

primo Court may before that time make any rules and orders authorised by this Act, but not to go into operation before that day.

CAP. XXXVIII.

An Act to regulate the ungranted Ferries in this Province.

Passed 17th March 1835.

WHEREAS the establishment of Ferries in many parts of this Province will tend to facilitate travelling;

I. Be it enacted by the Lieutenant Governor, Council and Assembly, That from and after the passing of this Act, His Majesty's Justices of the Peace, in their General Sessions for each County, shall and they are hereby authorised and empowered to establish such Ferries over Rivers, Bays and Creeks within their respective Counties as may be by them thought necessary, in places where the same are not already established by grant from the Crown, and also to agree with and grant Licenses to such person or persons as they shall judge meet as Ferrymen, under such rules and regulations and subject to such penalties for neglect of duty as the said Justices in their respective General Sessions shall from time to time judge proper and necessary to make under and by virtue of an Act made and passed in the twenty-eighth year of the reign of His Majesty King George the Third, intituled "An Act to empower the Justices of the Sessions in the several Counties in this Province to make such regulations respecting Markets and Ferries within such Counties as may be found necessary:" Provided always, that this Act or any thing herein contained shall not extend or be construed to extend to restrain or in any wise to affect any right in His Majesty, his Heirs and Successors, to make any grant or grants of any Ferry or Ferries in places where the same shall be found necessary.

II. And be it further enacted, That all Ferries heretofore established by Justices of the Peace under and by virtue of any Act of Assembly now or heretofore in force for that purpose, shall during the continuance of this Act be deemed and taken to have been established, and shall be regulated by and under the provisions of this Act.

III. And be it enacted, That this Act shall continue and be in force until the first day of April which will be in the year of our Lord one thousand eight hundred and forty.

CAP. XXXIX.

An Act to amend the Law relating to a summary practice in the Supreme Court.

Passed 17th March 1835.

BE it enacted by the Lieutenant Governor, Council and Assembly, That in any summary action in the Supreme Court, wherein the Plaintiff may be entitled to judgment by default under the provisions of the second Section of an Act made and passed in the fourth year of the reign of his present Majesty, intituled "An Act to establish and regulate a summary practice in the Supreme Court," the Court or a Judge thereof may let in the defendant to appear and defend in like manner and upon such terms as in actions not summary, by the practice of the said Court, may be done after interlocutory judgment, any thing in the said second Section of the said Act to the contrary notwithstanding.

II. And be it enacted, That in such summary actions the Defendant may file a demurrer to the writ in lieu of the General Issue, and give a copy thereof to the Plaintiff's Attorney; which demurrer shall be in a brief and summary form, and notice in writing of the grounds thereof shall be given to the Plaintiff's Attorney at the same time with such copy; and upon such demurrer the Court shall give judgment according as the very right of the cause shall require, without regarding any imperfection, defect or want of form in the writ; and if Judgment be given for the Plaintiff the

Court may proceed to assess the amount to be recovered in like manner as in the case of Judgment by default, and no arrest of Judgment shall be allowed in such summary action.

III. And be it enacted, That in such summary actions any matters in bar to the action, which in actions not summary ought to be pleaded specially, may be given in evidence under the General Issue; provided that notice in writing of such matters be given to the Plaintiff's Attorney at the same time with the Plea; and infancy or coverture of the Defendant shall not in any summary action be given in evidence unless such notice thereof be given.

CAP. XL.

An Act to continue an Act, intituled "An Act for regulating the Salmon Fisheries in the County of Gloucester."

Passed 17th March 1835.

BE it enacted by the Lieutenant Governor, Council and Assembly, That an Act made and passed in the third year of the reign of His present Majesty, intituled "An Act for regulating the Salmon Fisheries in the County of Gloucester," be and the same is hereby continued, and declared to be in full force and effect until the first day of May which will be in the year of our Lord one thousand eight hundred and forty.

CAP. XLI.

An Act relating to the Navigation of the Inner Bay of Passamaquoddy:

Passed 17th March 1835.

I. **B**E it enacted by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for such Commissioners as His Excellency the Lieutenant Governor or Commander in Chief for the time being may hereafter appoint, or the major part of them, to build, rebuild, replace and support such Beacons or Buoys on the different reefs of Rocks, sand Reefs and Bars in the Inner Bay of Passamaquoddy, and make such other erections and improvements for the better securing of the Navigation and improving the several Harbours within the same, as they may deem necessary and expedient.

II. And be it enacted, That from and after the passing of this Act, there be and are hereby granted to His Majesty, His Heirs and Successors, for the purposes hereinbefore mentioned; the following duties of tonnage on all inward bound Vessels entering Passamaquoddy Bay within Deer Island, of the following description, and at the following rate, namely: on all Vessels (coasting craft excepted), one Halfpenny per ton, for every ton they respectively admeasure agreeable to Register, for each time they shall so arrive in Passamaquoddy Bay within Deer Island aforesaid.

III. And be it enacted, That the master or commander of every ship or vessel inward bound and entering the Bay of Passamaquoddy within Deer Island shall, within twenty four hours after such arrival and before any part of the cargo (if any) be discharged, or before any cargo be taken on board, make report at the office of the nearest Deputy Treasurer or other person legally authorised to receive the same, and pay him the tonnage duty imposed by the preceding Section of this Act; and in case any master or commander of any ship or vessel so entering as aforesaid shall neglect to make such report and also neglect to pay such duty within twenty-four hours as aforesaid, he shall forfeit and pay the sum of five pounds, to be sued for with costs of suit and recovered by the Deputy Treasurer before any one of His Majesty's Justices of the Peace for the County of Charlotte, and applied to the purposes aforesaid.

IV. And be it enacted, That the Commissioners so to be appointed as aforesaid or the major part of them shall have power and authority to call upon each and every of the said Deputy Treasurers, or other persons legal.