

contained in the said recited Act notwithstanding, upon pain of being deemed guilty of a contempt of such Court.

CAP. LXV.

See 26-G-3-e-3  
76<sup>m</sup> 4 e-15

An Act to amend the Law of Evidence in regard to the proof of Records and Letters Patent.  
Passed 31st March 1840.

**WHEREAS** unnecessary expense is frequently incurred in the exemplification of Judgments in the Supreme Court; Be it enacted by the Lieutenant Governor, Legislative Council and Assembly, That when parts only of Records or Rolls of Judgments in the Supreme Court may be necessary to be given in evidence, exemplifications of such parts which may be so necessary, may be received in evidence in any Court in this Province, without requiring the whole of the Record or Roll to be exemplified.

Exemplifications of parts of Records of Judgments in the Supreme Court may be received in evidence.

II. And whereas much expense is often incurred in procuring exemplifications under the Great Seal of Grants of Land by the Crown in this Province; Be it enacted, That a copy from the Record of any such Grant in the office of the Secretary and Register of the Province, duly certified under the hand of such Officer, as having been examined by him with the Record, and found to be correct, or duly proved by any witness who shall have examined the same with the Record, shall be deemed and taken to be as good and sufficient evidence of such Grant or Letters Patent as an exemplification thereof under the Great Seal.

A copy of the record of any grant in the office of the Secretary and Register certified by the Secretary, or duly proved, to be deemed as good evidence as an exemplification.

III. And be it enacted, That in the proof of title from the Crown by an exemplification under the Great Seal, or by a certified or an examined copy as is hereinbefore provided, it shall not be necessary to exemplify or copy the conditions contained in such Letters Patent, on the part of the Grantees, their Heirs and Assigns, to be observed and performed, or any other clause in the said Letters Patent which may not be pertinent or relevant to the matter in question; and that no such exemplification or copy shall be rejected in evidence on account of the omission of such clauses, provided such omission do not prejudice the opposite party, or affect the merits in question.

In proof of title by exemplification or a certified or examined copy, it shall not be necessary to exemplify the conditions of the grant.

Proviso.

IV. Provided always, and be it enacted, That when the said Letters Patent or Grant refer to any Plat or Plan as annexed thereto, no exemplification or copy of such Letters Patent or Grant shall be received in evidence, unless there be annexed thereto a true transcript or copy of such Plat or Plan, unless it be proved by the certificate of the Secretary and Register or otherwise, to the satisfaction of the Court at which the evidence may be tendered, that there is no such Plat or Plan entered with the said Grant or Letters Patent in the said Office of the Secretary and Register.

A copy of the Plat referred to in the grant to be annexed to the exemplification unless it be certified that no plan has been entered with the grant.

V. And be it enacted, That Grants of Land heretofore made under the Great Seal of Nova Scotia, prior to the erection and establishment of this Province, and registered in the Office of the Secretary and Register pursuant to an Act passed in the twenty sixth year of the Reign of King George the Third, intituled "An Act for the registering of Letters Patent and Grants made under the Great Seal of the Province of Nova Scotia, of Lands now situate within the limits of this Province," may be proved by certified or examined copies thereof, or of the material parts thereof, in like manner as hereinbefore provided in respect to Grants passed under the Great Seal of this Province.

Grants of Land registered pursuant to Act 26, G.3, may be proved by certified or examined copies.

VI. And be it enacted, That the expense of any exemplification, or copy of any Roll, Record or Letters Patent, or any part thereof, or of any Plat or Plan given

Expense of an exemplification or copy of any Roll, Record or Letter

Patent may be allowed in taxing costs.

given in evidence by virtue of this Act, may be charged and allowed in the taxation of costs in whole or in part by the taxing Officer of the Court wherein the suit may be pending, whose decision thereupon may be reviewed by the Court as in ordinary cases.

## CAP. LXVI.

An Act to incorporate the Chamcook Mill and Factory Company.

*Passed 31st March 1840.*

Preamble.  
6 W. 4, c. 70.

**W**HEREAS an Act made and passed in the sixth year of the Reign of His late Majesty King William the Fourth, intituled "An Act to incorporate the Chamcook Mill and Factory Company," has ceased and determined by reason of the provisions of the third Section thereof not having been complied with: And whereas it is still considered that an extensive Manufactory of Cotton Wool into Cloth, and a more extensive manufacture of Lumber and other articles than is now established at Chamcook, in the County of Charlotte, is desirable, and that it will be essential to the success of the undertaking that an Act of Assembly again incorporating a Company for these purposes should be granted, and will tend materially to benefit the trade of this Province:

The Chamcook Mill and Factory Company incorporated.

I. Be it therefore enacted by the Lieutenant Governor, Legislative Council and Assembly, That John Wilson, James Rait, Thomas Sime, Edward Wilson, E. D. W. Ratchford, Samuel Abbot, Joseph Walton, John M'Allister, Joseph Wilson and William Babcock, and all and every such other person and persons as shall from time to time become proprietors of Shares in the Corporation hereby established, their successors and assigns, shall be and they are hereby erected into a Company, and declared to be a Body Politic and Corporate, by the name of *The Chamcook Mill and Factory Company*, for the purposes in the preamble to this Act mentioned, and by that name shall have all the general powers and privileges made incident to a Corporation by Act of Assembly in this Province.

Capital to be £60,000.

II. And be it enacted, That the Capital Stock of the said Corporation shall consist of the sum of sixty thousand pounds, the whole amount of the said Stock to be divided into twenty four hundred shares of twenty five pounds each.

Act to be void if 20 per centum of Capital be not paid in, and certificate filed in the Secretary's Office within three years.

III. Provided always and be it enacted, That unless one fifth part of the said Capital Stock shall be actually paid in for the purposes of the said Corporation, and a certificate of such payment signed and verified on oath by the Directors of the said Corporation, or a majority of them, (which oath any Justice of the Peace is hereby authorized to administer,) shall be filed in the office of the Secretary of the Province before the expiration of three years after the passing of this Act, the operation of this Act shall cease and the existence of the said Corporation be terminated at the expiration of such three years.

## CAP. LXVII.

An Act to authorize the Justices of the Peace for the County of Charlotte to levy an assessment to pay off the County Debt.

*Passed 31st March 1840.*

Justices may assess for £750 to pay off the County debt.

**B**E it enacted by the Lieutenant Governor, Legislative Council and Assembly, That the Justices of the Peace for the County of Charlotte, at any General Sessions of the Peace hereafter to be holden, be and they are hereby authorized and