

THE *James Stewart*
STATUTES AT LARGE,

PASSED IN THE SEVERAL

GENERAL ASSEMBLIES

HELD IN

HIS MAJESTY'S PROVINCE OF NOVA-SCOTIA:

FROM

The First Assembly, which met at HALIFAX the second day of October,
in the thirty-second year of His late Majesty GEO. II. A. D. 1758.

TO

The forty-fourth year of His present Majesty GEO. III. A. D. 1804, inclusive;

WITH

A Complete Index and Abridgement of the whole.

PUBLISHED BY ORDER OF

THE GOVERNOR, COUNCIL, AND HOUSE OF ASSEMBLY,

BY

RICHARD JOHN UNIACKE.



HALIFAX:

PRINTED by JOHN HOWE and SON, Printers to the KING'S Most Excellent Majesty.

1805.

TO HIS EXCELLENCY

SIR JOHN WENTWORTH, BARONET,

DOCTOR OF LAWS,

LIEUTENANT GOVERNOR AND COMMANDER IN CHIEF OF NOVA-SCOTIA,

&c. &c. &c.

THIS EDITION of the LAWS of NOVA-SCOTIA, having been undertaken at the desire of YOUR EXCELLENCY, pursuant to the request of HIS MAJESTY'S COUNCIL, and the HOUSE OF ASSEMBLY, and the work being now completed under your Patronage, it has a natural claim to your Protection, and is, therefore, most humbly inscribed to Your Excellency, in testimony of the respect due from

Your Excellency's

Most faithful

and

Very dutiful Servant,

RICHARD JOHN UNIACKE.

TO THE READER.

AS this Edition of the Acts of the General Assembly of the Province is a public work, executed at the expence of His Majesty's Government, it is proper that it should be rendered as generally beneficial as possible. In times like the present, I should feel conscious of a neglect of the duty I owe to the King, if I did not avail myself of the opportunity which the publication of this work affords, to exhort His Majesty's Subjects, by a ready obedience to the Laws, and by the punctual discharge of every civil and religious duty, to shew themselves worthy of the great blessings we enjoy under the government of a Monarch, who is respected for his virtues even by his enemies:

It has been our misfortune to live at a period, during which every art has been used to destroy the principles of true religion, and to subvert the rules of civil government. The Christian religion, which is our sure guide to the worship of the true God; the allegiance of subjects to the King; the natural love of our country; the union of husband and wife; the duties of parent and child; the affection of brothers and sisters; and the attachment of friends and countrymen, have been, by impious and wicked men, styled prejudices originating in the human mind from the errors of a false education. It has been our lot to see those venerable principles, which our forefathers considered fixed as firmly as the pillars of the earth, shaken to their basis, and the fundamental rules of human happiness scoffed at, and ridiculed, in the publications of artful men, who have proved themselves the enemies of the human race. Works of this sort have been circulated far and near, and the opinions of those men propagated with a true satanick zeal. To give the name of a revolution to the events which have sprung from those novel doctrines, would be applying a term too feeble to comprehend the horrid and sanguinary actions of the apostles of liberty and equality. Their deeds have produced a convulsion in human nature, which has been accompanied with a degree of atrocity so dreadful, that it may be reasonably doubted whether our posterity will give credit to the pages of history, which shall record the wonderful events that have happened within the compass of a few years. I think I do not exaggerate when I say, that those diabolical principles, during the short period I advert to, have produced to the world more human wickedness, distress and misery, than any equal space of time has exhibited in the previous history of man.

If we contemplate man in his rude and savage state, for the purpose of comparing him with his fellow man, living in civilized society, ruled by Laws founded in equity and justice, and impartially administered, the difference appears so great, that it has been doubted whether both men have proceeded from one common stock:

The chief end of all human institutions is the preservation of men's lives, liberties, and properties. Our ancestors have manifested their wisdom in framing Laws peculiarly adapted to those great purposes, and their courage in defending those Laws, upon every occasion, has been equally conspicuous. English Subjects exhibit, in the history of mankind, a people possessing a form of Government, under which their lives, liberties and properties, are secured in a way that no other nation or people have yet experienced. The English Constitution has been viewed with admiration by the wise and learned men of all nations, and it gives to Great-Britain such a just superiority over all other countries, that she is become an object of envy and jealousy to them all. No people but the British nation, have ever enjoyed the happiness of being subject to Laws made by their own consent; and which are, in a great measure, put into execution by themselves. This Constitution,

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the noblest of all inheritances, our ancestors left to their posterity, and we are at this day called to arms in its defence; with what heartfelt satisfaction then must every man, who has the honor to feel a drop of English blood in his veins, behold the British nation united in arms, and determined with their lives and properties to defend their Religion and Laws, their King and their Country, against a vindictive enemy, who conquers but to destroy. It is the peculiar duty of the people in this Province, with humble gratitude to return thanks to the Almighty, for having preserved to our nation a just sense of religion, virtue, and honour, without which, all the societies on earth must perish.

WE have the most powerful motives to cultivate the virtues, manners, and habits of our ancestors, and to cling close to the venerable stock from which we derive our origin. The Province of Nova-Scotia, with it's Islands, form the most prominent feature on the Coast of North America. The vast extent of it's sea coast, numerous harbours, and extensive fisheries, with it's almost insular situation, give it a strong resemblance to the mother country, and afford reasonable expectation, that, like it, it will, in time, become powerful in maritime force. The surrounding seas make its defence from foreign attack easy, and, at the same time, check that disposition to wander in search of new settlements, which is so prevalent in the rest of America. This advantage, coupled with the fisheries, will, in time, cause the population of the Province far to exceed any other country in America of the same extent. If to these advantages are added the healthiness of the climate, the fertility of the soil, the facility of exterior and interior water carriage, and the numerous coal mines, and mines of all other useful metals, the resemblance of the Province to the Parent State will appear so strong, that it is impossible to avoid feeling an anxious desire to see its people diligently cultivate those laws, manners, habits and customs, of the Mother Country, which are the sources of her prosperity, and the cause why Great-Britain stands, at this day, unrivalled in arts and in arms, securely enjoying a free and honest Government, to which the wealth of the world flies for refuge. It cannot be too strongly inculcated as an incumbent duty on the inhabitants of this country, to copy after a people who, at this day, exhibit to the world a national character that will be venerated while virtue and honor exist in the human breast. It is our duty to cultivate an attachment to the Parent State, and to manifest, on all occasions, our gratitude for the powerful protection that enables us to live with freedom and ease, at a time abounding with more universal national calamity than ever existed at any other period of the human history. If we train up our children to imitate the high and honorable spirit which makes Great-Britain the refuge and defender of the religion, honor and virtue, of all Europe; if we impress on the minds of our youth, that they derive their origin from this great people, and that their native land makes a part of the extensive dominions of Great-Britain, we shall thereby prove ourselves faithful subjects to the good King, under whose parental care the settlement of this Province has been effected, and in whose reign fertile fields have succeeded a savage and dreary wilderness, and numberless vessels which cover our shores, and rivers, have replaced the Indian's canoe. To those advantages we have to add the blessings of a mild and moderate Government, supported at the expence of the Mother Country, and established by the great wisdom and benevolence of His Majesty, who ever attentive to the happiness of his people in this Province, has liberally endowed and established a University, to extend the arts and sciences to his infant colony, in which he has supported a numerous body of Clergy, thereby laying a foundation for the temporal and eternal happiness of his people. The care with which His Majesty has selected men of tried abilities, and approved virtue and integrity, to preside in his Courts of Justice in this Province, would alone afford to us the strongest proof of his paternal care. His Majesty has always allotted for the protection of the Province, a sufficient portion of his powerful fleets and armies, which has enabled us to cultivate the arts of peace during wars that have desolated the four quarters of the world, and overturned powerful Empires, Kingdoms and States. If I were to proceed re-capitulating the numberless instances of his Majesty's care and attention, I should far exceed the bounds of a preface; and as I have already enumerated, I hope,

hope, more than sufficient to establish in the reader's mind never failing principles of gratitude to his Majesty, I shall only observe, that Subjects bound to their King by the ties of gratitude and affection, are the only Subjects whose homage is acceptable to a nation like Great-Britain, that conquers but to ameliorate the condition of the vanquished.

THE people of this Province inherit their full share of the advantages which flow from the British Constitution, and are bound to unite with their elder brethren for its preservation and defence. It is no common warfare in which we are now engaged; our natural enemy has drawn forth his whole strength for the ruin of our nation, and British subjects have at this moment to fight for their national existence, which our enemy has solemnly vowed to destroy. If Britain falls it is easy to foretel the fate of America; we may in such case bid farewell to religion and liberty, arts and sciences, virtue and honor; for many dark ages must follow the triumph of infidelity and barbarism. I am not induced to make these last observations from an apprehension that when the day of trial comes, we shall want spirit to defend our country; on the contrary, I am confident that the hardy sons of Nova-Scotia, will eagerly rush to the battle; to doubt it would be to doubt that we are the legitimate offspring of a race of people, whose courage and bravery stand recorded on almost every page of history. But I do not consider that the strength of a nation depends altogether on the native bravery of its people; the religious and moral virtues of a nation are its great security and defence. In the history of the world we read with pleasure and astonishment, of the wonderful exertions which have been made by nations eminent for those qualities; on the other hand, those dreadful national calamities, the history of which we can only contemplate with horror, may easily be traced from the earliest times to the present, to have uniformly proceeded from the want of religion and virtue in the people; the courage of men of this last description is nothing more than the ferocity of a savage, but the man who has a just sense of his duty to God and his King, stands firm in the midst of danger, exercising the powers of his mind with cool deliberation, and executing his purposes with that fortitude which will ever accompany the man who is brave from a sense of duty. In no way can we more effectually manifest our love and attachment to the King, than by punctually obeying his laws. It is the duty of an English Subject in this respect, not merely to attend to his own conduct, he is also bound to observe the actions of others; for this purpose our Constitution has wisely provided, that all men, high and low, are in some shape or other called to assist in the execution of the Laws, some as Justices of the Peace, others as Jurors, Constables, or in an endless variety of different offices and stations. The wisest and best of Kings, with all the State Officers appendant to his high rank and station, would, without such help, be unable to execute our Laws. English jurisprudence considers that man as criminal, who sees the Law transgressed, and conceals the offence; in such case the Laws would soon fall into disuse; and if offenders were suffered to pass with impunity, the Law instead of being the standard to guide men's actions, would only be enforced occasionally, as the caprice or malice of individuals might direct. There is no principle that operates more powerfully in support of the British Constitution, than the reverence and respect with which an Englishman views the Laws of his Country, in the execution of which he exerts himself with a degree of zeal that is habitual to him. This principle is so powerful in the breast of every man, that it is common to see a single Constable with his staff disperse a mob, even when their passions are in a high state of irritation; and it is an event which seldom happens, that a Peace-Officer is molested in the execution of his duty, or that the bye-standers refuse him their assistance. Every person in this Province should consider it his duty to imitate, with the greatest care, this excellent example, and thereby effectually provide for the equal and impartial administration of the Law: which is the only political equality that man can enjoy in civil society. If apathy pervades the minds of the people as to the execution of the Laws, and if they see them violated, and broken, without any exertion to bring offenders to justice, the virtues of the King, the wisdom and integrity of his Judges, and the honest zeal of all his Public Officers, will have but a small effect, when the people do not themselves co-operate.

MAN'S advancement either in vice or in virtue is gradual; when he commences his vicious career his transgressions are of an inferior class; and in this stage of his progress, he will contemplate with horror the enormities, which, afterwards, as he becomes habituated with vice, he will commit without compunction. Just so it is with the man who brings himself to disregard the Law; he first commences his resistance to those legal regulations which the exigencies of society require to restrain men's actions, as to things which otherwise would not be contrary to the rules of natural law: this resistance commences under the idea that such regulations are an infringement on the common rights of man: but he who can thus reconcile himself to transgress positive law, will not stop here: he will soon find an excuse for transgressing those Laws which prohibit us from doing to others what we would not wish done to ourselves. No part of the legal code is so often violated as the fiscal department. The exigencies of every Government require a revenue, which many persons, who are incapable of forming a just estimate of right and wrong, evade, and, by suffering themselves to be guided by an imaginary interest, consider their contrivance to withhold their share of the public contribution as of little importance in a moral sense; but the person who can reconcile himself to an offence of this sort, will, with equal facility, justify his impositions on the fair trader, as well as the innocent customer, and by exacting duties from the consumer, which he has never paid, he deceives himself with the hope of speedily increasing his fortune by dishonest and dishonorable means. This man seldom stops in his career, until he has ruined both character and reputation; perjury, and subornation of perjury, are crimes which he cannot avoid, and it becomes a necessary consequence that, by bribery, (or, perhaps, worse means) he is obliged to corrupt the principles of all those whom he employs; he soon acquires a degree of depravity that sets the Laws of God and Man at defiance, and in time he has recourse to violence which too often closes the scene with murder, robbery, and the whole catalogue of capital felonies. No person who has been long acquainted with America can be ignorant of the evil consequences which smuggling has produced. British subjects have less excuse than any other people for crimes of this sort. Under the British Constitution, the revenue is provided by Laws, in the formation of which the people claim an almost exclusive right; he therefore who holds the privileges we enjoy as British Subjects in estimation, is bound not only to obey the Law himself, but it is his duty by every exertion in his power to compel others to observe the same rule. No reasoning, however specious, should be admitted as an excuse, whether the Law is good or bad, convenient or inconvenient, all the King's Subjects are bound to pay obedience to it; remembering always that they had a share in making it, and that whatever may be the evil consequences of its operation, they must be trifling when compared to the mischiefs that would certainly follow the open and avowed disregard of an existing Law. It is the lot of the wisest and best of us to err, and the wisdom of our Constitution, contemplating the imperfection of human understanding, has made ample provision for correcting the errors of its Legislature, by the frequent assembling of that omnipotent power, which precludes the possibility of any great or material evil resulting from an unwise or improvident Law, as the repeal of it would necessarily and speedily follow the discovery of its inconvenience. I hope it will not be considered improper in me, here to observe, that an opinion has been too prevalent in America, that the power of Government should be as little felt as possible in a new country; this has caused the maxim of not governing too much to be abused, and has produced the positive fault of governing too little. If I may be allowed, I will ask the question, whether any man can believe that the child which has never been compelled to yield to the authority of a parent during his minority, will submit to be governed by a father's will after he shall attain the age of maturity? or is it necessary I should undertake to convince a rational being of the wickedness of the opinion which has been zealously contended for by modern philosophers, that a man in his infant state, should be taught nothing but what his reason can comprehend, and should be left until he attains his maturity without the influence

Influence of previous education to choose his religion, (if he intends to profess any) or to select the moral rules and branches of science which he wishes to study for his guidance through life? One can hardly believe that a doctrine so destructive to man's peace and happiness could have found advocates. None but the ministers of the fallen angels would wish to deprive man of the grateful sensations he feels through life, towards the tender mother, the affectionate father, or kind master, who impressed on his infant mind, both by precept and example, the principles of religion, morality, virtue, and honor: principles on the practice of which, his purest enjoyments in this life, and his hopes in the world to come, are founded; principles which if not inculcated with the first dawning of his understanding, can never be attained. Were man left to seek for first principles, after his mind was filled with the cares and pleasures of the world; it requires little judgment to conclude, that at that period those important rules would find but little room for a permanent foundation in the human breast, and that the man who laboured under the influence of such an education, would be the slave of his passions, and the ready perpetrator of every species of wickedness.

THE General Assembly, in a former Session, finding that the apparent neglect in the execution of the Province Laws, arose more from a want of knowledge of the Law, than a disregard on the part of the people, wisely resolved, that a new Edition of the Statute Law should be published. The wishes of the General Assembly having been expressed to His Excellency the Lieutenant Governor, he was pleased to order the Attorney and Solicitor Generals to execute this necessary work. The private affairs of the Solicitor General requiring his attendance in England, I was deprived of his able assistance, and was obliged to proceed alone. The first step I took was thoroughly to examine the Statutes that had already been published, from which I was convinced that I was not safe in conducting the present work to depend on any thing in print: I therefore determined to have recourse to the original Acts, and, having carefully examined the Journals of the House of Assembly, and formed a schedule of every Bill which had passed into a Law, from the first settlement of the Province, to the present time; and, having compared the same with the Laws themselves, as preserved in the records of the Secretary's Office, I felt much satisfaction to find that all the original Laws were extant, one only excepted, which is of little importance, as it respected the sitting of the Country Courts, which is provided for by subsequent Statutes. Having collected the Statutes which from time to time had been printed, and carefully compared them with the Records, I have every reason to flatter myself with the hope that there will be found no material omission in the present work. I considered it unnecessary to publish more than the titles of the Acts which have been repealed, executed, or expired. All the other Acts are printed at large, in succession, as they have been assented to, beginning with the first Session of General Assembly, which commenced the 2d day of October, 1758, and ending with the last Session, which commenced on the 21st day of June, 1804. The Acts of each Session are distinguished from the succeeding one, and the names of the Governor, and principal Officers belonging to the Legislative Branches, are published in the title page of each Session; marginal notes are affixed to each Act, referring to all subsequent Acts which have been made in amendment or addition thereto. Finding that an Edition of the Acts of the Province up to the sixth year of His present Majesty's reign, was published by the late Chief Justice BELCHER, with notes of Law Cases and marginal references to British Acts of Parliament, I considered it proper to re-publish the same notes and references in this work; not only as a mark of respect to the high and learned character of Mr. BELCHER, who was the first Chief Justice of the Province, but also as affording to the people of the Province a convincing proof, that our predecessors anxiously endeavored, as nearly as local circumstances would permit, to copy the Laws of the Mother Country, and to form our establishments agreeably to the British Constitution. I at first designed to continue the late Chief Justice's notes down to the present period, by adding thereto the subsequent decisions of the British Courts of Law, with marginal references

to all the succeeding Acts of Parliament ; and I had made some progress in the execution of my first intentions, but on further consideration I was induced to lay them aside, from an opinion that they could only be useful to Students of the Law, who intended to qualify themselves for the practice of that learned and highly honorable profession, and who I fear already feel themselves much relieved by modern publications from that deep thought, and laborious research, so essentially necessary to acquire a thorough knowledge of the Law. But to enable the people at large, for whose use this work is principally intended, thoroughly to understand the Statute Law, and to turn with facility to each particular subject, or section, I have carefully abridged every Act under its appropriate head, and have added thereto a copious Index, with proper references, in the hope thereby, to make our Laws intelligible to the meanest capacity ; and I have no doubt the reader will with pleasure contemplate the exertions of this infant Colony, in every stage of it's Legislation, to establish religion, and suppress vice and immorality. I am sensible that the patience of the public has been nearly exhausted on account of the great length of time this work has been in hand ; to me, it has been painful and highly distressing ; but when I consider the great difficulty that attends a printer, who has to execute an extensive work like this in a new country, where he is obliged to attend to all his other business and avocations, it has been to me I confess a sufficient excuse, and I hope the public will receive it in the same light. The only merit I can pretend to in completing a work which has required much labour and attention, is that of diligence and fidelity ; should it prove useful to a people amongst whom I have spent the best part of my life, from whom I have received innumerable favours, and to whom I am attached by the strongest ties of gratitude and esteem, I shall feel most amply rewarded, and no event will contribute more to my happiness, than to live to see the Province enjoying all the blessings, that ever will attend a country, the people of which are good and virtuous.

RICHARD JOHN UNIACKE.

SESSIONS OF GENERAL ASSEMBLY.

THE First Session of General Assembly held in the Province, met on the 2d day of October, A. D. 1758 : Page 1. In this Session 36 Acts passed, of which 20 are in force at this day.

The second Session of General Assembly begun on the 1st day of August, A. D. 1759, being the last Session of the First General Assembly: Page 41. In this Session 7 Acts passed, of which 3 are in force at this day.

Third Session, being the first Session of the second General Assembly, met on the 4th day of December, A. D. 1759: Page 46. In this Session 22 Acts passed, of which 8 are in force at this day.

Fourth Session, being the second and last Session of the second General Assembly, begun on the 8th day of September, A. D. 1760: Page 56. In this Session 20 Acts passed, of which 9 are in force at this day.

Fifth Session, being the first Session of the third General Assembly, met on the 1st day of July, A. D. 1761: Page 64. In this Session 19 Acts passed, of which 13 are in force at this day.

Sixth Session, being the second Session of the third General Assembly, begun on the 17th day of March, A. D. 1762: Page 77. In this Session 11 Acts passed, of which 5 are in force at this day.

Seventh Session, being the third Session of the third General Assembly, begun on the 25th day of April, A. D. 1763: Page 86. In this Session 6 Acts passed, of which 1 is in force at this day.

Eighth Session, being the fourth Session of the third General Assembly, begun on the 19th day of October, A. D. 1763: Page 88. In this Session 15 Acts passed, of which 6 are in force at this day.

Ninth Session, being the fifth Session of the third General Assembly, begun on the 22d day of March, A. D. 1764: Page 98. In this Session 7 Acts passed, of which 2 are in force at this day.

Tenth Session, being the sixth and last Session of the third General Assembly, begun on the 12th day of October, A. D. 1764: Page 101. In this Session 7 Acts passed, of which 2 are in force at this day.

Eleventh Session, being the first Session of the fourth General Assembly, begun on the 28th day of May, A. D. 1765: Page 106. In this Session 12 Acts passed, of which 9 are in force at this day.

Twelfth Session, being the second Session of the fourth General Assembly, begun on the 3d day of June, A. D. 1766: Page 118. In this Session 12 Acts passed, of which 4 are in force at this day.

Thirteenth Session, being the third Session of the fourth General Assembly, begun on the 23d day of October, A. D. 1766: Page 122. In this Session 10 Acts passed, of which 2 are in force at this day.

Fourteenth Session, being the Fourth Session of the Fourth General Assembly, begun on the 1st day

day of July, A. D. 1767: Page 125. In this Session 13 Acts passed, of which 6 are in force at this day.

Fifteenth Session, being the fifth Session of the fourth General Assembly, begun on the 17th day of October, A. D. 1767: Page 129. In this Session 3 Acts passed, of which 2 are in force at this day.

Sixteenth Session, being the sixth Session of the Fourth General Assembly, begun on the 18th day of June, A. D. 1768: Page 133. In this Session 13 Acts passed, of which 12 are in force at this day.

Seventeenth Session, being the seventh Session of the fourth General Assembly, begun on the 22d day of October, A. D. 1768: Page 146. In this Session 19 Acts passed, of which 8 are in force at this day.

Eighteenth Session, being the eighth and last Session of the fourth General Assembly, begun on the 10th day of October, A. D. 1769: Page 154. In this Session 7 Acts passed, of which 3 are in force at this day.

Nineteenth Session, being the first Session of the fifth General Assembly, met on the 6th day of June, A. D. 1770: Page 157. In this Session 17 Acts passed, of which 9 are in force at this day.

Twentieth Session, being the second Session of the fifth General Assembly, begun on the 5th day of June, A. D. 1771: Page 165. In this Session 22 Acts passed, of which 7 are in force at this day.

Twenty-First Session, being the third Session of the fifth General Assembly, begun on the 9th day of June, A. D. 1772: Page 172. In this Session 9 Acts passed, of which 4 are in force at this day.

Twenty-Second Session, being the fourth Session of the fifth General Assembly, begun on the 20th day of April, A. D. 1773: Page 176. In this Session 5 Acts passed, of which none are in force at this day.

Twenty-Third Session, being the fifth Session of the fifth General Assembly, begun on the 12th day of October, A. D. 1773: Page 178. In this Session 13 Acts passed, of which 4 are in force at this day.

Twenty-Fourth Session, being the sixth Session of the fifth General Assembly, begun on the 6th day of October, A. D. 1774: Page 183. In this Session 17 Acts passed, of which 9 are in force at this day.

Twenty-Fifth Session, being the seventh Session of the fifth General Assembly, begun on the 12th day of June, A. D. 1775: Page 193. In this Session 9 Acts passed, of which 3 are in force at this day.

Twenty-Sixth Session, being the eighth Session of the fifth General Assembly, begun on the 20th day of October, A. D. 1775: Page 196. In this Session 12 Acts passed, of which 3 are in force at this day.

Twenty-Seventh Session, being the ninth Session of the fifth General Assembly, begun on the 15th day of June, A. D. 1776: Page 201. In this Session 10 Acts passed, of which 2 are in force at this day.

Twenty-Eighth Session, being the tenth Session of the fifth General Assembly, begun on the 6th day of June, A. D. 1777: Page 204. In this Session 13 Acts passed, of which 4 are in force at this day.

Twenty-Ninth Session, being the eleventh Session of the fifth General Assembly, begun on the 6th day of June, A. D. 1778 : Page 208. In this Session 12 Acts passed, of which 5 are in force at this day.

Thirtieth Session, being the twelfth Session of the fifth General Assembly, begun on the 7th day of June, A. D. 1779 : Page 213. In this Session 17 Acts passed, of which 6 are in force at this day.

Thirty-First Session, being the thirteenth Session of the fifth General Assembly, begun on the 9th day of October, A. D. 1780 : Page 219. In this Session 11 Acts passed, of which 3 are in force at this day.

Thirty-Second Session, being the fourteenth Session of the fifth General Assembly, begun on the 11th day of June, A. D. 1781 : Page 222. In this Session 11 Acts passed, of which 4 are in force at this day.

Thirty-Third Session, being the fifteenth Session of the fifth General Assembly, begun on the 11th day of June, A. D. 1782 : Page 225. In this Session 14 Acts passed, of which 3 are in force at this day.

Thirty-Fourth Session, being the sixteenth Session of the fifth General Assembly, begun on the 6th day of October, A. D. 1783 : Page 230. In this Session 18 Acts passed, of which 8 are in force at this day.

Thirty-Fifth Session, being the seventeenth and last Session of the fifth General Assembly, begun on the 1st day of November, A. D. 1784 : Page 239. In this Session 11 Acts passed, of which 4 are in force at this day.

Thirty-Sixth Session, being the first Session of the sixth General Assembly, met on the 5th day of December, A. D. 1785 : Page 243. In this Session 6 Acts passed, of which 2 are in force at this day.

Thirty-Seventh Session, being the second Session of the sixth General Assembly, begun on the 8th day of June, A. D. 1786 : Page 245. In this Session 9 Acts passed, of which 4 are in force at this day.

Thirty-Eighth Session, being the third Session of the sixth General Assembly, begun on the 25th day of October, A. D. 1787 : Page 252. In this Session 17 Acts passed, of which 8 are in force at this day.

Thirty-Ninth Session, being the fourth Session of the sixth General Assembly, begun on the 5th day of March, A. D. 1789 : Page 265. In this Session 17 Acts passed, of which 11 are in force at this day.

Fortieth Session, being the fifth Session of the sixth General Assembly, begun on the 25th day of February, A. D. 1790 : Page 277. In this Session 15 Acts passed, of which 8 are in force at this day.

Forty-First Session, being the sixth Session of the sixth General Assembly, begun on the 6th day of June, A. D. 1791 : Page 283. In this Session 17 Acts passed, of which 9 are in force at this day.

Forty-Second Session, being the seventh and last Session of the sixth General Assembly, begun on the 6th day of June, A. D. 1792 : Page 290. In this Session 15 Acts passed, of which 10 are in force at this day.

Forty-Third Session, being the first Session of the seventh General Assembly, met on the 20th day

day of March, A. D. 1793 : Page 308. In this Session 19 Acts passed, of which 16 are in force at this day.

Forty-Fourth Session, being the second Session of the seventh General Assembly, begun on the 6th day of June, A. D. 1794 : Page 331. In this Session 17 Acts passed, of which 7 are in force at this day.

Forty-Fifth Session, being the third Session of the seventh General Assembly, begun on the 12th day of March, A. D. 1795 : Page 344. In this Session 11 Acts passed, of which 7 are in force at this day.

Forty-Sixth Session, being the fourth Session of the seventh General Assembly, begun on the 3d day of March, A. D. 1796 : Page 365. In this Session 18 Acts passed, of which 12 are in force at this day.

Forty-Seventh Session, being the fifth Session of the seventh General Assembly, begun on the 6th day of June, A. D. 1797 : Page 383. In this Session 10 Acts passed, of which 8 are in force at this day.

Forty-Eighth Session, being the sixth Session of the seventh General Assembly, begun on the 8th day of June, A. D. 1798 : Page 390. In this Session 6 Acts passed, of which 4 are in force at this day.

Forty-Ninth Session, being the seventh and last Session of the seventh General Assembly, begun on the 7th day of June, A. D. 1799 : Page 396. In this Session 16 Acts passed, of which 10 are in force at this day.

Fiftieth Session, being the first Session of the eighth General Assembly, met on the 20th day of February, A. D. 1800 : Page 419. In this Session 19 Acts passed, of which 13 are in force at this day.

Fifty-First Session, being the second Session of the eighth General Assembly, begun on the 9th day of June, A. D. 1801 : Page 435. In this Session 18 Acts passed, of which 12 are in force at this day.

Fifty-Second Session, being the third Session of the eighth General Assembly, begun on the 25th day of February, A. D. 1802 : Page 456. In this Session 20 Acts passed, of which 11 are in force at this day.

Fifty-Third Session, being the fourth Session of the eighth General Assembly, begun on the 1st day of June, A. D. 1803 : Page 467. In this Session 13 Acts passed, of which 6 are in force at this day.

Fifty-Fourth Session, being the fifth Session of the eighth General Assembly, begun on the 21st day of June, A. D. 1804 : Page 474. In this Session 11 Acts passed, all of which are in force at this day.

T H E

STATUTES AT LARGE

O F T H E

PROVINCE OF NOVA-SCOTIA.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the second day of October, Anno Domini 1758, and in the thirty second year of the reign of Our Sovereign Lord GEORGE the Second, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. being the First General Assembly convened in the said Province.*

C A P. I.

An ACT for confirming the proceedings on the several Resolutions or Acts of the Governors and Council of this Province, relating to the Duties of Impost on Rum and other distilled Liquors, and enabling the late Collector or Receiver, to recover the monies unpaid for any bonds or notes remaining in his hands; and for establishing and regulating several duties of Impost on Wines, Beer, Rum, and other distilled Spirituous Liquors for the future.

The purposes of this Act having been fulfilled the Title only is re-
printed

C A P. II.

An ACT for confirming Titles to Lands and quieting Possessions.

BE it enacted, by His Excellency the Governor, Council and Assembly, and by the Authority of the same it is hereby enacted, That all persons claiming or deriving any right or title to any lands

Acts which amend or alter this Act,
33d Geo. 2. cap. 3.
34th Geo. 2. cap. 4.
34th Geo. 2d cap. 8. sec. 3.
1st Geo. 3 cap. 3.
5th Geo. 3 cap. 8.
12th G. 3. cap. 5.
23d Geo. 3 cap. 6.
29th Ge. 3. cap. 9.
31st Ge. 3. cap. 10.

* This Assembly was dissolved in 1759, after having sat two sessions:—At which time Charles Lawrence, Esq. was Governor, Robert Monckton, Esq; Lieutenant-Governor, Jonathan Belcher, Esq; Chief Justice, Robert Saunderson, Esq; Speaker of the House of Assembly, John Duport, Esq; Secretary of Council, and David Ford, Clerk of the House of Assembly.

Persons claiming titles to lands, &c. by virtue of grants deeds, or last wills to hold the same, according to the tenor thereof, and possessions by virtue thereof confirmed.

No Papist to hold any lands, &c. other than by grants from the Crown.

Persons to whom grants or deeds of lands, &c. are made, to take the oaths before such grants, &c. are registered.

Provoost Marshal's deeds under writs of execution confirmed.

Lands sold under writs of execution may be redeemed within twelve months from the 2d of October, 1758.

Purchasers of such lands to be accountable for wilful waste, rents or profits.

or tenements, by virtue of any grants or deeds entered in the public registry of this province, or by virtue of any last will or testament, shall have, hold, and enjoy such lands and tenements, according to the tenor and effect of such grants or deeds registered, and of such last will and testament, whether the estate be in his or their own right, or in right of, or in trust for another; and that all possessions by virtue thereof shall be, and are hereby confirmed, any want of legal form in such grants, deeds, or wills, notwithstanding.

II. *Provided*, That no Papiſt, hereafter, shall have any right or title to hold, possess, or enjoy, any lands or tenements, other than by virtue of any grant or grants from the Crown, but that all deeds or wills, hereafter made, conveying lands or tenements to any Papiſt, or in trust for any Papiſt, shall be utterly null and void: And such lands or tenements shall not revert to the persons granting the same to any Papiſt, or in trust for any Papiſt, but such lands or tenements shall, upon conviction of such Papiſt, be vested in His Majesty, his heirs and successors for ever.

III. *And it is hereby enacted*, That before the registry of any grant or deed of any lands or tenements, other than by virtue of any grant or grants from the Crown, the person or persons to whom, or for whose use such grant or deeds are made, shall take the oaths appointed to be taken instead of the oaths of supremacy and allegiance, and make and subscribe the declaration, before the Register of the province or his deputy, who are hereby empowered to administer the same: And if any person shall refuse to take the said oaths, and subscribe the said declaration, the grants or deeds made to such persons shall be null and void to all intents and purposes whatsoever.

IV. *And it is hereby further enacted*, That all deeds of sale of any lands or tenements, made by the Provoost Marshal under writs of execution to him issued, for the satisfaction of any judgments, shall be and are hereby confirmed.

V. *Provided nevertheless*, That it shall and may be lawful for any person or persons, whose lands have been taken in execution, and sold as aforesaid, his, her, or their heirs, within twelve months from the second day of October, 1758, to sue for and recover, by action in nature of an action of account, from the person or persons to whom the persons entitled to such lands or tenements were indebted, and for satisfaction of whose debts the said lands or tenements have been sold as aforesaid, upon payment in manner herein after directed, of the principal money due with interest for the same, at the rate of six pounds in the hundred for each year, and all costs and damages awarded or sustained by the said judgments, and also for all improvements of the said lands or tenements, and the Provoost Marshal's proceedings thereon, with like interest for the principal money expended in such improvements, upon a just account to be taken of the same on any trial for the recovery of said lands or tenements, wherein a view, if required, shall be directed: And if upon such trial it shall appear in evidence, that such person or persons to whom the lands have been sold or conveyed as aforesaid, have committed wilful waste thereon, or have received rents or profits from the said lands or tenements, the said rents and profits, and the value of such waste, shall be allowed in account to the person so suing for the recovery of the said lands or tenements, and upon payment of said principal money and interest, and of all damages and costs for and on account of such debts and improvements, or upon taking such account of rents and profits, or the value of such waste, and payment of the balance due thereon, before any writ of execution shall issue upon any judgment upon such trial, to the Clerk of the court where such trial shall be had; that then, and in such case, it shall and may be lawful to award such writ of execution for delivering possession of such lands or tenements, to the persons so suing for the same; *Provided*, that if upon such trial it shall appear that the rents and profits received, or the value of such waste committed, or both of them, do exceed the value of the debt, interest, costs and damages, and the value of the improvements, that execution shall issue for recovering the said sum so received in rents and profits, or the value of such waste committed, beyond the value of such debt, interest, costs, and damages, together with the possession of the lands and tenements so taken in execution as aforesaid.

VI. *Provided nevertheless*, That any debtor or debtors, or his, or her heirs, upon payment, or tender of payment, within twelve months after said second day of October, 1758, of the consideration money really and *bona fide* paid by the last purchaser or purchasers under the Provost Marshal's deeds, of any lands or houses, with all charges for necessary repairs or alterations, shall and may be entitled to recover such lands and houses, so taken in execution and sold by the Provost Marshal as aforesaid.

Debtors may recover their lands on payment in 12 months from 2d Oct. 1758, of the consideration money paid by the last purchaser, with all charges.

VII. *Provided also*, That it shall and may be lawful nevertheless, to and for any debtor or debtors or his or her heirs, to have and prosecute an action of account, against his or her creditor or creditors notwithstanding.

Debtors may prosecute, an action of account.

VIII. *Provided also*, That all subsequent deeds and conveyances, made and executed by any, subsequent purchaser or purchasers under the Provost Marshal's deeds, since the said second day of October, 1758, within the space of one year only, for any greater sum than is expressed in such purchaser or purchaser's deed of assignment, shall and are hereby declared to be null and void to all intents and purposes whatsoever.

Deeds, &c. made by purchasers under Provost Marshal's deeds, in one year from 2d Oct. 1758, for a larger sum to be void.

IX. *Provided also*, That no sale shall hereafter be made of any lands or tenements, by the Provost Marshal, by virtue of any writ of execution.†

Nolands to be sold by the Provost Marshal, &c.

X. *Provided also*, That neither this act, nor any thing herein contained, shall extend, or be construed to extend, to bar the title of any *feme covert*, or person *non compos mentis*, imprisoned, or in captivity; who shall be entitled to sue for and recover any such lands or tenements to which they are entitled, within one year after such impediment shall be removed.

Not to bar the title of any *feme covert*.

XI. *And be it further enacted, by the authority aforesaid*, That a resolution or act of the Governor and Council, dated the third of February, 1752, concerning the registry of lands in this province, and that all registers and all proceedings thereon, shall be, and the same are hereby ratified and confirmed.

Resolution of the Governor and Council for registry of lands, &c. confirmed.

XII. *Provided*, That the Register of deeds and conveyances in this province shall, for the future, in lieu of any memorial, register all deeds and conveyances in words at full length; for which he shall demand and receive such fees for registering as in like manner hath heretofore been allowed: and that upon proof of one credible subscribing witness, to the due execution of such deed or conveyance, the same shall accordingly be registered, without any other ceremony or form heretofore used; any former use or custom to the contrary in any wise notwithstanding.

Deeds to be registered at full length.

XIII. *And be it further enacted by the authority aforesaid*, That if any original deed shall be lost, and proof thereof in court being made, that then the registry or record of such deed or deeds, shall be allowed to be good evidence in any court of law or equity, within this province.

If deeds are lost the copy from the Registry to be allowed as evidence

The Resolution or Act referred to and confirmed in the foregoing Act, is as follows:

IN Council the 3d February, 1752, *Resolved*, That a memorial of all deeds, conveyances, and mortgages, which from and after the first day of March next ensuing, shall be made and executed, of, or concerning, or whereby any honours, manors, lands, tenements, or hereditaments in the province of Nova-Scotia, may be any ways affected in law or equity, shall be registered in such manner as is herein after directed, and that every such deed and conveyance that shall, at any time, after the first day of March, in the year of our Lord one thousand, seven hundred and fifty two, be made and executed, shall be adjudged fraudulent and void, against any subsequent purchaser for valuable consideration, unless such memorial thereof shall have been registered as by this act is directed, before the registering the memorial of the deed or conveyance, under which such subsequent purchaser or mortgagee shall claim.

After 1st March, 1752, a memorial of all deeds, &c. affecting lands, to be registered, as herein after directed, or such deeds shall be adjudged fraudulent.

† *Vide* The effect of executions, 32d. Geo. II. Chap. 15. & 3d Geo. III. Chap. 8. 2d Section.

A memorial of deeds, &c. made before the 1st of March, 1752, shall be registered as herein after directed, or such deeds not enrolled and void.

II. That a memorial of all deeds, conveyances and mortgages, which shall have, before the first day of March aforesaid, in the year of our Lord one thousand seven hundred and fifty two, been at any time, made and executed, of, or concerning, or whereby any honours, manors, lands, tenements, or hereditaments, within the province of Nova-Scotia, may be any ways affected in law or equity, shall be registered in such manner as is herein after directed; and all such deeds, conveyances, and mortgages, which shall be omitted to be so registered, shall be null and void against any subsequent purchaser for valuable consideration.

Deeds, &c. of Lands, in County of Halifax, made before 1st March 1752. (and not registered before) to be registered as herein after directed, on or before 30th April, 1752. in any other part of the Province on or before 30th September, 1752.

III. That all such deeds, conveyances and mortgages, which shall have been made and executed before the said first day of March, in the year of our Lord one thousand seven hundred and fifty two, (and which have not been already registered in the public registry of the province) of, concerning, or which do any ways affect any honours, manors, lands, tenements, or hereditaments within the county of Halifax, within the said Province, shall be registered in manner as is herein after mentioned, on or before the thirtieth day of April next: And that all such deeds, conveyances and mortgages, of, concerning, or which do any ways affect, any honours, manors, lands, tenements, or hereditaments, within any other part of the said province of Nova-Scotia, shall be registered in manner as herein after expressed, on or before the thirtieth day of September next ensuing.

A further reasonable time to be allowed by the Governor and Council to persons out of the province.

IV. *Provided always*, That in case any person or persons, possessed of any such deed, conveyance, or mortgage, made and executed before the aforesaid first day of March next, shall not be within the said Province, before the expiration of the respective terms before mentioned, such further reasonable time shall be allowed for the registering thereof, as the Governor and Council of the said Province shall think fit.

Memorials to be registered at Halifax.

V. That the memorials of the deeds, conveyances, and mortgages, before mentioned, shall be registered in the office of the public Register of the Province at Halifax.

Memorials to be registered, to be put in writing under hand and seal of the grantor.

VI. That all memorials so to be entered and registered, shall be put into writing, and brought to the said office, under the hand and seal of some or one of the grantors or some or one of the grantees, his or their heirs, executors or administrators, guardians, or trustees, attested by two witnesses, one whereof to be one of the witnesses to the execution of such deed, conveyance, or mortgage, which witness shall, upon oath, before the Register for the said Province for the time being, or his deputy, prove the signing and sealing of such memorial, and the execution of the deed, conveyance, or mortgage, mentioned in such memorials, (which oath the said Register for the time being, or his deputy, are hereby empowered to administer) and the said Register, or his deputy, shall indorse a certificate thereof, on every such memorial, and sign the same.

Certificate to be enclosed and signed by register on all Memorials

Proviso in case of death of the witnesses.

VII. *Provided nevertheless*, That if it shall so happen that both or all the witnesses to any deed, conveyance or mortgage, by this act required to be registered, shall be dead or gone out of the Province, before the expiration of the time hereby directed for the registering such deeds, conveyances, and mortgages, then the said memorial to be registered, shall be executed by some or one of the grantors or grantees named in the original deed, conveyance or mortgage, his or their heirs, executors or administrators, in the presence of two other credible witnesses, one of which witnesses to such memorial shall, on his oath, before the said Register or his deputy, prove the signing such memorial by some or one of such grantors or grantees, his or their heirs, executors, or administrators (which oath the said Register or his deputy are hereby empowered to administer) and the said Register or his deputy shall indorse a certificate thereof, on such memorial and sign the same.

The contents of memorials to be registered.

VIII. That every memorial, of any deed, conveyance, or mortgage, shall contain the day of the month, and the year when such deed, conveyance, or mortgage bears date; the names and additions of all the parties to such deed, conveyance, or mortgage, and the places of their abode; and shall express or mention the honours, manors, lands, tenements, or hereditaments, contained

in such deed, conveyance or mortgage, and the names of the parishes, townships, hamlets, precincts, or extra-parochial places, within the said county, where any such honors, manors, lands, tenements or hereditaments, are lying or being, that are given, granted or conveyed, or any way affected or charged by any such deed, conveyance, or mortgage, in such manner as the same are expressed or mentioned in said deed, conveyance, or mortgage, or to the same effect.

IX. And every such deed, conveyance, or mortgage, of which the memorial is to be so registered, shall be produced to the said Register or his deputy, at the time of entering such memorial, who shall endorse a certificate on every such deed, conveyance, or mortgage, and therein mention the certain day, hour and time, on which such memorial is so entered, which certificate, so endorsed, shall also be signed by the said Register or his deputy.

X. Which certificates shall be taken and allowed as evidence of such respective registries in all courts of record in the said province and every page of such registry books, and every memorial that shall be entered therein, shall be numbered, and the day of the month, and the year, and hour or time of the day, when such memorial is registered, shall be entered in the margins of the said registry books, and in the margins of the said memorials. And the Register or his deputy shall keep an alphabetical calendar of all parishes, extra-parochial places and townships, within the said county, with reference to the number of every memorial that concerns the honours, manors, &c. in every such parish, extra-parochial place, or township respectively, and of the names of the parties mentioned in such memorial. And the Register or his deputy shall duly file every such memorial in order of time, as the same shall be brought to the said office, and enter or register the said memorials in the same order as they respectively come to his hands.

XI. That the Register for the time being, or his deputy, shall be allowed, for the entry of every such memorial, as is by this act directed to be registered, the sum of one shilling, and no more, in case the same do not exceed two hundred words; and if more, then after the rate of sixpence an hundred for all the words contained in such memorial, over and above the first two hundred words; and the like fees for the like number of words contained in every certificate or copy given out of the said office, and no more; and for every search in the said office, one shilling and no more.

XII. That if any person or persons shall, at any time, forge or counterfeit any entry of the acknowledgement of any such memorial, certificate or endorsement, as is herein mentioned or directed to be made, and be thereof lawfully convicted, such person or persons shall incur and be liable to such pains and penalties, as in and by an act of parliament made in the fifth year of Queen Elizabeth, (entitled an act against forgers of false deeds and writings) are imposed upon persons for forging and publishing of all false deeds, charters or writings sealed, court rolls, or wills, whereby the freehold or inheritance of any person or persons of, in, or unto any lands, tenements or hereditaments, shall or may be molested, troubled or charged. And that if any person or persons shall, at any time, forswear him or themselves, before the said Register for the time being, or his deputy, in any of the cases herein mentioned, and be thereof lawfully convicted, such person and persons shall incur, and be liable to the same penalties, as if the same oath had been made in any court of record within this province.

XIII. That in case of mortgages, whereof memorials shall be entered in the Register's office as before mentioned pursuant to this act, if at any time afterwards, a certificate shall be brought to the said Register or his deputy, signed by the mortgagee or mortgagees, his, her, or their executors, administrators or assigns, and attested by two witnesses, whereby it shall appear that all monies, due upon such mortgage, have been paid or satisfied in discharge thereof, which witnesses shall, upon their oaths before the said Register or his deputy, (who are hereby respectively empowered to administer such oath) prove such monies to be satisfied or paid accordingly, and that they saw such certificate signed by the said mortgagee or mortgagees, his, her, or their heirs, executors, administrators, or assigns, that then and in such case, the said Register or his deputy

Original deeds, &c. to be produced to the Register, who shall endorse a Certificate thereon.

Certificates to be allowed as evidence.

Method of registering.

and filing.

Register's fees.

Penalty on forgery.

and perjury.

In case of mortgages being satisfied, and a certificate thereof produced and proved upon oath, before the Register,

An entry to be made thereof, in the margin of the registry books against the registry of the memorial of mortgage.

shall make an entry in the margin of the said registry books, against the registry of the memorials of such mortgage, that such mortgage is satisfied and discharged, according to such certificate to which the same entry shall refer, and shall afterwards file such certificate, to remain upon record in the said office.

Public act.

XIV. That this Act shall be taken and allowed in all courts within this province, as a public act, and all judges, justices, and other persons therein concerned, are hereby required to take such notice thereof, without special pleading of the same.

Acts in amendment of this act. 1 Geo. 3. Cap. 2. 19 Geo. 3. Cap. 10

Eng. Stat. 8. H. 6. C. 9. Cartberw 496 Persons making any forcible entry into houses, &c. to be arrested by warrant from a justice,

and bound to appear at next Sessions of the Peace, to answer such complaint.

Justices in sessions to enquire of such forcible entry,

and if proved to the satisfaction of the jury,

the party to be again put into possession of such lands, &c.

and recover treble damages and costs.

Eng. Stat. 31. Eliz. Cap. 11.

Not to extend to Persons who have been possessed of lands, for the space of 3 years.

C A P. III.

An ACT directing the proceedings against forcible entry or detainer.

BE it enacted by His Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, That upon complaint on oath, made to any justice of the peace of this province, of any wrongful and forcible entry made into any houses, lands, tenements, or other possessions, lying within any town or place in this province, where such justice resides, or of any wrongful detainer, or withholding with force after possession demanded, of any houses, lands, tenements, or other possessions, every such justice shall, by warrant under his hand and seal, directed to the constables of such town, cause such offender or offenders to be arrested and detained in custody, until he, she, or they, find sufficient securities for his, her, or their personal appearance, at the next General Sessions of the Peace, there to answer such complaint, and for want of such security, to be committed to prison.

II. And be it further enacted, That the justices of the said General Court of Sessions, shall have full power and authority, by virtue of this act to enquire by the oath of the party grieved; and other credible proof, as well of him, her, or them as make such forcible entry into houses, lands, tenements or other possessions, as of him, her, or them, as detain and hold the same with force as aforesaid: And if it shall be found by the jury, then and there returned and sworn, that a forcible entry is made into any houses, lands, tenements or possessions, or that the same are detained and held with force as aforesaid, then the said justices, by warrant under the hand of the clerk of the said court, directed to the Provost Marshal or his deputy, shall cause the same houses, lands, tenements or other possessions, within fourteen days after such trial had, to be re-seized, and thereof the party to be again put into possession, who in such sort was put out or holden out, wherein no appeal shall be allowed to such offender or offenders: And moreover the party grieved shall and may by action of trespass, recover treble damages and costs of suit against such offender or offenders, any law, usage, or custom to the contrary notwithstanding.

III. Provided always, That this Act shall not extend or be construed to extend unto any person or persons, that have had the occupation, or have been in quiet possession of any lands, tenements or possessions, by the space of three whole years together next before, and his, her, or their estate or estates therein not ended or determined:

CAP.

Under the English Statutes it has been adjudged, 1st. What acts amount to a forcible entry or detainer, vide 1st. Hawk. P. C. 143 and 146; and Dalton 299; Dyer 122 and 187.

2d. What do not amount to a forcible entry or detainer, vide Brooke's Ab. Tit. Dure's 12. 16; 1 Inst. 257; 2 Inst. 235; 1 Salk. 356; Cro. Ja. 18; 1 Hawk. P. C. 147; Dalt. 300, 315, 316.

3d. On what possessions forcible entry or detainer may be committed, vide Crof. Ja. 41. Cro. Cha. 201, 486; 1 Lev. 99; 1 Mod. 73.

4th. The manner of awarding restitution, vide 1 Hawk. P. C. 152; Co. Litt. 323; Dalt. 314; 1 Vent. 308.

5th. What shall be bars to restitution and of superseding execution of the same, vide 1 Hawk. P. C. 152, 154; Dalt. 79, 85;

C A P. IV.

An ACT to prohibit the erecting of Distilling Houses, or setting up Stills within the Town of Halifax, or within one quarter of a mile of the present lines or pickets of the said Town.

BE it enacted by His Excellency the Governour, Council, and Assembly, and by the Authority of the same it is hereby enacted, That from and after the publication hereof, no person or persons whatsoever, shall erect any Distilling Houses, or set up any Stills for distilling of cordial waters, or any spirituous liquors, within the Town of Halifax, or within one quarter of a mile of the present lines or pickets of said Town on pain of forfeiting the sum of one hundred pounds, for every Still so set up, and Distilling House so erected: to be recovered by bill, plaint, or information, in any of His Majesty's courts of record within this province; one fourth part to the informer or prosecutor, the remainder to the uses of the government; and the said Stills shall be deemed and adjudged to be a public nuisance, and shall be accordingly removed.

No Distilling Houses or Stills to be erected within the Town of Halifax, or within a quarter of a mile of the picketed lines, on penalty of £.100.

Such Stills deemed public nuisances,

C A P. V.

An ACT for the establishment of religious public Worship in this Province, and for suppressing Popery.

FORASMUCH as His Majesty upon the settlement of the Province, was pleased, in His pious concern for the advancement of GOD's glory, and the more decent celebration of the divine ordinances amongst us, to erect a Church for religious worship, according to the usage of the Church of England; in humble imitation of his Royal example, and for the more effectual attainment of his Majesty's pious intentions, that we might in the exercise of religious duties, be seeking for the divine favour and protection, be it therefore enacted by his Excellency the Governour, Council and Assembly, That the sacred rites and ceremonies of divine worship, according to the liturgy of the Church established by the laws of England, shall be deemed the fixed form of worship amongst us, and the place wherein such liturgy shall be used, shall be respected and known by the name of the Church of England as by law established. And that for the preservation of purity and unity of doctrine and discipline in the church, and the right administration of the sacraments, no minister shall be admitted to officiate as a minister of the Church of England, but such as shall produce to the Governour, a testimonial, that he hath been licenced by the Bishop of London, and shall publicly declare his assent and consent to the book of common prayer, and shall subscribe to be conformable to the orders and constitutions of the Church of England, and the laws there established; upon which the Governour is hereby requested to induct the said minister into any parish that shall make presentation of him. And if any other person pretending himself a minister of the Church of England, shall, contrary to this act, presume to teach or preach publicly or privately, the Governour and Council are hereby desired and empowered to suspend and silence the person so offending.

II. *Provided nevertheless*, and it is the true intent and meaning of this act, that Protestants, dissenting from the Church of England, whether they be Calvinists, Lutherans, Quakers, or under what denomination soever, shall have free liberty of conscience, and may erect and build meeting houses for public worship, and may choose and elect ministers for the carrying on divine service and administration of the sacraments, according to their several opinions: and all contracts made between their ministers and their congregations for the support of the ministry, are hereby declared valid, and shall have their full force and effect, according to the tenor and conditions thereof;

Acts in amendment of this act, 2 sess. 33 Geo. 2 cap. 3 and 10.

34 Geo. 2. cap. 10
1 Geo. 3. cap. 1.
7 & 8 Geo. 1. c. 1.
23 Geo. 3. cap. 7.
39 Geo. 3. cap. 2.
40 Geo. 3. cap. 6

Preamble.

Liturgy of the Church of England established.

No minister to officiate without a certificate from the Bishop of London.

Others to be silenced.

Protestant dissenters excepted,

and excused from rates for the established church.

Eng. Stat. 11 & 12 Wil. 3d, c. 4, sec. 3
Popish Priests to depart the province before 25th March, 1759, on pain of perpetual imprisonment. Escape to be deemed felony.

Eng. Stat. 27 Eli. cap. 2.

Persons harbouring popish priests to forfeit £.50.

Offences tried at supreme court or by special commission of oyer and terminer.

Any justice of the peace may commit popish priests or persons harbouring them, and bind the witnesses to appear.

Not to extend to such Romish ecclesiastical persons as are sent into the province as prisoners of war, or driven in by shipwreck.

thereof; and all such Dissenters shall be excused from any rates or taxes to be made and levied for the support of the established Church of England.

III. *And be it further enacted*, That every popish person, exercising any ecclesiastical jurisdiction, and every popish priest or person exercising the function of a popish priest, shall depart out of this province on or before the twenty-fifth day of March, 1759. And if any such person or persons shall be found in this province after the said day, he or they shall, upon conviction, be adjudged to suffer perpetual imprisonment: and if any person or persons so imprisoned, shall escape out of prison, he or they shall be deemed and adjudged to be guilty of felony without benefit of clergy.

IV. *And be it further enacted*, That any persons, who shall knowingly harbour, relieve, conceal, or entertain any such clergyman of the popish religion, or popish priest, or persons exercising the function of a popish priest, shall forfeit fifty pounds, one moiety to his Majesty for the support of his government in this province, and the other moiety to the informer, and shall be also adjudged to be set in the pillory, and to find sureties for his good behaviour at the discretion of the court.

V. *And be it enacted*, That every offence against this act, shall and may be inquired of, heard and determined, at his Majesty's Supreme Court of Assize, and General Gaol Delivery, or by a special commission of Oyer and Terminer.

VI. *And be it further enacted*, That it shall and may be lawful for any justice of the peace, upon information by oath, or any reasonable cause of suspicion, to issue his warrant for apprehending any such popish ecclesiastical person, popish priest, or person exercising the function of a popish priest, or any persons knowingly harbouring, relieving, concealing or entertaining, them or any of them, and to commit any such person or persons respectively, who shall so offend against this act, to his Majesty's goal, for trial as aforesaid, and to require sureties for the appearance of the witness or witnesses, against any offender or offenders, upon such trial; and to make return of his proceedings to such court on the information of such witnesses, and the examination of any offender or offenders.

VII. *Provided nevertheless*, That this Act shall not extend, or be construed to extend to any such Romish ecclesiastical persons, who shall be sent into the province as prisoners of war, or who shall by shipwreck or any other distress or necessity, be driven into the province, so as that such prisoners of war do not escape before they can be sent out of the province, or that such persons arriving through necessity as aforesaid, depart out of the province as soon as there may be opportunity; and that they also forthwith after their arrival, attend the Governor or Commander in Chief of the province for the time being, if near the place of his residence, or otherwise a justice of the peace, and represent the necessity of their arrival, and obey such directions as the said Governor, Commander in Chief or Justice shall give them for their departure; and so as that neither the said prisoners of war, nor the said persons arriving through such necessity, shall exercise any ecclesiastical jurisdiction, or any part of the function of a popish priest, during his or their abode in the province, in which case he or they shall be liable to the penalties of this Act.

CAP. VI.

An ACT for establishing and regulating a MILITIA.

This act has been repealed by the act of 35 Geo. 3.

CAP. VII.

An ACT for establishing the rate of Spanish Dollars, and the interest of Money within this Province.

Repealed by His Majesty in Council.

CAP. VIII.

An Act for erecting a Light-House at the entrance of the harbour of Halifax.

This Act has been executed.

CAP. IX.

An ACT for erecting a House of Correction, or Work-House, within the Town of Halifax.

This Act has been executed.

CAP. X.

An ACT to prevent forestalling the Market.

WHEREAS large quantities of live stock, fresh provision, and other articles are imported into this province for sale from the neighbouring colonies, and divers persons make a practice of engrossing the same immediately upon the arrival thereof, to the great prejudice of the inhabitants; Be it enacted by his Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That all kinds of live stock, (oxen and sheep excepted) all dead fresh provision, grain, hay, roots, or garden-stuff, which shall be imported for sale into any port of this province, after publication hereof, shall, by the importers thereof, be brought to some public wharf, and there openly exposed to sale, for forty eight hours; and public notice shall be given thereof through the town or place where the same shall be so imported, by the common crier: And no such live stock or dead fresh provision whatsoever, grain, hay, roots, or garden-stuff, shall, during the said forty eight hours be sold, or contracted for in gross, to or with any person or persons whatsoever, on penalty of the forfeiture of the article or articles so sold or bought, or contracted for, or the value thereof, upon conviction by the oath of one credible witness before any two of his Majesty's justices of the peace, to be levied by warrant of distress, under the hands and seals of the said justices; one half of such forfeitures to be to the use of the informer, and the other half to the use of the poor of the place where such forfeiture shall be incurred.

Acts which have reference to the same subject, 6th Geo. 3d. cap. 6. 18th Geo. cap. 5. 19 Geo. 3d cap. 6. sec. 3. 4 and 5. 38th Geo. 3d. 39th Geo. 3d. cap. 1. 40th Geo. 3d.

Live stock, dead fresh provisions, &c. to be exposed to sale 48 hours on some public wharf

Notice to be given thereof by the Crier

Not to be engrossed on pain of forfeiting the value

II. *Provided always*, That nothing in this act shall be construed to extend to the importation of flour of all kinds, biscuit bread, or fish.

Not to extend to flour, biscuit or fish.

III. *Provided also*, That in case any dead fresh provision shall, at any time be imported, which by the length of the passage, or other accident, shall be perishing, or in a decaying condition, That then, upon application of the importer to two of his Majesty's justices of the peace, setting forth upon oath, such the condition of the provision so imported, such justices may, and they are hereby impowered, under their hands and seals, to grant permission to such importer, immediately, to sell and dispose of such provision in the speediest manner, any thing in this act contained to the contrary notwithstanding.

Dead fresh provision, perishing, excepted

IV. *And be it further enacted*, That all prosecutions under this act, shall be within ten days after the offence committed.

Prosecution within ten days

CAP. XI.

An ACT relating to Wills, Legacies, and Executors, and for the Settlement and Distribution of the Estates of Intestates.

Acts in addition to or amendment of this Act, 34d. Geo. 2d. cap. 26, sec. 2, 3, 6, 34d. Geo. 2d. cap. 18, sec. 6, and 7. 34th Geo. 2d. cap. 5. 11th Geo. 3d. cap. 1. 50th Geo. 3d. cap. 5.

BE it enacted by his Excellency the Governor, Council and Assembly, and by the Authority of the same it is hereby enacted, That every person shall have power to give and devise, by his

OR

Eng. stat. 34 and 35. H. 8. c. 5. sect. 4, 14.

29. Car. 2. c. 3. sect. 5, 6.

Any person may by their last will devise lands, &c. 3. Lev. 86. Carthew 136. 514. 3 Mod. 218. 262.

Feme covert, &c. excepted

or her last will and testament in writing, and signed by the party so giving and devising, or by some other person in his presence, and by his express directions, and attested and subscribed, in the presence of the devisor, by three or more credible witnesses, any lands, tenements, or hereditaments, whereof he or she shall, at the time of his or her so giving or devising the same by such will, be lawfully seized, either of a sole estate in fee simple, or of any estate in coparcenary, or in common in fee simple, in possession, reversion, or remainder, as much as in him of right is, to the said lands, tenements, and hereditaments, or in like manner to devise any rents or profits out of the same at his pleasure. *Provided*, that wills made of any lands, tenements or hereditaments, or any rents or profits out of the same; by any woman covert, or person within the age of twenty one years, idiot, or of unsound mind, shall not be good in law.

II. *And be it further enacted*, That no devise in writing, of any lands, tenements, or hereditaments, shall be revocable, otherwise than by some other will or codicil in writing, or other writing signed in the presence of three or more witnesses, declaring the same, or by burning, cancelling, tearing or obliterating the same by the testator himself, or in his presence, and by his directions and consent.

III. *And be it further enacted by the authority aforesaid*, That from and after the first day of January, in the year of our Lord one thousand seven hundred and fifty nine, no nuncupative will shall be good, where the estate thereby bequeathed, shall exceed the value of thirty pounds, that is not proved by the oath of three witnesses (at the least) that were present at the making thereof, nor unless it be proved that the testator, at the time of pronouncing the same, did bid the persons present, or some of them bear witness, that such was his will, or to that effect; nor unless such nuncupative will was made in the time of the last sickness of the deceased, and in the house of his or their habitation or dwelling, or where he or she hath been resident, for the term of ten days or more, next before the making of such will, except where such person was surprised or taken sick, being from his own house, and died before he returned to the place of his or her dwelling.

IV. *And be it further enacted*, That after six months past after the speaking of the pretended testamentary words, no testimony shall be received to prove any will nuncupative, except the said testimony or the substance thereof, be committed to writing, within six days after making the said will.

V. *And be it further enacted*, That no letters testamentary or probate of any nuncupative will, shall pass the seal of any court till fourteen days, at the least, after the decease of the Testator be fully expired, nor shall any nuncupative will be at any time received to be proved, unless process have first issued to call in the widow, or next of kindred to the deceased, to the end they may contest the same; and all such witnesses as ought to be allowed to be good witnesses upon trials at law, shall be deemed good witnesses to prove any nuncupative will, or any thing relating thereunto.

VI. *And be it further enacted*, That no will in writing, concerning any personal estate shall be repealed, nor shall any clause, devise or bequest therein, be altered or changed by words or will, by word of mouth only, except the same be, in the life of the testator, committed to writing, and, after the writing thereof, read unto the testator, and allowed by him, and proved to be so done, by three witnesses at the least. *Provided nevertheless*, That any soldier, being in actual military service, or any mariner or seamen, being at sea, may dispose of his moveables, wages, and personal estate, as they might have done before the making this act; and that nothing in this act shall alter the jurisdiction or right of probate of wills, concerning personal estates vested in the Governor, or Commander in Chief for the time being, who shall retain the same right and power as they had before in every respect, subject nevertheless to the rules and directions of this act.

repealed 1820.

repealed 1820

No devise in writing to be revocable but by another will, &c.

3. Mod. 260

Eng. stat. 29. Car. 2. c. 3. sec. 19.

Nuncupative will

Eng. stat. 29. Car. 2. c. 3. sec. 20.

Not to be proved after six months, unless, &c.

Eng. stat. 29. Car. 2. c. 3. sec. 21.

Letters, Testamentary. &c. not to pass any Court till 14 days after the testator's decease Eng. stat. 4 & 5. An. c. 16. sec. 14.

Eng. stat. 29. Car. 2. c. 3. sec. 22. and 23.

No will in writing concerning personal estate, to be repealed, or changed by word of mouth. Soldiers and seamen excepted.

Not to extend to the probate of wills, vested in Governor

Eng. stat. 29. Car. 2. c. 3. sec.

repealed 1820

repealed

Repeal

VII. *And be it further enacted, by the Authority aforesaid, That if any executor or executors of the will of any person deceased, knowing of their being so named and appointed, shall not within the term of thirty days next after the decease of the testator, cause such will to be proved and recorded in the register's office, of the same county where the deceased person last dwelt, or present the said will, and declare his or their refusal of the executorship; every executor so neglecting his or her trust and duty in that behalf, (without just excuse made and accepted for such delay) shall forfeit the sum of five pounds every month, from and after the expiration of the said thirty days, until he or they shall cause probate of such will to be made, or present the same as aforesaid: Every such forfeiture to be had and recovered by action of debt, in the inferior court of common pleas in the same county, at the suit of any of the heirs or creditors, and for the use of him or them that shall inform and sue for the same. And upon any such refusal of the executor or executors; the judge shall commit administration of the estate of the deceased, with the will annexed, unto the widow, or next of kin to the deceased, and upon their refusal, to one or more of the principal creditors as he shall think fit.*

Executors knowing of their being appointed, to prove wills in 30 days, &c. on penalty of 5l. per month

Eng. stat. 21. H. 3. c. 5. sec. 3

Upon the Executor's refusal, the Judge to commit administration to the widow, or next of kin, and on their refusal, to principal creditors

VIII. *And be it further enacted, That if any person or persons shall be found guilty of suppressing any last will and testament, such person or persons shall be subject and liable to the same penalty, as by this Act is prescribed for persons neglecting to prove any last will or testament.*

Penalty for suppressing wills

IX. *And be it further enacted, That where any certain legacy is or shall be bequeathed and given by any person in his or her last will and testament, as also where any residuary or uncertain legacy is; or shall, by the account of any executor, be reduced to a certainty every such legacy and legacies as aforesaid may be sued for and recovered at the common law, any law, custom or usage to the contrary notwithstanding.*

Legacies ascertained, recoverable at the common law

X. *And be it further enacted, That henceforth every executor named in any will taking upon him that charge by proving such will within the space of three months next after probate thereof; (or at such further and longer time, as the Judge of probate shall see meet to allow; the circumstances of any estate requiring the same) shall exhibit into the Register's office, upon oath, a full and true inventory of the whole estate of the deceased; so far as is then come to his hands and knowledge; and shall add thereto what and so much may further afterwards appear, on pain of forfeiting five pounds for every month's neglect thereof afterwards, as is by law provided for not presenting a will, and to be recovered in like manner. Provided nevertheless, That in wills where, after the payment of debts, and of any certain particular legacy or legacies, the residue or remainder of the estate is bequeathed generally to any one or more persons, other than the executors themselves; in every such case, an inventory of the estate shall be presented upon oath as aforesaid, and the executors shall be liable to account as administrators are, by law, obliged to do.*

Executors to exhibit an inventory of the estate of the deceased, within 3 months after probate, on pain of 5l. for every month's neglect,

and liable to account in like manner as administrators

XI. *And any executor being a residuary legatee, may bring his action of account against his co-executor or executors, of the estate of the testator, in their hands, and may also sue for and recover his equal and rateable part thereof. And any other residuary Legatee shall have like remedy against the executors.*

Residuary legatee may bring action of account against executors

XII. *And be it further enacted, That when and so often as it shall happen that any person, dies intestate; upon application of the widow or next of kin to the intestate, within thirty days after the death of such intestate, the said judge of probate shall grant letters of administration to such widow or next of kin: And in case they neglect to apply within the said thirty days, upon first citing such widow or next of kin, and their refusal to accept the same, such judge of probate shall grant administration to such person or persons as he shall judge fit, and he shall thereupon take bond with sureties, in manner as is directed by the statute of the twenty second and twenty third of Charles the Second, chapter the tenth, entitled, an Act for the better settling intestate estates; and shall and may proceed to call such administrators to account*

Administration, Eng. stat. 22 and 23. Car. 2. c. 10. sec. 2. Vaughan 96

1842

account for, and touching the goods of the intestate: And upon due hearing and consideration thereof, (debts, funeral, and just expences of all sorts, being first allowed) the said judge shall, and hereby is fully empowered, to order and make a just distribution of the surplusage, or remaining goods and estate, as well real as personal, in manner following, *That is to say*, one third part of the personal estate, to the wife of the intestate for ever, besides her dower in the houses and lands during life, where such wife shall not be otherwise endowed before marriage; and the said judge, having appointed guardians in manner as hereafter may or shall be by law prescribed for all minors, shall, then, out of all the residue of such real and personal estate (a) distribute two shares or a double portion to the eldest son than surviving, (where there is no issue of the first born, or of any other elder son) and the remainder of such residue equally to and amongst his other children, and such as shall legally represent them; *Provided*, that children advanced by settlement or portions not equal to the others share, shall have so much of the surplusage, as shall make the estate of all to equal, except the eldest son then surviving (where there is no issue of the first born, or of any other elder son) who shall have two shares or a double portion of the whole.

and distribution
of estates of in-
testates

Children advan-
ced in the life
time of the in-
testate

XIII. *And be it further enacted*, That such estate wherewith such child or children, have been advanced in the life time of the intestate, shall be accounted for upon the oath of such child or children, before such Judge of probate and wills, and for granting letters of administration; or by other evidence to the satisfaction of the judge; and in case of refusal to account upon oath, such child or children, so refusing, shall be debarred of any share in the estate of the intestate.

Division of lands

XIV. *And it is hereby enacted*, That the division of such lands or tenements, shall be made by five sufficient freeholders upon oath, or any three of them, to be for that purpose appointed and sworn by the Judge. *Provided nevertheless*, that if all the parties interested in such lands or tenements, being of lawful age, shall, by deed, agree to a division, such agreement being acknowledged before the Judge by the parties subscribing and sealing the Deed, the said Deed being entered on record in the Probate office, shall be deemed a legal and valid partition and settlement of such estate, as effectually to all intents as if the same had been divided and settled by writ of partition, and be received and allowed in evidence, on any trial against the parties so interested in the said lands and tenements.

Of estates in hou-
ses and lands,
which cannot be
divided without
prejudice to the
whole

Of portions of
children dying
unmarried or un-
der age
2 Vent. 316

XV. *Provided nevertheless*, That where any estate in houses and lands cannot be divided among all the children, without great prejudice to the whole, the said judge may, on evidence of the same, order the whole unto the eldest son, or, upon his refusal, to any other of the sons successively; he paying unto the other children of the deceased, their equal and proportionable parts or shares of the true value of such houses and lands, upon a just appraisal thereof, to be made by three sufficient freeholders upon oath, to be appointed and sworn as aforesaid; or giving good security to pay the same in some convenient time, as the said Judge shall limit, making reasonable allowance in the mean time, not exceeding six pounds by the hundred in the year. And if any of the children happen to die, before he or she come of age, or be married, the portion of such child deceased, shall be equally divided among the survivors. And in case there be no children, or any legal representatives of them, then one moiety of the personal estate shall be allotted to the wife of the intestate for ever, and one third of the real estate for term of life. The residue both of the real and personal estate, equally to every of the next of kin of the intestate in equal degree, and those who legally represent them. No representatives to be admitted among collaterals after brother's and sister's children. And if there be no wife, all shall be distributed among the children, and if

no

(a) Respecting the distribution of personal estate, vide 22 & 23. Car. II. c. 10. sec. 4. 1 Vern. 465. 2. Mod. 10. 101. 3. Mod. 58. Shower, 25. As to the distribution of inheritances different from the course of descents at common law, this Act was founded upon Acts of Assemblies in other Colonies, particularly of the Massachusetts-Bay, which Act, upon solemn hearing and argument before His Majesty in Council, about the year 1735, in the case of Philips and Savage, by appeal from a decree of the Governor and Council of that province, was judicially ratified and confirmed.

no child, to the next of kin to the intestate in equal degree, and their legal representatives as aforesaid, and in no other manner whatsoever. And every one to whom any share shall be allotted, shall give bond with sureties before the said Judge of Probate, if debts afterwards be made to appear, to refund and pay back to the administrator, his or her rateable part thereof, and of the administrators charges.

XVI. And it is hereby enacted, That the lands and tenements wherewith any widow shall be so endowed as aforesaid, shall, after the decease of such widow, be divided in like manner as by this Act is directed.

XVII. Saving to any person aggrieved at any order, sentence, or decree made for the settlement and distribution of any intestate estate, their right of appeal unto the Governor and Council: Every person so appealing, giving security to prosecute the appeal with effects. Provided that such appeal be made within thirty days after sentence by the Judge of Probate.

XVIII. And be it further enacted, That all such estate, real or personal, as is not comprised in any last will and testament, or is not plainly devised or given by the same, shall be distributed in the same manner as intestate estates are directed to be distributed by this Act.

XIX. And be it further enacted, That in case that personal assets shall be deficient for the payment of any debts or legacies, and it shall be found necessary by any executor or administrator to make sale of any part of the real estate of the deceased, for the payment of any debts or legacies, such executor or administrator shall apply to the General Assembly to grant a licence for the sale of such part of such real estate, as may be most convenient for the payment of such debts or legacies, and before any sale be made of any real estate, the executor or administrator shall give thirty days public notice, by posting up notifications in the most public places in the town where the deceased person last dwelt, and in the public prints, if any such there be; and whoever will give most shall have the preference in such sale. And in case the estate of such intestate shall be insolvent, the executor or administrator shall make like application to the General Assembly for an inquiry, and for the appointment of commissioners to inquire into such insolvency, and to examine and settle the claims of all creditors, and the amount of the estate of such insolvent, and to authorize such executor or administrator to sell all the lands and tenements of such insolvent, and to divide the produce of the whole of such estates in due proportion to and among the creditors.

1. Salk. 250. Raym. 496

Widow's dower after her death to be divided in like manner

Persons aggrieved may appeal to the Governor and Council Estates not comprised in any last will to be distributed as intestate estates

Where personal assets are deficient real estate shall be sold for payment of debts and legacies

see page 58

In case of insolvent estates, the General Assembly shall appoint Commissioners to settle the claims of creditors, and to sell real estate to pay them

repealed 1842

For the construction of wills by the common and civil law, vide Swineburn's treatise of testaments and last wills; and for the devise of real estates by the 29. Car. 2. c. 3. vide equity cases abridged Tit. wills and testaments. Legatees and devisees are enabled to attest the execution of wills by Brit. stat. 5 Geo. 2. c. 6.

CAP. XII.

AN ACT to prevent the Sale of Slop Cloathing, and for punishing the Concealers or Harbourers of Seamen or Marines deserting from the Royal Navy.

WHEREAS for the better carrying on the present war, it has been his most gracious Majesty's royal will and pleasure, from time to time, to send large squadrons of his ships of war into North-America: And whereas the harbour of Halifax in this his Majesty's Province of Nova-Scotia, from its situation, great conveniency, and safety for capital ships, hath always hitherto been, and probably during the war, will continue to be the rendezvous of his Majesty's fleet in that part of his American dominions: And whereas many and great inconveniences have arisen to the service of the royal navy, by persons enticing, assisting, harbouring and concealing seamen deserting from his Majesty's ships, and by buying the slop cloaths issued to seamen on board his Majesty's ships, by means whereof they become subject to impositions, and are induced to sell their necessary cloathing to procure spirituous liquors, whereby they are rendered

The Act of the 27th Geo. 3d. expired at the end of the American war, which was an Act to give this statute the more effect This Act made perpetual by 34th Geo. 2d. cap. 1.

Preamble

Persons enticing
seamen or ma-
rines to desert,
to forfeit 20l. or
suffer six months
imprisonment

Conviction be-
fore three Justices

rendered unfit for duty, become diseased and die for want of proper apparel to defend them against the inclemencies of the weather, and by means of such practices, the commanders of his Majesty's ships of war have been under a necessity of detaining such seamen on board, not only to the great prejudice of their health by such confinement and want of exercise, but also to the disadvantage of the Province, from the want of the assistance and labour of such seamen. For remedy whereof, be it enacted by his Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That if any person shall entice any seamen or marine to desert, or harbour, conceal, or assist any deserter from any ship of war, knowing him to be such, the person so offending shall forfeit the sum of twenty pounds, on conviction, by one or more credible witnesses, before any three Justices of peace, (*quorum unus*) for the use of his Majesty's government, to be levied by distress, and for want of such distress the person so offending shall be committed to his Majesty's goal, there to remain without bail or mainprize for the space of six months, or till such time as the said fine shall be paid.

Penalty 5l. buy-
ing, &c any sloop
cloathing

II. *And be it further enacted*, That if any person shall buy or receive as a pledge, or exchange any sloop cloths from any Seamen or Marine belonging to any of His Majesty's ships of war, upon conviction thereof, or confession, or by the oath of one credible witness, or if such Cloaths shall be found in the possession of any person, upon complaint that they were bought from, or pledged or exchanged by such Seamen or Marines; in such case the party offending shall pay a fine of five pounds, forty shillings of which to the informer, and three pounds to the use of His Majesty's Government; and the cloaths shall be taken from such person and returned to such seamen or marine, and he to be utterly debarred from recovering in any action, the purchase or loan money for the same. Any person offending may be convicted of such offence before any one or more of His Majesty's Justices of the peace, who are hereby empowered to levy the penalty by distress, and in default of distress to commit the offender to His Majesty's goal there to remain without bail or mainprize, for the space of two months, or till such time as the penalty shall be paid.

Any person may
apprehend sea-
men or marines
selling their
cloaths

III. *Be it further enacted*, That it shall and may be lawful for any person, upon seeing or knowing of any seaman or marine belonging to any of his Majesty's ships of war, selling or exposing to sale any of his or their cloathing or slops, to apprehend such seaman or marine, and carry him or them immediately to some justice of the peace of the county, who is hereby empowered to commit such seaman or marine to his Majesty's goal, and to deliver him or them over to the Captain, or other officer of the ship to whom he or they may belong.

Any Justice may
grant a warrant
to search for de-
serters where the
officer has been
refused admit-
tance

IV. *Be it further enacted, by the authority aforesaid*, That on information made on oath, before any of His Majesty's Justices of the Peace, by any of the officers of His Majesty's ships of war, that one or more of the seamen in His Majesty's service have deserted or absconded, who there is reason to believe lie concealed in some dwelling or out house, where the said officer has been refused admittance; that then it shall and may be lawful for such Justice of the Peace, before whom such complaint is made, to issue his warrant to some one or more Constables empowering him or them, in the day time, to search for said deserters or absconders, in any dwelling or out house that shall be suspected for concealing said deserters or absconders, accompanied by one officer only, either Lieutenant or Midshipman, and no other Seaman or Marine with him, and in case any master or mistress of any dwelling house or out house in this Province, shall refuse entrance to said Constable or Constables, so empowered by warrant as aforesaid to search for said deserters or absconders, they shall forfeit the sum of Twenty Pounds, upon conviction, to be levied by warrant of distress under the hand and seal of two of His Majesty's Justices of the Peace, from off the offenders goods, and for want of such distress, shall be committed to His Majesty's goal for six months, and that it shall and may be lawful for any of His Majesty's Justices of the Peace, who are hereby required upon information on oath as aforesaid in the night time in his own person, attended with the constables, accompanied by one officer, either Lieutenant or Midshipman, and no other Seaman or Marine with him, to demand entrance

Constable to
search in compa-
ny of one offi-
cer only

Persons refusing
admittance for-
feit 20l.

Any Justice may
in the night de-
mand admittance
and on refusal
the master of
the house to
forfeit 20l. or
suffer six months
imprisonment

into

into any dwelling house or out house in this Province, on suspicion of deserters or absconders being concealed there, and the master or mistress refusing entrance to such Justice of the Peace so demanding entrance in the night time, shall forfeit the sum of Twenty Pounds, to be levied as aforesaid upon conviction, and for want of such distress to be committed to His Majesty's goal for Six Months; the aforesaid sums to be for the uses of this government: and that the person or persons so apprehended supposed to be deserters or absconders from his Majesty's service, shall be committed to his Majesty's goal, until proof is made before one or more of his Majesty's justices of the peace, of his or their desertion or absconding, and then to be delivered up to such officer or officers of his Majesty's navy, who shall make demand of said deserter or deserters. And in case said person or persons so committed are not deserters, absconders, or shall not be in his Majesty's service, then such person or persons to be discharged without cost.

V. And be it further enacted by the authority aforesaid, That this Act shall be and continue in force during the present war and no longer.

VI. This Act to commence and be in full force from seven days after the publication hereof.

CAP. XIII.

An ACT relating to Treasons and Felonies.

BE it enacted by his Excellency the Governour, Council and Assembly, and by the authority of the same it is hereby enacted, That if any person or persons shall compass or imagine the death of the King, or shall levy war against him or adhere to his enemies, or give them aid or comfort, or shall forge or counterfeit the King's money, being gold or silver coin of England or of Great-Britain, or shall counterfeit the King's great seal or privy seal, or the seal of this province, and shall thereof be duly convicted, the person or persons so offending are hereby declared; and shall be adjudged to the traitors, and shall suffer as in cases of high treason; (a) and that all treasons declared by the acts of parliament of England or of Great-Britain, shall be deemed and adjudged to be treason within this his Majesty's province, and none other (b), and that such acts of parliament as direct the proceedings and evidence against, trials of such traitors, shall have their full force and effect, and be observed as the rule in all trials for treason in this province.

II. And be it further enacted, That if any person with malice prepense shall kill, or procure any other persons to kill, or shall on purpose and of malice forethought, and by lying in wait, unlawfully cut out or disable the tongue, put out an eye, slit the nose, cut off a nose or lip, or cut off or disable any limb or member of any person, with intention to kill or to maim or disfigure any such person, the persons so offending, their counsellors, aiders and abettors, privy to the offence, shall be felons without benefit of clergy. *Provided* that no attainder of such felony shall work corruption of blood, or forfeiture of dower, lands or goods of the offender. (c)

III. And be it further enacted, That every person, who shall stab or thrust any person that hath not then any weapon drawn, or that hath not then first stricken the party who shall so stab or thrust, so as the persons, so stabbed or thrust, shall thereof die within the space of six months, altho' it cannot be proved that the same was done of malice forethought, yet the party so offending and being thereof convicted, shall be excluded from the benefit of clergy (d).

IV.

(a) 1. Hawk. P. C. c. 17. pa. 34.—46. 3. inst. pa. 1.—19. Kel. 80. 1. Hale's hist. P. C. and Judge Foster's discourse on high treason, subjoined to his reports, published in 1762, and vide his discourse on accomplices, in what sense and degree all are principals in treason, sect. 1.—4

(b) Treasons by statutes subsequent to 25. Ed. 3. c. 2. vide 1. Hawk. P. C. c. 17. statutes corresponding, &c. with the pretender, vide Eng. stat. 13 and 14. Will. 3. c. 3. sec. 3. 6 Ann. c. 7. 17th Geo. 2. c. 39.

(c) Vide State trials, 6 vol. pag. 212. Woodbourne and Coke's case.

(d) Kel. 136. 1. Hale's hist. P. C. 1. Hawk. P. C. c. 30. Judge Foster's disc. on homicide, c. 6. of the statute of stabbing,

Deserters to be committed till delivered to their officers

Act to continue during the present war

For the punishment of lesser offences; see title criminal offence The Acts which have been made in addition to amendment or alteration of this Act

32d. Geo. 2d. cap. 17. sec. 4. 5. 34th Geo. 2d. cap. 9. 2d. Geo. 3d. cap. 5. sec. 5. 8th Geo. 3d. cap. 3. 8th & 9th Geo. 3d. Cap. 9. 11th Geo. 3d. cap. 3. 14th and 15th Geo. 3. cap. 7. 23d. Geo. 3. cap. 3. 26th Geo. 3. cap. 2. 41st Geo.

3.

Eng. stat. 25 Ed.

3. stat. 5. c. 2.

and Eng. stat. 1.

Mar. c. 1. assembling

to alter laws, &c. treason,

Kel. 75:77

Brit. stat. 7.

Ann. c. 21.

Eng. stat. 7th.

Will. 3. c. 3.

Witnesses in

t. caison, Kel. 49

Murder and Maim,

felony without

clergy

Eng. Stat. 1 Ed

6, c. 12, sec. 10

Eng. stat. 5, Hen.

4, c. 5. and Eng.

stat. 22 & 23.

Car. 2. c. 1.

Stabbing, felony

without Clergy

Eng. stat. 1 Jas.

1. c. 8

Manlaughter by
misfortune, &c.

IV. *Provided*, That this act shall not extend to any persons, who shall kill any person in his own defence, or by misfortune, or in any other manner than as aforesaid, nor shall extend to any persons who in keeping the peace, shall chance to commit manslaughter, so as the said manslaughter be not committed wittingly and of purpose, under pretext and colour of keeping the peace; nor shall extend to any person who, in chastising or correcting his child or servant; shall besides his purpose, chance to commit manslaughter (e.);

Murder of ba-
stard children,
felony without
clergy
Eng. stat. 21. Ja.
1. c. 27. conti-
nued by Eng.
stat. Car. 1. c. 4.
till continued or
discontinued by
Parliament

V. *And be it further Enacted*, That if any woman be delivered of any issue of her body male or female, which being born alive, should by the laws of the realm of England be a bastard, and that she endeavour privately, either by drowning or secret burying thereof, or any other way, either by herself, or the procuring of others, so to conceal the death thereof, as that it may not come to light whether it were born alive or not, but be concealed, the mother so offending shall suffer death as in case of murder, except such mother can make proof by one witness, that the child whose death was by her so intended to be concealed, was born dead (f).

Buggery, felony
without Clergy.
Eng. stat. 25.
Hen. 8. c. 6. re-
vised and made
perpetual by
Eng. stat. 5 Eliz.
c. 17.

VI. *And be it further enacted*, That the detestable sin of Buggery committed with mankind or beast, shall be adjudged felony, and such process therein be used as in cases of felony at common law, and the offender or offenders being convicted by verdict, confession or outlawry, shall suffer the pains of death, and loss of their goods, lands and tenements, as felons, and no person guilty of such offence shall be admitted to his clergy; and justices of the peace shall have power to inquire of the said offence as in other felonies. And if any person or persons, shall make an assault, with an intent to commit the sin of buggery, such offender or offenders, shall, on due conviction thereof, be adjudged to stand in the pillory, and may, for further punishment, be fined, imprisoned, or be bound in sureties for his or their good behaviour, at the discretion of the court. (g).

Assault with in-
tent to commit
buggery, pillory,
&c.

Rape, felony
without clergy.
Eng. stat. West.
2. 13. Ed. 1. c.
34.
Complaint in ten
days
By Eng. stat.
West. 1. 3. Ed.
1. c. 13.
Appeals of rape
were limited to
40 days
Vide 1. Hale's
hist. P. C. 612.
633.

VII. *And be it further enacted*, That if any person or persons shall, by force, and against the consent of any woman, or infant above the age of twelve years, have carnal knowledge of her body, every such offender or offenders shall, on due conviction of such ravishment, suffer as a felon without benefit of clergy. *Provided always*, that if complaint shall not be made of a ravishment within ten days afterwards, before one of his Majesty's justices of the peace or other magistrate, that then such fact shall be adjudged to have been committed by, and with the consent of such woman or infant (h).

Rape on infants
felony without
clergy
Eng. stat. 18.
Eliz. c. 7. sec.
4.

VIII. *And be it further enacted*, That if any person shall unlawfully have carnal knowledge of any female child under the age of twelve years, tho' with her consent, every such unlawful and carnal knowledge shall be felony, and the offender being thereof duly convicted, shall suffer as a felon, without benefit of clergy. And every violent assault and battery committed on the body of such woman or infant, with intent to ravish, shall be punished by adjudging the offender or offenders, upon due conviction thereof, to stand in the pillory, and the judge or judges of the court, wherein he shall be so convicted, may for further punishment, fine and imprison, and require sureties for the good behaviour, at his or their discretion (i).

Assault with in-
tent to ravish,
pillory, &c.
Burglary, Eng.
stat. Hen.
8. c. 1. 5. Ed.
6. c. 9. 18. Eliz.
c. 7. sec. 1.

IX. *And be it further enacted*, That if any person or persons shall by night break open and enter any dwelling house, shop or warehouse, or any vessel lying so near the land that it be adjudged within the county, with an intent to commit any felony, whether such felonious intent be executed or not (k).

X.

(e) Kel. 28. 64. 65. John Gray's case; Dalton 351. Keilway's reports 136. 2.
(f) 2. Hale's hist. P. C. pa. 288. 289. 2. Hawk. P. C. c. 46. sec. 43. Kel. 32. Ann Davis's case
(g) 3. Inst. 58. 12. Co. 36. and 37. 1 Hawk. P. C. c. 4. 1. Hale's hist. P. C. 628. 669. 670. Lord Audley's case, State trials
(h) 1 Hawk. P. C. c. 2. 45. 1. Hale's hist. P. C. 626--637
(i) 3 Inst. c. 11. 1. Hale's hist. P. C. 630. 631. 634. and 635. Cro. Car. 332. Martyn Page's case 1. Hawk. P. C. c. 41. sec. 4. 5.
(k) 1. Hawk. P. C. c. 38. 1. Hale's hist. P. C. 547. &c. 3 Inst. c. 14. Kel. 30. 52. 63. 67. in *Jraudem legis* by false
pretences. Kel. 42--47. 62. 81--85.

X. Or shall rob any dwelling house in the day time, any person being therein, or break any dwelling house, shop or warehouse thereunto belonging, or therewith used, in the day time, and feloniously take away any money or goods of the value of five shillings therein being, although no person shall be within such dwelling house, shop, or warehouse, or shall rob any other, or feloniously take away any goods in any dwelling house, the owner or any other person, being therein and put in fear.

Robbery by day.
Eng. stat. 3 Will.
& Ma. c. 9. sect.
1.

XI. Or if any person or persons shall by night or by day, rob or by violence take money, or goods, from any person putting him in fear, in any highways, or in any streets or lanes of a town.

Robbery from
the person in
highways, &c. by
night or by day.
Eng. stat. 3 Will.
& Ma. c. 9. sect. 1.

XII. Or shall feloniously take money or goods from the person of any other, privily without his knowledge.

Stealing privily
Eng. stat. 8 Eliz.
c. 4.

XIII. Each and every of the offenders aforesaid, their aiders and abettors, shall, upon due conviction, suffer as felons, without benefit of clergy.

1 Hawk. P. C. c.
35. aiders and
abettors. Felony
without clergy.

XIV. *And be it further enacted*, That if any person or persons shall steal, or take by robbery, any bills of exchange, bonds, warrants, bills, or promissory notes for the payment of money, being the property of any other person, notwithstanding any the said particulars are termed in law a *chose in action*, it shall be deemed felony of the same nature, and with or without the benefit of the clergy or of this Act, in the same manner as it would have been if the offender had stolen or taken by robbery, any other goods of the like value with the money due on such bills of exchange, bonds, warrants, bills, or notes, or secured thereby, and remaining unsatisfied, and shall suffer such punishment as if he, she or they, had stolen other goods of the like value.

Stealing bills of
exchange, &c.
Eng. stat. 2 Geo.
2. c. 25.

XV. *Provided*, That no attainder for any such offence so made felony, shall work any corruption of blood, loss of dower, or disinheritance of heirs.

Not to work cor-
ruption of blood
&c.

XVI. *And be it further enacted*, That if any person or persons shall buy or receive any goods that shall be stolen, knowing the same to be stolen, he, she, or they, shall be deemed accessaries to the felony after the fact, and that it shall be lawful to prosecute and punish persons buying or receiving stolen goods, knowing the same to be stolen, or that shall be accessary to such felony before or after the fact, as for a misdemeanor, to be punished by fine and imprisonment, although the principal felon be not before convicted of the said felony, which shall exempt the offender from being punished as accessary, if the principal shall be after convicted*.

Receivers of
stolen goods, ac-
cessaries.

Eng. stat. 3 Will.
& Ma. c. 9. sect. 4.

* Vide note at
the end of this act.
Punishable as for
misdemeanor,
though principal
be not convicted.

Eng. stat. 1. An.
stat. 2. c. 9. sect. 2.

XVII. *And be it further enacted*, That if any person or persons shall take away with an intent to steal, embezzle or purloin, any goods, chattels, or furniture, which by agreement they are to use, or shall be let to them to use in his, her, or their lodging, such taking, embezzling or purloining, shall be adjudged to be larceny and felony (1.)

Robbing lodg-
ings:

Eng. stat. 3 Will.
& Ma. c. 9. sect.

XVIII. *And be it further enacted*, That if any servant or servants shall go away with the caskets, jewels, money, goods or chattels, delivered to his, her or their keeping, by his, her or their master or mistress, with intent to steal the same, and defraud his, her, or their master or mistress thereof, contrary to the trust and confidence in them reposed, or being in service, without assent or commandment of his, her or their master or mistress, shall embezzle or convert the same to his or her use, with purpose to steal the same, being of the value of forty shillings or above, every such offender or offenders shall, upon due conviction suffer death as in cases of felony, without benefit of clergy (m.)

5.

Servants em-
bezzling mas-
ter's goods.

Eng. stat. 2 Hen.
8. c. 7.

XIX. *Provided*, That any apprentice or apprentices, within the age of fifteen years, shall be entitled to the benefit of clergy, for the first offence.

Not to extend to
apprentices.

Eng. stat. 12 An.
stat. 1. c. 7. sect.

XX. *And be it further enacted*, That if any person or persons shall wilfully and maliciously burn, or cause to be burned, any dwelling-house, barn, out-house, or warehouse of another, or

Houseburning.
Eng. stat. 5 Hen.
8. c. 3.

D any

(1) 1. Hawk. P. C. c. 33. sect. 10. Kel. 24. 81. Not felony at common-law, because no trespass, and without trespass there can be no felony.

(2) 2. Hale's Hist. P. C. c. 63. pa. 666-669. 1. Hawk. P. C. c. 33. sect. 11-17. 3. Inst. c. 44.

any public building, or any hovel, cock, mow, rick, or stack of corn, straw, hay, or wood, of another, all and every such person or persons so offending, and their aiders, abettors, and counsellors, shall, upon due conviction, suffer as felons, and be excluded from the benefit of clergy, (n.)

Anonymous letters, &c.
Brit. Stat. 9 Geo. 1 c. 22. sect. 1.

XXI. *And be it further enacted*, That whosoever shall maliciously shoot at any person or persons, in any dwelling-house or other place, or shall knowingly send any letter without any name, or signed with a fictitious name, demanding from any person or persons, money or other valuable thing, such offender or offenders, being duly convicted thereof, shall suffer as felons, without benefit of clergy.

Stealing in any other manner,
Brit. Stat. 4 Geo. 1 c. 11. sec. 1.
or imbezzieng the King's stores.

XXII. *And be it further enacted*, That whosoever shall feloniously take and carry away any money or goods, in any other manner than is herein before declared and provided for, or shall embezzle any of His Majesty's stores, or the utensils, furniture or cloathing, in any store-house or hospital of His Majesty, if such offender or offenders shall be found guilty of such felonious taking or carrying away of such money or goods, or of embezzling any of His Majesty's stores, or the utensils, furniture, or cloathing, in any store-house or hospital of His Majesty, as aforesaid, to the value of twenty shillings or more; every such offence shall be larceny and felony; and if the value shall be found by verdict on trial to be less than twenty shillings, then such offence shall be punishable as petit larceny, by such public whipping as the Court, before whom such offender shall be convicted, shall direct, and it shall and may be lawful for such Court to order the offender to make full restitution, and in default thereof to commit such offender to the house of correction, there to be put to hard labour, for a term not exceeding three months, as the Judges, in their discretion, shall think fit.

Larceny and felony.

XXIII. *And be it further enacted*, That all monies, goods, chattels, merchandises, or stores, found in possession of any burglar, housebreaker, robber, thief, or purloiner, shall be delivered by the Justice of Peace who shall take the examination of such offender into the custody of the Provost Marshal or his deputy, or Constable of the town where the offence shall be committed; who shall be answerable for the same until the offender be convicted; and the Judge or Judges of the Court, wherein such offender shall be convicted, shall order the said money, goods or stores to be restored to the lawful owners thereof; (o;) and where no owner shall appear to claim the same, they shall be adjudged to be forfeited.

Restitution of stolen goods.
Eng. Stat. 21 Hen. 8 c. 11. 2 Hawk. P. C. c. 23. sect. 49-58.

Where no owner appears, goods to be forfeited.

XXIV. And in cases where the evidence shall not be sufficient to convict of a felonious intent, and the Jury shall declare that the property of such money, goods, or stores, is in the prosecutor; it shall and may be lawful for the Court to order such money, goods, or stores, to be delivered to such prosecutor.

To be given by jury to prosecutor, tho' evidence not sufficient to convict offender.

Not to debar the party of his action.

XXV. *Provided nevertheless*, That such delivery shall not debar the party so acquitted, or any other person who may claim the same from his or her action, for the detainer of such money, goods, or stores, so delivered to the prosecutor.

Accessaries.
Eng. Stat. 1. An. Stat. 2. c. 9. sect. 1.

XXVI. *And be it further enacted*, That notwithstanding the allowance of clergy, and burning in the hand of any principal offender, the accessaries to such offender shall be arraigned and tried in the same manner, as if such clergy had not been allowed.

Clergy allowed but once.
Offenders to be burnt in the hand.
Eng. Stat. 4 Hen. 7. c. 13.

XXVII. *And be it further enacted*, That every person which once hath been admitted to the benefit of his clergy, being afterwards arraigned, shall not be admitted to the benefit of his clergy; and that every person convicted for manslaughter, shall be marked with an M, upon the brawn of the left thumb; and for any other felony, the person convicted shall be marked with a T, in the same place: these marks shall be made, by the goaler in open court: And if any person convicted of any felony, for which he ought to have the benefit of his clergy, shall pray to have the benefit of this Act, he shall not be required to read, but

Eng. Stat. 5. Ann. c. 6. sect. 4.

(n) 1. Hawk. P. C. c. 19. 1. Hale's hist. P. C. c. 49. pa. 566. et seq. 3. Inst. c. 15. Judge Foster's reports. Elizabeth Har- ris's case at Aylesbury Lent Assizes. 1753. Cro. Car. 376. Holmes's case.

(o) K. 35, 47 & 48, Restitution shall be made, tho' the goods were sold in Market Overt. 2 Inst. 714. Accord. Restitu- tion shall be made of such goods only as are comprised in the indictment. 2 Bac. Ab. 461. 2 Hawk. P. C. c. 23. sect. 55, 56, 57.

but without any reading shall be allowed to be, and punished as a clerk convict, which shall be as effectual and as advantageous to him as if he had read as a clerk.

