

extending westerly along the coast to the southern head of Bradford's Cove, and extending one mile from the shore; all nets or engines used for catching herring on the said ground within that period shall be seized and forfeited; and every person engaged in using the same shall be guilty of a misdemeanor, and be imprisoned for any term not exceeding three months, or fined in a sum not exceeding twenty five pounds.

3. Every person violating the preceding section shall, in addition to the pains and penalties thereby incurred, forfeit and pay for each and every offence a fine of not less than five pounds, nor more than twenty pounds, in the discretion of the Justices before whom tried, to be sued for and recovered before any two Justices of the County where the offence shall have been committed; the fines and penalties to be applied as is directed in and by the said recited Chapter.

4. That Section fifteen of the said recited Chapter, as also an Act made and passed in the twenty first year of Her Majesty's Reign, intituled *An Act to amend Chapter 101, of Title xxii, of the Revised Statutes, Of the Sea and River Fisheries,* are hereby repealed.

CAP. XXVII.

An Act relating to lands, tenements and hereditaments held for public uses by the Justices of the Peace of the several Counties in this Province.

Section.

1. Justices in unincorporated Counties may distrain for rent.

Section.

2. Judgment may be entered, or Decree made against Justices.

Passed 23rd April 1862.

WHEREAS the Justices of the Peace of the several Counties in this Province are authorized and empowered to hold lands, tenements and hereditaments for public uses, and to bring and maintain actions of trespass and of ejectment relating to the same; but doubts have arisen whether such Justices of the Peace are legally invested with the right to distrain for rents due, or to institute or maintain proceedings at law for the recovery of such rents, or for the use and occupation of such lands, tenements and hereditaments, or of ferries or rights of ferry, or other incorporeal hereditaments to which they may be legally entitled; and it is expedient that such doubts should be removed;—

Be it therefore enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That it shall and may be lawful for the Justices of the Peace of the several Counties in this Province, by the name of 'The Justices of the Peace of the County of _____,' (*as the case may be,*) to distrain for rents to accrue due to them as such Justices after the passing of this Act, and by the same name shall and may institute and maintain proceedings at law for the recovery of such rents, or for the use and occupation, after the passing of this Act, of any lands, tenements or hereditaments, or of any ferries or rights of ferries, or other incorporeal hereditaments to which they are by law entitled; and at their respective General Sessions of the Peace to make such general orders from time to time as they may deem expedient, regarding the instituting, maintaining, and conducting of proceedings at law or equity by bill, action of ejection, trespass, use and occupation, or otherwise, or by distress, for recovering the possession of or damages for trespasses upon, or rents to accrue due out of any lands, tenements or hereditaments, or out of any ferries or rights of ferry, or other incorporeal hereditaments, to which lands, tenements or hereditaments, corporeal or incorporeal, such Justices of the Peace now are or hereafter may be entitled under or by virtue of any Grant or Letters Patent from the Crown, or Act of the General Assembly, or of any deed of bargain and sale, or otherwise howsoever, or relating to the defence of any action or suit at law or equity against such Justices of the Peace; and it shall be the duty of the several Clerks of the Peace in their respective Counties to obey and perform such order, and to conduct such proceedings, or cause them to be conducted according to the same; and by the name aforesaid, an Attorney or Attorneys for that purpose to nominate and appoint; and in all cases of distress for rent, to appoint a bailiff or bailiffs; and as such Clerk of the Peace, to sign all such warrants, notices, or other documents as are or may be necessary for or incidental to the instituting, maintaining, conducting or concluding such proceedings; the warrant of distress, or to institute proceedings, or to defend, shall be in all cases *prima facie* evidence of an order of Sessions; and all moneys to be recovered by the authority of this Act shall be forthwith paid over to the County

Treasurer, subject to the order of the Justices in Session as aforesaid; provided always, that nothing in this Act contained shall extend to or affect, or be construed to extend to affect or apply to any incorporated Counties.

2. In all cases in which, under the provisions of the first section of this Act, a right of action or of any legal remedy is given to the Justices of the Peace of any County in this Province, against any person or persons whomsoever, and in which cases any liability should attach, or be supposed to attach to such Justices of the Peace, either in law or equity, such person or persons may institute proceedings at law or in equity, as the exigency of the case may require, against such Justices of the Peace, by the name of 'The Justices of the Peace of the County of _____,' (*as the case may be,*) and service of the first process and of all other papers necessary for carrying on such suit at law or equity, according to the practice of the Court in which such proceedings may be instituted, may be made upon the Clerk of the Peace of the County, and judgment may be entered up, or decree made against such Justices, by the name aforesaid; and it shall be the duty of such Justices at their General Sessions of the Peace next after the signing of such judgment, on memorial of the same filed with the Clerk of the Peace, to order and direct the payment of such judgment out of the County funds, and the same may be included in any assessment on the County, to be assessed, levied and collected in like manner as other County Rates.

CAP. XXVIII.

An Act relating to Corporations.

Section.

1. What constitutes a Corporation.
2. Memorandum, what to specify.
3. Form of Memorandum.
4. Memorandum, where filed.
5. When deemed a body corporate.
6. When subscribers may call meeting.
7. Corporation void if fifteen per cent. be not subscribed within two years.
8. Stockholders liable for debts before fifteen per cent. be paid in.

Section.

9. Liability of Stockholders for Stock subscribed.
10. Liability for debts.
11. Not to engage in banking or insurance.
12. How existence of Corporation proved.
13. Fees on filing Memorandum and Certificate.
14. Annual Returns, how made.
15. Authority for calling Meeting to dissolve.

Passed 23rd April 1862.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—