferior Court—appointment of Justices

Inferior Court to be held at Sydney and Arichat

IV. *And be it further enacted,* That for the convenience of Jurors, and other persons, whose duty obliges them to attend the several Courts, the General Sessions of the Peace shall be held in the said County, at the several times and places herein before directed and appointed for the Sittings of the Inferior Court of Common Pleas, in the same manner as the same are held in the several Counties of Nova-Scotia. General Sessions of the Peace

V. *And be it further enacted,* That it shall and may be lawful, for the Chief-Justice of His Majesty's Supreme Court, on or before the first day of January next, Appointment of High Sheriff
to