XXVIII. And after allowance of such clergy and burning in the hand, such person shall be enlarged and delivered out of prison, by the Judge or Judges of the Court before whom such clergy shall be granted: saving that such Judge or Judges, may, for the further correction of such persons, to whom clergy shall be allowed, keep them in prison, or send them to the house of correction, for such convenient time as the said Judge or Judges in their discretions shall think fit, so as the same do not exceed one year's imprisonment, or to punish them by public whipping.

And discharged out of prison. Eng. stat. 18. Eliz. c. 7. sect. 24

XXIX. And that where a man, convicted of any felony, may demand the benefit of his clergy, a woman convicted for the like offence, upon her prayer to have the benefit of this Act, judgment of death shall not be given against her upon such conviction, or execution awarded upon any outlawry for such offence, but such woman shall suffer the same punishment as a man that has the benefit of his clergy allowed him in the like case, (that is to say,) shall be burned in the hand by the goaler in open court, and may, for further punishment, be kept in prison, or sent to the house of correction, for such time as the Judges shall think fit, so as the same do not exceed one year, or he ordered to be publicly whipped, as the Judge or Judges, before whom such woman is convicted, shall, from the quality of the offence, think meet.

Woman to be punished in the same manner as a man. Eng. stat. 3 & 4. Will. & Ma. c. 9. sect. 6, 7.

XXX. And the clerk of the Court or Assizes where such man or woman shall be convicted, shall, at the request of any, in his Majesty's behalf, certify a transcript containing the tenor of every indictment and conviction of such man or woman, of his having the benefit of the clergy, or her having the benefit of this Act, and the addition of every such person, and the certainty of the felony and conviction, to the Judge or Judges of the Court or Assizes where such man or woman shall be indicted; which certificate, being produced in court, shall be a sufficient proof that such man hath before had the benefit of his clergy, and that such woman hath had the benefit of this Act, in the same manner as if the record had been produced.

Clerk to certify a transcript, &c. of allowance of clergy.

XXXI. And if any person or persons indicted of any offence, for which, by virtue of this Act, they are excluded from the benefit of clergy, or of this Act, shall, if they stand mute, or will not answer directly to the felony, or shall challenge peremptorily above twenty of the jury, or shall be outlawed thereupon, be ousted of the benefit of the clergy, or of this Act, and judgment shall be pronounced and execution awarded, as if such person or persons had been convicted of such offence by verdict or confession.

Prisoner standing mute, &c. ousted of clergy. Eng. stat. 3 & 4. Will. & Ma. c. 9. sect. 2. By Pro. law, 34. Geo 2. c. 9. This peremptory challenge shall be overuled.

XXXII. And be it further enacted, That in all cases where the benefit of clergy, or of this Act, shall be allowed, if the prisoner shall not, upon his arraignment, answer directly according to law, or shall wilfully stand mute, or shall peremptorily challenge above twenty jurors, or if any person be outlawed on any indictment for such felony, such person or persons shall be proceeded against by the Court, in the same manner as if he, she, or they had been convicted by confession or verdict.

Where clergy is allowed, prisoner standing mute, &c. to be proceeded against as if convicted by verdict.

XXXIII. Provided nevertheless, that no man who hath had the benefit of the clergy allowed him, nor any woman who hath had the benefit of this Act, shall have the benefit of clergy, or of this Act, for any felony committed since his or her having had the benefit of clergy, or of this Act as aforesaid, and that no person shall be allowed the benefit of clergy, or of this Act, more than once, but shall, for any felony by him or her committed after being allowed the benefit thereof, be utterly debarred from having the benefit of the same again.

The benefit of this act not to be allowed more than once. Eng. stat. 4 & 5. Will. & Ma. c. 24. sect. 13.

XXXIV. Provided also, That if any man, admitted to his clergy, or any woman, admitted to the benefit of this Act, shall, before such his or her admission, have committed any offence, whereupon clergy is not allowable by this Act, and not being thereof indicted and acquitted, convicted, or attainted, or pardoned, shall and may be indicted or appealed for the same, and put to answer as if no such admission to the benefit of clergy or of this Act had been.

Persons allowed clergy shall answer to other felonies excluded clergy. Eng. stat. 18.

XXXV.

1. 2. c. 1. sect.

Witnesses for prisoners shall be sworn & punishable for Perjury Eng. stat. 1. Ann. stat. 2. c. 9. sect. 3.

Indictments, &c. to be according to the practice of England.

Former convictions confirmed.

Saving for judgments depending.

The Acts which are in addition to or in amendment or alteration of this Act, are 33d. Geo. 2d. cap. 14. 1st. Geo. 3d. caps. 10. and 15. 7th Geo. 3d. caps. 1 and 8. 8th Geo. 3d. cap. 12. 8th and 9th Geo. 3d. cap. 7. 11th Geo. 3d. cap. 5. 17th Geo. 3d. cap. 6. 1st. Geo. 3d. cap. 4. 25th Geo. 3d. cap. 4. 29th Geo. 3. cap. 8. 40th Geo. 3d. cap. 2 and 3.

Fences to be made of stone, &c.

Owners of trespassing cattle to pay damages.

Proprietors of fields to fence their proportion, or on their neglect.

the fence viewer to make or repair such fence; and the proprietor to pay double the cost.

XXXV. *And be it further enacted*, That every person who shall be produced, or appear as a witness on the behalf of the prisoner, upon any trial for murder or felony, before he or she be admitted to give evidence, shall first take an oath to depose the truth, in such manner as the witnesses for the King are, by law, obliged to do; and if any witness be convicted of wilful perjury in such evidence, he shall suffer all the penalties, forfeitures and disabilities which, by law, may be inflicted on persons convicted of wilful perjury.

XXXVI. *And be it further enacted*, that all indictments, process, pleadings, and trials, and the rules of evidence upon any trials for any felonies or misdemeanors, either by the common law of England, or by virtue of this Act, shall be according to the usage, practice, and laws of England.

XXXVII. And that all convictions, attainders, judgments, and executions, for any felonies or misdemeanors, before the making of this Act, shall be good and valid in law, and the same are hereby ratified and confirmed.

XXXVIII. Saving to all and every person and persons, all such advantages in law, upon any judgment that may be depending in any Court of record, at the time of making this Act, in the same manner as if this Act had not been made.

* A Receiver of stolen goods may be prosecuted as for a misdemeanor, only where the principal is not in custody and amenable for the felony. Judge Foster's 3d. disc. Of accompli. Subjoined to his report. c. 3. sect. 6. Taking rewards to help persons to stolen goods, is, by Brit. stat. 4. Geo. r. c. 11. declared to be felony, unless they cause the felon to be brought to trial.— This Act is extended to his Majesty's dominions in America.

C A P. XIV.

An ACT for preventing Trespasses.

BE it enacted by his Excellency the Governour, Council, and Assembly, and by the authority of the same it is hereby enacted, in order to regulate fences, and to prevent damages being done to the proprietors of inclosed lands by unruly cattle, that all fences belonging to any inclosed lands shall be built or made with stones, pickets, boards, or posts and rails, or log fence, unless the lands are bounded by ponds, unfordable rivers, or the sea; and such fences shall be, at least, four feet and an half high: and if any damage be done by breaking such inclosures, and destroying any of the product thereof, by horses, sheep, hogs, and neat cattle, if such inclosures shall, at the time of such damage, be inclosed by a good and sufficient fence, agreeable to this law in the judgment of the fence viewer, who is hereby appointed to view the same, the owners of such trespassing cattle, shall pay to the party injured, the value of all such damages, to be ascertained, on the appraisment thereof, by three credible persons living in the neighbourhood, being first sworn, before one of His Majesty's Justices of the Peace of the county where such lands lie, truly to value the same; and in case the owner of the said cattle or hogs, shall refuse to pay the value of such appraisment; upon notice thereof given him, the injured party may have and maintain his action therefor, before any one or more of the said Justices, or before the Inferior Court of Common Pleas, according to the value of such damage.

II. *And whereas the owners and proprietors of fields, lying and being adjoining to other inclosed fields do neglect to fence in their proportionable part of such fields; Be it enacted, by the authority aforesaid*, That the proprietor of any field, adjoining to another inclosed or improved, shall build up and maintain his part or proportion of fencing, with a good and sufficient fence of four feet and an half high, on that part of such land as is adjoining to his own; and in case he neglects so to do within the space of ten days after notice given him, it may and shall be lawful, and any one of the fence viewers, upon application being made to him in such case, is hereby impowered forthwith to cause such deficient fence to be raised or made, or otherways to repair any fence already made, if, in his judgment, the same is insufficient: and the person

son of persons that of right ought to build and maintain the same, shall pay double the costs and charges expended for the doing thereof; and in case of refusal, such fence viewers may recover the same by action on the case, according to the value in manner aforesaid. *Provided always,* that no fence viewers shall be allowed more than three shillings per day in his account, for his own trouble and time expended therein. And if any fence viewer, when notified, shall neglect his duty herein, he shall forfeit forty shillings for every offence.

III. *And be it further enacted,* That no swine shall be permitted to go at large within the streets, lanes or suburbs of Halifax: and it shall and may be lawful for the hogreaves so often as they shall find any swine going at large within the streets, lanes and suburbs of the said town, to impound them, and as soon as may be, cause the same to be publicly cried; for which he shall be paid two shillings and six pence per head, and three pence per day for supporting each swine, whilst impounded; and if the owner thereof doth not appear, or refuses, within three days, to claim the said swine, and pay the charges, that then the hogreaves are hereby authorized to sell such swine at public auction, and after deducting all charges, the overplus shall be paid to the owner when demanded.

IV. *And be it further enacted,* That the surveyors of highways by this Act appointed, shall have the care and supervisal of all the streets, lanes, and highways of the town and suburbs of Halifax, and are hereby empowered to prevent the same from being obstructed or incumbered; and they are hereby required to present all nuisances in the said streets, lanes, and highways, within the limits above-mentioned, at the next General Quarter Sessions of the Peace, which is hereby empowered to proceed against such offences according to the laws of England in such cases made and provided.

V. *And be it further enacted,* That the Committee of the General Assembly, to be appointed for that end, shall, and are hereby empowered, to nominate four suitable overseers of the poor, two persons for clerks of the market, two persons for fence viewers, two persons for hogreaves, and four persons for surveyors of highways, to serve for the town of Halifax, till the sessions of the Supreme Court, Court of Assize and General Goal delivery, to be held in October next, at which time the Grand Jury of said Court are hereby empowered to choose other meet persons to serve in their room, and so from year to year; and the said persons, so nominated or chosen, shall be sworn, to the faithful discharge of the duty of their several offices; and the person or persons who shall refuse to serve in the said offices, to which they are respectively nominated or chosen as aforesaid, shall forfeit and pay the sum of forty shillings each, and the said Committee or Grand Jury are hereby authorized to nominate or choose other persons to serve in their stead.

Hogreaves to take up swine, going about the streets and impound and cry them

To be sold if not owned in 3 days

Surveyors of highways to have the care of the streets &c. at Halifax

N. B. The part of this clause which obliges the proprietors to repair the street in front of their land is not reprinted, not being now in force.

Town officers to be appointed by a committee of the General Assembly; to serve to next Supreme Court, when the Grand Jury shall appoint others, and so on annually

Persons refusing to serve forfeit 40s.

C. A. P. XV.

An ACT for making Lands and Tenements liable to the Payment of Debts.

BE it enacted by his Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, That from and after the publication hereof, when any person or persons shall recover judgment in any of his Majesty's Courts of Record within this Province, for any sum or sums of money, or for costs of suit, and the person or persons against whom judgment shall be recovered, shall be either unwilling or unable to satisfy such judgment by money or otherwise, or sufficient Personal Estate, whereon to levy Execution on such judgment, shall not be found, then, and in such case, execution shall and may

Acts which alter or amend this Act.

Act, 32d. Geo. 2d. cap. 11. sec. 19, 34th Geo. 2d. cap. 5. 3d. and 4th Geo. 3d. cap. 5. sec. 7. 3d. and 4th Geo. 3d. cap. 8. 13th and 14th Geo. 3d. cap. 4.

Execution upon judgments, to be

may

levied on personal estate, and if in sufficient then on real estate of the debtor by appraisers to be appointed by the creditor, debtor, and Provost Marshal

and sworn to appraise such real estate as shall be shewn them

Execution to extend on rents only, (if sufficient to satisfy debt and costs, &c.)

Rents to be paid to the creditor till satisfied

If rents are not sufficient

Execution to be levied on part of the real estate, if convenient, if not, then on the whole,

and possession thereof delivered to the creditor

Appraisers to make & subscribe an appraisement, to be annexed to the execution, & returned to the clerk of the court

Provost Marshal to execute a deed of the premises to the creditor

subject to an equity of redemption

may be extended on the real estate of such debtor or debtors; and the Provost Marshal or his deputy, upon request to either of them made by the creditor or creditors, his or their attorney or agent, shall give notice in writing to the debtor or debtors, or in their absence to their attorney or agent, to nominate an appraiser, and the creditor or creditors shall have like notice to nominate another on their behalf, and the said Provost Marshal or his deputy shall name a third, being all discreet indifferent men and freeholders; and in case such debtor or creditor or either of their agents or attorneys shall, for the space of three days after such notice refuse or neglect to nominate an appraiser on their respective behalfs, or in case such debtor or debtors, shall be absent from the Province, and have no known attorney or agent, then and in such case the Provost Marshal or his deputy shall and may nominate an appraiser for such debtor or creditor respectively: And the Provost Marshal or his deputy shall cause the said appraisers, so nominated, to be sworn before some of his Majesty's justices of the peace, faithfully and impartially to the best of their skill and knowledge, to appraise such real estate as shall be shewn to them. And the said appraisers, with the Provost Marshal or his deputy, shall forthwith repair to the lands or tenements of such debtor, and view and examine the state and condition thereof, and if upon such view and examination, the said appraisers, or any two of them, shall judge that the annual rent of such lands or tenements, will be sufficient to pay such debt, costs, and lawful interest for the same, together with the necessary repairs, within two years, then the Provost Marshal or his deputy shall extend the said execution on the rents only, and cause the person or persons in possession, whether debtor or debtors, or their tenant or tenants, to attorn and become tenant to such creditor or creditors, and shall pay rent quarterly to such creditor or creditors, who may distrain for the same, if in arrear, according to the laws of Great-Britain; and the person in possession, refusing or neglecting to pay such rent, when due, may be removed from such lands or tenements by the Provost Marshal or his deputy. And the creditor or creditors shall and may hold over and receive the rents of such lands or tenements, until such judgment, cost and interest, shall be fully satisfied and paid.

II. *And be it further enacted*, That if upon such view and examination as aforesaid, the said appraisers or the major part of them, shall be of opinion that the yearly rents of the lands or tenements of such debtor or debtors are not sufficient to satisfy such debt with cost and interest, together with the charge of needful repairs within the space of two years, then the said execution shall and may be levied on part of such estate, if in the judgment of the said three appraisers it can conveniently be done; but if not, then on the whole of the lands or tenements of the said debtor or debtors. And the Provost Marshal or his deputy shall immediately deliver seizin and possession thereof to such creditor or creditors, and cause the person or persons in possession or improvement thereof, to attorn and become tenants to such creditor or creditors in manner aforesaid, and pay their rent to him or them accordingly. And such person or persons, so in possession, shall be subject to be removed, and be under such rules and regulations as are herein before prescribed.

III. *And be it further enacted*, That in all cases where an appraisement as herein before directed, shall be made, whether the same be of lands or tenements, in part or in whole, or of the rents thereof only; the appraisers shall make and subscribe a true and impartial appraisement thereof, which said appraisement being annexed to the execution, and duly returned by the Provost Marshal or his deputy, and filed and recorded therewith by the clerk of the court from whence the same issued, in a book to be kept by him for that purpose, and the Provost Marshal or other officer serving such execution, shall immediately execute a deed of sale of such lands or tenements, to such creditor or creditors, in consideration of the value found by such appraisers, to be therein mentioned, who, by virtue thereof, or of said return, shall make a good title to such creditor or creditors, his or their heirs or assigns in fee. Subject nevertheless

nevertheless to an equity of redemption, as is herein after prescribed ; and any clerk refusing or neglecting his duty herein, shall forfeit the sum of five pounds, to be recovered by action of debt by the party grieved.

Clerk neglecting his duty, forfeits 5*l*.

IV. *Provided always, and it is hereby further enacted,* That it shall and may be lawful for any debtor or debtors, whose estate is taken in execution, or their heirs, executors, administrators or assigns, at any time, within the space of two years next following the levying such execution thereon, to redeem his or their lands or tenements so extended, and may have his action of account against the creditor or creditors or their assigns, in manner as is provided by law: and upon paying the original debt, with cost and interest, and the charges of such necessary repairs, as the creditor or creditors or their assigns have been obliged to expend, provided that they do not exceed one half of the rents, which the creditor or assigns, if he or they see cause, are hereby allowed to expend and lay out; and as much more as the debtor shall consent to, (who is hereby obliged to accept the same) such creditor or creditors or their assigns shall immediately surrender all such estate to the debtor or debtors, their heirs, executors, administrators, or assigns; and deliver up quiet and peaceable possession thereof.

Debtors may redeem their lands, &c. in two years.

and bring action of account against the creditor for the rents

V. *And be it further enacted,* That when any estate shall be found by the appraisers, to be of greater value than the debt and cost, the creditor or creditors shall be obliged, at the expiration of thirty days next after the end of the said two years, (if not sooner redeemed) to give public notice by advertisement, that the lands or tenements, so extended, are to be sold at public auction by the Provost Marshal or his deputy, who are hereby impowered to sell the same, and to execute to the person or persons purchasing the same, a deed thereof as of a *fee simple*, which deed being registered as by law required, shall be good and valid in the law ; but in the mean time and until such sale shall be made, the equity of redemption of such lands or tenements, shall be open in favour of such debtor or debtors, their heirs, executors, administrators, or assigns, to recover the same ; and if, upon such sale, the said lands or tenements do sell for more than the original debt, cost, charges, and interest, the creditor or creditors or their attorney or agent or assigns, shall pay the overplus into the hands of the debtor or debtors, or their heirs, executors, administrators, or assigns, the said creditor or creditors accounting to such debtor or debtors, for all rents and profits, first deducting for all necessary repairs : but if the said lands or tenements do sell for less than the debt, cost, charges and interest, then the creditor or creditors, or their heirs or assigns, in such case, shall and may have an *alias* execution against the debtor for the residue.

Estates appraised at a greater value than the debt and costs, to be sold at public auction, after thirty days from the expiration of the two years, if not sooner redeemed.

If sold for more than the debt and costs, &c. the creditor to pay the debtor the surplus, and account for the rents and profits.

If sold for less the creditor to have an *alias* execution.

VI. *And be it further enacted,* That when the real estate of the debtor upon appraisement, or when the yearly rent of the lands or tenements extended upon, at the end of the said two years, shall be found insufficient to satisfy the judgment, with cost, charges, interest, and needful repairs ; that in either case, an *alias* execution may issue on the said judgment for the remainder, and be levied on such other effects or estate as can be found of the debtor, or his body may be taken and detained until satisfaction be made of such judgment, with cost, charges, and interest ; any law, usage, or custom, to the contrary notwithstanding.

If the real estate is insufficient, &c. execution to be levied on other effects or the body.

VII. *Provided,* That nothing herein contained shall extend or be construed to extend to the detaining in prison any poor insolvent debtor, contrary to the law of this Province in that case made and provided*.

Not to extend to insolvent debtors.

* The law here referred to, expired, and was re-enacted by 3d. Geo. 3d. c. 2d. feis. By Brit. stat. 5. Geo. 3. c. 7. lands and tenements in the plantations, shall be assets for payment of all debts, as real estates are in England for debts due by bond.

This Act is repealed by the Act of 39th Geo 3d. cap. 1. sec. 15.

CAP. XVI.

An ACT for preventing frauds by Butchers and Fishmongers.

Acts in addition to or amendment of this Act, 1st. Geo. 3d. caps. 4 and 7. 22d. Geo. 3. cap. 3. 33d. Geo. 3d. cap. 5. 35th Geo 3. cap. 2.

No marriage to be solemnized without licence, or notice thrice given in some congregation on penalty of forfeiting sol. by the person officiating

Clergyman refusing to make publication forfeits sol.

and liable to an action for damages The like penalty for refusing to marry

Polygamy to be felony, Eng. stat. 1 Ja. 1. c. 11 Not to extend to marriages declared void by the Governor and Council, nor to work corruption of blood, &c.

All matters relating to prohibited marriages, &c. to be determined by the Governor and Council Causes of Divorce

CAP. XVII.

An ACT, concerning Marriages, and Divorce, and for punishing Incest and Adultery, and declaring Polygamy to be Felony.

BE it enacted by His Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That any person presuming to officiate in solemnizing any marriage, before notice of the parties intention of marriage shall be publicly given, on three several Sundays, or holy days, in time of divine service, in some congregation within the town or towns, where each of the parties do reside, or for which marriage licence shall not have been obtained, under the hand of the Governor or Commander in Chief of the Province for the time being, shall forfeit and pay to the use of His Majesty's government, fifty pounds, to be recovered by bill, plaint, or information in any of the Courts of Record within this province.

II. And be it further enacted, That if any clergyman, officiating as such, in any congregation in the town or towns, where the parties reside, shall neglect or refuse to make, or cause to be made, such publication, when thereunto reasonably requested, he shall forfeit the sum of fifty pounds, to be recovered in manner aforesaid: and be subject nevertheless to an action of damages, to be brought by any of the parties aggrieved.

III. And be it further enacted, That if any clergyman shall refuse to marry any persons requesting him thereto, and making known to him that they have been duly published, or have obtained a licence as aforesaid, he shall forfeit the sum of fifty pounds, to be recovered in manner aforesaid, and be subject to the like action of damages. (a)

IV. And be it further enacted, That if any person, being married, do marry again, the former husband or wife being alive, such offence shall be felony (b.)

V. Provided nevertheless, That the foregoing clause of this Act shall not extend to any person whose former marriage has been declared void, or who has obtained a divorce by any sentence had before the Governor and Council (c); nor shall any attainer for this offence work any corruption of blood, loss of dower, or disinherison of heirs.

VI. And be it further enacted, That all matters relating to prohibited marriages and divorce shall be heard and determined by the Governor, or Commander in Chief for the time being, and His Majesty's Council of this Province.

VII. And be it further enacted, That no marriage shall be declared null and void, except for the cause of impotence, or of kindred within the degrees prohibited in an Act made in the thirty second year of King Henry the eighth, entitled, An Act concerning precontracts and touching degrees of consanguinity; and that no decree for divorce shall be granted for any other than the two foregoing and the two following causes, viz. that of adultery, and that

(a) The preceding restrictions and penalties so far as they relate to persons in holy orders, are repealed, and offences of this nature by them, are remitted to the injunctions of the Canons, by 32 Geo. II, c. 2, sec. 8, 2 session

(b) 3 Inst. 88, 89, Kel. 80, 1 Hale's Hist. P. C. 692-694; 1 Hawk. P. C. c. 43, pa. 110. The offender, gaunt-Eng. Stat. 4 Ja. 1. c. 1, may have the benefit of his clergy, 3 Inst. 89, though the Statute says he shall suffer the pains of death, Kelyng 104. For the privilege of clergy cannot be excluded without express words

(c) The Divorce must mean Mensa & Thoro, since a divorce a vinculo Matrimonii required no aid from a Proviso. 1 Hale's Hist. P. C. pa. 694, Kel. 27, Thomas M. Cotton's case

Q. Whether it excepts Divorces Causa Levitica. Forters Case, Cro. Car. 463 Though the second marriage is merely void yet the offenders declared a felony by the Statute 1 Ja. 1. c. 11

that of wilful desertion, and withholding necessary maintenance for three years together (d); in any of which cases every person suing for a divorce, shall be entitled to a decree for that purpose, to be obtained from the Governor or Commander in Chief for the time being, and His Majesty's Council, who shall have full power and authority to grant the same.

VIII. And be it further enacted, by the authority aforesaid, That every man and woman who shall carnally know each other, being within the degrees of kindred forbidden in the aforesaid act, and shall be convicted thereof before His Majesty's Supreme Court of Judicature, Court of Assize and General Goal Delivery, or Court of General Quarter Sessions of the Peace, shall be set in the pillory for the space of one hour, and further shall forfeit the sum of fifty pounds, to the use of His Majesty's Government, or suffer six months imprisonment.

IX. And be it further enacted, That every person who shall commit adultery, and shall be thereof convicted before any of His Majesty's Courts aforesaid, shall forfeit to the use aforesaid the sum of fifty pounds, or suffer six months imprisonment, and to be subject nevertheless to an action of damages, by any of the parties aggrieved.

This clause is altered by 1 Geo. 3. c. 7. and the power of divorcing for wilful desertion, &c. is by that Act repealed
Persons within the degrees of kindred forbidden, who shall carnally know each other, to be set on the pillory and forfeit 50l. or suffer 6 months imprisonment
Persons committing adultery to forfeit 50l. or suffer six months imprisonment, and liable to an action for damages

CAP. XVIII.

An ACT for preventing Frauds and Perjuries.

BE it enacted by his Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, That from and after the first day of May in this present year, one thousand seven hundred and fifty nine, all leases, estates, interests of freeholds, or terms of years, or an uncertain interest of, in, or out of any messuages, lands, tenements, or hereditaments, made or created by livery and seisin only, or by parol, and not put in writing and signed by the parties so making or creating the same, or their agents thereunto lawfully authorized by writing, shall have the force and effect of leases, or estates at will only, and shall not, either in law or equity, be deemed or taken to have any other or greater force or effect, any consideration for making any such parol, leases or estates, or any former law or usage to the contrary notwithstanding.

Eng. Stat. 29. Car. 2. c. 3. sec. 1-4
After the 1st May 1759, leases, &c. by livery and seisin only or by parol and not put in writing

to have the force of leases or estates at will only

II. Except nevertheless, All leases not exceeding the term of three years from the making thereof, whereupon the rent reserved to the landlord, during such term, shall amount unto two third parts at least, of the full improved value of the thing demised.

Except leases not exceeding the term of 3 years

III. And be it also enacted, That no leases, estates or interests, either of freehold, or term of years, or any uncertain interest of, in, to or out of any messuage, lands, tenements or hereditaments, shall, at any time after the said first day of May, be assigned, granted or surrendered, unless it be by deed or note in writing, signed by the party so assigning, granting or surrendering the same, or their agent thereunto lawfully authorized by writing, or by act and operation of law.

No leases, &c. to be assigned, unless by deed or note in writing, signed by the party or by act of law

IV. And be it further enacted, That from and after the said first day of May, no action shall be brought whereby to charge any executor or administrator upon any special promise, to answer damages out of his own estate, or whereby to charge the defendant upon any special promise, to answer for the debt, default or miscarriages of another person, or to charge any person upon any agreement made upon consideration of marriage, or upon any contract or sale of lands, tenements, or hereditaments, or any interest in, or concerning them, or upon any agreement that is not to be performed within the space of one year from the making thereof,

No action to be brought whereby to charge any person to answer for the debt, &c. of another

E

unless unless upon

(d) Marriage de facto, or voidable for precontract. &c. is in judgment of law a marriage till avoided, and within Eng. Stat. 2. c. 21. 3. Inf. 38.

agreement, &c. in writing, signed by the party so charged.

Eng. stat. 29. Car. 2. c. 3. sec. 7—11 No contract allowed for goods, &c. unless earnest is given or memorandum in writing.

Eng. stat. 29. Car. 2. c. 3. s. 7. Declarations of trusts, &c. to be proved by writing or last will of the party

Exception as to conveyances of lands, &c. where a trust might arise

Grants and trusts to be in writing or by last will of the party

Sheriff &c. to execute writs and to do execution of all such lands, &c.

Heir chargeable with the obligation of his ancestor

but not out of his own estate.

Eng. stat. 29. Car. 2. c. 3. sec. 12. estate pur autre vie deviseable by will, If no devise, to be chargeable in the hands of the heir; as affects by descent; if no special occu-

unless the agreement, upon which such action shall be brought, or some memorandum or note thereof, shall be in writing, and signed by the party to be charged therewith, or some other person thereunto by him lawfully authorized (a).

V. And be it further enacted, that no contract for the sale of any goods, wares and merchandizes for the price of ten pounds or upwards, shall be allowed to be good, except the buyer accepts part of the goods so sold, or actually receive the same, or give something in earnest to bind the bargain or in part of payment, or that some note or memorandum in writing of the said bargain be made and signed by the parties to be charged by such contract, or by their agents thereunto lawfully authorized (b).

VI. And be it further enacted, That from and after the said first day of May, all declarations or creations of trusts or confidences of any lands, tenements or hereditaments, shall be manifested and proved by some writing signed by the party who is, by law, enabled to declare such trust, or by his last will in writing, or else they shall be utterly void and of none effect.

VII. Provided always, That where any conveyance shall be made of any lands or tenements, by which a trust or confidence shall or may arise or result by the implication or construction of law, or be transferred or extinguished by an act or operation of law, then and in every such case, such trust or confidence shall be of the like force and effect, as the same would have been, if this Act had not been made; any thing herein before contained to the contrary notwithstanding (c).

VIII. And be it further enacted, That all grants and assignments of any trust or confidence, shall likewise be in writing, signed by the party granting or assigning the same, or by such last will or devise, or else shall be utterly void and of none effect.

IX. And be it further enacted, That it shall and may be lawful for every Sheriff or other officer, to whom any precept or writ shall be directed, upon any judgment or recognizance, to do execution of all such lands, tenements and hereditaments, as any other persons be seized or possessed of in trust for him against whom execution is sued, as if the party against whom execution shall be sued, had been seized of such lands, tenements and hereditaments, of such estate as they be seized of in trust for him at the time of the execution sued, which lands, tenements and hereditaments, shall be accordingly held, freed from all incumbrances of such persons seized or possessed in trust.

X. And if any *cestui que Trust*, shall die leaving a trust in fee simple to descend to his heirs, such trust shall be assets by descent, and the heir shall be chargeable with the obligation of his ancestor, as if the estate in law had descended to him. Provided that no heir, who shall be chargeable by reason of any estate or trust made assets by this law, shall by reason of any plea, confession of the action, or suffering judgment by *nient de dire*, or other matter, be chargeable to pay the condemnation out of his own estate; but execution shall be sued of the whole estate so made assets, in whose hands soever it shall come after the writ purchased, in the same manner as by the common law, where the heir pleading a true plea, judgment is prayed against him thereupon.

XI. And be it further enacted, That any estate *pur autre vie*, shall be deviseable by a will in writing signed by the party devising the same, or by some other person in his presence and by his express direction, attested and subscribed in the presence of the devisor by three or more witnesses; and if no such devise thereof shall be made, the same shall be chargeable in the hands of the heir, if it shall come to him by reason of a special occupancy; as assets by descent, as in case of lands in fee simple; and in case there be no special occupant thereof, it shall go to the executors or administrators of the party that had the estate thereof by virtue of the grant and

(a) 1 Vern. 151. Hollis versus Whiting. Cases under particular distinctions determined to be out of the Statute of Frauds; Equity Cases abridged, Fo. 19, 20.
(b) 2. Chanc. Cases. 135. Leak versus Morrice.
(c) 2. Vent. 361. 1. Vern. 366.

revised 1840

and shall be affets in their hands, and shall be subject to the payment of legacies, and be distributable, after payment of debts, in the same manner as other estates of intestate persons are distributable by the laws of this province.

pant, to go to ex-
ecutors, and to be
distributable as
intestate estates

XII. *And be it further enacted,* That the first Judge on the bench in any of His Majesty's Courts, shall sign every judgment without fee, and set down the day of the month and year of his so doing, upon the paper or docket which he shall sign; which day of the month and year, shall be also entered upon the margin of the record, where the said judgment shall be entered.

Eng. Stat. 29. Car.
2. c. 3. sec. 14. 15.
First Judge on the
bench to sign
judgment with-
out fee,

XIII. And such judgments as against purchasers *bona fide* for valuable considerations of lands to be charged thereby, shall, in construction of law, be judgments only from such times as they shall be so signed, and shall not relate to the first day of the term whereof they are entered, or to the day of the return of the original or filing the bail.

which shall be
deemed a judg-
ment from such
time only

XIV. *And be it also enacted,* That no satisfaction shall, at any time, be entered on the record of any judgment, upon the motion of any attorney, except the said attorney shall prove his warrant for acknowledging such satisfaction, by affidavit of one credible witness in writing, to be filed in the office where such judgment is entered.

No satisfaction of
judgment to be
entered on record
unless warrant
proved by affida-
vit of one wit-
ness.

XV. *And be it further enacted,* That no writ of execution shall bind the property of the goods of the party, against whom such writ of execution is sued forth, but from the time such writ shall be delivered to the Sheriff, Under-Sheriff or Coroner, to be executed; and the Sheriff, Under-Sheriff and Coroners, shall, upon the receipt of any such writ, without fee, indorse thereon the day of the month and year whereon they received the same.

Eng. Stat. 29.
Car. 2. c. 3. Sect.
16.
No execution to
bind the pro-
perty of goods,
but from the
time that it is
delivered to the
Sheriff.

Construction of Stat. of Frauds respecting Wills of Real Estates, vide Equity Cases abridged, Tit. Will and Testaments, Letter A.
The clauses of the Eng. Stat. 29. Car. 2. c. 3. sec. 5, 6, and 19-25, are enacted by Prov. Law, 32. Geo. 2. c. 11. relating to Wills and Testaments, &c.

C A P. XIX.

An ACT to provide for the support of Bastard Children, and the punishment of the Mother and reputed Father.

BE it enacted, by his Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, That from and after the twenty-fifth day of March, instant, if any woman shall be delivered of a bastard child, which shall be chargeable or likely to be chargeable to the Province, she having declared to the midwife, or other persons assisting her at the time of delivery, who the father of such child was, and shall have at some time before, declared herself to be with child, and that such child is likely to be born a bastard, and to be chargeable to any place within the Province, and shall in either of such cases, upon examination to be taken in writing upon oath, before one Justice of the Peace, near where such place shall lie, charge any person with having gotten her with child; it shall and may be lawful for such Justice, upon application made to him by the Overseers of the Poor of such place, or any one of them, or some substantial householder of such place, to issue out his warrant to apprehend such person so charged as aforesaid, and to bring him before him or some other of His Majesty's Justices, and to commit such person to goal or the house of correction, unless he give security to indemnify such place from the supporting or maintaining such child or children, and shall enter into recognizance with sufficient security for his appearance at next Quarter Sessions, where he shall be continued on recognizance till the woman is delivered of such child or children, *Provided*, that if such woman shall die or be married before she be delivered or miscarry of such child or children, or shall appear not to have been with child at the

Eng. Stat. 18.
Liz. c. 3. 7. Ja.
1. c. 4. Sect. 7. 13
& 14. Car. 2.
c. 12. Sect. 19. 5.
Geo. 2. c. 31.

If a woman be
with child of a
bastard likely to
be chargeable to
any place within
the province,
the father to be
bound by one jus-
tice, with sureties
to indemnify
such place,

and to appear at
next sessions, and
to be continued
till the woman be
delivered:

time

time of her examination, such person shall be discharged from his recognizance at the next Sessions, or immediately released out of custody, if committed.

Order to be made by two Justices for the relief of any place, and that the mother or reputed father shall find security that such child shall not be burthenfome, or pay 20l.

II. And be it further enacted, That any two Justices of the Peace near the place where any bastard child shall be born, upon complaint made, by the Overseers of the Poor or any one of them, or of some substantial householder, upon due examination of the cause and circumstances, shall and may by their discretion make an order for the relief of such place, or children, and for keeping such bastard child, and that said mother or reputed father of such child or children, shall find sufficient security that such child shall not become burthenfome or chargeable to any place in said Province, or pay the sum of twenty pounds, which shall be paid into the hands of the Overseers of the Poor, for the support of such child or children, or other town uses. And if, after the said order made by said Justices, and by them subscribed and directed to the Overseers of the Poor, any of said Persons, viz. either the father or mother, upon notice thereof, shall not for his or her part observe and perform said order, then such party, making default, to be committed to goal or house of correction for the space of six months, except he or they shall give sufficient security to perform said order, or else personally appear at the next Quarter Sessions and abide by such order as shall be made at said Sessions in that behalf, and if no order shall be made at said Sessions, then to abide by the first order.

on failure to be committed for six months.

Woman accusing a man wrongfully, to be sent to the house of correction for six months.

III. And it is hereby further enacted, That in case any woman shall accuse or charge any man with having gotten her with child, though the woman be not with child, or that the child be not really his, but appears to be only a contrivance to defame the person or cheat him of his money, that in such case the said woman shall be sent to the house of correction, there to be whipped and remain for the space of six months.

Appeal to the next sessions, upon security given.

IV. Provided nevertheless, That if any person shall think himself wrongfully charged, or if the person charging him be a woman of ill fame or a common whore, in such cases, upon giving security to abide the judgment of the Court, he may appeal from the order of the Justices, to the next Sessions, when the whole cause may be heard and tried by such Court and the verdict of a Jury.

1. Stra. 503. 612. 2 Stra. 716, 1030.

C A P. XX.

An ACT for punishing Criminal Offenders.

Amendments or additions to this Act, 11 Geo. 3. cap. 1. 10th Geo. 3d. cap. 6. 14th and 15th Geo. 3. cap. 10. See also so far as respects forgery and perjury. 32d. Geo. 2d. cap. 2. sec. 12.

Blasphemy

BE it enacted by his Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, That if any person shall presume wilfully to blaspheme the holy name of GOD, Father, Son, or Holy Ghost, or to deny, curse, or reproach the true GOD, his creation or government of the world, or to deny, curse, or reproach the holy word of GOD, that is, the canonical scriptures in the books of the old and new testament; every such offender, being thereof duly convicted at the Court of Assize and General Goal Delivery, or Sessions of the Peace, shall be set twice in the pillory, for the space of one hour each time, or be imprisoned for three months, at the discretion of the Court where such offender shall be convicted, (a.)

Prophanely swearing or cursing. Eng. Stat. 19 Geo 2. c. 31.

II. And be it further enacted, That if any person shall prophanely swear or curse in the presence or hearing of any Justice of the Peace, or shall be thereof convicted by the oath of one credible witness, or by the confession of the party, before any Justice of the Peace, every person offending shall forfeit to the use of the poor of the town where such offence shall be committed.

(a) Vide the Disabilities and punishment for blasphemy, by Eng. Stat. 9 and 10, Will. 3. c. 32. 1. Strange 416. Rex versus Hall. 2 Strange 834. Rex versus Woolton. Fitz Gibbons reports, S.C. 1 Vent. 293. Taylor's case. 3 Keb. 607, 621.

mitted, for the first offence, two shillings, and in case such person shall, after conviction, offend a second time, such person shall forfeit double, and if a third time, treble the sum to be paid for the first offence; and upon neglect of payment, the Justice shall issue his warrant to a Constable, commanding him to levy the said forfeitures by distress and sale of the goods of such offender, and the forfeiture, when paid or levied, shall be delivered to the Overseers of the Poor, for the use of the Poor as aforesaid; and in case no distress can be had, such offender being above the age of sixteen years, shall by warrant of the Justice, be set in the public stocks for one hour for every single offence, and for any number of offences whereof he shall be convicted at one time, two hours; and if the party offending be under the age of sixteen years, and shall not pay the forfeitures, he shall, by warrant of the Justice, be whipped by the Constable, or by the Parent, Guardian, or Master of such offender, in presence of the Constable; *provided always*, that every such offence be proved or prosecuted within ten days after the offence committed.

III. *And be it further enacted*, That every person who shall by view of any Justice of the Peace, or confession of the party, or oath of one credible witness before any such Justice, be convicted of drunkenness, shall forfeit and pay for the use of the poor of the town where such offence is committed, the sum of five shillings, to be levied, on neglect or refusal to pay the same, by warrant of distress and sale of the offender's goods, and the said sum, when paid or levied, shall be delivered to the Overseers of the Poor for the use of the Poor as aforesaid, and for want of such distress, such offender shall be set in the stocks for any time not exceeding three hours, at the discretion of the Justice or Justices before whom such offender shall be convicted: and upon a second conviction of drunkenness in like manner as aforesaid, every such offender shall, over and above the penalty aforesaid, be bound with two sureties, in the sum of ten pounds, with condition for the good behaviour, and for want of such sureties, such offender shall be committed to the common goal until he shall find the same; *provided*, That every such offence be proved or prosecuted within ten days after the offence committed.

Drunkenness
Eng. Stat. 4. Ja. 1.
c. 5. & 21. Ja. 1.
c. 7

IV. *And be it further enacted*, That the Justices of the Peace shall register all the convictions made before them, of such prophane swearing, cursing, or drunkenness, and shall certify the same to the next Quarter Sessions, to be kept upon record by the clerks of the peace, to be seen without fee.

Justice to register
Convictions

V. *And be it also enacted*, That if any action shall be brought against any Justice of the Peace, or officer, for any proceedings on the said offences in pursuance of this Act, the defendant may plead the general issue, and give the special matter in evidence, and if the plaintiff shall be non-suit, or a verdict shall be found for the defendant, such defendant shall have treble costs.

Justice, if sued,
to plead the general
issue

VI. *And be it further enacted*, That every person duly convicted at the Court of General Goal Delivery, or Quarter Sessions, of counterfeiting (*b*) or impairing (*c*), diminishing or imbasing any foreign coins, current in the province, by washing, clipping, (*d*) rounding, filing, or scaling of the same, or of uttering (*e*) any counterfeited or impaired coin, knowing the same to be so counterfeited or impaired, shall be set in the pillory, by the space of one whole hour, and one of the ears of such offender shall be nailed thereto, and such offender shall also be publicly whipped through the streets of the town where such offence shall be committed, and shall pay all charges of the prosecution (*f*).

Counterfeiting,
&c foreign coin
current in the
province

VII.

(b) By Eng. Stat. 1. Mar. Stat. 2. c. 6. Sect. 2. counterfeiting foreign coin current in England is adjudged Treason. By Eng. Stat. 14. Eliz. c. 3. counterfeiting foreign coin not current, Misprision of Treason.

(c) By Eng. Stat. 13. Eliz. c. 1. sec. 1. impairing, &c. foreign coin current by proclamation in the Realm or Queen's Dominions Treason.

(d) Clipping, &c. English Coin or Foreign Coin current in England, or the Queen's Dominions, is declared to be Treason by Eng. Stat. 5. Eliz. c. 11. sect. 2.

(e) Evidence respecting utterance of counterfeit money. Vide Eng. Stat. 15. Geo. 2. c. 28. & 8 and 9. Will. 5. c. 26, sect. 6.

(f) No Foreign coin is now current that is legitimated, and most probably none will, so that on the English Statutes there can be no prosecutions, till some species of foreign coin is legitimated. Judge Foster's first discourse of High Treason, c. 3. sec. 3.

Eng. Stat. 6 & 7.
Will. 3. c. 17.
sec. 4.
Buying, clip-
pings, &c.

VII. *And be it further enacted*, That every person convicted as aforesaid, of buying or receiving any clippings, scalings, or filings of money, shall forfeit the sum of twenty pounds, one moiety thereof for the support of His Majesty's Government in this province, and the other moiety to him or them who shall inform and sue for the same, and also be imprisoned for the space of three months.

Forgery
Eng. Stat. 5. Eliz.
c. 14. 2 Stra. 901.
Rex. *versus* Ja-
phet Croke

VIII. *And be it further enacted*, That if any person shall forge or counterfeit, or procure to be forged or counterfeit, or willingly assist in the forging or counterfeiting, any deed or writing sealed, or last will or testament, or shall publish or shew forth in evidence, any such forged or counterfeit deed, writing sealed, or last will or testament, as true, knowing the same to be false; or if any person shall forge or counterfeit, or procure to be forged or counterfeited, or willingly assist in the forging or counterfeiting any bond, writing obligatory, bill of exchange, promissory note for the payment of money, or any endorsement or assignment of any bill of exchange, or such promissory note for payment of money, or any acquittance or receipt either for money or goods, or any discharge of any action, account, debt, demand, or any personal thing, with intention to defraud any person, or shall utter or publish as true, any forged or counterfeited bond, writing obligatory, bill of exchange, or such promissory note for the payment of money, or such acquittance, receipt or discharge, with intention to defraud any person, knowing the same to be forged or counterfeited; every such person being thereof convicted at the Court of Assize and General Goal Delivery, or Sessions of the Peace shall be set in the pillory, and there have one of his ears cut off, and shall also suffer imprisonment for the space of one year without bail or mainprize; and the party grieved shall recover his double costs and damages, to be assessed in the court where such conviction shall be:

Pillory, &c.

Not to extend to
Judge of Probate
&c.

Provided always, and it is hereby enacted, that this Act, nor any thing herein contained shall not extend to charge any judge of probate, or any register, for any of the offences aforesaid, for putting their seal of office to any will to be exhibited to them, not knowing the same to be forged or counterfeited, or for writing of the said will or probate of the same, nor to any other person or persons that shall shew forth or give in evidence, any false or forged writing for true or good, being not party or privy to the forging of the same, not knowing the same to be false or forged (g).

Perjury.
Eng. Stat. 5. E-
liz. c. 9. 2. Stra.
921. Rex *versus*
Philips

Penalty 20l.
and six months
imprisonment

IX. *And be it further enacted*, That if any person or persons, either by the subornation, unlawful procurement, sinister persuasion or means of any other, or by their own act, consent, or agreement, shall wilfully or corruptly commit perjury, by his, her or their deposition in any Court of Record, or being examined *ad perpetuam rei memoriam*, every person so offending, and being thereof duly convicted, shall forfeit twenty pounds, the one moiety thereof for the support of this His Majesty's government, and the other moiety to such person or persons as shall be grieved by reason of the offence, that shall sue for the same by any action of debt, bill, plaint, or information in any court of record; and shall also be imprisoned by the space of six months without bail or mainprize. And the oath of such person or persons shall not be received in any court of record, until such time as the judgment given against the said person or persons shall be reversed, and upon every such reversal, the parties aggrieved shall recover their damages against such person or persons, as did procure the said judgment so reversed to be given against them or any of them, by his, her, or their action upon the case, according to the course of the common law (h).

or pillory

X. And if the said offender or offenders shall not have any goods or chattels to the value of twenty pounds, then he, she, or they shall be set on the pillory, by the space of one whole hour, and both his ears shall be nailed to the pillory, and from thenceforth such offender shall

(g) 1 Hawk. P. C. c. 70. sect. 12-27.
(h) 1 Hawk. P. C. c. 69. sect. 17-23.

shall be discredited and disabled for ever to be sworn in any Court of Record, until such time as the judgment shall be reversed.

XI. *And be it further enacted*, That every person and persons who shall unlawfully and corruptly procure any witness or witnesses, by letters, rewards, promises, or by any other sinister and unlawful labour or means whatsoever, to commit any wilful and corrupt perjury in any matter or cause whatsoever, depending or that shall depend in suit and variance by any writ, action, bill, complaint or information in any Court of Record, or to testify *in perpetuam rei memoriam*; every such offender, being thereof duly convicted, shall suffer the like pains, penalties, forfeitures, and disabilities in all respects, as are hereby directed for the like offences; and the said forfeiture to be recovered and applied in manner as aforesaid.

Procuring witnesses to commit wilful perjury.
Eng. stat. 5. Eliz. c. 9.

XII. *And be it further enacted*, That as well the Judges of the said Courts, where such perjury shall be committed, as also the Justices of Assize and Gaol delivery, and the Justices of the Peace at their Quarter Sessions, shall have power to enquire of all the said offences of wilful perjury, and subornation of perjury, and thereupon to give judgment, award process and execution of the same.

Judges empowered to enquire of such offences

XIII. *Provided*, That the authority of any Judge, having absolute power to punish perjury before the making this Act, shall not be restrained, but that they may proceed in the punishment of the same, in such wise as they might have, and used to do, so that they set not upon such offenders, less punishment than is before directed.

Authority of Judges before this Act, not to be restrained

XIV. *And be it further enacted*, That if any person or persons shall falsely and deceitfully obtain or get into his, her, or their hands or possession, any money, goods, chattels, jewels or other things of any other person or persons, by colour and means of any privy false token, or counterfeit letter made in another man's name, to a special friend or acquaintance, for the obtaining of money, goods, chattels, jewels or other things, and shall be thereof convicted in any Court of Oyer and Terminer, Court of Assize and General Goal Delivery, or Quarter Sessions of the Peace, every such offender shall suffer such punishment by imprisonment, setting upon the pillory, public whipping, or hard labour in the house of correction, as such court where the offender shall be convicted, shall in their discretion adjudge (1).

False tokens
Eng. stat. 33.
Hen. 8. c. 1. 30
Geo. 2. c. 24

Pillory

XV. *And be it further enacted*, That if any person or persons, above the age of fourteen years, shall be convicted by confession, or by the oath of one credible witness, before any Justice of the Peace, of making or publishing any lye, libel, or scandalous report, tending to the defamation or damage of any person, or shall, with intent to abuse and deceive others, invent or spread any false news; every such offender shall be fined at the discretion of such Justice, in any sum, not exceeding five pounds, to be paid to the overseers of the poor, for the use of the poor of the town where the offence shall be committed, and shall be bound in a recognizance, with two sureties, for the good behaviour, during such time as the Justice shall think meet; and upon the neglect or refusal of such offender to pay the fine, such Justice may issue his warrant for levying the same by distress and sale of the offender's goods; and in default of such distress, may either commit the offender for one month, or may order such offender to be set in the stocks for three hours, or to be whipped, at the discretion of the Justice, upon the nature and circumstances of the offence, and such offender may be committed until the sureties hereby required, shall be found for the good behaviour. And the party or parties injured shall and may be at liberty, notwithstanding such fine or punishment, to proceed against such offender or offenders by suit in any Court of record, for any special damage sustained by reason of such defamation.

Punishment of persons above 14 years of age, making or publishing any lie, &c.

(1) 3 inst. 123. Cro. Car. 564. Qu. Whether this offence is fineable, 1 Hawk. P. C. c. 71. sect. 6.

CAP. XXI.

An ACT relating to the Assize of Bread, and for ascertaining the standard of Weights and Measures.

WHEREAS great frauds are daily committed in this province, because no standard for Weights and Measures, or Assize of Bread, have hitherto been established; be it therefore enacted by His Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That all weights and measures used in this province, shall be according to the standard of the Exchequer of England: And that the Treasurer of the province, as soon as may be, procure a sett of measures, long, liquid, and dry, and a sett of brass weights and scales, and that until such weights and measures shall arrive, the weights at His Majesty's ordnance store shall be the standard. And the Clerks of the Market for each town, shall procure therefrom a sett of weights according to such standard, which shall remain with them as assay weights, and shall be marked with the letters G^{II}: R:

II. And be it further enacted, That every inhabitant of each town respectively, making use of weights and measures in the sale of any commodity, shall, in one week after public notice given by such clerks respectively, bring or cause to be brought, their weights and measures to be assayed, for each of which assay he shall have two pence for his trouble and no more, and the said clerk shall cause such weights and measures to be branded or stampd with the initial letter of the town where such assay shall be made. And whosoever shall thenceforward, sell or vend any commodity by weights or measures not so branded or marked shall forfeit for every such offence twenty shillings, on due conviction thereof, before any one of His Majesty's Justices of the Peace for the county wherein the offence shall be committed, to be levied by warrant of distress and sale of the offender's goods.

III. And for the more effectual preventing such frauds, be it further enacted, That the said clerks shall, and are hereby empowered, to inspect all weights and measures, and for that purpose once in three months, or oftener if they see cause, shall visit every inhabitant selling publicly by weights and measures, and shall have full power and authority to seize all such not stampd or branded as aforesaid, and may assay and mark and dispose of the same for their use, as a satisfaction for their trouble therein; and if any person shall hereafter be convicted of selling by weights and measures less than the standard hereby established, he shall forfeit the sum of ten pounds, to be recovered by bill, complaint, or information in any of His Majesty's Courts of Record.

The 4th 5th, 6th, 7th and 8th sections of this Act having been repealed by the 36th Geo. 3d. which regulates the assize of bread the same are not re-printed. Acts which alter or amend this Act, so far as respects weights & measures, 2d. sess. of 33d. Geo. 2d. cap. 6th and 7th Geo. 3d. cap. 4. 2d. Geo. 3d. c. 4. Weights & measures to be according to the standard of England. Weights to be procured as a standard

Persons selling by weights and measures not marked by the Clerk of the Market,

forfeit 20s. Conviction before one Justice

Clerks of Market to inspect weights & measures once in 3 months

Selling by weights & measures less than the standard, penalty 10l.

This Act directs the laws to be read on the parade after notice by beat of drum; but having been altered by the Act of the 11th Geo. 3d. cap. 2; the title only has been re-printed

Act in amendment of this Act. 6th Geo. 3d. c. 4.

Preamble

CAP. XXII.

An ACT declaring what shall be deemed a publication of the Province Laws.

CAP. XXIII.

An ACT for preventing persons leaving the Province, without a Pass.

WHEREAS injustice may be done to creditors by persons in their debt privately leaving the Province, and great inconveniences have likewise arisen, from seamen in the Royal Navy and Soldiers, being secretly conveyed away: For preventing thereof, Be it enacted by his Excellency the Governor, Council,

Council, and Assembly, and by the authority of the same it is hereby enacted, That all and every person or persons, intending to leave this province, shall put up their names publicly at the Secretary's office, for the space of seven days, before they shall obtain any pass, with the day and year when they put up their names, and in case said person or persons are not, within said seven days, underwrote in manner as has been usual, that then and in such case, it shall and may be lawful for the Secretary or his deputy, and they are hereby required, to grant said person a pass, for which he shall receive one shilling only. And in case said Secretary or his deputy shall refuse a pass to any person or persons that have complied with the rules prescribed by this act, he or they shall forfeit the sum of fifty pounds, to be recovered by bill, plaint or information in any of his Majesty's Courts of record in this province, and for the use of the person grieved.

Persons intending to leave the Province, to put up their names at the Secretary's office, 7 days before they shall have a pass

Secretary refusing a pass, forfeits 50l.

II. And be it further enacted, That the pass for persons leaving this province shall be in the following words :

" Province of Nova-Scotia.

" PERMIT

to depart this Province Form of the pass

" in the

Master, bound for

" he or they having complied with the act of this province for that purpose."

" Dated

III. And be it further enacted, That whosoever shall underwrite any person or persons, so having their names set up as aforesaid, shall produce at the Secretary's office an affidavit made before one of his Majesty's Justices of the Peace, which affidavit shall remain in the said office, setting forth the cause in writing, if a debt, the sum or sums of money that is due or owing to him or them, to be ascertained as near as they possibly can, and by what means it doth arise, whether by bill, bond, judgment, promise, covenant, or account. And when any person so setting up their names in the Secretary's office as aforesaid, shall be underwrote by any person in manner aforesaid, that then and in such case, it shall be lawful for the Secretary or his deputy, to take good and sufficient security from the person or persons so underwritten, for the sum or sums that he or she is underwrote for ; which security shall be in the following words :

Persons underwriting another, to file an affidavit of the debt due

for which sum security is to be taken by the Secretary.

" KNOW all men by these presents, That we

Form of the bond

" and of Halifax, are firmly bound unto

" in the sum of to the true payment of which, we bind ourselves, our

" heirs and assigns firmly by these presents. Witness our hands and seals this day of

" THE condition of the above obligation is such, that whereas the above bound

" is underwrote by of Halifax aforesaid, for the sum of

" Now if the said or they, their heirs or assigns will pay or cause to

" be paid to said the said sum of or such sum as shall legally upon

" trial, appear to be due to said then the above obligation to be void, other-

" wise to remain in full force and virtue."

For taking of which bond the Secretary shall receive two shillings and six pence only.

Secretary's fee.

IV. Provided always, and it is the full intention and meaning of this act, that the persons so underwriting, file their actions in the next Inferior Court, after security be given for their debts then due, otherwise the same being pleaded, shall be a sufficient bar to their action or actions.

Actions to be brought at the next Inferior Court

V. And be it further enacted, That any person or persons that have been underwrote as aforesaid, upon their giving security as before directed, are hereby entitled to receive their

Persons underwrote to have

their pafs or giving security

Bonds to be delivered to creditors

Security to be given for payment of all debts by persons leaving the Province before 7 days are expired

Paffes to be granted at the out-ports, by commanding officer, &c.

Not to extend to military persons

Persons groundlefsly underwriting liable to an action

Masters of vessels carrying any person from Halifax, without a pafs

forfeit of, and liable to all damages

pafs, in like manner as if they had not been underwrote. And the Secretary or his Deputy are hereby impowered to deliver the said bond so taken as aforesaid, to the person or persons that underwrote the person so going away. And said bond shall be good and valid against the security for the recovery of such sum or sums as the person or persons, to whom the said bond is delivered, can make appear, upon trial, was really due to him by the person he underwrote, with the costs thereon.

VI. *And be it further enacted,* That in case any person intending to leave the province before the seven days are expired, after setting up his or her name, may obtain their pafs from the Secretary or his Deputy, by giving sufficient security and entering into bond as aforesaid, that said security will pay all the debts said person going away has contracted in the province; which bond shall be good and valid against said security.

VII. *And it is hereby further enacted,* That in the out ports of this province, paffes may be obtained from the commanding officer for the time being, or from any other person, whom the Governor or Commander in chief shall appoint for that purpose, who are hereby empowered to grant the same, in manner as prescribed by this act.

VIII. *Provided always,* That nothing in this act shall be construed to extend to the restraining any military person or persons from immediately departing the province, with a special permission under the hand of the commander in chief of the troops.

IX. *And be it further enacted, by the authority aforesaid,* That if upon trial, it shall appear that the cause for underwriting any person or persons, setting up their names in the Secretary's office to depart this province, be vexatious and groundless, that then and in such case, the person so underwriting shall be liable to an action of damages, to be recovered as aforesaid.

X. *And be it further enacted,* That no master of any ship or vessel, going from the port of Halifax, shall carry away any person whatsoever, without a pafs signed by the Secretary of this Province or his Deputy, (except the crew or seamen brought with him in such vessel, at his last arrival) nor shall leave the said harbour without permission in writing from his Excellency the Governor, Lieutenant-Governor, or Commander in Chief for the time being of this his Majesty's Province; And the master of any ship or vessel offending contrary to the tenor of this act, shall forfeit the sum of fifty pounds, to the use of this government, and be liable to pay all damages, to be recovered by bill, plaint, or information in any of his Majesty's Courts of Record in this Province, to be levied by sale of the offender's goods and chattels, by warrant under the seal of said court; and for want of such goods and chattels, the person convicted to be committed to some of his Majesty's goals for the space of six months.

C A P. XXIV.

An ACT for limitation of Actions, and for avoiding suits of Law.

Act in amendment of this Act. 36th Geo. 3d. c. 4. Eng. stat. 27. Ja. 1. c. 16.

Actions for the recovery of lands &c. to be brought within 20 years

2 Salk. 421, 422, 423.

BE it enacted by his Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, That all actions or suits, either in law or equity, at any time hereafter to be sued or brought, of or for any lands, tenements or hereditaments, within this Province, whereunto any person or persons now hath or have any title, or cause to have or pursue any such actions or suits, shall be sued and taken within twenty years next after the end of this present Session of the General Assembly; and after the said twenty years expired, no person or persons, or any of their heirs, shall have or maintain any such action or suit, of or for any of the said lands, tenements, or hereditaments; and that all actions or suits, either in law or equity, of or for any lands, tenements, or other hereditaments whatsoever, at any time hereafter to be sued or brought by occasion or means of any title or cause hereafter happening, shall be sued and be taken within twenty years, next after the title and cause of action.

tion first descended or fallen, and at no time after the said twenty years, and that no person or persons that now hath any right or title of entry into any lands, tenements, or hereditaments, now held from him or them, shall thereunto enter, but within twenty years next after the end of this present session of the General Assembly, or within twenty years next after any other title of entry accrued.

II. And that no person or persons shall at any time hereafter, make any entry into any lands, tenements or hereditaments, but within twenty years next after his or their right or title, which shall hereafter first descend or accrue to the same, and in default thereof, such person so not entering, and their heirs, shall be utterly excluded and disabled from such entry after to be made.

III. *Provided nevertheless*, That if any person or persons that is or shall be entitled to such actions or suits, or that hath or shall have such right or title of entry, be, or shall be at the time of the said right or title first descended, accrued, come or fallen, within the age of twenty one years, * feme covert, non compos mentis, imprisoned, or beyond the seas †, that then such person and persons, and his or their heirs, shall or may, notwithstanding the said twenty years be expired, bring his action or suit, or make his entry, as he might have done before this act; so as such person and persons, or his or their heirs, shall, within ten years next after his and their full age, discovery, coming of sound mind, enlargement out of prison, or coming into this province, or death, take benefit of, and sue for the same, and at no time after the said ten years.

IV. *And be it further enacted*, That all actions of trespass *quare clausum fregit*, all actions of trespass, detinue, action of trover, and replevin for taking away of goods and cattle, all actions of account and upon the case, (other than such accounts as concern the trade of merchandize, between merchant and merchant (a), their factors and servants) all actions of debt, grounded upon any lending or contract without specialty (b); all actions of debt for arrearages of rent (c), and all actions of assault, menace, battery (d), wounding, and imprisonment, or any of them which shall be sued or brought, at any time after the end of this present session of General Assembly, shall be commenced and sued, within the time and limitation hereafter expressed, and not after; (*that is to say*) The said actions upon the case (other than for slander) (e), and the said actions for account, and the said actions for trespass, debt, detinue, and replevin for goods or cattle, and the said action of trespass *quare clausum fregit*, within three years next after the end of this present session of General Assembly, or within six years next after the cause of such action or suits, and not after: And the said actions of trespass, of assault, battery, wounding, imprisonment, or any of them, within six months next after the end of the present session of General Assembly, or within one year next after the cause of such actions or suit, and not after; and the said action upon the case for words; within three months after the end of the present Session of General Assembly, or within six months next after the words spoken, and not after.

V. *And be it further enacted*, That if in any of the said actions or suits, judgment be given for the plaintiff, and the same be reversed by error, or a verdict passed for the plaintiff, and upon matter alledged in arrest of judgment, the judgment be given against the plaintiff, that

Persons not entering within 20 years excluded

Saving for minors, &c. * 1. Lev. 31. 2. Sand. 121. Abr. Eq. 304 † Cro. Car. 245. 333. 1 Lev. 143. 2. Salk. 420. Eng. stat. 4 and 5. Ann. c. 16.

Actions of trespass &c. to be commenced within 3 years, after the end of this session, or six years after the cause of such action

Battery, &c. within 6 months, &c.

Words within three months.

Any of said actions, be reversed by error or in arrest of judgment

(a) Accounts open and currently, are within this exception; but if stated and a sum certain is agreed to be due to one of the merchants, who neglects to bring his action within the time limited, he is barred by the Statute, 2 Saund. 127. 1 Lev. 287. 298. 1 Vent. 89. 1 Mod. 270. 2 Mod. 312. 1 Vern. 456. Nor does the exception extend to any other than actions of account, Carth. 226. Nor to Bills of Exchange, which are barred by the Statute, Carth. 3. 226. unless the Drawee be absent beyond seas. 2. Str. 836.

(b) On Plea of *Solvit ad diem* to bond of 20 years standing, and no interest paid, though out of the Statute, yet length of time will be presumptive proof of payment. So in Chancery Oblige of a bond of 20 years standing was refused any relief, 1 Chan Rep. 78, 88, 106.

(c) Debt for arrearages of rent on lease by indenture is out of the Statute, because the indenture is equal to a specialty, but rent reserved on par of leases is barred, 2 Saund. 66.

(d) 3 Mod. 74. 1 Lev. 31. 2 Salk. 423.

(e) Slander of title is not barred, for the slander intended is to the person, Cro. Car. 141. Palm. 520. 1 Jca. 196.

ment, may be commenced *de novo*, within one year.

he take nothing by his plaint writ, or bill; or if any the said actions shall be brought by original, and the defendant therein be outlawed, and shall after reverse the outlawry; that in all such cases the party plaintiff, his heirs, executors, or administrators, as the case may require, may commence a new action or suit from time to time, within one year after such judgment reversed, or such judgment given against the plaintiff, or outlawry reversed, and not after.

In actions of trespass, *quare clausum fregit*, defendant may plead a disclaimer, &c.

VI. *And be it further enacted*, That in all actions of trespass *quare clausum fregit*, hereafter to be brought, wherein the defendant or defendants shall disclaim, in his or their plea, to make any title or claim to the land in which the trespass is, by the declaration, supposed to be done, and the trespass be by negligence or involuntary, the defendant or defendants shall be admitted to plead a disclaimer, and that the trespass was by negligence or involuntary, and a tender or offer of sufficient amends for such trespass before the action brought; whereupon, or upon some of them the plaintiff or plaintiffs shall be enforced to join issue, and if the said issue be found for the defendant or defendants, or the plaintiff or plaintiffs shall be non suited, the plaintiff or plaintiffs shall be clearly barred from the said action or actions, and all other suits concerning the same.

In actions of trespass, &c. no more costs than damages to be given,

VII. *And be it further enacted*, That in all actions of trespass, actions for assault and battery, and all actions for slanderous words, to be sued or prosecuted by any person or persons after the end of this present session of the General Assembly, if the jury, upon the trial of the issue in such action, or the jury that shall enquire of the damages, do find or assess the damages under forty shillings, then the plaintiff or plaintiffs in such action, shall have and recover only so much costs as the damages so given or assessed, amount unto, without any further increase of the same: And if more costs in any such action be awarded, the judgment shall be void, and the defendant acquitted from the same. *Provided*, That if the judge, at the trial of any action of assault and battery, or action of trespass, shall certify under his hand upon the back of the record, that the assault was sufficiently proved, or that the freehold and title of the land, mentioned in the plaintiff's declaration, was chiefly in question, or that the trespass was voluntary and malicious, the plaintiff, in such case, shall recover his full costs, though the jury should find damages to be under forty shillings. (*f*).

unless the Judge certify, &c.

VIII. *Provided nevertheless*, That if any person or persons that is or shall be entitled to any such action of trespass, detinue, action of trover, replevin, actions of account, actions of debt, actions of trespass for assault, menace, battery, wounding or imprisonment, actions upon the case for words, be, or shall be at the time of any such cause of action given or accrued, fallen or come within the age of twenty one years, *feme covert*, *non compos mentis*, imprisoned or beyond the seas; that then such person or persons shall be at liberty to bring the same actions, so as they take the same within such times as are before limited, after their coming to, or being of full age, discreet, of sane memory, at large, and returned from beyond the seas, as by other persons having no such impediment, should be done.

Actions of trespass &c. accruing to minors, may be brought after their coming to full age.

IX. *And be it further enacted*, That if any person or persons, against whom there is or shall be any cause of suit or action of trespass, detinue, actions of trover or replevin, for taking away any goods or cattle, or of action of account, or upon the case, or of debt, grounded upon any lending or contract without specialty, of debt for arrearages of rent, or assault, menace, battery, wounding, and imprisonment, or any of them, be, or shall be at the time of any such cause of suit or action given or accrued, fallen or become, beyond the seas, that then such person or persons who is or shall be entitled to any such suit or action, shall be at liberty to bring the said actions against such person and persons, after their return from beyond the seas

Actions of trespass, &c. may be brought against persons beyond the seas after their return

(*f*) If the action be of a mixed nature as for words and conspiracy or any other wrongs, the case is out of the statute of limitations, and plaintiff shall have costs as usual, Cro. Car. 141. 163. 307. 1. Salk. 206.

seas, so as they take the same after their return from beyond the seas, within such times as are respectively limited for the bringing of the same by this Act.

A legacy is not within the statute. 1 Vern. 256. Debt for an escape is not barred; 1 Saund. 37. 1 Lev. 191. Debt on award is out of the statute, 1 Sid. 415. 1 Lev. 273.

In equity, if lands are subjected to debts by will or deed, debts barred by the statute shall be paid, 1 Salk. 154. 2 Vern. 141.

If debt is acknowledged, and payment promised after the six years, it brings the debt out of the statute 1 Salk. 28. 29. but 2 Vent. 151. bare owning the debt is not sufficient.

If deb or or his executor after the six years, advertise in a news paper that all persons having debts due, &c. shall be paid, this will revive a debt due by note, or a book debt though barred by the statute. Abr. Eq. 305. Andrews versus Brown.

A trust is not within the statutes of limitation, Eq. Abr. March. 129. pa. 303.

The statute of limitations is not pleadable in the Court of Admiralty or Spiritual Court, 6 Mod. 25, 26, 2 Salk. 424. In 2 Salk. 424. 6 Mod. 25. doubted whether statute of limitations was a good plea to a suit in the Admiralty for Mariners wages, being property determinable at Common Law and merely indulged to the Admiralty jurisdiction. But by Eng. stat 4. and 5. Ann c. 16. it is enacted, "That all actions in the Court of Admiralty for seamen's wages, shall be commenced and sued within six years next, after the cause of such suits shall accrue, and not after."

Suing out an original will prevent a barring by the stat. Carth. 136. 2. Salk. 420. 3. Mod. 311.

CAP. XXV.

An ACT to prevent unnecessary firing off Guns, and other Fire Arms, in the Town and Suburbs of Halifax.

BE it enacted by his Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, That if any person or persons, of what age or degree soever, from and after the publication of this act, shall unnecessarily fire out of any gun, fusee, musket, pistol, or other fire arm, in any of the houses, streets, lanes, wharves, yards, or gardens in the town or suburbs of Halifax, every person so offending, upon conviction thereof, upon the oath of one or more credible witness, before any one of his Majesty's Justices of the Peace, shall forfeit the sum of ten shillings, to be levied by warrant of distress from such Justice, on the offender's goods and chattels, and for want of goods or chattels, such offender shall be committed to gaol for the space of twenty four hours.

II. Provided that no prosecution for breach of this act shall be admitted, unless complaint be made thereof within twelve hours, at least, after the offence committed.

III. All forfeitures arising by virtue of this Act, shall be one half to him or her who will prosecute for the same, and the other to the use of this His Majesty's government.

Acts in amend- of this Act, 9th Geo. 3d. cap. 3. 33d. Geo. 3d. cap. 12.

Persons firing any guns, in the town of Halifax forfeit ros.

Maliciously firing at any person in any dwelling house, &c. is by Prov. Act. 32 Geo. 2. c. 13. sec. 21. felony without clergy.

Prosecution in 12 hours

One half to prosecutor, the other to government.

CAP. XXVI.

An ACT directing the Guardianship of Minors.

BE it enacted, by his Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, That from and after the publication hereof, where any person shall have children under the age of twenty one years, and not married at the time of his death, it shall be lawful for the father of such children, whether born at the time of the decease of the father, or at that time en Ventre sa mere, or whether such father be within the age of twenty one years, or of full age, by deed executed, or by his last will and testament in writing in the presence of two credible witnesses, to dispose of the custody and tuition of such children, for such time as they shall respectively remain under the age of twenty one years or any lesser time, to any persons in possession or remainder, other than persons not protestants: And such

Disability of Papists under this Act, removed by the Act of the 23d Geo. 3d. cap. 9.

Eng. stat. 12. Car. 2. c. 24. Father at his death, may dispose of the custody of his children, being minors

to any person other than persons not protestants

who may have actions against persons wrongfully detaining them

disposition of the custody of such children shall be good, against all persons claiming the custody and tuition of such children; and such person, to whom the custody of such children shall be disposed or devised, may maintain an action of ravishment of ward, or trespass, against any person who shall wrongfully take away or detain such child, and shall recover damages in the said action, for the use of such children (a).

Guardians may take possession of lands, &c. for the use of such minors

II. *And be it further enacted*, That any persons, to whom the custody of such children shall be so disposed or devised, may take into their custody, to the use of such children, the profits of all lands, tenements, or hereditaments, and also the management of the goods and personal estate of such children, till their respective age of twenty one years, or any lesser time, according to such disposition, and may bring such actions in relation thereto, as such children themselves might do, if arrived at full age (b).

The Governor to dispose of the custody of children of persons dying not protestants

III. *And be it further enacted*, That whensoever any person, not being a protestant, shall die seized of any such estate in lands, tenements, or hereditaments, for which his heirs should be in ward, his heirs being under the age of twenty one years at the time of the death of his ancestor, it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief of the Province for the time being, after due proof to him of the death of such person not being a protestant, and of his heir being so under age, to dispose of the custody and tuition of such heirs, for such time as they shall remain under the age of twenty one years, or any lesser time, to any persons next of kin to the heir, being a protestant, if they shall apply for the same; or in default thereof to any other person being a protestant as aforesaid.

The Governor, &c. to allow of guardians chosen by minors, &c.

IV. *And be it further enacted*, That the Governor, Lieutenant-Governor, or Commander in Chief for the time being, when and so often as there shall be occasion, be, and is hereby empowered to allow of guardians, that shall be chosen by minors of the age of fourteen years, and to appoint guardians for such as shall be within that age, taking sufficient securities of all such guardians, for the faithful discharge of the trust, as hereinafter directed, and to account either to the Governor, Lieutenant Governor or Commander in Chief, or minor, when such minor shall arrive at full age, or at such other time as the said Governor, Lieutenant-Governor, or Commander in Chief, upon complaint to him made, shall see cause.

2. Inst. 14. 4. Co. 126. Beverley's case. Staunford's prerog 37.

Guardians to enter into recognizance with sureties, for educating minors in the protestant religion, &c.

V. *And be it further enacted*, That all such persons to whom the tuition and custody of such heirs shall be committed, shall first enter into recognizance, to the use of the said heir, with good sureties, before the said Governor, Lieutenant-Governor, or Commander in Chief, with condition for the educating the said heirs in the protestant religion, and for the management and disposal of the estates of such heirs, to their use and best advantage, and for the rendering a just account of the profits of such estates to the said Governor, Lieutenant-Governor, or Commander in Chief, when thereto required, or to such heirs when they shall come of full age, and for the not committing any waste thereupon: And such disposition of the custody of such heirs shall be good against all persons claiming the custody or tuition of such heirs; and such persons to whom the custody of such heirs shall be disposed as aforesaid, may maintain an action of ravishment of ward or trespass, against any persons who shall wrongfully take away or detain such heirs, for the recovery of such heirs, and shall recover damages in the said action, for the use of such heirs.

and may take into their custody the profits of all lands, &c. of such minors

VI. *And be it further enacted*, That such person to whom the custody of such heirs shall be so disposed, may take into their custody, to the use of such heirs, the profits of all lands, or tenements, and also the management of the goods and personal estate of such heirs, till their respective age of twenty one years, or any lesser time, according to such disposition, and may bring such actions in relation thereunto as such heirs might do, if arrived at full age. VII.

(a) For the construction of the Eng. stat. 12 Car. 2. c. 24. as to the trust and powers of testamentary guardians, and in what cases their authority may be revoked, and other guardians appointed, or security required from testamentary guardians, vide Vaughan 177—187. Bodell versus Constable. Abr. Eq. 260, 261.

(b) Guardians may make leases of minors lands, vide Co. Lit. 88. Vaugh. 18. Lit. sec. 123, 124. Bro. Tit. Gard. 70. Tit. Guardian 19. 2 Ro. Ab. 41. Cro. Ja. 55. 98. and such leases are voidable only by the infant but not void. 2. Ro. Ab. 256. Guardian may make partition of lands, and it shall bind the infant, if the partition be equal.

VII. *And be it further enacted*, That if such person to whom such grant shall be made of the custody of such children, shall die before he hath yielded an account unto the said heirs, of the profits of such lands or tenements, and the management of such goods and chattels, deducting all necessary and just charges, the heirs, executors or administrators of such guardian shall be liable, and yield a full account unto the said heir, his executors and administrators, of such profits, goods, and chattels, real and personal, so received by the guardian, for the benefit of the said heirs, deducting all necessary and just charges as aforesaid, so far as they shall have assets from the said guardian, or in his right at the time of demand of satisfaction for the same; and if the said children shall die before they shall attain to their age of twenty one years, it shall be lawful for the executors or administrators of such children to call the persons so trusted for the benefit of them, and the heirs, executors or administrators, to an account for the same (c).

If the guardian die before he hath accounted for such profits his heirs &c. liable to account with the heir

VIII. *Provided always*, That this Act shall not extend to discharge any apprentice from his apprenticeship, or such poor children as may hereafter be bound out by the Overseers of the Poor, or such children as may hereafter be found proper objects of their care, as is provided for by law.

This Act not to extend to discharge apprentices, &c.

IX. *And forasmuch as it often happens, that children are not born till after the death of their fathers, and also have no provision made for them in their wills, Be it therefore further enacted, by the authority aforesaid*, That as often as any child shall happen to be born after the death of the father, without having any provision made in his will, every such posthumous child shall have right and interest in the estate of his or her father in like manner, as if he had died intestate (d), and the same shall accordingly be assigned and set out as the law directs for the distribution of the estates of the intestates.

Provision for posthumous children

repealed 1822 but never was he

(c) For what acts guardians are accountable, vide 2. Inst. 305, 306. 413. Bro. Tit. Dismissin. 95. Co. Lit. 57. b. 271. a. a. Inst. 134. 1 Ro. Abr. 731.

(d) By Eng. stat. 10 and 11. Will. 3. c. 16. sec. 1. Posthumous children may take contingent remainders, as if born in the life time of the father, although no estate be limited in settlements; to preserve contingent remainders until the children are born.

CAP. XXVII.

An ACT for confirming the past proceedings of the Courts of Judicature, and for regulating the further proceedings of the same.

II. *And be it further enacted*, That all rules and orders, proceedings, pleadings, sentences, verdicts and judgments, in the said Courts respectively, and all executions awarded thereon, shall be, and are hereby ratified and confirmed. And all proceedings and judgments heretofore had and made, before any two Justices, or one Justice, are hereby ratified and confirmed.

That part of this Act which regulated the sittings of the Supreme Court having been altered by subsequent Acts, only the last clause has been re-printed Former proceedings confirmed

The remaining part of this Act, which regulated the proceedings of the Courts of Justice, was temporary, and is expired.

CAP. XXVIII.

An ACT for the better discovering, and more effectually suppressing unlicensed Houses. Expired

CAP. XXIX.

Expired.

An ACT for confirming the past Proceedings of the Courts of Judicature, and for regulating the further Proceedings of the same.

This act was to amend an Act passed in the same Session.

CAP. XXX.

Expired.

An ACT for the reviving and putting in full Force several of the Resolutions or Acts of His Majesty's Governors and Council of this Province heretofore made.

CAP. XXXI.

Expired.

An ACT for the granting Bounties and Premiums on the fencing and improving Lands, raising Grain, Roots, Hay, Hemp, Flax, and catching and curing Fish.

CAP. XXXII.

Expired.

An ACT for the better Observation and Keeping of the Lord's Day.

CAP. XXXIII.

Expired.

An ACT for the granting to His Majesty, an Excise upon Wine, Rum, and other distilled Spirituous Liquors sold by retail.

CAP. XXXIV.

Expired.

An ACT for granting and establishing an allowance to the Collectors of the Impost and Excise Duties.

CAP. XXXV.

Expired.

An ACT in addition to and Amendment of a Resolution of the Governor and Council of this Province of the 14th April 1755, intituled an Act, to prevent the cutting and splitting of Hides, revived this present Sessions of General Assembly.

CAP. XXXVI.

An ACT in addition to and explanation of an Act passed this Session entitled, An Act, for confirming the past proceedings of the Courts of Judicature and for regulating the further proceedings of the same.

On examining the records of the General Assembly, I cannot find this Act; yet the title has been re-printed in former editions of the Laws, from which it appears to have expired.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the second day of October, Anno Domini 1758, and in the thirty second year of the reign of Our Sovereign Lord GEORGE the Second, of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. and there continued by prorogation until the first day of August, Anno Domini 1759, and in the thirty-third year of His said Majesty's reign; being the last Session of the first General Assembly convened in the said Province.*

* In the time of Charles Lawrence, Governor, Jonathan Belcher, Chief Justice, Wm. Nesbit, Speaker, John Dupont, Secretary of Council, David Lloyd, Clerk of Assembly.

CAP. I.

An ACT for regulating and maintaining an House of Correction or Work-House within the Town of Halifax, and for binding out Poor Children.

WHEREAS by an Act of the General Assembly of this Province, entitled, " An Act for erecting an House of Correction or Work-House within the town of Halifax, made and passed at their Session begun and holden at Halifax the second day of October, one thousand seven hundred and fifty eight, the sum of five hundred pounds of the monies then in the treasury of the province, collected for the duties on spirituous liquors, was appropriated for erecting an House of Correction or Work-House within the town of Halifax; Be it enacted by his Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That the overseers of the poor of the town of Halifax be, and accordingly they hereby are authorized and impowered, when and so soon as the said House of Correction shall be built and finished, to agree with some discreet and fit persons to be the master and keeper, and needful assistants for the care of the same; and to provide, as there shall be occasion, suitable materials, tools, and implements, necessary and convenient for keeping to work such persons as may be committed to the said House; and

Acts in addition to or amendment of this Act, 3d. and 4th Geo. 3d. cap 9. 3d. Geo. 3d. cap. 5.

Preamble

Overseers of the poor to appoint keeper, &c. of the workhouse,

and to make rules and order for

generally

the government thereof

generally, to inspect and direct the affairs of the said house; and from time to time, to make such rules and orders as they shall judge best for the good government thereof.

Justices to commit offender

II. *And be it further enacted*, That it shall and may be lawful for the Justices of the Peace in their General Sessions, or for any one Justice of the Peace out of court, to send and commit to the said house of correction, to be kept, governed, and punished according to the rules and orders thereof, all disorderly and idle persons, and such who shall be found begging, or practising any unlawful games, or pretending to fortune telling, common drunkards, persons of lewd behaviour, vagabonds, runaways, stubborn servants and children, and persons who notoriously mispend their time to the neglect and prejudice of their own or their family's support; upon due conviction of any of the said offences or disorders.

Keeper to set offenders to work

III. *And be it further enacted*, That the master or keeper of the said House of Correction, shall have power and authority to set all such persons as shall be duly sent or committed to his custody, to work and labour, if they be able, for such time as they shall continue and remain in the said house; and to punish them by putting fetters and shackles upon them, if necessary, and by moderate whipping, not exceeding ten stripes at once, which (unless the warrant of commitment shall otherwise direct) shall be inflicted at their first coming in, and from time to time afterwards at his discretion in case of their being stubborn or idle, and neglecting to perform such reasonable tasks as shall be assigned them, and to abridge them of their food, as the case may require, until they be reduced to better behaviour.

and to punish them by whipping

Persons committed not to be chargeable to the government

IV. *And be it further enacted*, That no person committed to the said House of Correction, shall be chargeable to the government, for any allowance, either at going in or coming out, or during the time of their abode there, but shall be maintained out of their earnings, and the remainder thereof shall be accounted for by the master or keeper of the said house, who shall keep an exact account thereof, and render the same upon oath, if required, to the said overseers, when demanded.

Idiots &c. to be taken care of and relieved by the keeper

V. *And be it further enacted*, That if any person or persons committed to the said house of correction, be idiots, or lunatic, or sick and weak, and unable to work, they shall be taken care of and relieved by the master or keeper of the said house, who shall keep an exact account of what charges he shall necessarily be at therein; to be rendered to the said overseers, upon oath, if demanded.

Pay of the keeper, &c. how to be defrayed

VI. *And be it further enacted*, That the pay of the said master or keeper of the said House of Correction, and the charge for any materials, tools, or implements purchased as before-mentioned, or arising by the relief of persons unable to work, and other necessary expences of the said House, shall be defrayed out of the surplus of the earnings of the labour done in the said house, if the same shall be sufficient therefor; or otherwise, shall be advanced out of money in the treasury of the province, to be issued by warrant under the hand and seal of the Governor or Commander in Chief for the time being, and His Majesty's Council of this Province, to be reimbursed to the said treasury out of such profits as may afterwards arise as aforesaid.

Poor children to be bound apprentices by the Overseers of the Poor, with the consent of two Justices

VII. *And be it further enacted*, That the said overseers of the poor shall take order from time to time, by and with the consent of two or more Justices of the Peace for the County of Halifax, for setting to work the children of all such, whose parents shall not, by the said overseers, or the greater part of them, be thought able to keep or maintain them, or any poor orphans; or by indenture to bind any such children or orphans as aforesaid, to be apprentices, where they shall see convenient, till such man child shall come to the age of twenty one years, and such woman child to the age of eighteen years, or the time of her marriage; the same to be as effectual to all purposes as if such child were of full age, and by indenture of covenant had bound him or herself. *Provided always*, that one of the conditions of said indentures shall be, that if the said master or mistress of said apprentice or other person to

Proviso not to carry them out

whom

whom said indenture may be assigned, shall transport or carry said apprentice out of this province, to reside or dwell in any other colony or plantation, that then the said indenture shall be void and of none effect, and the said apprentice shall thenceforth be discharged from any further service to his said master, mistress or assigns. *Provided also*, that the children maintained and supported in the Orphan House at the expence of the Crown, shall remain and be under the direction of the Governor as heretofore, and bound out in such manner as he shall order and direct.

of the province.

Children in the Orphan House excepted

CAP. II.

An ACT for regulating and maintaining a Light-House on Sambro Island.

WHEREAS by an Act of the General Assembly of this province, entitled, An Act for erecting a Light-House at the entrance of the harbour of Halifax, made and passed at their Session begun and holden at Halifax, the second day of October, 1758, the sum of One Thousand Pounds out of the monies then in the treasury of the province, collected from the duties on spirituous liquors, was appropriated for the erecting a Light-house on the island commonly called and known by the name of Sambro Outer Island, at the entrance of the harbour of Halifax; and it was enacted, that until such Light-House should be erected, the commissioners appointed for carrying the said Act into execution should cause a beacon and light to be placed on the said Island for the benefit of vessels coming into the said harbour: Be it enacted by his Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, That from and after the first day of September next, there shall be paid by the master of every merchant vessel coming into or going out of the harbour of Halifax, at her going out of the said harbour, (other than coasters and fishing vessels, and such transport or other vessels employed in His Majesty's service, as shall, by their charter party, be exempted from paying port charges) a duty of six pence per ton currency, for so many tons as shall appear to the satisfaction of the receiver, or by the oath of the master, (which oath the said receiver, is hereby authorized to administer) to be the real burthen thereof.

II. *Provided*, That all ships or vessels wholly belonging to any person, that is a freeholder and inhabitant in this province, shall only pay four-pence per ton: the said duty to be paid before clearing the said vessel, to such person or persons as shall hereafter be appointed by his Excellency the Governor for that purpose; who are hereby authorized to demand and receive the same, and upon refusal of payment, to sue for and recover the said duty before two of His Majesty's Justices of the Peace, or in case the sum shall not exceed forty shillings, before one justice.

III. *And be it further enacted*, That no vessel shall be deemed a fishing vessel, within the meaning of this Act, excepting such as shall be wholly employed in that business, nor shall any vessel be deemed a coaster, excepting such as shall be wholly employed within the province.

IV. *And be it hereby further enacted*, That every coasting vessel shall pay, in lieu of the said duty, at the rate of twenty shillings per annum, and no more, to be received and recovered in manner as aforesaid.

V. *And be it further enacted*, That all monies arising by the aforesaid duty, shall be paid into the treasury of the province, and be applied towards the support of the said Light-House; to be issued for the said purpose, by warrant under the hand and seal of the Governor or Commander in Chief for the time being of the Province; and in case there be more monies raised than is necessary for the support of the said Light-House, the surplusage to be applied to the uses of the Government.

Acts to amend or alter this Act, 23th Geo. 3d. c. 3. 33d. Geo. 3d. cap. 35th Geo. 3d. cap. 3. 37th Geo. 3d. cap. 40th Geo. 3d. cap. 41st Geo. 3d. cap.

Preamble

All vessels, except coasters, &c. to pay a duty of six pence per ton

Vessels belonging to freeholder in the Province, to pay only four pence per ton

What vessels are deemed coasters, &c.

Coasters to pay at the rate of 20s. per annum.

Monies arising by the duty to be applied to the support of the light-house And the surplus to the uses of the government

CAP. III.

An ACT for the quieting of Possessions to the Protestant Grantees of the Lands formerly occupied by the French Inhabitants, and for preventing vexatious Actions relating to the same.

For the Acts in addition to this Act. see note on the 31d. Geo. 2d. cap. 2.

Preamble

WHEREAS this Province of Nova Scotia or Acadie, and the property thereof, did always of right belong to the Crown of England, both by priority of discovery and ancient possession, and that no grant of property to any of the lands or territories belonging thereto, is of any validity, or can give the possessor thereof any legal right or title to any part thereof, unless derived from thence ;

AND WHEREAS by a treaty of peace concluded at Utrecht, in the year of our Lord one thousand seven hundred and thirteen, between Her Most Sacred Majesty Anne, of Glorious Memory, Queen of Great-Britain, &c. And His Most Christian Majesty, it was concluded and agreed on, that all Nova-Scotia, or Acadie, with its ancient boundaries, and all other things in those parts which depend on the said lands, together with the dominion, property, and possession of the said lands and places, and all right whatsoever by treaties or any other way attained, which the Most Christian King, the Crown of France, or any other the subjects thereof, had to the lands and places, and to the inhabitants of the same, are yielded and made over to the Queen of Great-Britain, and to her Crown for ever :

AND WHEREAS at the time of that cession, many of the French King's subjects did reside and dwell within this His Majesty's province of Nova-Scotia, and did not remove from the same, within the space of twelve months, according to the limitation of that treaty, whereby they, and their posterity became subjects of the Crown of Great-Britain in every respect; notwithstanding which, contrary to their allegiance, they began from that time, and continued at all times to aid, assist, and support, and join with His Majesty's enemies ; and although His Majesty, notwithstanding their manifest treasons and rebellion, in order to extend his indulgence towards them, and if possible to reclaim and reduce them to his obedience, was most graciously pleased, by his royal instructions to the Governors of this Province, to declare that the said French inhabitants should have the peaceable possession of such lands as were under their cultivation ; *Provided*, That they the said inhabitants should within three months from such time as should be thought proper by the Governor, take the oath of allegiance appointed to be taken by the laws of Great, Britain, and likewise behave themselves as became good subjects : And although several proclamations had hitherto been issued by His Majesty's Governors of this province, requiring their oath of allegiance, yet so far were they from obeying the same, that by a general deputation of their principal men, before His Majesty's Governor and Council, they absolutely refused to take the said oaths so required of them, but on the contrary did still continue to aid, assist, and join with His Majesty's enemies, and five hundred of them were found in arms, within the fort of Beausejour, when the same was surrendered, and many of them, in company with the Indian Savages, did frequently commit many horrid and barbarous murders on His Majesty's protestant liege subjects, who were endeavouring to settle themselves on the lands within this Province, whereby the progress of the settlement of this Province, with His Majesty's protestant subjects, was retarded, and the Crown put to an excessive great expence, to defend and protect them ; and also by such their treacherous practices, His Majesty's most gracious designs, as well towards them, as also towards his said protestant subjects, were frustrated ; and had they not been timely removed by the prudence and vigilancy of His Excellency the present Governor, from the said lands and territories, into other His Majesty's dominions, this invaluable Province during the course of this war, must inevitably have fallen into the hands of His Majesty's enemies the French ;

AND

AND WHEREAS since the removal of the said French inhabitants, His Excellency the Governor, in order to make an effectual settlement in this Province, and to strengthen the same, has been pleased to make grants of townships to many substantial and industrious farmers, protestants, His Majesty's subjects of the neighbouring colonies, in which townships are contained, some of the lands formerly occupied by the said French inhabitants; and as many other substantial and industrious farmers, protestants, are daily applying for grants of townships, wherein such lands will be comprehended: And as some doubts have arisen among the said persons intending to settle the said lands, concerning the title of the said French inhabitants to any of the said lands, that may fall within their townships: And although the said French inhabitants have not, nor ever had any legal right or title to the said lands, derived from the Crown of Great-Britain, yet, in order to remove such doubts, and to prevent any troublesome or vexatious suits of law that may hereafter be brought for the maintenance of any such right or pretended right to any of the lands within this Province, formerly possessed or occupied by the said French inhabitants, *Be it enacted by His Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted,* That no action shall be retained in any of His Majesty's Courts of Record in this Province, for the recovery of any of the lands, within the same, by virtue of any former right, title, claim, interest, or possession of any of the former French inhabitants, or by virtue of any right, title, claim, or interest, holden under or derived from them, by grant, deed, will, or in any other manner whatsoever.

No action to be retained in any Court, for any lands by virtue of any right of the former French inhabitants

II. *And be it further enacted,* That when any action shall be brought for the recovery of any lands within this Province, and it shall appear upon evidence, that the grounds of such action is founded upon any such right, title or possession of the said French inhabitants, or derived from them as aforesaid, that then this Act may be pleaded in bar to all such actions: And all His Majesty's Judges and Justices of the said Courts, are hereby required and enjoined, upon such plea and proof thereof, to dismiss such action, and award costs for the defendants.

Such actions to be dismissed, upon due proof thereof

CAP. IV.

An ACT for the relief of the Poor in the Town of Halifax.

This Act has been executed

CAP. V.

An ACT for regulating Petit Juries, and declaring the qualification of Jurors.

This Act repealed by 36th Geo. 3d. cap. 2d.

CAP. VI.

An ACT for allowing a drawback of part of the Impost Duties on Wines, Beer, Rum, and other distilled Spirituous Liquors, on their being exported out of this province.

Expired

CAP. VII.

Resolution of his Excellency the Governor, Council and House of Assembly, in General Assembly, in explanation of the Impost Act.

Expired

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the fourth day of December, 1759, and in the thirty third year of the reign of Our Sovereign Lord GEORGE the Second, of Great-Britain, France, and Ireland, KING, Defender of the Faith, &c. being the first Session of the second General Assembly convened in the said Province.*

* This Assembly was dissolved on the death of the late King, after having sat two Sessions, in the time of Charles Lawrence, Governor, Jonathan Belcher, Chief Justice, William Nesbitt, Speaker, John Dupont, Secretary of Council, Isaac Deschamps, Clerk of Assembly.

CAP. I.

An ACT to prevent Gaming.

Public gaming a cards, &c. and all lotteries and public gaming tables shall be adjudged nuisances
1 Hawk. P. C. 198.
All notes, &c. for money, &c. won by gaming, to be void
Eng. stat. 9. An. c. 14. sec. 1.
1. Strange 495

BE it enacted by his Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, That from and after the publication hereof, all public gaming at cards, dice, tennis, bowls, or any other games whatsoever, and all lotteries, and public gaming tables, shall be deemed and adjudged to be nuisances; and all notes, bills, bonds, judgments, mortgages, or other securities or conveyances whatsoever, given, granted, drawn, or entered into, or executed, by any persons whatsoever, where the whole or any part of the consideration of such conveyances or securities shall be for any money, or other valuable thing whatsoever, won by gaming or playing at cards, dice, tables, tennis, bowls, or other game or games whatsoever, or by betting on the sides or hands of such as do game at any of the games aforesaid, (a), or for the reimbursing or repaying any money knowingly lent or advanced for such gaming or betting as aforesaid, or lent and advanced (b) at the time and place of such play, to any person or persons so gaming or betting as aforesaid, or to any other person or persons in trust for, or to the use of them so gaming or betting, or that shall, during such play, so game or bet, shall be utterly void, frustrate, and of none effect, to all intents and purposes whatsoever: And that where such mortgages, securities, or other conveyances, shall be of lands, tenements, or hereditaments, or shall be such as incumber or affect the same, such mortgages, securities, or other conveyances, shall enure and be to and for the sole use and benefit of, and shall devolve upon such person or persons, as should or might have, or be entitled to such lands, tenements, or hereditaments, in case the said grantor or grantors thereof, or the person or persons so incumbering the same, had been naturally dead, and as if such mortgages, securities, or other conveyances, had been made to such person or persons so to be entitled after the decease of the person or persons so incumbering the same; and that all grants or conveyances, to be made for the preventing such lands or tenements or hereditaments

(a) 1. Salk. 344 Hussy versus Jacob, and Pope versus St. Leger, and 1 Salk. 345. Anonimus.

(b) 2 Stra. 1155. Bowyer versus Brampton. Innocent indorsee of a note for money knowingly lent to game with, can maintain no action against the drawer. 2. Stra. 1249. A parcel loan of money to play with is not void, for the word *contra* is not in this Act, though it is in the Stat. of jury.

hereditaments from coming to or devolving upon such person or persons hereby intended to enjoy the same as aforesaid, shall be deemed fraudulent and void, and of none effect to all intents and purposes whatsoever.

II. And be it further enacted, That from and after the publication hereof, any person or persons whatsoever who shall by playing at cards, dice, or tables, or any other game or games whatsoever, or by betting on the sides or hands of such as do play at any game or games as aforesaid, within twenty-four hours, or at any one meeting or sitting, lose to any one or more person or persons, so playing or betting, any sum or sums of money, exceeding the sum of twenty shillings, or any other valuable thing or things whatsoever beyond the value of the sum of twenty shillings, and shall pay or deliver the same or any part thereof, the person or persons so losing and paying or delivering the same, shall be at liberty, within one month then next following, to sue for and recover the money or goods so lost and paid or delivered, or any part thereof, from the respective winner or winners thereof, with costs of suit, by action of debt founded on this Act; to be prosecuted in any of His Majesty's Courts of Record, in which action it shall be sufficient for the plaintiff to alledge that the defendant or defendants are indebted to the plaintiff, or received to the plaintiff's use, the monies so lost and paid, or converted the goods won of the plaintiff to the defendant's use, whereby the plaintiff's action accrued to him according to the form of this Act; and in case the person or persons who shall lose such money or other thing as aforesaid, shall not, within the time aforesaid, really and bona fide, and without covin or collusion, sue and with effect prosecute for the money or other thing so by him or them lost and paid, or delivered as aforesaid, it shall and may be lawful to and for any person or persons, within one month thereafter, by any such action or suit as aforesaid, to sue for and recover the same with costs of suit, against such winner or winners as aforesaid; the one moiety thereof to the use of the person or persons that will sue for the same, and the other moiety to the use of the poor of the town where the offence shall be committed.

III. And be it further enacted, That the parent, guardian, or master of any person or persons under the age of twenty-one years, shall likewise be at liberty to sue for and recover, in manner as is before prescribed, any money or other thing won by gaming from such persons within lawful age, and treble the value of the money so won, with costs of suit.

IV. And be it further enacted, That if any persons, shall, by fraud, unlawful device, or ill practice whatsoever, in playing at any game or games whatsoever, or by bearing a share or part in the stakes, or by betting on the sides of such as shall play, win, or acquire to themselves, or to any others, any money or other valuable thing, every person so winning or acquiring by such ill practice as aforesaid, and being thereof convicted of any of the said offences, upon indictment or information, shall forfeit five times the value of the money or other thing so won as aforesaid; such penalty to be recovered by such person as shall sue for the same by such action as aforesaid.

