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At the GENERAL-ASSEMBLY of the Province of *Nova-Scotia*, begun and holden at HALIFAX, on the Sixth Day of *June*, Anno Domini 1770, in the Tenth Year of the Reign of our Sovereign Lord GEORGE the Third, of *Great-Britain, France, and Ireland*, King, Defender of the Faith, &c. and there continued by several Prorogations until the Fifth Day of *June*, Anno Domini 1771, in the Eleventh Year of His said Majesty's Reign, being the Second Session of the Fifth GENERAL-ASSEMBLY convened in the said Province.

C A P. I.

An ACT in Addition to an Act, made in the Thirty Second Year of His late Majesty's Reign, intituled *An Act relating to Wills, Legacies, and Executors, and for the Settlement and Distribution of the Estates of Intestates.*

32d. Geo. 2. Cap. 11.

HEREAS it is necessary that the Governor, Lieutenant Governor, or Commander in Chief, as Judge of Probate of Wills and Testaments, and granting Letters of Administration, or their Commissaries or Judges of Probate appointed by them for that Purpose, should be armed with Authority to punish those Persons who refuse or neglect to attend at their Courts upon due Citation.

Preamble.

I. Be it Enacted, by the Governor, Council, and Assembly, That the Governor, Lieutenant Governor, or Commander in Chief as Judge of Probate or their Commissaries, or Judges of Probate by them appointed for that Purpose, be and are hereby fully authorised to call before him or them, and to require and administer an Oath unto any Person or Persons probably suspected by any Executor or Administrator, Heir, Creditor, Legatary, or other Person, having lawful Right or Claim to, or in such Estate to have concealed, imbezzled, or conveyed away, any Money, Goods, or Chattles left by the Testator or Intestate, for the Discovery of the same, and in Case any such suspected Person was intrusted by the Deceased, attended upon, or was otherwise conversant with, or near unto him

Judges of Probate authorised to call before them all Persons suspected of having Effects belonging to Testator or Intestate.

may commit to
Goal such as refuse.

at the Time of his Sickneſs, or left in the Poſſeſſion of the Eſtate, where by to ſtrengthen and make the Suſpicion more violent, and ſhall reſuſe to acquit him or herſelf upon Oath, it ſhall and may be lawful for the ſaid Judge of Probate, or his Commiſſary, or Surrogate, to commit ſuch Perſon fo reſuſing to ſwear unto the Goal of the County, there to remain until he or ſhe ſhall comply to diſcharge himſelf or herſelf upon Oath as aforeſaid, or otherwiſe be releaſed by Conſent of the Executors or Adminiſtrators, Heir, Creditors, Legatary, or other Perſon, having Right or Claim to, or in ſuch Eſtate.

When Eſtate inſolvent, Diſtribution to be made as far as Effects will extend.

II. And whereas great Difficulties have attended the Diſtribution of inſolvent Eſtates; in Order to remedy the ſame, Be it Enacted, That when the Eſtate of any Perſon deceaſed, ſhall be inſolvent, or inſufficient to pay all juſt Debts, which the Deceaſed owed, the ſame ſhall be ſet forth and diſtributed to and among all the Creditors, in Proportion to the Sums to them reſpectively owing, ſo far as the ſaid Eſtate will extend, ſaving that the Debts due to the Crown, the Expence of Sickneſs and neceſſary Funeral Charges of the Deceaſed are to be firſt paid, and the Executor or Adminiſtrator appointed to any ſuch inſolvent Eſtate, before Payment to any be made (except as aforeſaid) ſhall repreſent the Condition and Circumſtances thereof unto the Judge of Probates, who ſhall nominate and appoint two or more fit Perſons to make a true and equal Appraiſement of ſuch Eſtate, and adminiſter an Oath unto them for that Purpoſe; and appoint two or more fit Perſons to be Commiſſioners with full Power to receive and examine all Claims of the ſeveral Creditors, and how they are made out, and ſuch Commiſſioners ſhall cauſe the Times and Places of their Meeting to attend the Creditors for the receiving and examining of their Claims to be made known and publiſhed, by poſting up the ſame in ſome publiſh Places in the Shire Town of that County, where ſuch deceaſed Perſon laſt dwelt, or publiſhing the ſame in the publiſh News Papers, Three, Six, Twelve, or Eighteen Months (as the Circumſtances of any Eſtate may require) ſhall be allowed by the Judge unto the Creditors for bringing in their Claims, and proving their Debts; at the End of which limited Time ſuch Commiſſioners, ſhall make their Report, and preſent a Liſt of all the Claims unto the ſaid Judge, who ſhall order them meet Recompence out of the Eſtate for their Care and Labour in that Affair, and the Debts due to the Crown, Expence of Sickneſs, and neceſſary Funeral Charges as is herein before provided, being firſt deducted, ſhall order the Reſidue and Remainder of the Eſtate to be paid, and diſtributed to and among the other Creditors, that ſhall have made out their Claims in due Proportion to the Sums unto them reſpectively owing, according as the Eſtate will bear. Saving unto the Widow if any be, her Right of Dower according to Law in the Houſes and Lands of the Deceaſed. The Widow's Dower at the Expiration of her Term

Appraiſement to be made.

