

first and former Estate: Wherefore, in Order to effect the before mentioned Purposes, *Be it enacted by the Lieutenant Governor, Council and Assembly, and by the Authority of the same it is hereby enacted,* That the said Condemnation, Confiscation, and Sale of the herein before enumerated Lots and half Parts of Lots, together with all and singular the Deeds and Conveyances made thereof by the Provost Marshal or his Deputy, or the Coroner of the said Island, be, and the same are hereby declared Null and Void to all Intents, Purposes, and Constructions whatsoever: and that the said Owners or Proprietors of the said Lots or half Parts of Lots of Land, their Heirs and Assigns, and all Persons claiming by, from, or under them, or any of them, shall from henceforth be re-seized and re-possessed thereof as of his, her, or their former Estate and Inheritance; the said Condemnation, Confiscation, and Sale of the said Lots or half Parts of Lots of Land notwithstanding.

*Provided nevertheless,* That all such Loyalists and disbanded Soldiers as have had such Lands duly allotted and located to them (the same being Portions or Parcels of those larger Tracts of Land which were surrendered by the respective Proprietors at the Conclusion of the late Peace, to be conveyed and legally assured to them in Fee, pursuant to his Majesty's most gracious Intentions) shall still remain seized and possessed in Fee of their said respective Allotments; any Thing in this Act to the contrary notwithstanding.

*And provided also,* That Nothing in this Act contained shall have any Operation, Force, or Effect, till his Majesty's Pleasure therein shall be known.

### CAP. III.

### AN ACT

*In Addition to, and Amendment of, an Act made in the thirteenth Year of his present Majesty's Reign, intituled "an Act for the more easy and effectual Trial of Criminal Offenders; also Trials of Property, or any other Suit or Suits of what Nature or Kind soever; and for the ascertaining the Qualifications of Jurors in Trials of such Offenders, as also in Trials of Property, or any other Suit or Suits of what Nature or Kind soever."*

**W**HEREAS the Method hitherto pursued in this Island of summoning and impannelling Grand and Petit Jurors has been found inconvenient, and the Jurors, so summoned, often neglect to attend, whereby the Public Business of this Island is obstructed and delayed. For Remedy whereof,

*BE it enacted by the Lieutenant Governor, Council, and Assembly, and by the Authority of the same, it is hereby enacted,* That from and after the Publication hereof, the High Sheriff, or Provost Marshal, for the Time being, shall once in every Year, to wit, on or before the tenth Day of January, make return of all Persons qualified to serve on Grand and Petit Juries in this Island, to

the Clerk of the Supreme Court of Judicature, who shall thereupon cause the Names of the Persons so returned to him to be written on distinct Pieces of Paper, or Parchment, as near as may be of equal Size, which shall be severally rolled up in the same Manner, and put into two separate Boxes, the one for the Grand, and the other for the Petit Jurors; the same to be locked up by the said Clerk. And Thirty Days before the Sitting of the Supreme Court the said Clerk shall publicly, in the Presence of the Chief Justice or one of the Assistant Judges, at the Court-house, draw Twenty Three of the said Papers or Parchments for the Grand Jury, and Thirty Six for the Petit Jury. And Twenty-eight Days before the Sitting of the said Court, a *Venire Facias* and Precept shall issue, in the usual Form, directed to the High Sheriff, containing the Names of the Persons so drawn, and requiring him to summon the said Persons to attend as Grand and Petit Jurors at the Sitting of the Supreme Court then next following, giving the said Persons Ten Days Notice at least, and to make due Return of the same. Which said Persons, so returned, shall constitute the Grand and Petit Juries, and have the Privilege of appointing their own Foreman by a Majority of Votes.

*And be it further enacted,* That if any Person, so summoned as Grand and Petit Jurors, shall refuse or neglect to appear on the first Day of the Sitting of the said Court, unless prevented by Sickness or other necessary Cause, to be judged of by the Court, it shall and may be lawful to impose a Fine, not exceeding Forty Shillings, on the Person so neglecting to appear; or if any Person who shall appear, shall, without just Cause, to be allowed of by the Court, be absent, it shall and may be lawful to impose a Fine, not exceeding Ten Shillings, for each Day's Absence; which Fine or Fines shall be paid into the Hands of the Clerk of the Court before the End of the Term when such Jurors were fined, or it shall be levied by Warrant of Distress, to be issued from the said Court by the Clerk thereof. And all such Fines, so collected by the Clerk of the Court, shall be paid by him to the Overseers of the Poor, to and for the Use of the Poor of the respective Parishes where such Person or Persons, so fined, shall reside.

*And be it further enacted,* That the Clerk of the Supreme Court is hereby required to write the Names of the Petit Jurors, as they stand on the Pannel, to be returned as aforesaid, on separate Pieces of Paper or Parchment, of an equal Size, which are to be rolled up in the Manner herein before directed, and put into a Box in open Court, and the said Clerk is hereby required to draw Ballots, and call the Jurors therefrom previous to the Trial of every Action, civil, criminal, or mixed, until a sufficient Number shall appear to make a Jury for such Trial; which said Jury shall have the Privilege of naming their own Foreman, by a Majority of Votes, as aforesaid.

*And be it further enacted by the Authority aforesaid,* That this Act shall continue and

be in Force for and during the Term of one Year, and from thence to the End of the then next Session of the General Assembly, and no longer.

CHARLOTTE TOWN, JANUARY 30.

His Excellency the Lieutenant Governor, with the advice of his Majesty's Council, has been pleased to issue a new General Commission of the Peace for this Island to the following Gentlemen, viz.

The Honourable Peter Stewart, Thomas Desbrisay, William Townshend, Joseph Aplin, Robert Gray, Charles Lyons, and Joseph Robinson.

And Theophilus Desbrisay, John Stewart, Alexander Fletcher, David Lawson, Cornelius Higgins, John Throckmorton, James M'Nur, Thomas Hooper, Samuel Hayden, John M'Donald, Joseph Beers, Charles Stewart, William M'Kie, James Douglas, Robert Hodgson, David Irving, Daniel Montgomery, Donald Ramsay, John Foy.

The Seat of the Speaker of the House of Assembly has become vacant by the appointment of Colonel Robinson to be one of his Majesty's Council.

The Gentlemen appointed by his Excellency the Lieutenant Governor to distribute the Money recovered for the Loyalists and disbanded Troops, after having received the names of the several Claimants, proceeded, on Saturday last, to pay to such of them as appeared, their respective Proportions. The Number of Claimants were 123, and the proportion to each 41s.

### VOTE OF THANKS.

House of Assembly, November 17, 1792.

Moved by Mr. Dan. Montgomery, That the Thanks of this House be given to Joseph Aplin, Esq. his Majesty's Attorney General, for his Assiduity and Attention in recovering the Money due the Loyalists and disbanded Troops, without Expence to them, or any Emolument or Reward to himself.

On the Question being put that the same be agreed to, there appeared,

For the Motion, Mr. Beers, Mr. Darby, Mr. C. Stewart, Jun. Mr. Hodgson, Mr. Daniel Montgomery, Mr. John Montgomery, Mr. C. Stewart, Sen. and Mr. Bowley.

Against it, Mr. Hazard, Capt. Campbell, Mr. Clark, and Mr. M'Farlane.

Whereupon it was resolved, That the Speaker do inclose him a Copy of the above Motion.

Last week two Scotch women, sisters, and both in the last stage of pregnancy, were unfortunately drowned by falling thro' the ice in crossing Hillsborough river a few miles from town. And we hear that another woman was lost not long since, in going from Murray harbour to Three Rivers.