V. And for the better suppressing all public Gaming Houses, it is hereby further enacted, That it shall and may be lawful to and for any two or more of his Majesty's Justices of the Peace, to enter into any public Houses suspected of keeping any gaming tables, and to order and direct the keepers of such gaming tables, if any such shall be found therein, to remove the same within forty eight hours, as a public nuisance; and any person refusing or neglecting to obey the order of such Justices, the said Justices, shall have power to break and prostrate such public gaming tables, and also to require sufficient security from persons keeping such public gaming houses, for their good behaviour during twelve months, or for their appearance at the next Quarter Sessions, there to be prosecuted for offending against this act, and on conviction, to be either fined or imprisoned, as the court shall direct.

Eng. stat. 9. An. c. 14. sec. 2. Persons losing more than 20s. within 24 hours
1. Salk. 345. Dickson versus Pawlet
2. Mod. 54. Hill versus Pheasant
1. Stra. 1079. Turner versus Warren

may sue for and recover the same from the winner within 1 month

And in case such person shall not sue within that time,

any other person may sue for and recover the same within 1 month after
One half to the use of the poor

Parents, &c. of persons under age, may sue for money, &c. won from them
Eng. stat. 16. Car. 2. c. 7. sec. 2. and 9. Ann. c. 14. sec. 5. Persons winning any money, &c. fraudulently to forfeit five times the value
1. Stra. 1048 Rex versus Luck-up. The penalty must be sued for after the conviction

Two Justices may order gaming tables, to be removed as public nuisances, &c.

CAP. II.

An ACT for permitting Persons of the Profession of the People called Quakers, to make an Affirmation instead of taking an Oath.

Eng. stat. 22.
Geo. 2. c. 46.
sec. 36
Quakers may
make solemn af-
firmation instead
of taking an
oath

BE it enacted by his Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That every person of the profession of the people called Quakers, who shall be required upon any lawful occasion to take an oath, shall instead of an oath in the usual form, be permitted to make his or her solemn declaration or affirmation in these words, to wit.

“ I A. B. do solemnly, sincerely, and truly declare and affirm :”

Which solemn affirmation shall be adjudged and taken to be of the same force and effect, in all places where by law an oath shall be required, as if such Quaker had taken an oath in the usual form.

Persons falsely
affirming to suf-
fer as if guilty
of perjury

II. *And be it further enacted*, That every person who shall have made such solemn affirmation, and shall be convicted of wilfully, falsely, and corruptly, having affirmed any thing, which if the same had been sworn in the usual form, would have amounted to wilful and corrupt perjury, shall incur the same penalties as persons convicted of wilful and corrupt perjury.

Criminal causes
excepted

III. *Provided*, That no Quaker or reputed Quaker shall, by virtue of this act, be admitted to give evidence in any criminal causes (a), by such solemn declaration or affirmation as is hereby directed (b).

Quakers to af-
firm that have
been so for one
year.

IV. *Provided*, That no persons shall be deemed Quakers within the intention of this act, unless they shall affirm in the form before directed, that they are of the profession of the people called Quakers, and have been so for one year then last past.

To be deemed a
public act.

V. *And be it further enacted*, That this act shall be deemed to be a public act, and be judicially taken notice of as such.

(a) By Eng stat. 22. Geo. 2. c. 46. sec. 37. Quakers are also disqualified from serving by any affirmation, &c. on Juries, or bearing any place of profit from the government.

(b) Attachment, for non performance of award cannot be grounded on affirmation of Quakers, 1 Stra. 441. Nor articles of peace, 1. Stra. 527. Nor appeal of murder, though as between party and party it is a civil suit. 2. Stra. 836. Nor information for a misdemeanor, 2 Stra. 872. Affirmation of service of a rule to shew cause by a Quaker, in a criminal prosecution, was held sufficient to make the rule absolute. 2. Stra. 1219.

CAP. III.

An ACT in addition to an Act, entitled, An Act for the establishment of Religious Public Worship in this Province, and for suppressing of Popery.

Preamble

WHEREAS although in and by the said Act it is enacted, that the sacred rites and ceremonies of Divine Worship, according to the Liturgy of the Church established by the Laws of England, shall be deemed the fixed Form of Worship amongst us, and the place wherein such Liturgy shall be used, shall be respected and known by the name of the Church of England as by Law established; and although a Church is already built, and public worship performed therein, yet no provision is made in the said Act for the choice of Parish Officers, or to empower the Parishioners belonging to the said Church to raise money for the support and maintenance of such ministers as are, or shall be hereafter appointed to officiate therein, and for the repairs of said Church; Be it therefore enacted by his Excellency the Governor,

Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That the parish of the church commonly called and known by the name of St. Paul's Church, shall extend and comprehend all the lands lying and being in the township of Halifax hereafter to be known and called by the name of the Parish of Saint Paul's, for and during such time as the said township shall consist of one parish only, and that the church wardens and parishioners of said parish, are hereby impowered to meet as soon as convenient may be, notice being first given of such meeting, and the place thereof, by the Rector of said parish, and shall then and there chuse twelve officers of the said parishioners for vestry men, in which vestry shall be included, the ministers belonging to the said church; and officiating therein; and the said church wardens and vestry shall have and exercise all such powers and authorities, for the benefit of the said church, as are usually exercised by church wardens and vestries in the parish churches in England, (a) and shall, to all intents and purposes, be, and are hereby empowered, as a body politic incorporate, to sue and be sued, (b) and to ask, demand, and sue for the rents due for the pews of said church, for the benefit of the ministers and repairs thereof, and to take and receive all gifts, grants, either of lands or money, to and for the use of the said parish church, and to improve the same for the benefit and advantage thereof, according to their best discretion, and the true intent and meaning of the donors: and the said meeting of the parishioners for the choice of vestry-men, shall hereafter be annually, on Michaelmas day, on which day shall also be chosen, annually, the church wardens for the said church, by the said parishioners. (c)

Parish of St. Paul to comprehend all the lands in the township of Halifax.

Church wardens and parishioners to chuse twelve vestry men,

who shall have the same powers as in England.

Church wardens and vestrymen to be chosen on Michaelmas day annually.

II. And be it further enacted, That if any of the said parishioners, who shall be regularly chosen into the offices aforesaid, do refuse to serve in the same, he, or they, shall forfeit the sum of five pounds, to be recovered by bill, plaint, or information, in any of his Majesty's Courts of record; which forfeiture shall be to and for the use of the said parish church. (d)

Persons refusing to serve forfeit 5l.

III. And be it further enacted, That the said parishioners may, by a vote of the majority at their annual meeting then present, grant such sums of money towards the support and maintenance of their minister or ministers, or for the repairs of the said church, as they may think necessary; which said vote shall be binding on all the parishioners belonging to the said church, and others dwelling in the said parish, not exempted by law from paying towards the support of the church of England; which sum or sums of money so voted, shall be assessed in just and equal proportions on every parishioner, according to their several abilities.

Parishioners may at their annual meeting grant money for the support of their ministers, &c.

IV. And be it further enacted, That for the greater ease of the parishioners, in paying in such sums so granted, that for every yearly grant for the support of the ministry, it shall be assessed by the church wardens and vestry in two equal assessments, one half to be paid in the first six months, and the other half in the last six months.

to be paid every half year.

V. And be it also enacted, That the said church wardens shall, and they are hereby impowered to collect and receive such rates and taxes; and if any person thus rated or taxed, shall

Church wardens to collect the rates.

H

not

(a) When met, the major part present will bind the whole Parish. Watson's clergyman's law, c. 19. Right of adjourning vestry is in the whole assembly, 2. Stra. 1045. By custom in England, special vestries may make rates, take the accounts of church wardens, &c. but when rates are made, the parishioners must have notice of the vestry to be held for that purpose, when all that are absent shall be concluded by a majority of those present. Wood's inst. Com. L. 90. If parishioner having right to be present, and vote in the vestry, be shut out of the vestry room, action on the case lies, Mod. cases in L. & Eq. 52. 354. 1. Stra. 624.

(b) Church wardens are a corporation to sue for church goods, and to purchase goods, for the use of the parish, but not a corporation to purchase lands, or to take by grant. Gibs. Cod. Jur. Eccl. 215. Church wardens cannot dispose of goods without consent of the parish. Watson's clerg. L. c. 39. 1. Roll's Abr. 393. Cro. Jac. 234.

(c) By custom parish may chuse both the church wardens, 2. Roll's Abr. 287. In London both the church wardens are appointed by the parish. Ld. Raym. 138. But by Can. 89. the minister shall chuse one, and the parishioners another. In new churches the canon must take place, because no custom can be pretended, unless saved by Act of parliament. Gibson Cod. Jur. Eccl. 215.

(d) By Eng. Stat. 1 Will. 3. c. 18. sect. 7. 11. (the toleration Act) If a dissenter, not being ordained, be chosen church warden, &c. he may execute the office by a deputy—but a dissenting ordained minister is exempted from being chosen a church warden or to any other parochial office.

What other persons are exempted from all parish offices vide 1. Roll's Rep. 368. 2. Roll's Abr. 272. Eng. Stat. 6 Will. 3. c. 4. sect. 2. 3. Eng. Stat. 10. & 11. Will. 3. c. 23. sect. 2. Gibs. Cod. Jur. Eccl. 215. Manamus will lie to admit to office of church warden, &c. Ld. Raym. 138. 1. Salk. 166. 1. Stra. 610.

not pay the same within one month, after notice given by such church wardens, that then it shall and may be lawful on the complaint of such church wardens, on oath, that due notice has been given as aforesaid, for any one of his Majesty's Justices of the Peace for the County of Halifax, by warrant of distress under his hand and seal, to cause the same to be levied on the goods and chattels of the person so failing.

Persons over-rated may appeal to the Sessions.

VI. *Provided always*, That if any person shall think himself over-rated, he may appeal for redress to the next General Sessions of the Peace for the said county, and the Justices thereof are hereby required and empowered to examine, hear, and determine all and every such appeal or complaint, and to give redress, as they, in their judgment, shall think equitable, and such, their order and judgment, shall be final, and bind all parties.

Rates to be made the first Monday after Easter yearly.

VII. *And be it further enacted*, That the church wardens and vestry may meet as often as the business of the said church shall require, but for the making the assessments and rating the parishioners, they shall, and are hereby enjoined to meet on the first Monday after Easter, yearly, and every year; and no assessment, unless the same be agreed on and subscribed by, at least, seven of the said vestry and church wardens, nor any other act by them done or agreed on to be done, shall be valid, and have its force and effect in law, unless, also, seven of them, at least, be present.

Ministers of the Church of England, subject to the penalties prescribed by the canons and no other.

VIII. *And be it further enacted*, That the Ministers of the Church of England, not conforming themselves to the rules prescribed by the canons of the said church, shall be subject to the censures and penalties incurred therein and none other, any law, usage, or custom to the contrary notwithstanding.

This clause repeals the penalties by Pro. Law 32, Geo. 2. c. 17. sect. 2. & 3.

CAP. IV.

Executed.

An ACT for erecting a Market-House within the Town of Halifax, and for raising a Sum of Money by Lottery for that purpose.

CAP. V.

Repealed by his Majesty in Council.

An ACT to enable Proprietors to divide their Lands held in Common and undivided.

CAP. VI.

For the Acts in amendment or addition to this Act, see note on 32d. Geo. 2d. Cap. 21.

An ACT in addition to an Act, entitled, An Act relating to the Affize of Bread, and for ascertaining the Standard of Weights and Measures, made and passed in the thirty-second Year of His Majesty's Reign.

No provisions or goods of any kind (except hay) to be sold by Steelyards, on penalty of 20s.

BE it enacted by his Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That from and after the first day of May 1760, no provision or goods of any kind shall be sold within the province, by steelyards (except the article of hay) under the penalty or forfeiture of twenty shillings, to be paid by the person or persons offending, for each and every default, and to be recovered before any of His Majesty's Justices of the peace.

Clerks of the market to inspect scales, weights,

II. *And it is further enacted, by the authority aforesaid*, That the Clerks of the Market are hereby empowered to inspect all beams and scales, weights and measures, as well of brass as

of other metals, and also the steelyards used for weighing hay, once in every three months, or oftner as they shall see cause; not only those used by the inhabitants, selling publicly by weights and measures, but also those used on board any ships or vessels lying at any wharves, or at anchor in any harbour, or by any person or persons selling as aforesaid within the province, and the same to assay and stamp, and dispose of as in said Act is directed, and under the same penalties: and all masters of ships or vessels refusing admittance to the said Clerks of the Market, shall be liable to the same penalties as any inhabitant, in manner and form as prescribed by said Act, and to be recovered in the same manner.

&c. once in three months and
to assay and stamp the same.

III. *And it is also further enacted,* That all fines and forfeitures incurred by this, or the former recited Act, shall be applied, three fourths to the Clerk of the Market, and the other fourth to the poor of the town where the offence shall be committed.

Three fourths of fines, to the Clerk of the market, one fourth to the poor.

CAP. VII.

An ACT to prevent the importing disabled, infirm, and other useless persons into this Province.

Repealed by his Majesty in Council.

CAP. VIII.

An ACT to prevent disorderly riding Horses, and driving Carts, Trucks, and Sleds, Slays or any other Carriage whatsoever, within the Town of Halifax, or any other Town within the Province.

IN order to prevent the inconveniences and mischiefs which might arise from the negligent and disorderly riding horses and driving carts, trucks, and sleds for carriage of burthen, or any other carriage whatsoever, within the town of Halifax, or any other town within the Province; Be it enacted by His Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That from and after the publication hereof, no person or persons shall, on any pretence whatever, gallop or ride at full speed on horseback, or having the charge of driving any horse or horses, in any cart, truck, or sled, shall ride upon such horse or horses, or remain placed in or upon any part of such cart, truck or sled, within any of the streets or highways of the said town or towns, and that no such driver or drivers shall omit, during such time, to lead the shaft or thill horse by an halter, not exceeding four feet in length, or shall drive any such horse or horses faster than a foot pace, upon penalty of ten shillings for every such offence, to be paid upon conviction by the testimony of one credible witness, before any one of His Majesty's Justices of the Peace, within twenty-four hours after such offence committed; and in case of any such offender's refusal to pay the same, said offender shall be put to labour for the space of four days in repairing the said highways, under the direction of the Surveyor or Surveyors of highways, or any of them; and in case of refusal or neglect to perform such labour, it shall and may be lawful for any Justice of the Peace, upon complaint of the said Surveyor or Surveyors, or any of them, to cause such offender to be committed to the house of correction, where he shall forthwith receive ten stripes in the usual manner of correcting offenders at the said house, and thereupon be discharged.

Preamble
No person to ride at full speed on horseback, &c. in any town
on penalty of 10s. or
four days labour in the highways,
on refusal to be whipped ten stripes

II. *And be it further enacted,* That every owner or proprietor of any sled or slay, used either for carriage of goods or persons, shall cause at least six horse bells to be affixed to the horse harness of the said sled or slay, and shall not drive the same, or any other carriage whatsoever, in a disorderly manner, upon penalty of twenty shillings for every omission or offence, upon conviction

Owner of sleds or slays to fix six horse bells on the horse harness, &c.
on penalty of 20s.

conviction, on the oath of one credible witness, before any one of His Majesty's Justices of the Peace, within twenty four hours after such offence committed; and in case of refusal or neglect to pay the same, to be levied on the goods or chattels of such offender, by warrant of distress and sale under the hand and seal of said Justice.

Fines to be applied to repair highways.

III. All fines and penalties incurred by this Act, to be paid into the hands of the Surveyors of the highways for the time being, to be by them applied towards the repairing and amending the same.

CAP. IX.

This Act is repealed by 36th Geo. 3d. c. 2

An ACT, in addition to an Act, entitled, An Act for regulating Petit Juries; and declaring the qualification of Jurors.

CAP. X.

For the Acts in amendment of this Act, or addition thereto, see note on 32d. Geo. 2d. cap. 5

An ACT for the better and more effectual establishment of the Church of England in this Province.

When any church, &c. shall be erected, the Governor and Council to prescribe the limits of the parish
*In what manner parochial churches are founded, Vide Dr. Burn's ecel. Law. 2. v. of. 132. Bp. Gibson's Cod. Jur. Eccl. Aug. Tit. 9. Church wardens &c. to be chosen annually, in manner prescribed for the Parish of St. Paul's in Halifax.
33. Geo. 2. c. 3.

BE it enacted by His Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, That hereafter when any Church, Chapel, or place of worship shall be erected in any part of this province, for the celebration of divine service, according to the rites and ceremonies of the Church of England, it shall and may be lawful for his Excellency the Governor or Commander in Chief, with the advice and consent of His Majesty's Council, to prescribe limits and allot a certain district, which shall be the parish of the Church so erected *; and it shall and may be lawful for the inhabitants or persons residing within the said district, to meet for the choice of church wardens, vestry, and parish officers, which choice shall be made yearly, and at the same time and manner as is prescribed already for the parish of St. Paul's in Halifax; and all meetings, acts and proceedings of the parishioners, church wardens, vestry, and parish officers of said parish so erected, in behalf of the said church and parish, shall be according to the rules and regulations set forth for St. Paul's Church in Halifax, in an Act entitled, An Act in addition to an Act for the establishment of religious public worship in this province, and for suppressing popery. And the said church wardens and vestry are hereby empowered to act in the same manner, in all cases, as is prescribed in said Act.

The powers and authorities of church wardens, jointly with overseers of the poor, as it respects poor, are otherwise provided for, therefore the second section of this Act is not reprinted.

CAP. XI.

An ACT, for regulating the Rates and Price of Carriages.

Preamble.

Justices in sessions to regulate rates for the carriage of wood, &c. in Halifax.

WHEREAS the rates and price demanded by the owners of trucks, carts, and other carriages of goods, wares and merchandize, are very exorbitant and excessive, and burthensome to trade: In order, therefore, to remedy the same; Be it enacted by His Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, That the Justices in their General Sessions of the Peace, held for the county of Halifax, shall twice every year, in the month of March and in the month of September, regulate the fares and rates for the carriage of wood

wood, barrels, hogheads, and other wares and merchandize in the town of Halifax and its suburbs, consideration being had to the price of hay, provender for the cattle, and price of day labourers; and shall cause a table of the several rates agreed upon by them at their sessions to be printed and posted up in the most public places in and about the town of Halifax.

II. *And be it further enacted*, That if any carman or owner of trucks or carts, or any other carriage, shall ask, demand or receive, from any person, any other or greater rates or fare, than is allowed and prescribed by the table aforesaid, he or they shall forfeit and pay the sum of twenty shillings, to be recovered on the oath of the prosecutor, before any one of his Majesty's Justices of the peace for the county of Halifax, and to be levied by warrant of distress: one half to be paid to the prosecutor, the other half to be applied to and for the mending of the streets of Halifax.

Carmen, &c. demanding any greater rates for-
licit 20s.

III. *And be it also further enacted*, That the Justices of the Peace at the Quarter Sessions, held in and for the several counties within the province, are also impowered and hereby required every year, in the months of March and September, to regulate the fares and rates of carriages for the several towns in each of the said counties, in like manner and with the same penalties, and to be recovered as is directed by the preceding clauses of this Act; one half of the fines and forfeitures to be paid to the prosecutor, and the other half applied to and for mending and repairing the streets of the town where such offence shall be committed.

Justices in sessions in other counties, to regulate the rates of carriages for each town

CAP. XII.

An ACT, in addition to an Act, entitled, An Act for the relief of the Poor in the Town of Halifax, made and passed in the 33d Year of His Majesty's Reign.

Executed!

CAP. XIII.

An ACT, to prevent any private Trade or Commerce with the Indians.

Repealed by His Majesty in Council.

CAP. XIV.

An ACT, in addition to an Act, entitled, An Act, for preventing Trespasses.

For the Acts in addition to or amendment of this Act, see note; on 32d. Geo. 2d. cap. 14.

WHEREAS by an Act made and passed in the thirty second year of his Majesty's reign, entitled, An Act for preventing trespasses, it was enacted, "That it should be lawful to impound any swine going at large, within the streets, lanes, or suburbs of the town of Halifax;" And whereas no provision was therein made for inclosing ground for a pound; Be it therefore enacted by his Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That a pound shall be forthwith made of forty feet square, at the public expence; and that the Grand Jury of the Supreme Court, to be held in April next, shall appoint a keeper of the same.

Preamble

A pound to be made forty feet square, and a keeper appointed

II. *And be it further enacted by the authority aforesaid*, That if any damage shall be done by breaking any inclosures, and destroying any of the produce thereof, by any horses, sheep, goats, swine, or neat cattle, it shall and may be lawful for the person or persons whose fence or

Trespassing cattle to be impounded

fences.

fences shall have been so broken, and whose inclosures shall have received such damage, to cause the said horses, sheep, goats, swine, or neat cattle, to be impounded until the owner or owners of such trespassing cattle shall claim the same, and the keeper of the pound shall cause the same to be cried as soon as may be, in order that the person or persons injured may proceed against the said owner or owners of such horses, sheep, goats, swine, or neat cattle, refusing to pay the damages done by their said horses, sheep, goats, swine, or neat cattle as is directed in the first clause of the Act entitled, "An Act for preventing trespasses," and the owner or owners of such horses, sheep, goats, swine, or neat cattle, shall pay to the keeper of the pound, over and above the damages which shall be adjudged to have been done by the said horses, sheep, goats, swine, or neat cattle, for the support of the same, for each and every day the same shall be impounded, one shilling for every horse, and head of neat cattle, and six pence for every sheep, goat or swine. And if the owner of such horses, sheep, goats, or swine, or neat cattle, shall refuse to pay the same to the keeper of the pound, together with the charge of crying the same, within fourteen days after the same shall be impounded, the said horse or horses, neat cattle, sheep, goats, or swine, shall be publickly sold, and the money arising from said sale, after deducting therefrom the pay of the keeper for supporting them, and the damages done by the said horse or horses, neat cattle, sheep, goats, or swine, the remainder shall be paid to the owner, and if no owner shall appear, then to the overseers of the poor, for the use of the poor of the township of Halifax.

Owners of such cattle refusing to pay the damages &c. the same to be sold for the payment thereof

Persons rescuing such cattle, forfeit 20s. besides the damage done by the trespass,

and for every pound breach 5l.

to the use of the poor

Justices in sessions to make regulations in other counties,

III. *And whereas no provision is made by the said Act for preventing any rescue of swine, horses, sheep, goats, or neat cattle, Be it therefore enacted,* That if any person or persons shall rescue any swine, horses, sheep, goats, or neat cattle, from any hogreave or other person, driving such swine, horses, sheep, goats, or neat cattle, to the pound, the offender shall forfeit and pay for such rescuous, the sum of twenty shillings, over and above all damages that may be sustained by the trespass of such swine, horses, sheep, goats, or neat cattle; which penalty and damages shall be recovered by the oath of one credible witness, before any one of his Majesty's Justices, and to be levied by warrant of distress, and sale of the offender's goods and chattels; and if any person or persons shall make any breach of the said pound, or shall by any other indirect means, deliver any swine, horses, sheep, goats, or neat cattle, out of the same, the person so offending, being duly convicted thereof before any two of his Majesty's Justices of the peace, shall forfeit and pay the sum of five pounds, to be levied as aforesaid; and the said penalties for every such rescuous and pound breach, shall be paid to the church wardens and overseers of the poor, for the use of the poor of the town of Halifax, after deducting the charges of repairing any breach of the pound.

VI. *And be it further enacted,* That the Justices in their Quarter Sessions of the Peace, in all other counties within the province, shall be impowered, and are hereby directed, 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.

[The 4th and 5th sections of this Act, together with that part of the 4th section of 32d Geo. 2d. Cap. 14 which respect the repairs of the Streets in Halifax, being now otherwise provided for, are not reprinted.]

CAP. XV.

AN ACT, in addition to, and amendment of an Act, entitled, An Act for confirming the proceedings on the several Resolutions of the Governors and Council of this Province, relating to the Duties of Impost on Rum, and other distilled Liquors; and enabling the late Collector or Receiver to recover the Monies unpaid, for any Bonds and Notes remaining in his hands; and for establishing and regulating several Duties of Impost on Wines, Beer, Rum, and other distilled Spirituous Liquors for the future; and for the further continuance of the same. Expired.

CAP. XVI.

An ACT to prevent the Distilling Grain in this Province. Expired.

CAP. XVII.

An ACT for laying an additional Duty of Three Pence per Gallon, upon all Rum and other distilled Spirituous Liquors imported into this Province, and for allowing a Drawback on the Exportation thereof. Expired.

CAP. XVIII.

An ACT in addition to, and amendment of, and for further prolonging, an Act made and passed in the thirty-second year of His Majesty's Reign; entitled, An Act for granting to His Majesty an Excise upon Wine, Rum, and other distilled Spirituous Liquors, sold by retail; as also of an Act, entitled, An Act for the better discovering and more effectually suppressing unlicensed Houses. Expired.

CAP. XIX.

An ACT for laying a Duty of Excise of Three Pence per Gallon on all Rum and other Spirituous Liquors distilled within this Province, and for granting a Bounty on the Exportation thereof. Expired.

CAP. XX.

Expired

An ACT for further prolonging a Resolution of the Governor and Council, revived and put in force by the General Assembly, in the thirty-second year of His Majesty's Reign.

CAP. XXI.

Expired

An ACT for extending the bounty on Stone Walls built, and Hay raised within the peninsula of Halifax.

CAP. XXII.

Expired, and re-enacted

An ACT for the Summary Trial of Actions.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the fourth day of December, Anno Domini 1759, and in the thirty-third year of the reign of Our Sovereign Lord GEORGE the Second, of Great-Britain, France, and Ireland, KING, Defender of the Faith, &c. and there continued by several prorogations until the eighth day of September, Anno Domini 1760, in the thirty fourth year of His Majesty's reign, being the second and last Session of the second General Assembly convened in the said Province.*

* In the time of Charles Lawrence, Governor, Jonathan Belcher, Chief Justice, Wm. Nesbit, Speaker, John Dupont, Secretary of Council, Isaac Deschamps, Clerk of Assembly.

CAP. I.

* Cap. 12

An ACT for the making perpetual an Act made and passed in the 32d year of His Majesty's Reign, * entitled, An Act to prevent the Sale of Slop Cloathing, and for punishing the Concealers and Harbourers of Seamen or Marines deserting from the Royal Navy.

Preamble
 †† viz. the Act
 named in the 32.
 Geo. 2. c. 12.

WHEREAS the said Act † was made only to continue and be in force until the end of this present war; and whereas the said Law † has been found to be very useful and beneficial to the public,

lic, Be it therefore enacted by His Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, That the said Act to prevent the sale of stop cloathing, and for punishing the concealers and harbourers of seamen and marines deserting from the Royal Navy, shall be, and the same is hereby made perpetual, any proviso or limitation in the said Act, notwithstanding,

Act made perpetual

CAP. II.

An ACT for the ascertaining Damages on protested Bills of Exchange.

BE it enacted by his Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That from and after the second day of October, one thousand seven hundred and sixty, all bills of exchange drawn from and after said time by persons residing within this province, upon persons in Europe, that may be sent back protested, shall be subject to ten per cent. damages, and six per cent. per annum interest, from the day of the date of the protest on said bill, to the time of payment. And be it also enacted, by the authority aforesaid, that all bills of exchange drawn by persons residing within the province, after said time, on persons in the other colonies, and sent back protested, shall be subject to five per cent damages, and six per cent. per annum interest, from the day of the date of the protest to the time of payment.

Foreign bills of exchange

Cro. Car. 30r. Barnaby versus Rigalt, 1 Vent. 45. Inland bills of exchange Eng. stat. 19 and 10. Will. 3. c. 17. Eng. stat. 3 and 4. Ann. c. 9. made perpetual by 7, Ann. c. 25. sec. 3. 1 Salk. 131. Borough versus Perkins

II. And be it further enacted by the authority aforesaid, That all bills and orders drawn from and after the said second day of October next, by persons residing within the province on persons living or residing in the same, that shall be protested, shall be subject to six per cent. interest from the date of the protest to the time of payment.

CAP. III.

An ACT, to explain an Act, made and passed in the Thirty-third Year of His Majesty's Reign, entitled, "An Act to enable Proprietors to divide their Lands held in common and undivided.

Repealed by His Majesty in Council

CAP. IV.

An ACT, in amendment of an Act, entitled, An Act, for confirming Titles to Lands and quieting Possessions.

For Acts in amendment or addition to this Act, see note on 32d. Geo. 2d. cap. 2

WHEREAS some inconveniences have already and frequently do arise to the purchasers of Lands in this Province, from the difficulty of producing, before the register or his deputy, one of the witnesses to the execution of any deed or conveyance brought by them to be registered, either from such deed or conveyance having been executed in Great-Britain or Ireland, or in some of his Majesty's colonies or plantations distant from this province, in the presence of witnesses resident there, who cannot be produced before the said register or his deputy, to prove the execution thereof on oath; thereby preventing the due registering of such deed or conveyance, agreeable to the directions of an Act made and passed by the Governor, Council and Assembly of this province, in the thirty second year of His Majesty's reign, entitled, "An Act for confirming titles to lands and quieting possessions:" For remedy whereof, Be it therefore enacted by his Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, That from and after the publication hereof, the Register of deeds and conveyances

Preamble

Cap. 2

All deeds, &c. to be registered, on proof of the execution thereof, either by the acknowledgment of the grantor, or by the oath of one of the witnesses, before a Justice of the Peace, where such deeds &c. have been executed.

conveyances in this province, or his deputy, shall and may duly register, as directed by the aforesaid Act, all such deeds and conveyances of lands in this province, as shall have been made and executed in Great-Britain or Ireland; or in any of His Majesty's colonies or plantations, distant from this province, (though one of the witnesses thereto should not come before him or his deputy, to prove the same as directed by the said Act) *Provided* the execution thereof shall appear to him, either to have been properly acknowledged by the grantor himself named in such deed or conveyance, or be proved by the oath of one of the subscribing witnesses thereto, before some or one of His Majesty's Justices of the Peace, of the place where such deed or conveyance shall have been executed, and duly attested by him; and such attestation being also authenticated (if in the plantations) under the hand and seal of the Governor, Lieutenant-Governor, or Commander in Chief of the province, where the same shall be made, or of a public notary there residing; and if in Great-Britain or Ireland, under the public seal of some corporation there, or by the attestation and certificate of some notary public lawfully constituted, resident there, certifying that such person so subscribing as a Justice of the Peace is really so, and that all faith and credit ought to be given to his attestations.

CAP. V.

repealed 1802.

An ACT, in amendment of an Act, made and passed in General Assembly, at the Session begun and holden at Halifax, on the second of October, 1758, entitled, An Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates.

For Acts in amendment or addition to this Act, see note on 32d. Geo. 2d. cap. 11.

Preamble.

By Prov. Act respecting the guardianship of minors, 32. Geo. 2. c. 26. sec. 9. posthumous children are entitled to share in the father's estate.

WHEREAS by an Act made and passed in General Assembly, at the Session begun and holden at Halifax, on the second day of October, 1758, entitled, An Act relating to Wills, Legacies, and Executors, and for the settlement and distribution of the Estates of Intestates, it is, amongst other matters, enacted, 'That in case that personal assets shall be deficient for the payment of any debts or legacies, and it shall be found necessary by any executor or administrator, to make sale of any part of the real estate of the deceased for the payment of any debts or legacies, such executor or administrator shall apply to the General Assembly, to grant a licence for the sale of such part of such real estate as may be most convenient; for the payment of such debts or legacies; and before any sale be made of any real estate, the executor or administrator shall give thirty days public notice, by posting up notifications in the most public places, in the town where the deceased person last dwelt; and in the public prints, if any such there be; and whoever will give most shall have the preference in such sale: And in case the estate of such intestate shall be insolvent, the executor or administrator shall make like application to the General Assembly for an inquiry, and for the appointment of commissioners to enquire into such insolvency, and to examine and settle the claims of all creditors, and the amount of the estate of such insolvent, and to authorise such executor or administrator to sell all the lands and tenements of such insolvent, and to divide the produce of the whole of such estate, in due proportion to and among the creditors.' *And whereas inconveniences have already arisen, and may hereafter arise by the delays, hereby necessarily occasioned, during intermissions of the convention of the General Assembly, Be it therefore enacted by his Excellency the Governor, Council, and Assembly, and by the authority of the same, it is hereby enacted, That all such applications as by the before recited clause of the said Act, are to be made by any executor or administrator to the General Assembly shall, from and after the publication hereof, be made to the Governor, or Commander in Chief, for the time being, and His Majesty's Council of this*

see page 13

Applications for the sale of real Estates, for payment of debts, &c.

this province, who are hereby authorized and impowered 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.

to be made to the Governor and Council, instead of the General Assembly.

II. *And be it further enacted*, that every executor or administrator, who may, by virtue of this Act, be authorized and impowered to make sale of any real estate, shall, before such sale made, give bond by himself, or his lawful Attorney, with two sureties, at the office of the Register of the Court of Probates, in the county where such real estate shall lie, for the just and legal distribution of the monies arising from such sale, in the full value which, by the report of the commissioners for that purpose appointed, shall be certified to be necessary to be raised by such sale.

Executors to give security for a just distribution.

III. *And be it further enacted by the authority aforesaid*, That all lands, tenements, or hereditaments, sold by any executor or administrator, by virtue of this Act, shall become the absolute and undoubted right and property of the purchaser or purchasers thereof, from and after the time of such sale.

Lands, &c. sold by virtue of this Act to be the absolute property of the purchaser.

CAP. VI.

An ACT for establishing a Public Market at the Market House in Halifax, and for regulating the same.

This Act repealed by the 39th Geo. 3d. cap. 1. sec. 15.

CAP. VII.

An ACT for appointing Commissioners of Sewers.

Acts in amendment of this Act, 3d and 4th Geo. 3d. cap. 1, 5th Geo. 3d. cap. 4. 8th Geo. 3d. cap. 9. 9th Geo. 3d. cap. 2. 11th Geo. 3d. cap. 9. 21st Geo. 3d. cap. 3. 30th Geo. 3d. c. 7. 33d. Geo. 3. c. 4

WHEREAS great quantities of marsh, meadows, and low grounds in this province, and particularly in the Bay of Fundy, and rivers, bays and creeks, branching therefrom, are spoiled by overflowing of the sea, and other waters which by industry may be greatly improved, as well for the general good as for the benefit and profit of the owners; and also much meadow and pasture land might be gained out of swamps, and other rough and unprofitable grounds by drowning and draining the same: to the intent therefore, that the new settlers and other proprietors of such marshes, meadows and low grounds, may be encouraged and enabled to raise dykes, and remove such obstructions, as prevent these lands from being immediately useful; *Be it enacted by his Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted*, That it shall be in the power of the Governor or Commander in Chief, with the advice of his Majesty's Council, upon request of any of the proprietors of such lands, to grant commissions of sewers (a), to such and so many able and discreet persons (b) as to them shall seem meet, for the building and repairing such dykes and wears as are necessary to prevent inundations; and also for the damming and flowing of swamps, and other unprofitable grounds, and draining of them: By which commissions the said commissioners shall be impowered to meet and convene together from time to time as occasion may require, to view, consider, consult, and contrive such ways and methods for building and repairing such dykes and wears, as are necessary to prevent inundations, and for the drowning and draining of swamps, and other unprofitable grounds; and to employ workmen and labourers, for such reasonable

Preamble.

Commissioners of Sewers to be appointed by the Governor and Council,

Their power and authority.

(a) Eng. stat. 23. H. 8. c. 5. sec. 1. Containing the commissions issued in England under this statute. Commission at common law, vide Registr. Brev. 126. 127. F.N.B. 113. 114.

Under the commissions both at common law and by statute, the proceedings and inquiries before a Court of Sewers, are by Juries.

(b) By Eng. stat. 13 Eliz. c. 9. sec. 4 and 7. Farmer of Lands chargeable not to be a commissioner, but may act for other lands.

reasonable wages as may be agreed on, for the effecting the premises; and from time to time to assess and tax all such persons as may or shall be owners of such meadows, marshes, or such unprofitable swamps and lands as aforesaid, towards the charge thereof, having regard to each person's quantity of land and benefits to be received thereby, as equally, according to their best judgment, as they can; and also to appoint and swear a collector or collectors for the collecting, gathering, and paying the same, to such persons as by the said commissioners shall be appointed to receive it; with powers to distrain all such persons as shall neglect or refuse to make payment of his, her, or their parts or proportions, set and assessed as aforesaid, in such manner as is usually done in the like cases; and to call before themselves the said collector or collectors, to account for his or their trusts with reference to the premises; and likewise to value such repairs as may have been made to the said weirs and dykes, by the present settlers before the date of their said commissions, and to proportion an assessment for payment of the same by those who have been or may be benefited thereby, in the same manner as if such repairs had been made by their own order, in virtue of their said commissions.

x. Sid. 145.

to be sworn and have salaries.

II. *And be it further enacted by the authority aforesaid*, That the said commissioners shall be sworn for the faithful discharge of their trust, and shall receive such salaries out of the said assessment, for their time and expences touching the premises, as the Governor and Council shall appoint, unto whom the said commissioners shall be accountable, when they shall be thereto required.

Lands liable to payment of assessments.

III. *And be it further enacted, by the authority aforesaid*, That in case it shall so happen; that any proprietor of any such lands, marshes, or meadows, to be dyked and drained as aforesaid, shall be unable, or otherwise neglect to pay his, her, or their part or proportion of the said rates or assessments, it shall and may be lawful to and for the other proprietors concerned therein, to pay the said assessments, and to hold the said lands and meadows so long until the rents and profits to be received of those lands may reimburse them, and the commissioners aforesaid shall determine the time how long (c).

Appeal to the Governor and Council.

IV. *Provide always*, That any person thinking himself aggrieved at any procedure had or made by the said commissioners, or any others in pursuance of this act, may appeal therefrom to the Governor and Council for relief (d), who are hereby impowered to order the possession of all such lands as are held for payment of the assessments beforementioned, to be restored to the proprietor on proof before them, that the said assessments have been received out of the profits of the same.

(c) By Eng. Stat. 23. Hen. 8. c. 5. sec. 8. The lands may be sold for non payment of the assessment.

(d) Proceedings of Court of Sewers removable into B. R. by *Certiorari*, 5. Co. Rep. 99. b. Rook's case. 4. Inst. 276. Cro. Ja. 336. 3. Inst. 125. 1. Lev. 288. 1. Vent. 66. 1. Salk. 145.

CAP. VIII.

For Acts in amendment or addition to this Act, see 52d. Geo. 2d. cap. 2.

An ACT for encouraging the improvement of Lands in the Peninsula of Halifax, and further quieting of Possessions.

Preamble.

Lands within the peninsula of Halifax, not improved for seven years past, may be granted by the Governor and Council.

WHEREAS great inconveniences and prejudices have arisen on account of not improving the lands on the peninsula of Halifax: And whereas by the absence of several Grantees, and the neglect and death of others, many of the lots lie waste: In order therefore to encourage the improvement of the Lands within the said peninsula, Be it enacted by His Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, That in all cases where the Grantees of Lands within the said peninsula, have been absent from the province, or have lived therein, for the space of seven years, and no improvement made thereon for that time; and likewise in such cases where any Grantees of Lands are dead, and no persons, in right of such Grantees, have claimed

claimed said lands (a); it shall and may be lawful, upon an inquest of office, on the oaths of twelve men; sworn for that purpose, held before the commissioner of Escheats and Forfeitures, according to the commission to him granted*, and duly returned into the office of Register of the Court of Chancery, for the Governor, or Commander in Chief, for the time being, with the advice and consent of His Majesty's Council, to make grants and conveyances of such lands so returned, which grants and conveyances shall be good, valid and effectual, to all intents and purposes whatsoever (b).

II. *Provided*, That it shall and may be lawful, for all persons interested or entitled to such lands as are comprized in said office, to traverse the same, within twelve months from the date of such inquest. And if the said office shall not be traversed within said time, the grant of said lands, by virtue of such inquest, by the Governor, or Commander in Chief, with advice as aforesaid, shall be absolute according to the form and effect of such grant (c).

III. *And whereas it may be doubtful, whether the Registry of Lots of Land (granted simply as Lots without any formal conveyance under the seal of the Province) within the said Peninsula of Halifax, or elsewhere in this Province, import a conveyance in fee simple to the persons in whose names the same are registred: for the quieting such persons in their possessions, Be it enacted by the authority aforesaid, That all and every person, having a right to claim by virtue of such registry (excepting the persons absent or neglecting to improve as aforesaid) (d), shall be entitled to a full and absolute estate in fee simple, in the lands so registred, any want of form in the said registry notwithstanding.**

* This reference seems to establish the commission *in toto*, and not for the particular purposes of absent grantees, &c.

Persons interested in such lands may traverse within twelve months otherwise the grant to be absolute.

Registry of such lands to be a fee simple.

(a) This clause can have respect only to grants by virtue of registries (in nature of licences for improvement in order to future grants) but not to grants by record under seal of government, which must operate and be tried by the terms of the patents, and are not voidable by general revocations or any conditions not imposed by the grants.

(b) The King's title to resume must appear by office on oath, by record ministerial before the Escheator &c. 4. Rep. 54. b. and by Eng. stat. 18. Hen. 6. c. 6. letters patent granting lands before the King's title is found by inquisition returned into Chancery, are void. Vide Eng. stat. 21. Jac. 1. c. 25.

For the nature of the Escheator's office, and the writ to him *de inquirendo*, vide F.N.B. 321. C D. Reg. Brev. 165. a. and Eng. stat. 8. Hen. 6. c. 16. 23. Hen. 6. c. 16. sec. 1. 12. Ed. 4. c. 9. 1. Hen. 8. c. 8. and Co. Lit. 13. a. b. and 92. b.

Vide 4. inst. c. 23. pa. 225. entitled "Court of the Escheator and of Commissioners for finding of Offices, &c." and 4. Bac. Abr. C. L. pa. 154. b. Tit. Prerogative, letter B. Division. 2. Prerogative in Escheats, where the Escheator's office is considered as still subsisting for finding offices by inquest to vest titles in the Crown, and not as an officer useless by abolishing the court of wards and liveries, by Eng. stat. 12. Car. 2. c. 24.

(c) By Eng. stat. 1. Hen. 8. c. 10. sec. 3. After office found before any Escheator, the lands seized may be let to the traverser. How offices may be traversed, vide Eng. stat. 2 and 3. Ed. 6. c. 8. sec. 6, 7, 13. and by sec. 14, after judgment upon the traverse if it shall appear by record that the King has any other title, it shall be saved to the King.

(d) This exception absolutely excludes absentees, &c. from deriving in fee simple, by virtue of any registry, for so is the manifest design of the Act.

* This institution is, by due authority deemed expedient as a mode of short process, and without expence, for entitling the Crown to resume and grant lands forfeited by breach of conditions.

CAP. IX.

An ACT, in amendment of an Act, entitled, An Act relating to Treasons and Felonies.

For Acts in amendment or addition to this Act see note on 32d Geo. 2d. cap. 13.

WHEREAS by an Act, entitled, *An Act relating to Treasons and Felonies*, it is, amongst other matters enacted, 'That if any person or persons indicted of any offence, for which they are excluded from the benefit of clergy, or of the said Act, shall challenge peremptorily above twenty of the jury, judgment shall be pronounced, and execution awarded against such person or persons, as if such person or persons had been convicted of such offence by verdict or confession.' *And whereas it will be more agreeable to the common course of justice, to allow the benefit of defence and trial; Be it therefore enacted by His Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That in all cases where any prisoner shall*

If a prisoner challenges above 20 jurors, such challenge to be over-ruled, and the jury sworn.

shall challenge peremptorily above twenty of the Jury, such challenge shall be overruled, and the jurors shall be sworn for the trial of such prisoner, as if no such challenge had been peremptorily made.*

* Co. P. C. 102. pa. 227, 228. 4. Hale's hist. P. C. 270. adjudged, on Eng. Stat. 22. H. 8. c. 14. that Challenge above twenty shall be overruled.

CAP. X.

An ACT in addition to and amendment of an Act, entitled, An Act for the better and more effectual establishment of the Church of England in this Province.

For acts in amendment or addition to this act see note on 32d Geo. ad, cap. 5.

Preamble.

Ministers may sue the church wardens for money received by them, &c.

WHEREAS great detriment and inconvenience may arise to the Ministers of Saint Paul's Church, in the town of Halifax, as well as the ministers of churches, which may be hereafter established within this Province, for want of sufficient power to sue and recover from the church wardens, such sum or sums of money, as they may have received from time to time, for the use of said ministers, Be it therefore enacted by His Excellency the Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, That the said ministers shall be and are hereby empowered to sue for and recover from the said church wardens, all such sums as they may have received, or shall neglect to sue for and recover, for the use and benefit of said ministers.

CAP. XI.

An ACT for continuing an Act, entitled, An Act, to prevent any private Trade or Commerce with the Indians.

Repealed by his Majesty in Council.

CAP. XII.

An ACT for regulating the Common belonging to the Township of Lunenburg.

Acts which respect other commons 10th Geo. 3d. cap. 4. 29th Geo. 3d. cap. 6. 33d. Geo. 3d. c. 9. 37th. Geo. 3d. cap. 2.

Preamble.

Grand jury, at March sessions, to make regulations for the common, for one year, to be approved by the Justices.

The like to be done annually at March sessions.

WHEREAS His Excellency the Governor has granted and set apart, a tract of land lying in the peninsula of Lunenburg, to serve as a Common for the inhabitants of said Town; And whereas it is necessary, that some regulations should be made by proper persons, for the common benefit of the said inhabitants from time to time, as their situation and circumstances may require, Be it therefore enacted by His Excellency the Governor, Council and Assembly, and by the authority of the same it is hereby enacted, That the Justices in their quarter sessions, to be next held in March for the said town and county, shall give it in charge to the grand jury then and there summoned, to assize and settle such regulations, as they may think most proper and convenient to be observed and followed by the inhabitants of Lunenburg; to continue for one year, from such session; and such regulations as shall be approved of by the Justices of said sessions, shall be and are hereby declared to be the stated rules, to be kept, observed, and followed with relation to the said common, by the aforesaid inhabitants, for and during the space aforesaid.

II. And be it further enacted, That the said Justices shall, in the like manner at their annual sessions, thereafter to be held in March, proceed and give in charge to the grand jury in manner aforesaid, and settle and approve of such rules and regulations for the said common, to serve for the year then next ensuing, as to them shall appear most proper and convenient.

III. *And be it also further enacted,* That the said Justices shall be, and are hereby impowered to fettle, and appoint such pains and penalties, to be inflicted upon the person or persons, who shall neglect or refuse to obey the rules and regulations so to be settled at the said annual sessions of the peace, as to them shall appear to be just and equitable.

Justices to appoint penalties for not obeying such regulations

IV. *Provided,* That such pains or penalties to be inflicted, shall not exceed the sum of forty shillings each.

Not to exceed 40s.

CAP. XIII.

An ACT for building a public Slaughter House in the Town of Halifax, and for regulating the same.

This act was executed, but the building and ground having been sold under the authority of the 28th Geo. 3d. cap. 10. the same is not reprinted.

CAP. XIV.

An ACT for further continuing an Act, entitled An Act for the reviving and putting in full force, several of the Resolutions or Acts of His Majesty's Governors and Council of this Province heretofore made.

Expired.

CAP. XV.

An ACT in amendment of an Act, entitled An Act for the better observation and keeping of the Lord's Day.

Expired.

CAP. XVI.

An ACT for further prolonging an Act, made and passed in the thirty-second year of His Majesty's reign, entitled An Act for granting to His Majesty an Excise upon Wine, Rum, and other distilled Spirituous Liquors, sold by retail; as also of an Act, entitled An Act for the better discovering, and more effectually suppressing, unlicensed Houses.

Expired.

CAP. XVII.

An ACT for continuing an Act, entitled An Act for confirming the past proceedings of the Courts of Judicature, and for regulating the further proceedings of the same; and also an Act in addition to, and explanation of, an Act, entitled An Act for confirming the past proceedings of the Courts of Judicature, and for regulating the further proceedings of the same.

Expired.

CAP. XVIII.

Expired.

An ACT for granting and establishing an allowance to the Collector or Collectors of the Impost and Excise Duties:

CAP. XIX.

Expired.

An ACT for further extending of Bounties and Premiums:

CAP. XX.

Expired.

An ACT for further prolonging the several Acts hereinafter mentioned, relating to the Duties of Impost and Excise, heretofore granted by the General Assembly of this Province, on Wines, Beer, Rum, and other distilled Spirituous Liquors.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the first day of July, Anno Domini 1761, and in the first year of the reign of Our Sovereign Lord GEORGE the Third, of Great-Britain, France, and Ireland, KING, Defender of the Faith, &c. being the first Session of the third General Assembly convened in the said Province.*

* In the time of Jonathan Belcher, Governor, John Collier, Speaker of the Council, Wm. Nesbit, Speaker of the Assembly, John Dupont, Secretary of Council, Archibald Hinshelwood, and Isaac Deschamps, Clerk of Assembly.

CAP. I.

Acts in amendment of this Act, 31st Geo. 3d. cap. 7. 35th Geo. 3d. cap. 1. sec. 5.

An ACT for the better observation and keeping of the Lord's Day.

Eng. stat. 29, Car. 2. cap. 7.

No Tradesman, &c. to open his Shop, or sell any Goods on the Lord's Day.

BE it enacted by the Honorable the Commander in Chief, the Council, and Assembly, in order that all persons may, on the Lord's Day, apply themselves to duties of religion and piety, both publickly and privately, no tradesman, warehouse keeper, shopkeeper, or other person whatsoever shall, for the future, open his, her, or their shop or warehouse; or either by himself or herself, or by his or her servant or servants, child or children, sell, expose or offer to sale, upon any bulk, stall, or stand, or send or carry out, any manner of goods or merchandize, on the Lord's Day or any part thereof: *Provided nevertheless*, that this Act shall not extend

extend, to prohibit any persons from selling or exposing to sale, milk and fresh fish (a), before the hour of nine of the clock in the morning, and after five of the clock in the afternoon on the said day.

Milk and fresh fish excepted.

II. And be it further enacted, That no person, whatsoever, for the future, shall do, or exercise any labour, work or business, of his or their ordinary callings, or other worldly labour, or suffer the same to be done, by his or their servant or servants, child or children, either by land or by water (b), (works of necessity and charity only excepted) or use, or suffer to be used any sport, game, play or pastime on the Lord's day or any part thereof; upon pain, that every person or persons so offending in any of the particulars beforementioned, upon conviction thereof upon the oath of one credible witness, before any one of His Majesty's Justices of the Peace of this province, or upon view of any Justice of the Peace, for every such offence shall forfeit and pay the sum of ten shillings,

No labour to be done on the Lord's day.

Eng. stat. 1. Car. 1. c. 1.

III. And be it further enacted, That no tavern keeper, retailer of spirituous liquors, vintner, or other person keeping a public house of entertainment within this province, shall, for the future, on any pretence whatsoever, entertain or suffer any of the inhabitants or town dwellers of Halifax, or any of the towns respectively where such tavern keepers, retailers of spirituous liquors, vintners, or other persons keeping public houses of entertainment, respectively dwell, or others, not being strangers or lodgers in such houses, or such as come thither for necessary dieting and victualling only, to abide or remain in their dwelling houses, out-houses or yards, drinking or idly spending their time on the Lord's Day; but shall keep their doors shut during the time of divine service, on penalty of forfeiting and paying the sum of ten shillings, for every person and persons respectively so found drinking or abiding in such public houses or dependencies thereof as aforesaid; and every such person or persons, who shall be found so drinking or abiding in any such public house or dependencies thereof as aforesaid, shall respectively forfeit and pay the sum of five shillings.

Eng. stat. 29. Car. 2. c. 7. sec. 3.

Tavern keepers, &c. to forfeit 10s. for every person found drinking in their houses on the Lord's day

Persons drinking &c. therein forfeit 5s.

IV. And be it further enacted, That the church wardens* and the constables, or any one or more of them, shall once in the forenoon, and once in the afternoon, in the time of divine service, walk through the town to observe and suppress all disorders, and apprehend all offenders whatsoever contrary to the true intent and meaning of this act: And they are hereby authorized and impowered to enter into any public house of entertainment, to search for any such offenders, and in case they are denied entrance, they are hereby impowered to break open, or cause to be broke open, any of the doors of the said house, and enter therein; and all persons whatsoever are strictly required and commanded to be aiding and assisting to any constables or other officers in their execution of this act, on the penalty of ten shillings current money for every neglect.

* Can. 90 Churchwardens, &c. to walk through the town in time of divine service, to suppress disorders.

V. And be it further enacted, That if any person or persons whatsoever, being of the age of twelve years or upwards, being able of body, and not otherwise necessarily prevented by real sickness, or other unavoidable necessity, shall for the space of three months together, absent himself or herself from the public worship on the Lord's Day, shall be subject to a fine, that is to say, for every head of a family ten shillings, and for every child or servant five shillings, to be recovered, upon complaint, before any one of his Majesty's Justices of the peace, who is hereby impowered to cause the same to be levied (c).

Penalty for not attending divine service once in three months.

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VI.

(a) By Eng. Stat. 29, Car. 2. c. 7. sec. 3. and 10 and 11. Will. 3. c. 24. sec. 14. Milk and Mackarel allowed to be sold on Sundays, before or after Divine Service.

(b) By Eng. Stat. 3. Car. 1. c. 2. Carriers or Drovers are expressly prohibited from travelling, and Butchers from killing or selling Meat on the Lord's Day.

The general Prohibition by this Clause of the Prov. Act seems to comprehend the business of every calling either by land or water, but vide 1. Stra. 702. Rex versus Brotherton.

(c) Eng. Stat. 1. Eliz. c. 2. (Act of Uniformity) shall not extend to qualified Protestant Dissenters, who repair to some place of religious Worship allowed by the Toleration Act 1. Will. and Mar. c. 18. sec. 16. Vide Dr. Burn's Eccl. Law, 1. Vol. 601. and his exposition of sec. 8 and 16. of 1. Will. and Mar. c. 18. and 6. Mod. 190. Britton versus Standish. and Gibb. Cod. Jur. Eccl. 521.

Fines to be to the use of the poor.

VI. All fines and penalties incurred by this act are to be to the use of the poor of the town where such offence is committed; and the Justice and Justices before whom any person or persons shall be convicted of offending against this Act, are required to make a record thereof, in a book to be kept by him or them.

Prosecution in ten days

VII. *Provided*, That no person shall be prosecuted for any offence before mentioned, unless they be prosecuted for the same within ten days after the offence committed.

Penalties to be levied by warrant of distress from any Justice,

VIII. *And be it further enacted*, That every Justice of the Peace shall have full power and authority, either upon his own views, or other legal conviction of any offender or offenders against this Act or any part thereof, to levy the penalties herein before respectively mentioned, in case the same shall not, upon such conviction, be paid by the offender or offenders, by distress and sale of the offender or offenders goods and chattels with costs; and in default of distress, to commit such offender or offenders to the common gaol of the county, there to remain in close confinement for a time not exceeding forty eight hours, nor less than twenty four hours.

in default of distress, the offender to be committed.

IX. *And be it further enacted*, That this Act shall be publicly read four times in every year, viz. At the opening of every Court of General Sessions of the Peace, immediately after the grand jury are sworn: And also twice every year, viz. On every first Sunday of December, and on every first Sunday in June, in all public places of worship within this province, immediately after divine service.*

Act to be read four times a year at the Sessions, and twice at Church.

* By Eng. Stat. 29. Car. 2. c. 7. sec. 6, it is enacted, "That no person on the Lord's Day shall serve or execute any Writ, Process, Warrant, Order, Judgment, or Deerec, except in cases of Treason, Felony, or Breach of the Peace; and that the service of every such Writ, &c. shall be void; and the persons executing the same shall be as liable to answer damages as if they had done the same without any Warrant." Cro. Car. 602. Prinfor's case. 1. Mod. 56. 2. Salk. 625. Before this Statute attachments were granted for Arrests on Sundays, &c. Vide 2. inst. 264. Briton. c. 53. Mirr. c. 5. sec. 1. Numb. 111. By Eng. Stat. 5. An. c. 9. sec. 3. A Judge's Warrant to apprehend a person escaped, &c. may be executed on the Lord's Day.

CAP. II.

An ACT in amendment of an Act, entitled, An Act directing the proceedings against Forcible Entry or Detainer.

For Acts in addition to or amendment of this Act, see note on 32d Geo. 2d. cap 3.

Preamble.

WHEREAS in the Act, entitled, An Act directing the proceedings against Forcible Entry or Detainer, no provision is made for securing and maintaining the inheritance and title of minors, *femes covert*, persons non compos mentis, imprisoned, or absentees; Be it therefore enacted by the Honorable the Commander in Chief, Council, and Assembly, That nothing in the said Act shall extend or be construed to extend to bar the right of any minor, *feme covert*, or person non compos mentis, imprisoned, or absent from the province, but they shall be entitled to sue for, and recover any lands or tenements within the province aforesaid, to which they are entitled, within five years after such impediment shall be removed, any thing in the said Act to the contrary in anywise notwithstanding.

Minors, &c. may recover lands within five years after impediment removed.

CAP. III.

An ACT, in further amendment of an Act, entitled, An Act for confirming Titles to Lands and quieting Possessions.

For Acts in addition to, or amendment of this Act, see note on 32d. Geo. 2d. cap. 2.

Preamble.

WHEREAS the time allowed by the Act entitled An Act for confirming Titles to Lands and quieting Possessions, to *femes covert*, persons non compos mentis, imprisoned or in captivity,

ability, to sue for recovery of any lands or tenements within the said province, to which they are entitled, has been deemed insufficient, nor is there in the said Act any provision made for the relief of minors or persons out of the province; Be it therefore enacted by the Honorable the Commander in Chief, Council, and Assembly, That nothing in the said Act, nor any thing therein contained, shall extend, or be construed to extend, to bar the title of any minor, feme covert, or person non compos mentis, imprisoned, or absent from the province, but they shall be entitled to sue for and recover any lands or tenements within the province aforesaid, to which they are entitled, within five years after such impediment shall be removed, any thing in the said Act to the contrary, in any wise notwithstanding.

Minors, &c. may sue within five years after impediment removed.

CAP. IV.

An ACT for the registering of Marriages, Births and Deaths.

FOR preventing of great uncertainty and inconvenience, that may happen for want of a register of marriages, births and deaths, Be it enacted by the Honorable the Commander in Chief, Council and Assembly, That in every township within this province, where no parish shall be established, the proprietors clerks, who are hereby appointed registers of marriages, births and deaths, in their respective townships, and who are hereby impowered and required to take an account of all persons that shall be married, or that shall be born or shall die, within each township respectively, and fairly to register in a book their names and surnames, as also the names and surnames of their parents, with the time of their being married, or of their birth and death; and the register shall demand and receive the fee of six pence, and no more, for each and every registry by him so entered, to be paid by the persons who shall be married, and by the parents or other nearest of kin to, or concerned with the party born or dying. And if any shall refuse or neglect to give notice to the said register, of the marriage by the persons themselves, or of the birth or death of any person that they are so related to or concerned for, or to pay for registering as aforesaid, within the space of thirty days next after such marriage, birth or death; every person so refusing or neglecting, and being (upon the complaint of any register) thereof convicted before one of his Majesty's Justices of the Peace within the same county, shall forfeit and pay unto such register, the sum of five shillings; to be levied by distress and sale of the offender's goods, by warrant from such Justice, if payment be not made within four days next after conviction as aforesaid. And every such register shall give forth from the registry a fair certificate under his hand, of persons married, born, or dying in the township, to any who shall desire the same; and he shall receive one shilling and no more, for every certificate so given.

II. And be it also further enacted, That the Registry so kept, shall be sufficient evidence in any court of record within this province.

For Acts respecting marriages, &c. see note on 3d. Geo. 2d. cap. 17. also, &c. 2d. Geo. 3d. cap. 3. in amendment of this Act, which appears not to have been heretofore printed.

Proprietor's clerk: in every township where no parish is established, to register marriages, &c. Fee six pence

Penalty 5s. on persons not giving notice of marriages, &c. or refusing to pay the Clerk's fee.

A certificate to be given by the Clerk when required.

Registry to be evidence.

CAP. V.

An ACT for preventing damages by unseasonable burning, or Firing of the Woods.

WHEREAS setting on fire the woods and underbrush, in the dry season of the year, by spreading, has done much damage in the burning houses, fences, hay, &c. And whereas in the present situation of the new settlements, it may be necessary that such regulations should be made, as will be most convenient and useful for clearing the lands with the least risk, Be it therefore enacted by the Honorable the Commander in Chief, Council and Assembly, That the Justices in the several counties within this

Acts for preserving woods from destruction; 14th and 15th Geo. 3d. cap. 3. and 17th Geo. 3d. cap. 1.

Preamble.

Grand Jury, at March sessions,

to make regulations, with the approbation of the Justices, for preventing burning the woods. &c.

To be in force for 12 months

The same to be done annually.

Penalties to be settled by the Justices.

Not to exceed 5l. Prosecution in three months.

For Acts to alter or amend this Act, see 16th Geo. 3d. cap. 2. 19th Geo. 3d. cap. 2. 39th Geo. 3d. cap. 3 and 7. 41st Geo. 3d. cap. 2.

Masters of vessels directed how to conduct themselves on their arrival in the port of Halifax, having person on board infected with any contagious distemper.

and to give security for paying the charges of removing them, &c.

Penalty 100l. for not conforming to this Act.

this province, in their Quarter Sessions to be next held in March for the said counties, shall give it in charge to the Grand Juries, then and there summoned, to affix and settle such regulations within their respective counties, as they may judge most proper and convenient, to be observed and followed by the several inhabitants within the said counties, for preventing damage by setting fire to, and burning the woods, underbrush, or marsh-lands, at unreasonable times, with as little prejudice as possible to the clearing of lands in the new settlements. And such rules and regulations as shall be approved of by the Justices of the said Sessions, shall be, and are hereby declared to be, the stated rules to be kept, observed and followed by the inhabitants of the said several counties, for and during the space of twelve months thereafter.

II. *And be it further enacted*, That the said Justices shall, in like manner; at their annual sessions, thereafter to be held in March, proceed and give in charge to the several Grand Juries, in manner aforesaid, and settle and approve of such rules and regulations for the purposes aforesaid, to serve for the year then next ensuing; as to them shall appear most proper and convenient.

III. *And be it also enacted*, That the said several Justices in their Quarter Sessions as aforesaid, shall be and are hereby empowered to settle and appoint such pains and penalties to be inflicted upon the person or persons, who shall neglect or refuse to obey the rules and regulations so to be settled at the said annual Sessions of the Peace, as to them shall appear to be just and equitable.

IV. *Provided*, That such pecuniary penalties to be inflicted, shall not exceed the sum of five pounds; and that the prosecution for any offence against this Act, be commenced and prosecuted within the space of three months after the offence committed.

CAP. VI.

An ACT to prevent the spreading of contagious Distempers.

BE it enacted by the Honorable the Commander in Chief, the Council and Assembly, That every vessel coming into the port of Halifax, having any person on board infected with any plague; small-pox, malignant fever, or other contagious distemper, shall anchor at least two miles below the town of Halifax, towards the sea, and on her anchoring shall hoist an ensign with the union downwards at the main-top mast head; and the master thereof shall not permit any of the mariners or passengers belonging to or coming in such vessel, to land: And the said master shall be obliged, within twenty four hours after his arrival, to give notice thereof to the Governor, Lieutenant-Governor, or Commander in Chief, for the time being of the state; condition, and number of the sick persons on board his vessel, and shall conform himself to such orders and directions as he shall receive from the Governor, Lieutenant-Governor, or Commander in Chief, both for the performing quarantine, for the airing and cleansing the passengers, vessel, and goods on board, and for removing the infected and sick persons out of the said vessel.

II. *And be it further Enacted*; That before any such sick or infected persons be put on shore, the master of such ship or vessel shall give security for the payment of the charge of removing them on shore, and also for the necessary refreshments, medicines, and attendance, which shall be ordered and directed by the Governor, Lieutenant-Governor, or Commander in Chief.

III. *And be it further enacted*, That any master or masters of any vessel or vessels, who shall not conform themselves to the rules and directions prescribed by this Act, shall be liable to pay a fine not exceeding one hundred pounds, on due conviction thereof, to be recovered by bill, plaint, or information, in any of his Majesty's courts of record.

IV.

IV. *And be it further enacted,* That for the preventing any infectious distempers from being brought into, and spreading in any of the other towns within this province, any one or more Justices of the Peace, residing within or nearest to such town within this province, where any vessel infected with the small pox or infectious distemper, shall arrive, shall forthwith take care to prevent and restrain all persons belonging to or transported in such ship or vessel, from coming on shore; or if any be before on shore, to send them on board again; as also to restrain persons from going on board such ship or vessel, and to that end may make out a warrant directed to the constable of any such town, who are accordingly empowered and required to execute the same; and such Justice or Justices are forthwith to transmit the intelligence thereof, to the Governor, Lieutenant-Governor, or Commander in Chief, for their direction and order thereon.

Powers of Justices of the Peace at other towns

CAP. VII.

An ACT for the amendment of an Act, entitled An Act concerning Marriages and Divorce, and for punishing Incest and Adultery, and declaring Polygamy to be Felony.

WHEREAS by a clause in an Act made and passed in the thirty-second year of His late Majesty's reign, entitled, An Act concerning marriages and divorce, and for punishing incest and adultery and declaring polygamy to be felony, it is enacted, 'That no marriage shall be declared null and void, except for the cause of impotence, or of kindred; within the degrees prohibited in an Act made in the thirty-second year of King HENRY the Eighth, entitled; An Act concerning pre-contracts, and touching degrees of consanguinity; and that no decree for divorce shall be granted for any other than the two foregoing and the two following causes, viz. That of adultery, and that of wilful desertion and withholding necessary maintenance for three years together; in any of which cases every person suing for a divorce, shall be entitled to a decree for that purpose, to be obtained from the Governor, or Commander in Chief, for the time being; and His Majesty's Council, who shall have full power and authority to grant the same.' Which clause has been found to be inconsistent with the Laws of England; Be it therefore enacted by the Honorable the Commander in Chief, the Council and Assembly, That the causes for which marriages shall be declared null and void; shall be in all causes of impotence, of pre-contract and kindred within the degrees prohibited in an Act made in the thirty-second year of King HENRY the eighth, entitled, An Act concerning pre-contracts, and touching degrees of consanguinity, of adultery, and of cruelty, and for none other causes whatsoever.

For the Acts in amendment of this Act, see note on 32d. Geo. 2d. cap. 17.

Picamble.

Causes of divorce

II. *Provided,* That nothing herein contained, shall be of any force or effect until His Majesty's pleasure shall be further known herein.

Act suspended until His Majesty's pleasure be known. Confirmed by His Majesty in Council.

† By the Laws of England, the Causes of Divorce, dissolving the Bond of Marriage are, Precontract, Impotence, Consanguinity, Affinity, and *Causa Metus ante Nuptias*; which being precedent Impediments, the Marriage was a Nullity, and *ab initio* void. Adultery and cruelty being subsequent to the Marriage, though they are proper causes for temporary separation *à Mensu and Thoro*, yet they do not affect the validity of the Marriage, and consequently cannot, as in themselves, dissolve *à Vinculo Matrimonii*, nor can such Divorce bar the Wife of her Dower, or bastardize the Children, Co. Lit. 235. a. The principal ground of amendment by this Act seems to have been, the permission of Divorce for Wilful Desertion, &c. as not agreeable to the Laws of England, for this Cause is now omitted by the Act, and all the other causes are, as in the former Act, inserted.

CAP. VIII.

An ACT to enable Creditors to receive their just Debts, out of the Effects of their absent or absconding Debtors.

BE it enacted, by the Honorable the Commander in Chief, the Council, and Assembly, That it shall and may be lawful for any person entitled to any action for any debts, dues or demands whatsoever, against any person absconding or absent out of this province, to cause the goods and estate of such absconding or absent person to be attached, in whose hands or possession soever the same are, or may be found: And the attaching of any part thereof shall secure and make the whole, that is in such person's hands, liable in the law to respond the judgment to be recovered upon such process, if so much there be, and no further, and shall be subjected to be taken in execution for satisfaction thereof, or so far as the value thereof will extend, and the person in whose hands they are shall expose them accordingly.

Goods and E.
state of abscond-
ing debtors may
be attached, and

subject to execu-
tion.

Agent, &c. of an
absconding debt-
or to be sum-
moned to Court.

II. *And be it further enacted*, That where no goods or effects of such absent or absconding person in the hands of his attorney, factor, agent, or trustee, shall be exposed to view, or can be come at so as to be attached, it shall and may be lawful to and for any person entitled to any such action as aforesaid, to file a declaration against such absent or absconding person, in the clerk's office of the Inferior Court of Common Pleas in the same county where such factor, agent or trustee lives, therein particularly setting forth his debt and damage, how and for what cause it arises; and to cause the attorney, factor, agent or trustee, of such absent or absconding person, to be served with a summons out of the office, annexed to the said declaration, fourteen days before the sitting of the court, for his appearance at such court; which being duly served, and return thereof made under the officer's hand, shall be sufficient in the law to bring forward a trial, without other or further summons, unless the principal be an inhabitant, or hath for sometime had his residence within this province, in which case a like summons with an attested copy of the declaration annexed, shall also be left at his dwelling house, lodging or place of his last and usual abode, fourteen days before the sitting of the court; and such attorney, factor, agent, or trustee, upon his desire, shall be admitted to defend the suit on behalf of his principal throughout the course of the law, and an imparlance shall be granted of course at two terms successively, that he may have an opportunity to notify his principal thereof; and at the third term, without special matter alleged and allowed in bar, abatement, or further continuance, the cause shall peremptorily come to trial; and if judgment be rendered for the plaintiff, all the goods, effects or credits of such absent or absconding person, in the hands of such attorney, factor, agent or trustee, which were in his hands at the time of his being served with the summons and declaration aforesaid, to the value of such judgment, (if so much there be) shall be liable and subjected to the execution granted upon such judgment, for or towards satisfying the same; and from the time of serving the summons as aforesaid, shall be liable and secured in the law, in his hands to answer the same, and may not be otherwise disposed of or converted.

Goods, &c. in
Agent's hands
subject to execu-
tion.

Plaintiff to be
nonsuit, when
no effects in sup-
posed Agent's
hands,

and to pay costs

III. *Provided nevertheless, and be it enacted*, That if upon summons being served as aforesaid, the supposed attorney, factor, agent or trustee, shall come into court at the first term, and declare that he had not in his hands, at the time of the service of such summons, any goods, effects or credits whatsoever of the absent or absconding person, and shall submit to an examination upon oath respecting the same; and if, upon such examination, it shall appear to the satisfaction of the Justices of the court, that he had not any goods, effects or credits whatsoever of the absent or absconding person, in his hands at the time of his being summoned as aforesaid, then in every such case, the plaintiff shall become nonsuit, and shall pay to him who was summoned as attorney, factor, agent or trustee, his reasonable costs, to be taxed in common form by the Justices of the court.

IV. *And be it further enacted*, That if any attorney, factor, agent, or trustee, being served with summons and declaration as aforesaid, shall not appear at the first term, and then either acknowledge himself to have had in his hands some goods, effects, or credits of the absent or absconding person at the time of the service aforesaid; and thereupon pray that he may be admitted to defend the action, or otherwise submit himself to an examination upon oath as aforesaid, he shall be liable to pay to the plaintiff all such costs as shall arise upon his suit, to be taxed by the Justices of the court before which the action shall be brought.

Agents, &c. not appearing, liable to pay costs.

V. *And be it further enacted* That, in case any attorney, factor, agent or trustee, from and after the time of his being served with summons and declaration as aforesaid against his principal, (being an absent or absconding person) shall transfer, remit, dispose of, or convert any of the goods, effects, or credits of such absent or absconding person, in his hands at the time of such service, so that there shall not be sufficient to satisfy the judgment; (the debt being afterwards ascertained by judgment of court) or that shall not discover, expose, and subject the goods, effects, or credits, of such absent or absconding person, in his hands, to be taken in execution for or towards the satisfaction of the judgment, so far as what were in his hands at the time of said service, will extend, shall be liable to satisfy the same of his own proper goods and estate, and as of his own debt; and a writ of *Scire facias* may be taken out of the same court and served upon him as the Law directs; to appear and shew cause (if any he have) to the contrary, whereupon default of appearance, or refusal to disclose upon his oath, (which oath the Justices of such court are impowered to administer) what goods, effects or credits of the absent or absconding person, are in his hands, and to what value; then judgment shall be entered up against him of his own proper goods and estate, and execution be awarded accordingly.

Execution to be levied on the Agent's proper goods, &c. if he transfer, &c. the effects of his principal.

VI. *Provided nevertheless, and be it enacted*, That if it shall appear that the attorney, factor, agent, or trustee, so summoned as aforesaid, and having in his hands at the time of such summons, any goods, effects, or credits of the absent or absconding person, hath not any ways remitted, disposed of, or any ways converted the same after the summons being served on him as aforesaid; but that he hath discovered, exposed, and subjected them to be taken in execution, to satisfy the judgment recovered against the absent or absconding person as aforesaid; then the party who commenced the suit shall pay such attorney, factor, agent, or trustee, his reasonable costs, to be taxed in common form by the Justices of the court from which the *Scire facias* issued as aforesaid.

Agent to discover upon oath, the goods &c. of his principal, on failure, judgment to be entered against him of his own proper estate, &c.

Agent to be allowed his costs, upon discovering the effects, &c. of his principal, and subjecting them to satisfy the judgment.

VII. *And be it further enacted*, That the goods, effects, or credits, of any absent or absconding person, so taken as aforesaid by process and judgment of law, out of the hands of his attorney, factor, agent, or trustee; by any of his creditors, shall fully acquit and for ever discharge such attorney, factor, agent, or trustee, his executors, or administrators, of, from, and against all actions and suits, damages, payments, and demands whatsoever, to be asked, commenced, had, claimed, or brought by his principal, his executors, or administrators, of and for the same; and if any attorney, factor, agent, or trustee, shall be molested, troubled, or sued by his principal for any thing by him done in pursuance of this Act, he may plead the general issue, and give this Act in evidence.

Agent to be acquitted and discharged from any action of his principal.

VIII. *Provided nevertheless, and be it further enacted*, That any absent or absconding person, against whom judgment shall be recovered as aforesaid, shall be entitled to a re-hearing of such cause at any time within three years after such judgment; and the plaintiff in such action, before any execution shall issue on such judgment, shall give sufficient security to the satisfaction of the court, for the re-payment of all such monies as may be levied by virtue of such execution, in case the said judgment should be reversed on such re-hearing as aforesaid.

Principal entitled to a re-hearing within three years.

IX. *Provided always*, That so much of this Act only as relates to the commencing of the action, and attaching the goods, shall be of force, till his Majesty's further pleasure be known therein.

Part of this Act only to take place till His Majesty's pleasure be known. Confirmed by His Majesty in Council.

CAP. IX.

An ACT for the appointment of Sworn Gaugers, ascertaining their Duty, granting them an Allowance, and establishing their Fees.

Acts in amendment of, or addition to this Act, 2d. Geo. 3d. cap. 8. sec. 2. 3d. Geo. 3d. cap. 3.

Two Gaugers to be appointed at Halifax.

Salary, 25l. per an. each.

BE it enacted by the Honorable the Commander in Chief, the Council and Assembly, That it shall and may be lawful for His Excellency the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint two Gaugers for the port of Halifax, who shall be sworn to the faithful discharge of their duty, and who are hereby authorized to gauge all Rum or other distilled spirituous liquors, which shall be imported into, or distilled within the same, and shall perform all such gauging by the instrument commonly called and known by the name of Gunter's Callipers, and no other instrument whatsoever; and who shall have an allowance not exceeding twenty-five pounds per annum each, to be paid out of the duties arising on Rum, or other distilled spirituous liquors, imported into or distilled within this province; and it shall and may be lawful for the said Gaugers to demand and receive the following fees:

Their fees:

- For gauging a Puncheon or Pipe - Six pence.
- A Hoghead or Tierce - Four pence.
- A Barrel - Two pence.

and other casks in proportion, and no more, to be paid by the feller.

The same fees at t. c. out-ports, and 6d. per mile for travel.

II. Be it further enacted, That for every other port or town within this province, where no distilling house is erected, and where it may be necessary for a Gauger to be appointed, the said Gauger shall be entitled to receive the same fees, as is herein before established for the port of Halifax, with a further allowance of six pence a mile for his travel.

Penalty 5l. on any Gauger neglecting his duty

III. And be it further enacted, That if any Gauger to be appointed as aforesaid, shall neglect to attend upon due notice given for the gauging any rum, or other distilled spirituous liquors, imported into, or distilled within the province, shall forfeit and pay for every such neglect the sum of five pounds, with costs, upon conviction thereof by the oath of one credible witness, before any two of His Majesty's Justices of the Peace, to be recovered by warrant of distress from under the hand and seal of said Justices, one moiety whereof to be paid to the person who shall inform and sue for the same, the other moiety to the overseers of the poor, for the uses of the poor of the town where such offence shall be committed.

No fees to be taken at the Still Houses.

IV. Provided always, and it is hereby further enacted, That no fees shall be demanded by the Gauger as aforesaid, for gauging any stock of rum, or other distilled spirituous liquors made up at the distilling houses within this province.

CAP. X.

An ACT in addition to an Act, entitled An Act in addition to an Act, entitled An Act for preventing Trespasses.

For Acts in amendment of, or addition to this Act, see note on 32d. Geo. 2d. c. 14.

Preamble.

* C. 14.

WHEREAS in and by an Act made and passed in the Thirty-third year of His late Majesty's Reign, entitled, An Act, in addition to an Act, entitled, An Act, for preventing Trespasses,* it is among other things enacted, That the Justices in their Quarter Sessions in all other Counties, (Halifax excepted) within this Province, shall be empowered and are hereby directed to make regulations for preventing trespasses, by horses, swine, sheep, goats and ne. t cattle,

cattle, in manner as shall be most agreeable to the circumstances of such county, or townships therein. But no penalty is therein mentioned to be inflicted on such or shall transgress such regulations made as aforesaid; Be it therefore enacted by the Honourable the Commander in Chief, the Council and Assembly, That any person transgressing such regulations so made by the Justices in the Sessions as aforesaid, for the preventing of trespasses as aforesaid, shall be subject to a fine not exceeding forty shillings; to be recovered, on complaint or information, before any two of His Majesty's Justices of the Peace for the county wherein the offence shall be committed, or before the Sessions in said County.

Persons transgressing regulations made at Sessions subject to a fine not exceeding 40s.

CAP. XI.

An ACT for the relief of the Poor of the Town of Halifax, and indigent Persons in the new Settlements.

Acts in amendment of, or addition to this Act, 33d. Geo. 2d. cap. 1. sec. 3. 3d. and 4th. Geo. 3d. cap. 7. 7th Geo. 3d. cap. 3. 8th. Geo. 3d. cap. 5. 8th. and 9th Geo. 3d. c. 1. 10th. Geo. 3d. cap. 1 and 2. 12th. Geo. 3d. cap. 6. 16th. Geo. 3d. cap. 1. 17th. Geo. 3d. cap. 5. 31st. Geo. 3d. cap. 2. 32d. Geo. 3d. cap. 5. sec. 5, and 13. 39th. Geo. 3d. cap. 4. 41st. Geo. 3d. cap. 6, and temporary Acts, 22d. Geo. 3d. 29th. Geo. 3d. 30th. Geo. 3d. 34th. Geo. 3d. 2d. sec. This Act, which was to borrow money for the relief of the poor and new settlers, being executed, the title only is printed.

CAP. XII.

An ACT for prohibiting the Exportation of Raw Hides, Sheep or Calf Skins, out of this Province, other than for Great-Britain; and to prevent the Cutting, Splitting or Flawing of Hides.*

Acts in amendment of, and addition to this Act, are 10th Geo. 3d. cap. 9. 19th Geo. 3d. cap. 3.

WHEREAS the exportation of raw hides, sheep and calf skins out of this Province except to Great-Britain, has been found to be a great prejudice to the same; Be it therefore enacted by the Honourable the Commander in Chief, Council and Assembly, That from and after the tenth day of August, 1761, no person or persons shall load on board any ship or vessel for exportation, any raw hides of any ox, bull, steer or cow, or any sheep or calf skin, before the master of such ship or vessel shall have given bond to the proper officer at Halifax, or at any other port within the province, to such person as shall be appointed for that purpose, in the value of one hundred pounds currency, with sufficient security that the same shall be by the said ship or vessel carried to Great-Britain and to no other place, and be there landed and put on shore, (the danger of the seas only excepted,) and shall within twelve months, return a certificate that the same have been so landed: and if any person shall presume to load on board any ship or vessel, any raw hides or skins as aforesaid, before bond be given as aforesaid, he shall forfeit the same, and the master of the vessel shall forfeit the value of such raw hides as shall be found on board such vessel, and if any ship or vessel shall carry out of this province such hides or skins as aforesaid, before bond be given as aforesaid, or any seizure made, every master of such ship or vessel shall forfeit and pay double the value of the same, and the shipper treble the value of the hides or skins so shipped.

Preamble.
No raw hides, &c. to be loaded on board any vessel, until bond be given that the same shall be landed in Great Britain.

On penalty of being forfeited.
Penalty on masters of vessels carrying the same out of the province.

II. Provided, That information, suit, or prosecution on the same, be had or made within the term or space of twelve months next after the offence committed.

Prosecution to be within twelve months.

III. Provided also, That when the current price of raw hides, such as of ox, bull, steer, or cow, shall be under three half pence per pound, the same may be exported to any of his Majesty's plantations.

Except when under three half pence per pound.

IV.

*The regulations in this Act originated from an order of Council, dated 14th April, 1755, which was continued and amended by a temporary Act of the 32d. Geo. 2d. after the expiration of, which, the present Act was passed.

Penalty 20s. for
cutting &c. the
hide of any ox,
&c.

IV. *And be it also enacted,* That if any butcher or other person whatsoever shall by himself or any other person employed by or under him or them, gash, cut, split, or flaw the hide of any ox, bull, steer, cow, sheep, or calf, in fleaing thereof or otherwise, whereby the same shall be impaired or damaged, and offer the same to sale, such butcher or other person so offending shall forfeit and pay the sum of twenty shillings, for each and every such offence committed by them, or any other person employed by or under him or them.

How penalties
are to be reco-
vered,

V. *And be it further enacted,* That the several fines and forfeitures incurred by this act, shall be recovered on the oath of one credible witness in manner following, (that is to say) That for exporting raw hides, calf or sheep skins, contrary to the tenor of this act, by bill, plaint, or information, in any of his Majesty's courts of record in this province; one half thereof to be paid to the Treasurer of the province for the use of his Majesty's government in said province, the other half to him or them that shall inform and sue for the same; and the penalty for cuttings, splitting, or flawing hides, to be recovered before any one of his Majesty's Justices of the peace, to be levied by warrant of distress and sale of the offender's goods and chattels, under the hand and seal of the Justice before whom the conviction of the said offence is made, and for want of distress to suffer twenty days imprisonment; and that one half of said penalty be paid to the informer or person suing for the same, and the other half to the poor of the place where the offence shall be committed.

and applied.

CAP. XIII.

An ACT for ascertaining the Times and Places for the holding of the General Quarter Sessions of the Peace, and the Inferior Courts of Common Pleas, for the Counties of Lunenburg, King's County, and Annapolis.*

* The fixing of the Courts at Lunenburg, is at present regulated by the 7th. Geo. 3d. cap. 5. at Annapolis, by the 40th Geo. 3d. cap. 5. and at King's County, by 39th. Geo. 3d. cap. 5. therefore no more than the title of this Act, is now printed.

CAP. XIV.

An ACT for the repairing and mending Highways, Roads, Bridges, and Streets, and for appointing Surveyors of Highways, within the several Townships in this Province.

The Acts in amendment of, addition to, or alteration of this Act, are the 3th Geo. 3d. c. 2 and 5. 13th and 14th Geo. 3d. c. 3. 19th. Geo. 3d. c. 8. 23d. Geo. 3d. cap. 5. 28th Geo. 3d. c. 4. 29th. Geo. 3d. c. 7. 32d. Geo. 3d. cap. 6. 33d. Geo. 3d. cap. 6. 40th. Geo. 3d. c. 1. 41st. Geo. 3d. cap. 5. also, temporary Laws: 33d. Geo. 3d. 34th Geo. 3d. 36th. Geo. 3d.

Two Surveyors to be chosen, &c.

Persons refusing to serve &c. forfeit 5l.

BE it enacted by the Honorable the Commander in Chief, the Council and Assembly, That the Grand Juries at the General Quarter Sessions of the Peace, held for the several counties, next after the first of January, shall annually elect, nominate, and choose two discreet and fit persons to be surveyors of highways for each town in the respective counties, who shall be sworn to the faithful discharge of their office for the year ensuing, before the said sessions, or before any one of the Justices of the Peace within or nearest to the said town, for which such surveyors shall be chosen; and any person being so nominated and chosen, who shall refuse to accept of the said office; or shall neglect to be sworn as aforesaid, within fourteen days next after such nomination, or having accepted shall neglect his duty, shall forfeit for every refusal or neglect, five pounds, to be recovered by bill, plaint, or information, in any of his Majesty's courts of record; and the forfeiture shall be applied for the repairing of the highways*.

* Eng. stat. 3. and 4. Will. and Mar. c. 12. directs the manner of appointing surveyors of the highways in England, who must survey and present on oath, to some Justice of the Peace, &c. the state and condition of the highways &c.

II. *And be it further enacted*, That every person within each township keeping any cart, team, or truck, shall send on every day appointed by the said surveyor of highways, one cart, or team, or truck, with two oxen or two horses, and one able man to drive the same, for four days in every year, to work on the highways, roads, streets, or bridges, allowing eight hours to each day's work; and such person not attending or neglecting to perform the said duty, shall forfeit for every day's neglect, ten shillings; and that every other householder or labourer, not being an hired servant for a year, shall, on every day appointed as aforesaid, either by himself or other sufficient person to be hired by him, provided with such necessary implements as shall be directed by the said surveyor, work for the space of six days in every year, on the said highways, roads, streets, or bridges, within the township where they respectively dwell; and such persons not attending or neglecting to perform the said duty, shall forfeit three shillings for every day's neglect; and any one of the Justices of the Peace, within the county, where the offence is committed, is hereby empowered on complaint made to him by the said surveyor of highways, to summon the person so neglecting, and upon his non-appearance, refusal, or neglect to pay the forfeiture, shall levy the same by warrant of distress; * and the money so levied shall be immediately paid into the hands of the surveyor for the repairs of the highways.

Each person's proportion of labour to the Highways, &c.

Penalty for neglect of labour.

* Mode of recovery altered by 13th. and 14th Geo 3d. cap. 3.

III. *And be it further enacted*, That the constables of the several townships in this province, shall make out a list of all such persons who are owners of teams, carts, or trucks, as also of every other householder and labourer within their respective townships; and shall in writing (making an equal division) set out to the surveyors of highways, the several roads, highways, and streets, on which each of them shall respectively labour; and deliver also a list, signed by them, of such persons as shall live within the district wherein such highways, roads, or streets, are allotted to each of them, to be employed by them respectively, and who accordingly shall be reputed to be the persons obliged by this Act to labour. †

Constables to make out lists of persons liable to labour on the Highways, &c.

and deliver the same to the Surveyors.

† Sec. 13th. and 14th. Geo. 3d. cap. 3.

IV. *And be it further enacted*, That the said surveyors of highways shall, and are hereby empowered, in the fittest and most seasonable time, between the first day of April, and the first day of November, yearly (seed time and harvest only excepted) to summon the inhabitants contained in their lists respectively, giving them at least six days notice of the time and place where he proposes to employ them; and shall there oversee and order the persons so summoned, to labour in making, mending, or repairing the highways, roads, streets, and bridges, in the most useful manner, during the number of days appointed by this Act for each person to labour; and the surveyor of highways shall himself be excused from any other service on the highways, than the summoning, ordering, and directing thereof.

Labour on the Highways to be done between the 1st of April and the 1st of November, yearly.

Surveyors excused from labour

V. *And whereas the labour of men may be more useful, than the employing teams, carts, or trucks, in some towns, be it therefore enacted*, That when any surveyor of highways shall judge the labour of men more useful and necessary than that of carts, teams, or trucks, the persons who by this Act are to find carts, teams, or trucks, shall be obliged under the like penalty, to send two labouring men instead thereof, furnished with necessary implements as aforesaid.

Owners of carts, &c. to send two men instead of a cart, if judged necessary by the Surveyor.

VI. *And be it further enacted*, That the surveyors of highways shall, at the expiration of their office annually, account at the General Quarter Sessions of the Peace, for all the fines received by them for the use of the highways, and shall pay the overplus if any in their hands to their successors in the said office, for the aforesaid uses, under the like penalty as for any other neglect of office.

Surveyors to account to the Quarter Sessions.

For Acts in amendment of, or addition to this Act, see note on 32d Geo. 2d. cap. 14.

CAP. XV.

An ACT in addition to, and amendment of an Act, entitled, An Act for preventing Trespasses.*

* 32. Geo. 2. c. 14.

Preamble.

Swine or Goats going at large in Halifax, to be forfeited.

One third to the prosecutor, the remainder to the poor.

WHEREAS in and by an Act, entitled, an Act for preventing trespasses, it is enacted, 'That no swine shall be permitted to go at large within the streets, lanes, or suburbs of Halifax,' and the means therein provided to prevent the same, has hitherto proved ineffectual; and whereas goats going at large has been found pernicious and destructive; Be it therefore enacted by the Honorable the Commander in Chief, the Council and Assembly, That it shall and may be lawful for any person whatsoever, to take and seize all swine and goats going at large within the streets, lanes or suburbs of Halifax, and upon proof thereof on the oath of one credible witness, before any one of his Majesty's Justices of the Peace for the said town and county; the same shall be by him declared forfeited; one third of the value of which to be paid to the prosecutor, and the remainder to and for the use of the poor of the town of Halifax, and shall be accordingly disposed of by him for their use.

CAP. XVI.

Expired.

An ACT, in amendment of, and addition to, and for further prolonging an Act, entitled, An Act for granting and establishing an allowance to the Collector or Collectors of the Impost and Excise Duties.

CAP. XVII.

Expired.

An ACT for altering and amending several Acts of this Province, relating to the Duties on Wines, Beer, Rum, or other distilled Spirituous Liquors, and for granting a Bounty and allowing a Drawback on the same.

CAP. XVIII.

Expired.

An ACT for altering and amending an Act, entitled, An Act for laying a Duty of Excise, of Three Pence per Gallon, on all Rum, and other Spirituous Liquors, distilled within this Province, and for granting a Bounty on the Exportation thereof.

CAP. XIX.

Expired.

An ACT for suppressing Unlicensed Houses, and for granting to His Majesty a Duty on Persons hereafter to be Licensed.

At the GENERAL ASSEMBLY, of the Province of Nova-Scotia, begun and holden at Halifax, on the first day of July, Anno Domini 1761, in the first 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 Seventeenth Day of March, 1762; in the second Year of his said Majesty's Reign; being the Second Session of the Third General Assembly convened in the said Province.*

* In the time of Jonathan Belcher, Governor; John Collier, Speaker of the Council, William Nesbit, Speaker of the Assembly, John Dupont, Secretary of Council; Archibald Hinshelwood, and Isaac Deschamps, Clerks of Assembly.

CAP. I.

An ACT for the regulating Innholders, Tavern-keepers, and Retailers of Spirituous Liquors.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That from and after the publication hereof, no retailer, innholder, tavern or alehouse keeper, who shall sell upon trust or credit, any wine, strong beer, ale, brandy, rum, or other spirituous liquors, mixt or unmixt, to any soldier, sailor, servant, or day labourer, or other person whatsoever, to the amount of any sum exceeding the sum of five shillings, shall have any remedy to recover the same, either at law or in equity, against any of the persons aforesaid, their executors or administrators.

II. *And be it further enacted,* That in case any soldier, sailor, servant, apprentice, bound servant, or negro slave, or other person whatsoever, shall leave any pawn or pledge, as a security for the payment of any sum exceeding five shillings, contracted in such manner, such soldier, sailor, servant, apprentice, bound servant, or negro slave, or other person whatsoever, or the masters or mistresses of such servant, apprentice, bound servant or negro slave, may complain to any Justice of the Peace where such retailer, innholder, tavern or alehouse keeper, or any other persons whatsoever, receiving such pawns or pledges, usually resides, that such pawn or pledge is detained from him or her by such retailer, innholder, tavern or alehouse keeper, or any other person whatsoever, and having made proof thereof upon oath, or otherwise to the satisfaction of said Justice, such Justice of the Peace is required, by warrant under his hand and seal, to compel such retailer, innholder, tavern or alehouse keeper, or other person whatsoever, by distress and sale of his goods, to restore the aforesaid pawn or pledge to the party complaining, or to make him or her satisfaction for the loss or abuse thereof; and shall further be subject to a fine not exceeding twenty shillings, for the use of the poor, and costs of prosecution.

For alterations of this Act, see temporary Acts, 39th and 40th. Geo. 3d. see also 1st. Geo. 1st. c. 1. sec. 3.

No debts to be recovered by retailers, &c. for wines, &c. sold to any soldier, &c. for any sum above five shillings.

Pledges for payment of any sum above 5s. to be restored by order of a Justice of the Peace.

Retailers, &c. not to suffer apprentices. &c. to remain drinking in their houses, &c. on penalty of 20s.

III. *And be it further enacted,* That no retailer or person whatsoever, shall harbour or suffer any apprentice, bound servant, or negro slave, to sit drinking in his or her house, nor sell or give him or them, nor suffer to be sold or given him or them, any of the liquors aforesaid, without special order or allowance of their respective masters or mistresses, on pain of forfeiting the sum of twenty shillings for every such offence, together with the charges of prosecution; to be recovered, upon conviction on the oath of one credible witness, before any one of His Majesty's Justices of the peace within the town or precinct where the offence shall be committed, or such other proof as shall be to the satisfaction of such Justice, and to be levied by warrant of distress and sale of the offender's goods and chattels, under the hand and seal of the said Justice, and for want of sufficient distress, such Justice shall and may commit such offender to His Majesty's gaol, there to remain for the space of one month, or till he shall have paid and satisfied the same. And such sum so levied shall, by the said Justice be paid into the hands of the overseers of the poor of the town or precinct where the offence shall be committed, to be by them applied to the use of the poor of such town or precinct.

Not to extend to travellers, &c.

IV. *Provided always,* That nothing herein contained shall extend to debar any retailer, innholder, tavern or alehouse keeper, from furnishing any traveller, or boarders in his family, with necessary refreshments on credit.

CAP. II.

An ACT to enable the Governor, Lieutenant-Governor, or Commander in Chief, to borrow the sum of Four Thousand Five Hundred Pounds, for paying off the Public Debts, and to postpone the payment of Bounties and Premiums.*

* This Act was executed, and the money borrowed, repaid.

CAP. III.

An ACT for preventing fraudulent Dealings in the Trade with the Indians.

Preamble.

WHEREAS many mischiefs may arise by frauds and other injuries, in the trade with the Indians of this Province: And whereas the said Indians are unacquainted with the laws of this province, and in what manner they are to proceed in order to do themselves right; Be it enacted, by the Lieutenant Governor, Council and Assembly, That the Governor, Lieutenant Governor, or Commander in Chief, upon complaint of any Indians within this province, made to him or either of them, that they have been wronged or cheated of their furs or any other merchandize, or in any other their trade and dealing with other His Majesty's subjects; that the Governor, Lieutenant Governor, or Commander in Chief, is hereby desired to direct His Majesty's Attorney General to prosecute the same, either before His Majesty's Justices, or in any of His Majesty's Courts of Record in a summary way, as the laws do direct, and such prosecution shall be deemed legal, and judgment and execution shall issue accordingly.

The Attorney General to prosecute in behalf of any Indians, for injuries done them.

Act to continue till further regulations be made.

II. This Act to continue and be in force until further regulations relating to the trade with the Indians shall be made.

CAP. IV.

An ACT to prevent the Firing of Squibs, Rockets, Serpents, or other Fireworks.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall not be lawful for any persons to make, or cause to be made, or sell, or expose to sale, any squibs, rockets, serpents, or other fireworks, or any cases, moulds, or other implements for the making the same, or for any persons to permit any squibs or other fireworks to be thrown or fired from their houses, lodgings, or habitations, or place thereto belonging or adjoining, into any public street, road, passage or water, or for any person to throw, or fire, or be assisting in throwing or firing of any squibs, or other fireworks into any public street, house, shop, highway, road, passage or water; and that every such offence shall be judged a common nuisance.

Making, &c. any squibs, &c. to be judged a common nuisance.

II. *Be it further enacted*, That if any persons shall make, or cause to be made, or shall give, sell, or utter any squibs, rockets, serpents or other fireworks, or any moulds or instruments for the making of any such squibs, rockets or serpents, or other fireworks, every person so offending, and being thereof convicted before one of his Majesty's Justices of the peace of the place where such offence shall be committed, by confession of the party, or the oath of one credible witness, shall forfeit the sum of forty shillings; and that if any persons shall throw or fire, or be aiding and assisting in throwing or firing, of any squibs, rockets, serpents, or other fireworks, into any public street, house, shop, highway, passage, or water, every person so offending, and being thereof convicted as aforesaid, shall forfeit the sum of forty shillings; and if any persons shall permit any squibs, or other fireworks, to be thrown or fired from their houses, shops, lodgings, or habitations, or in any place thereto belonging, or adjoining to any public street, road or passage, or any other place; every such person so offending and being thereof convicted as aforesaid, shall forfeit the sum of forty shillings. The said several forfeitures to be levied by distress and sale of the goods of every such offender, by warrant of the Justice before whom the conviction shall be made, the one half of the forfeiture to be to the use of the poor where the offence shall be committed, and the other half to the use of them, who shall prosecute and cause such offenders to be convicted; and if said persons so offending shall not, immediately upon their being convicted, pay to the Justice before whom such conviction shall be made, the said forfeiture for the uses aforesaid, such Justice is hereby required and empowered, by warrant to commit such person to the house of correction, or gaol for any time not exceeding fourteen days, unless such offender shall sooner pay such forfeiture to the said Justice.

Persons making the same, &c.

forfeit 40s.

One half to the poor, the other half to the informer.

III. *Provided*, That this Act shall not extend to debar the Governor, Lieutenant-Governor, or Commander in Chief of this province, or the Commanding Officers of his Majesty's troops, or any persons employed under them or either of them, from making and firing off any such fireworks as aforesaid.