Commiſſioners to be appointed to examine Claims of Creditors.

Notice given to all Perſons to bring in their Claims.

Saving unto the Widow Right of Dower.

to be also distributed among the Creditors in a like Proportion; and no Judgment of Law (except for Debts due to the Crown, Expence of Sickness and Funeral Charges) shall be allowed against the Executors or Administrators of any insolvent Estate, so long as the same shall be depending; and if any Creditor shall not make out his or her Claim, before such Commissioners within the limited Time, such Person shall be for ever after debarred of his or her Debt, unless he or they can find some further Estate of the Deceased not before discovered and put into Inventory.

Saving unto any Person aggrieved at any Sentence, Order, or Decree made by the Commissary or Judge of Probate, Liberty of Appeal unto the Governor and Council, such Appellant giving Bond in a reasonable Sum with sufficient Security to prosecute his Appeal with Effect, and to abide and perform the Determination, that shall be made thereupon.

III. And be it further Enacted, That when the Goods and Chattels belonging to the Estate of any Person deceased, shall not be sufficient to answer the just Debts, which the Deceased owed, upon Representation thereof, certified under the Hand of the Judge of Probate with his Seal of Office to the Supreme Court, the said Court are hereby empowered to license, and authorize the Executors or Administrators of such Estate to make Sale of all, or any Part of the Houses and Lands of the Deceased, so far as shall be necessary to satisfy the just Debts, which the Deceased owed at the Time of his Death, and Legacies bequeathed in and by the last Will and Testament of the Deceased, and every Executor and Administrator being so licensed and authorized as aforesaid, shall and may by virtue of such Authority make, sign, and execute in due Form of Law, Deeds and Conveyances of such Houses and Lands, as they shall so sell, which Instruments shall make a good Title to the Purchaser, his Heir and Assigns for ever.

IV. Provided always, That the last Clause touching the Sale of real Estate, and Application to the Supreme Court, shall not be in Force 'till His Majesty's Pleasure therein is known.

No Judgment of Law to be allowed, except for Debts due the Crown, &c.

If Creditor does not make out Claim within limited Time, they are debarred.

Appeal by any Person aggrieved to the Governor & Council.

When Goods and Chattels not sufficient to answer Debts, Representation to be made to the Supreme Court for Licence to sell Lands.

C A P. II.

An ACT in Amendment to an Act, made in the Thirty Second year of His late Majesty's Reign, intituled *An Act declaring what shall be deemed a Publication of the Province Laws.*

37 Geo. 2. Cap. 22.

It is Enacted by the Governor, Council and Assembly, That for the Future, Notice being given in the Nova Scotia Gazette, or other publick News Paper, or by affixing such Notice on the Church Door at Halifax, that any

Notice given in the Nova-Scotia Gazette or other News Paper, or affixing on Church Door the Title.

To be deemed a
Publication.

any Law of the Province was passed in General Assembly, inserting the Title thereof, shall be deemed and is hereby made a full and proper Publication of such Law, any Thing in the above-recited Act to the contrary notwithstanding.

C A P. III.

32. Geo. 2. Cap. 13.
34. Geo. 2. Cap. 9.
8. Geo. 3. Cap. 3.
Eng. Stat.
21. Jac. 1. Cap. 26.

An ACT in further Addition to an Act made in the Thirty Second Year of His late Majesty's Reign, intituled, *An Act relating to Treasons and Felonies.*

Felony for any Per-
son to be Bail in a-
nother Man's
Name.

✠✠✠✠✠ **E** it Enacted by the Governor, Council and Assembly, That any Person or Persons who shall before the Judges of the Supreme Court, or other Judges, or other Persons impowered by Law to take Bail, or Bails, represent or personate any other Person or Persons, whereby the Person or Persons, so represented, or personated, may be liable to the Payment of any Sum or Sums of Money, for Debt or Damages, to be recovered in the same Suit or Action wherein such Person or Persons are represented or personated, as if they had really acknowledged and entered into the same, being lawfully convicted thereof, shall be adjudged, esteemed, and taken to be Felons, and suffer the Pains of Death, and incur such Forfeitures and Penalties as Felons in other Cases convicted and attainted do, by the Laws of England, loose and Forfeit.

C A P. IV.

An ACT for altering the Times of holding the Courts of *General-Sessions* and *Inferior Court of Common-Pleas* at *Annapolis*, in the County of *Annapolis*.

