

IV. *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.

Payment of compensation to Proprietors of lands—when to be made

V. *And be it further enacted*, That in all cases where old Roads have been heretofore, or shall hereafter be, charged 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 for ever, 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.

Proprietors of Land delaying claims for compensation

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

Continuation of Act

CAP. XXII.

An ACT in addition to, and amendment of, an Act, made and passed in the fifty-seventh year of His late Majesty's reign, entitled, An Act for regulating Elections of Representatives to serve in General Assembly.

WHEREAS, doubts exist as to the power of the Sheriff, or other Officer, holding Elections, to appoint a time for closing the Poll on each day during such Election, and in particular on the last day thereof, to remove which:

Preamble

I. *BE it enacted by the Lieutenant-Governor, Council and Assembly*, That, from and after the publication hereof, it shall be imperative on each and every Sheriff, or other Officer holding Polls for the Election of Representatives to serve in General Assembly, to close the Poll on each day during such Election, if between the twenty-second day of September and the twenty-second day of March, at four of the clock in the afternoon; and if between the twenty-second day of March and the twenty-second day of September, inclusive, at six of the o'clock in the afternoon, except on the last day, allowed by Law, for holding such Poll, on which day it shall be imperative on such Sheriff or other Officer

Time for holding Poll determined

Proviso

cer to close the Poll at three of the clock in the afternoon, at all times of the year. *Provided always*, That nothing herein contained shall prevent the Poll from being closed upon Proclamation, or upon any agreement or arrangement entered into and agreed to by all the Candidates, or those who may appear for them, and entered on the Sheriff's Poll Book, that may not go to extend the holding of such Poll beyond the times herein mentioned, or to prevent any scrutiny or adjournment, or removal, of the Poll taking place in case the same may have been demanded :

And whereas, *much vexation and expense doth happen, as well to the Freeholders as Candidates of those Counties wherein an adjournment or removal of the Poll is allowed, by reason of the long space of time between the first opening of the Poll and the second opening thereof, and so in respect to the third opening of such Poll, for remedy whereof :*

Removal or adjournment of Poll

II. *Be it further enacted*, That, upon application for the removal or adjournment of the Poll, the Sheriff or other Officer holding such Poll, shall proceed in manner as prescribed by the Act, of which this is in addition, and instead of giving notice, that the Poll shall be held at the place to which the same may be adjourned or removed on the twelfth day from the first opening of such Poll, as by the said Act is specified, shall give notice that he will on the eighth day after such first opening of the Poll, inclusive, continue the same at the place to which the said Poll may be so removed, and shall give like notice in case of a second removal of said Poll.

And Whereas, *the population and settlement of the Township of St. Mary's, in the County of Sydney, has of late increased so rapidly in and about Sherbrooke Village, in the said Township, as to render it inconvenient for the majority of the Freeholders of the said Township to assemble as heretofore, at Country Harbour, in the said Township, for the purpose of being polled, for remedy thereof :*

Adjournment of Poll from Guysborough to Sherbrooke

III. *Be it further enacted*, That in future the Poll, upon adjournment from Guysborough, in the County of Sydney, shall be opened and held in Sherbrooke Village, aforesaid, and not at Country Harbour as heretofore, any law, usage or custom, to the contrary notwithstanding.

And whereas, *it will be of great convenience to Freeholders of the Eastern part of the County of Hants that a Poll be opened at or near the house of John Singer, Jun. in the Township of Douglas :*

Adjournment of Poll in Hant's County to Douglas

IV. *Be it therefore enacted*, That hereafter, at any Election to be held in and for the County of Hants, for Members to serve in the General Assembly, the Sheriff or other Officer shall, if thereto required, as by Law directed, give notice according to Law, that the Poll will be adjourned and opened at or near the House at present occupied by John Singer, Junior, in the Township of Douglas, and shall there continue the said Poll for the space of three days, or until all the Freeholders then and there present be polled.

And whereas, *by the tenth section of the said Act, it is declared that when the Poll is removed from one part*

part of a County or District to another part of a County or District, that he Sheriff shall proceed for the space of four days to take the Poll, or until the Electors then and there present be Polled.

And whereas, in the District of Pictou, four days have been found insufficient to enable all the Electors to be polled :

V. *Be it therefore enacted*, That the said Poll, when so removed to the District of Pictou, shall be held open for six days, or until all the Electors then and there present be polled.

Time of Polling extended in District of Pictou

VI. *And be it further enacted*, That all and every Person or Persons holding any Lands within the Island of Cape-Breton, under and by virtue of any Crown Lease, or License of Occupation, which had been granted or issued by the former Government of that Island, and which were uncanceled and in force at the time the said Island was re-annexed to this Province, or under and by virtue of any Deeds, purporting to be conveyances of Freehold Estates, made from the said titles, shall be entitled to vote as Freeholders.

Validity of Votes in Capes Breton

VII. *And be it further enacted*, That it shall and may be lawful for the Sheriff of the County of Shelburne, or his Deputy, at any future Election of Members to represent the said County, if thereunto required by either of the Candidates, on the first day of the opening of the Poll at Argyle, and upon giving the like notice, and for the same space of time as is required by Law, on the removal of the Poll from Shelburne to Argyle, to remove and adjourn the said Poll to the Court-House in the Town of Yarmouth, there to be held for the space of four days, unless sooner closed according to Law.

Adjournment of Poll from Argyle to Yarmouth

CAP. XXIII.

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

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 is hereby continued, for one year, and from thence to the end of the next Session of the General Assembly.

Act 38th Geo. III. continued

CAP. XXIV.

An ACT to continue and amend an Act, entitled, An Act for the Summary Trial of Actions.

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, which has been continued by a subsequent Act to the end of the present

Act 3d Geo. IV. continued