Exception as to the Governor, &c.

IV. *Be it also enacted*, That no person whatsoever shall presume to make or cause to be made any bonfires within three hundred yards of any buildings, stacks of hay or corn, under the penalty of forty shillings, to be recovered and applied in the manner as mentioned in this Act.

Bonfires not to be made within 300 yards of any building &c.

CAP. V.

An ACT for appointing Firewards, ascertaining their Duty, and for punishing Thefts and Disorders at the Time of Fire.

As in amend-
ment or alterati-
on of this Act.
12d. Geo. 3d.
cap. 4. 23d. Geo.
3d. cap. 6. 28th.
Geo. 3d. cap. 8.
30th Geo. 3d.
cap. 1. 31st. Geo.
3d. cap. 8. 33d.
Geo. 3d. cap. 7.
41st. Geo. 3d.
cap. 1.

Justices in Sessi-
ons to appoint
ten persons to
serve as Fire-
wards for Hali-
fax.

Duty and autho-
rity of the Fire-
wards.

Any person dis-
obeying their or-
ders at the time
of fires, forfeit
40s.

Two Magistrates
or Firewards,
may order any
house to be pul-
led down, to
stop the fire.

Owners of such
Houses to have
satisfaction, by
an assessment of
the inhabitants

BE it enacted, by the Lieutenant Governor, Council, and Assembly, That it shall and may be lawful to and for the Justices of the peace for the town and county of Halifax, from time to time, annually, in their sessions, to appoint such number of prudent persons of known fidelity, not exceeding ten, in the several parts of the said town of Halifax, and the suburbs thereof, as they may think fit, who shall be sworn faithfully to discharge their trust, and shall be denominated and called Firewards, and have a proper badge assigned to distinguish them in their office, viz. A staff of six feet in length, coloured red, and headed with a bright brass spear of six inches long.

II. *And be it further enacted*, That at the times of the breaking forth of fire in the said town or suburbs thereof, and during the continuance thereof, the said firewards shall and are hereby authorized and impowered, jointly or separately to command and require assistance for the extinguishing and putting out the fire, and for removing of household stuff, furniture, goods and merchandizes, out of any dwelling houses, store-houses, or other buildings actually on fire, or in danger thereof, and to appoint guards to secure and take care of the same: As also to require assistance for the pulling down of any houses, or any other services relating thereto, to stop and prevent the further spreading of the fire; and to suppress all tumults and disorders. And the officers appointed from time to time as aforesaid, are required upon the notice of fire breaking forth (taking their badge with them) immediately to repair to the place, and vigorously exert their authority for the requiring assistance, and using their utmost endeavours to extinguish, and prevent the spreading of the fire, and to preserve and secure the estate and effects of the inhabitants; and due obedience is required to be yielded unto them, and each of them accordingly for that service: And for all disobedience, neglect or refusal in any person, information thereof shall, within two days next thereafter, be given to any one of His Majesty's Justices of the peace for the said county and town, and upon conviction thereof, before any two of the Justices aforesaid, each and every person so convicted shall forfeit and pay the sum of forty shillings, to be levied and distributed by the direction of such Justices, among the poor most distressed by the fire; and in case the offenders are unable to satisfy the fine, then to suffer ten days imprisonment.

III. *And be it further enacted*, That when any fire shall break out in the said town of Halifax, or the suburbs thereof, two or more of the magistrates or firewards of the said town shall and may, and are hereby impowered to give directions for pulling down any such house or houses as shall by them be judged meet to be pulled down, for the stopping and preventing the further spreading of the fire; and if it shall so happen, that the pulling down any such house or houses by the direction aforesaid, shall be the occasion of stopping the said fire, or that the said fire shall stop before it come to the same, that then all and every owner of such house or houses shall receive reasonable satisfaction, and be paid for the same by the rest of the inhabitants of the said town and suburbs, (to be accounted from the river called the fresh water river, to Mr. Manger's distilling house inclusive) whose houses shall not be burnt, in the manner hereinafter prescribed, (*That is to say*) the owner or owners of such house or houses so pulled down and entitled as aforesaid, shall as soon as may be, make application to the first Justice in the commission of the Peace for the said town and county, or in his absence to the next named in the said commission, who is hereby impowered to call a special sessions of the Justices, who shall meet at the time appointed; and the court being satisfied, by such proof as shall be brought, of the justice of the claims made,

they shall then issue an order for a valuation of the damages so sustained, to be made by two or more indifferent persons, who shall make a return of their proceedings, upon oath, into the said court by the day affixed, whereupon the court shall appoint two or more assessors, who shall tax the houses of the said inhabitants that have not been burnt, at such rate or rates as shall by them be thought just, in proportion to the value of the houses that are to be taxed, for paying the said damages and the charges of valuation, taxation, and collection, together with the other fees of the court, to be settled before the making such assessment; and the said assessors are to report their proceedings to the Court also upon oath. And the said Court shall thereupon issue an order for collecting the monies so taxed, and in case of non payment the same to be levied by warrant of distress, to be obtained from any one of the said Justices, upon application to him by the collector or collectors of the said tax: And as soon as the assessments are so collected, the Court shall order payment to be made to the party claiming; according to the report made and approved of the said damages; as also the payment of such other charges as aforesaid.

IV. *Provided*, That if the house where the fire did begin and break out, shall be adjudged fit to be pulled down to hinder the increase and further spreading of the same, that then the owner of such house shall receive no manner of satisfaction therefor, any thing herein contained to the contrary notwithstanding.

V. *And be it likewise enacted*, That if any evil minded wicked persons, shall take advantage of such calamity, to rob, plunder, purloin, embezzle, or convey away, or conceal any goods, merchandizes, or effects of the distressed inhabitants, whose houses are on fire or endangered thereby, and put upon removing their goods; and shall not restore and give notice to the owner or owners, if known, or bring them into such public place as shall be appointed and assigned by the Governor and Council, within the space of two days next after proclamation made for that purpose, the person or persons so offending, and being thereof convicted, shall be deemed felons, and suffer death, as in cases of felony, without benefit of clergy.

No satisfaction to be made for the house where the fire began

Stealing at the time of fires, felony without clergy.

CAP. VI.

An ACT, in addition to an Act, entitled, An Act for establishing and regulating a Militia.

This Act repealed by 35th Geo. 3d.

CAP. VII.

An ACT for the better regulating the Militia, on actual Service, in time of War.

This Act repealed by 35th Geo. 3d.

CAP. VIII.

An ACT for regulating the exportation of Fish, and the affize of Barrels, Staves, Hoops, Boards, and all other kind of Lumber; and for appointing Officers to survey the same.

Acts in amendment of, or addition to this Act, 6th and 7th Geo. 3d. cap. 2. 11th Geo. 3d. cap. 3. 19th Geo. 3d. cap. 11. 33d Geo. 3d. cap. 11. 34th Geo. 3d. 38th Geo. 3d.

BE it enacted by the Lieutenant-Governor, Council, and Assembly, That from and after the end of this present Session of the General Assembly, all pickled fish for exportation shall be put in none but barrels of thirty-one gallons and a half at least, and that the fish be

Pickled fish for exportation to be put into barrels

- rels of 31 gallons and a half at least, the fish to be all of one kind, Quality of herrings.
Of codfish
Size of hoghead staves.
- all of one kind, well sived, sweet, free from rust, and close packt, the barrels tight, and full of sweet and strong pickle.
- That herrings be free from oil.
- That merchantable codfish have the qualities that make them so in Newfoundland.
- That all hoghead staves be six inches broad, three quarters of an inch thick at the thin edge, and forty inches long.
- Of barrel staves
- That barrel staves be four inches broad, and half an inch thick at the thin edge, and thirty inches long.
- Of barrel staves for the Irish market.
- That barrel staves for the Irish market be thirty inches long, five inches broad, clear of sap, and three quarters of an inch thick at the thin edge.
- Of hoghead hoops.
- That hoghead hoops be fifteen feet long, substantial and well-shaved, and three quarters of an inch broad at the small end.
- Of barrel hoops.
- That barrel hoops be nine feet long, and half an inch broad at the small end.
- Of boards.
- That boards shall be full one inch thick.
- Of shingles.
- That shingles be eighteen inches long at least, four inches broad, and half an inch thick at the thick end.
- Of Clapboards
- That clapboards be five inches broad, half an inch thick at the back, and four feet four inches long.
- Measure of cord wood.
- That cord wood be full four feet long each stick, accounting half the carf, the pile to be solid, four feet high, or an allowance for wants, of eight feet long, and each cord sound hard wood.
- Officers to be appointed.
- II. *And be it further enacted,* That all barrels used for fish within this province, shall be made of sound well seasoned timber and free of sap, and that fit persons be appointed from time to time in all places needful, to view and gauge all such barrels; and such as shall be found tight and of the assize before mentioned, shall be marked with the Gauger's mark, who shall have for his pains eight pence per ton; and every Cooper shall make his barrels of the assize aforesaid, and shall set his distinct brand mark on all barrels so made by him, on penalty of forty shillings for each offence.
- Cooper to make barrels of lawful size, on penalty of 40s.
- Persons offering to sale, deficient barrels, forfeit the same, and 10s.
- III. *And be it also enacted,* And whosoever shall put to sale any barrels new made up from old stuff, being deficient either in workmanship or timber, upon proof thereof made by one sufficient witness, before any one of His Majesty's Justices of the Peace, he shall forfeit such barrels, and be fined and pay the sum of ten shillings for every barrel that shall be so found defective, or shall suffer ten days imprisonment for every such defective barrel. *Provided,* the said imprisonment do not in the whole exceed the term of three months.
- Grand Jury, at first Sessions, annually, to appoint gaugers, cullers, and surveyors.
- IV. *And be it enacted,* That the Grand Jury for each county within the province, shall annually at the first General Quarter Sessions in the year, and before the rising of the Court, nominate and appoint fit persons to serve in such towns or places where the same shall be necessary, as Gaugers of casks or barrels, Cullers and Surveyors of dry and pickled fish, boards, staves, shingles, clapboards, hoops, and cord wood, and shall report to the said Court the names of the several persons by them so nominated and appointed for the service aforesaid, that they may be sworn by the said Court to the due execution of their several offices, which, if any so nominated and appointed, shall refuse, he shall pay the sum of forty shillings, and another shall be nominated and appointed in the like manner in his stead; and failing of any these by misbehaviour, death, or leaving the province, or changing the town of his residence, their places shall be filled up by a new nomination and appointment in the same manner at the next Quarter Sessions, or Special Sessions to be called for that purpose, under the like penalty for refusal.
- Any person refusing to serve for 40s.
- V. *And be it further enacted,* That every Gauger of cask or barrels appointed as aforesaid, shall take care that such cask or barrels by him viewed and marked as aforesaid, be agreeable
- Gaugers not to mark defective casks,

ble to the directions of this Act; and that he mark no cask or barrels whatsoever defective in any of the above particulars, on penalty of ten shillings for every cask so by him marked that shall be found defective in any of the aforesaid respects.

VI. *And be it enacted, for preventing of fraud and deceit in the packing of pickled Fish to be put to sale,* That in every town within this province where such pickled fish are packed for sale, the Surveyor or Surveyors of Fish of such town, or of the town where they are put to sale or shipped, shall see that it be well and orderly performed, and that the said fish be packed all of one kind and that all cask or barrels so packed be full, and in all other respects answerable to the regulations herein specified in that behalf, setting his brand or mark on all cask or barrels, so by him examined and surveyed; and he shall receive of the owner or seller of such fish, for surveying and marking, two pence per barrel, and four pence per mile for his travel; and if any such pickled fish be put to sale or shipped off without the Surveyor's brand or mark, they shall be forfeited, or the value thereof, by the seller or shipper of the same.

VII. *And be it likewise enacted,* That all sorts of green or pickled fish that shall be put up for exportation to a foreign market, shall be searched, surveyed, and approved by the sworn Surveyor, who shall take strict care that the same be in all respects agreeable to the regulations herein before specified, and shall and may open the head of any one barrel the buyer shall chuse for that purpose, and such as shall be found good and merchantable the Surveyor shall mark with such brand mark, as shall be assigned to him by the said Court, and such other cut mark as may denote the kind of fish and time when packed. And if any master of any ship or vessel, or any officers or mariners belonging thereto, shall receive such pickled fish, not marked and branded as aforesaid, on board any of their ships or vessels, he or they who shall offend therein shall forfeit double the value of all such fish, and he or they who shall own such fish shall forfeit the same, or the value thereof. And if any Cooper or other person shall shift any fish, either on board or on shore, after the same hath been so marked and branded by the Surveyor, and ship and export the same, the Surveyor not having allowed thereof, and marked the casks or barrels anew, whereinto such fish shall be shifted; all persons acting, ordering, or assisting therein, upon conviction thereof before any one of His Majesty's Justices of the Peace, by the oath of one credible witness, for the first offence shall suffer six months imprisonment, for the second nine months imprisonment, and for the third twelve months imprisonment, without bail or mainprize; and shall likewise pay double damages to the person wronged thereby. And if any person or persons shall presume to counterfeit the brand mark of any Surveyor or Gauger, or certificate of any Culler, upon due proof or conviction, he or they shall incur, forfeit and pay the sum of ten pounds, and suffer one month's imprisonment.

VIII. *And be it further enacted,* That the Culler of dry cod-fish thereto appointed as aforesaid shall cull all such dry cod-fish that shall be sold or exported, and shall have one penny per quintal for every quintal of fish by him so culled, and four pence per mile for his travel, to be paid by the owner or seller; and such Culler shall give a certificate under his hand specifying the quantity of fish so by him culled, and the name of the owner, seller, or shipper thereof, and of the time and place where culled, and if any dry cod-fish shall be put to sale, or shipped for exportation, without having been so culled by the Culler, or without such certificate thereof as before directed, the same shall be forfeited, or the value thereof, by the seller or shipper of the same.

IX. *And be it also enacted,* That all boards, plank, timber and slit work, that shall be imported or brought for sale to any town within this province, or exported from thence to any foreign market, before their delivery on sale, shall be viewed, surveyed, and also measured, by one of the Surveyors thereto appointed, (where he shall have any doubt of the measure)

on penalty of 10s for each cask.

Surveyors of pickled fish not to mark any but such as are agreeable to this Act

Their fees.

Pickled fish not marked to be forfeited if offered to sale.

Surveyors to examine strictly all pickled fish.

Masters of vessels, &c. receiving pickled fish on board, not marked, to forfeit double the value.

Any person shifting fish after the same has been marked by the surveyor, to suffer imprisonment, for the first offence six months; for the second offence, nine months, and for the third offence twelve months, and pay double damages. Penalty 10l. for counterfeiting the surveyor's mark.

Cullers of dry cod fish, Their duty and fees.

If any such fish be put to sale or shipped for exportation, without the culler's certificate, the same to be forfeited or the value.

Surveyors of Lumber, their duty.

and fees.

Boards &c. delivered or shipped for exportation, before they are marked by the surveyor, to be forfeited, or the value.

Shingles and clapboards deficient in number to be forfeited,

if deficient in quality, to be burnt.

All boards, &c. exposed to sale or shipped for exportation, without survey, to be forfeited, or the value, by the seller or shipper.

Hoghead staves, hoghead hoops, &c. deficient in quality to be burnt.

Staves and hoops delivered upon sale, or shipped for exportation, not surveyed, to be forfeited or the value, by the seller or shipper.

measure) having consideration for drying and shrinking; also shall mark anew all such to the just contents, making allowance for rots, splits and wains, the seller to pay the officer four pence per thousand feet for viewing only, and six pence per thousand feet more for measuring and marking; and so in proportion for a lesser quantity than a thousand feet, and four pence per mile for his travel as aforesaid: And no boards, plank, timber, or slit work, shall be delivered upon sale, or shipped for exportation beyond sea, before they have been viewed and surveyed by the Surveyor, and by him found answerable to the description in this Act mentioned; and also measured (if occasion be) and marked anew by one of the officers thereto appointed; on pain of being forfeited, or the value thereof, by the seller or shipper thereof.

X. *And be it enacted*, That all shingles and clapboards exposed to sale by quantities in bundles, that do not hold out the number they are marked for, unless it shall appear that some have been drawn or shaken out of the bundle, after packing, shall be forfeited; the charge of searching and telling to be paid thereout. That every bundle of shingles and clapboards that, according to the judgment of the Surveyor, will hold out eighteen inches long, four inches broad, and half an inch thick, agreeable to the dimensions by this Act prescribed for shingles, and if clapboards, five inches broad, half an inch thick at the back, and four feet four inches long, being the dimensions by this Act prescribed for clapboards, shall be accounted merchantable, all that are otherwise to be culled out and burnt, till what be left of said bundles will bear the same proportions before prescribed according to the judgment of the said Surveyor, who shall have for his service; if shingles, two pence per thousand; if clapboards, two pence per thousand surveying, and one penny more per thousand telling; to be paid by the owner or seller, where no forfeiture is found for want of tale to satisfy such charge, and for every thousand he culls and binds up again, six pence per thousand, and proportionably for a lesser quantity, to be paid by the owner or seller of the said shingles or clapboards, returning the remainder to the owner, if any be, after the charges are paid.

XI. *And be it also enacted*, That if any boards, plank, timber or slit work, or any shingles or clapboards shall be exposed for sale, or shipped for exportation, without such survey as above directed, had before the delivery thereof; the whole of such boards, plank, timber, slit work, shingles or clapboards, or the value thereof, shall be forfeited by the seller or shipper.

XII. *And be it further enacted*, That all hoghead staves, barrel staves, hoghead hoops, and barrel hoops, that shall be imported or brought for sale to any town within this province, or exported from thence to any foreign market, before their delivery on sale shall be viewed and surveyed by one of the Surveyors thereto appointed, who shall take strict care that the same be severally conformable to the directions of this Act; and that all staves and hoops, that according to the judgment of the said Surveyor, shall be agreeable to the directions of this Act, and none other shall be accounted merchantable, and all that shall be found otherwise to be culled out and burnt, till what be left will bear the several proportions by this Act prescribed, according to the judgment of the said Surveyor, who shall have for his service, if staves, six pence per thousand, if hoops, three pence per thousand, to be paid by the seller.

XIII. *And be it also enacted*, That all hoops exposed to sale by quantities, in bundles, that do not hold out the number that they are so exposed to sale for, unless it appears that some are drawn or shaken out of the bundle after packing, shall be forfeited; the charge of surveying three pence per thousand, and three pence per thousand telling, and so in proportion for a lesser quantity, being paid thereout. And if any staves or hoops shall be delivered upon sale or shipped for exportation to any foreign market, before they have been surveyed by the surveyor, and by him found to answer the descriptions in this Act mentioned, the same shall be forfeited, or the value thereof, by the seller or shipper thereof.

XIV. *And be it further enacted*, That all cord wood exposed to sale, shall on the sale, and before

fore the delivery thereof, be surveyed by the officer for that purpose appointed, who shall measure the same, and take care that each cord do answer the qualifications by this Act required; and he shall receive of the seller for each survey and examination, two pence per cord and no more; and if any cord wood shall be sold and delivered without such survey, the same shall be forfeited, or the value thereof, by the seller.

Cord wood sold, before it be surveyed, to be forfeited or the value, by the seller.

XV. *And be it further enacted,* That if any person shall refuse to satisfy the officer or officers by this Act appointed; his fees before mentioned, he shall have power to detain so much of the commodity as will make him satisfaction for his fees and travel aforesaid: *Provided,* that such fees do not exceed the sum of twenty shillings, and in case the same shall exceed the sum of twenty shillings, then to be levied by warrant of distress and sale of the offender's goods and chattels, under the hand and seal of any one of His Majesty's Justices of the Peace, the surplus, if any be, after paying the officer's fees and charges of distress and sale, to be returned to the owner of the said goods.

Surveyors may on refusal of payment, detain as much of the commodity as will pay his fees; if under 20s. if above, to be levied by warrant of distress from a Justice of the Peace.

XVI. *And be it further enacted,* That an oath shall be administered to the several officers that shall be chosen to gauge, survey and search the several articles in this Act mentioned, in the following form, viz.

Officers to be sworn.

YOU swear, that you will from time to time diligently and faithfully discharge and execute the office of _____ within the limits, whereto you are appointed, for the ensuing year, and until another be chosen in your place; and that in and by all the particulars mentioned in the laws whereto your office hath relation; and that you will do therein impartially according to law, without fear or favour.—So help you GOD.

Their oath.

XVII. *And be it likewise enacted,* That all fines, penalties, and forfeitures arising by force and virtue of this Act, shall be one half to his Majesty; towards the support of his Majesty's government of this province, and the other half to him or to them that shall inform or sue for the same; to be recovered in manner following, (That is to say) where the forfeiture or value thereof shall not exceed the sum of twenty shillings, the same to be recoverable before any one of his Majesty's Justices of the peace, by oath of one credible witness, to be levied by warrant of distress and sale of the offender's goods and chattels, under the hand and seal of such Justice, and for want of sufficient distress, such offender to suffer twenty days imprisonment; and where the forfeiture or value shall amount to above twenty shillings, but shall not exceed the sum of three pounds, then the same to be recoverable before any two of his Majesty's said Justices of the Peace upon the like proof as above, and to be levied by like warrant under the hands and seals of such Justices, and for want of sufficient distress the offender to suffer sixty days imprisonment; and in case such forfeiture or the value thereof shall exceed three pounds, the same to be recoverable by him or them who shall inform or sue for the same, in any of his Majesty's Courts of Record in this province.

Penalties, and forfeitures, how to be levied and applied.

XVIII. *And be it enacted,* That this Act be read and published once every year, at the opening of the first Courts of General Quarter Sessions of the Peace for the several counties within this province.

Act to be read once a year, at the Quarter Sessions in each county.

CAP. IX.

An ACT in addition to, and amendment of, and for further prolonging an Act made and passed in the first year of His Majesty's Reign, entitled, An Act for suppressing Unlicensed Houses, and for granting to His Majesty a Duty on Persons hereafter to be Licensed.

Expired.

CAP. X.

Expired.

An ACT to prohibit for a limited time, the exportation of warlike Stores.

CAP. XI.

Expired.

An ACT, for continuing an Act, made and passed in the Thirty Third Year of His late Majesty's Reign, entitled, An Act, for the summary Trials of Actions.

At the GENERAL ASSEMBLY, of the Province of Nova-Scotia, begun and holden at Halifax, on the first day of July, Anno Domini 1761, in the first 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 Twenty-fifth Day of April, 1763; in the third Year of his said Majesty's Reign; being the Third Session of the Third General Assembly convened in the said Province.*

* In the time of Jonathan Belcher, as President of the Council, Governor, John Collier, Speaker of the Council, William Nesbit, Speaker of the Assembly, John Duport, Secretary of Council, Archibald Hinshelwood, and Isaac Deschamps, Clerks of Assembly.

CAP. I.

Executed.

An ACT for the relief of the Poor in the Town of Halifax.

CAP. II.

Repealed by His Majesty in Council.

An ACT for regulating the proceedings of the Courts of Judicature.

CAP. III.

An ACT to prevent Frauds in the selling of Beef, Pork, Flour, and Biscuit, or Ship Bread in Casks.

Acts in amendment or alteration of this Act, 4th. and 5th. Geo. 3d. cap. 4. 29th. Geo. 3d. cap. 10.

[The first clause being repealed by 4th. and 5th. Geo. 3d. cap. 4. and the repeal confirmed by His Majesty in Council, it is not re-printed.]

II. *And be it also enacted,* That from and after the publication hereof all flour, biscuit, or ship bread, that shall be sold, bartered, or exchanged within this province, shall be so sold, bartered, or exchanged by weight only, and in no other way or manner whatsoever.

Flour and biscuit to be sold by weight.

III. *And be it further enacted,* That no person or persons whatsoever shall hereafter presume to sell, barter, or exchange any flour, biscuit, or ship bread, by the cask, or in any other manner whatsoever, other than by weight as above directed, on pain of forfeiting all such flour, biscuit, or ship bread, so sold, bartered or exchanged, contrary to the intent and meaning of this Act: And every person or persons offending herein and being convicted thereof, shall also further forfeit and pay the sum of twenty shillings for every hundred weight, and so in proportion for a greater or less quantity of such flour, biscuit, or ship bread, so sold, bartered or exchanged; to be recovered, together with costs of prosecution, on the oath of one credible witness, before any two of his Majesty's Justices of the Peace for the county where the offence shall be committed:

If sold in any other manner, to be forfeited.

and the offender to forfeit 20s. for every cwt.

Conviction before two Justices

IV. *And be it further enacted,* That all forfeitures and penalties incurred and arising by this Act shall be applied and disposed of in manner following, (that is to say) all flour, biscuit or ship bread, which shall be forfeited by virtue of this Act, shall be applied to the use of the poor of the town or place where the offence shall be committed; and all and every other penalties incurred by this Act, shall be applied to the use of the person or persons who shall inform and sue for the same.

Application of forfeitures and penalties.

V. *Provided always,* That all prosecutions to be brought by virtue of this Act, shall be commenced within ten days after the offence committed.

Prosecution to be within ten days.

CAP. IV.

An ACT in further addition to, and amendment of an Act, entitled, an Act for suppressing unlicensed Houses, and for granting to His Majesty a Duty on Persons hereafter to be licensed.

Expired.

CAP. V.

An ACT for altering and amending several Acts of this Province, relating to the Duties of Imposit upon Wines, Beer, Rum, and other distilled Spirituous Liquors.

Expired.

CAP. VI.

Expired.

An ACT, for altering and amending several Acts of this Province, relating to the Duties of Excise on Wines, Rum and other distilled Spirituous Liquors sold within this Province.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the First Day of July, Anno Domini 1761, in the First 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 Nineteenth Day of October, 1763, in the Third Year of His said Majesty's Reign; being the Fourth Session of the Third General Assembly convened in the said Province.*

* In the time of Montague Wilmot, Governor, Jonathan Belcher, Chief Justice, and President of Council, William Nesbitt, Speaker of the Assembly, John Dupont and Richard Bulkeley, Clerks of Council, Archibald Hinthelwood and Isaac Deschamps, Clerks of Assembly.

CAP. I.

An ACT in addition to and amendment of an Act, entitled, An Act for appointing Commissioners of Sewers, made and passed in the 34th year of His late Majesty's Reign.

For Acts in addition to or amendment of this Act, see 34th Geo. 2d. cap. 7.

Precamble.

Justices impowered to grant warrants for levying assessments on the Goods, &c. of such as refuse to pay.

WHEREAS it has been represented, that the Commissioners of Sewers appointed by an Act, entitled, An Act for appointing Commissioners of Sewers, made and passed in the thirty fourth year of His late Majesty's Reign, are not sufficiently impowered by the said Act to recover from the several persons neglecting or refusing to make payment of his, her, or their parts or proportions of the sums set, and assessed by the said commissioners for the repairing or making the dykes, and drains necessary, for the preservation of the lands thereby rendered profitable; Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That upon complaint being made on oath, before any one of His Majesty's Justices of the Peace, for the county, where such complaint lies, by the collector or collectors appointed by the commissioners of sewers, for the collecting or gathering the assessments made by the said commissioners, the said Justice, upon such complaint is hereby impowered and authorized, to grant a warrant under his hand and seal, directed to any one of the constables for the said county, to levy of and from the goods and chattels of such person or persons so neglecting or refusing to pay his, her, or their part or proportion of such

such assessment, by distress and sale of the said goods and chattels, the full sum so assessed with costs for prosecuting the same, which costs shall not exceed the sum of five shillings, and for want of goods and chattels to apprehend the bodies of all such delinquents, and commit them to safe custody, till full satisfaction and payment be made as aforesaid.

with Five Shillings costs.

II. *And be it further enacted,* That if any proprietor or proprietors of the lands so dyked in, or drained, are absent, and no person appearing in their behalf, and have not any goods or chattels to answer his, her, or their dividend or proportion of such assessment made as aforesaid, it shall and may be lawful for any one of His Majesty's Justices of the Peace for the county where such lands lie, to let out any part of such delinquents lands, that may be sufficient to pay by the produce of the same, any such dividend or proportion of the sum so due.

Absentee's lands to be let for the payment of the Assessment.

CAP. II.

An ACT to prevent Nuisances by Hedges, Wears, and other Incumbrances, obstructing the passage of Fish in the Rivers in this Province.

Acts in amendment of, or addition to this Act, 6th Geo. 3d. cap. 7. 15th & 16th Geo. 3d cap. 10. 18th Geo. 3d. c. p. 4. 26th Geo. 3d. 2d session, cap. 7.

WHEREAS the erecting or setting up hedges, wears, fishgarths, or other incumbrances, or placing seines across any river to stop, obstruct, or straiten the natural course and passage of fish in their seasons for spawning, must be very detrimental, and may entirely destroy the salmon, bass, shad, ailwive, and gaspero fishery, which the new settlers in general depend on in a great measure for their subsistence; Therefore in order to preserve that valuable support to the inhabitants of this province: *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That the Justices in their first General Quarter Sessions held in each county, annually, shall and are hereby empowered and directed to make rules and orders for the regulation of the river fishery in their respective counties, as they from time to time shall find necessary for the preservation thereof.

Preamble. River fishery to be regulated by the Justices in their quarter sessions.

II. *And it is hereby further enacted,* That if any person or persons shall presume to erect or set up any hedge, wear, fishgarth, or other incumbrance, or place any seine or seines across any river in this province, contrary to the rules and regulations so fixed on, and established by the Justices in their said General Quarter Sessions annually, such person or persons shall upon due conviction thereof forfeit and pay the sum of ten pounds, one half of which shall be for the informer, and the other half for the poor of the township, where the offence shall be committed, to be recovered by action, bill, plaint or information in any of His Majesty's Courts of Record.

Persons transgressing these regulations to forfeit £. 10.

One half to the informer, the other to the poor.

III. This Act to continue, and be in force for the space of two years from the publication thereof, and until the end of the Session then next following.

Act to continue two years.

CAP. III.

An ACT to enable Proprietors of Lands to assess and discharge the expence which has accrued upon dividing their Lands, by virtue of a former Law of this Province.

This Act was made after the Act of the 3d. Geo. 2d. 2d session, cap. 7, had been repealed by his Majesty in Council, and having only for its object to enable persons who had acted under that act, while in force, to recover their expence, it has long since been executed and therefore only the title is now printed.

CAP. IV.

An ACT to impower the Province Treasurer to borrow a sum, not exceeding the sum of Four Thousand Pounds, for paying off Bounties, Premiums, and other Debts payable by the Laws of this Province.

This Act has been executed, and the money borrowed repaid.

CAP. V.

An ACT for the relief of Insolvent Debtors.

Persons charged in execution may apply by petition, to the Court from whence the process issued, or two Justices in vacation, to be discharged.

on giving an account of their real and personal estate.

The Court or Justices to make an order to call the creditors before them.

If creditors fail to appear, the Court or Justices may examine into the matter of the petition.

and tender an oath to the prisoner.

BE it enacted by the Honorable the Lieutenant-Governor, Council and Assembly, That from and after the end of this present Session, if any person or persons now charged, or who shall or may hereafter be charged in execution for any sum or sums of money, and shall be minded to deliver up to his, her, or their creditors, all his, her, or their effects, towards the satisfaction of the debts, wherewith he, she, or they stand charged, it shall and may be lawful to and for such prisoner to exhibit a petition to any of the Courts of Law within the said province, or during the intervals of the sittings of such Courts, to any two of the Justices of any such Courts, from whence the process issued, upon which he, she, or they was or were taken or charged in execution, certifying the cause or causes of his, her, or their imprisonment, and an account of his, her, or their whole real or personal estate, with the dates of the securities wherein any part of it consists, and the deeds or notes relating thereto, and the names of the witnesses thereto, as far as his, her or their knowledge extends therein; and upon such petition the said Court or the said two Justices may, and are hereby required by order or rule of the said Court, or by order under the hands and seals of the said two Justices, to cause the said prisoner to be brought up to the said Court, or before them the said two Justices, and the several creditors at whose suit he, she, or they stand charged as aforesaid, to be summoned to appear personally, or by their attorney in the said Court, or before them the said two Justices, at a day to be appointed for that purpose; and upon the day of such appearance, if any of the creditors summoned refuse or neglect to appear, upon affidavit of the due service of such rule or order of the said Court, or order of the said two Justices, the said Court, or the said two Justices, shall and may, in a summary way, examine into the matter of such petition, and hear what can or shall be alledged on either side, for or against the discharge of such prisoner, and upon such examination the said Court or the said two Justices may and are hereby required to administer or tender to the prisoner, an oath to the effect following, which oath the said Court, or the said two Justices are hereby impowered to administer.

I, A. B. do solemnly swear in the presence of Almighty God, that the account by me delivered into in my petition to

The oath.

doth contain a true and full account of all my real and personal estate, debts, credits, and effects whatsoever, which I, or any in trust for me, have, or at the time of my said petition had, or am, or was, in any respect entitled to in possession, remainder or reversion (except the wearing apparel and bedding for me or my family, and the tools or instruments of my trade or calling, not exceeding ten pounds in the whole), and that I have not at any time since my imprisonment or before, directly or indirectly, sold, leased, assigned or otherwise disposed of, or made over in trust for myself, or otherwise, other than as mentioned in such account, any part of my lands, estate, goods, stock, money, debts, or other real or personal estate, whereby to have or expect any benefit or profit to myself, or to defraud any of my creditors, to whom I am indebted.—So help me God.

II. *And be it further enacted*, That in case the said prisoner shall in open Court, or before the said two Justices, take the said oath, and upon such examination and his or her taking the said oath, the creditors shall be satisfied with the truth thereof, the said Court or the said two Justices may immediately order the lands, goods, or effects contained in such account, or so much of them as may be sufficient to satisfy the debts, wherewith he, or she is or shall be charged, and the fees due to the Provost Marshal of the said province, and the keeper of the goal or prison from which the prisoner was brought, to be by a short endorsement on the back of the said petition, signed by the prisoner, assigned to the said creditors, or to one or more of them, in trust for the rest of the said creditors, and by such assignment, the estate, interest and property of the lands, goods, debts, and effects so assigned, shall be vested in the person or persons to whom such assignment is or shall be made, who may take possession of, or sue for the same in his, or their own name or names in like manner as assignees of commissioners of bankrupts, to which suit no release of the prisoner, his, or her executors, or administrators, or any trustees for him or her, subsequent to such assignment, shall be any bar; and immediately upon such assignment executed, the said prisoner shall be discharged out of custody by order of the said Court, or of the said two Justices, and such order shall be a sufficient warrant to the Provost Marshal, Gaoler, or keeper of such prison, to discharge the said prisoner, if detained for the causes mentioned in such petition and no other; and he is hereby required to discharge and set him, or her at liberty forthwith without fee: nor shall such Provost Marshal, or Gaoler be liable to any action of escape or other suit or information upon that account; and the person or persons to whom the said effects shall be assigned, paying the fees to said Provost Marshal, Gaoler or keeper of the prison, in whose custody the party discharged was, shall and are hereby required to divide the effects so assigned among themselves and all the persons for whom they shall be intrusted, in proportion to their respective debts; but in case the person or persons at whose suit such prisoner was charged in execution, or any of them, shall not be satisfied with the truth of the oath of such prisoner before the two Justices aforesaid, and shall desire further time to inform himself or herself of the matters contained therein, and shall insist upon his, or her, being detained longer in prison, at his or their suit, then the said Justices shall and may remand the said prisoner, and direct the said prisoner, and the person or persons dissatisfied with such oath, to appear before the Court whence the process issued as aforesaid, at a certain day during the sitting of the said Court then next following such examination, and to be by them at that time appointed, for the further examination of the matters contained in the said oath; provided the said person or persons so dissatisfied, do agree by writing under his or their hands, to supply and allow weekly the full quantity of eight pounds of good and wholesome biscuit bread per week unto the said prisoner, to be so supplied and allowed the first day of every week from and after the time of such prisoner's being so remanded, until the said day so appointed for the further examination of the truth of the matters contained in the aforesaid oath before the said Court as aforesaid; on failure of the supplying of which weekly allowance at any time, the said prisoner shall forthwith upon application to the said Court, or to the said two Justices, be discharged by such order as aforesaid; but in case the said prisoner shall refuse to take the oath before the said two Justices, or having taken the same; shall be detected of falsity therein, he or she shall be presently remanded.

III. *And be it also enacted*, That such judgment, relief, and directions by the said two Justices, so to be given as aforesaid, shall be as good and effectual to all intents and purposes, as if the same had been made in the Court out of which the process issued, on which such prisoner was taken in execution; and the like proceedings shall be had thereupon, and a record of such judgment shall be made up in the same form, and returned, and certified under the hands of such two Justices before whom it shall be made, unto the court from whence the process

If the creditors are satisfied of the truth of the prisoner's oath, the Court or Justices may order the lands, &c. to be assigned to creditors,

and the prisoner to be discharged.

Prisoner's lands, &c. to be divided among the creditors.

If creditors are not satisfied of the truth of the prisoner's oath, before the two Justices; the prisoner to be remanded, and the matter further enquired by the Court,

and such creditors to allow the prisoner eight pounds of biscuit per week, in the mean time, on failure whereof of the prisoner to be discharged.

Proceedings of the Two Justices to be effectual, and a record thereof to be made and returned to the Court.

process on which such prisoner was taken in execution issued, to be a record of the said Court, and to be kept as such amongst the records there.

If upon the prisoner's appearing before the Court, the creditors shall not appear, or shew a probability, that the prisoner is forsworn, &c. the prisoner to be discharged, unless the creditor insist on his being longer detained, and agree to the weekly allowance of bread,

on failure whereof, the prisoner to be discharged.

Proceedings when the prisoner petitions during the sitting of the Court.

IV. *And be it further enacted,* That if on the appearance of such prisoner or prisoners before the said Court as aforesaid, at such second day so to be appointed by the said two Justices, the creditor or creditors of such prisoner or prisoners dissatisfied with the truth of such oath, before the said two Justices, shall make default in appearing; or in case he, she, or they shall appear, but shall be unable to discover any estate or effects of the prisoner omitted in such his, or her petition; or to shew any probability of his, or her, having been forsworn in the said oath, then the said Court shall immediately cause the said prisoner to be discharged upon such assignment of his, or her effects, in manner as aforesaid; unless such creditor or creditors do insist upon his, or her, being detained longer in prison at their suit, and do agree by writing under his, her or their hands, to supply and allow weekly the full quantity of eight pounds of good wholesome biscuit bread per week, unto the said prisoner, to be supplied and allowed the first day of every week, so long as he, or she shall continue in prison at his, her, or their suit as aforesaid; on failure of the supply of which weekly allowance at any time, the prisoner shall forthwith; upon application to the said Court, or during the interval of such Court's sitting, to the said two Justices, be discharged by such order as aforesaid.

V. *And be it enacted,* That in case on the appearance of the said prisoner, before any of the said Courts of Law in this province, on his petition to them at any time during their sitting, preferred as aforesaid, the person or persons at whose suit such prisoner was charged in execution, or any of them, shall not be satisfied with the truth of the said prisoner's oath, at that time made, but shall desire farther time to inform himself, or herself, of the matters contained therein, the said Court may and shall remand the said prisoner, and direct the said prisoner, and the person or persons dissatisfied with such oath, to appear at another day to be appointed by the said Court sometime within and during their then present sessions, for that purpose; subject in the mean time and until such second day, to the same allowance to the said prisoner, by such person or persons so dissatisfied with the said prisoner's oath, and liable to the like discharge in case of default of such allowance as is herein before directed, upon application to the said two Justices as aforesaid: And if at such second day so to be appointed, the creditor or creditors dissatisfied with such oath, shall make default in appearing, or in case he, she, or they shall appear, but shall be unable to discover any estate or effects of the prisoner, omitted in such his or her petition, or to shew any probability of his, or her having been forsworn in the said oath, then the said Court shall immediately cause the said prisoner to be discharged, upon such assignment of his, or her effects in manner as aforesaid, unless such creditor or creditors do insist upon his, or her, being longer detained in prison at their suit, and do agree by writing under his, her, or their hands, to supply and allow weekly the quantity of eight pounds of good and wholesome biscuit bread per week, unto the said prisoner, to be supplied and allowed the first day of every week, so long as he, or she, shall continue in goal, at his, her, or their suit; on failure of the supplying of which weekly allowance at any time, the said prisoner shall forthwith upon application to the Court; or during the interval of such Court's sittings, to any two Justices of the said Court, be discharged by such order as aforesaid; but in case the said prisoner shall refuse to take the said oath, or having taken the same, shall be detected of falsity therein, he or she shall be presently remanded.

Time limited for prisoners to present their petitions.

VI. *And to prevent persons who may be charged in execution from lying in prison, until they have spent their substance wherewith they should satisfy their creditors, and afterwards taking the benefit of this Act, where they have nothing left to deliver up to their creditors; it is hereby enacted,* That no person charged or to be charged in execution, excepting those already in goal, shall be allowed or permitted to exhibit a petition to any of the Courts of Law in this province, or

to any of the said two Justices of such Courts, from whence the process issued as is before provided, unless such petition be exhibited, if before the Court, within ten days next after the first meeting of the said Court which shall be next after such person shall be so charged in execution, and if before the said two Justices, within fourteen days next after such person shall be so charged in execution :

VII. *Provided always*, That though the persons of the debtor or debtors so discharged, shall never after be arrested for the same debt or debts, yet notwithstanding such discharge the judgment against him, or her, shall stand and remain in force, and execution may be taken out thereon against his, or her lands, tenements, or hereditaments, goods, and chattels, (his, or her wearing apparel, bedding for him, or herself and family, and necessary tools for the use of his or her trade or occupation excepted) in the same manner as if he, or she, had never been taken in execution for the said debt.

Though prisoner's person be discharged, his lands, &c. to be always liable.

VIII. *Provided also*, That if any person who shall take such Oath as aforesaid, before the said two Justices, or before the said Court as aforesaid, shall upon any indictment for perjury, in any matter or particular contained in the said oath, be convicted by his, or her own confession, or by verdict of twelve men, as he, or she may be by force of this Act, the person so convicted shall suffer all the pains and forfeitures which by law be inflicted on any person convicted of wilful perjury, and shall be liable to be taken upon any process *de novo*, and charged in execution for the said debt, in the same manner as if he, or she, had never been discharged or taken in execution before, and shall never afterwards have the benefit of this Act.

If prisoner afterwards be convicted of perjury in said oath, he shall suffer all the pains of wilful perjury,

and may be taken *de novo*, and charged again in execution for the said debt.

IX. *Provided also*, That if the effects so assigned, shall not extend to satisfy the whole debts due to the persons at whose suit he or she was charged, and the fees due to the said provost marshal or goaler, there shall be an abatement in proportion; and such provost marshal or goaler shall come in as a creditor, for what shall be then due to him for his fees, in proportion with the creditors at whose suit he or she was charged in execution.

Provost Marshal or Goaler to come in as a creditor for their fees.

X. *And be it likewise enacted*, That every provost marshal or his deputy, bailiff, or other officer or minister aforesaid, offending against this Act, shall (over and above such penalties or punishments as he shall be liable unto, by the law now in force) for every offence against this present Act, forfeit and pay to the party thereby grieved, the sum of fifty pounds, to be recovered with treble costs of suit, by action of debt, bill, plaint, or information, in any of the Courts of Law within this province, wherein no essoin, protection, or wager of law or more than one imparlance shall be allowed.

Provost Marshal &c. offending against this Act, forfeits 50*l*.

XI. *And be it enacted*, That in cases wherein by this Act an oath is required, the solemn affirmation of any person being a Quaker, shall and may be accepted and taken in lieu thereof, and every person making such affirmation, who shall be convicted of wilful and false affirming, shall incur and suffer such and the same pains, penalties and forfeitures, as are inflicted and imposed by the laws and statutes now in force, upon persons convicted of wilful and corrupt perjury.

Quaker's affirmation to be taken instead of an oath.

XII. *Provided nevertheless*, That nothing in this Act contained, shall extend or be construed to extend, to discharge any debtor imprisoned, the whole amount of whose debts shall exceed the sum of one hundred pounds; nor that this Act shall be in force, till His Majesty's pleasure be known therein.

No debtor to be discharged, whose debts exceed 100*l*. Act suspended till His Majesty's pleasure be known.

CAP. VI.

Confirmed by His Majesty in Council.

An ACT, in addition to an Act, entitled, An Act for regulating the proceedings of the Courts of Judicature.

Repealed by His Majesty in Council.

CAP. VII.

An ACT to enable the Inhabitants of the several Townships within this Province, to maintain their Poor.

Acts in amend-
ment, addition or
alteration of this
Act. 7th. Geo.
3d. cap. 3. 8th.
Geo. 3d. cap. 5.
8th. and 9th.
Geo. 3d. cap. 1.
10th. Geo. 3d.
cap. 1. and 2.
12th. Geo. 3d.
cap. 6. 16th.
Geo. 3d. cap. 1.
17th. Geo. 3d.
cap. 5. 31st.
Geo. 3d. cap. 2.
32d. Geo. 3d.
cap. 5. 31st.
Geo. 3d. cap. 6.
and Revenue
Acts, 29th. Geo.
3d. and 34th.
Geo. 3d. see al-
so 33d. Geo. 3d.
cap. 1. 3d. and
4th. Geo. 3d.
cap. 9. 32d.
Geo. 3d. cap. 5.
and 42d. Geo.
3d. cap. 6.

Assessors to as-
sess the free-
holders in equal
proportions, who
shall pay the
same to the Col-
lector,
on refusal or neg-
lect, the same to
be levied by
warrant of dis-
tress from one
Justice

Persons aggriev-
ed may appeal
to the next Sessi-
ons.

Collector to ac-
count with and
pay to the over-
seers of the poor,
once in three
months, all mon-
ies by him re-
ceived.

On Refusal, &c.
Overseers of the
poor, to apply
the money to the
uses of the poor,
and pay any sur-
plus in their
hands to their
successors.

Persons refusing
to serve as assel-
sor or collector,
forfeit 40s.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That from and after the publi-
cation hereof, it shall and may be lawful for the freeholders of any township within
this province, where there are fifty or more families, freeholders, resident, to meet on the
first Monday in January, annually, previous notice being given by the constables of such
townships respectively (who are hereby required to notify the same to the freeholders of
each township, at least ten days before the time of meeting) of the time and place
of meeting in such township, at which meeting of the said freeholders then and there held, a
chairman being first chosen, the freeholders shall proceed to choose twelve inhabitants of the
said township, any nine of which to be a *quorum*; who are hereby empowered to assess the in-
habitants of said township for such sum, as shall be granted by the said freeholders for the
relief of their poor.

II. *And be it further enacted,* That the said freeholders in such their annual meeting, shall
be and are hereby empowered to vote such sums of money as they shall judge necessary for the
current year to support and maintain their poor.

III. *And be it also further enacted,* That the twelve inhabitants so elected in the meeting an-
nually, or any nine of them, shall be, and are hereby empowered to assess the freeholders,
and other inhabitants, in just and equal proportion as near as may be, for the monies voted as
aforesaid; and each particular person being assessed according to his known estate, either real
or personal, for the purpose aforesaid, shall pay the same to such person or persons as shall be
appointed to collect and receive the same, by the said elected inhabitants, or any nine of them
and if any person so assessed, shall refuse or neglect to pay said assessment, the same shall and
may be levied by warrant of distress from any one of His Majesty's Justices of the Peace of the
township, or county wherein such person shall reside.

IV. *Provided nevertheless,* That if any person shall think himself over rated, he may ap-
peal for redress to the next General Sessions of the Peace of the said County, and the Justi-
ces thereof are hereby required and empowered to examine, hear, and determine all and
every such appeal or complaint, and to give redress as they in their judgment shall think
equitable, and such their order and judgment shall be final and bind all parties.

V. *And be it enacted,* That the person or persons appointed to collect the assessments afore-
said, shall, once in three months, account with and pay into the hands of the overseers of the
poor of said township, all such sums of money as he or they may have received, and upon
his or their neglect or refusal to account and pay in the same as aforesaid, such person or per-
sons shall and may be prosecuted by the overseers of the poor for the time being, by bill,
plaint, or information, in any of His Majesty's Courts of Record within this province.

VI. *And be it also enacted,* That the overseers of the poor of each township respectively,
shall dispose of the monies voted and received for the purpose before mentioned only; and
they are hereby required and directed to render an account thereof to their successors, and
to pay into their hands any surplus of money, that may remain in their hands not distributed.

VII. *And be it further enacted,* That if any of the twelve inhabitants chosen at the annual
meeting as aforesaid, to make the assessment aforesaid, or the person or persons appointed to
collect the same, shall refuse to serve in their respective offices, each person so refusing shall
forfeit and pay to the overseers of the poor, for the use of the poor of said township, the sum
of forty shillings.

CAP. VIII.

An ACT to explain and amend an Act, made and passed in the thirty-second year of His late Majesty's Reign, entitled, An Act for making Lands and Tenements liable to the payment of debts.

For Acts that alter or amend this Act, see 32d. Geo. 2d. cap. 25.

WHEREAS in the first Clause of an Act made and passed in the thirty-second year of His late Majesty's reign, entitled, An Act for making Lands and Tenements liable to the payment of debts, it is, among other things, enacted, That the person or persons in possession of any lands and tenements on which the provost marshal, or his deputy, shall extend the execution of any judgment on the rents only, and shall cause the person or persons in possession, whether debtor or debtors, or their tenant or tenants, to attorn and become tenants to such creditor or creditors: And whereas many doubts have arisen concerning such debtor or debtors, or persons in possession, refusing to attorn and become tenants, and neglecting or refusing to pay the rents as the same become due; Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That every such debtor or debtors, or persons in possession of the premises, on which execution shall be extended, who shall refuse to attorn as tenants to the creditor or creditors, at the rent fixed by the appraisers; or shall neglect or refuse to pay the rent as it becomes due, then and in either of these cases, the person or persons in possession of the said lands or tenements, shall be deemed as guilty of a wrongful detainer, and shall and may be prosecuted as is directed in and by an Act made and passed in the thirty-second year of His late Majesty's reign, entitled, An Act directing the proceedings against forcible entry or detainer.

Preamble.

Debtors refusing to attorn as tenants to the creditor, may be proceeded against according to the Act against forcible entry or detainer. 32d. Geo. 2d. cap. 3.

II. And whereas in the second clause of the before recited Act, it is, among other things, enacted, That the provost marshal, or his deputy, shall immediately deliver seizin and possession to such creditor or creditors, of all lands and tenements, the yearly rents of which shall not be sufficient to satisfy the debt, cost, and interest, together with the charge of needful repairs, and cause the person or persons, in possession or improvement thereof, to attorn and become tenants to such creditor or creditors, and pay their rent to him or them: And whereas this part of the said Act has been found insufficient to answer the purpose thereby intended; Be it therefore further enacted, That in case the tenant or tenants, or other person in possession or improvement of all such lands or tenements, on which such execution shall be levied, shall refuse to attorn and become tenants to the creditor or creditors, at such rents as the said creditor or creditors shall think reasonable, and pay the same as it becomes due; that then and in either of these cases, the person or persons in possession of the said lands or tenements shall be held and deemed wrongful detainers of the premises, and shall and may be prosecuted as is herein before directed.

Persons in possession refusing to attorn as tenants to the creditor, to be proceeded against in like manner.

III. And be it enacted, That the attornment shall be in the form following:

I A. B. of do hereby attorn and become tenant to C. D. of for the term of at the yearly rent of per annum; the said rent to be paid quarterly, with liberty for the said C. D. or his attorney to enter into said premises, and distrain for the said rent, if in arrear; in consideration of which attornment, I have paid the said C. D. the sum of one shilling. Witness my hand, at the day of

Form of the attornment.

Witness,

CAP. IX.

An ACT, in addition to an Act, entitled, An Act for regulating and maintaining an House of Correction or Work-House, within the town of Halifax, and for binding out poor Children, made and passed in the thirty-third year of His late Majesty's Reign.

For Acts in amendment or addition to this Act, see note on the 33^d. Geo. 3^d. cap. 1. and also see 42^d. Geo. 3^d. cap. 6.

Preamble.

The workhouse to be under the direction of the Justices in Quarter Sessions (except three rooms for the reception of the poor, which shall be under the direction of the overseers of the poor,) who shall agree with a keeper of the said house, &c. &c.

Three of the said Justices to have the inspection of the said Houses one of whom shall visit the same once every week.

Sick and weak persons to be sent to the workhouse, by the overseers of the poor only, to be there relieved.

The clause relating to the binding out poor children, to extend through the province.

WHEREAS several inconveniences have arisen for want of sufficient directions being given in the Act, made and passed in the thirty-third year of His late Majesty's Reign, entitled, An Act for regulating and maintaining an House of Correction or Work House, within the town of Halifax, and for binding out poor children, touching the regulating and governing the Work House erected in the town of Halifax, and other matters intended to be provided for by the said Act; Be it enacted by the Lieutenant-Governor, Council, and Assembly, That from and after the publication hereof, the ordering and governing the said House of Correction or Work House, shall be in the Justices of the Peace in their Quarter Sessions, (except three rooms which shall be reserved for the reception of the poor, under the direction of the Overseers of the Poor) and the said Justices are hereby also impowered to agree with any person to be master or keeper of the said House, (excepting the three rooms before excepted) upon the best terms they can, for such time as they shall think adviseable, publick notice being first given in the Halifax Gazette for that purpose; and such master or keeper shall account with the said Justices in Sessions once in every three months, (if required) therein stating as well the expences of attending the said House, as all the earnings of the same.

II. And be it further enacted, That the said Justices shall nominate three of their Bench, quarterly, to have the inspection of the said Work House, one of which Justices in rotation shall visit the same at least once every week, to see that such persons as shall be committed thereto, are kept diligently to work; and to rectify any abuses that may be found in the management thereof.

III. And whereas, by the said Act, sick and weak persons unable to work are directed to be sent to the said House of Correction, to be there taken care of and relieved, which has been attended with great expence, for remedy whereof, Be it enacted, That it shall be in the power of the Overseers of the Poor of the town of Halifax only to send such sick and weak persons to the Work House, there to be relieved by their direction, and the expence thereof to be defrayed out of such taxes, or poor's rate, as shall be granted and collected for the town of Halifax.

IV. And whereas the clause in the said Act, relating to the binding out poor children and orphans, is confined to the town of Halifax only, which if extended to the other towns in the province, might be attended with many good effects, Be it therefore enacted, That the said clause in the before recited Act, relating to the binding out poor children and orphans, and all the directions therein contained, shall for the future extend, and be construed to extend, to all the other towns in this province.

CAP. X.

An ACT in addition to an Act, entitled, An Act for altering and amending several Acts of this Province, relating to the Duties of Excise on Wines, Rum and other distilled Spirituous Liquors sold within this Province.

Expired.

CAP. XI.

An ACT for laying a Duty on Billiard Tables and Shuffle Boards. Expired.

CAP. XIII.

An ACT for suppressing unlicensed Houses, and for granting to His Majesty a Duty on Persons hereafter to be Licensed. Expired.

CAP. XII.

An ACT for reviving an Act, made and passed in the the thirty-third year of His late Majesty's reign, entitled, an Act for further prolonging a Resolution of the Governor and Council, revived and put in force by the General Assembly in the thirty-second year of His Majesty's reign. Expired.

CAP. XIV.

An ACT for granting to His Majesty a Duty of Imposit on Loaf Sugar, Pricks and Lumber. Expired.

CAP. XV.

An ACT, in addition to an Act, made and passed in the thirty-third year of His late Majesty's reign, entitled, an Act for the summary trial of Actions. Expired.

At the GENERAL ASSEMBLY, of the Province of Nova-Scotia, begun and holden at Halifax, on the first day of July, Anno Domini 1761, in the first 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 Twenty-Second Day of March 1764; in the fourth Year of His said Majesty's Reign; being the fifth Session of the Third General Assembly convened in the said Province.*

* In the time of Montague Wilmot, Governor; Jonathan Belcher, Chief Justice and President of Council; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council; and Isaac Deschamps, Clerk of Assembly.

CAP. I.

Eng. Stat. 2. H. 6.
c. 12. Sect. 1, 2.

An ACT for amending Defects in Pleas, Processes and Records.

No Judgment,
&c. to be reversed
for any Writ rased
or interlined.

The Judges may
amend all defects
which are Misprision
of their clerk.

Except Appeals,
&c.

† 1. Bac. Abr. C.
l. p. 95. Let. C.

* Eng. Stat. 5.
Geo. 1. c. 13.
Writs of Error
varying from the

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That for error in any record, process or warrant of attorney, original writ or judicial, panel or return, in any places of the same rased or interlined, or in any addition, subtraction, or diminution of words, letters, syllables, or titles found therein, no judgment or record shall be reversed or annulled, but the Judges of the Courts before whom such records and process shall be depending, shall have power to examine such records, process, words, pleas, warrants of attorney, writs, panels or return, by them and their clerks, and to reform and (a) amend, in affirmance of the judgments of such records and processes, all that which to them in their discretion seemeth to be misprision of their clerks, in such record, processes, word, plea, warrant of attorney, writ, panel and return (a); except appeals, indictments of treasons and felonies, and the outlawries for the same, † and the substance of the proper names, surnames, and additions left out in original writs, and writs of exigent, and any other writs containing proclamation.

II. *And be it further enacted, by the authority aforesaid,* That * all writs of error, appeals from judgments in any action, real, personal, or mixt, according to the course of proceedings in this province, wherein there shall be any variance from the original record, or other defect

(aa) By common law all mistakes were amendable the same term. 8. Co. 156, 157. a. b.

For amendments in subsequent terms in mistakes of letters and syllables, vide Eng. Stat. 14. Ed. 3. c. 6, 8. Co. 158. a.

The Eng. Stat. 8. Hen. 6. c. 12. (from which this first section is transcribed) gives remedy for amendment of original writs, processes, &c. See the exposition of this statute in Arthur Blackmore's case, 8. Co. 156. a. The process is as well amendable after judgment as before by 14. Ed. 3. c. 6. but the power of amending records, &c. is only in affirmance of the judgment, &c. by 8. Hen. 6. c. 12.

fect, may and shall be amended and made agreeable to such record, by the Courts where such writ or writs of error, or such appeals shall be returnable; and that where any verdict shall be given in any action, suit, bill, plaint or demand, in any of His Majesty's Courts of Record within this province, the judgment thereupon shall not be stayed or reversed for any defect or fault either in form or substance (b), in any bill, writ, original or judicial, or for any variance in such writs from the declaration or other proceedings.

III. *Provided nevertheless*, That nothing in this Act contained, shall extend, or be construed to extend, to any appeal of felony or murder, or to any process upon any indictment, presentment, or information, of or for any offence or misdemeanor whatsoever. (c)

(b) Whatever is essential to the gist of the action cannot be cured after verdict, 5. Mod. 286. and what is substance must be determined in every action according to its nature, and every action must have all essentials necessary to maintain it. Cro. Eliz. 778.

Want of substance in the count was not amendable, Freeman's case, 5. Co. 45.

Where by record it appears that plt. had no cause of action, it is not cured by verdict for plt. 3. Co. 52. b.

(c) r. Bac. Abr. C. L. p. 96. Let. C. Eng. stat. 4. Ann. c. 16. and 9. An. c. 20. sec. 7.

Record may be amended.

† Eng. Stat. 18. Eliz. c. 14, 16, and 17. Car. 2. c. 8. 1. Vent. 200. 5. Geo. 1. c. 13. After verdict no judgment shall be stayed, &c. for any Defect in any Bill, &c.

Not to extend to Appeals of Felony, &c.

Eng. Stat. 8 and 9. Will. 3. c. 11. sec. 6.

CAP. II.

An ACT for preventing abatement and discontinuance of Suits.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That in all actions to be commenced in any Court of Record, from and after the first day of June next ensuing, if any plaintiff happen to die after an interlocutory judgment, and before a final judgment obtained therein, the said action shall not abate by reason thereof, if such action might be originally prosecuted, or maintained by the executors or administrators of such plaintiff; and if the defendant die after such interlocutory judgment, and before final judgment therein obtained, the said action shall not abate, if such action might be originally prosecuted, or maintained against the executors or administrators of such defendant; and such court is hereby empowered to try the said action, and to determine and give judgment thereon, in the same manner as if the said suit had been commenced by, or against, such executors or administrators, as in right of their testators or intestates.†

II. *And be it further enacted, by the authority aforesaid*, That if there be two or more plaintiffs or defendants, and one or more of them should die, if the cause of such action shall survive to the surviving plaintiff or plaintiffs, or against the surviving defendant or defendants, the writ or action shall not be thereby abated; but such death being suggested upon the record, the action shall proceed at the suit of the surviving plaintiff or plaintiffs, against the surviving defendant or defendants.

III. *And be it further enacted*, That in all actions personal and real, or mixt, the death of either party between the verdict and the judgment, shall not hereafter be alledged for error, so as such judgment be entered within two terms after such verdict.*

IV. *And be it further enacted, by the authority aforesaid*, That where any judgment after a verdict shall be had, by or in the name of any executor or administrator, in such case an administrator *de bonis non* may sue forth a *scire facias* and take execution upon such judgment.

V. *And be it further enacted*, That no process or suit before any Justices of Assize, Goal Delivery, Oyer and Terminer, Justices of Peace or other Commissioners, shall be discontinued by the making and publishing of any new commission or association, or by altering the names of the

1. Salk. 352.

Plaintiff or Defendant dying before final judgment, Action not to abate.

Eng. Stat. 8 and 9. Will. 3. c. 11. sec. 7.

Action may proceed notwithstanding the death of one of the parties.

Eng. Stat. 17. Car. 2. c. 8. sec. 1.

Death of either Party between Verdict & Judgment.

Eng. Stat. 17. Car. 2. c. 8. sec. 2. Judgment obtained by an Executor.

Eng. Stat. 1. Ed. 6. c. 7. sec. 6. No Suit before Justices shall be

the

† By the Eng. stat. 8. and 9. Will. 3. c. 11. sec. 6. Plaintiff must proceed by *scire facias* and writ of enquiry. This clause of the Act respects only the death of parties between an interlocutory and final judgment, which was an abatement at common law. In what cases death of parties shall abate the writ or not at common law, vide Cro. El. 622. Co. Lit. 139. Cro. Car. 426. 3. Mod. 249. 2. Stra. 1063. Where the plea remains in the same condition as if the party deceased had been living, there, it is a general rule, that the death of such party makes no alteration or abatement of the writ.

* 1 Salk. 8. and 9. 1. S. d. 325.

discontinued by a
new Commission.

the Justices of Assize, Goal Delivery, Oyer and Terminer, Justices of Peace or other Commissioners, but such new Justices of Assize, Goal Delivery, and of the Peace and other Commissioners, may proceed as if the former Commissions, Justices or Commissioners, had remained and continued without alteration.

CAP. III.

This Act executed
and money repaid.

AN ACT to empower the Province Treasurer to borrow a sum not exceeding the sum of Two Thousand Nine Hundred Pounds, for paying off Bounties, Premiums, and other Debts, payable by the Laws of this Province.

CAP. IV.

Expired.

An ACT in further addition to an Act made and passed in the third year of His Majesty's Reign, entitled, an Act for altering and amending several Acts of this Province, relating to the Duties of Excise on Wines, Rum, and other distilled Spirituous Liquors, sold within this Province.

CAP. V.

Expired.

An ACT for the ascertaining the times and places for the holding the General Sessions of the Peace, and Inferior Courts of Common Pleas, for the several Counties in this Province.

CAP. VI.

Expired.

An ACT, in addition to an Act, made and passed in the third year of His Majesty's Reign, entitled, an Act for altering and amending several Acts of this Province, relating to the Duties of Imposit upon Wines, Beer, Rum and other distilled Spirituous Liquors.

CAP. VII.

Expired.

An Act for discontinuing part of the Bounties and Premiums, granted by former Laws of this Province.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the First Day of July, Anno Domini 1761, in the First 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 Twelfth Day of October, 1764, in the Fourth Year of His said Majesty's Reign; being the Sixth and last Session of the Third General Assembly convened in the said Province.*

* In the time of Monague Wilmot, Governor; Jonathan Belcher, Chief Justice; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council; Isaac Deschamps, Clerk of Assembly.—It is to be observed that most of the Acts of this Session are signed by John Collier, as Speaker of the Council.

CAP. I.

An ACT for reformation of Jeofails and mispleadings, and to prevent arrests and reversals of Judgments, and for the better advancement of Justice.

BE it enacted by the Governor, Council and Assembly, That if any issue be tried by the oath of twelve or more indifferent men for the party plaintiff or demandant, or for the party tenant or demandant, in any Courts of Record, the Justice or Justices, by whom judgment thereof ought to be given, shall proceed and give judgment in the same, any mispleading, want of colour, insufficient pleading, or joefail, any miscontinuance or discontinuance or misconveying of process, misjoining of the issue, want of warrant of attorney for the party, against whom the same issue shall happen to be tried, or any other default or negligence of any of the parties, their counsellors or attornies, had or made to the contrary notwithstanding; and the said judgment shall stand according to the said verdict, without reversal by writ of error or false judgment (*a*); Provided, that in avoiding of errors through the negligence of attornies, every person named as attorney in actions and suits pleaded to issue, shall from time to time deliver, or cause to be delivered his or their sufficient and lawful warrant of attorney, to be entered of record, for every of the said actions or suits wherein they be named attornies, to the Clerk of the Court; that is to say, the attorney for the plaintiff or demandant, shall file his warrant of attorney as aforesaid, the same term he declares,

Eng. stat. 32.
Hen. 8. c. 30.
sec. 1.
After an issue tried there shall be judgment given notwithstanding any mispleading &c.

Eng. stat. 32.
Hen. 8. c. 30. sec. 2.
When an attorney shall enter his warrant in Court.

(*a*) Vide 1. Danver's abridg. 352. A collection of authorities transcribed into 1. Bac. Abr. C. L. 91. Settling what issues, pleas, &c. are aided or not by this Eng. stat. 32. Hen. 8. c. 30. The only omission remedied by this Eng. stat. is the party's neglect in not filing the warrant of attorney.

clares, and the attorney for the defendant or tenant, shall file his warrant the same term he appears; upon pain of forfeiting unto our Sovereign Lord the King, the sum of five pounds, for not delivering the said warrant of attorney; to be recovered by action of debt, bill, plaint or information.

Eng. Stat. 18.
Eliz. c. 14. sec. 1.
After Verdict,
Judgment shall
not be stayed,
&c. For want of
Form, &c.

II. *And be it further enacted*, That after verdict as aforesaid, the judgment thereupon shall not be stayed or reversed, for any defect in form in any writ, original or judicial, count, declaration, bill, plaint, suit, or demand, or any variance in form only between the original or bill, and the declaration or plaint, or for want of any writ, original or judicial, or for any imperfect or insufficient return of any Sheriff or other officer (b.).

Eng. Stat. 11. Jac.
I. c. 13. sec. 2.
Divers Jeofails
in Suits of Law
prevented and
reformed.

III. *And be it further enacted*, That after verdict, judgment thereupon shall not be stayed or reversed for want of an averment of any life or lives (c.) so as the said person be proved to be alive, or for awarding the *venire facias* to a wrong officer, upon any insufficient suggestion, or because the visne (d) is in some part (e) misawarded or sued out of more or fewer places than it ought to be, so as some one place be right named, or for misnaming any of the Jurors in surname (f) or addition in any of the writs or returns thereof, so as it be proved to be the same man that was meant to be returned, or by reason that there is no return upon any of the said writs, so as a panel of the names of Jurors be returned and annexed to the said writ, or for that the Sheriff's or other officer's name, having the return thereof, is not set to the return of any such writ, so as it be proved that the said writ was returned by such officer, or by reason (g) that the plaintiff in any *ejectione firmæ*, or in any personal action or suit being an infant under the age of one and twenty years, did appear by attorney therein, and the verdict passed for him.

Eng. Stat. 16 and
17. Car. 2. c. 8
sec. 1.

This Act supplies several defects in 21. Jac. 1. c. 13. and adjudges many points to be in form which were before construed to be substance, and not aided by the former statutes.

In what cases judgment, after verdict, shall not be stayed for want of form in pleading.

IV. *And be it further enacted*, That judgment shall not be stayed or reversed after verdict, for want of pledges, or but one pledge to prosecute, returned upon the original writ, or because the name of the Sheriff is not returned on the original writ, or for want of entering pledges upon any bill or declaration, or for not alledging the bringing into Court any bond, bill, indenture, or other deed mentioned in the declaration or other pleading, or for want of allegation of bringing into Court any letters testamentary, or letters of administration, or for omission of, by force and arms, and against the peace, or for mistaking the christian name or surname of the plaintiff or defendant, demandant or tenant, sum or sums of money, day, month or year, by the clerk in any bill, declaration or pleading, where the right name, surname, sum, day, month or year, in any writ, plaint, roll or record preceding, or in the same roll or record, where the mistake is committed, is or are once truly and rightly alledged, whereunto the plaintiff might have demurred, and shewn the same for cause, nor for want of averment of *this he is ready to verify*, or for *this he is ready to verify by record*, or for not alledging *as it appears by record*, or for that there is no right venue, so as the cause were tried by a jury of the proper (h) county or (i) place, where the (k) action is laid, nor for that the

(b) This Eng. stat. 18. Eliz. c. 4. remedies the omissions of the prevailing as well as the other party. Vide 1. Bac. Ab. C. L. 92. Construction and authorities as to form and substance of writs, declarations, returns, &c. and how far aided or not by this statute.

Misprisions not amended by Eng. stat. 18. Eliz. c. 14. sec. 1. nor by 32. Hen. 8. c. 30. vide Arthur Blackamore's case, 8. Co. 156 b. to 163. a. Where by record it appears plt had no cause of action, not amendable though verdict pass for him, 3. Co. 52. b.

(c) 1. Sid. 61.

(d) Cro. Car. 17, 162, 284, 480.

(e) This stat. was framed to help mistakes in Jury process, but remedy is given only where the venue arises from several places, and one of the places is truly named, 1. Sid. 20. 2. Lev. 123. and 2. Saund. 258. By this stat. no proceedings were aided but those in Jury process, according to the course of the common law.

(f) This extends not to any mistake in the Christian name, Cro. Car. 202.

(g) Style, 158, 218.

(h) This gives no aid where the trial is in an improper county, 1. Med. 37, 199. 2. Mod. 24. 1. Stra. 313. 2. Stra. 1011.

(i) 1. Lev. 207. per Twifden, who termed this Act an omnipotent Act. This statute being a new Law, shall not be construed according to the intent against the words.

(k) 1. Saund. 247, 248. 1. Vent. 263. 2. Lev. 121. The stat. did not intend to alter the whole course of trials, and to try things in foreign counties, and must mean that the issue shall be tried in the proper county where it arises, else it would be impossible by any plea to remove the trial from the county where the action is laid. 1. 2. 121.

the increase of costs after a verdict in an action, or upon a non suit in replevin, are not entered to be at the request of the party for whom the judgment is given, nor by reason that the costs in any judgment whatsoever, are not entered to be by consent of the plaintiff, but that all such omissions, variances, defects and all other (l) matters of like nature, not being against the right of the matter of the suit, nor whereby the issue or trial are altered, shall be amended by the Justices or other Judges of the Courts where such judgments are or shall be given, or whereunto the record is or shall be removed by writ of error, or by appeal in any action, real, personal or mixt, according to the usage and course of proceedings in this province.

V. *And be it further enacted*, That where any demurrer shall be joined, and entered in any action or suit in any Court of Record within this Province, the Judges shall proceed and give judgment, according as the very right of the cause and matter in Law shall appear unto them, without regarding any imperfection, omission or defect in any writ, return, plaint, declaration, or other pleading, process or course of proceeding whatsoever, except those only which the party demurring shall specially and particularly set down and express together with his demurrer as causes of the same, although such imperfection, omission or defect be matter of substance; so as sufficient matter appear in the said pleadings, upon which the Court may give judgment, according to the very right of the cause, and therefore no advantage or exception shall be taken of, or for an immaterial traverse, or of or for the default of entering pledges upon any bill or declaration, or of or for the default of alledging the bringing into Court any bond, bill, indenture or other deed, whatsoever, mentioned in the declaration or other pleading, or of or for the default of alledging the bringing into Court letters testamentary or letters of administration, or of or for the omission of *by force and arms and against the peace*, or either of them; or of or for the want of averment of *This he is ready to verify*, or of *This he is ready to verify by record*, or of or for not alledging *as it appears by the record*, (but the Court shall give judgment according to the very right of the cause as aforesaid, without regarding any such imperfections, omissions and defects, or any other matter of the like nature except the same shall be specially and particularly set down and shewn for cause of demurrer.)

Eng. stat. 4, and 5. Ann. c. 16. sec. 1. said to have been penned by Lord Somers. Judges shall give judgment on demurrer, &c. without regarding any defect in writ, &c. Vide Eng. stat. 27. Eliz. c. 5. sec. 1.

Exception

VI. *And be it further enacted*, That no judgment entered upon confession, *nihil dicit*, or *non sum informatus*, in any Court of Record, shall be reversed, nor any judgment upon any writ of inquiry of damages executed thereon, be said or reversed for or by reason of any imperfection, omission, defect, matter or thing whatsoever, which by force of this Act would have been aided and cured as jeofails, in case a verdict of twelve men had been given in the said action or suit, so as there be an original writ or bill, and warrants of attorney duly filed as by this Act is directed.

Eng. stat. 4, and 5. Ann. c. 16. sec. 2. Judgment entered upon confession, &c. not to be reversed for any imperfection &c.

VII. *And be it further enacted*, That this Act shall extend in all jeofails as aforesaid to all suits in any Court of Record, for recovery of any debt immediately owing, or any revenue belonging to His Majesty, His heirs or successors.

Eng. stat. 4, & 5. Ann. c. 16. sec. 24. Act to extend to all suits for the King's debts, &c.

VIII. *Provided always, and be it enacted by the authority aforesaid, (m)* That nothing in this Act before contained, shall extend to any writ, declaration or suit of appeal of felony or murder, or to any indictment or presentment of treason, felony, or murder, or other matter, or to any process upon any of them; or to any writ, bill, action or information upon any penal statute.

Eng. stat. 18. Eliz. c. 14. sec. 2. 21. Jac. 1. c. 13. sec. 3. 16, and 17 Car. 2. c. 8. sec.

IX. *And be it further enacted*. That no dilatory plea shall be received in any Court of record,

unless

4. and 5. Ann. c. 16. sec. 7. To what this Act shall not extend

(l) 1. Vent. 272.

(m) Adjudged, that this exception doth not extend to cases in which a remedy is given by way of recompence to a party. —No indictment can be amended where an amendment is not allowable by common law, since the statutes of amendment do not extend to criminal prosecutions. 2. Hawk. P. C. 244.

Eng. Stat. 4 and
7. Ann. c. 16.
Sec. 11.
No dilatory plea
to be received
unless on affida-
vit.

unless the party offering such plea do, by affidavit, prove the truth thereof, or shew some probable matter to the Court to induce them to believe that the fact of such dilatory plea is true (n.)

(n) Pleas in abatement, and foreign pleas ousting the jurisdiction of Courts, respect not the merits of the cause, and being merely dilatory, were restrained at common law, &c. and further by this statute, requiring an oath and shewing a probable cause of the delay to the Court, and this must be before impa: lance, as in 1. Vent. 180.

CAP. II.

This Act is re-
pealed by the
30th. Geo. 3d.
cap. 2.

An ACT, in further addition to an Act, made and passed in the Thirty Third Year of His late Majesty's Reign, entitled an Act for regulating Petit Juries, and declaring the Qualification of Jurors.

CAP. III.

This Act execu-
ted and the mo-
ney repaid.

An ACT, to empower the Province Treasurer to issue small Notes for discharging the Loans made in virtue of an Act, made and passed in the First Year of His Majesty's Reign, entitled an Act for the relief of the Poor of the Town of Halifax, and indigent persons in the New Settlements; and of an Act made and passed in the Second Year of His Majesty's Reign, entitled an Act to enable the Governor, Lieutenant-Governor, or Commander in Chief, to borrow the Sum of Four Thousand Five Hundred Pounds for paying off the public Debts, and to postpone the payment of Bounties and Premiums.

CAP. IV.

3. Geo. 3. c. 3.

An ACT, to repeal part of an Act made and passed in the Third Year of his Majesty's Reign, entitled an Act to prevent Frauds in the selling of Beef, Pork, Flour, and Biscuit or Ship Bread in Casks.

Preamble.

WHEREAS several inconveniences and difficulties have arisen, in carrying into execution the first clause of an Act made and passed in the third year of His Majesty's Reign, entitled, An Act 'to prevent frauds in the selling of Beef, Pork, Flour, and Biscuit or Ship Bread in Casks.' whereby it is enacted, 'That all casks of beef and pork, which shall be sold, exposed to sale or bartered, or bargained for, in any way or manner whatsoever, within this province, shall contain, if the produce of America, not less than two hundred and twelve pounds of neat meat, and if from Ireland, two hundred pounds of neat meat,' Be it therefore enacted by the Governor, Council and Assembly, That from and after the publication hereof, the said first clause in the said Act, entitled, An Act to prevent frauds in the selling of Beef, Pork, Flour, and Biscuit or Ship Bread in Casks, and every part thereof, be, and the same is hereby repealed.

Repeal of the first
clause of the Act
recited.

This Act not to
be in force until
His Majesty's
pleasure be
known.

Confirmed in
1766 by His Ma-
jesty's Council.

II. Provided always, That nothing herein contained, shall have any force or effect, until His Majesty's pleasure herein shall be known.

CAP. V.

An ACT in further addition to, and amendment of an Act, entitled, An Act relating to the Assize of Bread, and for ascertaining the Standard of Weights and Measures, made and passed in the Thirty-Second Year of His late Majesty's Reign.

This Act repealed by 26th Geo. 3d.

CAP. VI.

An ACT to empower the Province Treasurer to borrow a Sum not exceeding the Sum of Fifteen Hundred Pounds, for paying off the Debt incurred by making Roads into the interior parts of this Province, and for further prolonging an Act made and passed in the Third Year of His Majesty's Reign, entitled, An Act for suppressing unlicensed Houses, and granting to His Majesty a Duty on Persons hereafter to be licensed.

This Act executed and the money re-paid.

CAP. VII.

An ACT to empower the Province Treasurer to borrow a sum not exceeding the sum of Two Thousand Five Hundred Pounds, for paying off Bounties, Premiums and other Debts payable by the Laws of this Province.

This Act executed and the money re-paid.

At the GENERAL ASSEMBLY, of the Province of Nova-Scotia, begun and holden at Halifax, on the twenty-eighth day of May, Anno Domini 1765, in the fifth year of the reign of Our Sovereign Lord GEORGE the Third, of Great-Britain, France, and Ireland, KING, Defender of the Faith, &c. being the first Session of the Fourth General Assembly convened in the said Province.*

* In the time of Montague Wilmot, Governor; John Collier, President of Council; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council; and Isaac Deschamps, Clerk of Assembly.

CAP. I.

An ACT for the choice of Town Officers and regulating of Townships.

Acts in amendment of or addition to this Act, 8th Geo. 3d. c. 6. 17th Geo. 3d. c. 1. 29th Geo. 3d. c. 11. 32d. Geo. 3d. c. 4.

Preamble.

WHEREAS *the method of nominating the respective town officers herein after mentioned by the grand jurors for the several counties, as directed by the laws of this province, is found inconvenient; Be it enacted by the Governor, Council, and Assembly, That the grand juries for the several counties in this province, at the Court of General Sessions of the Peace for each county respectively, next ensuing the publication of this Act, and thereafter annually at the first sessions of the said Court, shall nominate out of every township in the said county, ten fit persons, out of whom the said Court shall appoint five to be surveyors of lines and bounds of each respective township, who are hereby empowered to survey, examine, and ascertain the lines and bounds of their said respective townships, agreeable to the several grants thereof, and who shall also be overseers of the poor of the said township; and at the same time the said grand jury shall, in like manner, nominate two persons, one of whom the Court shall appoint to be town clerk of the said town, who shall be sworn truly to enter and record all such matters and things, as shall relate to the said township, and shall appertain to his office; and shall also nominate four or more constables, of whom the Court shall appoint two or more as they shall see convenient to be constables in the said township; and also shall nominate four surveyors of highways, of whom the said Court shall appoint two to be surveyors of highways in the said township; and also shall nominate four fence viewers, of whom the said Court shall appoint two to be fence viewers in the said township; and also shall nominate two clerks of the market, of whom the said Court shall appoint one to be clerk of the market in said township; and shall also nominate four pound keepers, of whom the said Court shall appoint a sufficient number in their discretion to be pound keepers in the said township; and shall also nominate four or more cullers and surveyors of fish, of whom the said Court shall appoint a sufficient number in their discretion to be cullers and surveyors of fish in the said township; and shall also nominate four surveyors of lumber and cord wood, of whom the said Court shall appoint two to be surveyors of lumber and cord wood in the said township;*

Grand Jury at the first General Quarter Sessions annually to nominate, and the Court to appoint Surveyors of Lines and Bounds and Overseers of the Poor,

Town Clerk,
Constables,

Surveyors of
Highways,

Fence Viewers,

Clerks of the
Market,

Pound Keepers,

Cullers and Surveyors of Fish,

Surveyors of
Lumber,

township; and shall also nominate two sealers of leather, of whom the said Court shall appoint one to be sealer of leather in the said township; and shall also nominate four gaugers of casks, of whom the said Court shall appoint two to be gaugers of casks in the said township; and shall also nominate four hogreaves, of whom the said Court shall appoint two to be hogreaves in the said township; who shall respectively be sworn to the faithful discharge of their duty in manner as is already prescribed by the laws of this province, and shall in every respect conform to the said laws, and upon their, or any of their refusal to accept, or being guilty of any neglect, or misbehaviour in the execution of the duty of their respective offices, they shall forfeit and pay for the use of the poor of the said township, the sum of forty shillings for every such refusal, neglect, or misbehaviour; to be recovered upon proof of such refusal, neglect or misbehaviour, by the oath of one credible witness, before any two of His Majesty's Justices of the Peace, for the county wherein such township lies, to be levied by warrant of distress and sale of the offender's goods and chattels, any law, usage or custom, to the contrary notwithstanding; and if any person so nominated and chosen, shall leave the province, change the town of his residence, or happen to die within the period, for which he was nominated and appointed to serve in any of the said offices, in such case any two of His Majesty's Justices of the Peace for the county, shall and may nominate and appoint a fit person or persons, to serve in such vacant office, until another shall be nominated by the grand jury, and appointed by the said Court of General Sessions, at their meeting next ensuing such vacancy.

Sealers of Leather,
Gaugers of Casks,
Hogreaves,
Persons refusing to accept, or being guilty of neglect or misbehaviour to forfeit 40s. for the use of the poor.

in case of absence &c. others to be appointed by two Justices.

II. *Provided always,* That nothing in this Act contained, shall extend, or be construed to extend to restrain any privileges that may hereafter be granted, by any charter of incorporation, to any town or towns within this Province.

Not to extend to any towns that may be hereafter incorporated.

III. *And for the better regulating the several townships in this province; Be it enacted,* That the original boundary lines of each and every township or district within this province, shall be run betwixt township and township, and marks renewed once in three years, viz. on the first Monday in March, by the surveyors of lines and bounds appointed for the respective townships, as directed by this Act, or the major part of them, and the persons so appointed for each respective township are hereby impowered and directed to give six days notice to the persons appointed for the adjacent townships, of the time and place of meeting for such survey, and any person or persons appointed as aforesaid, refusing or neglecting to attend at the place mentioned in such notice, being duly served therewith, shall forfeit and pay the sum of forty shillings each, to be recovered on complaint before any two of His Majesty's Justices for the county where such complaint shall be made, and one half of the forfeiture shall be paid to the person or persons who shall complain and prosecute for the same, and the other half to the overseers of the poor, for the use of the poor of such towns from whence the complaint was made; and whenever the surveyors of any township, which shall have had notice as aforesaid, shall refuse or neglect to attend the said business, the surveyors who shall have given such notice, shall, and they are hereby impowered to proceed in running and making such line, which shall be as effectual as if the surveyors of both townships had joined.

Boundary lines to be run and marks to be renewed once in three years.

On six days notice, Surveyors neglecting to attend, forfeit 40s.

IV. *And be it further enacted,* That each and every proprietor of lands laying unfenced, or in any common field, shall once in two years, on six days notice given him, his agent, or attorney, by the next proprietor or proprietors adjoining, run the lines, make and keep up the boundaries of such lands or common field, by stones or other sufficient marks, and every party so neglecting and refusing, shall forfeit the sum of twenty shillings, one half of which shall be to the party complaining, and the other half to the overseers of the poor for the use of the poor of said township, and to be heard and determined before any one of His Majesty's Justices of the Peace within the same county; and the proprietors of any field held in common, whether divided or undivided, shall, and they are hereby impowered to order, improve and fence,

Proprietors of lands unfenced, or common fields once in two years.

On six days notice to run the lines and keep up the boundaries, or forfeit 20s.

Common fields to be ordered,

in

improved and fenced, as shall be agreed on by the major part of the proprietors.

Persons refusing to fence their proportion, to pay double the cost for the same, to be done by the Fence-Viewer.

in such way or manner as shall be concluded and agreed upon by the major part of the interested therein; the voices to be collected and accounted according to their respective interests; and if any person shall refuse to make, keep up, support, and maintain his *quota*, part or proportion of such fence so agreed on to be made, and shall on notice given him for that purpose by any one of the proprietors concerned with him in the said common field; neglect the same for the space of thirty days, the fence viewer shall, on application being made to him, make and set up the deficient fence, or repair any fence already made, if in his judgment the same is insufficient, and the person or persons, that of right ought to build and maintain the same, shall pay double the costs and charges expended for the doing thereof, and in case of refusal such Fence Viewer may recover the same before the Inferior Court of Common Pleas, or before one or two Justices according to the value thereof; and the said fence viewer, shall be allowed three shillings per day for his own trouble and time expended therein.

Persons neglecting to comply with regulations made by proprietors of common fields, forfeit res.

V. And if any person or persons shall neglect or refuse to comply with any regulation made by the proprietors of any common field as aforesaid, which regulation shall be made annually, he or they shall forfeit and pay the sum of ten shillings, for the use of the poor of the town where such common field shall lie, to be recovered by the oath of one credible witness, before any one of His Majesty's Justices of the Peace for the county wherein such lands are, to be levied by distress and sale of the offender's goods and chattels, and shall moreover make satisfaction for all damages that may have arisen by such neglect or refusal.

Cattle to be branded.

VI. *And whereas many inconveniences have arisen for want of cattle being branded or otherways marked, that run in common, Be it enacted;* That all and every owner of any horse or horses, neat cattle, sheep, or swine, shall brand or otherways mark such horse or horses, neat cattle, sheep or swine, in such manner as that the same may be clearly known, and shall enter such mark or brand with the Town Clerk, in a book to be kept by him for that purpose, and the said Town Clerk shall receive for recording the said mark or brand the sum of six pence.

CAP. II.

An ACT, in addition to, and amendment of an Act, made and passed in the First Year of His Majesty's Reign, entitled, an Act for repairing and mending Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways within the several Townships in this Province.

For Acts in amendment or addition to this Act, see note on 1st. Geo. 3. cap. 14.

New-highways or common roads, to be laid out by a Jury, sworn at the General Sessions for that purpose.

BE it enacted by the Governor, Council and Assembly, That where a new highway or common road from town to town, or place to place in any county in this province, shall be wanting, and where old ways with more conveniency may be turned or altered; upon application made to the Justices in General Sessions, within the same county, the Court is hereby empowered to appoint two or three sufficient freeholders of the next towns, who shall have most occasion of the said way, to enquire into the necessity and conveniency thereof, and to make their report thereon, and being judged to be of common necessity or conveniency, the Justices shall order a warrant to the Provost Marshal or his deputy to summon a Jury out of the next towns, to meet at some convenient day and place therein mentioned, to view and lay out such highways or roads, who shall have an oath administered to them by a Justice of the Peace, to lay out such way according to their best skill and judgment, with most conveniency to the public, and least prejudice or damage to any particular person; which having done, the Provost Marshal or his deputy is to make a return thereof on the day appointed by the Court, as well under his own, as the hands of the jurors, by whose oath the same is laid out,

to the end the same may be allowed of and recorded, and after known for a public highway; and all public highways hereafter to be laid out as aforesaid, shall not be less than one hundred feet wide.

Highways not to be less than 100 feet wide.

II. *Provided always, and be it enacted*, That before such road or highway is allowed and recorded for a public highway, the Court shall cause notice to be given thereof for the space of thirty days, to the intent that if any person shall think himself aggrieved thereby, he may make his complaint thereof; and enquiry be made into the cause of such complaint.

30 days notice to be given, that any person aggrieved, may complain.

III. *And be it further enacted*, That the surveyors of the highways of each town respectively, be and are hereby empowered to lay out particular and private ways, either open or pent, with swinging gates for such town only, as shall be thought necessary by the Justices of the Peace in their General Sessions, upon application made to them by the persons concerned: *Provided*, that no damage be done to any particular person in his land or property, without due recompence to be made by the town, as the surveyors of highways and the party interested may agree, or as shall be ordered by the Justices in General Sessions, upon inquiry into the same by a jury to be summoned for that purpose.

Private roads to be laid out by the Surveyors of Highways.

IV. *And be it also further enacted*, That if any person or persons shall alter any public road or highway, or any private road that shall be laid out as aforesaid, or that shall make any encroachment upon the same, not being first authorized so to do by due course of law; such persons shall, upon complaint and due proof thereof made before the Court of General Sessions of the Peace, for the county, where such highway lay before it was so altered and encroached upon, forfeit five pounds, to be levied by distress and sale of the offender's goods and chattels, by warrant of the Court who shall hear the said complaint; and all forfeitures so to be levied shall be paid to the surveyors of the highway of the township, from whence the fine was levied, to be applied for repairing highways, roads, streets and bridges, within the same.

Not to damage any particular person without due recompence.

Any person altering or encroaching on any road,

forfeits 5l.

to be applied to the repairing highways, &c.

V. *And whereas in and by the Act made and passed by the General Assembly of this Province, in the first year of His Majesty's reign, entitled, An Act for repairing and mending highways, roads, bridges and streets, and for appointing surveyors of highways within the several townships in this province,* it is, among other things, enacted, "That the constables of the several townships in this province shall, in writing, making an equal division, set out to the Surveyors of highways, the several roads, highways and streets, on which each of them shall respectively labour, and deliver also a list, signed by them, of such persons, as shall live within the district wherein such highways, roads or streets, are allotted to each of them, to be employed by them respectively, and who accordingly shall be reputed to be the persons obliged by the said Act to labour." *And whereas it is thought most proper, that the surveyors of the highways, should themselves set out the several roads, highways and streets, which require repair: Be it therefore enacted*, That the constables of the several townships in this province shall make out a list of all such persons who are owners of teams, carts or trucks, as also of every other householder and labourer within their respective townships, and deliver the same to the surveyors of highways; and at such time as the said surveyors shall judge proper, between the days prescribed by the afore-recited Act, the said constables shall summon so many of the persons contained in said lists, as the surveyors shall direct from time to time.

Constables to return to the Surveyors, a list of the owners of teams, &c. and of persons liable to labour.

VI. *And be it also enacted*, That all persons able of body between the age of sixteen years and sixty, shall be obliged to labour at the said roads, highways, streets and bridges, or procure or pay a proper person for the same.

Persons between the age of sixteen and sixty obliged to labour on the roads, or pay a proper person.

CAP. III.

This Act is provided for in another way and therefore not printed.

An ACT for empowering the Justices of the Peace for the County of Halifax, to hold a Court of Special Sessions of the Peace at Windsor in said County, for the Townships of Windsor, Onflow and Truro:

CAP. IV.

For Acts in addition to, or amendment of this Act, see note on 34th. Geo. 3d. cap. 7.

An ACT in further addition to and amendment of an Act made and passed in the thirty-fourth year of His late Majesty's reign, entitled, An Act for the appointing Commissioners of Sewers.

Preamble.

WHEREAS in the last clause of an Act made and passed by the General Assembly of this province, in the third year of His Majesty's reign, entitled, An Act in addition to, and amendment of, an Act for the appointing Commissioners of Sewers, it is enacted, That if any proprietor or proprietors of the lands dyked in or drained, are absent, and no person appearing in their behalf, and have not any goods or chattels to answer his, her, or their dividend or proportion of such assessment made as aforesaid, it shall and may be lawful for any one of His Majesty's Justices of the Peace for the County, where such lands lie, to let out any part of such delinquent's lands, that may be sufficient to pay, by the produce of the same, any such dividend or proportion of the sum so due. But no provision is made to collect from any proprietor or proprietors being present and not having any goods or chattels to answer his, her, or their dividend or proportion of any assessment, made in virtue of the before mentioned Act; Be it enacted, by the Governor, Council and Assembly, That any proprietor or proprietors of any lands dyked in, or drained, as directed in and by the before mentioned Act, being present and not having any goods or chattels, to answer his, her, or their dividend or proportion of any assessment made by commissioners of sewers according to law, it shall and may be lawful for any one of His Majesty's Justices of the Peace for the county, where such lands lie, to let out any part of such delinquent's lands, that may be sufficient to pay, by the produce of the same, any such dividend or proportion of the sum so due.

Delinquent proprietor's lands, to be let out by one Justice to pay their proportion for dyking &c.

II. *Provided always*, That if any proprietor or proprietors of lands, let out as aforesaid, shall think himself or herself aggrieved by the proceedings of any Justices of the Peace, in letting out his, her, or their lands as aforesaid, such proprietor or proprietors, by themselves, or their attornies or agents, may complain to the Justices in their General Sessions of the Peace for said county, for relief therein.

Appeal to the General Sessions.

Acts in addition to, or amendment of this Act, 8th. and 9th. Geo. 3d. cap. 6. 9th. Geo. 3d. c. 1. 14th. and 15th. Geo. 3d. cap. 5. 30th. Geo. 3d. cap. 9. 31st. Geo. 3d. cap. 5. 32d. Geo. 3d. cap. 7. and 9. 33d. Geo. 3d. cap. 6. Three temporary Acts in the 36th. Geo. 3d. one in the 40th. Geo. 3d. see also respectively poor rates,

CAP. V.

An ACT to enable the Inhabitants in the several Townships in this Province (Halifax excepted) to cause any absent Proprietor of Lands within the same to pay a dividend or proportion of any County or Town Charge to be assessed according to Law, and to bear their just proportion in repairing Highways, Roads and Bridges within the said Townships respectively.

WHEREAS there are many non-resident proprietors of lands within this province, whose lands are enhanced in their value by the labour of those who are present, and the burthen of the necessary

cessary county and town charges being heavy on the resident proprietors; Be it enacted by the Governor, Council and Assembly, That each and every non-resident proprietor or proprietors of lands in any township within this province, (the township of Halifax excepted) shall pay or cause to be paid, his, her, or their just dividend or proportion of all county and town charges hereafter to be assessed in such county and township, and upon failure thereof the same to be recovered as directed by the Laws empowering such assessment, and each and every non-resident proprietor or proprietors of lands in any township, shall be obliged to do and perform his, her or their parts or proportion of labour on the highways, roads, and bridges, within their respective townships, or pay for the same as delinquent inhabitants are by law directed.

the note on the 4th. and. 5th. Geo. 3d. cap. 7. Non-resident proprietors to pay their proportion of all county and town charges.

and for labour on the highways

II. *And be it also enacted,* That if any proprietor or proprietors of lands in any townships as aforesaid shall be absent, and no person appearing in their behalf, on public notice being given in the Halifax Gazette, to pay his, her, or their dividend or proportion of any assessment made in virtue of any law of this province, and to labour on the highways, roads and bridges as aforesaid, and not having any goods and chattels to answer his, her, or their dividend or proportion of any charge made as aforesaid, it shall and may be lawful for any one of His Majesty's Justices of the Peace, who are hereby empowered, to let out any part of such delinquent's lands, as may be sufficient to pay, by the produce of the same, any such dividend, proportion, or charge so due; and in case the lands of such absentee, should not for the present, produce sufficient to pay the *quota* of his, her, or their proportion of such assessment, that then the lands of such delinquent shall be held chargeable therewith.

on failure, one Justice may let out such delinquent's lands for payment thereof.

III. *Provided always,* That if any proprietor or proprietors of lands, let out and held as aforesaid, shall think himself or herself aggrieved, by the proceedings of any Justice of the Peace, in letting out his, her or their lands as aforesaid, such proprietor or proprietors, by themselves or their attorneys, may complain to the Justices in their General Sessions of the Peace for said county, for relief therein.

Appeal to the General Sessions.

CAP. VI.

An ACT for the raising Money by Presentment on the several Counties in this Province, for the defraying certain County Charges therein mentioned.

BE it enacted, by the Governor, Council and Assembly, That from and after the publication hereof, it shall and may be lawful for the several grand juries in each of the several counties in this province, either at the Court of Assize, or General Sessions of the Peace held for such county, to present annually a proper and fit person, one of the freeholders of said county, to be a treasurer for said county for the year ensuing, and such person being approved of by the Court, shall be sworn to the due execution of his office, and invested with all the powers and trusts, as herein after directed.

For Acts in amendment or addition to this Act see note on cap. 5. of this year's reign. Eng. Stat. 43. Eliz. c. 3. Grand Juries at the Court of Assize or General Sessions of the Peace to present annually a proper person to be County Treasurer, to be approved and sworn by the Court.

II. *And be it further enacted,* That it shall and may be lawful for the several grand juries in each of the several counties within this province, either at the Court of Assize or General Sessions of the Peace held for such county, to make presentment, upon proper representations made thereon by three or more freeholders of the said county, or of their own knowledge, of all such sum and sums of money or expences that may be found to have arisen, or that may be absolutely necessary to be raised for the building or repairing a county goal, or for the building or repairing a Court or Session House, erecting Stocks, Pillories, or Pounds, and providing Bolts and Shackles, as also for the conveying † of persons accused of any treason or felony, to the county goal, being three miles distance or upwards, so as the same do not exceed six pence per mile; as likewise for the support of poor criminals in goal.

Eng. stat. 11 and 12. Wil. 3. c. 19. sec. 1. directs rates for repair of Goals. Grand Juries to present what sums are necessary to be raised for building and repairing a Goal, &c. † Eng. Stat. 3. Jac. 1. c. 10. sec. 1.

III;

Monies to be paid into the Treasurer's hands, &c.