Preamble.

✠✠✠ **W** **H** **E** **R** **E** **A** **S** in and by an Act, made in the Seventh Year of His present Majesty's Reign, intituled an Act for regulating the Times and Places for holding the several Courts of Justice therein named, It is Enacted, That the Courts of General-Sessions of the Peace, and Inferior Courts of Common-Pleas, shall be held for the County of Annapolis, in the Town of Annapolis, on the Third Tuesday of January, and on the Second Tuesday of September,

September; and whereas the holding the said Courts at those Times has been found inconvenient:

Be it Enacted by the Governor, Council, and Assembly, that the said Courts shall be held for the future, on the first Tuesday of April, and the first Tuesday of November in every Year, any Law, Usage or Custom to the contrary notwithstanding.

Courts of General Sessions of the Peace and Inferior Court to be held at Annapolis on 1st Tuesday of April, and 1st Tuesday of November.

C A P. V.

An ACT in further Addition to an Act made in the Thirty Second Year of His late Majesty's Reign, intituled, *An Act for preventing Trespasses.*

32. Geo. 2. Cap. 14.

HEREAS it has been found impracticable to keep up and maintain Fences of four Feet and an half high, on the Peninsula of Halifax, especially such as are made of Stones, whereby the Proprietors of fenced Lands suffer great Damage by Trespasses, and are unable to recover the same in Law.

Preamble.

I. Be it therefore Enacted by the Governor, Council and Assembly, That all Fences on the Peninsula of Halifax, Four Feet in Height shall be adjudged a good and sufficient Fence to prevent Trespasses; and any Damage done within any Inclosure so fenced, shall be recoverable in Manner as is directed by an Act, intituled *An Act for preventing Trespasses.*

Fences on the Peninsula of Halifax to be 4 Feet high.

II. And be it further Enacted, That the Justices of the Peace for the County of Halifax, shall, and are hereby impowered in their Quarter Sessions of the Peace, to make Regulations for preventing Trespasses by Horses, Swine, Sheep, Goats and neat Cattle going astray, in Manner as shall be most agreeable to the Circumstances of such County or Townships therein, and enforce the same by the like Penalties as the Justices of the Peace in other Counties at their General Sessions of the Peace are impowered to do,

Justices of Peace in Sessions to make Regulations for preventing Trespasses.

C A P. VI.

An ACT for the more effectually securing the Title of Purchasers against Claims for Dower.

HEREAS some Doubts have arising concerning the Conveyance of Dower by the Wife in her Husband's Life Time in the Manner and Form now in Practice, in Order therefore to prevent any Difficulty that may hereafter arise touching the same.

Preamble.

Wife assigning
Dower to be Examined before a Justice of the Peace.

I. Be it Enacted by the Governor, Council and Assembly, That where a Sale shall be made of Lands or Tenements by the Husband and his Wife, before such Deed shall be valid and sufficient to bar the Wife from the Recovery of her Dower after the decease of her Husband, she shall be examined by One of His Majesty's Justices of the Peace, whether she hath done the same freely, voluntarily and without Compulsion from her Husband, and if before such Justice she shall declare, that she hath Freely and Voluntarily signed such Deed, and therein Assigned her Right of Dower, the Justice shall accordingly certify such Acknowledgments on the Deed, which shall for ever Bar her from the Recovery of her Right of Dower to such Lands so Conveyed.

Justice to certify on the Deed.

Nothing in this Act to affect any Deed before made.

II. Provided always, That nothing in this Act contained, shall any Ways affect any Deed or Conveyance of Land heretofore made.

C A P. VII.

10. Geo. Cap. 3.

An Act in Addition to, and Amendment of an Act, made in the Tenth Year of His present Majesty's Reign, intituled, *An Act to enable the several Counties within this Province to raise Money for Payment of their Representatives.*

 *HERE AS* some Doubts have arisen whether it was the Meaning and Intent of the Legislature by the Act made in the Tenth Year of His present Majesty's Reign, intituled, An Act to enable the several Counties within this Province to raise Money for Payment of their Representatives, That the several Counties at large should be assessed, for the Payment of the Representatives serving for the Townships within such County.

I. Be it Enacted and declared, by the Governor Council and Assembly, That it was, and is the Intention of the Legislature, that such Representatives should be paid by the Towns they Represent.

The Counties to be assessed for Payment of County Members and the Towns for the Town Members.

II. And be it Enacted, That the Money assessed for the Purpose aforesaid, shall by the Collector appointed to collect the same, be paid to the Representative applying therefor, within One Month after receiving the Assessment, on Pain of the Forfeiture prescribed by the afore-recited Act, for Default of paying said Money to the Treasurer of the County.