III. *And be it also further enacted*, That all money so raised by presentment as aforesaid, and levied from off the inhabitants of the several counties, shall be paid into the hands of the County Treasurer, and shall not be applied to any other use than such for which the same was raised; and if any person or persons who shall be appointed in the said presentment and order thereon, to be the director or directors, overseer or overseers of the work, or the distributor or distributors of the money hereby raised, for which such presentment was made, shall not at the next General Assizes or General Sessions of the County, or in a reasonable time to be by them appointed, make appear in his or their account or accounts, with good vouchers, that the money so raised and received by him or them, shall have been expended pursuant to said presentment to the use of the county, he, or they shall still be chargeable with the same; and every person so accountable for any public money shall, when required by the Justices at their General Sessions or by the Judges of Assize at their General Gaol Delivery, make up their accounts on oath, and if such accountants shall neglect to make a fair and just account of all such public money or shall upon such accounts be found to have such money or any part thereof remaining in his or their hands, such accountants shall forthwith pay such money into the hands of such persons, as shall by such Grand Jury and Justices of the Peace or Judges of Assize, be presented and ordered for the use of such county where such public money shall be raised; and in default thereof such person or persons so accountable, shall by the Justices at their said Sessions or Judges of Assize at their respective Assizes be committed to the common goal, in execution, until such accounts shall be made and balance paid, or sufficient sureties given for the same.

For the use of the County.

No presentment to be confirmed till the last day of the Court's sitting.

IV. *Provided always, and be it enacted*, That no presentment for the raising money as aforesaid, shall be confirmed by the Judges of Assize or the Justices in General Sessions, until the last day of the sitting of the said Court of Assize or General Sessions of the Peace, and such presentment so made shall be posted up in the Court House from the time of its being made till the same is confirmed, to the end that all persons concerned may have notice thereof, and object against and traverse the same, if they see convenient.

Ten pounds per Ann. to be allowed to the Treasurer for his services.

Three Assessors to be appointed by the Grand Jury and sworn.

Persons refusing to accept, forfeit 40s. and another to be appointed.

V. *And be it further enacted*, That it shall be lawful for the several grand Juries in each county in this province, at the Assizes and at the General Sessions of the Peace to make presentment if they think fit, and for the Judges and Justices to confirm the same, for the raising any sum not exceeding ten pounds per annum, to be paid to the Treasurer of each county for his services in that station; and also that it shall and may be lawful for said Grand Juries to present three or more good and sufficient freholders for every township in said county, to be assessors for said township, who are to be approved of by the Court, and are to be sworn by the said Court, or before any one of His Majesty's Justices of the Peace, to the due and faithful execution of the office to which they are appointed, and that without favour or affection, hatred or malice, to the best of their skill and knowledge; and in case any person, who may be appointed as assessor as aforesaid, and shall refuse to accept the said office, another person shall immediately be appointed in his stead by the Court, or by any two of his Majesty's Justices of the Peace, and the person so refusing shall forfeit the sum of forty shillings, to be recovered by bill, plaint, or information in any of His Majesty's Courts of Record, or before any two of His Majesty's Justices, and be paid to the Treasurer of the county, for the use of the county wherein such assessor was appointed.

Judges of Assize or Justices of Sessions, to determine each town's proportion. To be levied by warrant from two Justices.

VI. *And be it also further enacted*, That the Judges of Assize or Justices in General Sessions for each county, shall agree and determine each respective town's proportion of the sum so presented and confirmed by the Court; and the sum so proportioned, shall be assessed on the inhabitants in each township, in the justest and most equal manner they can devise, and the same shall be levied by the Constables of the said townships respectively, by warrant under the hand and seal of any two of His Majesty's Justices of the Peace for the said county, and in

case

case of refusal, by distress and sale of the goods and chattels of the person refusing or neglecting to pay the sums assessed on them as aforesaid, with the charge of such distress and sale, returning the overplus, if any; and in case any person or persons shall think themselves aggrieved by such assessment, or levying thereof, they shall be at liberty to appeal to the next General Sessions held for the county, who are finally to determine the same; and the money, when so levied, shall be paid into the hands of the county treasurer, who is to pay the same to the persons, as directed in the presentment.

VII. *And be it enacted*, That the treasurer in each county shall make up his accounts upon oath of all his receipts and payments, at every Court of Assize or General Sessions held for said county, to be approved or disapproved by said Courts, and the same shall be filed in the office of the clerk of the peace for said county; and no treasurer or other person or persons concerned, is to compound for any money to be raised on said county, nor make any deduction whatsoever for any sum he or they shall pay to any person or persons, but such as he or they shall account for by proper vouchers; and if any treasurer shall offend herein, or neglect to make up his account as aforesaid, he shall for ever be incapable to serve as treasurer again, and be committed to goal without bail or mainprize, until he fairly accounts with the Court of Assize or General Sessions of the Peace held for such town or county, and from the said Court to receive a certificate of his having passed his accounts to their approbation.

Persons aggrieved may appeal to the next Sessions.

Treasurer to make up his accounts at every Court of Assize or General Sessions.

CAP. VII.

An ACT for regulating Servants.

WHEREAS great damage and inconveniences have arisen, and daily do arise by apprentices and bound and hired servants, deserting and leaving their service without a legal discharge; for prevention whereof, be it enacted by the Governor, Council, and Assembly, That from and after the publication hereof, all servants bound by indenture, or hired servants for any time not less than six months, at the expiration of the term for which they were bound or hired to serve, shall have from their master or mistress a certificate or discharge of such servants having served his or her time, which shall be a sufficient warrant for any person to entertain or take such servant into his or her service, and the person hiring such servant shall take his or her certificate or discharge, and keep it until the time, then contracted for, be expired; and if any person shall knowingly take into his or her service, or knowingly harbour or entertain, any person who has been in any former service, without such certificate or discharge, such person being thereof convicted at the General Sessions of the Peace, held for the county or place where such offence shall be committed, shall forfeit ten pounds; to be levied by distress and sale of the offender's goods and chattels, by warrant from such General Sessions; one moiety of which forfeiture shall be to the poor of the township where the offender resides, and the other moiety to the informer who shall discover and prosecute the same.

II. *Provided always*, That in case any person shall refuse to give his or her servant a certificate or discharge as aforesaid, such servant may apply to some neighbouring Justice of the Peace of the county wherein such master or mistress inhabits, who shall give notice to the master or mistress of such servant, and require from them respectively the reason why such servant is refused such discharge and certificate of his or her service; and in case no regard be paid to such notice, within five days, or that the Justice shall sooner, by a reply to such notice, find that the cause of the refusal of such discharge or certificate was not sufficient, the said Justice is required to give a certificate thereof, or of such reasons as the master or

Acts in amendment of or addition to this Act, see 28th Geo. 3d. c. 6.

Preamble.

Wide statute enacted in Ireland, 2. Geo. 2. c. 17. sect. 3, 4, 5, and 7. to the same effect, with the 1st and 2d. sections of this Act. Servants hired for any term not less than six months, to have a certificate from their master or mistress, when discharged.

Any person harbouring or entertaining any servant without such certificate, to forfeit 10l.

If any master refuse to give his certificate to his servant upon his discharge, he may apply to a Justice of the Peace, who shall inquire into the circumstances.

Any servant counterfeiting any certificate to be publicly whipped.

mistress gave for refusing such discharge or certificate, that such person who is about to hire such servant, may be apprized of such servant's behaviour, and judge thereof before he or she hires such servant, for which certificate no fee shall be paid; and the said certificate shall be as good as if the same had been given by such master or mistress; and any servant who shall be convicted of counterfeiting or producing a counterfeited certificate, under the hand of any master or mistress, or Justice of the Peace, by the oath of one or more witnesses, or by such servant's own confession, before two of His Majesty's Justices of the Peace, shall be publicly whipped at the discretion of such Justices.

Servants who shall desert or abscond, to make satisfaction by service, double the time, on the order of the Sessions.

III. *And be it further enacted*, That all bound or hired servants as aforesaid, who shall desert or absent themselves from their master or mistress's service, shall be liable to make satisfaction by service, after the time by indenture or agreement is expired, double their time of service so neglected, and if the time of their desertion or absence was at seed time or harvest, or during the fishing season, and the charge of recovering them extraordinary, the Court of General Sessions of the Peace, before whom the complaint shall be made, shall adjudge a longer time of service proportionable to the damage the master shall make appear he hath sustained.

Complaint to be first made to a Justice of the Peace.

IV. *And whereas the adjudging the time such bound or hired servant should serve, is often referred until the time by indenture or agreement is expired, when the measure of such further service may be rendered difficult to ascertain; be it enacted*, That the master or mistress of any servant so deserting or absenting themselves, that intends to take the benefit of this Act, shall so soon as he or she hath recovered such servant, carry him or her to some one of His Majesty's Justices of the Peace, and there declare and prove the time of his or her absence, and the charge he hath been at in his or her recovery, which Justice thereupon shall grant his certificate thereof, and the Court shall and may, on such certificate, pass judgment for the time such servants, so deserting or absenting themselves, shall serve for his or her absence.

Complaints of servants for cruel and bad usage, to be determined by two Justices.

V. *And be it also enacted*, That every master or mistress shall provide for his or her servant according to the tenor of their agreement, and any bound or hired servant as aforesaid, having just cause of complaint against his or her master or mistress for cruel and bad usage, may and shall, on application to two of his Majesty's Justices of the Peace, be heard concerning the same; *Provided*, such complaint be made within a reasonable time, not exceeding ten days after the cause given, unless such servant is prevented by his or her master or mistress, or by sickness; and if the said Justices shall find by sufficient proof, that the said servant's cause of complaint is well founded, the said Justices are hereby required to make an order for the relief of such servant by discharging him or her from their service, or otherwise as they may see fit, and if either party shall not be satisfied with the order of the said two Justices, they may appeal to the next Court of General Sessions of the Peace, where the matter shall be finally determined.

Appeal to the Sessions.

VI. *And be it also further enacted*, That no master of any private ship, or vessel of war, or master of any merchant ship or vessel, coming into, tarrying or abiding in, or going forth from any port, harbour or place within this province, shall receive, harbour, entertain, conceal or secure on board such ship or vessel, or suffer to be there harboured or detained, any bound or hired servant as aforesaid, knowing them to be such, without licence or consent of his or her master or mistress in writing, under his or her hand, first had and obtained, on pain of forfeiting ten pounds for every such offence; which forfeiture shall be applied and disposed of, as is directed in and by the first clause of this Act, and shall be recovered by bill, plaint, or information in any of His Majesty's Courts of Record in this province.

Masters of vessels not to harbour, &c. any bound or hired servant.

penalty of 10l.

VII. *And whereas it often happens that indented apprentices, or servants, are contracted with in Great-Britain, Ireland, or other of His Majesty's Dominions, and imported into this province, and there assigned over to the inhabitants thereof, without the previous knowledge or consent of such apprentice*

tice

tice or servatn ; Be it therefore enacted, That before any inhabitant shall accept of the assignment of any such indenture, he shall, with the parties, go before some one or more of His Majesty's Justices of the Peace, who shall examine whether the indenture proposed to be assigned, be made and executed agreeable to law, and whether the apprentice, or servant, has any legal objection to the assignment thereof, and to determine the validity of such objections ; a certificate of which judgment shall be recorded by said Justice or Justices.*

Indentures of servants bind in Great-Britain, &c. to be examined by a Justice before they are assigned.

VIII. *And be it further enacted,* That if any servant shall engage and contract himself with any person or persons, carrying on the fishery, in the capacity of a salter, splitter, or shoresman, and shall, upon trial, be found incapable, and unqualified to discharge the duty of the station, for which he shall have contracted himself, such servant, upon due proof of his incapacity before any one of His Majesty's Justices of the Peace, shall forfeit and lose all wages due to him for his service in such employment, whereof he shall be so found incapable.

Persons engaging in the fishery as a salter, &c. and not capable of his duty, to forfeit his wages.

* Qu. and vide Brit. Stat. 4. Geo. I. c. 11. extended to all His Majesty's dominions in America, sec. 5. for binding infants to service by transportation to America—and sec. 3. for transporting convicts, &c.

CAP. VIII.

An ACT in amendment of an Act, for confirming Titles to Lands, and quieting Possessions.

For Acts in amendment or addition to this Act see note on 32d. Geo. 2d. cap. 2.

WHEREAS by a resolution or Act of the Governor and Council of this province, made before the calling a General Assembly, and afterwards confirmed by the General Assembly of this province, it is, among other things, resolved, ' That the register for the time being or his deputy, shall be allowed for the entry of every memorial as is by this Act directed to be registered, the sum of one shilling and no more, in case the same do not exceed two hundred words, and if more, then after the rate of six pence an hundred, for all the words contained in such memorial, over and above the first two hundred words, and the like fees for the like number of words contained in every certificate or copy given out of the said office, and no more ; and for every search in the said office, one shilling, and no more.' *And whereas by an Act made and passed in the thirty second year of His late Majesty's reign, entitled, An Act for confirming titles to Lands and quieting possessions, it is enacted,* ' That the register of deeds and conveyances in this province, shall for the future in lieu of any memorial, register all deeds and conveyances in words at full length, for which he shall demand and receive such fees for registering, as in like manner hath been heretofore allowed ; which fees have been found an insufficient recompence for the attendance and trouble necessarily attending the due execution of that office, as required by the aforesaid Acts, Be it therefore enacted by the Governor, Council and Assembly, That from and after the publication hereof, the register of deeds and conveyances in this province, or his deputy, shall and may demand and receive the sum of two shillings for every deed registered pursuant to the aforesaid Act, in case the same do not exceed two hundred words, and if more, then after the rate of one shilling an hundred for all the words contained in such deed over and above the first two hundred words ; and the like fees for the like number of words contained in any copy, given out of the said office ; and for every certificate one shilling, and for every search in the said office, one shilling, and no more ; any law, usage or custom to the contrary notwithstanding

Preamble.

Register's fees established.

CAP. IX.

An ACT to empower the Province Treasurer to issue small Notes in exchange for the large Notes that have been issued heretofore, in virtue of the several Loan Acts made and passed by the General Assembly of this Province.

This Act executed and the notes paid.

* The Governor is by an instruction from His Majesty restrained from increasing the number of Representatives, under the 2d section of this Act, until His Majesty's pleasure be first known.

Acts in addition to this Act, 25th. Geo. 3d. cap. 3. 29th. Geo. 3d. cap. 10. 32d. Geo. 3d. cap. 8. 37th. Geo. 3d. cap. 3. Number of Representatives established for the several towns and counties.

Townships of Barrington, &c. when they consist of 50 families resident, to send one Representative.

Temporary Acts in amendment or addition to this Act, 7th. Geo. 3d. 11th. Geo. 3d. 13th, and 14th. Geo. 3d. 14th, and 15th. Geo. 3d. 15th. Geo. 3d. 16th. Geo. 3d. 2d. Session, 32d. Geo. 3d. 41st. Geo. 3d.

The Supreme Court, and Inferior Courts to proceed in a summary way in causes not exceeding 10l. Subject to a writ of error.

When the fact may be doubtful, a Jury may be sworn to try the same.

CAP. X.

An ACT to establish the number of Representatives to be elected in the several Counties and Townships which are now established in this Province.

BE it enacted by the Governor, Council and Assembly, That the several counties and townships herein after named shall be entitled to elect, in manner and form as has heretofore been accustomed in the county and town of Halifax, the number of persons to sit as representatives in General Assembly, as follows: for the county of Halifax, four; for the county of Annapolis, two; for the county of Lunenburg, two; for the county of King's County, two; for the county of Cumberland, two; for the county of Queen's County, two; for the county of Sunbury, two; for the township of Halifax two; for the township of Truro, one; for the township of Onslow, one; for the township of Annapolis, one; for the township of Granville, one; for the township of Lunenburg, one; for the township of Horton, one; for the township of Cornwallis, one; for the township of Falmouth, one; for the township of Newport, one; for the township of Cumberland, one; for the township of Liverpool, one; for the township of Sackville, one.

II. *And be it also enacted*, That when the townships of Barrington, Yarmouth, Chester, Dublin, Amherst, St. John's Windsor, Wilnot, on the river Annapolis, Louisbourg and Wilnot Town at Canso, shall consist of fifty families resident, and an authentic certificate thereof shall be laid before the Governor, Lieutenant-Governor, or Commander in Chief of the Province, each and every of the said townships shall be entitled to elect, in manner as aforesaid, one person as a representative in General Assembly.

CAP. XI.

An ACT for the Summary Trial of Actions.

WHEREAS the trial of Causes in a summary way has been found useful, and a means of determining many suits with little costs; Be it enacted by the Governor, Council and Assembly, That the Supreme Court and the Inferior Courts of Common Pleas within this province, be and are hereby empowered in all causes of action brought before them, the sum total whereof shall not exceed ten pounds, to proceed in a summary way by witnesses, to examine the merits of such causes, wherein no dilatory plea shall be allowed, and to determine therein according to law or equity, and make up judgment accordingly; subject to a writ of error to be brought from the said Inferior Courts of Common Pleas to the Supreme Court, when the judgment shall exceed five pounds.

II. *Provided always*, That when on the examination of the witnesses (which shall be taken in writing) the matters of fact from the evidence may be doubtful, in such case they may order

der a jury to try the same, any former law of this province to the contrary notwithstanding.

III. *And be it further enacted,* That any one of the Justices of the Supreme Court or Courts of Common Pleas within this province, is hereby impowered in all causes of action brought before him, where the debt does not exceed ten pounds, to take the voluntary confession of the debtor for the sum demanded by the creditor, as agreed between the debtor and creditor, and upon such confession so made by the debtor, and the specialty, contract, or account on which the said debt arose, being filed with said justice, and a record made of the same, that then said Justice by whom such record is made, is hereby impowered to grant execution thereon according to such agreement, upon the oath of the creditor, that the debt is *bona fide* due to him, in the same manner as if the said action had been tried in either of the said Courts; and that the whole costs on such confession and record of the same, and execution, shall not exceed five shillings, exclusive of the provost marshal's fees; and the proceeding so had before the said Justice (where the debt is three pounds and upwards) shall be filed by him with the clerk of the Court to which such Justice belongs, that the same may be recorded therein, and the clerk's fees for so doing shall not exceed one shilling; and where the debt is under three pounds, the record thereof shall remain with the Justice before whom the debt was confessed.

Any one Justice of the Court may take the confession of the debtor, and grant execution thereon.

IV. *And be it further enacted,* That all causes where the sum shall not exceed twenty shillings shall be sued for and recovered before one Justice of the Peace; and that all causes where the sum shall not exceed three pounds, shall be sued for and recovered before two Justices: subject to an appeal as heretofore hath been practised; and they are hereby impowered to award execution, returnable to him or them within ten days after the date thereof, and if not satisfied he or they may issue out *Alias* or *Pluries* returnable respectively within the term of ten days each, and all writs of summons issuing from such Justice or Justices, shall be made returnable at least seven days after their dates respectively.

Causes not exceeding 20s. to be sued before one Justice of the Peace, above 20s. and under 3l. to be sued before two Justices.

V. *And be it further enacted,* That the form of the writs to be issued by the Justices of the Peace, for the recovery of small debts, shall be by summons only, in the following form:

COUNTY of

To the Provost Marshal, or his Deputy, Greeting:

In His Majesty's name you are hereby commanded to summon A. B. of _____ if he may be found in your precinct, to be and appear before His Majesty's Justice of the Peace for said County, at the dwelling house of _____ on _____ day being the _____ Day of _____ at _____ of the clock in the _____ noon, then and there to answer to C. D. of _____ in a plea of _____ to the damage the said C. D. as _____ says, the sum of _____ which _____ will then and there make appear, and do you make due return of this summons, with your doings thereon, to _____ on or before said day. Witness _____ hand and seal, this _____ Day of _____ in the _____ year of His Majesty's reign, Annoque Domini 17

Form of Justice's writ.

A copy of which shall be left with the defendant at his last place of abode, at least seven days before the trial.

A copy to be left with the defendant.

VI. *And be it enacted,* That all writs of execution issued by the said Justices shall run against the goods and chattels of the defendant, and for want thereof to take the body of the said defendant.

Execution to be against goods and chattels.

VII. *And be it enacted,* That this Act shall continue, and be in force for the space of two years from the publication thereof, and from thence to the end of the next session of the General Assembly.

Act to continue two years.

CAP. XII.

Expired.

An ACT for granting to His Majesty an Excise on Wines, Tea, Coffee and Playing Cards, sold within this Province.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twenty-eighth Day of May, Anno Domini 1765, in the Fifth 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 Third Day of June, 1766, in the Sixth Year of His said Majesty's Reign; being the Second Session of the Fourth General Assembly convened in the said Province.*

* In the time of Benjamin Green, Esq. commanding as senior Counsellor; Jonathon Belcher, Chief Justice and President of the Council; William Nelbit, Speaker, and Richard Bulkeley, Secretary of Council; and Isaac Deichamps, Esq. Clerk of Assembly.

CAP. I.

For Acts in amendment of this Act, see note on 3d. and 4th Geo. 3d. cap. 2.

An ACT, for the making perpetual an Act, made and passed in the fourth Year of His Majesty's Reign, entitled, An Act for preventing Nuisances, by Hedges, Wears, and other Incumbrances, obstructing the passage of Fish in the Rivers of this Province.

BE it enacted by the Commander in Chief, Council and Assembly, That an Act, entitled, An Act for preventing nuisances, by hedges, wears, and other incumbrances, obstructing the passage of fish in the rivers of this province, shall be, and the same is hereby made perpetual, any proviso or limitation in the said Act notwithstanding.

CAP. II.

Repealed by 39th. Geo. 3d. cap. 1. sec. 15.

An ACT, in amendment of an Act, made and passed in the thirty-third year of His late Majesty's reign, entitled, An Act for establishing a Public Market at the Market House in Halifax, and for regulating the same.

CAP. III.

An ACT for the more effectual recovery of His Majesty's Dues in the Islands of Cape-Breton, St. John's, and Islands adjacent.

These Islands being now separate Governments, this Act is not re-printed.

CAP. IV.

An ACT for extending an Act made and passed in the thirty-second year of His late Majesty's reign, entitled, An Act for preventing Persons leaving the Province without a Pass.

See Act of 3^d. Geo. 2^d. c. 23.

WHEREAS *some doubts have arisen whether an Act made and passed in the thirty-second year of His late Majesty's Reign, entitled, An Act for preventing persons leaving the Province without a Pass, doth extend throughout this province; Be it enacted and resolved, by the Commander in Chief, the Council, and Assembly, That the said Act and every clause and article therein contained, be construed to extend and shall extend to the whole province, and that all passes shall be given out either by the secretary of the province, or by such persons as he has or shall depute for that purpose.*

Preamble.

Extended throughout the Province.

CAP. V.

An ACT in further addition to and amendment of an Act made and passed in the thirty-third year of His late Majesty's reign, entitled, An Act relating to the assize on Bread, and for ascertaining the Standard of Weights and Measures.

This Act repealed by 36th. Geo. 3^d.

CAP. VI.

An ACT against Foretallers and Regrators.

For Acts in amendment or alteration of this Act, see note on 3^d. Geo. 2^d. cap. 10.

BE it enacted by the Commander in Chief, Council and Assembly, That from and after the publication hereof, whatsoever person or persons shall buy or cause to be bought any victuals of any kind whatsoever, coming by land or water towards any market or fair already established, or that may hereafter be established in this province, to be sold in the same, (except at the distance of ten miles at least from the place where such market or fair is to be held or kept) or shall make any bargain, contract, or promise, for the having or buying the same or any part thereof, or shall make any motion by word, letter, message, or otherwise, to any person or persons, for the enhancing the price or dearer selling any kind of victuals or provision for the use of man, coming by land or water towards any market or fair as aforesaid, shall be deemed and adjudged a forestaller.

Who shall be deemed a forestaller.

II. *And be it further enacted, That whatsoever person or persons shall by any means, regrate, obtain, or get into his or their hands or possession, in any fair or market, any corn, hay, fish, sheep, lambs, calves, beef, swine, pigs, geese, capons, hens, chickens, pigeons, hares, or other dead victuals whatsoever, that shall be brought to any fair or market whatsoever within this province*

Who shall be deemed a regrator.

province to be sold, and do sell the same again in any fair or market holden or kept in the same place, within one month after purchasing or receiving the same, shall be accepted, reputed and taken for a regrator or regrators.

Persons guilty of forestalling or regrating to be fined not exceeding 10l.

or to suffer two months imprisonment.

III. *And be it also further enacted*, That any person or persons who shall be guilty of forestalling or regrating contrary to the intent and meaning of this Act, and shall be duly convicted in any of His Majesty's Courts of General Sessions of the Peace for the county where the offence is committed, shall be fined at the discretion of said Court, in any sum not exceeding ten pounds, and for non payment of his or their fine, to suffer imprisonment at the discretion of the Court, not exceeding two months for each and every offence; and that one moiety of the said fine and forfeiture, be for the use of the poor of the town where the offence has been committed, and the other moiety to him or them who shall sue for the same.

Acts in amendment or addition to this Act, 20th. Geo. 3d. cap. 3. 20th. Geo. 3d. 2d. session cap. 1. 30th. Geo. 3d. cap. 4. and temporary law 34th. Geo. 3d.

Eng. Stat. 1. Jac. 1. c. 4. sec. 9. No person to set up a school until he shall be examined by the Minister, &c. of the town, as to his qualifications for the instruction of children, to be certified to the Governor, &c. in order for his obtaining a licence.

Any person setting up a school without licence to forfeit 3l. for every offence.

Eng. Stat. 11. and 12. Will. 3. c. 4. Schoolmasters to take the oaths. Eng. Stat. 13. Will. 3. c. 6.

Brit. Stat. 1. Geo. 3. c. 13. sec. 1. Any popish recusant who shall set up a school, shall forfeit 10l. and suffer 3 months imprisonment.

* See 26th. Geo. 3d. 2d. sess. c. 1.

400 acres of land in each township to be vested in trustees for the use of schools.

CAP. VII.

An ACT concerning Schools and Schoolmasters.

BE it enacted by the Commander in Chief, Council, and Assembly, That no person hereafter shall set up or keep a grammar school within this province, till he shall have first been examined by the minister of such town wherein he proposes to keep such grammar school, as to the qualifications for the instruction of children in such schools; and where no minister shall be settled, such examination shall be made by two Justices of the Peace, for the county, together with a certificate from at least six of the inhabitants of such town, of the morals and good conduct of such schoolmaster, which shall be transmitted to the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, for obtaining a licence as by His Majesty's royal instruction is directed; and that no person shall set up or keep a school for the instruction of youth in reading, writing, or arithmetic, within the township of Halifax, without such examination, certificate and licence, or in any other manner than is before directed; and every such schoolmaster who shall set up or keep a school contrary to this Act, shall for every offence, forfeit the sum of three pounds, upon conviction before two Justices of the Peace of the county where such person shall so offend, to be levied by warrant of distress, and applied for the use of the school of the town where such offence shall be committed.†

II. *Provided*, That no person shall presume to enter upon the said office of schoolmaster, until he shall have taken the oaths appointed to be taken instead of the oaths of allegiance and supremacy, and subscribed the declaration openly in some one of His Majesty's Courts, or as shall be directed by the Governor, Lieutenant Governor, or Commander in Chief for the time being, and if any popish recusant, papist or person professing the popish religion, shall be so presumptuous as to set up any school within this province, and be detected therein, such offender shall, for every such offence, suffer three months imprisonment without bail or mainprize, and shall pay a fine to the King of ten pounds; and if any one shall refuse to take the said oaths and subscribe the declaration, he shall be deemed and taken to be a popish recusant for the purposes so before mentioned.*

III. *And whereas his Majesty has been pleased to order that four hundred acres of land in each township, shall be granted to and for the use and support of schools, be it enacted*, That the said quantity of lands shall be vested in trustees for the said purpose, and such trustees shall be and are hereby enabled to sue and defend for and on behalf of such schools, and to improve all such lands as shall be most for the advantage and benefit thereof.

† 2. Stra. 1013. 1. Peere Williams 32. Cox's case.

CAP. VIII.

An ACT for prescribing the Forms of Writs, and the manner of issuing the same. Expired.

CAP. IX.

An ACT to prevent the multiplicity of Law Suits. Expired.

CAP. X.

An ACT concerning Bail. Expired.

CAP. XI.

An ACT for the establishment of Fees, as regulated by the Governor and Council, at the request of the House of Assembly. Expired.

CAP. XII.

An ACT for continuing an Act made and passed in the fourth year of His Majesty's Reign, entitled, an Act for laying a Duty upon Billiard Tables, and Shuffle Boards. Expired.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twenty Eighth Day of May, Anno Domini 1765, in the Fifth 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 Twenty Third Day of October, 1766, in the Sixth Year of His said Majesty's Reign; being the Third Session of the Fourth General Assembly convened in the said Province.*

* In the time of Michael Franklin, Lieutenant Governor, Jonathan Belcher, Chief-Justice and President of Council, William Nesbit, Speaker; Richard Bulkeley, Secretary of Council, Isaac Deschamps, Clerk of Assembly.

CAP. I.

An ACT to prevent the cutting or breaking down the Bank of any River, Seabank, or Dykes.

Preamble.

Brit. stat. 6. Geo. 2. c. 37. sect. 5. and 3. Geo. 2. c. 42. sect. 3.

Unlawfully breaking down the bank of any river, &c. Felony without clergy.

Any person cutting off, drawing up, or removing and carrying away, any piles or materials used for securing any marsh lands, sea walls, &c. and convicted thereof, before two Justices of the peace,

WHEREAS there are large tracts of marsh lands within this province dyked in, great part of which are, at this time, under actual improvement, from which great advantages must arise; and as the dyking and draining those lands are attended with a very great expence, which expence and advantages may be lost, to the ruin of many industrious persons, by wicked and evil minded persons cutting or destroying said dykes, or the piles or pickets which are drove into the said marshes, their banks or dykes; for remedy whereof, be it enacted by the Lieutenant-Governor, Council, and Assembly, That if any person or persons, from and after the publication of this Act, shall unlawfully and maliciously break down, or cut down the bank or banks of any river, or any seabank or dykes, whereby any lands shall be overflowed or damaged, every person so offending, being thereof lawfully convicted, shall be adjudged guilty of felony, and shall suffer death as in cases of felony, without benefit of clergy.

II. And be it further enacted, That if any person or persons shall, at any time or times hereafter, unlawfully cut off, draw up or remove and carry away, any piles or other materials which are, or at any time hereafter shall be driven into the ground, and used for the securing any marsh lands or sea walls, banks, or dykes, in order to prevent the lands lying within the same from being overflowed and damaged, it shall and may be lawful to and for any two or more of his Majesty's Justices of the Peace, residing near the place where the said offence or offences shall be committed, and such Justices are hereby respectively authorized and required, upon complaint or information upon oath of such offence, to summon the party or parties so complained of, or to issue their warrant or warrants to apprehend and bring before them.

them, the person or persons so accused, complained of, or suspected, and upon his, her, or their appearance, or neglect to appear, to proceed to examine the matter of fact with which he, she, or they are charged, and upon due proof thereof made, either by confession of the party or parties so accused, or upon the oath or oaths of one or more credible witnesses or witnesses, to determine the same, and to convict the offender or offenders; and every person offending herein, and being thereof convicted as aforesaid, shall forfeit and pay the sum of twenty pounds; one moiety thereof to the informer, and the other moiety to the overseers of, and for the use of, the poor of the township or place wherein such offence shall be committed; the same to be levied by distress and sale of the offender's goods and chattels, together with the charges of such distress and sale, rendering the overplus (if any be) to the owner or owners thereof; and for want of sufficient distress, the said Justices are hereby required to commit the person or persons convicted as aforesaid, to the house of correction or common goal of the county, town or place, where the offence shall be committed, there to remain and be kept at hard labour for the space of six months.

shall forfeit 20l.

One half to the informer, the other half to the poor.

Or suffer six months imprisonment at hard labour.

CAP. II.

An ACT in addition to and amendment of an Act, made and passed in the second year of His present Majesty's Reign, entitled, an Act for regulating the exportation of Fish, and the assize of Barrels, Staves, Hoops, Boards, and all other kinds of Lumber; and for appointing Officers to survey the same.

For Acts in amendment see note on 2d. Geo. 3d c 8.

WHEREAS the laws and regulations, made and provided, respecting the packing of mackarel and all other kinds of pickled fish within this province, do not appear to fully answer the purposes for which they were intended; Be it enacted, by the Lieutenant-Governor, Council and Assembly, That from and after the first day of January, which will be in the year of our Lord, one thousand seven hundred and sixty seven, all and every person or persons packing mackarel, or any other kind of pickled fish, within this province, for sale or exportation, shall brand each cask and barrel by him or them so packed, on the head of such cask or barrel, with the initial letter or letters of his or their christian name, and his or their surname at length, before he or they shall ship or expose the same to sale, and every person or persons who shall presume to ship for exportation, or expose to sale, any mackarel, or other kind of pickled fish, before the same be branded as aforesaid, shall, on due conviction thereof by the oath of one credible witness, before any one of His Majesty's Justices of the Peace, forfeit and pay the sum of ten shillings for each and every cask or barrel so exported or exposed to sale; one moiety thereof to the informer, and the other moiety to the overseers of, and for the use of the poor of the township, town or place, wherein such offence shall be committed; the same to be levied by distress and sale of the offender's goods and chattels, together with the charges of such distress and sale, rendering the overplus (if any be) to the owner or owners thereof.

Preamble.

Persons packing Pickled Fish for sale or exportation, to brand each cask with the initial letters of their names, &c.

on penalty of 10l for each cask.

One half to the informer, the other half to the poor.

CAP. III.

An ACT for empowering the Justices of the Peace for the County of Queen's County, to hold Courts of Special Sessions of the Peace, at Yarmouth and Barrington in said County, for the said Townships of Yarmouth and Barrington.

This Act altered by 29th Geo. 3d. cap. 5.

CAP. IV.

This Act executed and the money re-paid.

An ACT to empower the Governor, Lieutenant-Governor, or Commander in Chief, to grant Warrants on the Treasury for the Sum of Three Thousand Six Hundred and Forty Eight Pounds, and Four Pence, with the Interest due thereon, the same to bear Interest, for the payment of sundry persons who have demands on the Government.

CAP. V.

Expired.

An ACT for altering, amending and prolonging an Act, made in the fifth year of the Reign of His present Majesty, entitled, an Act for granting to His Majesty an Excise on Wines, Tea, Coffee, and Playing Cards sold within this Province.

CAP. VI.

Expired.

An ACT in amendment of an Act, made in the third year of His present Majesty's Reign, entitled; an Act for altering and amending several Acts of this Province, relating to the Duties of Excise on Wines, Rum, and other distilled Spirituous Liquors, sold within this Province.

CAP. VII.

Executed.

An ACT for discontinuing the Bounty on Stone Walls.

CAP. VIII.

Expired.

An ACT for continuing an Act, entitled, an Act, for reviving an Act made and passed in the thirty-third year of His late Majesty's Reign, entitled, an Act for further prolonging a Resolution of the Governor and Council, revived and put in force by the General Assembly, in the thirty second year of His Majesty's Reign.

CAP. IX.

Expired.

An ACT for preventing Frauds in the Revenue.

CAP. X.

Expired.

An ACT for granting to His Majesty a Duty of Impost on Loaf Sugar.

At

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twenty-eighth Day of May, Anno Domini 1765, in the Fifth 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 First Day of July, 1767, in the Seventh Year of His said Majesty's Reign; being the Fourth Session of the Fourth General Assembly convened in the said Province.*

* In the time of Lord William Campbell, Governor; Benjamain Green, President of Council; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council; Isaac Deschamps, Clerk of Assembly.

CAP. I.

An ACT to prevent Trespasses upon Crown Lands.

WHEREAS *fundry evil minded persons have presumed, not only to take possession of ungranted lands in this province, but also, without leave from government, to encourage ignorant persons to settle on such lands, without obtaining any grant thereof; which practices are highly offensive to the honor and dignity of the Crown, Be it therefore enacted by the Governor, Council and Assembly,* That any persons convicted in manner hereafter mentioned, either of possessing themselves of any ungranted lands in this province, or that shall presume to place thereon any inhabitants, or occupy such lands in any manner whatever, without leave in writing first obtained for that purpose, from the Governor, Lieutenant Governor, or Commander in Chief for the time being, may and shall be prosecuted for the same, by bill, plaint or information, in any of His Majesty's Courts of Record in this province, and upon due conviction thereof by the oath of one credible witness, shall be adjudged to forfeit and pay the sum of fifty pounds.

Preamble.

Any persons possessing themselves of, or occupying, &c. any ungranted lands, without leave in writing from the Governor, &c. shall forfeit 50l.

CAP. II.

An ACT in further addition to an Act, entitled, an Act for regulating Petit Juries, and declaring the qualification of Jurors.

This Act is repealed by 36th Geo. 2d cap. 2.

CAP. III.

For Acts in amendment or addition to this Act see note on 4th & 5th Geo. 3d cap. 7.

An ACT in addition to an Act made in the fourth year of His present Majesty's reign, entitled, an Act to enable the Inhabitants of the several Townships within this Province to maintain their Poor.

Preamble.

WHEREAS it is provided in and by an Act made in the fourth year of His present Majesty's reign, entitled, An Act to enable the inhabitants of the several townships within this province to maintain their poor, 'That it shall and may be lawful for the freeholders of any township within this province, where there are fifty or more families, freeholders, resident, to meet on the first Monday in January, annually, and to vote such a sum of money as they shall judge necessary for the current year, to support and maintain their poor.' And whereas there are some townships who do not consist of fifty families, freeholders, resident, which townships labour under great inconveniency for want of a power to make provision for their poor; for remedy whereof, be it enacted by the Governor, Council and Assembly, That it shall and may be lawful for the freeholders of all such Townships, though they do not consist of fifty families, freeholders, resident, to meet on the first Monday of January, annually, and there to proceed in manner and form as is prescribed by the afore recited Act, in the making provision for their poor; and that the said freeholders shall be entitled to all the other powers and prescriptions contained in the said Act, any law, usage, or custom to the contrary in any wise notwithstanding.

The freeholders of any township may meet annually and make provision for their poor, altho' they do not consist of fifty families resident therein.

CAP. IV.

For Acts that alter or amend this Act, see note on 32d. Geo. 3d. cap. 21.

An ACT to explain and amend the several Acts of this Province, relating to the assize of Bread, and for ascertaining the standard of Weights and Measures.

Preamble.

WHEREAS doubts have arisen respecting the distribution of the several fines and forfeitures, incurred on the Acts made and passed by the General Assembly of this province, relating to the assize of bread and for ascertaining the standard of weights and measures, Be it therefore enacted by the Governor, Council and Assembly, That for the future all fines and forfeitures incurred on the said Acts, shall be applied, one half to the clerks of the market or informer, and the other half to the poor of the town where the offence shall be committed, any law, usage, or custom to the contrary notwithstanding.

All fines and forfeitures to be one half to the informer, and the other half to the use of the poor.

CAP. V.

An ACT for regulating the Times and Places for holding the several Courts of Justice therein named.

Times & places ascertained for holding the Courts for the county of Lunenburg.

BE it enacted by the Governor, Council and Assembly, That the General Quarter Sessions of the Peace, and the Inferior Court of Common Pleas, shall be held for the county of Lunenburg, in the town of Lunenburg, on the second Tuesday of April, and on the second Tuesday of October.*

* The other places mentioned in this Act are not printed, being otherwise provided for by subsequent Acts.

CAP. VI.

An ACT to empower the Governor, Lieutenant-Governor, or Commander in Chief, to grant Warrants on the Treasury, for a Sum not exceeding One Thousand Six Hundred Pounds, bearing interest, for securing the payment of the expences of Government.

Executed and the money re-paid.

CAP. VII.

An ACT, in further amendment of an Act made in the thirty-third year of His late Majesty's reign, entitled, an Act for establishing a Public Market at the Market House in Halifax, and for regulating the same.

This Act repeated by 31st. Geo. 3d. cap. 1. sec. 15.

CAP. VIII.

An ACT in further addition to an Act made in the thirty-second year of His late Majesty's reign, entitled, an Act for preventing Trespasses.

For Acts in amendment or addition to this Act, see note on 32d. Geo. 2d. cap. 14.

WHEREAS many evil minded persons have broke open inclosures, by pulling down stone walls, carrying off and destroying fences, gates, bars, and other materials for fencing, to the great prejudice of the owners of such inclosures; in order therefore to prevent and deter such offenders, Be it enacted by the Governor, Council, and Assembly, That if any person (not being the proprietor, or having legal authority,) shall presume to throw down or remove any fence of stone wall, or any part thereof, inclosing any parcel of ground within this province, or shall carry away any rails, posts, gates, bars, boards, or any other materials, whereof fences are made, or shall level any ditches, or cut down any hedges, such person shall, upon conviction thereof before the General Sessions of the Peace, or before any Court of Record within this province (over and above the damages given to the party injured) forfeit and pay a sum not exceeding ten pounds; one half to His Majesty, and the other half to the prosecutor; and if such person shall be unable to pay the same, he shall be committed to the house of correction, there to be kept to hard labour for the space of two months, or be whipped at the discretion of the Court.

Any person who shall throw down or remove any fence of stone wall, or carry away any rails, &c.

(on conviction thereof before any Court of Record) shall forfeit 10l. besides the damages, or if unable to pay, shall suffer two months imprisonment, or be whipt.

II. And whereas horses by being suffered to go at large on the peninsula of Halifax, frequently break into inclosures and do great damages, Be it enacted, That all horses that shall break into any inclosures, within the peninsula of Halifax, lawfully fenced, or that shall be found trespassing therein; the owner of all such horse or horses shall forfeit and pay the sum of ten shillings for each and every such horse, over and above the damages; which forfeiture shall be recovered on proof thereof, before any one of His Majesty's Justices of the Peace for the county of Halifax; one half thereof to the prosecutor, and the other half to the use of the poor of the town of Halifax; and where no owner shall appear to pay the costs, damages, and fine, it shall and may be lawful for the Justice of the Peace, who has heard and determined the same, after public advertisement given for ten days, to sell the said horse; and the surpluse, over and above the payment of the costs, damages, and fine, to be restored to the owner when he appears.

Owners of horses breaking into inclosures on the peninsula of Halifax, shall forfeit ten shillings for each horse, besides the damages, to be recovered before any one Justice of the Peace.

Where no owner shall appear, such horse shall be sold to pay costs, &c. the surplus to be restored to the owner, when he shall appear.

CAP. IX.

Expired.

An ACT for continuing so much of an Act made in the fifth year of His present Majesty's reign, entitled, an Act for granting to His Majesty an Excise on Wines, Tea, Coffee, and Playing Cards, sold within this Province, and of an Act made in the sixth Year of His said Majesty's Reign, entitled, an Act for altering, amending, and prolonging an Act made in the fifth year of the Reign of His present Majesty, entitled, an Act for granting to His Majesty an Excise on Wines, Tea, Coffee and Playing Cards, sold within this Province, as relates to an Excise on Wines, and Playing Cards, sold within this Province.

CAP. X.

For Acts in amendment or addition to this Act see note on 5th Geo. 3d. c. 11.

An ACT for prolonging an Act, made and passed in the fifth year of His Majesty's Reign, entitled, an Act for the Summary Trial of Actions.

Preamble.

WHEREAS the Act made and passed in the fifth year of His Majesty's Reign, entitled, An Act for the Summary Trial of Actions, is near expiring, Be it therefore enacted, by the Governor, Council, and Assembly, That the said Act, entitled, An Act for the Summary Trial of Actions, and every clause, article and thing therein contained, be, and the same is hereby prolonged and continued from the publication hereof, for and during the term of ten years, and from thence to the end of the Sessions of the General Assembly then next following.

Act continued for ten years.

Costs of suit before Justices of the Peace limited.

II. *And be it further enacted,* That all the costs in causes brought before Justices of the Peace, wherein the sum sued for does not exceed twenty shillings, shall not exceed seven shillings and six pence; and that the costs in causes brought as aforesaid, wherein the sum sued for shall be from twenty shillings to three pounds, shall not exceed ten shillings, until execution issued, any law, usage or custom to the contrary notwithstanding.

CAP. XI.

Expired.

An ACT to explain, amend, and reduce into one Act, the several Laws now in force, relating to the Duties of Excise on Rum and other Distilled Spirituous Liquors sold in this Province.

CAP. XII.

Expired.

An ACT to explain, amend, and reduce into one Act, the several Laws now in force relating to the Duties of Impost on Beer, Rum, and other distilled Spirituous Liquors.

CAP. XIII.

Expired.

An ACT for granting to His Majesty a Duty on Wheel Carriages within the Peninsula of Halifax.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twenty-eighth Day of May, Anno Domini 1765, in the Fifth 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 Seventeenth Day of October, 1767, in the Seventh Year of His said Majesty's Reign; being the Fifth Session of the Fourth General Assembly convened in the said Province.*

* In the time of Michael Franklin, Lieutenant Governor; Jonathan Belcher, Chief-Justice and President of Council; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council; Isaac Deschamps, Clerk of Assembly.

CAP. I.

An ACT in further addition to an Act, made in the Thirty Second Year of His late Majesty's Reign, entitled, An Act for the establishment of Religious Public Worship in this Province, and for suppressing of Popery.

For Acts in amendment or addition to this Act, see note on 32d. Geo. 2d. cap. 5.

—HEREAS by an Act made in the thirty-third year of His late Majesty's Reign, entitled, An Act, in addition to an Act, entitled, An Act for the establishment of Religious Public Worship in this Province, and for suppressing of Popery, no provision is made for authorising the assessment of the inhabitants of St. Paul's in Halifax, for the payment of such sums as may be voted by the parishioners for any extraordinary repairs to the church of St. Paul's in the town of Halifax, or for the use and ornament thereof, or for the salaries of an organist, a parish clerk and sexton, or for an allowance to the clerk of the vestry, Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly, That the church wardens, vestry, and parishioners of the parish of St. Paul's, shall meet quarterly, that is to say, on the first Mondays in December, March, June, and September, yearly, and when so met, may by a vote of the majority, (a) of such parishioners then present, as pay scot and lot (a) by being assessed for paying any contributions for and towards the support of the Church of England, allot and order such sums of money as they may judge necessary (b) for and on account of repairs, and for

Preamble. 33d. Geo. 2. c. 3. 2d. sess.

The church-wardens, &c. of St. Paul's, to meet quarterly, & vote money for repairs &c. of the church (aa) Barn's Eccl. Law 2. vl. p. 477. At every parish meeting the minister, whether Rector or Vicar presides, Id. Ibid. (b) 2. Bac. Abr. the

377. Burn's Eccl. Law 1. vol. 268, 269. and for the arrears of salaries of the Organist, &c. such vote to be binding on all the parishioners, not exempted by law (c) Burn's Eccl. Law 1. vol. 277. and to be assessed by the church-wardens and vestry, and collected by the church-wardens. The assessors to be assessed by 3 parishioners to be appointed at the meeting. (d) Burn's Eccl. Law 1. vol. 273. Appeal allowed to persons aggrieved.

This and the former Act to extend to all churches which shall be erected hereafter.

the usual goods, stock, furniture, ornaments, and bells of the church, and for arrears of salary, and other allowances to the organist, clerk and sexton of the same, and to the clerk of the vestry, and for all other necessary future church repairs, goods and ornaments, as other rates are directed to be levied, collected and received, by the afore recited Act or Acts; and likewise for half yearly assessments and payments of the future growing salaries to the organist, parish clerk and sexton, and clerk of the vestry; which vote or votes shall be binding on all the parishioners belonging to the said parish church of St. Paul's, and others dwelling in the said parish not exempted by law from paying towards the support of the church of England (c); and shall be assessed by the church wardens and vestry in just and equal proportions on every parishioner, according to their several abilities, and shall be collected, levied, and received by the church wardens as prescribed by the said Act.

II. *Provided always, and be it enacted*, That the said assessors shall not tax themselves (d), but they shall be assessed by at least three of the other parishioners, who shall be named for that purpose by the parish at their meeting for voting the sums to be assessed.

III. *Provided also*, That if any person shall think himself over-rated, or otherwise aggrieved, he may appeal for redress in manner prescribed by the afore recited Act, in case the said rate shall exceed the sum of five shillings, or if any sum be unduly levied upon the said parishioners.

IV. *And be it further enacted*, That when, and so often, as any other church or churches shall be erected within the said town of Halifax, or any other town or towns of the province, and that church wardens and vestries shall be appointed in the same, that this Act, and the said former Acts, and every clause, direction, authority, and power, in the same contained, shall extend and be in force for all such church or churches, as may so hereafter be erected and established, in the same manner as if the said church or churches had been expressly named in this and the said Acts as aforesaid.

CAP. II.

An ACT for partition of Lands in Coparcenary, Jointenancy, and Tenancy in Common, and thereby for the more effectual collecting His Majesty's Quit Rents in the Colony of Nova-Scotia.

WHEREAS for the more speedy settlement of the province it became necessary to erect townships in divers parts of the same, and for inducing persons to remove into the province, and become settlers and inhabitants of the said townships, it was found requisite by grants to the several petitioners to convey, previous to their arrival in the province, certain shares or rights in the respective townships, and inasmuch as the said rights could not, without greatly retarding the progress of the settlements, be surveyed and set out to each respective grantee by metes and bounds in severalty, it was judged expedient to convey the lands in the said townships to the persons named in the respective patents as jointenants or tenants in common. And whereas many of the grantees have never arrived, or by themselves or others taken any actual possession of their shares in the said townships, and yet by the terms and periods in the said patents they are entitled and will long remain entitled to the said shares, by reason whereof numerous inhabitants in the respective townships having undivided parts, are greatly oppressed and prejudiced, who, on account of such absentees, cannot proceed to divide their rights by private deeds of partition, nor can any summons be legally served as against such absentees upon writs of partition, and for want of dividing the said lands, a considerable part thereof is wasted and destroyed by frequent trespasses and otherwise, or lie uncultivated

For Acts in amendment or addition to this Act, 8th and 9th Geo. 3d. cap. 10, 13th and 14th Geo. 3d. cap. 2. 31st Geo. 3d. c. 1. 37th Geo. 3d. c. 4.

Preamble.

cultivated and unmanured, so that the profits of the same are totally, or in a great measure, lost, to the injury of His Majesty's rights in the quit rents respectively reserved, as to the means of levying the same, and tending to the vexation of the inhabitants, by being liable to suits for an account of profits demandable by one tenant in common against another, *For remedy whereof, be it enacted by the Lieutenant-Governor, the Council and Assembly,* That upon the petition of any one or more of the inhabitants in each township, to the Supreme Court, praying a division of the lands to the proprietors in severalty, according to their shares and rights, it shall and may be lawful for the said Court to award a writ of partition in the usual form (a) to the provost marshal, to be executed by him or his deputy, in the presence of two Justices of the Peace, in manner following: that is to say that in assigning the shares in severalty, in virtue of the said writ of partition, the lands actually occupied and improved shall be set off and assigned to all such proprietors respectively, who have so occupied and improved the same, and that in assigning the rights to lands unimproved, after division thereof into shares according to the number of grantees in each township, each number shall be written on separate papers and rolled up and placed in a box (b) from whence each grantee present shall, in the order wherein he is named in the patent of grant to the township, draw out one of the said papers, in the presence of the jury attending the provost marshal or deputy provost marshal; and the number so drawn shall be expressed in the inquisition by the jury, and be accordingly assigned by the provost marshal or deputy provost marshal and the Justices, in their return of the writ of partition (c); which shall be confirmed by the judgment of the said Court; and the said provost marshal, or his deputy, are hereby required to give due notice to the tenants or occupiers of the lands, or if they cannot be found, to the wife, son or daughter, being of the age of twenty-one years and upwards, of the tenant or tenants, or to the tenant in actual possession by virtue of any estate of freehold, or for term of years, or uncertain interest, or at will, of the lands, tenements, or hereditaments, whereof the partition is demanded, forty days before the said provost marshal shall proceed to execute the said writ of partition; and if it shall appear to the said court, upon return of the said writ of partition, that any of the persons notified neglected to appear, judgment shall be given by default as against them, and a final judgment for partition shall be given against such persons as were present at the time of executing the writ; and if the persons against whom the judgment shall be so given by default shall not within fifteen days after serving them with notice of the said judgment, apply themselves to the the said Court by motion, and shew a good and probable matter in bar of the said partition, the said judgment by default shall be confirmed, and final judgment entered (d). *Provided nevertheless,* that if the tenants or persons concerned shall shew to the Court any inequality in the partition, the Court may award a new partition to be made in presence of all parties concerned, if they will appear notwithstanding the return and filing upon record the former; which said second partition returned and filed shall be good and firm for ever against all persons, except infants (e), *femes covert* (f,) persons of *non sane* memory, who shall, within one year after the respective disabilities shall be determined, be entitled to apply to the said Court, and shew a good and probable matter in bar of the said partition, in which case the said judgment shall be set aside and a new writ of partition shall be awarded, and executed in presence of all parties concerned, which partition shall be final and conclusive against all persons whatsoever. *Provided also,* That all persons absent may, within one year after such judgment of partition, to be publicly notified in the Nova-Scotia Gazette, or any other public news paper three weeks successively, by their agents or attornies, apply to the said Court, and alledge any good and probable matter against

Eng. Stat. 2. and 9. Will. 3. c. 37. made perpetual by 3 and 4. Ann. c. 18. sect. 2
Upon petition of any inhabitant of any township the Supreme Court may award a writ of Partition, to be executed by the Provost Marshal, in presence of two Justices. Lands actually improved by any proprietors, shall be set off to them.

Shares to be ballotted for, and the numbers drawn expressed in the Inquisition and confirmed by the Court. Provost Marshal to give 40 days notice to the occupiers of the Lands, &c.

Persons duly notified, and neglecting to appear shall be defaulted and final judgment for partition given against the persons present; and also against the persons defaulted, unless they shew a probable matter in bar, within 15 days.

In case of Inequality, the Court may order a new partition, which shall bind all persons except infants, &c.

who may have a new partition, upon shewing a probable matter in bar.

The like relief for absentees.

the

(a) Regist. Brev. Judicial. 80. a F. N. B. 137. R. (b) Lit. Sect. 246. Co. Lit. 167 a. b. (c) Return of the Sheriff and Jurors by the words of the Writ, must be under the seals, Co. Lit. 168. b. (d) Co. Lit. 169. a. (e) Lit. Sect. 258. Co. Lit. 171. a. (f) Lit. Sect. 256, 257. Co. Lit. 170. b. 171. a.

in the second partition no proprietor shall be divested of any Lands actually improved by him, but the equality shall be made out of unimproved Lands.

the said partition, and such new partition and judgment shall be had as aforesaid; which shall conclude such absent persons, and all other persons claiming and deriving under the grants so passed by His Majesty's government for the settlement and improvement of the province. *Provided likewise*, that in such second writs of partition, no lands that have been builded upon, ploughed, or otherwise improved *bona fide*, by the proprietor entitled under the former judgment of partition, shall be divested out of such proprietor, but that the equality of partition shall be made out of the unimproved lands.

No plea in abatement admitted in suits for partition. The appellee to pay costs when the first judgment is confirmed.

II. *And be it further enacted*, That no plea in abatement shall be admitted or received in any suit for partition, nor shall the same be abated by reason of the death of any tenant; and that in all cases where the former judgment shall, upon appeal be confirmed, the person or persons so appealing shall be awarded to pay costs.

His Majesty's Quit Rents to be recoverable out of every share, and to be levied out of the profits thereof.

III. *And be it also enacted*, That from and out of every several share so to be allotted and assigned to each and every proprietor, His Majesty's quit rents reserved and payable by every grantee in the respective patents named, shall be recoverable by the usual process, and be levied out of the profits and other extendible goods and chattels of such respective share; and that this Act nor any thing herein contained, shall extend or be construed to extend to impeach or prejudice His Majesty's rights to the said quit rents, or to any forfeitures or other rights in virtue of the said grants.

CAP. III.

Expired.

An ACT, in addition to an Act, entitled, an Act for granting to His Majesty a Duty on Wheel Carriages within the Peninsula of Halifax.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twenty Eighth Day of May, Anno Domini 1765, in the Fifth 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 Eighteenth Day of June, 1768, in the Eighth Year of His said Majesty's Reign ; being the Sixth Session of the Fourth General Assembly convened in the said Province.*

* In the time of Michael Franklin, Lieutenant-Governor ; John Collier, President of Council ; William Nesbit, Speaker ; Richard Bulkeley, Secretary of Council ; James Brenton, Clerk of Assembly.

CAP. I.

An ACT for determining Differences by Arbitration.

WHEREAS references made by rule of Court may contribute much to the ease of the subject in the determining of controversies, because the parties become thereby obliged to submit to the award of the arbitrators, under the penalty of imprisonment for their contempt in case they refuse submission, Be it therefore enacted by the Lieuenant-Governor, Council and Assembly, That it shall and may be lawful for all merchants and traders, and others desiring to end any controversy, suit or quarrel, controversies, suits or quarrels, for which there is no other remedy but by personal action, or suit in equity, by arbitration, to agree that their submission of their suit to the award or umpirage of any persons, should be made a rule of His Majesty's Supreme Court, or of any of His Majesty's Inferior Courts of Common Pleas within this province, which the parties shall choose, and to insert such their agreement in their submission, or the condition of the bond or promise whereby they oblige themselves respectively to submit to the award or umpirage of any person or persons ; which agreement being so made and inserted in their submission or promise, or condition of their respective bonds, shall or may, upon producing an affidavit thereof made by the witnesses thereunto, or any one of them, in the Court of which the same is agreed to be made a rule, and reading and filing the said affidavit in Court, be entered of record in such Court, and a rule shall thereupon be made by the said Court, that the parties shall submit to, and finally be concluded by the arbitration or umpirage which shall be made concerning them by the arbitrators or umpire, pursuant to such submission ; and in case of disobedience to such arbitration or umpirage, the party neglecting or refusing to perform and execute the same, or any part thereof, shall be subject to all the penalties of contemning a rule

Preamble.
 Eng. Stat. 9 and 10. Will. 3. c. 15.
 Merchants, &c. desiring to end Controversies by Arbitration, may agree their submission to be made a rule of Court.
 Agreement so made to be inserted in their submission, &c.
 Parties to be finally concluded by such arbitration.
 in case of disobedience parties subject to penalty &c.

unless arbitrators
misbehaved
themselves.

rule of Court, when he is a fuitor or defendant in such Court, and the Court, on motion, shall issue process accordingly, which process shall not be stopped or delayed in its execution, by any order, rule, command, or process, of any other Court, either of law or equity, unless it shall be made appear on oath to such Court, that the arbitrators or umpire misbehaved themselves, and that such award, arbitration, or umpirage, was procured by corruption, or other undue means.

Corrupt arbitra-
tions void, and
may be set aside.

II. *And be it further enacted*, That any arbitration or umpirage procured by corruption, or undue means, shall be judged and esteemed void and of none effect, and accordingly be set aside by any Court of law or equity, so as complaint of such corruption or undue practice be made in the Court where the rule is made for submission to such arbitration or umpirage, before the last day of the next term after such arbitration or umpirage, made and published to the parties; any thing in this Act contained to the contrary notwithstanding.

CAP. II.

An ACT for giving like remedy upon Promissory Notes, as is now used upon Bills of Exchange.

Preamble.

Eng. stat. 3 and
4. Ann. c. 9.

Promissory notes
may be assigned
or indorsed, and
action maintain-
ed thereon as on
inland bills of
exchange.

WHIEREAS it has been held that notes in writing, signed by the party who makes the same, whereby such party promises to pay unto any other person, or his order, any sum of money there- in mentioned, are not assignable or indorsible over, within the custom of merchants, to any other person; and that such person to whom the sum of money mentioned in such note is payable, cannot maintain an action, by the custom of merchants, against the person who first made and signed the same; and that any person to whom such note should be assigned, indorsed, or made payable, could not, within the said custom of merchants, maintain any action upon such note, against the person who first drew and signed the same: Therefore to the intent to encourage the trade and commerce of this province, which will be much advanced, if such notes shall have the same effect as inland bills of exchange, and shall be negotiated in like manner: Be it enacted, by the Lieutenant-Governor, Council and Assembly, That all notes in writing, made and signed by any person or persons, or by the servant or agent of any merchant, trader, or other person or persons, who is usually intrusted by him, her, or them, to sign such promissory notes for him, her, or them, whereby such person or persons, his, her, or their servant or agent, as aforesaid, doth or shall promise to pay to any other person or persons, his, her, or their order, or unto bearer, any sum of money mentioned in such note, shall be taken and construed to be, by virtue thereof, due and payable to any such person or persons, to whom the same is made payable; and also every such note payable to any person or persons, his, her, or their order, shall be assignable or indorsible over, in the same manner as inland bills of exchange are or may be, according to the custom of merchants, and that the person or persons, to whom such sum of money is or shall be by such note made payable, shall and may maintain an action for the same, in such manner as he, she, or they might do, upon any inland bill of exchange, made or drawn according to the custom of merchants, against the person or persons, who, or whose servant or agent, as aforesaid, signed the same; and that any person or persons, to whom such note that is payable to any person or persons, his, her, or their order, is indorsed or assigned, or the money therein mentioned ordered to be paid by indorsement thereon, shall and may maintain his, her, or their action for such sum of money, either against the person or persons, who, or whose servant or agent, as aforesaid, signed such note, or against any of the persons that indorsed the same, in like manner as in cases of inland bills of exchange: And in every such action the plaintiff or plaintiffs shall recover his, her, or their damages and costs of suit; and

if

if such plaintiff or plaintiffs shall be nonsuited; or a verdict be given against him, her, or them the defendant or defendants shall recover, his, her, or their costs against the plaintiff or plaintiffs, and every such plaintiff or plaintiffs, defendant or defendants, respectively recovering, may sue out execution for such damages and costs.

Plaintiff or defendant may recover costs.

II. *And be it further enacted,* That all and every such actions shall be commenced, sued and brought, within such time as is appointed for commencing or suing actions upon the case, by the Act of this province, made in the thirty second year of His late Majesty's reign, entitled, An Act for limitation of actions, and for avoiding suits of Law.

How actions shall be brought.

CAP. III.

An ACT in addition to and further amendment of an Act, made in the Thirty-second year of His late Majesty's Reign, entitled, An Act relating to Treasons and Felonies.

For Acts in amendment or addition to this Act, see note on 3^d. Ge. 2^d. cap. 13.

WHEREAS it may be doubted in what county the crime of murder may be tried, where the stroke is given in one county, and death ensues in another county, or where any persons shall be accessaries to murders or felonies committed in several counties, therefore, Be it enacted by the Lieutenant-Governor, Council, and Assembly, That where any person or persons shall be feloniously stricken or poisoned in one county, and die of the same stroke or poisoning in another county, that then an indictment thereof found by jurors of the county where the death shall happen, whether it shall be found before the Coroner upon the sight of such dead body, or before the Justices of the Peace, or other Justices or Commissioners which shall have authority to enquire of such offences, shall be as good and effectual in the law as if the stroke or poisoning had been committed and done in the same county where the party shall die, or where such indictment shall be so found; any law or usage to the contrary notwithstanding: And that the Justices of Oyer and Terminer and Goal Delivery, in the same county where such indictment at any time hereafter shall be taken, shall and may proceed upon the same in all points, as they should or ought to do, in case such felonious stroke and death thereby ensuing, or poisoning and death thereof ensuing, had grown all in one and the same county. And that such party to whom appeal of murder shall be given by the law may commence, take, and sue appeal of murder in the same county where the party so feloniously stricken or poisoned shall die, as well against the principal and principals, as against every accessary to the same offences in whatsoever county or place the accessary or accessaries shall be guilty to the same. And further, the Justices before whom any such appeal shall be commenced, sued, and taken within the year and day after such murder and manslaughter committed and done, shall proceed against all and every such accessary and accessaries, in the same county where such appeal shall be so taken, as well concerning the trial by the jurors, or twelve men of such county where such appeal or appeals shall be hereafter taken upon the plea of not guilty pleaded by such offender or offenders as otherwise.

Preamble, Eng. stat. 2. and 3. Ed. 6. c. 24.

The trial of a murderer that strikes or poisons a man in one county which dieth thereof in another county.

Where an appeal of murder in the case aforesaid shall be pursued.

Appeal against the accessary.

II. *And be it further enacted,* That where any murder or felony hereafter shall be committed and done in one county, and another person or more shall be accessary or accessaries in any manner of wise to any such murder or felony in any other county, that then an indictment found or taken against such accessary and accessaries upon the circumstance of such matter before Justices of Oyer and Terminer, and Goal Delivery, appointed to enquire of felonies in the county where such offences of accessary or accessaries in any manner of wise shall be committed or done, shall be as good and effectual in the law, as if the said principal offence had been committed or done within the same county where the same indictment against

Trial of an accessary in one county to a murder or felony done in another county.

such

such accessory shall be found. And that every such accessory and other offenders above expressed, shall answer upon their arraignments, and receive such trial, judgment, order, and execution, and suffer such forfeitures, pains and penalties, as is used in other cases of felony; any law, or custom to the contrary heretofore used in any wise notwithstanding.

Eng. stat. 25. Ed.
3. stat. 5. c. 2.
Petit treason.

III. *And whereas by the Act of this province made in the 32d year of his late Majesty's reign, entitled, an Act relating to treasons and felonies, no declaration is made respecting the crime of Petit Treason; be it therefore enacted, That if any woman with malice prepense, shall kill or procure any other person or persons to kill her husband; or if any servant with malice prepense shall kill or procure any other person or persons to kill his or her master or mistress; the persons so offending, their counsellors, aiders, and abettors, privy to the offence, shall upon due conviction, be adjudged guilty of petit treason, and suffer death without benefit of clergy accordingly.*

No corruption of
blood, &c. to extend
to the felony of maiming.

IV. *And whereas by the said Act of the Province, relating to treasons and felonies, it is among other things enacted, 'That if any person with malice prepense, shall kill or procure any other persons to kill, or shall on purpose and of malice forethought, and by laying in wait, unlawfully cut out or disable the tongue, put out an eye, slit the nose, cut off a nose or lip, or cut off or disable any limb or member, of any person, with intention to kill or to maim or disfigure any such person; the persons so offending, their counsellors, aiders and abettors, privy to the offence, shall be felons without benefit of clergy;' And it is thereby also provided 'That no attainder of such felony shall work corruption of blood, or forfeiture of dower, lands, or goods of the offender.' And whereas doubts may arise as to what offences the said proviso was meant to extend; be it therefore enacted, and declared, That the said proviso was meant and intended, and shall be construed, deemed, and taken to extend only to the felony of maiming, as declared and expressed in the recited clause in the said Act.*

Eng. stat. 1 and
2. Phil. and Mar.
c. 13. 2 and 3.
Phil. and Mar.
c. 10.
The Justices duty
in the examination
and bailment of a prisoner,
and in the examination
of witnesses, and certifying
thereof.

V. *And be it further enacted, That the Justices of the Peace before whom any person shall be brought for any murder, manslaughter, or felony, or for suspicion thereof, shall take the examination of such prisoner, and information of those that bring him, of the fact and circumstance thereof; and the same, or as much thereof as shall be material to prove the fact, shall put in writing; and the same shall certify, together with the bailment of such prisoner (in case the crime whereof such prisoner is charged, is bailable) at the next Sessions of Oyer and Terminer or Goal Delivery, to be holden within the limits of their commission: And that the said Justices shall bind all such by recognizance or obligation, as do declare any thing material to prove such murder, manslaughter or felony against such prisoner, to appear at the next sessions of Oyer and Terminer or goal delivery, to be holden within the county where the trial of such murder, manslaughter, or felony, shall be, then and there to give evidence against such prisoner; and that the said Justices shall certify the said bonds or recognizances taken before them, in like manner as the examinations of such prisoner, and the witnesses, are herein before directed to be certified.*

CAP. IV.

An ACT for enabling the Sale of Goods distrained for Rent.

Eng. stat. 2. Will.
and Mar. stat. 1.
c. 5. Brit. stat.
8. Ann. c. 14.
11. Geo. 2. c.
19.

Goods distrained
for rent may be
appraised and
sold.

WHEREAS the most ordinary and ready way for recovery of arrears of rent is by distress; yet such distresses not being to be sold, but only detained as pledges for enforcing the payment of such rent, the persons distraining have little benefit thereby; for the remedying whereof, Be it enacted, by the Lieutenant-Governor, Council and Assembly, That where any goods or chattels shall be distrained for any rent reserved and due upon any demise, lease, or contract whatsoever, and the

the tenant or owner of the goods so distrained shall not, within five days next after such distress taken, and notice thereof (with the cause of such taking) left at the chief mansion house, or other most notorious place on the premises charged with the rent distrained for, replevy the same with sufficient security to be given to the Sheriff, according to law; that then in such case, after such distress and notice as aforesaid, and expiration of the said five days, the person distraining shall and may with the provost marshal or his deputy, or with the constable of the town or place where such distress shall be taken (who are hereby required to be aiding and assisting therein) cause the goods and chattels so distrained to be appraised by two sworn appraisers (whom any Justice of the Peace of the county where such goods shall be distrained, or such provost marshal or his deputy, are hereby empowered to swear) to appraise the same truly according to the best of their understandings; and after such appraisement shall and may lawfully sell the goods and chattels so distrained, for the best price can be gotten for the same, towards satisfaction of the rent for which the said goods and chattels shall be distrained, and of the charges of such distress, appraisement and sale, leaving the overplus (if any) in the hands of the said provost marshal, his deputy, or constable, for the owner's use.

II. *And whereas no sheaves or cocks of corn loose or in the straw, or hay in any barn, or on any hovel, stack or rick, can by the law be distrained, or otherwise secured for rent, whereby landlords may be oftentimes cozened and deceived by their tenants, who may sell their corn, grain and hay, to strangers, and remove the same from the premises chargeable with such rent, and thereby avoid the payment of the same, Be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons having rent arrear, and due upon any such demise, lease, or contract as aforesaid, to seize and secure any sheaves or cocks of corn, or corn loose, or in the straw, or hay lying or being in any barn, or upon any hovel, stack, or rick, or otherwise upon any part of the land or ground charged with such rent, and to lock up or detain the same in the place where the same shall be found, for or in the nature of a distress, until the same shall be relieved upon such security to be given as aforesaid; and in default of replevying the same as aforesaid, within the time aforesaid, to sell the same after such appraisement thereof to be made; so as nevertheless such corn, grain, or hay so distrained as aforesaid, be not removed by the person or persons distraining, to the damage of the owner thereof, out of the place where the same shall be found and seized, but be kept there, as impounded, until the same shall be relieved, or sold in default of replevying the same within the time aforesaid.*

Corn, loose, &c.
may be distrained
and sold.

III. *And be it further enacted, That upon any pound breach or rescuous of goods or chattels distrained for rent, the person or persons grieved thereby, shall, in a special action upon the case, for the wrong thereby sustained recover his and their treble damages and costs of suit, against the offender or offenders in any such pound breach or rescuous, any or either of them or against the owners of the goods distrained in case the same be afterwards found to have come to his use or possession.*

Treble Damages
for Pound Breach.

IV. *Provided always, and be it further enacted, That in case any such distress and sale, as aforesaid, shall be made by virtue or colour of this present Act, for rent pretended to be arrear and due, where in truth no rent is arrear or due to the person or persons distraining, or to him or them in whose name or names, or right, such distress shall be taken as aforesaid, that then the owner of such goods or chattels distrained and sold as aforesaid, his executors or administrators, shall and may, by action of trespass, or upon the case, to be brought against the person or persons so distraining, any or either of them, his, or their, executors or administrators, recover double of the value of the goods or chattels, so distrained and sold, together with full costs of suit.*

Double Damages
and Costs against
wrongful Dis-
trainer.

V. *And be it further enacted, That no goods or chattels whatsoever, lying or being in or upon any messuage, lands or tenements, which are or shall be leased for life or lives, term of years, at will, or otherwise, shall be liable to be taken by virtue of any execution, on any pre-*

No Goods, &c.
to be taken in
execution, &c.
unless the party,

before removal of the Goods, &c. pay the Landlord the rent due.

Provided it amounts to no more than one year's rent.

The provost marshal shall to levy the Rent, as well as the Execution money.

If any Lessee for life, &c. shall fraudulently carry off Goods, &c. the Lessor, &c. away within 21 day after seizure of such Goods, &c. and sell the same as if they had been distrained.

Provided such Lessor shall not seize Goods, &c. which shall be bona fide sold before.

Debt may be brought against Tenant, for life, for rent.

Rent in arrear upon a lease for life, &c. expired may be distrained for, after the determination of the Lease.

Within what time such distress shall be made.

Stock or Cattle on the Premises may be distrained for arrears of rent.

tence whatsoever, unless the party, at whose suit the said execution is sued out, shall, before the removal of such goods from off the said premises, by virtue of such execution or extent, pay to the landlord of the said premises, or his bailiff, all such sum or sums of money as are or shall be due for rent for the said premises at the time of the taking such goods or chattels by virtue of such execution; *Provided* the said arrears of rent do not amount to more than one year's rent; and in case the said arrears shall exceed one year's rent, then the said party, at whose suit such execution is sued out, paying the said landlord, or his bailiff, one year's rent, may proceed to execute his judgment, as he might have done before the making of this Act; and the provost marshal or his deputy, or other officer, is hereby impowered and required to levy and pay to the plaintiff as well the money so paid for rent, as the execution money.

VI. *And be it further enacted*, That in case any lessee for life, or lives, term of years, at will, or otherwise, of any messuages, lands or tenements, upon the demise whereof any rents are or shall be reserved, or made payable, shall fraudulently, or clandestinely, convey or carry off or from such demised premises, his goods or chattels, with intent to prevent the landlord or lessor from distraining the same for arrears of such rent, so reserved as aforesaid; it shall and may be lawful to and for such lessor or landlord, or any person or persons by him for that purpose lawfully impowered, within the space of twenty-one days next ensuing such conveying away, or carrying off, such goods or chattels, as aforesaid, to take and seize such goods and chattels wherever the same shall be found, as a distress for the said arrears of such rent, and the same to sell, or otherwise dispose of, in such manner as if the said goods and chattels had actually been distrained by such lessor or landlord, in and upon such demised premises for such arrears of rent; any law, custom or usage, to the contrary in any wise notwithstanding.

VII. *Provided nevertheless*, That nothing, in this Act contained, shall extend, or be construed to extend, to impower such lessor or landlord to take or seize any goods or chattels as a distress for arrears of rent, which shall be sold *bona fide*, and for a valuable consideration, before such seizure made; any thing herein contained to the contrary notwithstanding.

VIII. *And whereas no action of debt lies against a tenant for life or lives, for any arrears of rent, during the continuance of such estate for life or lives*, *Be it enacted*, That it shall and may be lawful for any person or persons, having any rent in arrear or due upon any lease or demise for life or lives, to bring an action or actions of debt for such arrears of rent, in the same manner as they might have done, in case such rent were due and reserved upon a lease for years.

IX. *And whereas tenants pur auter vic, and lessees for years, or at will, frequently hold over the tenements to them demised, after the determination of such leases; and whereas after the determination of such, or any other leases, no distress can by law be made for any arrears of rent that grew due on such respective leases before the determination thereof*; *It is further enacted*, That it shall and may be lawful, for any person or persons, having any rent in arrear or due upon any lease for life or lives, or for years, or at will, ended or determined, to distrain for such arrears, after the determination of the said respective leases, in the same manner as they might have done, if such lease or leases had not been ended or determined.

X. *Provided*, That such distress be made within the space of six calendar months, after the determination of such lease and during the continuance of such landlord's title or interest, and during the possession of the tenant from whom such arrears became due.

XI. *And be it further enacted*, That it shall and may be lawful to and for every lessor or landlord, lessors or landlords, or his, her, or their steward, bailiff, receiver, or other person or persons impowered by him, her or them to take and seize as a distress for arrears of rent, any cattle or stock, of their respective tenant or tenants, feeding or depasturing upon any common, appendant or appurtenant, or any ways belonging to all or any part of the premises demised or holden; and also to take and seize all sorts of corn and grafs, hops, roots, fruits, pulse, or other

other product whatsoever, which shall be growing on any part of the premises so demised or holden, as a distress for arrears of rent; and the same to cut, gather, make, cure, carry, and lay up, when ripe, in the barns, or other proper place on the premises so demised or holden; and in case there shall be no barn or proper place on the premises so demised or holden, then in any other barn or proper place which such lessor or landlord, lessors or landlords, shall hire or otherwise procure for that purpose, and as near as may be to the premises; and in convenient time to appraise, sell, or otherwise dispose of, the same, towards satisfaction of the rent for which such distress shall have been taken, and of the charges of such distress, appraisement and sale, in the same manner as other goods and chattels may be seized, distrained and disposed of; and the appraisement thereof to be taken when cut, gathered, cured, and made, and not before.

XII. *Provided always*, That notice of the place where the goods and chattels so distrained shall be lodged or deposited, shall, within the space of one week after the lodging or depositing thereof in such place, be given to such lessee or tenant, or left at the last place of his or her abode.

XIII. *Provided always, and it is hereby enacted*, That nothing in this Act contained, shall extend, or be construed to extend, to let, hinder, or prejudice His Majesty, His heirs, or successors in the levying, recovering or seizing, any quit rents, debts, fines, penalties, or forfeitures, that are or shall be due, payable, or answerable, to His Majesty, His Heirs or successors; but that it shall and may be lawful for His Majesty, His Heirs and successors, to levy, recover and seize, such quit rents, debts, fines, penalties and forfeitures, in the same manner as if this Act had never been made; any thing in this Act contained to the contrary thereof in any wise notwithstanding.

Tenants to have notice of the place where the distress is lodged.

This Act shall not hinder the King, &c. to levy &c. any Quit Rents, &c. due to the Crown.

CAP. V.

An Act in addition to and amendment of an Act, made and passed in the third year of His present Majesty's Reign, entitled, An Act to enable the Inhabitants of the several Townships within this Province to maintain their Poor.

WHEREAS in the Act made and passed in the third year of His present Majesty's reign, entitled, An Act to enable the Inhabitants of the several Townships within this Province to maintain their Poor, the freeholders are directed to meet on the first Monday in January annually, to make provision for the relief of the poor; and whereas it has been found inconvenient to have the meeting at that season of the year, Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, That the said meeting shall be held, for the future, on the last Tuesday in October annually.

II. *And whereas in the said Act, no power is given to the freeholders of the several towns at their annual meeting to adjourn in case the business before them cannot be completed on the said day, Be it therefore enacted*, That it shall and may be lawful for the chairman of the said freeholders when so assembled, and the business before them cannot be finished on the first day of their meeting, to adjourn the said meeting to the day following, in order to complete the business.

III. *And whereas in the said Act, no provision is made for the choice of other assessors, in the room of such who may refuse to serve in the said office, to which they shall be appointed, Be it enacted*, That if any such assessors, so nominated and appointed, shall refuse to serve in the said office, the said freeholders shall proceed to nominate and appoint others in their stead.

IV. *And whereas no provision is made in the said Act for compelling the collectors who have accepted*
the

For Acts in amendment or addition to this Act see note on 4th and 5th Geo. 3d. cap. 7.

Preamble.

Meeting of Freeholders, to be on the last Tuesday in October annually.

The meeting may be adjourned to the next day if the business is not completed the first day.

If any assessor refuse to serve, another shall be appointed in his stead.

Collectors neglecting their duty forfeit 5l.

the said office, to put the said Act in force against such persons who may refuse to pay the several sums, in which they shall be assessed, Be it enacted, That when any such collector or collectors so appointed, shall neglect his or their duty for the space of thirty days, in complying with the directions in the said Act contained, every such collector shall forfeit and pay the sum of five pounds for every such neglect, to be prosecuted and recovered by the overseers of the poor of the town where such offence shall be committed, by bill, plaint, or information, in any of His Majesty's Courts of Record, to be applied to the use of the poor of such town.

Former Assessments confirmed.

V. And be it further enacted, That all former assessments heretofore made, for the maintenance of the poor, shall be and are hereby confirmed, any want of form or other defect in the time of meeting of the said freeholders notwithstanding.

CAP. VI.

An ACT, in addition to an Act made and passed in the fifth year of His present Majesty's Reign, entitled, An Act for the choice of Town Officers and regulating of Townships.

For Acts in amendment or addition to this Act see note on 5th Geo. 3d. cap. 1.

Preamble.

WHEREAS *in and by an Act made and passed in the fifth year of His present Majesty's Reign, entitled, An Act for the choice of Town Officers and regulating of Townships, it is, among other things, enacted, That the Grand Juries of the Quarter Sessions of the Peace shall annually nominate four fit persons, out of whom the Court shall appoint two, to be surveyors of highways. And whereas in some towns two surveyors of highways are not sufficient; Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly, That for the future the said Grand Juries of the Quarter Sessions of the Peace shall annually nominate eight fit persons, out of whom the said Court of Quarter Sessions shall have power to appoint two or more persons to be surveyors of highways; any law, usage, or custom to the contrary notwithstanding.*

The Grand Jury to nominate eight persons, of whom the Court to appoint two or more to be surveyors of Highways.

CAP. VII.

An ACT for taking special Bails in the Country, upon Actions depending in His Majesty's Supreme Court of this Province.

Acts in amendment or addition to this Act 15th and 16th Geo. 3d. cap. 4. 18th. Geo. 3d. cap. 6. 31st. Geo. 3d. c. 9. 39th. Geo. 3d. cap. 5.

Preamble.
4. Will. and Mar. cap. 4.

Chief Justice &c. of the Supreme Court may make any persons, except Attornies and Solicitors, Commissioners to take Bail, &c. in the Country.

FOR *the greater ease and benefit of all persons whatsoever, in making oath to their debts, and in taking the recognizances of special bails, upon all actions and suits depending, or to be depending in His Majesty's Supreme Court of this Province, Be it enacted by the Lieutenant-Governor, Council and Assembly, That the Chief Justice and other the Justices of His Majesty's said Supreme Court, or any two of them, whereof the Chief Justice for the time being to be one, shall or may by one or more commission or commissions under the seal of the said Court, from time to time as need shall require, empower such and so many persons, other than common attornies and solicitors, as they shall think fit and necessary, in all and every the several counties in this province, to administer an oath in writing to any person where it shall be necessary to hold any defendant to bail, upon any original writ or process issuing out of the said Court, and to mark the writ for bail accordingly; and also to take and receive all and every such recognizance or recognizances of bail or bails, as any person or persons shall be willing or desirous to acknowledge or make before any of the persons so empowered, in any action or suit depending or hereafter to be depending in the said Court, in such manner and form and by such recognizance*

nizance or bail piece, as the said Justices have used to take the same; which said oath in writing, and the said recognizance or recognizances of bail, or bail piece, so taken as aforesaid, shall be transmitted to some or one of the Justices of the said court, who, upon affidavit made of the due taking of the recognizance of such bail or bail piece, by some credible person present at the taking thereof, shall receive the same, upon payment of a fee of two shillings and no more; which said oath, and recognizance of bail, or bail piece, so taken and transmitted, shall be of the like effect, as if the same were taken *de bene esse* before any of the said Justices of the said Court; for the administering of every which oath and marking such writ as aforesaid, the said commissioners shall receive only the sum or fee of two shillings and no more; and for the taking of every which recognizance or recognizances of bail or bail piece, the said commissioners shall receive only the sum or fee of five shillings and no more.

Justices to receive the bail piece, &c. upon affidavit of due execution.

Justices fee.

Bail taken below to be as *de bene esse*.

Commissioners fee.

II. *And be it further enacted*, That the Justices of the said Supreme Court shall make such rules and orders for the justifying of such bails, and making the same absolute, as to them shall seem meet, so as the cognizor or cognizers of such bail or bails be not compelled to appear in person in the said Court, to justify him or themselves, but the same may be and hereby is directed to be determined by affidavit or affidavits duly taken before the said commissioners, who are hereby impowered and required to take the same, and also to examine the sureties upon oath, touching the value of their respective estates, unless the cognizor or cognizers of such bail do live within the town of Halifax, or within twenty miles thereof.

Power given to the Justices to make rules for justifying the bail.

III. *And be it further enacted*, That any person or persons, who shall before any person or persons impowered by virtue of this Act as aforesaid, 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 and 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 or attainted do, by the law of England, lose and forfeit.

Felony for any person to be bail in another man's name.

CAP. VIII.

An ACT for the convenient and speedy Assignment of Dower.

Act in addition to this Act, 11th. Geo. 3d. cap. 6.

FORASMUCH as some directions in the law are necessary, that women may be enabled to come by their dower; Be it enacted by the Lieutenant-Governor, Council and Assembly, That when and so often as the heir or other person having the freehold, shall not within one month next after demand made, assign and set out to the widow of the deceased, her dower or just third part of and in all houses, lands, tenements, or hereditaments, whereof she is dowable at the common law, to her satisfaction according to the true intendment of law, then such widow may sue for and recover the same by writ of dower, to be therefore brought against such persons as have, or claim to have right as aforesaid in the said estate, in manner and form following, *that is to say*:

Preamble.

Heir, &c. to render dower within one month next after demand.

ff. GEORGE the Third, by the Grace of GOD of Great-Britain, France and Ireland, KING, Defender of the Faith, &c.

To the Provost-Marshal of our province of Nova-Scotia, or his deputy, Greeting.

COMMAND A. B. within the said county, that instantly without delay
 C. D. who was the wife of E. D. late of
 afore said deceased her reasonable dower

Writ of Dower..

dower which happens to her of a certain messuage or tenement with the appurtenances, situate in aforesaid, in the possession of the said A. B. which was in the seizin and possession of her said husband E. D. and whereof he was seized in his demesne as of fee during the coverture, and whereof she hath nothing (as she saith) and the said C. D. complains that the said A. B. hath deforced her thereof. And unless the said A. B. shall so do, then summon by good and lawful men in the said county, the said A. B. that be before our Justices of our Court next to be holden at for the County of aforesaid, on the day of then and there to shew cause, why to the said C. D. her reasonable dower as aforesaid doth not render. And have you the names of them by whom you summon the said A. B. and this writ. Witness, E. H. Esquire, at the day of in the year of our reign, Annoque Domini. A. D. Clerk.

Reasonable damage to be assigned to the Widow.

II. *And be it further enacted*, That upon judgment being given for any woman to recover her dower in any estate of houses and lands, and other hereditaments, which were her husband's, reasonable damage shall also be assigned to her from the time of the demand made, and a writ of seizin shall be directed to the Provost Marshal or his deputy, in manner and form following, *that is to say* :

II. GEORGE the Third, by the Grace of GOD, of Great-Britain, France, and Ireland, KING, Defender of the Faith, &c.

To the Provost Marshal of our province of Nova-Scotia, or his Deputy, Greeting.

Writ of seizin.

WHEREAS C. D. widow, who was the wife of E. D. late of in the County aforesaid, deceased, before our Justices of our Court holden at for our county aforesaid, on the day of now last past, did recover her seizin against A. B. of aforesaid of one third part of a certain messuage or tenement, &c. with the appurtenances, situate in aforesaid, in the possession of the said A. B. as her dower of the endowment of the said E. D. her certain husband, by our writ of dower, whereof she hath nothing. Therefore we command you that to the said C. D. full seizen of one third part of the aforesaid messuage or tenement, &c. with the appurtenances you cause to be had without delay : to hold to her in fevralty by metes and bounds. We command you also, that of the goods or chattels of the said A. B. within your precinct, you cause to be paid and satisfied unto the said C. D. at the value thereof in money, the sum of for damages awarded her by our said court, for her being held and kept out of her dower aforesaid, and costs expended on this suit, with more for this writ ; and thereof also to satisfy yourself your own fees. And for want of goods or chattels of the said A. B. to be by him shewn unto you, or found within your precinct, to satisfy the same, we command you to take his body, and commit him to the keeper of our goal in in our county aforesaid within the said prison. Whom we likewise command to receive the said A. B. and him safely to keep, until he pay unto the said C. D. the full sum above mentioned, and also satisfy your fees. Hereof fail not, and make return of this writ, and how you shall have executed the same, to our next Court to be holden at for our said county of on the day of next. Witness, E. H. Esquire, at the day of in the year of our reign, Annoque Domini, 17. A. D. Clerk.

And where no damages shall be awarded, the writ to run only for seizin and costs of suit.

Dower to be set forth by five freeholders, upon oath.

III. *And be it further enacted*, That the provost marshal or his deputy, to whom such writ is directed, is to cause her third part of dower in such estate, to be set forth unto her by five freeholders of the neighbourhood, upon their oaths, (three at least to agree) who shall be sworn before a Justice of the Peace, to set forth the same equally and impartially without favour or affection, as convenient as may be ; which oath every Justice of the Peace is hereby impowered to administer. IV.

IV. *And be it further enacted*, That of inheritances that be entire, where no division can be made by metes and bounds, so as a woman cannot be endowed of the thing itself, she shall be endowed thereof in a special and certain manner, as of a third part of the rents, issues, or profits thereof, to be computed and ascertained in manner as aforesaid. And no woman that shall be endowed of any lands, tenements, or other inheritances, as aforesaid, shall commit or suffer any strip or waste thereupon, but shall maintain the houses or tenements, with the fences and appurtenances thereof, with which she shall be so endowed, in good repair during her term, and leave the same so at the expiration thereof, and shall be liable to action for any strip or waste by her done, committed or suffered.

In what manner entire inheritances shall be assigned.

Widow shall not make strip or waste.

CAP. IX.

An Act in further addition to and in amendment of an Act, made and passed in the Thirty Fourth Year of His late Majesty's Reign, entitled, An Act for appointing Commissioners of Sewers.

For Acts in amendment or addition to this Act, see note on 32d. Geo. 2d. cap. 7.

WHEREAS in an Act made and passed in the thirty fourth year of His late Majesty's reign, entitled, An Act for appointing Commissioners of Sewers, it is, amongst other things, enacted, 'That the commissioners of sewers shall be impowered to meet and convene together from time to time, as occasion may require; to view, consider, consult, and contrive such ways and methods for building and repairing such dykes and wears, as are necessary to prevent inundations, and for drowning and draining of swamps and other unprofitable grounds, and to employ workmen and labourers for such reasonable wages as may be agreed on for effecting the premises, and from time to time, to assess and tax all such persons as may or shall be owners of such meadows, marshes, or such unprofitable swamps or lands aforesaid, towards the charge thereof.' *And whereas many of the Commissioners of sewers complain that assessing the owners of such lands as aforesaid, by no means answers the intention proposed by said Act, as labourers cannot be hired in lieu of such owners of lands as aforesaid; whereby it may happen that large quantities of corn or grass on the marsh lands, may be greatly damaged or utterly spoiled by the sea overflowing the same, for want of immediate labour, to the great loss and discouragement of the industrious farmer, and to the detriment of the Province; for remedy whereof, be it enacted by the Lieutenant-Governor, Council, and Assembly, That from and after the publication hereof each and every owner or possessor of marsh lands in any township, district, or place, within this province, (where commissioners of sewers are appointed) shall in all common cases, either in raising new or repairing old dykes, or ditching or draining lands, attend either by himself or provide a sufficient labourer with proper tools, to work at the time and place appointed by the said commissioners of sewers, agreeable to the rules and regulations made for that purpose; and when it shall happen that any owner or possessor of any such marsh lands in any township, district, or place, shall have, occupy, or receive, the produce of a greater quantity of said lands than one right or share, in such marsh, that then and in such case every owner or possessor shall furnish a number of labourers in proportion to their respective quantities of lands, as agreed on by the commissioners of sewers: And where it may be necessary to employ oxen or carts, for the more expeditiously carrying on their work, each and every owner or possessor of such lands who have oxen or carts, shall in like manner be obliged to attend with, or send such oxen or carts for the work aforesaid, and in the aforesaid proportion, in lieu of labourers.*

Preamble.

Owner &c. of marsh lands shall attend himself or send a sufficient labourer in common cases, to work in raising dykes &c.

in proportion to the quantities of lands he shall possess.

Oxen and carts may be employed in lieu of labourers.

II. *Provided always*, That such owner or possessor of such lands to be dyked or drained, shall have at least six days notice of the time and place where such work is required to be done

Six days notice to be given of the time and place

where the work is to be done.

done, by one or more of the commissioners of sewers, or by some person appointed by them for that purpose.

In case of any sudden breach in any dyke &c. every owner or possessor of lands within such dyke, shall immediately repair to the place directed, and endeavour to repair such breach, &c.

III. *And be it further enacted*, That in case of any sudden breach in any dyke, or where any breach is likely to be made or inundation occasioned by storms, high tides, or otherwise, each and every owner or possessor of land within such dykes shall immediately, on notice being given by any one or more of the commissioners of sewers or persons appointed by them, repair to the place directed, with proper tools, to labour and use their utmost endeavours to repair such breach or place likely to be a breach; and shall continue to work from day to day on the same, so long as the commissioners of sewers shall judge it absolutely necessary, for preserving the land and produce within such dyke from damage.

Penalties on owners or possessors of marsh or dyke lands, refusing or neglecting to labour.

IV. *And be it also enacted*, That if any owner or possessor of any marsh or dyke lands within any township, district, or place within the province as aforesaid, shall neglect or refuse to attend and labour, or to send a sufficient number of labourers at the time and place to be appointed by the commissioners of sewers as aforesaid, in proportion to the quantity of land in his or their possession, (due notice having been given as aforesaid) each and every delinquent owner or possessor of such lands shall forfeit and pay, over and above their assessment or tax to be made by virtue of the aforementioned Act, the sum of five shillings for every day's neglect or refusal, for each and every labourer such owner or possessor of such land ought to have sent. And if such owner or possessor of such lands shall neglect or refuse to attend and labour, where any sudden breach shall happen, or be likely to happen to any such dykes, on immediate notice given to such owner or possessor, such delinquent owner or possessor shall forfeit and pay the sum of ten shillings for each day's neglect, for each and every person which should have been sent by him, and so in like proportion for oxen and carts; to be recovered by warrant of distress, on conviction before any one of His Majesty's Justices of the Peace for the county where the offence shall be committed, and for want of goods and chattels to satisfy such distress and charges, the lands of such delinquent, or so much as shall be sufficient, shall be held and let out by said Justice until the produce thereof shall amount to the fine and charges so levied, in the same manner as is directed by law for a delinquent's proportion of assessments or taxes for making and repairing dykes; and the monies arising from such fines to be paid into the hands of the commissioners of sewers to be appropriated for the making and repairing dykes, in the township, district, or place, where the same shall be recovered.

To be recovered before any Justice of the Peace for the county.

and appropriated for making and repairing dykes.

CAP. X.

An ACT for discharging the Penalties and Forfeitures in bonds, contracts, and agreements, on payment and satisfaction of the principal Sum and Damages due upon the same.

4. Ann. c. 16.

In actions brought upon bonds &c. with penalties, verdict shall be only for the sum justly due.

BE it enacted by the Lieutenant-Governor, Council, and Assembly, That in every action upon any bond, contract, and agreement, with penalty for performance of the condition contained in such bond, contract, or agreement, it shall and may be lawful for the respective Courts, where such action shall be brought, upon due proof of the just sum due upon the condition of such bonds, contracts, and agreements, together with all such damages and costs as have been incurred by non-performance of the condition, to direct and receive a verdict for the sum and damages so proved at the trial; and to cause satisfaction to be entered upon the judgment upon such bond, contract and agreement, upon payment of the debt and damages, so to be ascertained by verdict or otherwise.

II. *And be it further enacted*, That when any action of debt shall be brought on any single bill, or where debt or *scire facias* shall be brought on any judgment, if the defendant hath paid the money, such payment may be pleaded in bar; and where debt is brought on any bond which hath a condition or defeazance to make void the same upon payment of a lesser sum, if the obliger, his heirs, executors or administrators, have, before the action brought, paid the principal and interest due, though such payment was not made strictly according to the condition of the defeazance, yet it may be pleaded in bar, and shall be as effectual as if the money had been paid at the day and place according to the condition, and had been so pleaded.

In action of debt brought on single bill or judgment, after money paid, such payment may be pleaded in bar.

III. *And be it further enacted*, That if at any time pending an action upon such bond with a penalty, the defendant shall bring into Court the principal and interest due, and all costs already expended in any suit in law or equity upon such bond, the money shall be taken in satisfaction of the bond, and the Court shall give judgment to discharge such defendant.

Principal and interest on bonds, &c. being paid in Court, &c. the Court may discharge the defendant.

CAP. XI.

An ACT to prevent the malicious killing or maiming of Cattle.

BE it enacted by the Lieutenant-Governor, Council, and Assembly, That if any person or persons shall maliciously, unlawfully, and willingly kill, maim, wound, or otherwise hurt, any horses, sheep or other cattle, every such offender or offenders shall lose and forfeit unto the party grieved, treble the damage which he or they shall sustain, to be recovered by action of trespass, or upon the case, in any of His Majesty's Courts of Record in this province.

22. and 23. Car. 2. c. 7. l. 5.

Treble damages for killing or maiming of cattle.

CAP. XII.

An ACT, in further addition to, and in amendment of an Act made and passed in the Thirty-second year of His late Majesty's Reign, entitled, An Act for preventing Trespasses.

WHEREAS the common method of fencing is generally with poles in the manner of Virginia fence, which kind of fence is not clearly expressed in any former Act of this province relating to trespasses; Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, That the pole fence as is now commonly used, or any other fence made of brush or other materials, to the judgment of the fence viewer, shall be deemed and held to be lawful, and if any dispute shall arise thereon, the same shall be adjudged and determined immediately and without delay by any two men of known reputation, to be mutually chosen by the parties, which two men, together with the fence viewer, or the majority of them, shall and are hereby impowered to determine the same; and in case either of the said parties shall neglect or refuse to make such choice and appointment, then the said choice shall and may be made by the party willing and ready to do the same; any law, usage or custom to the contrary notwithstanding.

For Act in amendment or addition to this Act, see note on 32d. Geo. 2d. cap. 14.

Preamble.

Pole fences, &c. to be deemed lawful, according to the judgment of the fence viewer, &c.

CAP. XIII.

An ACT for granting to His Majesty, a Duty on Wheel Carriages within the Peninsula of Halifax.

Expired.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twenty Eighth Day of May, Anno Domini 1765, in the Fifth 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 Twenty second Day of October, 1768, in the Eighth Year of His said Majesty's Reign; being the Seventh Session of the Fourth General Assembly convened in the said Province.*

* A part of this Session was during the time of Michael Franklin, Lieutenant-Governor; Jonathan Belcher, Chief Justice and President of Council; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council; and Isaac Deschamps, Clerk of Assembly—and a part of it during the time of Lord William Campbell, Governor; and Charles Morris, President of Council.

CAP. I.

An ACT in further addition to and amendment of an Act, made in the third year of His present Majesty's Reign, entitled, An Act to enable the Inhabitants of the several Townships within this Province to maintain their Poor.

For Acts in amendment or addition to this Act, see, note on 3d. and 4th. Gco. 3d. cap. 7.

Preamble.

Meeting of freeholders to be on the last Tuesday in November annually.

Notice of the meetings annually, shall be given by the overseers of the poor, on penalty of 10l. * See 2d and 3d. sections of chap. 7th. the present session.

WHEREAS by an amendment made in the last session of the General Assembly, to an Act, entitled, An Act to enable the Inhabitants of the several Townships in this Province to maintain their Poor, the freeholders are directed to meet on the last Tuesday in October annually, to make provision for the relief of the poor; and whereas it is found inconvenient to have the meeting on that day, Be it enacted by the Lieutenant-Governor, Council, and Assembly, That the said meeting of the freeholders for the purposes aforesaid, shall be on the last Tuesday of November, annually.

II. And be it further enacted, That the overseers of the poor, for the time being, shall issue their precept to the constables of the several townships within this province, requiring them to notify the inhabitants to meet on the day appointed by this Act, and make provision for the support of the poor, agreeable to the directions of the Act to enable the inhabitants of the several townships to maintain their poor; and if such overseers shall neglect to issue their precept as aforesaid, each of the said overseers shall forfeit and pay to the treasurer of the province, for the use of the poor, the sum of ten pounds, to be recovered by bill, plaint or information, in any of His Majesty's Courts of Record in this province.*

III. And whereas in and by the afore-recited Act, it is enacted, ' That if any of the assessors or collectors chosen and appointed, shall refuse to serve in their respective offices, each person so refusing shall

‘ shall forfeit and pay to the overseers of the poor, for the use of the poor of said township, the sum of forty shillings ;’ but no provision is made for recovering the said forfeiture, be it enacted, That all such forfeitures shall and may be recovered by complaint, or information, before any two of His Majesty’s Justices of the Peace for the county wherein the same shall arise, and be levied by warrant of distress and sale of the offender’s goods and chattels.

Penalties on assessors and collectors for refusing to serve in their respective offices, to be recovered before two Justices of the Peace.

CAP. II.

An ACT for the rating and levying of the Charges for conveying Malefactors and Offenders to the Goal.

WHEREAS His Majesty’s subjects are much charged and burthened in conveying felons and other malefactors and offenders against His Majesty’s laws, unto the goal, punishable by imprisonment there, the said felons and other malefactors and offenders having goods and chattels of their own whereby to defray the same charges themselves, to the great encouragement of such malefactors and offenders in their said wicked and bad courses, and to the discouragement of His Majesty’s said subjects in prosecuting the said malefactors and offenders to be punished according to their demerits ; Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That all and every person and persons whatsoever, that shall hereafter be committed to the common or usual goal within any county in this province, by any Justice or Justices of the Peace, for any offence or misdemeanor, that the said person or persons so to be committed as aforesaid, having means or ability thereunto, shall bear their own reasonable charges for so conveying or sending them to the said goal, and the charges also of such as shall be appointed to guard them to such gaol, and shall so guard them thither : And if any such person or persons, so to be committed as aforesaid, shall refuse at the time of their commitment and sending to the said goal, to defray the said charges, or shall not then pay or bear the same, that then such Justice or Justices of the Peace shall and may by writing under his or their hand and seal, or hands and seals, give warrant to the constable or constables of the town or place where such person or persons shall be dwelling and inhabit, or from whence he or they shall be committed as aforesaid, or where he or they shall have any goods within the county, town or place, to sell such and so much of the goods and chattels of the said persons, so to be committed, as by the discretion of the said Justice or Justices of the Peace, shall satisfy and pay the charge of such his or their conveying and sending to the said goal ; the appraisement to be made by four of the honest inhabitants of the town or place where such goods or chattels shall remain and be, and the overplus of the money which shall be made thereof to be delivered to the party to whom the said goods shall belong.

II. And be it further enacted, That if the said person or persons, so to be committed as aforesaid, shall not have, or be known to have, any goods or chattels which may be sold for the purpose aforesaid, within the county, town or place, that then the said Justice or Justices, on application by any constable or other officer who so conveyed such person or persons to goal, shall, upon oath, examine into and ascertain the reasonable expences to be allowed such constable or other officer, and shall forthwith, without fee or reward, by warrant under his or their hand and seal, or hands and seals, order the treasurer of the county to pay the same, which the said treasurer is hereby required to do as soon as he receives such warrant ; and any sum so paid shall be allowed in his accounts.

III. And whereas the expence, as well as loss of time, in attending Courts of Justice, is a discouragement to the poorer sort to appear as witnesses against offenders, who thereby escape the public justice, and the punishment due to their crimes, Be it further enacted, That when any poor person shall appear on recognizance in any Court, to give evidence against another accused of any Grand or Petit Larceny, or other felony, it shall and may be in the power the of Court, at the prayer and on the oath of such person, and on consideration of his circumstances, in open Court to order the treasurer of the county in which the offence shall have been committed, to pay unto such person

Preamble.

Eng. stat. 3. Jac.
I. C. 10.

Offender’s to be conveyed to goal at their own charge.

How the charges shall be levied if the prisoner refuse to pay.

If the offender be not able to bear his charges, the same to be paid by the county treasurer.

Brit. stat. 27.
Geo. 2. C. 3.
Charges of poor witnesses to be paid by the county treasurer, by order of court.

son such sum of money, as to the said Court shall seem reasonable for his time, trouble, and expence; which order the proper officer of such Court is hereby directed and required to make out, and to deliver unto such person, upon being paid for the same the sum of six pence and no more; and such treasurer is hereby authorized and required, upon delivery of such order forthwith to pay to such person or other person authorized to receive the same, such sum of money as aforesaid, and shall be allowed the same in his accounts.

In counties where no treasurer is appointed, &c. such charges shall be paid out of the public treasury.

IV. *And be it further enacted*, That in such counties where no county treasurer shall have been chosen, or in case such treasurer shall not have any money in his hands, to pay the sum so ordered for conveying poor prisoners to goal, or for the attendance of witnesses, that then and in such case the same shall be paid out of the public treasury of the province.

The defendant's plea in an action brought for any thing done by force of this Act.

V. *And be it further enacted*, That if any action of trespass or other suit shall happen to be attempted or brought against the person or persons for taking of any distress, making of any sale, or any other act by authority of this present Act, the defendant or defendants in any such action or suit, shall and may either plead guilty, or otherwise make avowry, cognizance or justification, for the taking of the said distress, making of sale, or any other act by virtue of this Act, alledging in such avowry, cognizance, or justification, that the said distress, sale, trespass or other thing whereof the plaintiff or plaintiffs complained, was done by authority of this Act, and according to the tenor, purport and effect of this Act, without any expressing or rehearsal of any other matter of circumstance contained in this present Act: to which avowry, cognizance, or justification, the plaintiff shall be admitted to reply, that the defendant did take the said distress, made the said sale, or did any other act or trespass supposed in his declaration, of his own wrong, without any such cause alledged by the said defendant; whereupon the issue in every such action shall be joined to be tried by verdict of twelve men, and not otherwise, accustomed in other personal actions; and upon the trial of that issue the whole matter to be given on both parties in evidence, according to the very truth of the same; and after such issue tried for the defendant, or nonsuit of the plaintiff after appearance, the said defendant to recover treble damages by reason of his wrongful vexation in that behalf, with costs also on that part sustained, and that to be assessed by the same Jury, or writ to enquire of the damages, as the same shall require.

The defendant shall recover treble damages and costs of suit.

CAP. III.

This Act not now in force, being altered by a subsequent statute.

An ACT for empowering the Justices of the Peace for the County of Halifax, to hold a Court of Special Sessions of the Peace at Onslow in the said County, for the Towns of Truro, Onslow, and London-derry.

CAP. IV.

An ACT relating to Searchers and Sealers of Leather.

No leather shall be sold or exposed to sale, before it has been viewed and marked by the surveyor.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That no tanner or other person whatsoever, shall sell, or expose to sale, any leather tanned, curried, or otherwise dressed or manufactured within this province, or imported into the same (from any of the neighbouring colonies) till the same has been viewed, stamped and marked, by the officer for that purpose to be appointed, on pain of forfeiting the sum of twenty shillings for every ox, bull, steer, or cow hide, and five shillings for every calf-skin so sold or offered to be sold.

II. *And be it further enacted*, That every surveyor appointed and sworn according to law, shall from time to time, view all such hides and skins as aforesaid, and shall stamp and mark all such as he shall find to be sufficiently tanned, curried, or otherwise dressed or manufactured; and if any such hides or skins shall have been manufactured within this province, the same shall be stamped and marked with the first letter of the name of the town wherein they have been so manufactured, and such surveyor shall be paid for his trouble in viewing and marking such hides and skins, at the following rates, *that is to say*, for every ox, bull, steer or cow hide, three pence, and for every calf skin, one penny; and every such hide shall, at the time of being so surveyed and marked, be weighed also in presence of the surveyor, and the weight thereof shall by him be marked on said hide.

III. *And be it also enacted*, That if any person or persons shall presume to counterfeit the stamp or mark by this Act required, and shall be thereof convicted before any two of His Majesty's Justices of the Peace, he shall forfeit the sum of ten pounds.

IV. *And be it also further enacted*, That all forfeitures and penalties arising by force and virtue of this Act, shall be one half to the informer, and the other half to the use of the poor, and be recovered by complaint or information, before any two of His Majesty's Justices of the Peace for the county where such complaint or information shall arise; and be levied, upon due conviction, by warrant of distress and sale of the offender's goods and chattels, under the hand and seal of such Justices, and for want of sufficient distress the offender to suffer one month's imprisonment.

The surveyor shall view all hides and skins, and mark such as are sufficiently tanned, &c. and if manufactured within the province, the same shall be marked with the first letter of the name of the town where manufactured. Penalty for counterfeiting the surveyor's mark.

How forfeitures and penalties shall be applied.

CAP. V.

An ACT for establishing the Times of holding the Supreme Court.

WHEREAS great inconveniences, by fixing and confining the times of holding His Majesty's Supreme Court of this province to two terms only in the year, have arisen, and may further arise from a want of a more speedy administration of justice in capital offences, both from the long and injurious detention and confinement of such prisoners who, upon their trial and defence may appear to be innocent of the crimes for which they are committed, and also from protracting the punishment of offenders who may appear to be guilty of crimes of the most enormous nature, and of dangerous tendency to the safety and peace of the public, and by such delay of justice emboldening offenders, and weakening the force and terrors of the laws; and likewise in hearing and determining causes of property in the said Court, both originally and by writs of error from the Inferior Courts, to the great delay of the subject in recovering their civil rights and demands, and more especially as suits are most frequently and generally commenced in the said Supreme Court; *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, and by the authority of the same it is hereby enacted*, That His Majesty's said Supreme Court shall be holden at four terms in every year, *that is to say*, on the first Tuesdays in the months of January, of April, of July, and of October; and that the said Court shall be and is hereby empowered to proceed in the said respective four terms, in the same manner as in the said two terms heretofore limited and appointed; and that the several laws of this province respecting the summoning of Jurors, shall extend and be construed to extend to the holding of the said Supreme Court at the four terms as before directed; and that all the proceedings, rules, judgments and executions of the said Supreme Court, in the course of their sittings in the said terms, shall be good, valid, and effectual, to all intents and purposes whatsoever.

Acts in amendment, alteration or addition to this Act, which respects the Supreme Court, c. 9 of this session, 14th and 15th. Geo. 3d. cap. 6 and 2. 20th. Geo. 3d. cap. 1. 26th. Geo. 3d. cap. 1. 31st. Geo. 3d. c. 9. 36th. Geo. 3d. cap. 3. 39th. Geo. 3d. cap. 5. 42d. Geo. 3d. cap. 1. and the temporary Acts of the 33d. and 34th. Geo. 3d.

Preamble.

The Supreme Court shall be holden at four terms every year. The laws respecting Jurors, extended to such four terms.

CAP. VI.

An ACT in addition to, and amendment of an Act, made in the Fifth Year of His present Majesty's Reign, entitled, An Act for the raising Money by Presentment on the several Counties in this Province for the defraying certain County Charges therein mentioned.

For Acts in addition or amendment of this Act see note on 5th. Geo. 3d. cap. 5.

Preamble.

Upon the neglect of the Grand Juries to make presentment, the Judges of Assize or the Justices in General Sessions, shall amerce the county in such sums as may be necessary to defray the county charges, to be assessed on the inhabitants by three assessors to be appointed in each township.

The assessors shall appoint Collectors

Their duty,

and allowance.

Persons refusing to serve as assessors or collectors, forfeit 5l.

for the use of the county.

17l. advanced out of the province treasury, to be repaid by the county treasurer.

WHEREAS in and by an Act made in the fifth year of His present Majesty's reign, entitled, An Act for the raising Money by Presentment on the several Counties in this Province for the defraying certain County Charges therein mentioned, it is, among other things, enacted, ' That the several Grand Juries in each of the several counties within this province, either at the Court of Assize or General Sessions of the Peace held for such county, shall make presentment of all such sum and sums of money or expences, that may be found to have arisen, or that may be necessary to be raised for the purposes therein mentioned; ' And whereas the Grand Juries in some counties in the province, have neglected or refused to make such presentment, to the great detriment of the public good, Be it enacted, by the Lieutenant Governor, Council and Assembly, That on the neglect or refusal of such Grand Juries to make presentment as is directed in and by the afore recited Act, the Judges of Assize or the Justices of the Peace in their General Sessions, shall, and they are hereby empowered to amerce the county in such sum or sums as it shall appear to them (upon due proof made before them) to be necessary for defraying the expences which have arisen, or shall be judged by them necessary to be raised, for the use of the county; which said sum or sums shall be equally assessed on the inhabitants of said county, according to their ability, and paid into the hands of the treasurer of the county, for the uses aforesaid; and the Judges or Justices aforesaid are hereby authorized and empowered to appoint three assessors in each township, for the assessing the money aforesaid.

II. *And whereas in and by the afore recited Act, it is also enacted,* ' That the constables shall levy the sum proportioned for each town, ' which is found inconvenient, Be it enacted, That it shall and may be lawful for the respective assessors, already appointed or to be appointed for any town, to nominate and appoint one or more collectors, to collect and receive all sums of money as have been or may be assessed pursuant to this or the said Act, and the said collector or collectors, when he or they shall have so collected and received the said sums of money, shall pay the same into the hands of the county treasurer, deducting for his or their trouble in collecting the same, one shilling in the pound.

III. *And be it also enacted,* That if any person or persons appointed assessors or collectors as aforesaid, shall refuse or neglect to serve as such, each and every such person so neglecting or refusing, shall forfeit and pay the sum of five pounds, to be levied in default of payment, by warrant of distress and sale of the goods of such person or persons, under the hand and seal of any two of His Majesty's Justices of the Peace for the county wherein such person or persons shall or may be appointed, returning the overplus, if any be, to the owner or owners of the goods so to be distrained and sold as aforesaid; and such fine shall be paid to the treasurer of such county, for the use of the said county.

IV. *And whereas the sum of seventeen pounds has been paid out of the province treasury, for payment of the charges in bringing certain prisoners from Windsor to the goal of Halifax, Be it therefore enacted,* That the county treasurer shall repay into the province treasury the aforesaid sum of seventeen pounds, out of such monies as shall be paid into his hands by virtue of this Act.

CAP. VII.

An ACT in further addition to, and in amendment of an Act, made in the Thirty-second year of His late Majesty's Reign, entitled, An Act for preventing Trespasses.

For Acts in addition or amendment of this Act, see note on 32d. Geo. ad. c. 14.

WHEREAS many farms in this province are bounded by rivers that are fordable at low water; and whereas it would be impracticable to make any fence that would stand the force of the tides in such rivers: And whereas great damage has been done to such lands by cattle running at large, and the persons to whom such cattle belongs, could not, by law, be prosecuted for a trespass, as such rivers are not deemed a sufficient fence, Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That to all farms which are bounded on rivers where the tide flows eight feet and upwards, at common tides, such river so far up shall be deemed a sufficient and lawful fence.

Preamble.

All rivers shall be deemed lawful fences, where the tide flows eight feet and upwards.

II. And whereas the penalties inflicted by an Act, entitled, An Act for preventing Trespasses, upon persons refusing to serve in the office of overseers of the poor, are insufficient for the end and design of the said Act, Be it enacted, That when and as often as any person nominated as by the said Act is directed, shall refuse to serve the said office, he shall forfeit and pay the sum of five pounds.

Persons refusing to serve as overseers of the poor, shall forfeit 5l.

III. And whereas the sums arising from the penalties for not serving the said office of overseer of the poor, are not appropriated, be it enacted, That all such sums of money, as by virtue of the said penalties have been received, and now remain with the clerk of the Supreme Court, and all such sums of money which may hereafter be received on account of the said penalties, shall be paid to the overseers of the poor, for and towards the relief and support of the poor of the several towns for which they shall be respectively appointed.

Such penalties to be for the relief of the poor.

CAP. VIII.

An ACT in addition to an Act made and passed in the Thirty Third Year of His late Majesty's Reign, entitled An Act in addition to An Act for regulating Petit Juries, and declaring the Qualification of Jurors.

Repealed by the Act 36th. Geo. 3d. cap. 24.

CAP. IX.

An ACT to empower the Supreme Court, at their stated Sittings in the Town of Halifax, to try Offenders who may be guilty of Felonies in other Counties in this Province.

WHEREAS it often happens that persons are charged with committing felonies in many parts of this province, at a great distance from the town of Halifax, and in such cases His Majesty's Governors have found it necessary and expedient to issue commissions of Oyer and Terminer, and General Goal Delivery, for the trial of such offenders, in the proper counties where such offences have been committed: And whereas it has been found by experience, that the executing such commissions in those counties which are situated on the sea coasts, or to which there is no communication by land, has been attended with great expence, in the hire of vessels to carry the Judges and the Officers of the Court, and for their support; and the uncertainty of passages by sea renders it very difficult to procure jurors, and

Preamble.

also

Persons charged with felonies, done in any county, to which there is no communication by land with the town of Halifax, shall be committed to the county goal of Halifax, and the witnesses bound to appear at the next Supreme Court at Halifax.

The Supreme Court held for the county of Halifax, impowered to proceed against such offenders.

This Act not to be in force until the King's pleasure be known.

also to collect the witnesses that may be necessary to be examined on the trial of such offenders, as the inhabitants do not live together in any one town or place, but are settled in different parts of the country, many miles distant from each other: *In order therefore to remedy these inconveniencies, be it enacted by the Lieutenant-Governor, Council and Assembly, when any person or persons shall be charged with any felony, done or committed in any county situate on the sea coasts of this province, or to which there is no communication with the town of Halifax by land, that the Justice of the Peace before whom such offender or offenders shall be examined, shall commit such offender or offenders to His Majesty's common goal for the county of Halifax, and shall bind the witnesses by recognizance, to appear and give evidence against such offender or offenders, at His Majesty's Supreme Court, Court of Assize, or General Gaol Delivery next to be held for the county of Halifax.*

II. *And be it further enacted, That His Majesty's said Supreme Court, Court of Assize, or General Gaol Delivery, shall be and hereby is impowered to proceed to the trial of such offenders, in the same manner as if the felonies with which they are charged had been done and committed in the county of Halifax; and all trials, verdicts, judgments, executions, and other proceedings whatsoever of the said Court, to be had thereupon, shall be and hereby is declared to be as good, valid, and effectual in the Law, to all intents and purposes whatsoever, as if the same had been in the county where such felonies had been committed; any law, usage, or custom to the contrary thereof in any wise notwithstanding.*

III. *Provided nevertheless, That nothing in this Act contained shall be of any force or effect until His Majesty's pleasure shall be known therein.*

CAP. X.

An ACT in amendment of an Act made and passed in the seventh Year of His Majesty's Reign, entitled An Act, for Partition of Lands in Coparcenary, Jointenancy, and Tenancy in Common, and thereby for the more effectual collecting His Majesty's Quit Rents in the Colony of Nova-Scotia.

For acts in amendment or addition to this Act, see note on 7th, and 8th. Geo. 3d. cap. 2.

Preamble.

Upon writs of partition, division may be made of any lands by a Jury of the County, in any part of the county where the lands shall be.

WHEREAS *the present method of executing writs of partition, by the Provoost Marshal's summoning the jury to attend on the lands, in order to view and make division of the same, may be oftentimes attended with an expence equal to, or exceeding the value of the premises; and may, in many cases, be almost impracticable, from the nature, situation, and large extent of the lands to be divided, be it therefore enacted, by the Governor, Council and Assembly, That it shall and may be lawful for the provoost marshal or his deputy, upon receiving any writ of partition, for dividing any lands, to proceed to the execution thereof, in any place within the county where the lands shall be, by a jury of the said county, who shall accordingly make a division of the same, agreeable to the bounds expressed in the grant, and the best information that can be procured of the value, nature and quality of the lands; and such division, so made, shall be as valid and effectual, to all intents and purposes whatsoever, as if the same had been made on the spot; Provided that the said division be made, in every other respect, agreeable to the laws in such cases made and provided.*

This Act not to be in force until the King's pleasure shall be known.

II. *And be it further enacted, That nothing in this Act contained, shall be of any force or effect, until His Majesty's pleasure shall be known therein.*

CAP. XI.

An ACT for continuing an Act made in the Sixth Year of His present Majesty's Reign, entitled, an Act to prevent the multiplicity of Law Suits. Expired.

CAP. XII.

An ACT for continuing an Act, made in the Sixth Year of the Reign of His present Majesty, entitled, an Act for the establishment of Fees, as regulated by the Governor and Council, at the Request of the House of Assembly. Expired.

CAP. XIII.

An ACT for altering, amending and continuing, an Act made in the Sixth Year of His present Majesty's Reign, entitled, an Act concerning Bail. Expired.

CAP. XIV.

An ACT for granting to His Majesty an Excise on Wines sold within or brought into this Province. Expired.

CAP. XV.

An ACT for altering, amending and continuing, an Act, made in the Sixth Year of His Majesty's Reign, entitled, an Act for prescribing the Forms of Writs and the manner of issuing the same. Expired.

CAP. XVI.

An ACT for suppressing unlicensed Houses, and for granting to His Majesty a Duty on Persons hereafter to be licensed. Expired.

CAP. XVII.

An ACT to repeal two Acts made in the Seventh Year of His Majesty's Reign, relating to the Duties of Impost and Excise. Expired.

CAP. XVIII.

Expired.

An ACT to amend, render more effectual, and reduce into one Act, the several Laws made by the General Assembly of this Province relating to the Duties of Impost on Beer, Rum, and other Distilled Spirituous Liquors.

CAP. XIX.

Expired.

An ACT to amend, render more effectual, and reduce into one Act, the several Laws made by the General Assembly of this Province, relating to the Duties of Excise on Rum, and other Distilled Spirituous Liquors.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twenty Eighth Day of May, Anno Domini 1765, in the Fifth 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 Tenth Day of October, 1769, in the Ninth Year of His said Majesty's Reign; being the Eighth and last Session of the Fourth General Assembly convened in the said Province.*

* In the time of Lord William Campbell, Governor; Jonathan Belcher, Chief Justice and President of the Council; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council; and Isaac Deschamps, Clerk of Assembly.

CAP. I.

For Acts in addition to, or amendment of this Act, see note on 5th. Geo. 3d. cap. 5.

An ACT in further addition to an Act, made in the Fifth Year of His Majesty's Reign, entitled, an Act for the raising Money by Presentment on the several Counties in this Province for the defraying certain County Charges therein mentioned.

Preamble.
The Grand Jurors at the Court

WHEREAS it is highly necessary that some provision be made for the building or repairing bridges in this province, Be it enacted by the Governor, Council and Assembly, That from and after

after the publication of this Act, it shall and may be lawful for the several Grand Juries in each of the several counties within this province either at the Court of Assize or General Sessions of the Peace, held for such county, to make presentment, upon proper representations made thereon by three or more freeholders of the said county, or of their own knowledge, of all such sum and sums of money, or expences that may have arisen, or that may be necessary to be raised for the building or repairing bridges within the same county.

II. *And be it further enacted*, That the sum or sums of money so presented, shall be assessed, raised, levied, proportioned, paid in, and applied, in manner as is prescribed and directed in and by an Act, made in the fifth year of His Majesty's Reign, entitled, An Act for the raising Money by presentment on the several Counties in this Province, for the defraying certain County Charges therein mentioned; and by an Act made in the eighth year of His Majesty's reign, in addition to and amendment of the said Act.

III. *And be it also further enacted*, That on the neglect of such Grand Juries to make such presentment, the Judges of Assize, or Justices of the Peace in General Sessions, shall amerce the County in such sum as shall appear to them to be necessary for the purposes aforesaid; and shall appoint three assessors in manner as is directed in and by the said last recited Act.

of Assize, or General Sessions of the Peace, shall make presentment of such sums as are necessary for the building or repairing bridges.

In what manner such sums shall be assessed, &c. 5. Geo. 2. c. 6. 8. Geo. 3. c. 6. 2. fcls. Upon the neglect of the Grand Juries to make presentment, the Judges of Assize or Justices in General Sessions, shall amerce the county in the sums necessary to be raised.

CAP. II.

An ACT, in further addition to, and amendment of an Act made in the Thirty-fourth year of His late Majesty's Reign, entitled, an Act for appointing Commissioners of Sewers.

For Acts in amendment or addition to this Act, see note on 34th. Geo. 2d. cap. 7.

Preamble.

WHEREAS in the last clause of an Act, made in the third year of His present Majesty's reign, entitled, An Act in addition to, and amendment of an Act, entitled, An Act for appointing Commissioners of Sewers, made and passed in the thirty-fourth year of His late Majesty's reign, it is enacted, 'That if any proprietor or proprietors of the lands dyked in or drained, are absent, and no person appearing in their behalf, and have not any goods or chattels to answer his, her or their dividend or proportion of such assessment made as aforesaid, it shall and may be lawful for any one of His Majesty's Justices of the Peace for the county where such lands lie, to let out any part of such delinquent's lands, that may be sufficient to pay by the produce of the same, any such dividend or proportion of the sum so due.' *But whereas it has been found by experience, that in many instances it is impracticable to lease out the lands of the non-resident and delinquent proprietors, for defraying the expences of dyking and draining, in manner as by the above recited clause is directed, and therefore the whole burthen and charge thereof, has lain and does lie on a part of the proprietors, while the lands of such delinquents are enhanced in value, without bearing any part of the expense incurred for the purpose aforesaid for remedy whereof: Be it enacted by the Governor, Council and Assembly,* That if no person shall appear to pay the dividend or proportion of any delinquent proprietor, in any assessment made according to law, for the dyking or draining such lands, or no sufficient distress shall be found on the premises to answer such assessment as aforesaid, the commissioners of sewers shall, by advertisement during three months in the public prints, cause notice to be given for the letting out the lands of such delinquent proprietor, and if no person shall then appear to hire the same, it shall and may be lawful for the said commissioners, or any three of them, to order the provost marshal or his deputy, to sell at public auction, to the highest bidder, so much of such delinquent's lands, so dyked in and drained, as may be sufficient to pay any such dividend or proportion of the sum due as afore said, with the charges; being first appraised on oath by three persons to be appointed by warrant under the hands and seals of the said commissioners; and the provost marshal or hi-

3. Geo. 3. c. 1. 2. fcls.

Lands of absent proprietors may be sold, to pay their proportion for dyking and draining the same, if no distress can be found on the premises, &c.

deputy is hereby fully impowred and directed, immediately to execute a deed thereof, and deliver seizin and possession of the same to the purchaser or purchasers; (for which the said provost marshal or his deputy shall receive a fee of ten shillings and no more) any law, usage or custom, to the contrary notwithstanding.

Persons aggrieved may appeal to the General Assembly.

II. *Provided always*, That any person thinking himself aggrieved at any sale, so made by the commissioners in pursuance of this Act, may appeal to the General Assembly for relief.

CAP. III.

For Acts in amendment or addition to this Act, see note on 32d. Geo. 2d. c. 25.

An ACT in addition to an Act, made in the Thirty-second Year of His late Majesty's Reign, entitled, an Act to prevent unnecessary firing off Guns, and other Fire Arms, in the town and suburbs of Halifax.

Preamble.

Penalty on persons under fourteen years of age firing out of any gun, &c. or any person firing within one hundred yards of another, whether on horseback or in a carriage within the peninsula of Halifax.

WHEREAS *firing off guns on or near the high roads, may be attended with fatal accidents, by frightening of horses passing by, and other bad consequences: Be it enacted by the Governor, Council, and Assembly*, That from and after the publication of this Act, if any child under fourteen years of age shall fire out of any gun, fusée or pistol; or if any person, of what age or degree soever, shall unnecessarily fire out of any gun, fusée or pistol, or other fire arm, within one hundred yards of any person, either on horseback or in any carriage within the peninsula of Halifax; such child or person, their parents, guardians or masters, shall forfeit the like sum as is inflicted by the aforesaid Act; and to be recovered, levied, and applied, in like manner as is therein provided.

CAP. IV.

Expired.

An ACT for establishing and regulating Ferries.

CAP. V.

Expired.

An ACT to prevent, for a limited time, the Exportation of Wheat, Rye, Barley, Flour, Meal, and Pease, from this Province.

CAP. VI.

Expired.

An ACT in further amendment of an Act made in the Sixth year of His present Majesty's reign, entitled, an Act concerning Bail.

CAP. VII.

Expired.

An ACT for further regulating the Market at Halifax.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Sixth day of June, 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. being the First Session of the Fifth General Assembly convened in the said Province.*

* In the time of Lord William Campbell, Governor; Jonathan Belcher, Chief Justice and President of Council; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council; Isaac Deschamps, Clerk of Assembly.

CAP. I.

An ACT for the settlement of the Poor in the several Townships within this Province.

WHEREAS it is necessary that the Poor in this province should have some fixed place of settlement, to prevent their wandering about the country, and that the towns to which they do not properly belong, should not be put to the expence of supporting them; Be it enacted, by the Governor, Council and Assembly, That from and after the publication hereof, no town or township within this Province, shall be obliged to maintain any poor person or persons, unless such person or persons be a native of such town or township, or have served an apprenticeship, or have lived as an hired servant one whole year, next before such persons application for relief, or have executed some public annual office, or shall have been assessed and paid his or her share of the taxes for the poor of such place, or any public taxes during one whole year, at one time.

II. And it is hereby declared and enacted, That every person within the said descriptions shall be entitled to a settlement in the respective towns or townships wherein such person or persons shall be so qualified as aforesaid.

III. And be it further enacted, That any person or persons who shall apply to the overseers of the poor for relief, not having obtained a lawful settlement in the township, shall be required to declare, on oath, before one of His Majesty's Justices of the Peace for the said township or county wherein such township shall be, his, her or their, last place of residence; and if they are found to have gained any lawful settlement within this province, a true copy of the said declaration, attested by the said overseers of the poor, and certified by the said Justice of Peace, together with the amount of expence incurred, shall be transmitted to the overseer of the poor of the township to which the said person or persons shall belong, and in case they refuse or neglect to remove the said person or persons, and pay the expences incurred, it shall and may be lawful for any two of His Majesty's Justices of the Peace for the county or township where such person or persons have become chargeable, by a warrant under their hands and seals, to cause him, her or them, to be removed to the township where they last obtained a lawful settlement, and the overseers of the poor are hereby required to receive such person or persons, and to pay such sum and sums of money as shall have been necessarily expended as aforesaid, to the overseers of the poor of the township from whence such person or persons have been removed;

For Acts in amendment or addition to this Act see note on 3d. and 4th. Geo. 3d. cap. 7.

Eng. Stat. 43 Eliz. cap. 2. Preamble.

Description of persons entitled to be maintained.

and entitled to a settlement.

Persons applying for relief to declare their last place of residence

Overseers of the Poor to remove Persons belonging to Township where they serve.

In default, Two Justices by warrant to cause such persons to be removed,

and the overseers to pay all charges.

Such overseers
have not money
in their hands, to
grand charged
therewith until
next assessment.

moved; *Provided always*, That in case such overseer or overseers of the poor, shall not have money in their hands wherewith to answer said expence, such overseer or overseers shall stand charged therewith, until the next assessment to be made on the township to which such poor person shall belong.

Two Justices to
bind out persons
begging or strolling.

IV. *And be it also enacted*, That it shall and may be lawful for any two of His Majesty's Justices of the Peace, on complaint of the overseers of the poor, to bind out any person or persons, who shall be found begging or strolling about, for any term not exceeding one year.

Eng. Stat. 3 & 4
Will. and Mary,
cap. 11.
Poor, old, blind,
lame, and impo-
tent persons, to
be relieved by
their parents or
children, in man-
ner as by Sessions
shall be ordered.

V. *And be it also further enacted*, That the father and grand-father, mother and grand-mother, and the children and grand children, severally and respectively, of every poor, old, blind, lame, and impotent person, or other poor persons not able to work, being of sufficient ability, shall at his, her, or their charges and expences, relieve and maintain every such poor person as aforesaid, in such manner as the Justices of the Peace at their General or Quarter Sessions shall order and direct, on the penalty of forfeiting and paying five shillings for each person so ordered, to be relieved, for every week they shall fail therein, to be sued for, levied and recovered in the usual manner, and to be applied for the use of the poor.

Eng. Stat. 5.
Geo. 1. cap. 8.
Lands, tenements
and effects of pa-
rents or husbands
leaving their
children or wives
liable to be taken
for their main-
tenance.
Overseers of the
Poor to apply to
Two Justices.
Seizure to be al-
lowed by Sessions

VI. And whereas it sometimes happens, that persons run away, or abscond from their places of abode and legal settlement, and leave their wives and families a charge to the public; although such persons may have some estate real or personal, whereby the place might be eased in whole or in part, which is most just and reasonable; *Be it therefore enacted*, That it shall and may be lawful for the overseer or overseers of the poor of any township within this province, where any husband or father shall absent from, and forsake his wife and children, or any widow shall absent from, and forsake her children, and leave them a public charge, to apply to two Justices of the Peace, and by warrant under the hands and seals of the said two Justices, to take and seize the goods and chattels, and let out and receive the annual rents and profits of the lands and tenements of such husband, father, or mother so absconding as aforesaid, for and towards the maintaining, bringing up, and providing for such wife, child or children so left as aforesaid, and so soon as the said seizure shall be allowed of, and confirmed by the Justices in their General or Quarter Sessions of the Peace, it shall and may be lawful for the said overseers, or any two of them, from time to time, and as the case may require, to sell and dispose of so much and so many of the said goods and chattels at public sale to the highest bidder, and to apply the money arising thereby towards the maintenance of such poor family so left as aforesaid.

Overseers then to
sell and dispose
of Goods and
Chattels for that
purpose.

VII. *And be it further enacted*, That in case of the death of the parents of any child or children who have gained a settlement in any township as aforesaid, all and every such child or children, shall be supported by such town or township wherein the parents so gained a settlement.

Children of Pa-
rents deceased,
who have gained
a settlement, to
be supported.

VIII. *And be it enacted*, That if any town or township, or person or persons whatsoever, shall think themselves aggrieved by any proceedings had in virtue of this Act, such town or township, person or persons, may appeal for redress to the next General or Quarter Sessions of the Peace held for the county wherein such town or township shall be, or wherein such person or persons shall reside; and the Justices thereof are hereby required and impowered to hear and determine all and every such appeal or complaint, and to give redress as they in their judgment shall think equitable, and such their order and judgment shall be final and bind all parties.

Townships or
persons aggrieved
may appeal
to the Sessions.

CAP. II.

An ACT in further amendment of, and addition to, an Act made in the Third Year of His present Majesty's Reign, entitled, an Act to enable the several Townships within this Province to maintain their Poor.

For Acts in amendment or addition to this Act see note on 3d. and 4th. Geo. 3d. cap. 7.

WHEREAS the restraining the inhabitants of the several townships of this province, to meet only once a year in order to make provision for their poor, is found very inconvenient; Be it enacted, by the Governor, Council and Assembly, That from and after the publication of this Act, it shall and may be lawful for the said inhabitants to hold two meetings annually, if necessary, to make provision for their poor, and that the time for holding the said meetings shall be on the first Monday in April, and on the first Monday in November; and in case the business to be transacted at the said meetings cannot be completed on the said days, it shall and may be lawful for the chairman, with the consent of the majority of the freeholders then present, to adjourn the same to the day following, or to one other day; any law, usage or custom, to the contrary in any wise notwithstanding.

Preamble.

Inhabitants to hold two meetings, if necessary every year, on 1st Monday of April, and 1st Monday in November.

If business not completed on those days, to adjourn to one other day.

If money voted for Poor at first meeting is not sufficient, the Freeholders may vote a further sum.

II. And be it also enacted, That if the money voted for the support of the poor for the current year should not be sufficient for that purpose, the said freeholders in such their next meeting shall be, and they are hereby, impowered to vote such further sums as shall be thought necessary to make good such deficiency.

Overseers to account to Sessions.

III. And be it further enacted, That the overseers of the poor shall for the future account on oath, if required, before the General Sessions of the Peace held next after the expiration of their office, for all monies raised and disbursed by them for the support of the poor.

IV. And whereas the appointing twelve assessors for assessing the sums voted for the support of the poor, is in many respects found inconvenient: Be it enacted, That for the future the said assessments shall be made in the several townships (Halifax excepted) by five freeholders, and no more; any law, usage or custom, to the contrary notwithstanding.

Assessment in all Townships (Halifax excepted) by five Freeholders.

V. And be it also enacted, That in case of the neglect or refusal of the freeholders of any township to meet and make provision for their poor, as is directed in and by this Act, the Justices of the Peace, in the General Sessions held for the county wherein such township shall be, shall on the application of the overseers of the poor, amerce such township in such a sum as shall appear to them to be necessary for the purposes aforesaid, and shall appoint five freeholders for assessing the same in the several townships, (Halifax excepted) and the sum so amerced shall be levied, paid, and applied, for the support of the poor of such township; and if the said assessors so appointed, shall refuse or neglect to serve in the said office, they shall be subject to a fine of forty shillings each, for the use of the poor, which shall, on failure of payment, be levied by a warrant of distress and sale of the goods and chattels of the person or persons so refusing or neglecting, and others shall be appointed in their stead.

In case of refusal of Freeholders to meet, and provide for Poor, the Justices in their General Sessions to amerce the township.

Assessors refusing or neglecting to serve, to pay 40s.

and others appointed.

VI. And whereas in and by an Act made in the eighth year of His present Majesty's reign, entitled, An Act in further addition to, and amendment of an Act made in the third year of His present Majesty's reign, entitled, an Act to enable the inhabitants of the several townships within this province to maintain their poor, the fine imposed on the overseers of the poor for neglecting to issue their precepts to the constables of the several townships, requiring them to notify the inhabitants to meet on the day appointed by the said Act, and make provision for the support of the poor, is directed to be paid to the treasurer of the province: Be it enacted, That the said fine shall for the future be paid to the treasurer of the county for the use of the poor of the township for which such overseers so neglecting shall be appointed, and that the said precept shall have respect to the days appointed by this Act.

Fine on the overseers of the poor for neglecting to issue precept for meeting of the inhabitants to be paid to the county treasurer.

Precept for notifying the inhabitants to be agreeable to this Act.

VII.

Overseers of the poor to enter their proceedings in a book.

VII. *And be it also enacted*, That the overseers of the poor in every township, shall enter their proceedings in a book to be kept for that purpose, and at the expiration of their office they shall deliver the same to their successors.

CAP. III.

Repealed by the 1st of Geo. 3d. cap. 4.

An ACT to enable the several Counties within this Province to raise Money for payment of their Representatives.

CAP. IV.

An ACT for regulating the Commons belonging to the several Townships in this Province.

Preamble.

WHEREAS it is necessary that some regulations should be made respecting the tracts of land set apart for common, in the several townships in this province :

Justices in Sessions to make regulations for the several townships in respect to the commons.

I. *Be it enacted by the Governor, Council and Assembly*, That the Justices in their several General Sessions of the Peace, to be held for the several counties in this province, shall from time to time affix and settle such regulations as they may think most proper and convenient to be observed and followed by the inhabitants in the several townships within such county, and such regulations so made, affixed, and settled, shall be, and are hereby declared to be the stated rules to be kept, observed, and followed, by the inhabitants of each respective township, in regard to the common belonging to the same.

Penalty on such as transgress the regulations so made;

II. *And be it also enacted*, That if any person shall transgress any such rules and regulations so to be settled and affixed, or shall neglect or refuse to obey the same, such person shall forfeit and pay a fine not exceeding forty shillings for every such offence, and in case such offender shall refuse or neglect to pay the fine, then it shall and may be lawful for any two of His Majesty's Justices of the Peace, to grant a warrant of distress for levying the same in the usual manner, one half to be to the person complaining, and the other half for the use of the poor of the township where the offence shall be committed, and in default of such distress, to commit such offender for any space not exceeding ten days.

how to be applied, in default of payment to be committed to goal.

CAP. V.

An ACT for establishing the Rate of Interest.

All in amendment of this Act, 14th. and 15th Geo. 3d. cap. 1. Eng. Stat. 37. Hen. 8. cap. 9. No greater interest than 6 per cent. per annum to be taken; if more is taken bonds, contracts, &c. to be void;

BE it enacted by the Governor, Council and Assembly, That no person or persons whatsoever, upon any contract, which shall be made, shall take directly or indirectly, for loan of any monies, wares, merchandise, or other commodities whatsoever, above the value of six pounds for the forbearance of one hundred pounds for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter time; and that all bonds, contracts, and assurances whatsoever, for payment of any principal or money to be lent or covenanted to be performed upon or for any usury, whereupon or whereby there shall be reserved or taken above the rate of six pounds in the hundred as aforesaid, shall be utterly void, and that all and every person or persons whatsoever, which shall, upon any contract to be made, take, accept, and receive, by way or means of any corrupt bargain, loan, exchange, chevizance, shift or interest of any wares, merchandise, or other thing or things whatsoever, or by any deceitful way or means,

Persons who shall take more on any other contract for Goods;

means, or by any covin, engine, or deceitful conveyance, for the forbearing or giving day of payment for one whole year, of and for their money or other thing, above the sum of six pounds for the forbearing of one hundred pounds for a year, and so after that rate for a greater or lesser sum, or for a longer or shorter time, shall forfeit and lose for every such offence, the treble value of the monies, wares, merchandize, and other things, so lent, bargained, exchanged or shifted; one moiety thereof to be to the King's Most Excellent Majesty, His Heirs and Successors, for the public use of this province, and the support of the government thereof, and the other moiety to him or them that will sue for the same in any of His Majesty's Courts of Record in the same County where the offence shall be committed, and not elsewhere, by action of debt, bill, plaint, or information, in which no essoign, wager of law, or protection, shall be allowed.

to forfeit treble value;

Application of the penalty,

how to be recovered.

Exceptions.

II. *Provided*, That nothing in this Act shall extend, or be construed to extend, to any speciality, hypothecation, instrument or agreement in writing, that shall be made, entered into, or executed, for any money lent or advanced, upon the bottom of any ship or vessel, any thing to the contrary notwithstanding.

III. *Provided also*, That all contracts and agreements upon loan at interest upon any other rate heretofore made than is prescribed by this Act, shall be good, valid and effectual, to all intents and purposes whatsoever, in the same manner as if this Act had not been made.

Provide that all contracts, &c. upon loan at interest heretofore made, shall be good.

CAP. VI.

An ACT to alter the Manner of proceeding against certain Offenders, mentioned in an Act made in the Thirty-second Year of His late Majesty's Reign, entitled, an Act for punishing Criminal Offenders.

Acts in amendment or addition to this Act see note on 32d. Geo. 2d. cap. 20.

WHEREAS in and by the fifteenth section of an Act made in the thirty-second year of His late Majesty's reign, entitled, 'An Act for punishing Criminal Offenders,' certain fines and penalties are prescribed for libels and other offences therein mentioned; and whereas the manner of prosecuting such offenders has been found oppressive:

Preamble.

Be it enacted by the Governor, Council and Assembly, That for all such offences as are recited in the section aforesaid, the party grieved shall not proceed against such offenders before Justices of the Peace, but by suit only, in any of His Majesty's Courts of Record, and that no other penalties shall hereafter be inflicted for such offences, except such as are usually inflicted in Courts of Record, in cases of criminal prosecution for the same, any thing in the said section to the contrary notwithstanding.

Manner of proceeding against persons publishing libels, &c. altered.

Suit to be in a Court of Record.

CAP. VII.

An ACT for altering the Times of holding the Courts of General Sessions, and Inferior Courts of Common Pleas, at Liverpool, in the County of Queen's County.

WHEREAS in and by an Act made in the seventh year of His present Majesty's reign, entitled, 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 Queen's County, in the town of Liverpool, on the

Preamble.

X first

Courts of General Sessions of the Peace and Inferior Court of Common Pleas to be held at Liverpool on the 2d Tuesday of April and 2d Tuesday of October.

Acts in amendment or addition to this Act 21st. Geo. 3d. cap. 5. 28th Geo. 3d. cap 2.

Toll for grinding wheat, rye, &c. one sixteenth.

Millers taking greater toll, to forfeit 40s. Application. How recoverable Value of grain taken more, to be recovered in like manner. Millers not obliged to grind grain not clean, dry, and in good order.

'first Tuesday of February, and on the third Tuesday of September,' and whereas the holding the said Courts at those Times has been found inconvenient :

I. Be it enacted by the Governor, Council and Assembly, That the said Courts shall be held for the future, on the second Tuesday of April, and second Tuesday of November, in every year, any law, usage or custom, to the contrary notwithstanding.

CAP. VIII.

An ACT for establishing the Toll to be taken at the several Grist-Mills in this Province.

BE it enacted by the Governor, Council and Assembly, That the Toll to be taken by every Miller for grinding wheat, rye, barley, oats, and indian corn, shall be one sixteenth part, and no more, to be ascertained by a sealed measure.

II. And be it also enacted, That if any Miller shall take any greater Toll than is herein directed to be taken, he shall forfeit and pay the sum of forty shillings, to be paid to the Overseers of the Poor of the township wherein the offence shall be committed, or of the township most contiguous thereto, for the use of the Poor, and be recovered before two of His Majesty's Justices of the Peace, and the amount of the value of so much grain or meal as shall have been taken, more than the Toll herein prescribed, shall also be recovered in like manner.

III. Provided always, That no Miller shall be obliged to receive and grind any corn, or grain, which shall not be clean, dry, and in good order.

CAP. IX.

An ACT for altering and amending an Act, made in the First Year of His present Majesty's Reign, entitled, an Act for prohibiting the Exportation of Raw Hides, Sheep or Calf Skins, out of this Province, other than for Great-Britain, and to prevent the cutting, splitting, or flawing, of Hides.

See 1st Geo. 3d. cap. 22.

WHEREAS in and by an Act made in the first year of His present Majesty's reign, entitled, An Act for prohibiting the exportation of Raw Hides, Sheep or Calf Skins, out of this Province, other than for Great-Britain, and to prevent the cutting, splitting, or flawing, of hides, it is provided, 'That when the current price of raw hides, such as ox, bull, steer or cow, shall be under three halfpence per pound, the same may be exported to any of His Majesty's Plantations,' which has proved a great grievance.

Preamble.

Ox, bull, steer, or cow hides may be exported to the plantations when the price is 2d. per lb. or under.

Be it enacted by the Governor, Council and Assembly, That from and after the publication of this Act, it shall and may be lawful for any person or persons to export to any of His Majesty's Plantations, any such raw hides as above mentioned, when the price of such hides shall be three pence per pound or under.

CAP. X.

An ACT for the benefit of the Fishery on the Coasts of this Province.

For other matters respecting fishery, see note on 3d. and 4th. Geo. 2d. cap. 2.

Preamble.

WHEREAS it is apprehended that the frequent scarcity of fish on the banks near the shores of this province, may be occasioned by fishermen throwing into the sea the offal of the fish they kill; for remedy whereof;

I. *Be it enacted by the Governor, Council, and Assembly,* That from and after the publication hereof, if any fisherman in any vessel, bark or boat, shall presume to throw into the sea within three leagues of any of the shores of this province, any heads, bones, or other offal of the fish they may take, the master of such fishing vessel, bark, or boat, shall, upon due conviction thereof, by the oath of one credible witness, before any one of His Majesty's Justices of the Peace, or by the view of the said Justice, pay for each and every such offence the sum of five pounds.

No heads, bones, or other offal of fish to be thrown into the sea within three leagues of the shore. Master to pay 5l. Mode of conviction.

II. *And be it further enacted,* That all penalties incurred and arising by this Act, shall be applied, one moiety to the person who shall inform and sue for the same, the other moiety to be paid into His Majesty's Treasury for the use of the province, the same to be levied by distress and sale of the offender's goods and chattels, together with the charges of such distress and sale, rendering the overplus (if any be) to the owner or owners thereof.

Half to the person informing and suing, half to His Majesty for the use of the Province.

III. *Provided nevertheless,* That nothing in this Act shall extend to the debarring any fishermen in boats, who spilt and dress their fish on shore, from throwing the offal of their fish into what is called the land-wash.

Boats who spilt and dress fish on shore, may throw offal into land land wash.

CAP. XI.

An ACT for granting to His Majesty an Excise on Tea, Coffee, and Playing Cards, sold within or brought into this Province. Expired.

CAP. XII.

An ACT for granting to His Majesty a Duty of Impost on Loaf Sugar and Cyder. Expired.

CAP. XIII.

An ACT for continuing an Act, made in the Eighth Year of His present Majesty's Reign, entitled, an Act for suppressing unlicensed Houses, and for granting to His Majesty a Duty on Persons hereafter to be licensed. Expired.

CAP. XIV.

An ACT in addition to an Act, made in the Eighth Year of His present Majesty's Reign, entitled, an Act to amend, render more effectual, and reduce into one Act, the several Laws made by the General Assembly of this Province, relating to the Duty of Excise on Rum, and other Distilled Spirituous Liquors. Expired.

CAP. XV.

Expired.

An ACT, in addition to an Act made in the Eighth Year of His present Majesty's Reign, entitled, an Act to amend, render more effectual, and reduce into one Act, the several Laws made by the General Assembly of this Province relating to the Duties of Impost on Beer, Rum, and other Distilled Spirituous Liquors.

CAP. XVI.

Expired.

An ACT for continuing an Act made in the Eighth Year of His present Majesty's Reign, entitled, an Act for granting to His Majesty an Excise on Wines sold within, or brought into, this Province.

CAP. XVII.

Executed.

An ACT for raising the sum of One Thousand Pounds, by a Lottery or Lotteries, for the building Bridges, and making Roads of communication throughout the Province.

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.*

* In the time of Lord William Campbell, Governor; Jonathan Belcher, Chief Justice and President of the Council; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council; and Isaac Deschamps, Clerk of Assembly.

CAP. I.

An ACT in addition to an Act made in the Thirty-Second year of His late Majesty's reign, entitled, an Act relating to Wills, Legacies, and Executors; and for the settlement and distribution of the Estates of Intestates.

This Act was not approved of by His Majesty.

CAP. II.

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

See 3d. Geo. 3d. cap. 22.

BE it enacted by the Governor, Council and Assembly, That for the future, notice being given in the Nova-Scotia Gazette, or other public news paper, or by affixing such notice on the church door at Halifax, that 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.

Notice given in the Nova-Scotia Gazette or other newspaper, or affixing on the Church door the title, to be deemed a publication.

CAP. III.

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

See note on 32d.
Geo. 2d. cap.
33.
Eng. Stat. 21.
Jac. 1. cap. 26.

Felony for any
persons to be bail
in another man's
name.

BE 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 empowered 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, lose and forfeit.

CAP. 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.

This Act chang-
ed by the 40th.
Geo. 3d. cap. 5.

CAP. V.

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

Acts in amend-
ment or addition
to this Act, see
note on 32d.
Geo. 2d. cap. 14.

Preamble.

WHEREAS 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 by law:

Fences on the
peninsula of Ha-
lifax to be 4 feet
high.

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, entitled, An Act for preventing trespasses.

Justices of Peace
in Sessions to
make regulati-
ons for prevent-
ing trespasses.

II. And be it further enacted, That the Justices of the peace for the county of Halifax shall, and are hereby empowered 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 circumstance 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 empowered to do.

CAP. VI.

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

For Acts in amendment or addition to this Act, see note on 8th Geo. 3d. cap. 8.

WHEREAS some doubts have arisen 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.

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.

Wife assigning dower to be examined before a Justice of the Peace.

Justice to certify on the deed.

II. Provided always, That nothing in this Act contained, shall any ways affect any deed or conveyance of land heretofore made.

Nothing in this Act to affect any deed before made.

CAP. VII.

An ACT in addition to, and amendment of, an Act, made in the Tenth year of His present Majesty's reign, entitled, an Act to enable the several Counties, within this Province, to raise Money for payment of their Representatives.

Repealed by the 12th Geo. 3d. cap. 4.

CAP. VIII.

An ACT for altering and amending an Act, made in the Thirty-Second year of His late Majesty's reign, entitled, an Act relating to the affize of Bread, and for ascertaining the Standard of Weights and Measures.

Repealed by the 36th Geo. 3d.

CAP. IX.

An Act for altering an Act made in the Ninth Year of His present Majesty's reign, entitled, an Act in further addition to, and amendment of, an Act made in the Thirty-Fourth year of His late Majesty's reign, entitled, an Act for appointing Commissioners of Sewers.

For Acts in amendment or addition to this Act, see note on 34th Geo. 3d. cap. 7.

WHEREAS in the second section of an Act, made in the ninth year of his present Majesty's reign, entitled, an Act, in further addition to, and amendment of an Act, made in the thirty-fourth year of his late Majesty's reign, entitled, an Act for appointing Commissioners of Sewers, it is provided

Preamble.

provided

vided, ' 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 inconveniences 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 case of sale of land by Commissioners of Sewers to be made to the Governor and Council.

CAP. X.

An ACT to avoid the Double Payment of Debts.

Made perpetual by 17th. Geo. 3d. cap. 2.

WHEREAS divers men of trades, and handicraftsmen, keeping shop books, do demand debts of their customers upon their shop books long time after the same hath been due, and when, as they have supposed, the particulars and certainty of the wares delivered to be forgotten, then either they themselves or their servants have inserted into their said shop books divers other wares, supposed to be delivered to the same parties or to their use, which in truth never were delivered, and this of purpose to increase by such undue means the said debt. And whereas divers of said tradesmen, and handicraftsmen, having received all the just debt due upon their said shop books, do oftentimes leave the same books uncrossed, or any way discharged, so as the debtors, their executors or administrators, are often, by suit of law, enforced to pay the same debts again to the party that trusted the said wares, or to his executors or administrators, unless he or they can produce sufficient proof, by writing or witnesses, of the said payment, that may countervail the credit of the said shop books, which few, or none, can do in any long time after the said payment:

Preamble.

I. *Be it therefore enacted, by the Governor, Council and Assembly,* That no tradesman, or handicraftsman, keeping a shop book as is aforesaid, his or their executors or administrators, shall from the first day of January, 1772, be allowed, admitted or received, to give his shop book in evidence in any action for any money due for wares hereafter to be delivered, or for work hereafter to be done, above two years before the same action brought, except he or they, their executors or administrators, shall have obtained or gotten a bill of debt, or obligation, of the debtor for the said debt, or shall have brought or pursued against the said debtor, his executors or administrators, some action for the said debt, wares, or work done, two years next after the same wares delivered, money due for wares delivered, or work done.

No tradesman, &c. from the 1st January, 1772, allowed to give his shop-book in evidence, when debt above two years.
Exception.

II. *Provided always,* That this Act, or any thing therein contained, shall not extend to any intercourse of traffic, merchandizing, buying, selling, or other trading, or dealing, for wares delivered, or to be delivered, money due, or work done or to be done, between merchant and merchant, merchant and tradesman, or between tradesman and tradesman, for any thing directly falling within the circuit or compass of their mutual trades and merchandize, but that for such things only, they and every of them shall be in case, as if this Act had never been made, any thing herein contained to the contrary thereof notwithstanding.

Not to extend to any trading or dealing between merchant and merchant, &c.

III. This Act to continue five years from and after the first day of January, one thousand seven hundred and seventy two, and until the end of the Session of the General Assembly then next following.

Act to continue 5 years from 1st January, 1772.

CAP. XI.

An ACT for further continuing an Act made in the Eighth Year of His present Majesty's Reign, entitled, an Act for granting to His Majesty an Excise on Wines sold within, or brought into, this Province. Expired.

CAP. XII.

An ACT for continuing an Act, made in the Tenth year of His present Majesty's reign, entitled, an Act for granting to His Majesty a Duty of Impost on Loaf Sugar and Cyder. Expired.

CAP. XIII.

An ACT for altering and further continuing an Act, made in the Eighth Year of His present Majesty's Reign, entitled, an Act for suppressing unlicensed Houses, and for granting to His Majesty a Duty on Persons hereafter to be licensed. Expired.

CAP. XIV.

An ACT in amendment to, and for continuing the several Acts of the General Assembly of this Province relating to the Duties of Impost on Beer, Rum, and other Distilled Spirituous Liquors. Expired.

CAP. XV.

An ACT for altering and continuing an Act, made in the Tenth year of His present Majesty's reign, entitled, an Act for granting to His Majesty an Excise on Tea, Coffee, and Playing Cards, sold within or brought into this Province. Expired.

CAP. XVI.

An ACT for continuing an Act, made in the Tenth year of His present Majesty's reign, entitled, an Act for further regulating the Market at Halifax. Expired.

CAP. XVII.

Expired.

An ACT for continuing an Act made in the Eighth Year of His present Majesty's reign, entitled; an Act for granting to His Majesty a Duty on Wheel Carriages within the Peninsula of Halifax.

CAP. XVIII.

Expired.

An ACT for continuing several Acts that are near expiring.

CAP. XIX.

Expired.

An ACT for altering, amending, and further continuing an Act, made in the Sixth Year of His present Majesty's Reign, entitled, an Act for prescribing the Forms of Writs, and the manner of issuing the same.

CAP. XX.

Expired.

An ACT in amendment to, and for continuing the several Acts of the General Assembly of this Province, relating to the Duties of Excise on Rum, and other Distilled Spirituous Liquors.

CAP. XXI.

For Acts in amendment or addition to this Act see note on 5th Geo. 3d. cap. 11.

An ACT in amendment of an Act, made in the Fifth Year of His present Majesty's Reign, entitled, an Act for the Summary Trial of Actions.

Preamble.

WHEREAS *the proceedings for the recovery of small debts have hitherto been attended with great expence, in order to remedy the same :*

Causes not exceeding 3l. to be sued for before one or more Justices of the Peace.

Summons in Halifax to be directed to the Provost Marshal, or his Deputy; in other townships to the Provost Marshal, his Deputy, or Constable.

Fees for Summons and Execution, and also for service.

I. *Be it enacted by the Governor, Council and Assembly,* That for the future all causes where the sum shall not exceed three pounds, shall be sued for and recovered before one or more Justices of the Peace, and that the summons in such causes as relate to the township of Halifax shall be directed to the provost marshal or his deputy, and in all such causes as relate to the other townships in the province, the said summons shall be directed to the provost marshal, his deputy, or the constable of the township where the plaintiff or defendant shall dwell, and shall be by the said provost marshal, his deputy, or constable, read to the defendant, or in his absence, a copy thereof shall be left at his house, lodging, or last place of abode, at least three days before the trial.

II. *And be it enacted,* That for the serving the said summons, the provost marshal, his deputy or constable shall have two shillings and six pence, and no more, and for the service of the execution, one shilling, with one shilling poundage on levying, and that the whole expence to be charged by the Justice or Justices, for the summons, judgment and execution, shall be

four

four shillings and ten pence, that is to say, two shillings and sixpence for the fummons, one shilling for the judgment, and one shilling and four pence for the execution, any law, usage or custom to the contrary thereof notwithstanding.

Provided, That in case the provost-marshal, his deputy, or constable, shall be obliged to travel upwards of two miles to serve or levy the execution, he shall be allowed two pence per mile travel.

Travelling allowance.

III. And be it also enacted, That the form of the fummons, and execution shall be as follows :

FORM of the SUMMONS.

To YOU are hereby required to summon A. B. of to appear before me on the Day of at o'Clock in the to answer to C. D. in the sum of and make return hereof, on or before said day. Witness my hand and seal the

Form of the Summons.

FORM of the EXECUTION.

To WHEREAS judgment hath been awarded against A. B. of at the suit of C. D. for the sum of and more for costs, these are to require and command you, to levy from off the goods and chattels of the said A. B. the said sums, making together by sale of the said goods and chattels and for want thereof, you are hereby commanded to take the body of said A. B. and him to commit to His Majesty's goal in there to remain until he pay the sum abovementioned, with your fees, or that he be discharged by the said C. D. or otherwise by order of law. Hereof fail not, and make return of this writ to me within ten days. Witness my hand and seal the

Form of the Execution.

IV. And be it also further enacted, That any one of His Majesty's Justices of the Peace is hereby empowered to take the voluntary confession of the debtor, where the debt shall not exceed three pounds, in like manner as is provided for confessions before the Justices of the Supreme Court or Inferior Courts, for which confession and execution such Justice shall receive two shillings and no more.

Justices of the Peace may take Confessions of Debts not exceeding 3l.

CAP. XXII.

An ACT in addition to an Act made in the Sixth Year of His present Majesty's Reign, entitled, an Act for the Establishment of Fees, as regulated by the Governor and Council, at the request of the House of Assembly.

Expired.

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 Ninth Day of June, Anno Domini 1772, in the Twelfth Year of His said Majesty's Reign; being the Third Session of the Fifth General Assembly convened in the said Province.*

* In the time of Michael Franklin, Lieutenant-Governor; Jonathan Belcher, President of Council, and Chief Justice; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council; and Isaac Deschamps, Clerk of Assembly.

CAP. I.

An ACT for altering the Times of holding the Courts of General Sessions, and Inferior Court of Common Pleas, at Horton, in King's County.

Altered by the
39th Geo. 3d.
cap. 6.

CAP. II.

An ACT for empowering the Justices of the Peace for the County of Sunbury, to hold Courts of General Sessions of the Peace at Warrington, on the Island of Campo Bello, in the said County, for the said Island, and for the District of Passamaquoddy, comprehending the Islands within the said District.

This Act not in
force, the places
mentioned there-
in being now in
the Province of
New-Brunswick.

CAP. III.

An ACT declaring what shall be deemed Merchantable Timber for Exportation to Great-Britain.

Preamble.

WHEREAS the improving and securing the Lumber Trade from this Colony to Great-Britain will be highly beneficial, not only to the mother country, but also to this Province; and whereas certain regulations relating to the exportation of square timber are found to be necessary:

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I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly,* That no hewn timber shall be deemed merchantable, or offered for sale for the British market, as such, unless the same is found, properly squared, and not less than ten inches square, and free of bark, and the surveyors of lumber are hereby directed to survey, measure and mark the same, and none other, for the British market, before the same shall be shipped for exportation, for which such surveyors shall receive three pence per ton and travelling charges.

What is deemed Merchantable Timber.
Surveying.

II. *And be it further enacted,* That where any contract or bargain shall be made for any quantity of timber for the British market, the same shall be understood to be according to the directions of this Act, and no merchant, or trader in lumber, shall be obliged to take any other, unless by particular agreement first made for the same.

Contract for Timber for the British Market to be in conformity to the Act.

CAP. IV.

An ACT to repeal two Acts, made in the Tenth and Eleventh years of His present Majesty's reign, to enable the several Counties, in this Province, to raise Money for payment of their Representatives.

10th. Geo. 2d. cap. 3.
11th Geo. 3d. cap. 7.

WHEREAS *several inconveniences and difficulties have attended the carrying into execution the Acts made to enable the several counties and townships in this Province, to raise money for payment of their Representatives:*

Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That an Act made in the tenth year of His present Majesty's reign, entitled, An Act to enable the several counties within this Province to raise money for payment of their Representatives; and an Act made in the eleventh year of His said Majesty's reign, in addition to and amendment of the said Act, and every clause, matter and thing therein contained, be, and the same are hereby repealed.

Two Acts for payment of Representatives, repealed.

II. *Provided always,* That nothing in this Act contained, shall be of any force or effect until His Majesty's pleasure therein shall be known.

This Act not to be in force until His Majesty's Pleasure be known.

CAP. V.

An ACT in further amendment of, and in addition to, an Act, made in the Thirty-Second year of His late Majesty's reign, entitled, an Act for Confirming Titles to Lands, and Quieting Possessions.

For Acts in amendment or addition to this Act, see note on 32d Geo. 2d. cap. 2.

WHEREAS *the great extent of this Province, and the difficulties attending the bringing deeds and conveyances from the several distant Counties and Towns within the same, to Halifax, to be registered, made it expedient and necessary for the Registers of Deeds, to appoint deputies in such Counties and Towns, and whereas it will greatly contribute to the ease and convenience of the inhabitants that such deputations be continued:*

Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly,* That it shall and may be lawful for the Register of this Province, to appoint one or more deputies in the several Counties within the same, such person being approved by the Governor, Lieutenant-Governor, or Commander in Chief; and all registers and proceedings thereon, relating to the conveying of any lands, tenements or hereditaments, within the limits of such deputations shall be, and they are hereby declared

Deputy Registers in the Counties.

If Deed is lost the copy from the

Registry to be allowed as evidence.

declared authentic and valid; and if any original deed which may hereafter be registered by the deputy register, shall be lost, and proof thereof in Court being made, that then the registry or record of such deed or deeds shall be allowed to be good evidence in any Court of Law or Equity within this Province.

Where Deputy Registers are appointed Deeds to be registered.

II. *And be it also enacted*, That where deputy registers shall be appointed, all deeds or conveyances, shall be registered in the office of the county or district within which such lands do lie.

An extract and certificate of all Deeds registered to be transmitted to the Register's Office at Halifax, within a certain period.

III. *Provided always, and be it also enacted*, That an extract and certificate of all deeds and conveyances, touching any lands or hereditaments, which shall be registered or recorded by such deputies as aforesaid, within the peninsula of Nova-Scotia, shall once in three months be transmitted to the register's office at Halifax, and of all deeds and conveyances, touching any lands or hereditaments, lying to the northward of the said peninsula, within six months after the registry of such deeds and conveyances, and the register of deeds at Halifax, shall note the time of his receiving the certificate, and duly enter the same in the registry at Halifax, which shall be as effectual as if the original deed had been by him first registered, as well for those which have been heretofore registered by the deputy registers, or shall hereafter be registered by virtue of this Act. And if any deputy register shall fail to transmit such extracts to the register's office at Halifax, as aforesaid, he shall forfeit and pay for the use and service of the Government of this Province, the sum of five pounds, to be recovered on complaint of the Register of the Province, before any Court of Record within the same, and such deputy so failing, shall moreover be liable to an action at law for all damages sustained by the party aggrieved.

Deputy Register failing to transmit to forfeit 5l. and liable to an action by party aggrieved.

IV. *And be it further enacted*, That all deeds heretofore registered by the deputy registers in the several towns and counties in this Province, whereof certificates of the registry have been duly returned to the register's office at Halifax, and entered there, or which shall, on or before the first day of November next be returned and entered there as aforesaid, shall be deemed good and valid, as though the same had been duly at first entered in the registry at Halifax aforesaid; *Provided*, that nothing herein shall extend to affect any attachment heretofore made, or judgment which may have been recovered on any lands or hereditaments, a certificate of the registry whereof has not already been returned as aforesaid.

All deeds heretofore registered by the Deputies, and certificates returned, or which shall be returned before first Nov. next, good and valid.

CAP. VI.

An ACT, in further amendment of, and in addition to an Act made in the Third year of His present Majesty's Reign, entitled, an Act to enable the several Townships within this Province to maintain their Poor.

For Acts in amendment or addition to this Act see note on 3d and 4th Geo. 3d cap. 7.

Preamble.

WHEREAS the appointing twelve assessors for assessing the sums voted for the support of the poor, is found inconvenient at Halifax, as well as in the several other townships in this Province:

Freeholders chosen to make assessment,

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly*, That the inhabitants in each and every town or township in this Province, shall, at their meeting for raising money for the support of the poor, choose five freeholders of the said town or township, any three of whom to be a quorum, (and who being first duly sworn) are hereby empowered to assess the inhabitants of such township their proportions of the sum voted for the support of the poor, as near, as may be according to their abilities; and in case the said assessors shall neglect or refuse to make the said assessment within twenty days after their appointment, each and every person so refusing or neglecting, shall be subject to a fine of five pounds, for the use of the poor of such township, which shall, on failure of payment, be levied on complaint of the overseers of the poor, before two of His Majesty's Justices of the Peace, by warrant of distress and sale of the offender's goods and chattels, and another shall be appointed in his stead.

Assessors refusing or neglecting to meet and make assessment, subject to a fine of 5l. and another to be appointed.

II.

II. *Provided always*, That no person shall be obliged to serve as an assessor, oftener than once in three years.

Assessors not to serve more than once in 3 years.

III. *And be it further enacted*, That no person shall be assessed any thing towards the support of the poor, unless in the opinion of the assessors he shall be able to pay the sum of one shilling, at least, annually.

No person to be assessed unless able to pay 1s. at least.

IV. And whereas no monies have been raised for the support of the poor of the township of Halifax, for this present year; *Be it enacted*, That it shall and may be lawful for the Overseers of the Poor of the said township of Halifax, to warn the inhabitants of said township to meet on the fifteenth day of July, of this present year, one thousand seven hundred and seventy two, giving them six days notice; and the inhabitants so met, are hereby empowered to vote such a sum of money as they shall judge necessary for the support and maintenance of their poor for the current year, to be assessed, levied, and raised as by the laws of this province is directed.

Overseers to warn inhabitants to meet.

and vote money for support of the Poor.

V. And whereas several of the inhabitants of the township of Halifax, have already voluntarily contributed and paid towards the support of their poor for the present year; *Be it enacted*, That the collectors appointed to collect the sum to be voted as aforesaid, shall deduct from such persons the respective sums by them so contributed and paid, out of the sum they shall be assessed by virtue of this Act.

Contributions already paid towards relief of the Poor to be deducted.

VI. *And be it further enacted*, That all former assessments heretofore made for the maintenance of the poor, shall be, and they are hereby confirmed; and the arrears due thereon, shall, and may be collected and levied by the collectors for the time being; any want of form or length of time since the said assessments have been made, notwithstanding:

Former assessments confirmed.

CAP. VII.

An ACT in amendment of, and for continuing the several Acts of the General Assembly of this Province, relating to the Duties of Impost and Excise on Beer, Rum, and other distilled Spirituous Liquors, Cyder, Loaf Sugar, and Wines, therein mentioned.

Expired.

CAP. VIII.

An ACT to prevent for a limited time, the Exportation of Wheat, Rye, Barley, Flour, Meal and Pease, from this Province.

Expired.

CAP. IX.

An ACT for raising a Fund for the purpose of making and repairing Bridges and Roads of Communication through the Province.

Expired.

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 Twentieth Day of April, Anno Domini 1773, in the Thirteenth Year of His said Majesty's Reign, being the Fourth Session of the Fifth General Assembly convened in the said Province.*

* In the time of Lord William Campbell, Governor; Richard Bulkeley, President and Secretary of Council; William Nesbit, Speaker; Isaac Deschamps, Clerk of Assembly.

CAP. I.

Expired.

An ACT in further amendment of the several Acts of the General Assembly of this Province, relating to the Duties of Impost and Excise on Rum and other distilled Spirituous Liquors, and for continuing an Act made in the Twelfth year of His present Majesty's reign, entitled, an Act in amendment of and for continuing the several Acts of the General Assembly of this Province, relating to the Duties of Impost and Excise on Beer, Rum and other distilled Spirituous Liquors, Cyder, Loaf Sugar and Wines therein mentioned.

CAP. II.

Expired.

An ACT for further continuing the several Acts relating to the Duty on Licens'd Houses.

CAP. III.

An ACT for amending and continuing an Act, made in the Twelfth year of His present Majesty's reign, entitled, an Act for raising a Fund, for the purpose of making and repairing Bridges and Roads of communication throughout the Province. Expired.

CAP. IV.

An ACT for regulating the Fishery within the Harbour of Halifax. Expired.

CAP. V.

An ACT to prevent for a limited time, the Exportation or Shipping of Wheat, Rye, Barley, Flour, Meal and Pease, from any of the Ports or Places in this Province, within the Bay of Fundy. Expired.

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 Twelfth Day of October, Anno Domini 1773, in the Thirteenth Year of His said Majesty's Reign, being the Fifth Session of the Fifth General Assembly convened in the said Province.*

* In the time of Francis Legge, Governor; Richard Bulkeley, President of Council; Henry Denny Denfon, Speaker; John Bulkeley, Secretary of Council; and Isaac Delchamps, Clerk of Assembly.

CAP. I.

This Act executed.

An ACT to empower the Province Treasurer to issue other Notes in Exchange for such Notes as have been issued heretofore, in virtue of the several Loan Acts made by the General Assembly of this Province, and are defaced and worn.

CAP. II.

For Acts in amendment or addition to this Act, see note on 7th and 8th Geo. 3d cap. 2.

An ACT for the rating and levying the Expences attending the executing Writs of Partition.

Preamble.

WHEREAS difficulties may arise in the recovery of the charges and expences attending the executing Writs of Partition, unless the same is enforced by Law :

All accounts of charges on obtaining writs of partition to be laid before the Supreme Court, and when approved, two or more assessors to be levied.

Levying, &c.

I. Be it enacted by the Governor, Council and Assembly, That all accounts of charges and expences, which have already arisen, or which may hereafter arise, for the obtaining and executing Writs of Partition for the division of lands in any township or place in this Province, until final judgment thereon, together with the charges for surveying the said lands, and all other incident expences relative thereto, shall be laid before His Majesty's Supreme Court, and when the same shall have been approved by the said Court, two or more proper persons shall be appointed by the Court to assess the amount thereof, in due proportion on each several share allotted and assigned to each and every proprietor, and be levied out of the profits, and other extendible goods and chattels thereon, or belonging to such proprietor, or person in possession of the same, or any part thereof, and shall be paid to the person or persons appointed by the Court to receive the same.

II. *And be it enacted,* That if any proprietor, or other person in possession of any land allotted and assigned as aforesaid, shall refuse or neglect to pay the sum assessed as his dividend or proportion of the charges aforesaid, it shall and may be lawful for any one of His Majesty's Justices of the Peace, on complaint of the receiver appointed as aforesaid, to issue a warrant of distress and sale of the delinquent's goods and chattels, for the recovery of the sum so assessed, with the charges of prosecution.

If proprietor, or person in possession, refuses or neglects to pay sum assessed, the same may be levied by distress.

III. *And be it also enacted,* That in case no person be resident on any lands allotted and assigned as aforesaid, nor any goods and chattels thereon, whereby the sum due as aforesaid may be levied, it shall and may be lawful for any one of His Majesty's Justices of the Peace to let out any part of such delinquents lands as may be sufficient to pay, by the produce of the same, any such dividend, proportion or charge so due, and in case no person shall offer to hire the same, such lands shall be held chargeable therewith.

In case no person resident on lands nor goods or chattels thereon whereby assessments may be levied, the lands to be let, or held chargeable.

CAP. III.

An ACT, in further amendment of an Act made in the First year of His present Majesty's Reign, entitled, an Act for repairing and mending Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways within the several Townships in this Province.

For Acts in amendment or addition to this Act see note on 1st Geo. 3d. cap. 14.

WHEREAS in the second section of an Act made in the first year of His present Majesty, entitled, An Act, for repairing and mending Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways within the several Townships in this Province: *certain forfeitures are directed to be paid by such persons as shall neglect to attend on their duty in manner therein set forth, for the repairs of the highways, roads, streets or bridges, which said forfeitures are directed to be recovered by warrant of distress from one of His Majesty's Justices of the Peace; and whereas it is thought more expedient that such forfeitures should be recovered as actions of debt or trespass are recoverable according to the value thereof:*

Preamble.

I. *Be it enacted by the Governor, Council and Assembly,* That all such forfeitures as aforesaid, shall be sued for by the Surveyors of Highways, in like manner, as debts of the like value are sued for, and recovered before one or more Justices, any thing in the said aforesaid Act to the contrary notwithstanding.

All forfeitures for neglect, &c. to be recovered before one or more Justices.

II. *And whereas it is a great hardship on poor labouring men, and other poor persons to be obliged to labour at said highways, roads and streets, during the whole of the six days appointed by the aforesaid Act.*

Be it enacted, That upon application to two of His Majesty's Justices of the Peace, the said Justices shall, and may, in their discretion, lessen the number of days labour to be performed by such men as cannot, without detriment to their families, attend the same.

Two Justices may lessen number of days labour by poor persons. Persons who keep carts, &c. though exempted from labouring by age, to send their carts, &c.

III. *And be it also enacted,* That all persons keeping carts, teams, and trucks, who by being sixty years old or upwards, are exempted from labouring themselves on the said highways or roads, shall nevertheless send their carts, teams or trucks, to assist in making or repairing the same.

IV. *And be it also further enacted,* That any one of his Majesty's Justices of the Peace, shall and may on his own view, or on the the oath of one credible witness, impose a fine, not exceeding twenty shillings, on any person who shall encumber or stop up the way in any of the roads or streets in this Province, by laying timber, wood, carts, trucks, or any other thing thereon, to

Penalty for encumbering or stopping roads or streets.

be recovered by warrant of distress and sale of the offender's goods and chattels, or in case such offender shall not be known or found, the same shall be recovered by sale of so much of the timber or wood, and the carts, trucks, or other thing, encumbering or stopping the way in such road or street as aforesaid, and be paid to the Overseers of the Poor for the use of the poor of the town or place where, or nearest the place where the offence shall be committed, rendering the overplus, if any be, to the owner, when found. And if the said nuisance shall continue, the same shall be deemed a new offence, and shall be prosecuted, and liable to the penalty aforesaid.

CAP. IV.

An ACT to further explain and amend an Act, made in the Thirty-Second year of His late Majesty's reign, entitled, an Act for making Lands and Tenements liable to the Payment of Debts.

For Acts in amendment or addition to this Act, see note on 32d. Geo. 2d. cap. 15.

Preamble.

WHEREAS in the first section of an Act made in the thirty-second year of His late Majesty's reign, entitled, An Act for making lands and tenements liable to the payment of debts, it is among other things enacted, 'That when any estate shall be found by the appraisers to be of greater value than the debt and cost, the creditor or creditors shall be obliged, at the expiration of thirty days next after the end of the said two years, (if not sooner redeemed) to give public notice by advertisement, that the lands or tenements so extended, are to be sold at public auction, by the Provost Marshal, or his deputy.' And whereas doubts have arisen in what manner notice of such intended sale should be given: It is hereby declared and enacted, by the Governor, Council, and Assembly, That it is the intention of the Legislature, that notice of any sale, intended to be made by the Provost Marshal or his deputy as aforesaid, shall be published in the Nova-Scotia Gazette, or other public newspaper, and in some public place in the township or other place where the lands lie, at least three several times during three months before such sale.

Manner of giving notice of the sale of lands, &c. by Provost Marshal.

II. And whereas by the second section of the aforesaid Act, it is enacted, 'That in case the yearly rents of the lands or tenements of the debtor are not sufficient to satisfy the debt with costs and interest, together with the charge of needful repairs, within the space of two years, then the execution shall and may be levied on part of such estate.' And whereas great detriment has arisen to persons, by the levying the execution in such cases, in such manner as to render the remainder of the estate of little value, to the great prejudice of the debtor; for remedy whereof, Be it enacted, That whenever an execution shall be levied as aforesaid, on a part of the real estate of the debtor, there shall be five appraisers, fit and discreet men, two to be chosen by the debtor, two by the creditor, and one by the Provost Marshal or his deputy, who shall be sworn to do equal justice between debtor and creditor in valuing the same, and shall set off so much thereof as they shall think sufficient to satisfy the debt with costs and interest, with as little injury as may be to the debtor and to the remainder of the said estate, so as to prevent any such grievance as aforesaid; any law usage or custom to the contrary in anywise notwithstanding.

When execution levied on part of real estate, five appraisers shall set off so much thereof as shall be sufficient to satisfy debt and cost.

III. And whereas no provision is made in and by the aforesaid Act, for the relief of *femes covert*, persons non compos mentis, imprisoned, or in captivity, minors, or persons out of the Province, to sue for recovery of any lands or tenements so sold, to which they are entitled, Be it enacted, That nothing in the said Act, nor any thing therein contained, shall extend, or be construed to extend, to bar the title of any minor, *feme covert*, or person non compos mentis, imprisoned, or absent from the Province, but they shall be entitled to sue for, and recover any lands or tenements within this Province, to which they are entitled within six years after such impediment shall be removed; any thing in the said Act to the contrary in any wise notwithstanding.

Minors, &c. may recover lands within six years after impediment removed.

CAP. V.

An ACT in further amendment of, and for continuing the several Acts of the General Assembly of this Province, relating to the Duties of Impost and Excise on Beer, Rum, and other distilled Spirituous Liquors, and Wines, therein mentioned. Expired.

CAP. VI.

An ACT for altering and continuing the several Acts relating to the Duty on Licensed Houses. Expired.

CAP. VII.

An ACT for continuing the several Acts for raising a Fund for the purpose of making and repairing Bridges and Roads of Communication through the Province. Expired.

CAP. VIII.

An ACT for farming the Duties of Impost and Excise on Beer, Rum, and other distilled Spirituous Liquors, and Wines, at the Island of Cape-Breton, and District of Canso, and to enable the Farmer or Farmers thereof to collect the same. Expired.

CAP. IX.

An ACT in addition to an Act, made in the Fifth Year of His present Majesty's Reign, entitled, an Act for the Summary Trial of Actions.

For Acts in amendment or addition to this Act see note on 5th Geo. 3d. cap. 11.

WHEREAS the summary trial of certain causes has been found of great utility, and that the enlarging the sum to be tried in a summary way by the Courts of Justice, may greatly contribute to the ease of His Majesty's Subjects in this Province:

Preamble.

I. Be it enacted by the Governor, Council and Assembly, That the Justices of the Supreme Court and Inferior Courts of Common Pleas within this Province, be, and they are hereby impowered in all causes of action brought before them, the sum total whereof shall not exceed twenty pounds, to proceed in like manner as has been accustomed in causes not exceeding ten pounds, and subject to a writ of error to be brought from the Inferior Courts of Common Pleas to the Supreme Court, when the judgment shall exceed five pounds.

The Supreme Court, and Inferior Courts, to proceed in a summary way, in Causes not exceeding 20l. subject to a writ of error.

II. Provided always, That when on the examination of the witnesses the matters of fact may appear doubtful, or that either of the parties shall desire it, the Court shall and may order a Jury to try the same.

When the fact may be doubtful or parties desire it, a jury may be sworn to try the same.

III. And be it further enacted, That any one of the Justices of the Supreme Court, or Inferior Courts

Any one Justice

of the Court may take the confession of the debtor and grant execution thereon.

Courts of Common Pleas within this Province, is hereby impowered in all causes of action brought before him, where the debt does not exceed twenty pounds, to take the voluntary confession of the debtor for the sum demanded by the creditor as agreed between the debtor and creditor, and to proceed therein in manner as has been hitherto practised in debts not exceeding ten pounds, and subject to the like costs as have been heretofore paid in such cases.

CAP. X.

Expired.

An ACT in amendment of, and for continuing an Act made in the Ninth year of His present Majesty's reign, entitled, an Act for establishing and regulating Ferries.

CAP. XI.

Expired.

An ACT for continuing an Act, made in the Eighth year of His present Majesty's reign, entitled, an Act for granting to His Majesty, a Duty on Wheel Carriages within the Peninsula of Halifax.

CAP. XII.

Expired.

An ACT for continuing several Acts that are near expiring.

CAP. XIII.

Expired.

An ACT in further addition to, and for continuing the several Acts for the Establishment of Fees, as regulated by the Governor and Council, at the request of the House of Assembly.

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 Sixth Day of October, Anno Domini 1774, in the Fourteenth Year of His said Majesty's Reign; being the Sixth Session of the Fifth General Assembly convened in the said Province.*

* In the time of Francis Legge, Governor; Jonathan Belcher, Chief Justice, and President of Council; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council; and Isaac Deichamps, Clerk of Assembly.

CAP. I.

An ACT in amendment of and to explain an Act, made in the Tenth Year of His present Majesty's reign, entitled, an Act for establishing the Rate of Interest.

See Act, 10th
Geo. 3d. cap. 5

WHEREAS in an Act made in the tenth year of His present Majesty's reign, entitled, An Act for establishing the Rate of Interest, it is among other things enacted, That no person or persons whatsoever, upon any contract which shall be made, shall take directly or indirectly for loan of any monies, wares, merchandize, or other commodities whatsoever, above the value of six pounds for the forbearance of one hundred pounds for a year; and whereas doubts have arisen how far the words *wares, merchandize or other commodities*, may be extended, to fix the offence of Usury, upon any person or persons who have heretofore, or may hereafter let or hire out any grain, stock of cattle, horses, cows, oxen, heiffers, sheep or swine, at a rate exceeding the the sum of six per cent. per annum upon the value thereof.

Preamble.

1. *Be it enacted by the Governor, Council and Assembly*, That from and after the publication hereof, it shall and may be lawful for any person or persons to contract and agree for the loan or hire of any quantity of grain and number of cows, horses, oxen, heiffers, sheep, swine or any other kind of stock of cattle, or grain, upon halves or otherwise, as the lender or hirer may agree, upon the lenders taking the risk of all such cows, horses, oxen, heiffers, sheep, swine or any other kind of live stock upon himself, unless it doth or can be made appear, that the said stock so lent, perished, and was lost through the the wilful neglect of the borrower, or that the said borrower sold or converted the said stock to his own use, in which case the borrower shall make good to the lender the full value thereof; and that such dealings was not, nor shall be accounted usury.

After publication of this Act it shall be lawful for any person to contract for the loan or hire of cattle, &c.

And

And whereas great benefit and advantage has accrued to many persons from the hiring grain and cattle from persons, who may have inadvertently let out, or lent the same to them, in a manner which by some may be deemed usury :

Prosecutions commenced for hire, grain lent, and not on usurious contracts to cease.

II. *Be it enacted,* That all prosecutions or complaints which may have been commenced for grain, or cattle hired or lent, and which have not yet been lawfully determined, shall cease and be no further prosecuted, *Provided,* such complaint or prosecution shall relate only to the hire or borrowing grain or cattle, and not to usurious contracts for money lent within the meaning of this Act.

And whereas there is no time limited in the said Act, wherein the offence or offences so prohibited shall and may be prosecuted.

All Prosecutions to be brought within twelve months.

Persons aggrieved, allowed an appeal.

III. *Be it enacted,* That all prosecutions hereafter to be brought for any offence already done or committed or which may hereafter be done or committed, against the said Act, shall be brought by the person or persons aggrieved, or by any person who may sue for the same within twelve months from the time the offence was committed : and it shall and may be lawful for any person or persons, who shall think themselves aggrieved by any judgment of any Inferior Court, to bring his writ of error, or appeal to His Majesty's Supreme Court.

CAP. II.

This Act executed.

An ACT to empower the Province Treasurer to borrow a Sum, not exceeding the Sum of Four Hundred Pounds, for paying off the Debt incurred by making Bridges, and opening the Road to Truro, in the County of Halifax.

CAP. III.

An ACT to prevent Waste and Destruction of Pine or other Timber Trees, on certain reserved and ungranted Lands in this Province.

Preamble.

WHEREAS His Majesty has been pleased to reserve, and set apart several tracts of land within this province, for the special purpose of securing to the Crown, a perpetual fund for the supply of masts and ship timber for the Royal Navy, particularly all those lands on St. John's River, above the present settlements, and the island of Cape Breton.

In order therefore, that the same be effectually secured against any waste or trespass :

Persons restricted from cutting down, destroying, or carrying off timber from ungranted lands, unless by licence from the Governor, stating, that the same is for His Majesty's use.

Persons offending to forfeit a sum not exceeding 100l.

I. *Be it enacted by the Governor, Council and Assembly,* That if any person shall spoil, cut down, or any otherwise injure, or destroy any pines of any dimensions whatever, or any other timber trees, growing on the afore-recited, reserved, and ungranted lands, or shall cause the same to be done, or shall cut down or carry off any tree fit for a mast, from the said premises, for every tree so cut or carried off, and for each and every offence, or without having first obtained a licence therefor, from the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, certifying that the said pine trees, and timber so to be cut, are for the sole use of His Majesty, and for no other purpose. All such persons being duly convicted of the waste and trespass aforesaid, he or they shall forfeit and pay to His Majesty, a fine not exceeding one hundred pounds, on due conviction thereof, before any of His Majesty's Courts of Record, in any County within this Province, by action of debt, bill, plaint or information, one half of the said fine to be paid to the informer, the other half to his Majesty, for the use of the Province.

II. And be it further enacted, That if such offender, on due conviction, shall be unable to pay such fine, that it shall and may be lawful for such Court, before which the conviction shall be made, to imprison such offender for the space of six months without bail or mainprize.

Offender unable to pay fine shall be imprisoned six months.

III. And whereas the setting fire to any wood lands, is often attended with great destruction of timber trees and otherwise destroys and prevents their growth, Be it enacted by the authority aforesaid, That if any person shall purposely and maliciously set fire to any places within the limits of the aforesaid reserved and ungranted territories, and thereby destroy any of the young growth, or timber trees thereon, upon due conviction before His Majesty's Supreme Court, Court of Assize and General Goal Delivery, such crime shall be adjudged felony, and such person, so convicted, shall suffer as a felon.

Persons maliciously setting fire to reserved or ungranted lands, thereby destroying the Timber, &c. to be deemed felons.

IV. Provided, That nothing in this Act shall be construed to extend to such fire wood and under wood as is commonly used in the fishery, and shall be within half a mile of the sea shore.

Not to extend to Firewood, &c.

CAP. IV.

An ACT for admitting Depositions *de bene esse*, of Witnesses aged, Infirm, and otherwise unable to travel, and of Witnesses departing from the Province.

For Acts respecting Witnesses see 24th Geo. 3d cap. 2 & 31st Geo. 3d cap. 3.

BE it enacted by the Governor, Council and Assembly, That when it shall so happen that any of the witnesses which shall be judged necessary to be produced on the trial of any cause between party and party, shall be infirm, aged, or otherwise unable to travel, or when any such witness or evidence is obliged to leave the Province, it shall and may be lawful for any one of the Judges of the Court where the cause is to be tried, on due notice given to the adverse party to be present, (if he sees fit) to take the deposition of such infirm or aged person, or persons unable to travel, or who is obliged to leave the Province, and such depositions so taken and certified under the hand and seal of the said Judge, and sealed up, and directed to such Court, shall be received as legal evidence in such cause.

When witnesses are unable to travel, or obliged to leave the Province, one of the Judges may take their depositions

which shall be sealed and directed to the Court.

II. Provided, That proof be made on oath, that due notice was given to the adverse party of the time and place of taking such depositions.

Oath to be made of notice being given to adverse party to attend.

III. And provided nevertheless, That if such witnesses shall, at the time of the trial of the cause, be in the Province, or able to travel, they shall be required to give their testimony, *viva voce*, at such trial, in the same manner, as if such depositions had not been taken.

Witnesses able to travel, &c. required to attend.

IV. Provided also, That all benefit of exceptions to the credit of such deponents, shall be reserved in the same manner as on producing witnesses for examination, *viva voce*, at the trial.

Saving benefit of exceptions to the credit of such witnesses.

V. And be it enacted, That every person of the profession of the people called Quakers, who shall be required to take an oath as aforesaid, shall, instead of an oath, be permitted to make his or her solemn affirmation.

Quakers to make affirmation.

VI. And be it also enacted, That every person who shall have made such oath, or solemn affirmation, and shall be convicted of wilfully, falsely and corruptly, having sworn or affirmed any thing, shall incur the same penalties as persons convicted of wilful and corrupt perjury.

Person convicted swearing or affirming falsely to incur penalties as for perjury.

CAP. V.

An ACT for punishing Rogues, Vagabonds, and other Idle and Disorderly Persons.

Soldiers and seamen in the service of His Majesty, not having a pass from their officer; and idle and disorderly persons without a pass from a Justice of Peace, shall be deemed idle and disorderly persons.

BE it enacted by the Governor, Council and Assembly, That all soldiers belonging to His Majesty's Troops in this Province; or seamen or mariners belonging to any of His Majesty's Ships or Vessels, who shall be travelling or wandering within the said Province, and shall not have a pass from the commanding-officer of the regiment, company, or ship or vessel, to which they belong; and all idle and wandering persons, who shall not have a pass, or testimonial, from some Justice of the Peace, setting forth, the place from whence such soldier, seamen or mariner, or such other idle and wandering person, shall have come, and the place to which they are to pass; every such soldier, mariner or seamen, or other person, shall be deemed idle and disorderly persons, and shall be proceeded against as is herein after directed.

Persons leaving their wives, &c. persons unlawfully returning to places from whence they were removed, and persons begging alms, adjudged idle and disorderly persons.

II. And be it also enacted, That all persons who run away, or threaten to run away, and leave their wives or children upon any township, and all persons who unlawfully return to such township, or place, from whence they have been legally removed by order of two Justices of the Peace, without bringing a certificate from the township whereunto they belong, and all persons who, not having wherewith to maintain themselves, live idle and refuse to work for the usual wages, and all persons going about to beg alms, shall be deemed idle and disorderly persons; and it shall be lawful for any Justice of Peace to commit such offenders (being convicted by his own view, or by confession, or by the oath of one credible witness) to prison, or to the house of correction, there to be kept to hard labour for any time, not exceeding one month.

Apprehending
O. Offenders.

If Constable, or other such officer refuse to do, or neglect, their duty, or person charged by a Justice, where no officer can be found, to forfeit ten shillings.

Ten shillings to be paid for each offender, on apprehension.

III. And be it also further enacted, That it shall be lawful for any person to apprehend offenders against this Act, and convey to some Justice of Peace, the persons so apprehended, to be proceeded against as is herein after directed, and in case any constable, or other such officer, refuse or neglect to use his best endeavours to apprehend or convey to some Justice any such offender, it shall be deemed a neglect of duty, and he shall be punished as is herein after directed; and in case any other person, charged by any Justice so to do, refuse or neglect to use his best endeavours to apprehend and deliver to the constable, or such other officer, or to carry such offender before some Justice, where no officer can be found, being convicted upon view, or by the oath of one witness before a Justice, he shall forfeit ten shillings to the use of the poor of the township, to be levied by distress and sale of goods by warrant from any Justice; and in case any person, not being a constable or officer, apprehend any deserter, or idle wandering servant, or other person, and deliver him to a constable, or convey him to a Justice, or if any constable so apprehend and convey such deserter, or idle wandering servant, or other person, it shall be lawful for such Justice to reward any such constable, or other person, by making an order under his hand and seal on the treasurer of the county, to pay ten shillings to the person so apprehending him, on producing such order and giving a receipt, and the Justices, at the General Sessions, shall allow the same to such treasurer in his accounts, upon his producing the vouchers aforesaid.

Justices receiving information that deserters, or idle persons, are in any place within their jurisdiction shall issue a warrant for a search.

IV. And be it enacted, That any one or more Justices of the Peace on receiving information that deserters, or any idle and disorderly persons, are in any place within his or their jurisdiction, shall issue his or their warrant to the constables to search for and apprehend such deserters, or idle and disorderly persons, and in case any person apprehended upon any such search be charged before such Justice or Justices with being a deserter from His Majesty's Navy, or Army, or an idle and disorderly person, or with suspicion of felony, (although no direct proof be then made thereof) to examine such person, not only as to the place from whence he came, and where he was last legally settled, but also as to his manner of livelihood, the substance of which

examination

examination shall be put in writing, and be signed by the person so examined, and the said Justice or Justices shall sign the same, and transmit it to the next General Sessions of the Peace for the county, or Special Sessions for the district where such Justice or Justices reside, to be filed and kept on record, and if such person make it not appear to such Justice or Justices, that he is not a deserter, and that he has a lawful way of getting his livelihood by labour or otherwise, or procure not some responsible house-keeper to appear to his character, and give security for his appearance before such Justice or Justices, at some other day, (in case the same be required) to commit such person to some prison, or house of correction, for any time not exceeding fourteen days, and in the mean time to order the Overseers of the Poor of the township or place, in which such person is apprehended, to insert an advertisement in the public newspaper, describing such suspicious person, and any thing found upon him, or in his custody, and which he is suspected not to have come honestly by, and mentioning the place to which such person is committed, and specifying when and where such person is to be again brought before the said Justice or Justices to be examined, and if no accusation be then laid against him, such person shall be discharged, or otherwise dealt with according to law.

Proceedings in regard to persons apprehended.

V. *And be it also further enacted*, That if any constable, or other officer, or master of any house of correction, be negligent of his duty in the execution of this Act, or in case any person disturb the execution of this Act, or rescue any person apprehended or passing by virtue thereof, or be assisting to his or her escape, and be convicted thereof upon the oath of one credible witness, before one Justice of the Peace, where such offence is committed, the person so offending, for every such offence, shall forfeit any sum not exceeding five pounds, nor less than ten shillings, to the use of the poor of the township, to be levied by distress and sale of the offender's goods, by warrant from such Justice, and if sufficient distress cannot be found, it shall be lawful for such Justice to commit the persons so offending to prison, or to the house of correction, there to be kept to hard labour for any time not exceeding two months.

Penalty on officers not doing their duty;

and on persons hindering the execution of this Act or rescuing prisoners.

VI. *And be it enacted*, That if any person shall knowingly permit any deserter, or idle and wandering servant or vagabond, to lodge in his or her house, barn, or other outhouse or buildings, and shall not apprehend and carry such deserter, or idle servant or vagabond, before some Justice, or give notice to some constable, or other officer, so to do, such person being thereof convicted, either on confession, or upon oath of one credible witness, before a Justice where such offence is committed, shall forfeit any sum not exceeding forty shillings, nor less than ten shillings, one moiety to the informer, and the other moiety to the poor of the township, to be levied by distress and sale of goods, by warrant from such Justice; and if any charge be brought upon any township or place by means of any such offence, the same shall be answered to the said township by such offender, and be levied by distress and sale of goods, and if sufficient distress cannot be found, such offender shall be committed to prison, or to the house of correction, by the Justice, for any time not exceeding one month.

Penalty for sheltering deserters, &c.

Provided, That any person who shall have been prosecuted and fined on the Act of Parliament, for concealing or harbouring Deserters, shall not be again prosecuted for the same, on this Act.

VII. *And be it also enacted*, That where persons, by lunacy or otherwise, are furiously mad, and dangerous to be permitted to go abroad, it shall be lawful for two Justices where such lunatic is found, by warrant directed to the Constables, Churchwardens and Overseers of the Poor, of the township or place, to cause such person to be apprehended, and kept safely locked up in some secure place within the county, as such Justices direct; and if such Justices find it necessary to be there chained, if the last legal settlement of such person be in any place within such county, and if such settlement be not there, such person shall be sent to the place of his last legal settlement by a pass, and shall be locked up and chained by warrant of two Justices of the county to which such person is to be sent, and the charges of removing and maintaining and curing

Lunatics to be confined by warrant of justices.