AND

And whereas no Provision is made by the afore-recited Act in Case the Grand Juries neglect or refuse to make Presentment of the Sum due to such Representatives, as shall apply for the same,

III. Be it Enacted, That on the Neglect or Refusal of the Grand Juries to make Presentment as aforesaid, the Justices of the Peace in General-Sessions, shall amerce the County for the Sum, which shall appear to be due to the County Members so applying, and amerce the Town for which such Member so applying shall serve, for the Sums, which shall appear to be due to them respectively for the Purposes aforesaid, and the Justices aforesaid are hereby authorized and empowered, in which Case to appoint three Assessors in each Township, for assessing the Money aforesaid, who shall appoint a Collector to levy the same in Manner as is directed by the aforesaid Act.

In case Grand Jury neglect or refuse to make Presentment for the Sums due to the Representatives applying the Justices in Sessions, shall amerce the Counties or the Towns.

C A P. VIII.

An ACT for altering amending an Act, made in the Thirty Second Year of His late Majesty's Reign, Intituled *An Act, relating to the of Assize Bread and for ascertaining the Standard of Weights and Measures.*

32. Geo. 2. Cap. 21.
4. Geo. 3. Cap. 5.
2. Session.
6. Geo. 3. Cap. 5.
1. Session.
7. Geo. 3. Cap. 4.
1. Session.

*** E it Enacted by the Governor, Council and Assembly, That from after the Publication of this Act, it shall and may be lawful for any Three of His Majesty's Justices of the Peace (such Justices being appointed by the Sessions, within the several Towns of this Province) to make Monthly an Assize of Bread made for Sale, according to the Prices the several Kinds of Flour shall be imported for at such Times, agreeable to the under-mentioned Table of Assize of Bread; and that the Household or good Brown Bread shall weigh half a Pound more for Six Pence, than white Bread, and so in Proportion for any greater or lesser Quantity made, publick Notice of which Assize so made, shall be affixed by the Clerks of the Market in the most publick Place in every Town.

Three Justices to make monthly an assize of Bread and publick notice thereof to be given by the Clerks of the Market.

II. And be it also Enacted, that it shall and may be lawfull, for the Clerks of the Market appointed in each Town, and they are hereby directed to examine all Bread made for Sale, and to seize all such Bread as shall be found under the Weight and Assize fixed agreeable to this Act, and the same shall be delivered to the overseers of the Poor, for the Use of the Poor of the Town where the Offence shall be Committed.

Clerks of the Market to Examine all Bread made for Sale.

III. And

III. And be it also further Enacted, that when the Price of good sound inspected Wheaten fine Flour, shall be at or under Twelve Shillings the one Hundred and Twelve Pounds, averdupoise,

The Six Penny Loaf of the same shall weigh	- -	4lb.
When from Twelve to Thirteen Shillings inclusive	- -	3 8
When from Thirteen to Fourteen Shillings inclusive	- -	3 4
When from Fourteen to Fifteen Shillings inclusive	- -	3
When from Fifteen to Sixteen Shilling inclusive	- - -	2 14
When from Sixteen to Eighteen Shillings inclusive	- - -	2 10

Any Law, Usage or Custom to the contrary thereof notwithstanding.

General assize of
Bread;

C A P. IX.

An A C T for altering an Act made in the Ninth Year of His present Majesty's Reign, intituled, an Act in further Addition to, and Amendment of an Act, made in the Thirty Fourth Year of His late Majesty's Reign, intituled *An Act for appointing Commissioners of Sewers.*

Preamble.

WHEREAS in the Second Section of an Act, made in the Ninth Year of His present Majesty's Reign, intituled an Act in further Addition to, and Amendment of an Act, made in the Thirty Fourth Year of His late Majesty's Reign, intituled An Act for appointing Commissioners of Sewers. It is provided, that any Person thinking himself aggrieved, at any Sale made by the Commissioners of Sewers in Pursuance of the said Act, may appeal to the General Assembly for Relief.

And whereas great Inconveniencies and Delays have arisen, to Persons so aggrieved, by an Appeal to the General Assembly, therefore to remedy that Inconvenience and prevent such Delays for the future.

I. Be it Enacted by the Governor, Council and Assembly, That all such Appeals as by the afore-recited Section of the said Act, are to be made to the General Assembly by any Person thinking himself aggrieved at any sale made by the Commissioners of Sewers as aforesaid, shall from and after the Publication hereof, be made to the Governor, Lieutenant Governor or Commander in Chief for the Time being, and His Majesty's Council, who are hereby authorized, and empowered to take Cognizance thereof, and to proceed thereon in like manner as by the before recited Clause of the said act should have been done by the General Assembly.

Appeals in cases of
Sale of Land by
Commissioners of
Sewers to be made
to the Governor &
Council.

An