Goods and Estate of lunatics to be seized to pay the charge of their maintenance.

But if he has no property his township to pay the charges.

Proviso.

Persons sued for any thing done in execution of this Act may plead General Issue.

curing such person, during such restraint, (which shall be for such time only as such madness continues) shall be paid, being first proved upon oath, by order of two Justices directing the Churchwardens or Overseers of the Poor; where any goods, lands or tenements, of such person be, to seize and sell so much of the goods, or receive so much of the rents of the lands, as is necessary to pay the same; and to account for what is so seized, sold or received; to the next Sessions of the Peace; but if such person hath not an estate to pay the same over and above what is sufficient to maintain his or her family, then such charge shall be paid by the township or place to which such person belongs, by order of two Justices, directed to the Churchwardens or Overseers.

VIII. *Provided*, That nothing herein contained, shall extend, or be construed to extend, to abridge the prerogative of His Majesty, or of the Chancellor, concerning such lunatics, or restrain any friend or relation of such lunatics from taking them under their own care.

IX. *And be it also further enacted*, That if any person or persons shall be sued for any matter or thing, which he or they shall do in execution of this Act, he or they may plead the general issue, and give the special matter in evidence, and if a verdict shall pass for the defendant, or the plaintiff shall be nonsuited, or discontinued his suit, the defendant may recover treble costs.

CAP. VI.

For Acts in amendment or addition to this Act see note on 8th Geo. 3d. cap 5.

An ACT in addition to, and in amendment of an Act, made in the Eighth Year of His present Majesty's Reign, entitled, an Act for establishing the Times of holding the Supreme Court.

Preamble.

WHEREAS many and great inconveniences have arisen, and daily do arise, for want of a more speedy and full administration of justice in the several Counties in this Province, that many suitors living and residing therein, do sue and prosecute their actions and causes of complaint in the Supreme Court, at present held only at Halifax, and that their being obliged to come from a great distance themselves, and bringing their witnesses, is very detrimental as well as expensive to them, and great injury is thereby done to individuals, as well as to the public good of the Province; and whereas His Majesty has been pleased to grant a commission, and appoint a Supreme Court, Court of Assize, and General Goal Delivery, to be holden in, and through the Province, exercising the powers of the several Courts of King's Bench, Common Pleas and Exchequer in England, and that the holding the said Court at certain stated times, in such Counties to which there is a communication with the town of Halifax by land, will greatly contribute to the security of the rights of the Crown, as well as to the ease and welfare of His Majesty's Subjects in this Province:

The Supreme Court shall be held in the several Towns and Counties; and at times, hereafter mentioned.

Jurors.

I. *Be it therefore enacted by the Governor, Council and Assembly*, That the said Supreme Court shall from and after the thirtieth day of December next, be holden in the several towns and counties, and at such times and in such manner, as are hereafter mentioned, and that the said Supreme Court shall be, and is hereby empowered, to proceed at the said several sittings, in and as near the same manner as hath heretofore been used in the said Court, sitting at Halifax, and that the several Laws of this Province, respecting Jurors, shall extend and be construed to extend to the holding the said Supreme Court at the said several times and places, and that all the proceedings, rules, judgments and executions, of the said Supreme Court, legally had, made and done, in and at their sittings and terms, and at the said several places, shall be good, valid and effectual, to all intents and purposes whatsoever.

II. *And whereas it may be attended with inconvenience, that all and every the Judges of the said Supreme Court, should be present at the several sittings of the said Court:*

Be it enacted, That any two of the Judges of the said Court, shall be sufficient for holding the same, and transacting the business thereof, at all, any, and every of the times and places hereafter mentioned, and the legal proceedings then and there had, shall be to all intents and purposes whatsoever, as good and effectual, as if all the Judges of the said Court were present.

Two Judges to hold the said Court.

III. And be it enacted, That the said Supreme Court shall be held at Halifax; at Horton, in King's County; at Annapolis, in the County of Annapolis; at Cumberland, in the County of Cumberland. And that the time of sitting of the said Supreme Court, in each of the terms or times for holding the same, shall be limited, *that is to say*, at Halifax, for fourteen days, from the day of opening the said Court, unless in cases of unavoidable necessity, or that the multiplicity of business at either of the said terms should require it, in which case the Judges may continue the same for a time not exceeding six days longer. And that in each of the other Counties the said Court shall not sit longer than five days from the day of opening each of the said Courts.

That part of this section, which respects the time of Courts sitting is not printed, being changed for Halifax by the 20th and 32d Geo. 3d. cap. 1, and 3. and for the other Counties by the 39th Geo. 3d. cap. 5.

Provided always, That nothing herein contained, shall be of force or effect, until His Majesty's pleasure be known thereon.

Confirmed by His Majesty.

CAP. VII.

An ACT in further amendment of an Act, made in the Thirty-Second year of His late Majesty's reign, entitled, an Act relating to Treasons and Felonies.

For Acts in amendment or addition to this Act, see note on 32d Geo. 2d. cap. 13.

WHEREAS in and by an Act made in the thirty second year of His late Majesty's reign, entitled, An Act, relating to treasons and felonies, it is among other things enacted, 'That offences therein described as in degree of petit larceny, shall be punished by such public whipping as the court before whom such offender shall be convicted shall direct; and whereas it is thought expedient that the Court should have power to order the person convicted of such petit larceny to be imprisoned, or committed to the House of Correction, or whipped at the discretion of the Court:

Preamble.

I. Be it therefore enacted, by the Governor, Council and Assembly, That it shall and may be lawful for the Court before whom any offender shall be so convicted as a petit larceny, to punish such offender by whipping or imprisonment, or commitment of such offender to the house of correction, there to be put to hard labour, the said imprisonment or commitment to the house of correction not to exceed three months, and within that space for such time as the Judges in their discretion shall think fit.

In convictions of petit larceny Court may punish offenders by whipping or imprisonment.

CAP. VIII.

An ACT to empower the Supreme Court to issue Writs of Certiorari.

For Acts in amendment or addition to this Act, see note on 31st Geo. 3d. cap. 9, and 39th Geo. 3d. cap. 5.

BE it enacted by the Governor, Council and Assembly, That the Supreme Court for this Province shall and may, upon application, issue Writs of Certiorari for removing orders of Sessions of the Peace, under such regulations, restrictions and powers, as Writs of Certiorari are issued by His Majesty's Court of King's Bench in Great Britain, and conformable to the course and practice of the Common Law, and the several Statutes for that purpose made and provided.

Supreme Court may, on application, issue Writs of Certiorari for removing Orders of Sessions of the Peace.

CAP. IX.

The times of the sitting of this Court altered & fixed by the 31st and 36th Geo. 3d. cap. 11 and 3.

An ACT for altering the Times of holding the Court of General Sessions of the Peace, and Inferior Court of Common Pleas for the County of Cumberland.

CAP. X.

For Acts in amendment to this Act see note on 32d Geo. 2d. cap. 20.

An ACT in amendment of an Act made in the Thirty-second year of His late Majesty's reign, entitled, an Act for punishing Criminal Offenders.

Preamble.

WHEREAS by an Act made in the thirty-second year of His late Majesty's reign, entitled, 'An Act for punishing Criminal Offenders,' it is among other things enacted, 'That every person convicted of perjury in manner therein mentioned, shall be set in the pillory, and that both his ears shall be nailed to the pillory, and that every person convicted of counterfeiting, impairing, diminishing or imbasing, any foreign coins, current in this Province, in manner also therein mentioned, shall be set in the pillory, and that one of his ears shall be nailed to the pillory.' And whereas it was the intent of the said Act for due punishment of such offenders, that both the ears of the person convicted of perjury, and that one ear of the person convicted of counterfeiting, impairing, diminishing, or imbasing, any foreign coin current in this province, should be cut off and then nailed to the pillory:

Punishment of persons convicted of Perjury and counterfeiting coin, &c.

I. Be it therefore enacted, by the Governor, Council and Assembly, That the said Act shall, on all convictions for the offences aforesaid, be hereafter so understood and construed, and that both the ears of such offender or offenders as shall be convicted of perjury; and one of the ears of the offender or offenders as shall be convicted of counterfeiting, impairing, diminishing or imbasing, any foreign coin current in this Province, shall, for more exemplary punishment, be first cut off, and then nailed to the pillory; any thing expressed in the said Act to the contrary notwithstanding.

CAP. XI.

Expired.

An ACT in further addition to, and amendment of, and for continuing the several Acts of the General Assembly of this Province, therein mentioned, relating to the Duties of Impost and Excise on Wines, Beer, Rum, and other distilled Spirituous Liquors.

CAP. XII.

An ACT for granting to His Majesty an Excise on Molasses and Brown Sugar, sold within, or brought into this Province, and for the more effectually improving and extending the Trade of this Colony to the West-Indies. Expired.

CAP. XIII.

An ACT, in amendment of, and in addition to the several Acts relating to the Duty on Licensed Houses, and for further continuing the same. Expired.

CAP. XIV.

An ACT to prevent for a limited time, the Exportation of Wheat, Rye, Barley, Flour, Meal and Pease, from this Province. Expired.

CAP. XV.

An ACT in further amendment of, and in addition to an Act, made in the fifth year of His present Majesty's reign, entitled, An Act for the Summary Trial of Actions. For Acts in amendment or addition to this Act see note on 5th Geo. 3d cap. 13.

WHEREAS it is thought that the extending the powers of the Justices of Peace in Causes for the recovery of small debts, may greatly contribute to the ease and relief of many poor people in this Province:

I. *Be it enacted by the Governor, Council and Assembly,* That it shall be lawful for any persons, who have debts owing to them, by any person where the whole dealing or cause of action does not exceed three pounds, to cause such debtor to be summoned to appear before two Justices of the Peace of the county or district where either of them shall dwell, and the said Justices, after such summons, are hereby impowered to make such orders and proceedings between such parties, plaintiffs and their debtors, defendants, touching such debts as they find to stand with equity and good conscience, and shall allow the defendant to produce his account against the plaintiff, or any receipts or other discharges for payments made, either in the whole or in part, and the said Justices shall examine and enquire into the merits of both accounts, and of such discharges, and by such other proof as to them shall seem requisite, to ascertain the debt so due, and at their discretion to decree the payment thereof, at such different times and periods as they shall think fit and proper, agreeable to the circumstances of the debtor, and with as little prejudice as possible to the creditor, and to award costs as they shall find whether for the plaintiff or defendant without appeal, unless the debt or cause of action shall amount to upwards of twenty shillings; any law, usage or custom, to the contrary notwithstanding.

II. *And be it also enacted,* That if any defendant after being duly summoned to appear, shall without just cause to be allowed by the Justices, refuse to appear, or shall not perform such order as the Justices shall make concerning such debts as aforesaid, it shall be lawful for

Preamble.
Mode of proceeding.
Appeal.
Defendant refusing to perform order, warrant of distress, &c. be issued against him.

for such Justices to issue a warrant of distress against the goods and chattels of such defendant, and for want of such goods or chattels whereon to levy the sum due with costs, as herein after mentioned, such Justices shall commit such defendant to goal for any time, not exceeding two months, according to the amount of the debt, or until he performs such order.

Where debt does not exceed 3l. not to be sued for in any other Court.

Certain Debts not liable to be sued for by this Act.

Manner of directing the Summons.

III. *And be it also further enacted*, That no action for any debt where the whole dealing or cause of action does not exceed three pounds shall be brought against any person in any Court of law in this province, except by appeal.

IV. *Provided*, That nothing in this Act shall extend to any debt for any rent upon any lease of lands or tenements, or any other real contract or specialty, or any contract concerning matrimony.

V. *And be it enacted*, That the summons in such causes as relate to the township of Halifax, shall be directed to the Provost Marshal or his Deputy, and in all such causes as relate to the other townships in the province, the said summons shall be directed to the Provost Marshal, or his Deputy, or the Constable of the township, where the plaintiff or defendant shall dwell, and shall be by the said Provost Marshal, his Deputy, or the Constable, read to the defendant, or in his absence a copy thereof, shall be left at his house, lodging, or last place of abode, at least three days before the trial.

Fees allowed to Justices and others.

VI. *And be it also enacted*, That for the serving the said summons the Provost Marshal, his Deputy or Constable shall have one shilling and two pence per mile travel, and for the service of the warrant of distress or of commitment to goal, one shilling with two pence per mile travel, and one shilling poundage, on levying and selling the distress, and that the whole expence to be charged by the Justices for the summons, judgment and execution, shall not exceed four shillings and ten pence, *that is to say*, two shillings and sixpence for the summons, one shilling for the judgment, and one shilling and four pence for the warrant of distress or commitment, any law, usage or custom, to the contrary notwithstanding.

Where sum sued for does not exceed 5s. no costs.

VII. *And be it enacted*, That where the sum sued for does not exceed five shillings, there shall no cost be awarded against the defendant.

Penalty on persons taking greater Fees.

VIII. *And be it also enacted*, That if any person or persons whomsoever, shall ask, demand, or take, any greater or other fees for the services mentioned in this Act than are hereby established, he or they shall forfeit and pay the sum of five pounds, and be prosecuted as in cases of extortion, one moiety of the said fine to be unto His Majesty, for and towards the support of the government of this Province, and the other moiety to the informer, complainant, or him that shall sue for the same in any Court of Record in this Province.

FORM of the SUMMONS.

To

' YOU are hereby required to summon A. B. of _____ to appear before us on _____
' the _____ day of _____ at _____ o'clock in the _____ to answer to C. D. in the sum
' of _____ and make return hereof, on or before said day.
' Witness our hands and seals the

Form of Summons.

CAP. XVI.

An ACT for farming the Duties of Impost and Excise on Beer, Rum, and other distilled Spirituous Liquors, and Wines, Sugar and Molasses, at the several Districts therein mentioned.

Expired.

CAP. XVII.

An ACT to enable JOHN MORRISON, Deputy Surveyor of Lands, to recover of the Inhabitants of the Township of Clare, the Charges he has been at, in Surveying and laying out Lands to the said Inhabitants.

This Act executed.

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 Twelfth Day of June, Anno Domini 1775, in the Fifteenth Year of His said Majesty's Reign, being the Seventh Session of the Fifth General Assembly convened in the said Province.*

* In the time of Francis Legge, Governor; Charles Morris, President of Council; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council; and Isaac Deschamps, Clerk of Assembly.

CAP. I.

An ACT in addition to an Act, made in the Fifteenth year of His present Majesty's reign, entitled, an Act to prevent Waste and Destruction of Pine or other Timber Trees on certain reserved and ungranted Lands in this Province.

15. Geo. 3d. c. 3

WHEREAS the restrictions contained in an Act, made and passed in the fifteenth year of His present Majesty's reign, entitled, "An Act to prevent Waste and Destruction of Pine and other Timber Trees, on certain reserved and ungranted Lands in this Province." are too general, and may tend greatly to the detriment of the Fishery; in order to remedy the same:

Preamble.

1. Be it enacted, by the Governor, Council and Assembly, That any person or persons inhabiting the island of Cape Breton and such as are employed in and about the fishery, may cut down and use such wood as shall be necessary for fuel and the purposes of the fishery; and such persons shall not be liable to the penalties of said Act although it should be beyond the line therein prescribed, any thing to the contrary in said Act notwithstanding.

Inhabitants of Cape Breton and such as are employed in the fishery, may cut down and use such wood as shall be necessary for fuel and the fishery.

CAP. II.

Expired.

An ACT, in amendment of an Act, made in the Eighth year of His present Majesty's reign, entitled, an Act for granting to His Majesty a Duty on Wheel Carriages within the Peninsula of Halifax.

CAP. III.

For Acts in amendment or addition to this Act see note on 5th Geo. 3d. cap. 11.

An ACT in further amendment of the several Laws, relative to the Summary Trial of Actions.

WHEREAS many inconveniences do arise in carrying into execution the Act made last session of the General Assembly, entitled, "An Act in further amendment of, and in addition to an Act made in the fifth year of His present Majesty's reign, entitled, An Act for the Summary Trial of Actions, particularly in the country parts of the Province, where the Magistrates live at a great distance from each other :

All causes where the debt shall not exceed 3l. to be tried before one or more Justices.

I. *Be it enacted by the Governor, Council and Assembly,* That in all causes where the whole dealing or cause of action shall not exceed three pounds, the same shall and may be tried before one or more Justices, who shall proceed therein, in manner as is directed by the first section of the above recited Act.

Debtor not appearing on summons or neglecting to perform order.

II. *And be it also enacted,* That if any debtor after being duly summoned to appear shall without just cause to be allowed of by the said Justice or Justices, refuse or neglect to appear, or shall refuse or neglect to perform such order or decree, as shall be made concerning such debts as aforesaid, it shall and may be lawful for such Justice or Justices to issue execution against the goods and chattels of such debtor, and for want of goods and chattels sufficient to satisfy such execution with costs, such Justice or Justices, shall, and may commit such debtor to goal until such debt is discharged, or he be released by the creditor, any law, usage, or custom to the contrary notwithstanding.

Execution against goods and chattels &c. for want thereof to be committed.

And whereas many inconveniences arise by the restriction contained in the seventh section of the said afore-recited Act :

In all causes brought before one or more Justices, costs to be awarded.

III. *Be it enacted,* That in all such causes brought as aforesaid, before the said Justice or Justices, costs shall be awarded, as is directed by the sixth section of the afore-recited Act, any law, usage or custom to the contrary notwithstanding.

CAP. IV.

This Act revived by 33d. Geo. 3d.

An ACT to empower the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, to prohibit the exportation of Gun-powder, Arms and Ammunition, or Salt Petre, or carrying the same Coastways.

Preamble.

WHEREAS it is thought necessary, during the present disturbances in America, and may hereafter be deemed expedient, to prevent the exportation of gunpowder, arms and ammunition or salt petre or carrying the same coastways, except for His Majesty's use and service:

I. *Be it therefore enacted, by the Governor, Council and Assembly,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice and consent of His Majesty's Council, to issue a proclamation, for prohibiting for such time as shall be therein expressed, the exportation out of the Province or coastways, any gunpowder, arms and ammunition, or salt petre, except for His Majesty's use and service, or with licence first obtained by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, or other person appointed by government for that purpose.

The Governor, to issue proclamation for prohibiting for a time the exportation of gunpowder, &c. except for His Majesty's use or with license from the Governor.

II. *And be it enacted,* That if any gun-powder, arms and ammunition or salt petre, shall be shipped or laden on board any vessel for exportation, or be carried coastways, contrary to such proclamation so issued for prohibiting the exportation thereof, the same shall be forfeited, and the master of such vessel or any other person or persons concerned in shipping or lading any gun-powder, arms and ammunition, or salt petre, shall forfeit and pay the sum of fifty pounds, to be recovered in any of His Majesty's Courts of Record in this Province, and applied, one half to His Majesty's use, and the other half to the informer.

Gunpowder, &c. shipped contrary to such Proclamation to be forfeited and the Master of the Vessel to pay sol.

Provided, That nothing in this Act shall extend, or be construed to extend to any small quantity of gunpowder or small arms, for the ship or vessel's use.

Not to extend to gunpowder, &c. for vessel's use

III. *And be it enacted,* That this Act shall continue for one year, from and after the publication thereof, and until the end of the Session of the General Assembly then next following.

Act continued for one year.

CAP. V.

An ACT for the relief of JONATHAN BINNEY, Esq. late Collector of the Duties of Impost and Excise at the District of Canso.

This Act not approved of by His Majesty.

CAP. VI.

An ACT for the better securing the payment of certain Debts due to the Government of this Province.

This Act not approved of by His Majesty.

CAP. VII.

An ACT in addition to, and amendment of, the several Acts made by the General Assembly of this Province, for appointing Commissioners of Sewers.

This Act not approved of by His Majesty.

CAP. VIII.

An ACT for altering the Times appointed for holding the Supreme Court in certain Counties therein mentioned.

This Act not approved of by His Majesty.

CAP. IX.

This Act executed.

An ACT to enable certain persons, therein named, to state an account of the work done in the Township of Truro, for repair of Dykes and Roads, since the year One thousand seven hundred and sixty one, and to oblige the persons concerned in the same to pay their proportion of the said expence.

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 Twentieth Day of October, Anno Domini 1775, in the Fifteenth Year of His said Majesty's Reign; being the Eighth Session of the Fifth General Assembly convened in the said Province.*

* In the time of Francis Legge, Governor; Jonathan Belcher, Chief Justice and President of Council; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council; and Isaac Deschamps, Clerk of Assembly.

CAP. I.

This Act repealed by 35th Geo. 3d.

An ACT in addition to the several Acts of this Province, made for regulating the Militia, and more particularly an Act made in the Second year of His present Majesty's reign, entitled, an Act for better regulating the Militia, on actual service, in time of War.

CAP. II.

An Act in addition to an Act, made in the First year of His present Majesty's reign, entitled, an Act to prevent the spreading of Contagious Distempers.

BE it enacted by the Governor, Council and Assembly, That for the better preventing the spreading of infection, when it shall happen that any person or persons coming from abroad, or belonging to any town or place within this Province; visited, or that late before have been visited with the plague, small pox, pestilential or malignant fever, or other contagious sickness; the infection whereof may probably be communicated to others, two or more of the Justices of the Peace, together with the Overseers of the Poor of such town, are hereby impowered, upon full and sufficient evidence and proof being made to such Justices and Overseers of the Poor, and after taking the testimony of one or more physician, surgeon or apothecary, living and residing in, or near, such township or place, to take care and make effectual provision in the best manner they can, for the preservation of the inhabitants, and if such sick or infected person or persons shall not remove himself or themselves, or be removed by his or their parents or masters, to such place as the Justices and Overseers of the Poor shall think fit and proper, provided the same be within such township or place, it shall and may be lawful for the said Justices and Overseers of the Poor to remove and place such sick or infected person or persons to, and in a separate house or houses as aforesaid, and by providing nurses, attendance, and other assistance, and necessaries for them, at the charge of the parties themselves, their parents or masters; if able, or otherwise at the charge of the town or place whereto they belong. And in case it shall happen that any person or persons shall be visited with any such small pox, malignant infection or sickness, in any other town or place than that whereto they belong, and thereby occasion a charge to such town, the Overseers of the Poor shall lay the account thereof before the Justices in the Court of General or Special Sessions of the Peace, held for the County or District, where such town lies, whereto such person or persons belong, and the Justices having adjusted the account of such charge, and allowed so much thereof as they judge reasonable, shall order payment thereof to be made by the Overseers of the Poor, when the persons themselves, their parents, or masters, are unable to pay the same, and when it shall happen that such indigent persons, are not inhabitants, or belonging to any town or place within this Province, and the proper charge thereof, in case they need relief, being adjusted as aforesaid, then the charge of their sickness shall be defrayed out of the public Treasury of the province, by warrant from the Governor, Lieutenant-Governor, or Commander in Chief, on the certificate of the said Justices.

II. *Provided*, That any person or persons desirous of being inoculated (for the small pox) themselves, or of having their families inoculated, may proceed therein, provided, that the house or place wherein they dwell or reside, during the time of their being infected with the small pox, shall be at least one hundred and sixty rods distance from any other house or dwelling, and that they take care to prevent and restrain all persons infected, from going from thence, further then eighty rods from such house, and also that such their design of inoculating be made known in the township where they dwell, and a flag hung out at their said house, to the end that all persons may take notice thereof, and avoid, if they see cause, going near such houses or places.

III. *Provided also*, That nothing in this Act contained, shall be construed to extend to the town of Halifax.

For Acts in amendment to this Act, see note on 1st. Geo. 3d. cap. 6.

When any persons come from any place infected with plague, small pox, &c. on sufficient evidence and testimony of physicians, &c.

Two or more Justices with Overseers of the Poor to take care and make effectual provision for the preservation of the inhabitants

Sick or infected persons to remove themselves or be removed by Justices and Overseers of the Poor.

Charge occasioned by persons belonging to any other town who shall be sick with small pox, &c. and who are unable to pay the same, to be paid by Overseers of the Poor of town where they belong. and when such persons do not belong to any such town, such charge to be paid by the Treasurer of the Province.

Rules to be observed by persons who shall inoculate themselves or families.

Not to extend to Halifax.

CAP. III.

An ACT in addition to, and amendment of, an Act made in the Eleventh year of His present Majesty's reign, entitled, an Act for altering and amending an Act, made in the Thirty-Second year of His late Majesty's reign, entitled, an Act relating to the affize of Bread, and for ascertaining the Standard of Weights and Measures.

Repealed by 36th Geo. 3d.

CAP. IV.

An ACT in amendment to the several Laws of this Province concerning Bail.

For Acts in amendment or addition to this Act see note on 8th Geo. 3d. cap. 7.

Preamble.

WHEREAS many and great inconveniences arise for the want of authority being granted by Law, for holding to bail such persons who may be indebted for sums under ten pounds, and exceeding three pounds :

In all causes where the sum in demand shall exceed 3l. the Provost Marshal or deputy may arrest, imprison, or hold to bail any debtor, upon plaintiff, his attorney, or agent making affidavit, before a Judge or the Clerk or deputy Clerk of Court.

Sum sworn to, to be endorsed on the writ.

If plaintiff is sick and unable to attend on the Judge or the Clerk or Commissioner for taking bail, such plaintiff may make affidavit before a Justice of the Peace

I. *Be it enacted by the Governor, Council and Assembly,* That in all causes where the sum in demand shall exceed three pounds, the Provost Marshal or his deputy, may arrest, imprison, or hold to bail, any debtor or debtors, upon the plaintiff, his attorney or agent, making and subscribing an affidavit in writing, or on the back of the writ to be issued, for recovery of the debt, to be sued for, before a Judge, or the Clerk, or his Deputy, of the Court from whence the writ shall issue, that the defendant is justly indebted to the plaintiff in any sum exceeding three pounds, which affidavit, so to be subscribed as aforesaid, shall be filed in the clerk's office from whence such writ may issue as aforesaid, and the sum specified in such affidavit, so made and subscribed as aforesaid, or to be made on the writ as aforesaid, shall be endorsed on the writ to be issued as aforesaid, in the following, by oath for (in words at length) for which sum, so endorsed, the Provost Marshal, Sheriff, Coroner, or their Deputies, shall take bail, and for no more; any law, usage or custom, to the contrary notwithstanding.

II. *Provided always, and be it enacted,* That whensoever it may happen that any plaintiff or plaintiffs are sick, and unable to attend upon the Judge or Clerk of any Court, or upon a Commissioner for taking bail, to make oath to his or their debt for holding a defendant to bail, such plaintiff may make oath before any one of His Majesty's Justices of the Peace, and every oath so to be taken, and bail, which may be ordered by any one of His Majesty's Justices of the Peace as aforesaid, shall be as good and effectual as if made before any Judge, Commissioner or Clerk, as aforesaid.

This Act not now in force, see 29th Geo. 3d. cap. 5.

CAP. V.

An ACT for establishing the Times of holding an Inferior Court of Common Pleas, in the Township of Yarmouth, in Queen's County.

CAP. VI.

An ACT for the ready admission of such of His Majesty's Subjects in the Colonies on the Continent, who may be induced to take refuge in this Province, from the Anarchy and Confusion there, and for securing the Peace, and preserving the Loyalty and Obedience of the Inhabitants of this Province.

This Act expired with the occasion that gave rise to it.

CAP. VII.

An ACT for raising a Tax on the Inhabitants of this Province, for defraying the expence of maintaining and supporting the Militia of the said Province, and for the defence of the same.

Expired.

CAP. VIII.

An ACT for further regulating the Market at Halifax.

Expired.

CAP. IX.

An ACT to continue an Act, made in the Fifteenth year of His present Majesty's reign, entitled, an Act to prevent, for a limited time, the Exportation of Wheat, Rye, Barley, Flour, Meal and Pease, from this Province.

Expired.

CAP. X.

An ACT in addition to, and amendment of, an Act made in the Third Year of his present Majesty's Reign, entitled, an Act to prevent Nuisances by Hedges, Wares and other Incumbrances obstructing the Passage of Fish in the Rivers in this Province.

For Acts in amendment or addition to this Act see note on 3d. and 4th Geo. 3d. cap. 2.

WHEREAS in and by an Act made in the third year of his present Majesty's reign, entitled, an Act to prevent nuisances by hedges, wears, and other incumbrances, obstructing the passage of fish in the rivers in this province, It is enacted, 'That if any person or persons shall presume to erect or set up any hedge, wear, fish garth, or other incumbrance, or place any seine or seines across any river in this province, contrary to the rules and regulations made by the Justices in their General Quarter Sessions annually, such person or persons shall upon due conviction thereof, forfeit and pay the sum of ten pounds,' which penalty in many cases is found too high, and the method of recovering the same inconvenient, for remedy whereof:

Preamble.

I. Be it enacted, by the Governor, Council and Assembly, That it shall and may be lawful for the Justices in their General or Special Sessions of the Peace, annually to make rules and orders for

The Justices in their General or Special Sessions for

to make regulations for the river fishery, and affix a penalty for breach thereof, not exceeding 10l.

Now recovered.

The Justices to appoint two or more fit persons to be Overseers of the river fishery.

If any net, hedge, &c. is found, in any river contrary to the regulations, the same with the fish to be forfeit.

Nothing in this Act to extend to those rivers where fish do not resort in seasons for spawning. Additions and amendments by this Act to be in force two years.

for the regulation of the river fishery in their respective counties and districts, as they from time to time shall find necessary for the preservation thereof, and to affix a penalty for the breach of the same, not exceeding ten pounds, to be recovered when the sum does not exceed twenty shillings, before one Justice, and when the sum exceeds twenty shillings and not exceeding three pounds, before two Justices, any law, usage or custom to the contrary notwithstanding.

II. *And be it also enacted*, That the said Justices in their Sessions as aforesaid, shall and may appoint two or more fit persons to be overseers of the river fishery, who shall be sworn to the faithful discharge of their duty, and shall have power to remove any net, hedge, wear, fish garth, seine or other incumbrance, that shall be found in any river, contrary to the regulations made by the said Justices.

III. *And be it also further enacted*, That if any net, hedge, wear, fish garth, seine, or other incumbrance shall be found in any river, contrary to the regulations so made by the said Justices, and no owner appearing to claim the same in ten days after public notice shall have been given thereof, the said net, or seine, shall, together with the fish found therein, be forfeited and sold, to satisfy the penalties aforesaid, the overplus if any to be paid, to the overseers of the poor for the use of the poor of the township where the offence shall be committed.

IV. *Provided*, That nothing in this Act shall be construed to extend to such rivers, to which fish do not resort in the seasons for spawning.

V. *And be it enacted*, That the several additions and amendments made to the afore recited Act, by this Act, shall continue, and be in force for the term of two years, and until the end of the Session of General Assembly then next following.

CAP. XI.

An ACT for continuing several Acts that are near expiring.

Expired.

CAP. XII.

An ACT for altering the times of sitting and holding the Supreme Court in King's County and the Counties of Annapolis and Cumberland, in the spring of the year 1776.

Expired.

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 Fifteenth Day of June, Anno Domini 1776, in the Sixteenth Year of His said Majesty's Reign, being the Ninth Session of the Fifth General Assembly convened in the said Province.*

* In the time of Mariot Arbuthnot, Lieutenant Governor; Charles Morris, President of Council; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council; and Isaac Deschamps, Clerk of Assembly.

CAP. I.

An ACT in addition to the several Acts, made by the General Assembly of this Province, to enable the several Townships within the same, to maintain their Poor.

For Acts in amendment or addition to this Act, see note on 3d and 4th Geo. 3d. cap. 7.

WHEREAS the inhabitants of the township of Halifax have neglected to meet at the times by law directed, to vote money for the support of the poor of said township, which has made it necessary for the Justices at the General Sessions of the Peace, to amerce the said township, in such sums as to them appeared requisite for the purpose. And whereas doubts have arisen as to the number of Assessors to be appointed by the Justices for assessing the said sums so amerced, or which it may be expedient hereafter to amerce, on any township neglecting to meet and make provision for their poor as aforesaid:

Preamble.

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That in all cases where the inhabitants of the township of Halifax, or of any other township in the Province, shall neglect to meet and vote such sums as may be necessary to be raised for the support of their poor. The Justices at their Special Sessions of the Peace, shall and may amerce such township in such sum or sums of money, as they shall think requisite for that purpose. And they shall also at such Sessions appoint five freholders (three or more of which to be a quorum) to assess the sums so amerced on the inhabitants; which assessment, so made, shall be affixed in some public place of such township, at least three days before the end of the same Sessions, that any of the inhabitants so assessed, may, if they see cause, appeal therefrom, and that the Justices may determine thereon the same Sessions.

In all cases where Justices shall amerce the township, Assessors to be appointed by them. Assessment to be affixed in some public place.

II. And be it also enacted, That in case the assessors appointed by the Justices as aforesaid, shall neglect or refuse to meet and make the said assessment within ten days after their appointment, or in case the collector or collectors, appointed to collect the same, neglect their duty therein; he or they shall be subject to a fine of five pounds for the use of the poor of such township,

Respecting appeals. If Assessors neglect to make assessment within ten days after appointment, or if Collectors neglect

lest their duty to pay a fine of 5l. To be levied by warrant from two Justices.

which shall, on failure of payment, be levied on complaint of the Overseers of the Poor, before two of His Majesty's Justices of the Peace, by warrant of distress and sale of the offender's goods and chattels, and others shall by the said Justices be appointed in their stead.

CAP. II.

An ACT in addition to an Act made in the Thirteenth Year of His present Majesty's Reign, entitled, an Act to empower the Province Treasurer to issue other Notes in exchange for such Notes as have been issued heretofore, in virtue of the several Loan Acts made by the General Assembly of this Province, and are defaced and worn.

Executed.

CAP. III.

An ACT for taking, examining, and stating, the Public Accounts of this Province.

All accounts of monies arising from any duty, &c. And the accounts of the issuing of all money which shall come into the Treasury to be laid before the General Assembly for examination &c. and such approbation and allowance to be a discharge and bar against any action.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That all accounts of the receipts of any monies, arising from any duty or taxes granted and raised, and that hereafter shall be granted and raised by the General Assembly, for and towards the support of Government or otherwise, and the accounts of the issuing and disposal of all such monies as have or shall come into the treasury by any ways or means whatsoever, shall be laid before the General Assembly at the several Sessions held from time to time, for their examination, approbation and allowance, in such manner as to the General Assembly shall be judged proper; and all such approbations and allowances of the General Assembly heretofore, or that hereafter shall be passed, shall be to the several Collectors or Receivers of the Duties, Treasurers, and other persons concerned, a full and final discharge, and be a bar against any action, which may be brought for any sum or sums of money against any of the persons aforesaid.

Proviso.

II. *Provided*, That all monies arising by the operations of any Revenue Act or Acts of this Province, shall be accounted for unto His Majesty in the kingdom of Great-Britain, and to the Commissioners of His Majesty's Treasury, or High Treasurer for the time being, and audited by the Auditor General of His Majesty's plantations, or his deputy.

III. *And whereas* great inconveniences have arisen by persons having demands, or pretend to have demand on this Government, and who do not bring in their accounts for a long time after the same became due; or was said to become due, and that through length of time, or the death or absence of persons, the possibility of detecting frauds is prevented; by means of which the Province has been and may be greatly injured; for remedy whereof:

Demands against government to be brought and laid before a Committee of the Council and House of Assembly, in the first week in their Session.

Be it enacted, That all persons having claims or demands against this Government, either for work done, goods supplied, or services of any kind, which may have become due, or owing to them before the first day of June instant, or who may hereafter have any demands as aforesaid, shall bring in the same before the next Session of the General Assembly or within the first week of the said Session, to be examined and audited by a Committee of Council, and of the House of Assembly, and in like manner all accounts of such demands, shall from time to time be brought in, either before, or within the first week of each Session of the General Assembly thereafter.

IV. *And be it also enacted*, That no such accounts shall be admitted, or paid by the Treasurer of the Province, where the same shall not have been brought in, within the times limited by this Act.

No accounts to be paid not exhibited within limited time.

CAP. IV.

An ACT for altering the Times appointed for holding the Supreme Court.

Not now in force.

CAP. V.

An ACT to repeal an Act of the General Assembly, entitled, an Act in addition to the several Acts of this Province, made for regulating the Militia, and more particularly an Act made in the Second year of His present Majesty's reign, entitled, an Act for the better regulating the Militia, on actual service, in time of War.

Expired.

CAP. VI.

An ACT in further addition to, and for continuing an Act made in the Fifteenth year of His present Majesty's reign, entitled, an Act in further addition to, and amendment of, and for continuing the several Acts of the General Assembly of this Province, therein mentioned, relating to the Duties of Impost and Excise on Wines, Beer, Rum, and other distilled Spirituous Liquors.

Expired.

CAP. VII.

An ACT, for continuing an Act, made in the Fifteenth year of His present Majesty's reign, entitled, an Act for granting to His Majesty an Excise on Molasses, and Brown Sugar, sold within, or brought into, this Province, and for the more effectual improving and extending the Trade of this Colony to the West-Indies.

Expired.

CAP. VIII.

An ACT for farming the Duties of Impost and Excise on Beer, Rum, and other Distilled Spirituous Liquors, and Wines, Brown Sugar and Molasses, at the several Districts therein mentioned.

Expired.

CAP. IX.

Expired.

An ACT in further amendment of an Act, made in the Sixth year of His present Majesty's reign, entitled, an Act for prescribing the Forms of Writs, and the manner of issuing the same.

CAP. X.

This Act passed with a suspending clause, and His Majesty's pleasure has never been signified.

An ACT for granting to His Majesty a Duty of Poundage of Eight per Cent. *ad valorem*, upon all Commodities imported into this Province, not being the produce of the British Dominions in Europe and America, Bay Salt, excepted, to be disposed of by Parliament.

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 Sixth Day of June, Anno Domini 1777, in the Seventeenth Year of His said Majesty's Reign; being the Tenth Session of the Fifth General Assembly convened in the said Province.*

* In the time of Mariot Arbuthnot, Lieutenant-Governor; Charles Morris, President of Council; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council; and Isaac Deschamps, Clerk of Assembly.

CAP. I.

For Acts in amendment or addition to this Act, see note on 5th Geo. 3d. cap. 1.

An ACT in further addition to an Act made in the Fifth year of His present Majesty's reign, entitled, an Act for the Choice of Town Officers and regulating Townships.

The Grand Jury to nominate six persons, out of

BE it enacted by the Lieutenant-Governor, Council and Assembly, That the Grand Juries for the several Counties in this Province, at the Court of General Sessions of the Peace for

for each County respectively, at the first Sessions of the Peace held after the publication of this Act, and thereafter at the first Session of the said Court in each year, shall nominate six fit persons, out of which the Court shall appoint three to be Assessors of all such rates and taxes, as are now payable, or which may hereafter be payable, by any Act or Acts of the General Assembly of this Province, and four persons, out of which the Court shall appoint two, to be collectors of all taxes or rates in each township, and four persons, out of which the Court shall appoint two, to be Surveyors and Weighers of Hay in each township, who shall be sworn to the faithful discharge of their duty, in manner as is prescribed by the Laws of this Province, and the like proceedings shall be had relative to such Assessors, Collectors, and Surveyors, and Weighers of Hay, so nominated and appointed, as are directed to be observed concerning the several Town Officers to be chosen and appointed in pursuance of the Act made in the fifth year of His present Majesty's reign, entitled An Act for the choice of Town Officers, and regulating Townships, any law, usage or custom, to the contrary notwithstanding.

whom the Court to appoint three, to be Assessors of all rates and taxes and four persons, of which Court to appoint two, Collectors of taxes, and

four persons, of which the Court shall appoint two, to be Surveyors and Weighers of Hay.

The like proceedings to be had relative to such officers as directed by 5th Geo. cap. 1. Allowance to Surveyors & Weighers of Hay.

II. *And be it also enacted,* That the Surveyors and Weighers of Hay shall be paid for their trouble in viewing and weighing of Hay, at the rate of one penny per hundred weight, and four pence per mile, travel, if such travel shall exceed one mile, to be paid by the seller.

CAP. II.

An ACT for the making perpetual an Act made in the Eleventh year of His present Majesty's reign, entitled, an Act to avoid the Double Payment of Debts.

1 r. Geo. 3 cap 11

BE it enacted by the Lieutenant-Governor, Council and Assembly, That an Act made in the eleventh year of His present Majesty's reign, entitled, An Act to avoid the Double Payment of Debts, shall be, and the same is hereby made perpetual, any proviso or limitation in the said Act notwithstanding.

Made perpetual

CAP. III.

An ACT, in amendment of an Act made in the second year of His present Majesty's reign, entitled, an Act for the better regulating the Militia on actual service in time of War.

Repealed by 35th Geo. 3d.

CAP. IV.

An ACT in amendment of the several Acts for regulating Juries.

Repealed by 36th Geo. 3d.

CAP. V.

An ACT in further addition to an Act, made in the Third year of His present Majesty's reign, entitled, an Act to enable the several Townships within this Province to maintain their Poor.

For Acts in amendment or addition to this Act see note on 3d. and 4th Geo. 3d. cap. 7.

WHEREAS in the third section of an Act made by the General Assembly of this Province in the tenth year of His Majesty's reign, entitled, An Act in further amendment of, and addition to

Preamble.

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an Act made in the third year of His present Majesty's reign, entitled, An Act to enable the several townships within this Province to maintain their Poor, it is enacted, 'That the Overseers of the Poor shall for the future account on oath if required, before the General Sessions of the Peace held next after the expiration of their office, for all monies raised, and disbursed by them for the support of the poor.'

Such Overseers of the Poor as do not account with the Sessions within one month after the expiration of their office, forfeit 5l. each.

But no penalty is affixed to be paid by such Overseers as do not account as aforesaid:

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly, That all such Overseers of the Poor, as have not already accounted before the General or Special Sessions of the Peace, and do not, within three months from the publication of this Act, account as aforesaid, and all such Overseers as do not for the future, within one month after the expiration of their office, render an account to the Clerk of the Peace, of the County in which they reside, to be by him laid before the Justices at their next Sessions, of all monies raised and disbursed by them for the support of the Poor, shall, on complaint of the Clerk of the Peace, or of one or more inhabitants, forfeit and pay the sum of five pounds each, to be levied, on non-payment thereof, by warrant under the hands and seals of two of His Majesty's Justices of the Peace, for the use of the Poor of the Township for which such Overseers of the Poor were appointed.*

CAP. VI.

An ACT in addition to an Act, entitled, an Act to prevent Trespasses.

For Acts respecting trespasses, see note on 3d. Geo. 2d. cap. 14.

WHEREAS *the preservation of the trees and underbrush growing on the lands lying on the road leading to Fort Sackville, between the said road and Bedford Basin, has been found useful and necessary for the preservation of the said road:*

Any person who shall cut down any trees or underbrush on that side of the road leading from Halifax to Fort Sackville, next the Basin, shall, on conviction, pay 4cs.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly, That if any person or persons shall cut down or otherwise destroy any trees or underbrush growing within thirty feet of the road of the land, that lies between the said road leading from Halifax to Fort Sackville, on that side next Bedford Basin, shall on proof thereof, by the oath of one credible witness, before one of His Majesty's Justices of the Peace for the County of Halifax, be convicted, shall forfeit and pay the sum of forty shillings, to be levied by warrant of distress on the offender's goods and chattels, which fine so levied, shall be applied, one half to the informer, and the other half to and for use of said road.*

CAP. VII.

Expired.

An ACT for regulating the Price of certain Provisions in the Township of Halifax.

CAP. VIII.

Expired.

An ACT for restraining the exorbitant Price of Labour.

CAP. IX.

An ACT for more effectually preventing the Desertion of Seamen and Soldiers from His Majesty's Navy and Army in this Province. Expired.

CAP. X.

An ACT for continuing the several Acts relating to the Duty on Wheel Carriages, within the Peninsula of Halifax. Expired.

CAP. XI.

An ACT for continuing an Act, made in the Fifteenth year of His present Majesty's reign, entitled, an Act to empower the Governor, Lieutenant-Governor, or Commander in Chief for the Time being, to prohibit the Exportation of Gunpowder, Arms, and Ammunition, or Salt-petre, or carrying the same Coastways. Expired.

CAP. XII.

An ACT for continuing the several Acts for raising a Fund for the purpose of making and repairing Bridges and Roads of Communication through the Province. Expired.

CAP. XIII.

An ACT for the more effectually securing Prisoners, committed for Crimes against His Majesty and Government, and for the Trial of such Offenders. Expired.

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 Sixth Day of June, Anno Domini 1778, in the Eighteenth Year of His said Majesty's Reign, being the Eleventh Session of the Fifth General Assembly convened in the said Province.*

* In the time of Mariot Arbuthnot, Lieutenant-Governor; Bryan Finucane, President of Council; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council, and Isaac Deschamps, Clerk of Assembly.

CAP. I.

Preamble.

An Act for the more speedy settling the Value of such Lands, as are, or shall be wanting to erect Fortifications or other military uses.

WHEREAS it may be necessary to erect fortifications for the defence of this Province, and it may happen to be in such places where the lands are owned and possessed by some of His Majesty's Subjects, either in their own right, or as minors, or otherwise: In order therefore, that such persons may have an adequate satisfaction, and the lands be properly vested in the Crown:

Lands wanted on which to erect fortifications, &c.

application to be made to the Governor, who is authorised to appoint a Special Court.
Mode of inquiry.

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That when the Commander in Chief of His Majesty's Troops here shall judge it necessary that certain lands should be made use of to erect fortifications, or other military uses, and when the Commander in Chief aforesaid, or in case of his neglect the proprietor of the lands shall make application to the Governor, Lieutenant-Governor, or Commander in Chief, of this Province, for the time being, who is hereby desired and authorised to appoint a Special Court for that purpose, that is to say, if the lands lie in the County of Halifax, to be held by the Supreme Court of this Province, and if in any other County by the Inferior Court of Common Pleas for the County where such land shall lie.

Court to issue precept for a jury, and appoint time & place of meeting.—Jury to be sworn.

II. And be it further enacted, That such Courts, upon due appointment, shall issue out their precept in the common form, directed to the Provost Marshal or his Deputy, to summon a Jury of twenty-four good and lawful men, freeholders, from the town or precinct nearest to which the lands shall lie, to meet at such time and place as the Judges shall direct by their precept aforesaid, who shall then and there duly be sworn to estimate and appraise the same.

III. And be it enacted, That the Jury thus sworn, shall view the premises so demanded, and in their verdict shall prescribe the meets and bounds, as also the quantity, to whom the lands belong, and what is the real value thereof, in distinct parcels, according to the number of proprietors

prietors, and shall return their verdict in writing, under their hands and seals, to which at least twelve shall sign their names, and such verdict being entered by order of the Judges with the Clerk of the Court, thence forward shall become a record of said Court.

Jury to settle the value of lands.

IV. *And be it further enacted,* That the said monies so ascertained by the said verdict, being paid to the proprietors named in said verdict, respectively, or on their refusal to accept the same such monies shall be lodged in said Court for their use, or if minors or others disabled by law to receive the same, it shall be paid to their guardians or legal representatives, to be by them disposed of agreeable to the laws of this Province, and the said lands shall thereupon be vested in His Majesty, His Heirs and Successors for ever: and such record shall be a sufficient bar in law against any action brought by any of the proprietors of such lands, their heirs or assigns, for trespass, or for recovery of the same.

Disposal of monies arising therefrom.

Lands vested in His Majesty.

V. *And be it also further enacted,* That all lands heretofore taken upon, up for such use, whose value has not yet been ascertained may be proceeded on agreeable to this Act.

Lands heretofore taken.

VI. *And be it enacted,* That if the Provost Marshal or His Deputy shall refuse or neglect to summon a Jury as aforesaid, he or they shall forfeit and pay the sum of twenty pounds for every such neglect, or in case any of the Jury being duly summoned, shall not attend, or shall refuse to be sworn, he or they shall forfeit and pay the sum of five pounds each, for such neglect or refusal, and the Judges of the said Courts respectively, may order the same to be levied by warrant of distress and sale of the offender's goods.

Penalty for not summoning Jury.

Penalty for Jurors not attending.

CAP. II.

An ACT to empower the Governor, Lieutenant-Governor, or Commander in Chief, to appoint Sheriffs in such Counties where it may be found necessary.

This Act repealed by the 35th Geo. 3d. cap. 1.

CAP. III.

An ACT for the more speedy recovery of His Majesty's Debts within this Province.

WHEREAS the manner of recovering His Majesty's Debts hitherto used and practised, has been attended with great inconvenience, and oftentimes with the total loss of such Debts, through the length of the process and otherwise:

Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That from and after the publication of this Act, the Collectors of the public money, in any case where they are obliged to give credit according to the laws of the Province, shall take such recognizances in the name of Our Sovereign Lord the King, to be paid to our said Sovereign Lord the King, His Heirs and Successors, and to his and their use only: and the said obligors shall at the same time give a full and sufficient power of attorney either indorsed on the said recognizance, or annexed thereto, empowering some one of the Attornies of the Court to confess, that such debt mentioned in the condition of the recognizance is justly due, and if the obligor or obligors shall pay and discharge the money due at, or before the time specified in the said recognizance, that then it shall be lawful, and such Collector is hereby required, to discharge such recognizance, and the same shall become void.

Recognizances to be taken for payment of Duties.

Obligors to execute a warrant of attorney, to enter indorsements for such debt.

II. *And be it further enacted,* That if such recognizances shall not be paid and satisfied at the time specified and mentioned therein, that then the Collectors or others who are empowered

Do

to When Duties shall not be paid

the Collectors to transmit recognizances to the Treasurer.

to take such recognizances shall forthwith transmit them to the Treasurer of the Province by the first safe conveyance.

Prosecution for the same.

III. *And be it also further enacted*, That the Treasurer, upon receipt thereof, shall cause the same to be prosecuted in His Majesty's Supreme Court at Halifax, and the recognizance being duly filed, and the confession of the debt being acknowledged, no imparlance shall be granted, but judgment shall be made up thereupon, and execution shall issue to levy the debt upon the goods, chattels, and estate of the debtor; and for the more speedy recovering the same, the said action may be entered at any time during the term in which such Court is held, or in any time during the vacancy of said terms, before the Chief Justice, or in his absence before either of the other Judges of the said Court, who shall thereupon order judgment to be made up as of the last term, and execution to issue thereon.

Execution to be levied within 60 days.

IV. *And be it further enacted*, In order to prevent any delay of justice, That the Provost Marshal or his deputy, upon his receiving the writ of execution, shall within sixty days from the date thereof, cause the same to be duly levied, or otherwise shall make a legal return thereof into Court, with his doings thereon, upon pain of answering for any failure or neglect agreeable to the laws in such cases made and provided.

CAP. IV.

An ACT for the making perpetual an Act, made in the Sixteenth year of His present Majesty's reign, entitled, an Act in addition to, and amendment of, an Act made in the Third year of His said Majesty's reign, entitled, an Act to prevent Nuisances by Hedges, Wears, and other Incumbrances, obstructing the passage of Fish in the rivers in this Province.

Temporary Acts 16th Geo. 3d. cap. 10, made perpetual.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act made in the sixteenth year of His present Majesty's reign, entitled, An Act in addition to, and amendment of, an Act made in the third year of His present Majesty's reign, entitled, An Act to prevent Nuisances, by Hedges, Wears, and other Incumbrances, obstructing the passage of Fish in the Rivers in this Province, shall be, and the same is hereby made perpetual, any proviso or limitation in the said Act notwithstanding.

CAP. V.

An ACT to prevent the Forestalling, Regrating and Monopolizing, of Cord Wood, in the Town of Halifax.

For Acts in amendment or addition to this Act see 38th Geo. 3d and 40th Geo. 3d.

Penalty for monopolizing cord wood.

BE it enacted by the Lieutenant Governor, Council and Assembly, That from and after the publication of this Act, whatsoever person or persons shall buy, or cause to be bought, any cord wood coming by land or water to the town of Halifax, to be sold again, except at the distance of ten miles from Halifax, or shall make any bargain, contract, or promise, or shall make any offer in any way or manner whatsoever, to any person or persons for the having or buying the same, or any part thereof, for the enhancing the price, or dearer selling any kind of cord wood coming by land or water, to Halifax aforesaid, shall forfeit and pay for every cord of wood so bought or received ten shillings per cord, over and above the price so given, or paid, upon conviction before two of His Majesty's Justices of the Peace, and be levied (in case of refusal of payment) by warrant of distress and sale of the offender's goods and chattels, and be applied towards the support of the poor of the said township. II

II. *Provided nevertheleſs*, That when the price of cord wood ſhall be at the rate of fifteen ſhillings per cord or under, any perſon or perſons ſhall and may be at liberty to purchaſe cord wood to ſell again, without incurring the penalties of this Act.

III. *And Provided alſo*, That nothing in this Act contained ſhall extend to prevent the Barrack Maſter or perſons employed by him from purchaſing cord wood for the uſe of His Ma- jeſty's troops.

Proviſo. when at 15s. or under.

Not to prevent the purchaſe of wood for the troops.

CAP. VI.

An ACT to amend, render more effectual, and reduce into one Act, the ſeveral Acts made by the General Aſſembly of this Province, concerning Bail.

For Acts in amendment or addition to this Act ſee note on 8th Geo. 3d. cap. 7.

BE it enacted, by the Lieutenant Governor, Council and Aſſembly, That in all cauſes where the ſum in demand ſhall exceed three pounds, the Provoſt Maſtral, or Sheriff, or his Deputy, may arreſt, impriſon or hold to bail, any debtor or debtors, or attach the goods, chattels or eſtate of ſuch debtor or debtors, upon the plaintiff in ſuch actions, his attorney or agent, making and ſubſcribing an affidavit in writing before a Judge of the Court from whence ſuch writ ſhall iſſue, or in the abſence of ſuch Judges, before any one of His Maſteſty's Juſtices of the Peace, that the defendant is juſtly indebted to the plaintiff in any ſum exceeding three pounds, which affidavit ſhall be filed in the office of the Clerk of the Court, from whence the writ ſhall iſſue, and the ſum ſpecified in ſuch affidavit ſhall be indorſed on the back of the ſaid writ in the form following, by oath for (in words at length) for which ſum ſo indorſed, the Provoſt Maſtral, Sheriff, Coroner, or their deputies, ſhall take bail or make attachment as aforeſaid, and for no more; any law, uſage or cuſtom, to the contrary notwithstanding.

Cauſes where demand exceeds 3l. attachment to be made of goods, &c. or debtor arreſted.

Upon plaintiff making affidavit to the ſum indorſed on the writ.

II. *And be it further enacted*, That if ſuch action ſhall be brought by any agent, factor or attorney, in the name of his principal, if abſent, upon producing an affidavit of the debt of this principal duly authenticated, according to the laws of England or the uſage and practice of the plantations in ſuch caſes, and upon the ſaid affidavits being reſpectively filed as aforeſaid, then the ſaid Judge, ſhall indorſe the ſum ſo ſworn to, and bail ſhall be required, or an attachment be made accordingly.

If plaintiff be abſent, his attorney may file his affidavit.

III. *And be it alſo further enacted*, That when any perſon or perſons ſhall be arreſted by virtue of any writ or original proceſs, the Provoſt Maſtral, Sheriff, or his deputy, ſhall be obliged and are hereby reſpectively required, upon ſufficient bail being offered, to let ſuch defendant or defendants go at large, upon his or their firſt executing a bond with two ſufficient ſureties to the ſaid Provoſt Maſtral, or Sheriff, with a condition thereunder written, for the perſonal appearance only of the defendant, on the firſt day of the Court to which ſuch writ is returnable, and if ſuch defendant ſhall not appear accordingly, or give in ſufficient bail to abide the final event of the ſuit, judgment ſhall be entered againſt the defendant by default, and the Provoſt Maſtral or Sheriff, ſhall then and there in Court, upon the requeſt of the plaintiff or his attorney, aſſign the bail bond, by indorſing his name thereon for the benefit of the plaintiff, to be in ſuit or otherwiſe recover the penalty thereof, which aſſignment ſhall not debar the plaintiff from proceeding to final judgment and execution the ſame Court, againſt the defendant or defendants in the ſaid action, as in caſes wherein default is made; but whenever it ſhall happen that the defendant or defendants in the ſaid action ſhall appear according to the tenor of the condition of the bond, and there abide by the order of the Court, or give bail to the ſatisfaction of the plaintiff, and approbation of the Court, to abide by the final iſſue and determination of the ſuit, or if the defendant from ſome impediment

Upon bail being given the defendant to go at large.

Defendant not appearing to give bail to abide the final event of the ſuit, judgment to be entered againſt him by default, and bail bond aſſigned.

On Defendants appearing or giving ſpecial bail, bail bond diſcharged.

ment shall not appear, but nevertheless two sufficient persons to be approved of by the plaintiff and Court shall offer to become and give bail in manner aforesaid, in such case the bail for appearance only, shall be discharged, and such defendant or defendants shall be entitled to all the privileges of law, and in no other case whatsoever, unless consented to and agreed upon in open Court between the plaintiff and defendant, or their Attornies in their behalf.

CAP. VII.

Expired.

An ACT in further addition to, and amendment of, and for continuing the several Acts of the General Assembly of this Province, therein mentioned, relating to the Duties of Impost and Excise on Wines, Beer, Rum, and other distilled Spirituous Liquors.

CAP. VIII.

Expired.

An ACT for continuing several Acts that are near expiring.

CAP. IX.

Expired.

An ACT in further amendment of, and addition to, the several Laws relating to the Duty on Licenced Houses.

CAP. X.

Expired.

An ACT for farming the Duties of Impost and Excise on Beer, Rum, and other distilled Spirituous Liquors, and Wines, Brown Sugar, and Molasses, at the several Districts therein mentioned.

CAP. XI.

Expired.

An ACT in amendment of, and for continuing an Act, made in the Fifteenth year of His present Majesty's reign, entitled, an Act for granting to His Majesty an Excise on Molasses, and Brown Sugar, sold within, or brought into, this Province, and for the more effectual improving and extending the Trade of this Colony to the West-Indies.

CAP. XII.

An ACT for reducing the Terms of holding the Supreme Court of Judicature, and the Inferior Court of Common Pleas in the County of Halifax.

This Act altered by the 36th Geo. 3d. cap. 3.

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 Seventh Day of June, Anno Domini 1779, in the Nineteenth Year of His said Majesty's Reign, being the Twelfth Session of the Fifth General Assembly convened in the said Province.*

* In the time of Sir Richard Hughes, Bart. Lieutenant-Governor; Bryan Finucane, Chief Justice, and President of Council, William Nesbit, Speaker; Richard Bulkeley, Secretary of Council, and Isaac Deschamps, Clerk of Assembly.

CAP. I.

An ACT to empower the Province Treasurer to borrow a sum not exceeding Five Thousand Pounds, for the purpose of purchasing, fitting and supporting, armed Vessels for the protection of the Coast of this Province.

This Act executed.

CAP. II.

An ACT to prevent the spreading of Distempers among Horses and Cattle in this Province.

For Acts respecting contagious diseases, see note on 1st. Geo. 3d. cap. 6.

WHEREAS great damage and inconvenience may arise by the going at large of horses, mares, or geldings, and cattle, which are infected with diseases liable to be communicated to other horse-kind or cattle:

Preamble.

Justices in Sessions shall make regulations for the preventing the going at large of infected horses and cattle.

any person transgressing such regulation to forfeit 10l.

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That the Justices of the Peace in each County or Township, impowered to hold Sessions of the Peace, shall have power, and they are hereby directed, to make regulations for the preventing the going at large of infected horses, mares, geldings, and cattle, and the spreading of distempers among them, in manner as shall be most agreeable to the circumstances of such County, or the Townships therein, and any person who shall transgress such regulations so made, shall be subject to a fine not exceeding ten pounds, to be recovered on complaint or information before any two of His Majesty's Justices of the Peace for the County, wherein the offence shall be committed, or before the Justices in the Sessions held for such County or Township, and be levied, on non-payment thereof, by warrant of distress and sale of the offender's goods and chattels, and applied for the Township wherein the offence shall be committed.

CAP. III.

An ACT to regulate abuses in the sale of Hides and Skins.

For Acts respecting Hides see note on 1st Geo. 3d. cap. 12.

Preamble.

WHEREAS notwithstanding the penalties to be inflicted by the laws of this Province, on Butchers, or other persons, who shall gash, cut, split or flaw, the hides of cattle, calf or sheep, in slaying thereof, or otherwise, great abuses are daily committed to the great injury of the public :

Searchers and Sealers of Leather to view hides of cattle, calves, or sheep, and if gashed, &c. an allowance to be made in the price.

Persons selling hides, before viewed, forfeit 1l.

Recovery and application.

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That the persons appointed Searchers and Sealers of Leather, shall view every hide or skin of any cattle, calves or sheep, either in the slaughter-house or at the tanners, before the same shall be delivered on sale, and if he shall find the same to be gashed, cut, split or flawed, there shall be an allowance made in the price thereof to the buyer, as shall appear to the said Searchers and Sealers of Leather to be just and equitable ; and any butcher, or other person, who shall not call on the said Searchers and Sealers of Leather to view such hides or skins before such sale, shall forfeit and pay a fine of twenty shillings, for every such hide or skin not exposed to view as aforesaid, to be recovered before any one of His Majesty's Justices of the Peace, and be levied by warrant of distress and sale of the offender's goods and chattels ; one half thereof to be paid to the informer, or person suing for the same, and the other half to the poor of the place where the offence shall be committed.

Searchers and Sealers to be paid for their trouble.

II. And be it also enacted, That the said Searchers and Sealers of Leather shall be paid for their trouble in viewing the said hides and skins, that is to say, for every ox, bull, steer or cow, hide, three pence, and for every calf or sheep skin one penny, and three pence per mile travel, to be paid by the feller.

CAP. IV.

An ACT for altering the Times appointed for holding the Supreme Court, in King's County, and the County of Annapolis, in the Spring Circuit.

This Act not now in force.

CAP. V.

An ACT for providing Pounds in the several Townships in this Province.

Act in addition to this Act fee. 40th Geo. 3d. cap. 7.

WHEREAS the manner of raising money for the erecting Pounds in the several Townships in this Province, by the Act, made in the Fifth year of His present Majesty's reign, entitled, An Act for the raising Money by Presentment on the several Counties in this Province, for the defraying certain County Charges therein mentioned, is found inconvenient:

Preamble.

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That the account of expences for erecting a pound, or pounds, in any township, shall, before payment, be approved by two Justices of the Peace, residing in the township where such pound, or pounds, shall be erected, or by two Justices of the Peace in the County wherein such Township shall lie, and the cost thereof shall be levied on the inhabitants of such Township by assessment, in manner as is provided for levying the monies voted for support of the poor, and recovered accordingly.

Expence of erecting Pounds.

CAP. VI.

An ACT for the establishing a public Market for the Sale of live Stock within the Town of Halifax.

This Act not now in force, the premises having been sold pursuant to an Act for that purpose.

CAP. VII.

An ACT to empower the Justices of the Peace in their Sessions to make Regulations for preventing the clandestine conveying away Sheep and Lambs from the Townships in this Province.

For other matters respecting sheep, fee 34th Geo. 3d. cap. 2.

WHEREAS Butchers, Drovers, and others, who buy sheep and lambs in the country, do frequently in a clandestine manner, drive away other sheep and lambs, the property of the inhabitants, from the commons and places where they run at large, by which means it is not in the power of the owners to detect them, for remedy whereof:

Preamble.

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That the Justices of the Peace in each county or township empowered to hold Sessions of the Peace, shall be empowered in their Sessions as aforesaid, and they are hereby directed, to made regulations for the preventing the clandestine driving or carrying away sheep and lambs from the several townships in such counties, in manner as shall be most agreeable to the circumstances of such county or townships therein, and any person who shall transgress such regulations so made by the Justices, shall forfeit and pay a fine not exceeding five pounds, to be recovered on complaint or information before any two of His Majesty's Justices of the Peace for the county wherein the offence shall be committed, or before the Sessions in such County or Township, and be levied by warrant of distress on the offender's goods and chattels, and applied to the use of the poor of the township where the offence shall be committed.

Clandestine driving away sheep and lambs from the several townships how prevented.

Transgressors forfeit 5l. for use of the poor.

CAP. VIII.

For Acts in amendment or addition to this Act, see note on 1st Geo. 3d. cap. 34.

An ACT to explain, amend, and render more effectual, the several Laws of this Province, for repairing and mending Highways, Roads, Bridges and Streets.

Preamble.

WHEREAS by the third section of an Act made in the fifth year of His present Majesty's reign, entitled, An Act in addition to an Act made in the first year of His Majesty's reign, entitled, An Act for repairing and mending Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways within the several townships in this Province, it is enacted, That in case damage shall be done to any person in his land or property, by the laying out particular and private ways, recompence shall be made by the town, as the Surveyors of the highways, and the parties interested, may agree, or as shall be ordered by the Justices in Sessions, upon enquiry into the same by a Jury to be summoned for that purpose. And whereas in cases where the Surveyors of highways and parties have not agreed relating to the damages suffered, mistakes have happened in summoning the said Jury out of the town where such ways are laid out :

Damages by laying out highways, how ascertained.

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That in all cases, where, either private or public highways shall be laid out and any dispute shall arise between the parties concerned, and the Surveyors of the highways, for the town where the same shall be laid out, or proposed to be laid out, relating to the damage suffered, or likely to be suffered by such parties, the same shall be determined by a Jury to be ordered by the Justices out of the next towns, who shall be sworn impartially to determine the same.

Surveyors not to alter roads or streets without consent of at least three Justices.

And whereas the Surveyors of the highways do often take upon themselves, to alter roads, and the determination of the place or part of the town where the repairs of the streets or highways shall be made, to the great injury of such town in general :

II. Be it enacted, That the Surveyors of highways shall not alter any roads or streets already laid out, nor make any repairs to the streets or highways in any town or township, but by the advice and consent of at least three Justices of the Peace.

CAP IX.

This Act repealed.

An ACT in further addition to, and amendment of an Act made in the Eleventh year of His present Majesty's reign, entitled, an Act, for altering, and amending an Act, made in the Thirty-second year of His late Majesty's Reign, entitled, an Act relating to the affize of Bread, and for ascertaining the standard of Weights and Measures.

CAP. X.

For Acts in amendment or addition to this Act see note on 3d Geo. 3d. cap. 3.

An ACT in amendment of an Act, made in the Thirty-second year of His late Majesty's reign, entitled, an Act directing the Proceedings against Forcible Entry and Detainer.

WHEREAS many inconveniences and difficulties do frequently arise to landlords for want of a speedy remedy to get possession of their houses, lands and tenements, after the expiration of the terms of tenants, who obstinately hold over :

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That upon complaint on oath made before any two Justices of the Peace, of any wrongful or unlawful holding over of any tenant, after the expiration of his term of any houses, lands, or tenements, or other possessions where such Justices reside, after possession demanded, and warning having been given to such tenant in manner as is hereafter mentioned, to remove, it shall and may be lawful for such Justices, by warrant, to cause such tenant or tenants, or other person in possession, to be arrested, and detained in custody, until he, she, or they find sufficient security for personal appearance at the next Supreme Court, there to answer such complaint.

Mode of proceeding against an illegal detainer.

II. *And be it also enacted,* That the said Supreme Court shall have power and authority to enquire by credible proof into the cause of said complaint, and if it shall be found by a Jury, then and there sworn to try the same, that a wrongful and illegal detainer and withholding of such houses, lands and tenements, has been made after demand and notice as aforesaid, then the said Supreme Court, by writ of *habere facias possessionem*, shall cause the said houses, lands and tenements, to be re-seized, and the party complaining to be again put into possession within ten days after such trial had; and more over the party grieved, shall; and by action of trespass on the case, recover treble rent, and costs of suit, against the defendant or defendants, any law, usage or custom, to the contrary notwithstanding.

The Supreme Court to enquire into the cause of detention; and, if illegal, to repossess the owner of his property, and party grieved may recover treble rent and costs.

III. *And be it also further enacted,* That when any house or tenement shall be let by the year, three months warning shall be given, and when by the month, one month's warning, and when by the week, one week's warning shall be given to the tenant in possession.

Warning to the Tenant.

CAP. XI.

An ACT for laying a Tax upon Lands, Tenements and Hereditaments, in the Province, for a certain limited time.

Expired.

CAP. XII.

An ACT for laying an additional Duty on the Tonnage of Vessels coming into the Harbour of Halifax.

Expired.

CAP. XIII.

An ACT for regulating Carriers, and Owners of Waggons, Carts, and Trucks, employed for hire, on the Roads between Halifax, and the Townships of Windsor, Truro, Onslow and Londonderry.

Expired.

CAP. XIV.

Expired.

An ACT to obviate doubts which have arisen in regard to the payment of the Duties of Impost and Excise on Rum, and other Spirituous Liquors.

CAP. XV.

Expired.

An ACT for laying a Duty on Goods and Merchandize, Lands and Tenements, sold at Public Auction.

CAP. XVI.

Expired.

An ACT for laying an additional Duty of Excise on Wines, Rum, and other distilled Spirituous Liquors.

CAP. XVII.

Expired.

An ACT for the more effectual securing all the Goods, Chattels, Lands and Tenements, belonging to such Persons who have deserted this Province, to join His Majesty's Rebellious Subjects in the other Colonies.

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 Ninth Day of October, Anno Domini 1780, and in the Twentieth Year of His said Majesty's Reign, being the Thirteenth Session of the Fifth General Assembly convened in the said Province.*

* In the time of Sir Richard Hughes, Bart. Lieutenant Governor; Bryan Finucane, Chief Justice, and President of Council; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council; and Isaac Deschamps, Clerk of Assembly.

CAP. I.

An ACT for reducing the Terms of holding the Supreme Court of Judicature, and the Inferior Court of Common Pleas at Halifax.

WHEREAS the holding of the Supreme Court of Judicature and the Inferior Court of Common Pleas at Halifax, four times a year, is found to be very inconvenient to the inhabitants, by the attendances required for grand and petit Jurors:

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That for the future the Supreme Court shall be held at Halifax, three times in each year, that is to say, on the first Tuesday of the month of April, the second Tuesday of the month of July, and the second Tuesday of the month of October.

[Part of the first, with the second and third sections of this Act, are not printed, they being unnecessary, as Act 36th Geo. 3d. establishes the four Terms of both Courts.]

This Act, with the Act of the 36th Geo. 3d. cap. 37. are the Acts by which the sitting of the Supreme and Inferior Courts are now held, and the times of holding the Quarter Sessions which are held on the same days, that the Inferior Court sits, are regulated by 32nd. Geo. 2nd. cap. 27.

Times of holding the Supreme and Inferior Courts

CAP. II.

An ACT for the more speedy and effectual collecting such Town Rates and Taxes as may be assessed on the Inhabitants of the Township of Halifax.

WHEREAS the method hitherto practised in collecting taxes and rates for the support of the poor, and other town rates and taxes at Halifax, has been found insufficient for that purpose: Preamble.

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That from and after the publication

Justices in General or Special Sessions to appoint annually a Collector of rates and taxes for the township of Halifax.

Said Collector to account every month.

Allowance for collecting.

lication of this Act, it shall and may be lawful for the Justices in their General or Special Sessions of the Peace, annually, to appoint a fit person to collect all town taxes or rates, which shall be assessed on the inhabitants of the township of Halifax, which person shall give sufficient security for the faithful discharge of his office.

II. *And be it also enacted*, That the Collector appointed as aforesaid, shall once in every month account with and pay into the hands of such person or persons appointed to receive the same for the time being, all such sums of money he may have received, and in case of his neglect or refusal to account and pay the same as aforesaid, such Collector shall and may be prosecuted, by bill, plaint or information, in any of His Majesty's Courts of Record.

III. *And be it enacted*, That the Collector appointed as aforesaid shall be allowed ten pounds per cent. for collecting and paying in the rates and taxes as aforesaid.

CAP. III.

An ACT for the establishing a public School in the Town of Halifax.

Preamble.

WHEREAS every public attention to the education of youth is of the utmost importance in society, and whereas it is impracticable to procure a person sufficiently qualified for that purpose, without making a handsome and liberal provision for his easy support and maintenance :

Allowance for erecting a building in Halifax for a School.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That a sum not exceeding fifteen hundred pounds, be granted for the purpose of erecting a proper and convenient building in the town of Halifax, for keeping a public School, which sum shall be raised in manner hereafter to be directed by the General Assembly.

Sum allowed to the master, and for assistance.

II. *And be it also enacted*, That a sum not exceeding one hundred pounds be annually granted in the estimate for the expences of government for the support of a School-master, and when the number of scholars shall exceed forty, that a further allowance of fifty pounds, yearly be included in the said estimate for the assistance of the said master in the support of an usher, which the said master shall in that case provide.

Appointment of Trustees, and their duty.

III. *And be it further enacted*, That there shall be annually appointed by the Governor, Lieutenant-Governor, or Commander in Chief of the Province, five reputable persons as trustees and directors of the said school, one of which to be president, who are hereby empowered to make bye-laws and regulations for the said school, and who shall be incorporated for that purpose, to be enabled to sue and be sued, to hold grants of lands, and to receive donations for the endowment thereof.

Said Trustees to be accountable to the Legislature.

IV. *And be it also further enacted*, That the said trustees and directors shall be from time to time accountable to the Legislature of the Province for their conduct, and management of the property so to be vested in them.

Examination.

V. *And be it enacted*, That the said president and directors shall hold a public visitation and examination at said school twice every year, to wit, on the first Monday of May, and the first Monday of October annually.

CAP. IV.

An ACT in amendment of, and for continuing an Act made in the Nineteenth year of His present Majesty's reign, entitled, an Act for regulating Carriers, and Owners of Waggon, Carts and Trucks, employed for hire, on the Roads between Halifax and the Townships of Windsor, Truro, Onslow and Londonderry.

Expired.

CAP. V.

An ACT in further amendment of, and for continuing the feve- Expired.
Laws relating to the Duty on Licenfed Houfes.

CAP. VI.

An ACT for continuing the feveral Acts of the General Affembly
of this Province, therein mentioned, relating to the Duties of Im- Expired.
pofit and Excife on Wines, Beer, Rum, and other diftilled Spiritu-
ous Liquors.

CAP. VII.

An ACT for continuing the feveral Acts of the General Affembly
of this Province, therein mentioned, relating to the Excife on Expired,
Molaffes, and Brown Sugar, fold within, or brought into, this
Province, and for the more effectual improving and extending
the Trade of this Colony to the Weft-Indies.

CAP. VIII.

An ACT for continuing the feveral Laws relating to the Duty on
Wheel Carriages within the Peninfula of Halifax. Expired.

CAP. IX.

An ACT for laying an additional Duty of Excife, on Wines, Rum,
and other diftilled Spirituous Liquors. Expired.

CAP. X.

An ACT in amendment of an Act made in the Nineteenth year of
His prefent Majesty's reign, entitled, an Act for the more effec- Expired.
tual fecuring all the Goods, Chattels, Lands and Tenements, be-
longing to fuch Perfons who have deserted this Province, to join
His Majesty's Rebellious Subjects in the other Colonies.

CAP. XI.

An ACT for limiting the duration of the General Affemblies in this
Province. Not approved of
by His Majesty.

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 Eleventh Day of June, Anno Domini 1781, in the Twenty-first Year of His said Majesty's Reign, being the Fourteenth Session of the Fifth General Assembly convened in the said Province.*

* In the time of Sir Richard Hughes, Bart. Lieutenant-Governor; Bryan Finucane, Chief Justice, and President of Council; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council, and Isaac Deichamps, Clerk of Assembly.

CAP. I.

This Act repealed, by 35th Geo. 3d.

An ACT, in addition to an Act made in the Second year of His present Majesty's reign, entitled, an Act for the better regulating the Militia on actual service in Time of War.

CAP. II.

An ACT to establish authenticated Copies of the Records of Council as legal Evidence.

Preamble.

WHEREAS many titles to land depend on votes of His Majesty's Council, and many other proceedings in Council, become oftentimes necessary evidence in suits at law; and whereas doubts may arise relative to the admissibility of such evidence, and the producing the original records in Court is attended with great inconvenience; in order therefore to remedy the same:

The transcript or copy of any vote or proceedings of His Majesty's Council, relating to titles to lands, to be admitted as evidence.

The Clerk of the Council to give copies of such proceedings.

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That hereafter the transcript or copy of any vote or proceedings of His Majesty's Council, relating to titles of lands, attested as a true copy, and signed by the Clerk of the Council, shall be admitted and received as legal evidence in any cause depending in any of His Majesty's Courts within this Province; and the Clerk of the Council is hereby required and directed, upon the application of any of the parties at variance, or their Attorney, to give an exact copy of all such proceedings, attested and signed by him, and that there shall be paid for the same, for every search, one shilling

shilling, for every authentic copy, signed by him, six shillings and eight pence, if under one hundred words, and for every hundred words more, at the rate of one shilling for every one hundred words.

See for the same

CAP. III.

An ACT in further addition to an Act, made in the Thirty-fourth year of His late Majesty's Reign, entitled, an Act for appointing Commissioners of Sewers.

WHEREAS many persons are great sufferers by the cutting of sods or soil, for the making of dykes, and others are also sufferers by the washing away of considerable pieces of marsh-land, which were allotted to them as part of their share, in tracts of marsh land, divided between them and other proprietors, in the townships in this Province, owing to the dykes made to secure the whole concerned in said marsh land, and that it is reasonable some compensation should be made for such loss so sustained:

For Acts in amendment or addition to this Act see 34th Geo. 2d cap. 7.

Preamble.

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That when it shall appear that the sods or soil shall have been cut off the land of any proprietor, in any tract of marsh land dyked in common with other proprietors, for the purpose of dyking in the same, or, that the land of such proprietor shall have been washed away by the tide or current of the river, and that by the making of new dykes, to secure the said piece or tract of marsh land so held in common, such proprietor shall have lost a part or the whole of his lot, it shall and may be lawful for the Commissioners of Sewers of the township, to cause a just valuation to be made of the loss, such proprietor shall have sustained as aforesaid, which valuation shall be made by at least five freeholders, not interested in the piece or tract of marsh, where such loss shall have been sustained, who shall be sworn truly and impartially to value the same; and if it shall happen that there is in such tract or piece of marsh-land, a sufficient quantity thereof, lying in common and undivided, to make good the loss so sustained, the Commissioners of Sewers shall decree possession thereof, or of so much thereof as is sufficient to make good the same to such proprietor; or, on failure of such undivided land, by an assessment for the value thereof, to be paid in a just proportion among the other interested in such piece or tract of marsh land.

Where Sods or Soil shall be cut off the land of any proprietor, for making dykes in common such person shall be compensated. Mode of redress.

CAP. IV.

An ACT to explain so much of an Act, made in the Thirty-Second year of His late Majesty's reign, entitled, an Act for preventing Trespasses, as relates to the regulating Fences.

For Acts in amendment or addition to this Act see note on 32nd Geo. 2d. cap. 14.

Preamble.

WHEREAS doubts have arisen in regard to the intent and meaning of that part of the second section of the Act made in the thirty-second year of His late Majesty's reign, entitled, An Act for preventing Trespasses, which relates to the fences to be made by the owners and proprietors of fields lying and being adjoining to other inclosed fields:

I. Be it enacted by the Lieutenant-Governor, Council and Assembly, That all partition fences, between lands under improvement, shall be made and maintained from time to time, in equal proportion, by the owners or proprietors of such lands respectively. But when it shall happen that it shall be wood, barren or burnt land, and not under any improvement, no proprietor shall be obliged to make any part of the fence to said wood, barren or burnt land; any law, usage or custom to, the contrary notwithstanding.

Expence of erecting partition fences between lands under improvement; and Lands unimproved.

CAP. V.

An ACT in addition to an Act, made in the Tenth Year of His present Majesty's Reign, entitled, an Act for establishing the Toll to be taken at the feveral Grift-Mills in this Province.

See note on 10th
Geo. 3d. cap. 8.

Preamble.

WHEREAS in the Act made in the Tenth year of His present Majesty's Reign, entitled, An Act for establishing the Toll to be taken at the feveral Grift-Mills in this Province : the toll to be taken for bolting meal is not afcertained :

Toll for bolting
meal, &c. one
pint per bufhel.

I. Be it enacted by the Lieutenant-Governor, Council and Affembly, That every miller who keeps a bolting-mill, fhall be obliged to bolt the meal of all wheat, rye, or buck-wheat, ground at his mill, when required, and that the toll to be taken for the fame, fhall not exceed one pint per bufhel ; and any miller refufing to comply herewith, fhall be fubject to the penalty fpecified in the afore-recited Act, and the fame fhall be paid, levied and applied, as directed in faid Act,

CAP. VI.

An ACT for establishing the Times of holding the Supreme Court, Inferior Court of Common Pleas, and General Sefions of the Peace, in the County of Hants.

This Act altered
by 26th Geo. 3d.
cap. 2, and 39th
Geo. 3d. cap. 5.

CAP. VII.

Expired.

An ACT in addition to, and for continuing the feveral Acts of the General Affembly of this Province relating to the Duties of Impoft and Excife on Wines, Beer, Rum, and other Diftilled Spirituous Liquors.

CAP. VIII.

Expired.

An ACT for continuing the feveral Acts of the General Affembly of this Province, relating to the Excife on Molaffes and Brown Sugar, fold within, or brought into, this Province ; and for the more effectual improving and extending the Trade of this Colony to the Weft-Indies.

CAP. IX.

Expired.

An ACT for continuing the feveral Laws relating to the Duty on Licenfed Houfes.

CAP. X.

Expired.

An ACT for continuing the feveral Laws relating to the Duty on Wheel Carriages within the Peninfula of Halifax.

CAP. XI.

An ACT in addition to, and amendment of, and to reduce into one Act, the feveral Acts of the General Affembly, for regulating Carriers, and Owners of Waggon, Carts and Trucks, travelling through this Province.

Expired.

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 feveral Prorogations until the Eleventh Day of June, Anno Domini 1782, in the Twenty-second Year of His faid Majesty's Reign; being the Fifteenth Session of the Fifth General Affembly convened in the faid Province.*

* In the time of Sir Andrew Hammond, Lieutenant-Governor; Michael Franklin, Prefident of Council; William Nesbit, Speaker; Richard Bulkeley, Secretary of Council; and Haac Defchamps, Clerk of Affembly.

CAP. II.

An ACT to refrain Hawkers, Pedlars, and Petty Chapmen, not duly licensed to Trade, travelling to and fro through the Country.

WHEREAS many inconveniences arife by hawkers, pedlars, and petty chapmen, paffing to and fro through the country to vend goods and merchandize, that it is a detriment to trade, and an encouragement to many idle perfons, to avoid being employed in ufeul trades or husbandry; for remedy whereof:

Preamble,

I. Be it enacted by the Lieutenant-Governor, Council and Affembly, That from and after the publication of this Act, no hawker, pedlar, or petty chapman, or other trading perfon or perfons going from town to town, or other mens' houfes, and travelling either on foot or with horfe, horfes or otherwise, carrying to fell or expofing to fale in any houfe, or in any town or village, whereof fuch perfon or perfons is not an inhabitant, except in any public fair or market, any wares, goods or merchandize, without previously giving bond, and taking out a licence, if at Halifax from the Clerk of the licences, and if in any other county or diftrict in the Province, from the Clerk of the Peace, by confent of at leaft three Juftices of the Peace for fuch

Hawkers and Pedlars to be licensed, and pay a duty.

county or district, in the same manner as bonds are taken, and licences for retailing liquors are granted, for which licence there shall be paid half yearly as follows: for every licence to a hawker, pedlar, or petty chapman, travelling on foot without horse or other beast of burthen, three pounds, for every licence to such hawker, pedlar, or petty chapman, travelling with one horse, or other beast of burthen, six pounds; and for every horse, or other beast of burthen, exceeding one, two pounds; and the number of horses or other beasts of burthen, when any, to be expressly specified in the licence.

Penalty for selling without licence.
Fairs and Markets excepted.

II. *And be it also enacted*, That no person or persons shall expose to sale in any house, or in any town or village, whereof such person or persons is not an inhabitant, except in any public fair or market, any wares, goods or merchandize, without having obtained a licence as aforesaid, on pain of forfeiting all such goods, wares or merchandize, by him or them exposed to sale.

Appropriation of the money arising from the duty and penalties.

III. *And be it enacted*, That the whole of the monies arising from the duty or rate to be paid by every hawker, pedlar, and petty chapman, as aforesaid, together with two thirds of the fines and forfeitures incurred by offenders against this Act, shall be appropriated for the making, opening and repairing, the public road and bridges, through the Province, under the direction of the Governor, Lieutenant-Governor, or Commander in Chief of the Province, and the other third of the fines and forfeitures aforesaid, to him or them who shall inform against, and prosecute such offender or offenders for the same, and be recovered by bill, plaint or information, in any of His Majesty's Courts of Record in the Province.

Justices &c. to put this Act in execution.

IV. And all His Majesty's Justices, Sheriffs, Under-sheriffs, and Constables are hereby strictly enjoined and required, to exert their utmost power to see that this law be duly put in execution.

Exceptions.

V. *Provided always*, That nothing in this Act shall extend, or be construed to extend, to prohibit any person selling fish, fruits or victuals, nor to hinder any makers of goods or their children, apprentices or servants, from carrying or selling the goods of their own making; nor any tinkers, coopers, glaziers, plumbers, harness menders, or other persons, usually trading, in mending kettles, tubs, household goods, or harness, from going about and carrying materials for mending the same.

CAP. IV.

An ACT to enable the Creditors of Government, to receive Interest on such Warrants as shall be drawn on the Treasury, and payable in pursuance of Votes and Resolutions of the General Assembly, which by a scarcity of Money the Treasurer shall not be able to discharge.

This Act executed.

CAP. III.

An ACT, in amendment of and addition to an Act made in the First year of His present Majesty's reign, entitled, an Act for the Registering Marriages, Births and Deaths.

For Acts in amendment or addition to this Act see 32d Geo. 3d ca. 17.

Preamble.

WHEREAS there are no proprietors clerks in several of the townships of this Province, and that it is thought most proper that the record of marriages, births and deaths, should be kept by the Town Clerk :

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That the duty to be done by the proprietors' clerk of each township, as directed by an Act made in the first year of His present Majesty's reign, entitled, An Act for the registering Marriages, Births and Deaths, shall for the future be done and performed by the Town Clerk of each township respectively; and the parties failing to comply with the directions of the said Act, shall be liable to the forfeiture and penalty therein set forth, and such party shall pay for recording each marriage, birth, or death, one shilling, instead of the fee directed to be paid by the said Act.

Town Clerk to make registry of marriage, births and deaths.

Fee for the same.

And in order to prevent as much as possible the inconveniences and detriment which may arise from the neglect hitherto of recording marriages, births and deaths and more fully to answer the purpose intended by the said Act:

II. *Be it enacted,* That the said Town Clerk of each township respectively, shall apply to the several Ministers of such township for a list of all such marriages, births or deaths, recorded by them; before the making this Act, and from time to time hereafter, and to enter the same in a book kept for that purpose.

Town Clerk to apply to the Minister of the township for information relative thereto.

CAP. IV.

An ACT in addition to an Act, made in the Second year of His present Majesty's Reign, entitled, an Act for appointing Firewards, ascertaining their Duty, and for punishing Thefts and Disorders at the Time of Fire.

For Acts in amendment or addition to this Act see note on 2d Geo. 3d. cap 5.

WHEREAS in the Act made in the second year of His present Majesty's reign, entitled, An Act for appointing Firewards, ascertaining their Duty, and for punishing Thefts and Disorders at the time of Fire, no provision is made for the purchasing the implements necessary to be used in putting a stop to, or extinguishing fire, or to save the property of the inhabitants:

Preamble.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly,* That each Fireward, appointed agreeable to the directions of the above-recited Act, shall be forthwith provided with one ladder, at least twenty-four feet in length, and one ladder sixteen feet long, with hooks, one fire hook, two axes, twelve leather buckets, and twelve large bags, and one saw, which shall be by the said Fireward deposited in the most convenient place in such ward, and at which the inhabitants of such ward are to assemble, when the fire-bell rings, and from thence to proceed under the direction of the said Fireward, with such of the said implements as may be required to the place of danger.

Articles each Fireward must be furnished with.

II. *And be it also enacted,* That the ward or district, of which each Fireward shall have charge, shall be numbered, and that the ladders, fire-hooks, bags, axes, saws and buckets, shall be marked with the number of the ward to which they belong, and within twenty-four hours after the extinguishing any fire, the said ladders, fire-hooks, bags, axes, saws and buckets, shall be delivered at such place of deposit; and if after twenty-four hours any of said ladders, firehooks, axes, buckets, bags or saws, shall be found in the possession of any person, he, or she, shall forfeit and pay a fine of forty shillings, to be levied by warrant of distress and sale of the offender's goods before any one of His Majesty's Justices of the Peace; the said fine to be paid into the hands of the Fireward, and to be applied for the purpose of repairing the said ladders, fire-hooks, axes, buckets, bags and saws.

Place of deposit, and of their removal in case of fire.

Said articles to be marked with the number of the ward to which they belong.

Ladders, &c. to be returned within 24 hours after fire extinguished, to the place from whence they were taken; if missing, and found in possession of any person, said person to be fined 40s.

III. *And be it also further enacted,* That the amount of the cost of the ladders, firehooks, axes, buckets, bags, and saws, so purchased, shall be levied on the inhabitants of the town and suburbs of Halifax, by assessment, in manner as is provided for levying the monies vested for the support of the poor, and recovered accordingly.

Inhabitants to furnish said articles.

Constable to attend Fireward.

IV. *And be it enacted*, That the Constables of each ward, shall attend with their staves on the Fireward of such ward, at times of fire, to receive his directions, and to assist in keeping good order and prevent thefts.

CAP. V.

Expired.

An ACT in amendment of, and for continuing an Act, made in the Fifteenth year of His present Majesty's Reign, entitled, an Act for granting to His Majesty an Excise on Molasses, and Brown Sugar, sold within, or brought into, this Province, and for the more effectual improving and extending the Trade of this Colony to the West-Indies.

CAP. VI.

Expired.

An ACT in addition to, amendment of, and for continuing the several Acts of the General Assembly of this Province, relating to the Duties of Impost and Excise on Wines, Beer, Rum, and other Distilled Spirituous Liquors.

CAP. VII.

Expired.

An ACT to provide for the maintenance and support of the Transient Poor in this Province, by laying a Duty on Goods imported and sold by Adventurers.

CAP. VIII.

Expired.

An ACT in addition to, and for continuing the several Laws relating to the Duty on Licensed Houses.

CAP. IX.

Expired.

An ACT to repeal an Act, made the last Session of the General Assembly, entitled, an Act in addition to, and amendment of, and to reduce into one Act, the several Acts of the General Assembly, for regulating Carriers, and Owners of Waggon, Carts and Trucks, travelling through the Province.

CAP. X.

An ACT to exempt from the payment of the Duties of Impost and Excise, such Molasses, Rum, or other distilled Spirituous Liquors, as shall be issued to His Majesty's Troops in this Province, as a Gift or Donation from His Majesty. Expired.

CAP. XI.

An ACT to raise a sum of Money towards keeping in repair the Roads leading from Halifax to Windsor, and the District of Colchester. Expired.

CAP. XII.

An ACT in further addition to, and amendment of, the several Laws made by the General Assembly of this Province, for the establishing and regulating the Militia. This Act repealed.

CAP. XIII.

An ACT for the relief of SAMUEL SMITH, an Insolvent Debtor, and Prisoner in His Majesty's Goal at Halifax. This Act executed.

CAP. XIV.

An ACT to provide for the support of the Puisse Judges of His Majesty's Supreme Court. This Act not assented to by His Majesty.

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 Sixth Day of October, Anno Domini 1783, and in the Twenty-Third Year of His said Majesty's Reign, being the Sixteenth Session of the Fifth General Assembly convened in the said Province.*

* In the time of John Parr, Esq; Governor; Richard Bulkley, President of Council; William Nesbit, Speaker; Francis Shipton, Secretary of Council; and Richard Cunningham, Clerk of Assembly.

CAP. I.

An ACT for the better regulating the Office of Sheriffs, and the manner in which the Sheriffs, Clerks of the Crown, and Clerks of the Peace, shall return and pass their Accounts of all Fines and Forfeitures, which shall be imposed by their respective Courts, and which shall be levied by the Sheriffs for the use of the Crown.

The 1st, 2d, 3d, 4th, 5th, 6th and 7th Sections of this Act, are repealed by 33d. Geo. 3d. cap. 10. See 35th Geo. 3d. cap. 1, and 40th Geo. 3d. a temporary Act.

And whereas great and many inconveniences have arisen, by reason of the Clerks of the Crown's Clerks of the Peace and Sheriffs, neglecting regularly to account for such fines and forfeitures as shall be adjudged to be levied for the King, in their respective counties :

Sheriffs, Clerks of the Crown and Clerks of the Peace, to account for all fines and forfeitures, to the Crown every six months.

VIII. *Be it therefore enacted,* That from and after the publication thereof, all Clerks of the Crown, and Clerks of the Peace in the several counties within this Province, shall once in every six months, certify, under the seal of their respective Courts into the office of the Clerk of the Supreme Court at Halifax, an Account, stating therein the several fines, penalties and forfeitures adjudged to the King in their respective Courts, together with the names of the persons, who shall be adjudged to pay such fines, penalties and forfeitures; and in case such fine, penalty, or forfeiture, shall be adjudged to the Crown in any or either of said Courts within the said six months, then the Clerk of such Court shall certify the same as aforesaid; and in case any Clerk of the Crown, or Clerks of the Peace for any county within this Province, shall neglect to make returns in the manner aforesaid every six months, such Clerk shall forfeit and pay for each and every neglect the sum of Five Pounds, to be recovered on information by any person whatsoever in His Majesty's Supreme Court at Halifax, and in case any Sheriff of any county within this Province, shall neglect or delay longer than two months after his year of office shall expire, to render an account on oath to the said Clerk of the Supreme Court in

Fine for neglect five pounds.

Fine for neglect in this case for more than two

Halifax

Halifax, of all such fines, forfeitures, penalties, or other debts or dues of the Crown as shall be levied by him, together with the names of the persons on whom the same shall be levied, such Sheriff, for each and every neglect as aforesaid, shall forfeit and pay the sum of Twenty Pounds, the same to be recovered on the information of any person whatsoever, before His Majesty's Supreme Court at Halifax, one half said penalty to go to the informer, and the other half to the Crown.

months after year of office shall expire, 201.

IX. *And be it further enacted,* That at the end of every Easter Term, the Clerk of His Majesty's Supreme Court in Halifax, shall state a general account of all the fines, forfeitures and penalties adjudged to the Crown in the several Courts within this Province, particularizing each county, and the names of the persons who shall be adjudged to pay such fines, forfeitures and penalties, as also the sums levied on account thereof, and the sums that shall be then due, and the names of the persons who owe the same, which said account stated as aforesaid, the said Clerk of the said Supreme Court shall certify under the seal of said Court into the Treasury of this Province, and in case the said Clerk shall neglect to return such account in fourteen days after the end of every Easter Term, such Clerk shall forfeit and pay the sum of Twenty Pounds, for each and every neglect, or omission; the same to be recovered before the said Supreme Court in Halifax, on the information of any person whatsoever, one half said penalty to go to the King, and the other half to the informer.

Clerk of the Supreme Court at Halifax shall state a general account of fines, &c.

Penalty for neglect to state and return such account, 201.

CAP. II.

An ACT for the Relief of fundry of His Majesty's Subjects in this Province, against whom Judgments have been recovered, on account of Losses sustained by the Depredations of the Enemy.

WHEREAS some persons, inhabitants of this Province, who have sustained losses by reason of the depredations of the enemy, have commenced suits, and recovered judgments against other persons, likewise inhabitants and subjects of this Province for the amount of such their losses on allegations that such persons had aided and assisted the enemy:

Preamble.

And whereas there is much reason to think, that such judgments have been recovered for a much larger amount than the losses really sustained by such persons, owing to the confused state of the back part of this Province, and the difficulty that in those times attended the procuring of the attendance of witnesses:

Judgment for the full account of losses sustained to be paid.

And whereas the manner in which the said judgments have been carried into execution is grievous and oppressive, the estates of a few individuals, having been wholly seized to satisfy the same, it is fit that the losses really sustained by the persons recovering said judgments, should be paid and satisfied by all the inhabitants of this Province, who were concerned in causing such losses:

II. *Wherefore, Be it enacted by the Governor, Council and Assembly,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, by warrant under his hand and seal to appoint three fit and proper persons to act as Commissioners for the purposes herein after mentioned, in each county within this Province, if any freeholder or freeholders of such county shall desire the same; such Commissioners to be first duly sworn, to the faithful and impartial discharge of the trust reposed in them.

Commissioners to be appointed to examine and ascertain losses.

Commissioners to be sworn.

III. *And be it further enacted,* That it shall and may be lawful for such Commissioners after they shall have been appointed and qualified as aforesaid, to post up advertisements, for at least one month, in all the most noted places, within their county, thereby notifying all persons concerned; of the time and place, when and where, they will proceed to act under the said commission; and said Commissioners shall likewise cause a notice, under their hands and seals to be served on each person within their county, who has recovered any judgment or judgments against

Commissioners to post up advertisements to notify the concerned.

against inhabitants of this Province, for and on account of any losses they may have sustained by the depredations of the enemy, thereby requiring them on a certain day therein to be specified, to appear before them, and there to exhibit a particular account of the losses for which he or they have recovered said judgments, and also to lay before them, such proofs and evidences, as they may have to ascertain their said losses, and the said Commissioners, shall have power to adjourn from day to day, to administer oaths to, and examine all such witnesses as shall be produced before them, either by one party or the other; And after such Commissioners shall have fully heard the allegations of all parties, it shall and may be lawful for them, after giving credit for all such sums of money, or other satisfaction, as such persons shall have already received from government, as a recompence for their said losses, as also for all such sums of money as they shall have received by the sale of personal estates by virtue of such judgments, to sign and seal a report directed to the Chief Justice of His Majesty's Supreme Court, thereby ascertaining the amount of the real losses of each person or persons, who have recovered judgments as aforesaid, and likewise to transmit with their said report, a list of the persons names who are or were inhabitants of their said county, and who ought properly to be charged with the payment of such losses.

The Commissioners authorized to administer oaths to witnesses.

Commissioners to make report of their proceedings to the Supreme Court directed to the Chief Justice.

Persons who have recovered judgment neglecting to attend, Commissioners are empowered to collect the Losses, upon Information.

After Report of the Commissioners duly filed, the Chief Justice &c. may proceed to confirm the Accounts and Report and set aside any Judgment surreptitiously obtained.

The Value of the real Losses to be levied and made good by Assessment.

The Execution of Judgments suspended until considered in the Supreme Court.

IV. *And be it further enacted,* That if the persons who have recovered judgment as aforesaid, or any of them, shall after notice given as herein beforementioned, neglect or refuse to attend the said Commissioners with their accounts and proofs as aforesaid, that then, it shall and may be lawful for such Commissioners to collect the real amount of such person or persons losses by the best information they can, and to make a report of the same, stating therein the neglect and refusal of such person or persons to attend as aforesaid.

V. *And be it further enacted,* That after such Commissioners report shall have been filed in His Majesty's Supreme Court at Halifax, for one whole term, it shall and may be lawful for the Chief Justice of the said Court, and his associates, to take such report into consideration, and after examining the same, and hearing such affidavits as shall be filed therewith, if it shall appear to the said Court, that such judgments have been surreptitiously obtained, or that the person recovering the same have by any unfair means recovered more than the value of the real losses they sustained, or that there are any or other persons, inhabitants of such county or counties, who ought equally as well to be charged with the payment of such losses, as the person against whom such judgments have been recovered, that it shall and may be lawful for the said Judges to set such judgment, and all the proceedings had under the same aside, and to order the real losses of such person or persons recovering said judgments to be made good by an assessment to be made, and levied on the several persons, who the said Commissioners shall return in their said list as persons properly chargeable with the payment of the same.

VI. *And be it further enacted,* That all judgments recovered, and all executions issued thereon by any person or persons whatsoever, against any inhabitant or inhabitants of this Province for any loss or losses sustained by the depredations of the enemy, shall, and the same are hereby suspended, until the same shall have been considered in His Majesty's Supreme Court as herein before specified.

CAP. III.

An ACT for granting the King's Most Gracious Free Pardon, to all His Subjects in this Province, for all Treasons, Misprison of Treasons, or Treasonable Correspondence committed or done by them, or any of them, in adhering to, aiding or assisting, countenancing or abetting, His Majesty's late Subjects in the Thirteen Colonies, during their Rebellion.

WHEREAS some few inhabitants, subjects of this Province, misled by a false zeal, have, during the late unhappy war in America, joined with, aided and assisted, His Majesty's late subjects the inhabitants of the thirteen colonies during their rebellion, and some few others again have corresponded with such inhabitants, whereby their lives and properties have become liable, on prosecution, for such their treasons, to be forfeited to His Majesty: Preamble. ✓

And whereas the said war is now at an end, and it is expedient for the public welfare of this Province, that all remembrance of the causes thereof, should as speedily as possible be buried in oblivion, and in full hopes, that all His Majesty's subjects of this Province, who have made themselves liable to the pains and penalties aforesaid, may by this Act of Grace, be induced in future, more carefully to observe the laws, and to live in dutiful and loyal obedience to His Majesty:

I. Be it therefore enacted, by the Governor, Council and Assembly, That all and every His Majesty's subjects of this Province and their heirs, and every of them, are hereby acquitted, pardoned, released, and discharged, against the King's Majesty, and His successors, of all manner of treasons, misprison of treasons, treasonable and seditious words, libels or correspondence, by them or any of them committed or done, in aiding, countenancing or assisting, His Majesty's late subjects in the thirteen colonies, during their rebellion, and from all pains, penalties, forfeitures, pains of death, and pains corporeal, which may have been incurred or forfeited by them, or any of them, (before the passing this present Act) by reason or means of the said premises.

All persons guilty of Treasons acquitted, pardoned, &c. from all pains and penalties.

II. And be it further enacted, That all prosecutions now carrying on against any person or persons, coming under the aforesaid description, whether civil or criminal, shall cease, and be at an end, and that no other suits or prosecutions shall in future be commenced or prosecuted for any matter or thing comprehended in this Act. Prosecutions to cease.

CAP. IV.

An ACT for altering and reducing the Terms of the Sitting of the Supreme Court at Cumberland, in the County of Cumberland.

This Act altered by 34th Geo. 3d. cap. 5.

CAP. V.

An ACT in further addition to, and amendment of, an Act made in the First year of His present Majesty's reign, entitled, an Act for repairing and mending Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways within the feveral Townships in this Province.

For Acts in amendment or addition to this Act, see note on 1st Geo. 3d. cap. 14.

Preamble.

WHEREAS by the first section of an Act made in the fifth year of His present Majesty's reign, entitled, An Act in addition to, and amendment of, an Act, made in the first year of His present Majesty's reign, entitled, An Act for repairing highways, roads, bridges and streets, and for appointing Surveyors of Highways within the feveral Townships in this Province, it is directed, That all public highways hereafter to be laid out, shall not be less than one hundred feet wide.

Roads to continue of the same width they were, or not to exceed sixty-six feet wide.

And whereas doubts have arisen, whether said Act extended to highways and roads then in use only: **I.** Be it therefore enacted by the Governor, Council and Assembly, and it is hereby enacted and declared, That all highways through the Province, which were in use as such at the time of making said Act should be continued of the same breadth they then were, or not to exceed sixty six feet wide.

CAP. VI.

An ACT in further addition to an Act, made in the Second year of His present Majesty's Reign, entitled, an Act for appointing Firewards, ascertaining their Duty, and for punishing Thefts and Disorders at the Time of Fire.

Preamble.

WHEREAS it is highly necessary, that the fire engine be constantly kept in good order, and that a number of prudent persons be appointed for that purpose:

Appointment of Engine Men.

I. Be it enacted by the Governor, Council, and Assembly, That it shall and may be lawful for the Justices in their Sessions of the Peace for the town and county of Halifax; and they are hereby required to appoint such number of prudent persons, not exceeding nine, who shall be denominated Engine Men, and shall have charge of the town engine, and shall be obliged to keep the same in good order and fit for service on all occasions; and that the said persons so chosen, shall be exempted from serving on Juries, or the office of Constable during their continuance in said office.

who are exempt from serving in some other offices.

Duty of the Engine Men.

II. And be it enacted, That at the time of the breaking forth of fire in the said town, or suburbs, the said Engine Men shall repair to the engine, and use their utmost efforts in taking it to the place where the fire shall be discovered, and there work the same, according to their best skill and judgment, and the directions of the Firewards for extinguishing any fire so broke out.

Persons refusing to assist liable to a penalty.

III. And be it also enacted, That one of the Engine Men, chosen as aforesaid, shall have the power of a Fireward to command any necessary assistance in taking the engine to and from the place of fire, and any person refusing to obey such orders, shall be subject to the same fines as imposed by an Act made in the second year of His present Majesty's reign, entitled, An Act for appointing Firewards, ascertaining their Duty, and for punishing Thefts and Disorders at the time of Fire.

IV. *And be it further enacted*, That all necessary repairs to the said engine, shall be allowed and paid by assessment, under the order and direction of the Justices and Grand Jury in their General Quarter Sessions, to be levied on the Inhabitants of the town of Halifax.

Repairs of the Engines to be paid by Assessment.

CAP. VII.

An ACT for Establishing the Times of holding an Inferior Court of Common Pleas, and General Sessions of the Peace in the Township of Shelburne.

This Act altered by the 30th Geo. 3d. cap. 6.

CAP. VIII.

An ACT for fixing the Place and Time for holding the Courts of General Sessions of the Peace and Inferior Courts of Common Pleas in the County of Sunbury.

This part of the Province is now included in New Brunswick.

CAP. IX.

An ACT for the relieving His Majesty's Subjects, professing the Popish Religion from Certain Penalties and Disabilities imposed upon them by two Acts of the General Assembly of this Province, made in the Thirty Second Year of his late Majesty's Reign, entitled, an Act, confirming Titles to Lands and quieting Possessions; and an Act for the Establishment of Religious public Worship in this Province, and for Suppressing of Popery.

See 32d Geo. 2d. cap. 2 and 5.

WHEREAS it is expedient to repeal certain provisions in the Acts, made by the General Assembly of this Province in the thirty second year of his late Majesty's reign, entitled, an Act for confirming titles to lands and quieting possessions; and an Act, entitled, an Act for the establishment of religious public worship in this Province, and for suppressing of Popery, whereby certain penalties and disabilities are imposed on persons professing the popish religion:

Preamble.

I. *Be it enacted, by the Governor, Council and Assembly*, That so much of the said Act as relates to the disabling any papist from having any right or title, to hold, possess or enjoy, any lands or tenements other than by virtue of any grant or grants from the crown; but that all deeds or wills hereafter made conveying lands or tenements to any papist, or in trust for any papist, shall be utterly null and void; and that such lands or tenements shall not revert to the persons, granting the same to any papist, or in trust for any papist, but that such lands and tenements, shall, upon conviction of such papist, be vested in His Majesty, His heirs and successors, for ever.

Repeal of former Penal Laws.

II. And that so much of said Act as subjects popish persons exercising any ecclesiastical jurisdiction or popish Priest to imprisonment and persons harbouring, relieving, concealing or entertaining any such clergyman of the popish religion, popish priest or person, exercising the function of a popish priest to penalties and punishment, shall be and the same and every clause and matter and thing herein before mentioned is and are hereby repealed.

III.

Lands, Tenements, &c. not hitherto litigated to be enjoyed by the real proprietor.

III. *And be it enacted*, That every person and persons having or claiming any lands, tenements or hereditaments under titles not hitherto litigated though derived from any descent, devise, limitation or purchase, shall have, take, hold and enjoy, the same, as if the said Acts or any thing herein contained had not been made, any thing in the said Acts contained to the contrary notwithstanding.

Not to affect present Suit.

IV. *Provided always, and be it enacted*, That nothing herein contained, shall extend, or be construed to affect any suit or action now depending, which shall be prosecuted with effect and without delay.

An Oath to be taken.

V. *Provided also*, That nothing herein contained shall extend or be construed to extend to any person or persons, but such who shall within the space of six calendar months after the passing of this Act, or of accruing of his, her, or their title being of the age of twenty one years, or who being under the age of twenty one years shall within six months after he or she shall attain the age of twenty one years, or being of unsound mind, or in prison, or beyond the seas, then within six months after such disability removed, take and subscribe an oath in the words following :

Form of the oath

I A. B. sincerely promise and swear, that I will be faithful and bear true allegiance to His Majesty, King George the Third, and him will defend to the utmost of my power, against all conspiracies and attempts whatever, that shall be made against His Person, Crown or Dignity, and I will do my utmost endeavours, to disclose and make known to His Majesty, His Heirs and Successors, all treasons, and traitorous conspiracies which may be formed against Him or them, and I do faithfully promise to maintain, support and defend to the utmost of my power, the succession of the Crown in His Majesty's family, against any person or persons whatsoever, hereby utterly renouncing and abjuring any obedience or allegiance unto the person taking upon himself the stile and title of Prince of Wales; in the life time of His father, and who since His death is said to have assumed the stile and title of the King of Great-Britain, by the name of Charles the Third, and to any other person claiming or pretending a right to the Crown of these realms; and I do swear, that I do reject and detest, as an unchristian and impious position, that it is lawful to murder or destroy any person or persons whatsoever, for or under pretence of their being heretics, and also that unchristian and impious principle that no faith is to be kept with heretics. I further declare that it is no article of my faith, and that I do renounce, reject and abjure, the opinion that Princes excommunicated by the Pope and Council, or by any authority of the See of Rome, or by any authority whatsoever, may be deposed or murdered by their subjects or any other person whatsoever; and I do declare, that I do not believe, that the Pope of Rome or any other foreign Prince, Prelate, State or Potentate, hath, or ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly, or indirectly, within this realm; and I do solemnly in the presence of God, profess, testify, and declare, that I do make this declaration and every part thereof in the plain and ordinary sense of the words of this oath, without any evasion, equivocation or mental reservation, whatsoever, and without any dispensation already granted by the Pope or any authority of the See of Rome, or any person whatsoever, or without thinking that I am, or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the Pope or any other persons or authority whatsoever, shall dispense with, or annul the same, or declare that it was null and void.

Oath to be competent in any Court of Record. Register of the same to be kept.

VI. Which oath it shall be competent to any of His Majesty's Courts of Record or to any Court of any General Sessions of the Peace within this Province to administer, and they are hereby required to administer the same accordingly, of the taking and subscribing of which oaths a register shall be kept and preserved.

Assented to by His Majesty.

VII. *Provided*, That nothing in this Act contained shall be of any effect until His Majesty's pleasure therein shall be known.

CAP. X.

An ACT for Establishing and Regulating Ferries.

WHEREAS the establishment of ferries in many parts of this Province, is of great utility, and renders the communication to several places, more easy and expeditious :

Preamble.

I. Be it enacted by the Governor, Council, and Assembly, That from and after the publication of this Act, His Majesty's Justices in their General or Special Sessions of the Peace for each County, shall be, and they are hereby authorized and empowered, to establish such ferries over rivers, bays or creeks, within their respective Counties, as may be by them thought necessary, and to agree with, and grant licenses to such persons as they shall judge meet as Ferry-men, under such rules and regulations, as they from time to time shall judge most for the good of the public ; and any person or persons, who shall agree and accept of the office or place of Ferryman, and after such agreement and acceptance shall refuse or neglect to comply with, and observe the several articles and clauses contained in said rules and regulations made as aforesaid, shall be fined by the Justices in their Sessions, in any sum not exceeding forty shillings.

Ferries shall be established and regulated and ferrymen appointed by Justices in Sessions,

Penalty on Ferrymen not observing the regulation, 40s.

II. And be it also enacted, That when any ferry shall be established, over any river, bay or creek, as aforesaid, and any person or persons appointed and licensed to attend the same as aforesaid, if any person or persons whatsoever shall carry or ferry over such river, bay or creek, either man or beast, for hire, unless by desire or consent of the Ferryman, or on his neglect or refusal to give due attendance, such person shall forfeit and pay a fine not exceeding twenty shillings, to be recovered on complaint before any two of His Majesty's Justices of the Peace, and be levied by distress and sale of the offender's goods and chattels.

None but the Ferrymen shall carry over either man or beast where a Ferry shall be established. Penalty 20s.

III. Provided nevertheless, That if any Ferryman appointed as aforesaid, shall neglect or refuse to give attendance, pursuant to the regulations made for that purpose, in every such case any other person or persons may supply the place of such Ferryman, until another be appointed and licensed as aforesaid, and receive payment for the same, in the same manner as the proper Ferryman might do if present,

Ferrymen not giving due attendance, any person may supply his place and until another shall be appointed

CAP. XI.

An ACT for Establishing the Times of holding Inferior Courts of Common Pleas in the District of Colchester in the County of Halifax.

For Acts that after this Act, 1. Acts 31st Geo. 3d. cap. 5. 32d. Geo. 3d. cap. 9.

WHEREAS the want of roads, and the distance between the settlements of Wilmot River, Piclou, Tatamagouche, and the district of Colchester and Halifax, occasions the attendance of persons resident in the said district and settlements at the Inferior Courts of Common Pleas, held at Halifax, for the said County, not only very inconvenient, but greatly impedes the due administration of Justice in the aforesaid district and settlements ; for remedy whereof :

Preamble.

I. Be it enacted, by the Governor, Council and Assembly, That an Inferior Court of Common Pleas for the said district, shall and may be holden within the township of Onslow, in the county aforesaid, on the first Tuesday of February, and the first Tuesday in August, in every year.

Inferior Court to be held at Onslow first Tuesday of February and August yearly.

II. And be it also enacted, That all and every the Laws of this Province, respecting the balloting, summoning and attendance, of Jurors, ordering and taking special bail, the service of writs and executions, or which relate to order and direct either the practical or judicial proceedings of the Courts of Law in this Province, shall extend, and be construed to extend, to the said Inferior Court of Common Pleas in the township of Onslow, as aforesaid.

Laws relating to Jurors, writs, &c. to extend to said Court.

CAP. XII.

Expired.

An ACT for Licenfing Butchers, and preventing them in future from being guilty of Extortion, and other Mifbehaviour.

CAP. XIII.

Expired.

An ACT for regulating Inns, and Taverns, on all the Public Roads throughout this Province, and eftablifhing the Prices of Entertainment for Travellers and their Horfes.

CAP. XIV.

Expired.

An ACT for continuing the feveral Laws relating to the Duty on Licenfed Houfes.

CAP. XV.

Expired.

An ACT for continuing the feveral Acts of the General Affembly of this Province, relating to the Duties of Impoft and Excife on Wines, Beer, Rum, and other Diftilled Spirituous Liquors, and for continuing the feveral Acts of the General Affembly of this Province, relating to the Duties of Excife on Molaffes and Brown Sugar, fold within, or brought into, this Province, and for the more effectual improving, and extending the Trade of this Colony to the Weft-Indies.

CAP. XVI.

Expired.

An ACT for eftablifhing the ftandard Weight of Grain, and for appointing proper Officers for meafuring Grain, Salt and Coals, and afcertaining the ftandard fize of Bricks.

CAP. XVII.

Expired.

An ACT for continuing feveral Acts that are near expiring.

CAP. XVIII.

An ACT in amendment of, and for continuing an Act made in the last General Assembly of this Province, entitled, an Act to raise a Sum of Money towards keeping in repair the Roads leading from Halifax to Windfor, and the District of Colchester. Expired.

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 First Day of November, Anno Domini 1784, and in the Twenty-Fifth Year of His said Majesty's Reign, being the Seventeenth Session of the Fifth General Assembly convened in the said Province.*

* In the time of John Parr, Esq; Governor; Bryan Finucane, Chief Justice and President of Council; Thomas Cochran, Speaker; Richard Bulkeley, Secretary of Council; and Richard Cunningham, Clerk of Assembly.

CAP. I.

An ACT for more effectually making Lands and Tenements liable for the Payment of Debts, also to enable the Holders of small Mortgages to sell the Premises, mortgaged to them, more speedily, and at less expence, than heretofore, as also to repeal an Act made in the Thirty-Second year of His late Majesty's reign, entitled, an Act for making Lands and Tenements liable to the Payment of Debts.

This Act not assented to by His Majesty.

CAP. II.

An ACT to empower the Justices in the several Counties within this Province to issue Summons for the Attendance of Witnesses on Trials.

See note on 14th and 15th Geo. 3d. cap. 4.

WHEREAS great inconveniences attend the summoning witnesses, whose place of residence is distant from the place where the Court for trials is held, for remedy whereof:

Preamble.

I.

Justices to issue Summons for the attendance of witnesses, if they live at the distance of five miles from where the Court is held.

I. *Be it enacted by the Governor, Council and Assembly, and by the authority of the same it is enacted,* That when it is found necessary to summon any person or persons as witness or witnesses to attend and give evidence in any trial, whose place of residence shall be five miles or upwards from the place where the Court at which such trial is to be had or held, it shall and may be lawful for the Justices in the several Counties, to issue a summons for such person or persons to attend as a witness or witnesses at the trial of the said causes, which summons shall be in form following :

Form of the Summons.

You A. B. are summoned personally to be and appear before _____ at _____ on the _____ day of _____ next, then and there to give evidence in a cause depending in said Court between A. B. plaintiff, and C. D. defendant, and not to depart without leave of said Court, and in this you are not to fail, under penalty of being found guilty of a contempt of said Court. Witness _____ one of His Majesty's Justices of the Peace for the County of _____ this _____ day of _____ A. D.

Person summoned as witness on any trial, refusing to attend or give evidence, &c.

II. *And be it also enacted,* That when any person or persons shall be summoned to give evidence upon the trial of any issue between party and party, or in behalf or against any prisoner upon trial, and such person or persons so summoned shall refuse or neglect to give his or her attendance at the time and place mentioned in such summons, (not having any just or reasonable cause therefor to be allowed of by the Court, or Justice or Justices, before whom the trial shall be,) or wilfully withdraw himself or herself before sworn, or shall refuse to give his or her evidence, in every such case, the party so offending shall be liable to such pains and penalties as such person or persons would have been liable to, if he or they had acted in contempt of a subpoena, issued out of the Court at which such person or persons attendance was so required.

Penalty for the same.

No persons shall be obliged to give evidence without their reasonable charges allowed.

III. *Provided always,* That no person shall be obliged to give evidence in any cause, before he or she be paid, or secured to be paid his or her reasonable charges for attendance, to be allowed of and ordered by the Court, Justice or Justices.

CAP. III.

An ACT for Establishing an Inferior Court of Common Pleas and a Court of General Sessions of the Peace in the Township of Manchester, in the District formerly called Chedabucto.

This Act altered by 37th Geo. 3d. cap. 5.

CAP. IV.

An ACT in amendment of, and further addition to, an Act made in the Thirty-Second year of His late Majesty's Reign, entitled, an Act for preventing Trespases.

Preamble,

WHEREAS the expence attending the process in suing out replevins in the Courts of Law, in cases of trespasses, by horses, neat cattle, sheep, goats and swine, where the value of the damage does not exceed three pounds, is found to be grievous :

Mode of obtaining redress for damage done by cattle, where it does not exceed 3l.

I. *Be it enacted, by the Governor, Council and Assembly,* That in all cases where a trespass or supposed trespass shall have been committed by horses, neat cattle, sheep, goats or swine, and that the value of the damage alleged to be suffered, shall not exceed the sum of three pounds, the same shall be heard and tried before one or more Justices of the Peace, who shall summon the parties before him or them, and proceed thereon, as in cases of debt, to determine the amount of the damages and cost, and give judgment accordingly, any law, usage or custom, to the contrary notwithstanding.

II. *And be it also enacted*, That in all such cases where it may be necessary, the Justices of the Peace shall grant a replevin; and take security for prosecuting the same with effect, within a term not exceeding seven days; which replevin shall be in form following :

Justices may grant replevin upon receiving security to prosecute.

“ You are hereby commanded to replevy to A. B. his which C. C. unjustly, as is alleged, detains under pretence of having committed a trespass not exceeding the sum of three pounds; and also to summon the said C. C. to be and appear before me the day of _____ at _____ o’Clock in the _____ there to answer such things as shall be objected against him by the said A. B. Witnesses my hand and seal this _____ day of _____ A. D. ”

Form of Replevin.

And shall hear the merits of the case between the parties, and shall give judgment and grant execution as in summary causes heretofore tried before a single Justice, and shall receive no more or greater fees than Justices of the Peace have been heretofore allowed in summary causes.

Decision of the Justices.

CAP. V.

An ACT to ascertain the Number of Representatives to be elected to serve in General Assembly for the several Counties and Townships therein mentioned.

For Acts in amendment or addition to this Act, see note on 5th Geo. 3d. cap. 10.

WHEREAS *from the accession of settlers and inhabitants in this Province, it is expedient that the number of Counties and Townships therein be increased, and that the freeholders thereof be authorized to elect representatives to serve in General Assembly :*

Preamble.

I. *Be it enacted, by the Governor, Council and Assembly*, That the freeholders of the several Counties and Townships herein after named, shall have the privilege of electing in manner and form as heretofore hath been accustomed, Representatives, to serve in General Assembly, that is to say, for the County of Shelburne, situate on the western boundary of Queen’s County, two Members; for the County of Sydney, situate on the eastern boundary of the County of Halifax, two Members; for the Township of Shelburne, situate on the harbour called Port Roseway, one Member; for the Township of Digby, in the County of Annapolis, situate on the bason of Annapolis, formerly called Conway, one Member.

Shelburne, Sydney and Digby, privileged to send Representatives.

II. *Provided*, That nothing in this Act contained shall be of any force or effect until His Majesty’s pleasure therein shall be known.

CAP. VI.

An ACT to prevent the Destroying of Buoys, Beacons or Sea Marks, which shall be set or placed by Authority, in any Harbour River, Creek, or Bay, within this Province.

Acts to secure navigation, 33d Geo. 3d. cap. 3. and 4th Geo. 3d. temporary Act.

WHEREAS *the destroying of buoys, beacons, and sea marks, set or placed by authority in any harbour, river, creek or bay, for the safe navigation of ships and vessels may prove of dangerous consequence to the lives and properties of persons navigating therein :*

Preamble.

I. *Be it enacted, by the Governor, Council and Assembly*, That any person or persons who shall take away, cut down, or destroy, or aid or assist in taking, cutting down or destroying, in any manner whatever, such buoys, beacons or sea marks, which are placed, or shall be placed or set by order or direction of the Governor, Lieutenant Governor, or Commander in Chief of the Province, or any other person, having authority so to do, in any harbour, creek or bay,

Any person taking or destroying Buoys placed by authority, to be made to pay for.

within the faid province, fuch person or perfons, fhall on due conviction thereof, by the oath of one credible witness, before two Juftices of the Peace; forfeit and pay the fum of one hundred pounds; and on failure of payment thereof, or of goods or chattels, belonging to the offender whereon to levy the fame, fuch offender fhall be committed by fuch Juftices to the goal of the County or place where the offence fhall have been committed, for the fpace of twelve months.

Any person making fast any vessel or boat to any buoy so placed, to forfeit 20l.

II. *And be it also enacted*, That if any person or perfons fhall make fast to any fuch buoy or fea mark, any fhip, vessel or boat, fhall on due conviction thereof as aforefaid, pay a fum not exceeding twenty pounds, and on failure of payment thereof, or of goods or chattels, belonging to the offender, whereon to levy the fame, fuch offender fhall be committed by fuch Juftices to the goal of the County or place where the offence fhall have been committed, for a fpace not exceeding fix months.

CAP. VII.

An ACT for more effectually raifing a Duty of Excife on Wine, Rum, and certain other enumerated articles, and for preventing Frauds in the Collection of the Revenue.

Expired.

CAP. VIII.

An ACT for more effectually raifing a Revenue within this Province, for the Support of its Government.

Expired.

CAP. IX.

An ACT in addition to, and amendment of; an Act for continuing the feveral Laws relating to the Duties on Licenfed Houfes, and for the appropriation of the Monies raifed thereby.

Expired.

CAP. X.

An ACT for continuing the feveral Acts herein after mentioned.

Expired.

CAP. XI.

An ACT to exempt all Molaffes, Rum, and other Distilled Spirituous Liquors imported into this Province, or purchased for the Use of His Majesty's Careening Yard or Navy, from paying the feveral Impoft Duties imposed thereon by the Laws of this Province.

Expired.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Fifth Day of December, Anno Domini 1785, and in the Twenty-Sixth Year of the Reign of Our Sovereign Lord George the Third, of Great-Britain, France, and Ireland, KING, Defender of the Faith, &c. being the First Seflion of the Sixth General Assembly convened in the faid Province.*

* In the time of John Parr, Esq. Governor ; Richard Bulkeley, President of Council ; Sampson Salter Blowers, Speaker Francis Shipton, Secretary of Council ; and James Butler Franklin, Clerk of Assembly.

CAP. I.

An ACT for Eftablifhing the Times and Place of holding the feveral Courts of Juftice therein mentioned, in the County of Cumberland.

[That part of the firft fection of this Act, which regulates the Sitting of the Supreme Court, is not printed, being changed by the 34th Geo. 3d. cap. 5, and the Sitting of the Seflions and Inferior Courts in April, is changed and eftablifhed by 36th Geo. 3d. cap. 3. the third fection is not printed, as it refpects the attendance of parties.]

Time of holding Court of Common Pleas, and General Seflions of the Peace, for the County of Cumberland at Amherft. Writs returnable within 60 days.

I. *Be it enacted by the Governor, Council, and Assembly,* That the Inferior Court of Common Pleas and General Seflions of the Peace fhall be held for the County of Cumberland, at Amherft, on the laft Tuefday of October annually.

II. *And be it further enacted,* That all executions upon judgments, which fhall be given at the faid Supreme Court* fhall be returnable in fixty days from the day of iffuing fuch execution.

* Means the Supreme Court at Amherft, which is the Court mentioned in the firft fection.

CAP. II.

An ACT to empower the Juftices of the Peace to hold Special Courts of Seflions for the purpofes therein mentioned.

WHEREAS *the maintenance of perfons committed to goals on criminal actions in the different parts of this Province, has generally been attended with expence, from the length of time intervening between the Courts, and whereas the perfons fo committed frequently fuffer from the feverity of the weather, and length of confinement ; for remedy whereof :*

Preamble.

I. *Be it enacted, by the Governor, Council and Assembly,* That from and after the firft day of January next, which will be in the year of Our Lord, one thoufand feven hundred and eighty fix, it fhall and may be lawful for His Majesty's Juftices of the Peace in their refpective towns and counties within this Province, or any three of them, one whereof fhall be of the

Juftices of the Peace empowered to hold Seflions for the trial of fimple larcenies.

quorum

quorum, to call a Special Court or Courts of Sessions, between the stated times limited by law for holding the said Courts, and proceed either by indictment or in a summary way, by motion and order, to the trying and determining of all criminal offences which come under the denomination of simple larceny, or do not extend to life or limb.

Provided always, That it shall not be lawful for said Justices to pass sentence or inflict punishment on such offenders unless they shall be first convicted at such Court by the verdict of a Jury duly impanelled and sworn for that purpose.

No offender to be punished unless convicted by the verdict of a jury.

CAP. III.

Expired.

An ACT to encourage and extend the export of Fish, Lumber and other Produce of this Province to the West Indies, and also to revive, alter and continue, the several Laws relating to the Duties of Imposit on Beer, Rum and other distilled Spirituous Liquors, which Laws expired the thirty-first day of December, One Thousand Seven Hundred and Eighty Four.

CAP. IV.

Expired.

An ACT for continuing the several Laws therein mentioned.

CAP. V.

Expired.

An ACT in addition to, and amendment of, an Act for establishing and regulating Ferries.

CAP. VI.

Expired.

An ACT for continuing an Act of the General Assembly of this Province, entitled, an Act for more effectually raising a Revenue within this Province, for the support of its Government, as also for continuing and explaining an Act, entitled, an Act for more effectually raising a Duty of Excise on Wine, Rum and certain other enumerated articles, and for preventing Frauds in the collection of the Revenue.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Fifth Day of December, Anno Domini, 1785, in the Twenty-Sixth 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 feveral Prorogations until the Eighth Day of June, Anno Domini 1786, in the Twenty-sixth Year of His faid Majesty's Reign, being the Second Seflion of the Sixth General Affembly convened in the faid Province.*

* In the time of John Parr, Efq. Governor; Richard Bulkely, Prefident of Council; S. S. Blowers, Speaker; Francis Shipton, Secretary of Council; James B. Franklin, Clerk of Affembly.

CAP. I.

AN ACT for relieving His Majesty's Subjects, profefling the Popifh Religion from certain Penalties and Difabilities impofed on them by the Act of the General Affembly of this Province, made in the Sixth Year of His prefent Majesty's Reign, entitled, an Act concerning Schools and Schoolmafters.

WHEREAS it is expedient to repeal certain provisions in the Act made by the General Affembly of this Province, in the fixth year of His prefent Majesty's reign, entitled, An Act concerning Schools and Schoolmafters, whereby certain penalties and difabilities are impofed on perfons profefling the Popifh Religion:

Preamble.

I. Be it enacted, by the Governor, Council and Affembly, That fo much of the faid Act as relates to the fubjecting any popifh recufant, papift, or perfons profefling the popifh religion, who fhall fet up any fchool within this Province to certain imprifonment and penalties, fhall be, and the fame is hereby repealed.

Act repealed, as it refpects fchools

II. Provided always, That nothing herein contained, fhall be conftrued to extend to any perfon or perfons, but fuch who fhall take and fubfcribe an oath in the words fet forth in an Act made in the twenty third year of His prefent Majesty's Reign, entitled, An Act for relieving His Majesty's fubjects profefling the popifh religion from certain penalties and difabilities impofed upon them by two Acts of the General Affembly of this Province, made in the Thirty-second year of His late Majesty's reign, entitled, An Act, confirming titles to lands and quieting poffeffions, and an Act for the eftablifhment of Religious public Worfhip in this Province, and for fuppreffing of Popery, in the manner as therein directed, and who fhall be licensed for that purpofe by the Governor, Lieutenant-Governor, or Commander in Chief of this Province.

Such Perfons to take the Oath fet forth in the Act of 23d Geo. 3d.

III. Provided alfo, and it is hereby enacted and declared, That nothing in this Act contained fhall extend

No Papift to undertake the education of youth, under the age of 14 years, of the Proteftant Religion.
This Act not to have effect until His Majesty's Pleafure fhall be known.

extend, or be conftrued to extend, to the permitting any popifh perfon, prieft or fchoolmafter, taking upon themfelves the education or government, or boarding youth, within this Province, to admit into their fchools any youth under the age of fourteen years, who fhall have been brought up and educated in the proteftant religion.

IV. *Provided alfo*, That nothing in this Act contained fhall be of any force or effect until His Majesty's pleafure therein fhall be known.

CAP. II.

An ACT for altering the Time appointed for holding the Inferior Court of Common Pleas, and General Seflions of the Peace, in the County of Hants, in the fpring of the year.

Preamble.

WHEREAS the time for holding the Courts of Common Pleas, and General Seflions of the Peace at Windfor, in the County of Hants, on the laft Tuefday of April, has been found inconvenient, it being the moft bufy feafon of the inhabitants in fencing, ploughing, and otherwife cultivating their lands :

Time of holding Court of Common Pleas and General Seflions of the Peace at Windfor

I. *Be it enacted, by the Governor, Council and Affembly*, That the Court of Common Pleas and General Seflions of the Peace, for the County of Hants, fhall be annually held at Windfor, in faid County, on the firft Tuefday of April, and laft Tuefday of October ; any law, ufage or custom, to the contrary notwithstanding.

CAP. III.

Expired.

An ACT for continuing the feveral Laws mentioned therein, and alfo for altering the Impoft Law hereby continued.

CAP. IV.

Expired.

An ACT to alter, amend and continue, an Act, paffed in the Twenty-Fourth year of His prefent Majesty's reign, entitled, an Act for more effectually raifing a Duty of Excife on Wines, Rum, and certain other enumerated articles, and for preventing Frauds in the collection of the Revenue.

CAP. V.

Expired.

An ACT to continue the Act for more effectually raifing a Revenue within this Province, for the Support of its Government, and to enable perfons exporting certain articles therein named to receive a Drawback on the Export thereof, and for other purpofes therein mentioned.

CAP. VI.

An ACT for continuing and amending an Act, entitled, an Act to raise a Sum of Money towards keeping in repair the Roads leading from Halifax to Windsor, and the District of Colchester. Expired.

CAP. VII.

An ACT in addition to, and amendment of, an Act, made in the third year of the reign of His present Majesty, entitled, an Act to prevent Nuisances, by Hedges, Wears, and other Incumbrances, obstructing the Passage of Fish in the Rivers in this Province.

For the Acts of which this is an amendment, see note on 3d and 4th Geo. 3d. cap. 2. This Act has been continued by several subsequent Acts to the 31st day of July, 1804.

WHEREAS by an Act made in the third year of the reign of His present Majesty, the Justices in their first General Quarter Sessions, thereafter to be held annually, in each County in this Province, were empowered and directed to make certain rules and orders for the regulation of the river fisheries, in their respective Counties; by which Act divers penalties were inflicted, on the breach or violation of such rules and orders: And whereas none of the provisions of said Act appear to extend to the construction or formation of any mill dams, or other obstruction, that have been, or may be erected, put or placed, on or across rivers in this Province, so as to admit the free natural course of the fish at the seasons of their passing up, or coming down the same; and whereas it is highly necessary and expedient for the preservation of the said river fisheries, that all mill dams or other obstruction, which may in future be erected, put or placed, on, or across, rivers in this Province, should be formed or made in such manner, as not to impede the course of the fish, and also that some effectual alterations and amendments should be made in such mill dams, or other obstructions, as may have been already built on, or across, said river or streams, to the prejudice of the fisheries before mentioned.

Preamble.

I. *Be it therefore enacted by the Governor, Council and Assembly, and by the authority of the same it is hereby enacted,* That all mill dams, or other obstruction, which may hereafter be made, put or placed, on or across any river or stream in this Province, which is, or may in future be resorted to by fish from the sea, at the time of their seasons for spawning, shall be constructed or built with a waste gate, or slope, sufficient for said fish to pass up in the spring or summer months of the year, and to return down again in the fall months thereof, and which said waste gate shall be kept open, or slope kept up and in repair for the aforesaid purpose, during the whole season of the fish passing up, and returning down, on the pains and penalties hereafter declared.

Mill Dams or other Obstructions across Rivers to which Fish resort must have a waste gate or slope, for the admission of Fish.

II. *And be it further enacted, by the authority aforesaid,* That if any mill dam, or other obstruction shall be made, put or placed, on or across any such river or stream in this Province, without a waste gate or slope sufficient for the purpose aforesaid, then, (on complaint thereof duly made on oath, in writing, to the Justices in their General Quarter Sessions, whereof the owner or owners of such mill dam shall have timely notice also in writing) it shall and may be lawful for the said Justices in Sessions, and they are hereby directed forthwith to issue their precept to the Sheriff in due form of law, commanding him to impanel twelve good and lawful men in the County, where the mill dam or other obstruction so complained of, shall be, and, with

If not so constructed, upon complaint made to the Quarter Sessions,

the

The Justices upon the report of a Jury, may order the owner of such mill dams or other obstructions to form a slope, &c.
And to pay a fine not exceeding 50l.

And if the said fine be not paid.

The same be levied on the goods and chattels of the offender.

And if no distress be found the offender to be imprisoned.

If the party convicted do not obey such order of the Justices,

a Special Sessions to be held

And the Sheriff to prostrate such obstruction. All persons, when required, to aid and assist. If any action be commenced against the Sheriff &c the special matter to be given in evidence.

The owners of Mill Dams, &c. already made, to make a waste gate or slope.

Punishment on refusal or neglect.

Persons complaining, without sufficient cause, to pay costs. Fines levied under this Act to be applied to the making of roads.

the said Jury, to repair to, and view the same: and the said Sheriff, after due consideration being had by the Jury touching the matters and things charged or set forth in such complaint, and after the examination of such witnesses on oath to be by him administered, as may be produced by either party shall return the inquest, so taken, to said Justices in their Sessions, and thereupon the said Justices shall, (in case the Jury do find the said complaint to be well grounded and proved,) make up an order in writing on such finding, thereby directing the owner or owners of such mill dam, or other obstruction, to construct or form in the same a sufficient waste gate, or slope, within a reasonable time therein to be limited, according to the true intent and meaning of this present Act, and requiring the party convicted to pay a fine not exceeding fifty pounds, nor less than ten pounds, immediately into the hands of the Clerk of the Peace, and if any offender or offenders shall refuse or neglect to pay said fine, together with such reasonable charges of prosecution as may be taxed and allowed by the Court, it shall and may be lawful for the said Justices in their Sessions, and they are hereby directed, to issue a warrant for levying said fine, and charges, by distress and sale made of the goods and chattels of the said offender or offenders; and if no sufficient distress can be found, then, on due return made thereof by the Sheriff, the said Justices in Session shall, by a further warrant to be by them issued in due form of law, commit such offender or offenders, to His Majesty's goal within the County, where the offence shall have been committed, there to remain for the space of three months, or until he shall have paid the said fine and charges.

III. *And be it further enacted, by the authority aforesaid,* That if the party so convicted, shall not, within the time limited in the aforesaid order of the General Quarter Sessions, make a sufficient waste gate or slope in exact conformity thereto, then it shall and may be lawful for three or more Justices within the County, where the said offence shall have been committed (either on their own view, or on complaint being made to them of said neglect) to hold a Special Sessions of the Peace for the purpose of proceeding further in the premises, and they are hereby further empowered and directed, after the aforesaid neglect of the owner or owners of said mill dam or other obstruction, shall be made to appear to them, to issue a precept to the Sheriff of that County, requiring him to take with him sufficient aid to the place where such mill dam, or other obstruction shall have been made, for the purpose of prostrating and wholly destroying the same, and all persons whose aid shall be required on that occasion by the Sheriff, are hereby commanded to be assisting to him for the purpose aforesaid, and if any action shall be commenced or brought against the Sheriff or his aid, for any thing done by him or them, in obedience to the commands of said precept, he or they may plead the general issue, and give the special matter in evidence to the Jury.

IV. *And be it further enacted, by the authority aforesaid,* That the owners or proprietors of all mill dams or other obstructions already made on or across any river or stream in this Province, to which fish from the sea are, or have been, accustomed to resort, shall on or before the twentieth day of September in the present year of our Lord one thousand seven hundred and eighty six, make a waste gate or slope in the same for the purposes herein before declared; and if any such owner or owners shall refuse or neglect so to do, he or they, so refusing or neglecting, shall be subject to be proceeded against in the same manner, and be liable to the same distress, penalty and imprisonment, as such person or persons are subject and liable to by this Act, who shall have violated, or who shall have neglected or refused to obey the order of the said General Quarter Sessions in cases of mill dams, or other obstructions, to be made in future on rivers or streams within this Province; and in all cases where the Jury shall find the complaint against any mill dam, or other obstruction, to be groundless, he or they so complaining, shall by the said General Quarter Sessions, be adjudged to pay the owner or proprietor the charges of said inquest, to be taxed and allowed by the Court; and all the fines which shall or may be levied and paid by virtue of this Act, are hereby directed to be paid and applied to the purposes

of making public roads within the county, where the offence ſhall have been committed.

V. *And be it further enacted; by the authority aforeſaid,* That all and every of His Majesty's ſubjects, owning or lawfully poſſeſſing lands by or thorough, or over which any river or ſtream in this Province ſhall or may run, ſhall be deemed to have the ſole and excluſive right of taking fiſh therein, while and ſo long as the fiſh ſhall or may remain in ſuch parts of ſaid rivers or ſtreams; and no perſon or perſons whatever ſhall or may lawfully take fiſh while being or remaining in rivers running by, through or over ſuch lands, except the owner or owners, poſſeſſor or poſſeſſors thereof, or perſons by virtue of their leave or licence; any uſage, law or cuſtom, to the contrary in any wiſe notwithstanding.

Owners of lands through which rivers run, entitled to the excluſive right of fiſhing.

VI. *Provided nevertheless, and it is hereby declared and enacted,* That this Act or any thing therein contained, ſhall not extend, or be conſtrued to extend, to the depriving of any of His Majesty's ſubjects within this Province, of the liberty of taking fiſh, in any ſuch place or places as the Juſtices of the ſaid General Quarter Sessions ſhall or may from time to time appoint for that purpoſe; and the ſaid Juſtices in every County which is now, or may be in future eſta bliſhed in this Province, are hereby empowered and directed at their firſt General Quarter Session to be there annually holden, to appoint ſuch place or places on the ſeveral rivers or ſtreams therein, for the inhabitants in general to reſort to, for the purpoſe of taking fiſh, as have heretofore been fixed on, or as ſhall appear to them juſt and neceſſary, and which ſhall be attended with the leaſt loſs, or inconve nienece, to the owners or proprietors of the ſoil on ſuch rivers; and *provided alſo,* that nothing in this Act ſhall extend, or be conſtrued to extend, to any kind or ſpecies of fiſh from the ſea except ſuch as are particularly enumerated in the herein before recited Act.

Not to prevent any one fiſhing in places appointed for that purpoſe.

Juſtices in Sessions to appoint ſuch fiſhing places as ſhall appear moſt convenient to owners of land on ſuch river.

Not to extend to ſea fiſh.

And whereas there is no Act or Law of this Province diſtinguiſhing ſuch rivers therein as are fit and uſeful for the conveying down of timber, fire wood, ſaw mill logs, and boards, from ſuch as are not; and whereas it is highly neceſſary that the ſame ſhould be known and diſtinguiſhed in order that perſons deſirous of making, or that perſons who may already have made, any mill dam or other obſtructions on or acroſs certain rivers or ſtreams ſhould be apprized of the neceſſity of building or enlarging the waſte gates or apertures thereof, in ſuch manner as to admit a paſſage for ſaid timber, fire wood, ſaw mill logs and boards, through the ſame:

VII. *Be it therefore enacted, by the authority aforeſaid,* That it ſhall and may be lawful for the Juſtices in their firſt General Quarter Sessions to be holden in each county in this Province, and they are hereby directed, either by their own view or knowledge, or by the view or knowledge of three perſons of their appointment, to diſtinguiſh ſuch rivers or ſtreams in their reſpective counties, as ſhall appear to them to be of public utility in reſpect to the furniſhing or ſupplying of ſaid timber, fire wood, ſaw mill logs and boards; and thereupon, the ſaid Juſtices ſhall make an order in writing therein requiring all perſons who may in future make any mill dam, or other obſtruction, on or acroſs any ſuch rivers or ſtreams, to form in the ſame a waſte gate or other aperture ſufficient not only for the fiſh to paſs through, but alſo for a convenient paſſage of ſaid timber, fire wood, or ſaw mill logs and boards; a copy of which order the ſaid Juſtices ſhall cauſe to be duly publiſhed by fixing up the ſame at ſeveral of the moſt public or frequented places in the ſaid counties reſpectively, and all perſons making mill dams, or other obſtructions, on or acroſs rivers or ſtreams in this Province, ſo diſtinguiſhed, contrary to the true intent and meaning of this Act, ſhall be ſubject to be proceeded againſt in the ſame manner, and be liable to the ſame diſtreſs, penalty and imprisonment, as perſons are ſubject and liable to by this Act, in the caſes herein before expreſſed and declared, and all ſuch mill dams, or other obſtructions, as ſhall appear not to be ſo conſtructed or formed as to admit a paſſage, as well for timber, fire wood, ſaw mill logs and boards, as for the ſeveral kinds of fiſh herein before enumerated, ſhall be ſubject to be proſtrated and deſtroyed by

Juſtices in their firſt Quarter Sessions to diſtinguiſh rivers uſeful for the ſupplying of timber, &c.

And to order all perſons making a Mill Dam, &c. to form a waſte gate, &c.

Penalty for perſons acting contrary to this Act.

Mill Dams, &c. not to conſtruct.

ed to be proffrat-
ed.

virtue of fuch procefs; and in fuch manner as is hereby directed in cafes of mill dams, or other obftructions, on or acrofs rivers or freams, which are not fo diftinguifhed by the faid Juftices in Seflion.

Penalty not to extend to perfons who have heretofore erected Mill Dams, &c. with confent of the people. Waste Gates, &c. to be made by the direction of Juftices when neceffary in fuch Mill Dams.

VIII. *Provided nevertheless, and it is hereby enacted*, That none of the penalties or forfeitures inflicted by this Act fhall extend; or be conftrued to extend, or applied to fuch perfon or perfons who may heretofore have erected a mill dam, on or acrofs any river or fream in this Province, with the general confent and approbation of the people, living or inhabiting near the fame, and againft the erecting of which no complaint fhall appear to have been made to any Court having cognizance thereof; but in all cafes where a wafte gate or other aperture fhall by the faid Juftices in Seflion, be judged neceffary to be made in fuch mill dams, for a paffage to the faid fifh, timber, fire wood, faw mill logs and boards, the fame fhall be done under the infpection and direction of one or more perfons, whom the faid Juftices fhall, or may, appoint for that purpofe, with as little damage or injury as poffible to the owner or owners of faid mill dam, and at the expence of the town wherein the fame fhall happen to be.

And whereas it is alfo highly neceffary for the prefervation of feveral kinds or fpecies of fifh, whofe courfe has been greatly obftructed or diverted of late in divers parts of this Province, by the injudicious placing of feines and nets, in certain havens, creeks and harbours therein, to the manifefit injury of individuals, and of the community at large; for remedy whereof:

The Juftices to hold Special Seflion for regulat- ing the manner of placing nets, &c. in rivers.

IX. *Be it further enacted, by the authority aforefaid*, That it fhall and may be lawful for three or more Juftices of the feveral Counties throughout the Province, and they are hereby directed to hold a Special Seflion in their refpective Counties or Diftrict; as foon as may be, for the purpofe of regulating the manner of placing nets and feines in all fuch havens, rivers, creeks and harbours, therein, as they fhall or may judge neceffary to prevent the aforefaid evil, and under fuch forfeitures and penalties, as are expreffed in the herein before recited Act, made in the third year of His Majefty's reign. And all perfons violating fuch orders, rules or regulations, as the faid Juftices may from time to time make in their refpective Counties, touching the premifes, fhall be fubject or liable to the fame pains, penalties and forfeitures, as perfons are fubject or liable to, who violate or difobey the feveral rules, orders or regulations; that the Juftices in their faid firft General Quarter Seflions, to be holden annually, are impowered to make, by virtue of the faid recited Act; and this Act is to continue, and be in force, from the publication thereof, until the end of the year of our Lord one thoufand feven hundred and eighty feven.

Penalty for per- fons violating their regulations.

Duration of this Act limited.

CAP. VIII.

An ACT for applying certain Monies therein-mentioned, for the fervices of the year one thoufand feven hundred and eighty-feven, and for appropriating the Supplies granted in this Seflion of General Affembly.

This Act execu- ted.

CAP. IX.

An ACT to enable one or more Justices of the Peace to iffue a Compulfory Procefs, in the firft instance, in Civil Caufes, which are by Law triable before them.

WHEREAS it frequently happens, as the law now ftands, that perfons owing debts, under three pounds value, find means to elude payment, although able to pay or fatisfy the fame; for remedy whereof:

I. Be it enacted by the Governor, Council and Affembly, and it is hereby enacted, That from and after the publication of this Act, it fhall and may be lawful for any Juftice of the Peace within this Province, upon application made to him, and on affidavit made before him or them, of the debts due, in the manner praftifed in debts of greater value, to iffue a capias or warrant to arreft the body of the debtor or debtors, and hold them to bail for his, or their, appearance, inftead of the procefs by fummmons, as now ufed, and to make the fame returnable forthwith, or at fuch period, not exceeding five days, as he or they, in his or their difcretion, may judge fit, and to proceed to trial, and give judgment thereon, as in ordinary cafes.

II. Provided always, That no perfon having a freehold eftate within this Province, of the value of forty fhillings by the year, fhall be arrefted for a debt due by him under twenty fhillings, nor for any larger debt not exceeding three pounds, unlefs in addition to an affidavit of the debt, the party applying fhall alfo make oath, that he verily believes that unlefs fuch compulfory procefs is allowed the debt due will be loft.

This Act to continue in force until the thirty-frft day of December, in the year of our Lord one thoufand feven hundred and eighty feven.

For Acts refpect- ing the Summary Jurisdiction of Juftices, fee note on 5th Geo. 3d. cap. 11. This Act conti- nued by feveral fubfequent Acts to 31ft July, 1804. Preamble.

Juftice of the Peace may iffue a Capias or War- rant to arreft Debtors, and hold them to bail

No perfon poffef- fing a Freehold worth 40s. fhall be arrefted for a debt under 20s. or not exceeding 3l.

Duration of this Act limited.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Fifth Day of December, Anno Domini 1785, in the Twenty-Sixth 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 Twenty-Fifth Day of October, Anno Domini 1787, in the Twenty-Eighth Year of His Majesty's Reign, being the Third Session of the Sixth General Assembly convened in the said Province.*

* In the time of John Parr, Esq. Governor ; Isaac Deschamps, Chief Justice, and President of Council ; S. S. Blowers, Speaker ; James Galtier, Secretary of Council ; and James B. Franklin, Clerk of Assembly.

CAP. I.

This Act altered by the 36th Geo. 3d. cap. 5.

An ACT for the further regulating the Times of holding the Inferior Court of Common Pleas, for the County of Halifax.

CAP. II.

An ACT in amendment of an Act, made in the Twenty-First year of His Majesty's reign, entitled, an Act in addition to an Act, made in the Tenth year of His present Majesty's reign, entitled, an Act for establishing the Toll to be taken at the several Grist Mills in this Province.

For Acts in amendment or addition to this Act, see note on 10th Geo. 3d. cap. 8.

Preamble.

WHEREAS the Toll, as now by law established, for Bolting, is found insufficient to defray the expences of erecting and repairing proper bolting machines in the several townships in this Province ; for remedy whereof :

A quart of Grain allowed for bolting each bushel.

Penalty for miller refusing to bolt, or taking greater toll.

I. 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 of this Act, each and every miller, who shall keep a good and sufficient bolting machine, shall be allowed to receive and take at the rate of one quart out of each bushel of grain brought to the mill to be ground and bolted, for bolting the same, and no more ; and any miller, who shall refuse to bolt, when required, or shall ask, demand or take, a greater toll than is by this Act allowed, each and every miller so offending shall be subject to the like penalties as are expressed in an Act, made in the tenth year of His Majesty's

Majesty's reign, entitled, An Act for establishing the toll to be taken at the several grist mills in this Province.

II. *And be it further enacted, by the authority aforesaid,* That if any miller shall refuse to grind any grain, for which his mill is prepared, the said grain being clean, dry and in good order, every such miller shall be likewise subject to the like penalties as are expressed in the above recited Act.

And also for refusing to grind.

CAP. III.

An ACT for regulating and maintaining a Light-House at the entrance of the Harbour of Shelburne.

WHEREAS it is necessary for the safety of the navigation of this Province, that there be a Light House erected on the Island, commonly called M^r Nutt's Island, at the entrance of the Harbour of Shelburne, for the maintenance whereof:

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly,* That from and after the first day of January, which will be in the year of our Lord one thousand seven hundred and eighty eight, there shall be paid by the master of every merchant vessel coming into or going out of the said harbour (other than coasters and fishing vessels belonging to the Province, and such transports or other vessels employed in His Majesty's service, as shall by their charter party be exempted from paying port charges) a duty of four pence per ton currency, for so many tons as shall appear by her register or otherwise. *Provided,* That all ships or vessels wholly belonging to any person that is a freeholder and inhabitant in this Province, shall only pay three pence per ton, the said duty to be paid before clearing the said vessel, to such person or persons, as shall hereafter be appointed, by His Excellency the Lieutenant-Governor, for that purpose, who are hereby authorized to demand and receive the same, and upon refusal of payment, to sue for, and recover the said duty, before two of His Majesty's Justices of the Peace, or in case the same shall not exceed forty shillings, before one Justice.

II. *And be it further enacted,* That no vessel shall be deemed a fishing vessel within the meaning of this Act, excepting such as shall be wholly employed in that business, nor shall any vessel be deemed a coaster excepting such as shall be wholly employed within the Province.

III. *And be it further enacted,* That every coasting vessel shall pay in lieu of the said duty at the rate of twenty shillings per annum, and one shilling for every ton they may measure above twenty tons, and no more, to be received and recovered in manner as aforesaid.

IV. *And be it further enacted,* That all monies arising by the aforesaid duty, shall be paid into the treasury of the Province, and be applied towards the support of the said light-house, to be issued for the said purpose, by warrant under the hand and seal of the Lieutenant-Governor, or Commander in Chief for the time being, of the Province, and in case there be more monies than is necessary for the support of the said light-house, the surplus to be applied to the uses of the Government.

For Acts respecting this subject, see note on 33d Geo. 2d. cap. 2.

Preamble.

All vessels, except coasters, &c. to pay a duty of four pence per ton.

Vessels belonging to Freeholders in the Province to pay three pence per ton.

What vessels are deemed coasters, &c.

Coasting vessels to pay 20s. per annum, and 1s. per ton, above 20 tons.

Appropriation of Monies arising from this Act.

CAP. IV.

An ACT in amendment of an Act, passed the First year of the reign of His present Majesty, entitled, an Act for the repairing and mending Highways, Roads, Bridges and Streets, &c.

For Acts on this subject see note on 1st Geo. 3d. cap. 14.

Preamble.

WHEREAS *the public roads in many parts of this Province are frequently rendered impassable during the winter, by the depth of snow, and repeated falls thereof, to the great injury of individuals, and inconvenience of the public in general; for remedy whereof:*

Surveyors of highways to order the inhabitants as often as they shall deem necessary during the winter to work on the public highways. No inhabitant compelled to work more than one day for each fall of snow.

Penalty for such as refuse to obey, or neglect, such order.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly, That from and after the first day of January, which will be in the year of our Lord one thousand seven hundred and eighty-eight, it shall and may be lawful for the Surveyors of the Highways in the respective townships and districts within this Province, to order and direct the inhabitants as often as they shall deem necessary during the winter, to work on the public highways with their horses, oxen and sleds, in order that the roads may be rendered passable. Provided always nevertheless, That no inhabitant shall be compelled to furnish more than one day's labour of himself or cattle for any one fall of snow, or where the fall or drift of snow shall not exceed the depth of twelve inches.*

II. *And be it further enacted, That every inhabitant refusing or neglecting to obey such order of the overseers of highways, shall forfeit for each refusal or neglect the sum of ten shillings, to be recovered before any one of His Majesty's Justices of the Peace, and the money so recovered to be paid into the hands of the Surveyors of the Roads in the town where such offence was committed, for the use of the road within such township.*

CAP. V.

An ACT for the more effectually carrying into execution the Provisions of an Act, made in the Sixth year of His Majesty's reign, entitled, an Act to prevent the multiplicity of Law Suits.

The Act, of which this is an amendment, being a temporary Act has been suffered to expire.

Preamble.

WHEREAS *the Act, entitled, An Act to prevent the Multiplicity of Law Suits, has been found insufficient to prevent litigious and vexatious cross actions,; for remedy whereof:*

In all Actions the defendant to file his demand as an offset four days before the Sitting of the Court, or any time previous to the trial by Justice.

I. *Be it enacted by the Lieutenant-Governor, Council, and Assembly, and by the authority of the same it is hereby enacted, That in all actions commenced in any Court of Record, or brought before any Justice of the Peace, on bond, bill, note, book account, agreement in writing, or any other assumption or promise whatsoever, the defendant or defendants in such action shall file his, her, or their account, receipt or demand, as an offset against the plaintiff or plaintiffs, with the Clerk of the Court, where such cause shall have been commenced, or Justice of Peace from whom the summons or compulsory process issued, which account, receipt or demand, shall be filed at least four days before the sitting of the said Court, or at any time previous to the trial before the Justice of the Peace, and the said Court and Justice, respectively, are hereby empowered and directed on issue, joined, to enquire into the merits of both demands on trial, and to give judgment accordingly.*

Provided that if for want of evidence the defendant cannot prove his demand he may afterwards bring his action.

II. *Provided always nevertheless, That if the defendant or defendants for want of evidence, or any other unavoidable accident, shall be unable to prove and authenticate his, her or their, accounts, receipt or demand, as an offset, against the plaintiff or plaintiffs, that then and in such case, the defendant and defendants may at a future period commence and prosecute his, her, or their, action or actions, against the plaintiff or plaintiffs in the original cause within the respective*

refpective time, as limited by the Act of Afsembly of this Province, for the limitation of actions, and for avoiding fuits of law. *Provided*, He, ſhe or they, (the original defendant or defendants) ſhall at the time of the trial of the firſt cauſe notify the Court, and make affidavit of the ſame, that he, ſhe or they, have a juſt and equitable demand againſt the plaintiff or plaintiffs, which for want of evidence then without the jurisdiction of the Court, he, ſhe or they, are unable to prove and authenticate.

III. *And be it further enacted*, That in all actions, which ſhall hereafter be commenced and profecuted, and wherein it may appear to the Court, that the plaintiff or plaintiffs in ſuch action have had an opportunity of pleading his, her, or their demand, by way of offset, by virtue of, and agreeable to this Act, that then and in ſuch caſe the plaintiff or plaintiffs, although a verdict is found for him, her or them, ſhall pay the coſts of ſuit, any law to the contrary notwithstanding.

Where Plaintiffs have had an opportunity of pleading their demand as an offset in a ſuit, they ſhall pay coſts although a verdict be found for them.

CAP. VI.

An ACT in addition to, and amendment of, an Act, made in the Fifth year of His preſent Maſteſty's reign, entitled, an Act for regulating Servants.

For Acts on this ſubject, ſee note on 5th Geo. 3d. cap. 7.

WHEREAS *great inconveniences have ariſen, and do ariſe, from the miſbehaviour of bound and hired ſervants; for remedy whereof:* Preamble.

I. *Be it enacted, by the Licutenant-Governor, Council and Afſembly*, That from and after the publication hereof, no perſon whatſoever within this Province, ſhall hire a man or maid ſervant, for any longer term than one month, unleſs a memorandum of ſuch hiring ſhall be made in writing, and ſigned by both parties, in preſence of one witneſs at leaſt, who ſhall read and explain the ſame to both parties, which memorandum ſhall ſpecify the period for which ſuch ſervant ſhall have agreed to ſerve, and the wages or other conſiderations which he or ſhe is to receive for his or her ſervice, and all verbal agreements between maſter and ſervant for a longer period than one month are hereby declared to be null and void.

Memorandum to be made in writing in all caſes where a ſervant is hired for a longer time than a month.

II. *And be it further enacted*, That it ſhall and may be lawful for any one of His Maſteſty's Juſtices of the Peace, on complaint made by the maſter or miſtreſs of any ſervant hired by him or her, either verbally or by writing, that ſuch ſervant has wilfully miſbehaved, to enquire into the merits of ſuch complaint, and if ſuch Juſtice ſhall find the ſame to be well founded, it ſhall and may be lawful for ſuch Juſtice to order a reaſonable part or portion of ſuch ſervant's wages, or other emoluments, to be ſtopped in the hands of the maſter or miſtreſs, provided ſuch ſtoppage for any one offence ſhall not exceed the ſum of five ſhillings.

Juſtice of Peace on the complaint of the maſter to order a reaſonable part of the ſervant's wages to be ſtopped for miſbehaviour. Such ſtoppage for one offence not to exceed 5s.

And whereas drunkenneſs is a vice become very prevalent among the lower order of people, and eſpecially among ſervants, to the great danger of the families in which they live, as well as to the great loſs and injury of their maſters; for remedy whereof:

III. *Be it enacted*, That if any maſter or miſtreſs ſhall ſell rum, or other ſpirituſous liquors, to any ſervant hired by him or her, ſuch maſter or miſtreſs ſhall forfeit and pay for each and every ſuch offence, on conviction, before any Juſtice of the Peace, double the value of ſuch rum, or other ſpirituſous liquors, and it ſhall not be lawful for any maſter or miſtreſs to ſtop the wages, or any part thereof, of any ſervant or labourer in his or her ſervice or employment, for, or on account of any rum, or other ſpirituſous liquors, ſold to ſuch ſervant or labourer, while in his or her ſervice or employment.

Maſters not to ſell rum to their ſervants.

IV. *And be it further enacted*, That all notes, bills, ſpecialties, or agreements whatever, which ſhall hereafter be given to any perſon or perſons whatſoever, by any ſervant or common labourer,

All notes or other ſecurities given by ſervants.

in which any part of the fum shall have been given for rum to be void.

labourer, if it shall appear, that any part of the fum due or secured by fuch bond, note, bill, fpeciality, or agreement, was given for, or on account of any rum, or other fpirituos liquors, the fame and every part thereof shall be void and of none effect, and all accounts or contracts on which fuits shall or may be brought againft any fervant or common labourer, in which shall appear any charge made, directly or indirectly, for rum, or other fpirituos liquors, the whole of fuch account or contract shall be null and void, and the party fuing the fame shall become nonfuit.

No tavern-keeper or retailer to buy or receive in pawn any apparel tools or furniture, on pain of paying 40s. and the bargain to be void, and the articles to be reftored.

Tavern-keepers and retailers to keep a fair copy of this Act paffed up in their houfes, on penalty of 20s.

All diforderly perfons to be apprehended and bound to fervice.

Perfons convicted of clergyable felonies to be alio bound.

And mafters holding indentures of fuch fervants may affign the fame with the approbation of three Juftices.

Juftices in Seflions to make further regulations refpefting fervants.

Former laws not

V. *And be it further enacted*, That if any tavern-keeper, or retailer, shall by himfelf, or any other perfon, buy, purchafe, or receive in pawn, any wearing apparel, tools or implements of trade or husbandry, or any houfehold goods or furniture, made up from any fervant or common labourer, fuch tavern-keeper or retailer shall forfeit and pay for every fuch offence, a fum not exceeding forty fhillings, and the bargain, fale or pawning, shall be *ipfo facto* void, and the articles fo purchafed or received, be immediately reftored, or double the value thereof, on pain of imprifonment, not exceeding one month, at the difcretion of the Juftice or Juftices before whom complaint shall be made, and all perfons keeping a tavern or retailing fpirituos liquors within this Province, after the publication hereof, are always to keep a fair legible copy of this Act paffed or hung up in fome public and conspicuous part of their houfe, under the penalty of ten fhillings, for each and every day's neglect thereof, to be recovered before any Juftice or Juftices of the Peace on the complaint of any perfon or perfons whatfoever.

And whereas it is become requifite, as well to provide a more fuitable punifhment for perfons convicted of clergyable felony, grand larceny, and other offences, as to bind out to fervice all vagabonds, diforderly and beggarly perfons :

VI. *Be it therefore enacted, by the authority aforefaid*, That from and after the publication hereof, all diforderly and beggarly perfons, who shall be found ftrolling in any part of this Province, and who, on examination before three of His Majesty's Juftices of the Peace, shall not be able to fhew any vifible means, whereby he or they obtain a sober and honeft livelihood, it shall and may be lawful for fuch Juftices to commit fuch perfon or perfons to the next jail, or bridewell, and to provide a mafter or miftrefs for fuch perfon or perfons, and to execute an indenture or indentures in the ufual form to bind fuch perfon or perfons to any mafter or miftrefs, who shall appear to hire him or them, for fuch term of time, and on fuch conditions as fuch Juftices in their difcretion shall think fit, not exceeding feven years, and all perfons convicted of any clergyable felony, grand larceny, or other offences, in any of His Majesty's Courts of Judicature within this Province, befides the penalty inflicted by law on fuch offenders may be bound out to fervice as aforefaid, by order of the Judges or Juftices of fuch Court or Courts, and all perfons receiving indentures from the feveral authorities aforefaid, shall be entitled to the entire fervice and labour of the perfon or perfons fo indented or bound, and all perfons having fervants bound to them by the authority aforefaid, or by the voluntary act of any fervant, may fell or affign the unexpired term of fuch fervant or fervants, and the affignee or purchafers shall be as fully entitled to the entire fervice and labour of fuch fervant as the perfon who affigned the fame. *Provided* fuch affignment shall be made in the prefence of, and with the approbation of, three Juftices of the Peace, and fecurity given if required, not to carry fuch fervant out of the Province.

VII. *And be it further enacted, by the authority aforefaid*, That it shall and may be lawful for the Juftices in Seflions for each and every County or Diftrict within this Province, and they are hereby directed from time to time to make further orders and regulations for the better government and more effectual correction of difobedient or refractory fervants within their refpective jurifdictions, and alfo for the apprehending all run-away fervants, and conveying them to their proper mafters and miftreffes.

VIII. *And be it further enacted*, That all and every the former laws of this Province, refpefting

ing

ing masters and fervants or either of them, fo far as the fame or any part thereof are not exprefly abrogated or altered by this prefent Act, fhall be conftrued to be in full force. exprefly abrogated to be continued.

CAP. VII.

An ACT for regulating the manner of iffuing Procefs and Execution from the Inferior Courts of Common Pleas for the feve Counties in this Province, and alfo for altering the Form of the Summons heretofore ufed.

This Act repeal- ed by 35th Geo. 3d. cap. 1.

CAP. VIII.

An ACT in further addition to an Act, paffed in the Second Year of His Majesty's Reign, entitled, an Act for appointing Firewards, and punifhing Thefts and Diforders at the Time of Fire.

For Acts on this fubject, fee note on 2d Geo. 3d. cap. 5.

WHEREAS the town of Halifax is often in great danger of being burned, by reafon of the inhabi- Preamble.
tants neglecting to fweep and keep clean their chimnies; for remedy whereof:

I. Be it enacted, by the Lieutenant Governor, Council and Affembly, That from and after the publication hereof it fhall and may be lawful for the Firewards in the faid town to nominate and licence fit and proper perfons to be fweepers of chimnies, and no perfon or perfons fhall prefume to follow fuch occupation or employment, unlefs he fhall be appointed and licenfed for that purpofe by the Firewards, on pain of being fent to the houfe of correction, and there punifhed as a vagabond. Firewards of Halifax to appoint Chimney Sweepers.

II. And be it further enacted, That it fhall and may be lawful for the Firewards in faid town to make orders and regulations refpecting the fweeping of chimnies in each ward, and to direct the fame to be done once a month at fartheft, and oftener if they fhall think proper. And in cafe any fire or fires fhall happen in any houfe or chimney within faid town, fo as to alarm or endanger faid town, or the houfes and buildings in the neighbourhood of fuch fire, and the occupants or occupant of the houfe or building, where fuch fire or fires fhall happen, cannot make it appear that the chimney or chimnies of fuch houfe or building, has been fwept according to the rules and directions of the Firewards, by fome licenfed fweeper, he, fhe or they, fhall forfeit and pay a fine of forty fhillings, to be recovered on the complaint of any one of the Firewards in faid town, before any Juftice of the Peace for the County of Halifax; to be levied, by warrant of diftreffs, on the offender's goods and chattels, and, for want thereof, on his body, and to be paid into the hands of fuch Fireward, to be by him applied to the repair of the fire engines, or water buckets, or fuch other neceffary ufes as the fafety of the town, from fire, may require; and any Fireward refufing or neglecting to give information, or to make complaint in fuch cafe, fhall forfeit and pay five pounds, to the ufe of the poor of faid town, to be recovered before the Juftices in Seflions for the County of Halifax, on the complaint of any inhabitant of faid town, being a freeholder or houfekeeper. Firewards to make orders refpecting fweeping chimnies.

III. And be it further enacted, That it fhall any may be lawful for any three of the Firewards, on view of any chimney, ftove, pipe or fmoke funnel, in faid town, which they may deem to be dangerous, and infufficiently built, or fecured, to prevent the rifk of fire, to order the fame to be removed, altered or repaired as they may direct, within twenty-four hours, or fuch reasonable time, whether longer or fhorter, as they may think proper to allow. And if the occupant or occupants of fuch houfe or building, in which fuch chimney, ftove, pipe or funnel, fhall be Occupant of any houfe liable to pay 40s. for the chimney catching fire, if not regularly fwept.

And Firewards neglecting to give information to forfeit 5l.

Chimney, ftove, pipe or funnel, to be taken down or altered, if dangerous.

placed, shall neglect to remove, repair or secure, the same as directed, it shall and may be lawful for such Firewards to apply to any one of His Majesty's Justices of the Peace within said town, and to three or more freeholders there, to view and examine the same. And in case such Justice, and every three of such freeholders, shall agree in opinion with said Firewards, that such chimney, stove, pipe or funnel, is likely to endanger the said town, or any building in it; and the owner or occupant of the house, or building, where the same is, or shall be, placed, shall not then give to such Firewards good and sufficient security to alter, repair or remove, the same, as they shall direct, it shall and may be lawful for such Justice to order the same to be immediately removed or prostrated, as a common nuisance, and to issue a warrant of distress to seize and sell at public outcry so much of the goods and chattels of such owner or occupant, as shall be sufficient to defray the expence of the removal or prostration of such nuisance.

Persons neglecting to remove them when ordered by Firewards a Justice of Peace may order them to be prostrated as a nuisance.

Assessment to be made for the purchase of Fire Engines for the use of the town.

IV. *And be it further enacted*, That the Justices of the County of Halifax shall and may, from time to time, make rates or assessments on the inhabitants of the said town of Halifax, for purchasing, and keeping in good order and repair, one or more fire engines, for the use of said town, to be kept in such part or parts of said town, under the direction of the Firewards, as shall by them be deemed most convenient; the said rate or assessment to be levied and collected in the manner the poor rates in said town are now levied and collected, and under the like pains and penalties.

Not more than 25 pounds of powder to be kept in any house or shop at one time.

V. *And be it further enacted*, That not more than twenty-five pounds of powder shall be kept, at any one time, in any one house, shop or building, in said town of Halifax, which powder shall be kept in a tin canister with a close cover. And it shall and may be lawful for any three of the Firewards to seize as forfeit for the use of the Poor of said town, and to sell at public outcry any greater quantity of powder found by them, or either of them, contrary to this Act. And also order and direct any person or persons inhabitants of said town to remove from his or their house, shop or building, any hay, shavings or combustible materials, which they the said Firewards shall find so kept, placed or stored, as in their opinion to endanger the safety of such house, shop or building, or any other building in said town. And if any occupant or owner of such house, shop or building, his or their agent or factor, shall refuse or neglect for twenty-four hours, after notice given, to remove such hay, shavings or combustible materials, the said Firewards are hereby empowered to seize and apply the same to the use of the poor of said town, as in case of a seizure of powder.

Materials in any house, deemed dangerous, to be removed in 24 hours or forfeited.

CAP. IX.

An ACT to prevent the circulation of base and counterfeit Half Pence, and other Copper Coin, and to establish the current value of English Crowns, Half Crowns and Shillings, in this Province.

Preamble

WHEREAS great quantities of base metal under the denomination of half pence have been imported in this Province; and are daily used in payment, to the injury of merchants and others; for remedy whereof:

No coin to be vended or offered in payment, but such as is legal.

I. *Be it enacted by the Lieutenant-Governor, Council and House of Assembly*, That from and after the publication of this Act, no person or persons whatsoever shall import, vend, or knowingly and wittingly offer in payment, or circulate, any half pence or other copper coin other than Tower half pence, or such copper coin as may and do legally pass current in Great Britain or Ireland, on pain of forfeiting such base half pence and coin, and paying for the use of the poor of the town where such offence shall be committed, a sum not exceeding double the amount or nominal value, of such base half pence and copper coin, so imported, vended, offered,

On pain of forfeiting the same, and double the value thereof.

offered in payment, or circulated as aforefaid, to be recovered on information before any two of His Majesty's Juftices of the Peace, within the Town or County where fuch offence fhall be committed.

II. *And be it further enacted*, That in future each and every Englifh crown fhall pafs current at five fhillings and fix pence, and every fuch half crown at two fhillings and nine pence, and every fuch fhilling at thirteen pence; and fo in proportion for the leffer divifions of fuch coin.

Englifh crowns to pafs at 5s. 6d. half crowns at 2s. 9d. and fmall coin in proportion.

This Act, fave fuch parts of it as were executed is repealed by 37th Geo. 3d. cap. 1.

For other Acts refpefting public buildings, fee 30th Geo. 3d. caps. 4 and 10. 37th Geo. 3d. cap. 1. 39th Geo. 3d. cap. 9. 40th. Geo. 3d. cap. 4.

CAP. X.

An ACT for enabling Commissioners to make Sale of the Public Buildings therein named, for Public Ufes, and to erect on the lower Parade in the Town of Halifax, a commodious Building, and alfo to provide or build a Common Jail.

CAP. XI.

An ACT, in amendment of an Act for eftablifhing a public Market, at the Market Houfe in Halifax, and for regulating the fame.

This Act repealed by 39th Geo. 3d. cap. 1. fec. 15.

CAP. XII.

An ACT for the relief of ROBERT APPLEBY, an Insolvent Debtor.

This Act executed.

CAP. XIII.

An ACT to raife a Sum of Money to repair the Public Road leading from Halifax to Windfor, and to caufe the Proprietors of Lands on each fide faid Road to settle the fame more expeditiously.

Expired.

CAP. XIV.

An ACT for continuing in Force the feveral Acts herein after mentioned.

Expired.

CAP. XV.

An ACT for the eftablifhment of Fees, as regulated by the Governor and Council, at the request of the Houfe of Affembly.

WHEREAS the Fees to be taken by the different offices in this Province for fervices by them refpectively to be done, are not fufficiently afcertained; to regulate and eftablifh them in future, and prevent any undue exactions or exorbitant demands, touching the fame:

Preamble.

I. *Be it enacted, by the Lieutenant Governor, Council and Affembly*, That no officer or other perfon,

No officer or other perfon,

ther person to
take any greater
fee, &c. than is
herein allowed
and established.

person or persons whatsoever for any service or services by him or them to be done and performed in their respective offices herein after mentioned, for any fee, perquisite or other reward, shall exact, demand or receive, any greater or other fee or fees, sum or sums of money, than is, or are, herein after set down, allowed and established, for the same, that is to say :

Judge of Probate's Fees.

Judge of Pro-
bate's fees.

For probate and registering a will, administration or letter of guardianship, each, Twenty shillings.

Citation and service, Three shillings.

Letters ad collegendum, Ten shillings.

Decree for distribution, Twenty shillings.

Warrant of appraisement, Five shillings.

Register's Fees.

Register's fees.

For probate and registering a will; administration or letter of guardianship, each, Twenty shillings.

Drawing bond, Three shillings.

Attending execution of ditto, Two shillings and six pence.

Letters ad collegendum, Ten shillings.

Citation and service, Three shillings.

Filing inventory, accounts, &c. One shilling.

All searches, One shilling.

Copy of will and probate, per sheet ninety words, Nine pence.

Collating, Five shillings.

Copying inventory accounts, per sheet, ninety words, Nine pence.

Certificate and seal, Six shillings and eight pence.

Decree for distribution, Twenty shillings.

Copy of citation, Three shillings and four pence.

Warrant of appraisement, Five shillings.

Every exhibit, Four pence.

Justices Fees, Common Pleas.

Justices fees,
Common Pleas.

Entering every cause, first Justice, Two Shillings and six pence.

Entering every cause, assistant Justices, each, One shilling.

Every cause tried, and final judgment, first Justice, Six shillings.

Every cause tried, and final judgment, assistant Justices, each, Three shillings.

Summary cause, the whole Court, Five shillings.

Taxing bill of costs, One shilling.

Taking bail at his own chambers, Two shillings.

Justices Fees.

Justices Fees.

Issuing writ or summons, Two shillings and six pence.

Subpoena, Six pence.

Judgment, One shilling.

Execution, One shilling.

Every bond or recognizance, One shilling.

Every affidavit in writing, One shilling.

Sending proceedings to Inferior or other Courts, One Shilling.

Warrant

Warrant in trespass, assault in battery, on conviction of the offender, One shilling.
 Acknowledging instrument or deed, One shilling.
 Every examination in assault in battery, on conviction of the offender, Two shillings and six pence.

Clerk's Fees in the Supreme Court.

Entering action, filing oath, warrant and Præcipe, the whole, Two shillings and six pence
 Sealing and signing every writ, execution, or other process, One shilling.
 Filing every writ, and entering return, Six pence.
 Filing declaration, and all other pleadings, Six pence.
 Entering appearance, One shilling and six pence.
 Entering and filing every rule of Court, Six pence.
 Copy of every rule when given by clerk, Six pence.
 Swearing and impannelling jury, One shilling.
 Swearing each witness or constable, Six pence.
 Taking and entering verdict, One shilling.
 Entering judgment, Two shillings.
 A retraxit, or discontinuance, Six pence.
 Copies of all records, or pleading, each ninety words, Six pence.
 Every exhibit in a cause filed in Court, Four pence.
 Attending striking special jury, and copy of pannel to be given to each party, Five shillings.
 Taking affidavit in Court, One shilling.
 Filing affidavit, each, Six pence.
 Searching the records, Six pence.
 Entering every default, Six pence.
 Entry confession, lease entry and ouster, One shilling.
 Taking and filing special bail piece, One shilling.
 Drawing and taking every recognizance, One shilling.
 Entering every non suit, Six pence.
 Sealing and signing subpoena, One shilling.
 Continuance of every cause, One shilling.
 Filing the roll in every action, One shilling.
 Taxing every bill of costs, One shilling.
 In every summary cause not tried by a Jury, in lieu of all other fees, including signing and sealing writ, together with the final judgment, Five shillings.
 Writs of partition, writs of certioraries, and writs of error, the fees of the clerk to be as above stated, and none other.

Clerk's Fees in the
 Supreme Court.

Clerk of the Peace, his Fees.

Drawing an indictment, if found, Two shillings and six pence.
 Every trial and judgment, Two shillings and six pence.
 Every submission, Two shillings and six pence.
 Concordatum Fee, One shilling and six pence.
 Every petition, and proceedings thereon, Two shillings and six pence.
 Every cause continued by traverse, or otherwise, One shilling.
 Every presentment proceeded on, to be paid by the delinquent, Three shillings and four pence.
 Certificate of administering the State oaths, One shilling.
 Warrant from the Court, One shilling.
 Every recognizance, each person, One shilling.
 Discharging a recognizance, One shilling.

Clerk of the
 Peace his fees.

Attornies

Attornies' Fees.

- For writ, præcipe, affidavit and declaration, Eleven shillings and eight pence.
- Attornies' fees.* In all fummary caufes that do not go to a jury, for all other proceedings until final judgment, Eight shillings and four pence.
- Retaining fee, in each caufe, above 20l. Ten shillings.
- Drawing affidavit of debt, One shilling and fix pence.
- Every writ, fummons or other original procefs, Five shillings.
- Term fee, Five shillings.
- Every declaration, not containing more than three fheets, at ninety words each, Five shillings.
- Copy for fervice and filing each, Two shillings and fix pence.
- Every common plea, replication or rejoinder, One shilling.
- Copy for fervice and filing each, Nine pence.
- Drawing every fpecial declaration, plea, replication, rejoinder or other neceffary pleadings, each ninety words, One shilling.
- Copy to file and ferve, every ninety words, Six pence.
- Drawing brief, Five shillings,
- Each copy for Council, Two shillings and fix pence.
- Notice of trial copy, and fervice, Three shillings and fix pence.
- Notice of taxing cofts, Two shillings and fix pence.
- Drawing notice of exceptions to bail copy and fervice, Three shillings and fix pence.
- Every continuance, One shilling.
- Every difcontinuance, or retraxit, One shilling.
- Attending, balloting, or ftriking fpecial jury, Ten shillings.
- Attending taking every inquisition before Sheriff, Ten shillings.
- Making bill of cofts, Two shillings and fix pence.
- Attending to get fame taxed, Two shillings and fix pence.
- Arguing a demurrer, fpecial verdict on motion for new trial or other fpecial motions, Ten shillings.
- Trial fee, Twenty shillings.
- Drawing common rule in ejection, Three shillings.
- Copy, Two shillings.
- All other rules and copies, each, One Shilling.
- Every subpoena, Two shillings.
- Every ticket and fervice, Two shillings and fix pence.
- Travel per mile for fervice, the fame as to Sheriff.
- Every execution, venditioni caponas, Ven. Fa. Habeas Corpus, writ of error, writ of poffeffion, writ of haben facias, and writ of enquiry, each, Six shillings.
- Making up iffue, every ninety words, Six pence.
- Copy for fervice, every ninety words, Six pence.
- Making up records, every ninety words, Six pence.
- Engroffing the fame, every ninety words, Six pence.
- All other drafting and copying neceffary to be done by an Attorney in the conducting of a caufe, to be paid for, for every ninety words, Six pence.

II. *Be it further enacted, by the authority aforefaid,* That in all caufes wherein judgment fhall hereafter be given for the plaintiff or plaintiffs, all fees which fhall be paid, due, owing or payable by fuch plaintiff or plaintiffs by virtue of this Act fhall be taxed againft, and fhall be paid by, the defendant or defendants in fuch caufe or caufes, and that in all caufes which fhall be instituted, and not profecuted to final judgment, or which fhall be retracted or difcontinued without leave of the Court, where the fame fhall be instituted, or the confent of the defendant, or wherein judgment

Plaintiffs and defendants, if judgment in their favour, to have their cofts; coft alfo allowed on a retraxit, or difcontinuance.

judgment shall be given for the defendant or defendants, all fees, costs and charges, which shall be paid, due, owing or payable by such defendant or defendants by virtue of this Act, shall be taxed against, and shall be paid by, such plaintiff or plaintiffs.

III. *Be it further enacted, by the authority aforesaid,* That none of the fees by this Act allowed for attornies, shall be taxed for, or allowed to, any but sworn attornies; regularly admitted into the Court wherein any cause shall be instituted or tried, and in no cause or causes wherein an attorney is not really employed, and for no other services than such as he shall actually do and perform in such cause.

None but sworn Attornies to have fees, and only for services actually done by them.

Sheriff's Fees.

Serving every original process, Two shillings and six pence.

Travel per mile to be computed from the Court-house where the process is to be returned,

Three pence.

Bail bond, Three shillings.

Summoning a Jury in each cause, Two shillings and six pence.

Execution under 40l. per pound, Nine pence.

From 40l. to 100l. do. Six pence.

Above 100l. Four pence.

Every deed, Five shillings.

Serving writ of possession, Ten shillings.

Serving scire facias and return, Three shillings.

Returning Special Jury, Ten shillings.

Bringing up a prisoner by habeas corpus, Five shillings.

Executing writ of enquiry, summoning Jury and return, Ten shillings.

Attending prisoner before Judge, on any special occasion, Three shillings and six pence.

Every member returned duly elected to serve in General Assembly, in lieu of all other expences to be paid out of the Treasury, Thirty shillings.

Sheriff's fees.

For further regulation of Sheriff's fees, see 35th Geo. 3d. cap. 1. and the temporary Act, 40th Geo. 3d.

Juror's Fees.

For every cause tried, each Juror, One shilling.

Fees for attending on a view, to be taxed at the discretion of the Court.

Juror's fees.

Witnesses Fees.

For attendance per day at Court, Two shillings and six pence.

Travel per mile, Three pence.

All Clerks fees in the Inferior Court of Common Pleas to be the same as the Clerk's fees in the

Supreme Court, and to be taken for services actually performed, and none other.

Witnesses fees.

Clerk's fees in the Inferior Court to be the same as the Clerk of the Supreme Court.

Crier's Fees.

For every default or non suit, Four pence.

Calling Jury in each cause, Six pence.

Every verdict, Four pence.

Swearing every witness, Three pence.

Every one discharged by proclamation, Six pence.

Crier's fees.

Constables Fees.

Attending a Jury in each cause, One Shilling.

Serving every warrant or summons, One Shilling.

Constables fees.

Summoning

Summoning a Jury by warrant from Coroner, and attendance per day, Two ſhillings and fix pence.

Travelling per mile, the ſame as the Sheriff, Three-pence.

Clerk of the Aſſembly's fees, in private affairs.

Clerk of the Aſſembly's fees.

Reading and entering every petition, or other instrument in writing, One Shilling.

Reading every private bill each time, Six pence.

The peruſing an Act, or one day's minutes, One ſhilling.

Entering every order, Six pence.

Entering a report in the Journals of the Houſe, Nine pence.

Engroſſing every private bill, per ſheet, ninety words, Nine pence.

The Clerk of the Aſſembly's Fees to be taxed by the Speaker, provided no bill be called private which concerns counties, towns or precincts.

Coroner's Fees.

Coroner's fees.

Reſpecting Coroner's fees, ſee the 19th ſec. of the Appropriation Act, the 41ſt Geo. 3d. Coroner's allowed 20s. to for the expences of burying deceaſed if he has not any goods.

For ſerving a writ, ſummons or execution, and travelling charges, the ſame as allowed the Sheriff.

Taking an Inqueſt to be paid out of the deceaſed's eſtate, Twenty ſhillings.

And if no eſtate to be paid by the ſeveral counties where the inqueſt is taken.

And wherever a Coroner ſhall take an inqueſt and the deceaſed ſhall have left no goods or effects to diſcharge the expences of burying, the Coroner ſhall bury him, and ſhall be paid twenty ſhillings for the ſame, out of the treasury of the Province, provided the interment is certified by the Juſtices in Seſſion to have been decently performed.

Clerk to examine and compare bills and to certify the ſame, and no bill to be charged until allowed by a Judge.

IV. *And be it further enacted, by the authority aforeſaid,* That the Clerk of the Court where any cauſe ſhall be brought, ſhall examine and compare all bills of coſt, that it contains no other or greater fees than is allowed by this Act, and before any ſuch bill or bills of coſt, ſhall be charged againſt the plaintiff or defendant, the ſaid bill ſo certified ſhall be allowed and ſigned by one of the Judges of the Court in which ſuch cauſe was brought.

Attornies to draw up the particulars of bills of coſt and to file a copy of taxed bill in the Clerk's office.

V. *And be it further enacted, by the authority aforeſaid,* That at all times hereafter when any attorney ſhall receive the coſts due on any actions he ſhall (if thereto required by the perſon paying the ſame) at the time of payment, or at any time when demanded within fix months, draw up the bill of particulars and deliver the ſame to the party who has paid, with a receipt, and before he ſhall iſſue executions in any cauſe he ſhall file a copy of the ſaid taxed bill of coſts in the Clerk's office of the Court out of which ſuch execution ſhall iſſue; and in caſes where executions iſſue out of the Supreme Court he ſhall firſt file the judgment roll in the proper office and ſhall upon the execution endorse the real debt due.

Judgment roll to be filed before execution iſſues.

Any perſon taking greater fees than herein allowed to forfeit 10l.

VI. *And be it further enacted, by the authority aforeſaid,* That if any officer or officers, perſon or perſons whomſoever, ſhall exact or take any greater or other fees, in reſpect of any of the ſervices herein before mentioned, than are aſcertained or allowed by this Act, he or they ſo offending ſhall, for each offence, forfeit the ſum of ten pounds: one half thereof to the uſe of our Sovereign Lord the King, his heirs and ſucceſſors, for and towards the ſupport of the Government of this Province, and the other half to any one who ſhall ſue for the ſame to effect; to be recovered by action of debt, bill, plaint or information, in any Court of Record within this Province, with full coſts of ſuit, and the party ſo offending ſhall further pay double the amount of the exceſſive fees taken, to the party aggrieved.

Proſecutions to be brought in the County within fix months.

VII. *Provided always,* That all actions, proſecutions and ſuits, for the forfeitures and penalties incurred by virtue of this Act, ſhall be brought and commenced in the county where

the offence was committed; and within six months from the time the offence or offences were committed, and not otherwise.

CAP. XVI.

An ACT for applying certain Monies therein-mentioned, for the services of the year one thousand seven hundred and eighty-eight, and for appropriating the Supplies granted in this Session of General Assembly.

This Act executed.

CAP. XVII.

An ACT to enable WINKWORTH TONGE, of Windsor, in the County of Hants, Esq; to dispose of certain parts of his Estate by Lottery.

This Act not approved of by His Majesty.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Fifth Day of December, Anno Domini 1785, in the Twenty-Sixth 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 March, Anno Domini 1789, in the Twenty-Ninth Year of His Majesty's Reign, being the Fourth Session of the Sixth General Assembly convened in the said Province.*

* In the time of John Parr, Esq. Governor; Richard Bulkely, President of Council; Richard John Uniacke, Speaker; James Gautier, Secretary of Council; and James B. Franklin, Clerk of Assembly.

CAP. I.

An ACT for the better regulation of Elections.

BE it enacted by the Lieutenant-Governor, Council and Assembly, and it is hereby enacted by the authority of the same, That from and after the publication hereof, every Sheriff or other officer to whom any writ for electing a Member or Members to serve in the General Assembly of this Province, shall be directed, upon receipt thereof shall forthwith give public notice of

For Acts in amendment of this Act see 32d Geo. 3d. cap. 8, and 37th Geo. 3d. cap. 3.

Advertisement to be published twenty days previous to any election.

any Election.

the day and place of the election, by putting up advertisements, at least twenty days before the time of such election, at three of the most public places in their County, and shall at the time appointed at the County Court House, if the election be held for the County, and at the usual and accustomed place, if held for a Township, between the hours of ten and twelve in the morning, proceed to the election by reading his writ, and shall not declare the choice upon the view, nor adjourn from that to any other place, without the consent of the Candidates, nor by any unnecessary adjournment, delay the election, but shall, if a poll be required, fairly and indifferently proceed from day to day, and time to time, to take the poll, until all the Electors, then and there present, be polled, and before the Sheriff shall close the poll so opened, unless with the consent of the Candidates, he shall make proclamation for the Freeholders to come forward and give their votes; and if after such proclamation made, no Freeholders shall appear to vote for the space of one hour, the poll shall be closed; and the Sheriff, after reading his writ, and before he opens the poll, shall appoint two respectable Freeholders to be his assistants in conducting the election, who shall be sworn to the faithful and impartial discharge of their duty, and the Sheriff, at the close of the poll, shall declare the person, having the majority of votes, to be duly elected; and in case a scrutiny shall be demanded, the Sheriff shall grant the same, and shall, with his two assistants, proceed in such scrutiny, if the party demanding the poll shall persist in his demand, the day following the close of the poll. *Provided always,* that no vote shall be scrutinized, but such vote or votes as were excepted to at the time of holding the poll, and marked as such on the poll book, and the Sheriff shall return his proceedings on such scrutiny to the House to be adjudged on and determined, and the Sheriff or other officer as aforesaid, is hereby directed and commanded to appoint one Clerk and one Inspector, for each Candidate, who shall be nominated by the Candidates respectively, which Clerks shall be sworn by the Sheriff or other officer, to take the poll fairly and indifferently, by setting down the names of the Electors, and the place of their abode, and the person they give their vote for, and the Sheriff, or other officer, shall give a copy of the poll to every person that shall desire the same, he paying reasonable fees for writing the same; and if any Elector be questioned as to his qualification by any Candidate, the Sheriff, or other officer, shall administer to him the oath of allegiance, as prescribed by law, and shall likewise administer the following oath:

No votes for one hour the poll to be closed.

Two Freeholders appointed to assist the Sheriff.

The Clerks to be sworn who take the Poll.

The Oath of Allegiance.

The Voters oath

If a Quaker, his affirmation.

“ I do swear that I am, by law, entitled to vote in the town or county of in the Province of Nova-Scotia, and that the lands, tenements or hereditaments, for which I claim a right to vote, consist of and are situate, lying and being, in and the same hath or have not been made or granted to me fraudulently, on purpose to qualify me to give my vote, and that I have not received or had by myself or any person whatever, in trust for me, or for my use and benefit directly or indirectly, any sum or sums of money, office, place, or employment, gift or reward, or any promise or security for any money, office, employment or gift, in order to give my vote at this election, and that I have not before been polled at this election, and that the place of my abode is at. So help me God.” Or if Quakers, the test or affirmation to the same effect, and all fraudulent conveyances of land, to multiply votes, or to qualify voters at elections, subject to an agreement to reconvey the same, shall be taken against the grantors, as free and absolute, and all collateral securities for defeating such estate shall be void, and the person making such conveyances or voting by colour thereof, shall forfeit ten pounds, to any person that will sue for the same, in any Court of Record in this Province, one half part thereof to any person or persons who shall prosecute the same to effect, and the other moiety to, and for the use of, the poor of the township concerned in such election.

II. And be it further enacted, by the authority aforesaid, That each person hereafter to be chosen

a Member of Assembly, and each Elector at the time of giving his vote in any election, hereafter to be held in this Province, shall actually have an income of forty shillings per annum, in real estate, or shall have within the county or town for which he votes, or shall be elected for in his own right in fee simple, a dwelling house, with the ground on which the same stands, or one hundred acres of land cultivated or uncultivated; such person or persons, possessing any one of the before mentioned interests shall be entitled to vote or be elected for the county or town wherein the same shall be situate, and persons holding any of the before-mentioned possessions by licence of occupation under the Crown, shall have a right to vote, notwithstanding any defect in such mode of conveyance.

III. *And be it further enacted, by the authority aforesaid,* That every Sheriff, or other officer, to whom the execution of any writ for the electing any member or members to serve in the General Assembly of this Province shall be directed, and that act contrary or otherwise than by this Act is directed, or shall return any person or persons not duly elected by the majority of the freeholders, every such officer shall forfeit the sum of two hundred pounds, one third part thereof to the King, His heirs and successors, one third part to the poor of the county or township concerned in such election, the remaining third part thereof to the party grieved that will sue for the same, with costs of suit, to be recovered in any Court of Record in this Province, by action of debt, bill, plaint or information.

IV. *And be it further enacted, by the authority aforesaid,* That any person or persons who shall at the request of any candidate, at any future election, furnish any meat, drink, or entertainment of any kind, during such candidate's election, to any freeholder, or body of freeholders, or to any other description of people, such person or persons so furnishing the same shall be totally disabled and prevented from recovering from such candidate, or from any of his friends, any reward or payment whatsoever for such entertainment, or any part thereof; and if any person or persons shall sue any candidate, or any of his friends, for the whole or any part of the expences of such entertainment, it shall and may be lawful for the Judges of the Court wherein such suit shall be brought (on due proof being made that such demand arises for and on account of the entertainment of the freeholders, at or during any election in this Province) to order the party bringing such suit, to be nonsuited, and to enter judgment accordingly. *Provided always,* That nothing herein contained shall extend to prevent any person or persons from recovering from any individual person the value of such entertainment as he or they may, during an election, furnish, or provide for such individual person for his own use and at his own special instance and request.

V. *And be it further enacted, by the authority aforesaid,* That any person or persons who shall bribe or corrupt any freeholder or freeholders at any election within this Province, such person or persons so offending shall suffer all the penalties prescribed by the laws of England for such offences.

VI. *And be it further enacted, by the authority aforesaid,* That the Sheriff, or his deputy, at the opening the poll each day, shall read this Act, and no other oath, save as herein before directed, shall be required from any voter at any election hereafter to be held in this Province, nor shall any religious test be required from such voter, liberty of conscience being one amongst many other blessings conferred on this Province, by our Most Gracious Sovereign.

VII. *And be it further enacted,* That the poll for any one election shall not be kept open more than six days, after which time it shall and may be lawful for the Sheriff to close it, and return the Candidate who shall then have the majority of votes; and that for each day the poll shall be kept open the Sheriff shall be entitled to receive from each Candidate the sum of ten shillings, to be recovered by action of debt before any one Justice of the Peace for the county in which the election shall be held; and if a scrutiny is demanded, twenty shillings for

If a fraudulent conveyance, to forfeit 10l. half to Province, half to the Poor.

Each Voter to have an income of 40s. per ann. from landed property.

Sheriff making false return to forfeit 200l.

Appropriation of fine.

Expence of entertaining voters for any candidate not recoverable by law.

Expence of entertainment, furnished any individual during an election, recoverable.

Bribing of Freeholders.

This Act to be read each day of Polling.

The Poll to continue but six days

Allowance to the Sheriff.

his attendance on it, each day, to be paid by the Candidate demanding it, and to be recovered as aforesaid.

CAP. II.

An ACT for altering the Times appointed for holding the Court of Common Pleas, and General Sessions of the Peace, in the District of Colchester.

This Act altered by 32d Geo. 3d. cap. 9.

CAP. III.

An ACT for altering the Times appointed for holding the Court of Common Pleas, and General Sessions of the Peace, in the County of Sydney.

This Act altered by 37th Geo. 3d. cap. 5.

CAP. IV.

An ACT for founding, establishing and maintaining, a College in this Province.

Preamble.

WHEREAS *the permanent establishment and effectual support of a College at Windsor, may, by the blessing of God, become of the greatest public utility to this Province, and to His Majesty's neighbouring Colonies :*

Annual allowance for the College.

Chargeable on the duties on sugar, and, if insufficient, on other articles.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That a sum not exceeding four hundred and forty four pounds, eight shillings and ten pence half penny, current money of Nova-Scotia, equal to four hundred pounds, sterling money of Great-Britain, shall be yearly, and every year granted, allowed and paid by, from, or out of, such monies as may from time to time be collected and paid into the public Treasury of this Province from the duties imposed, or to be imposed, on brown, and loaf or refined, sugars; and in case such duties are not sufficient to answer the said sum at the days and time of payment thereof; then by, from, or out of any other aids, supplies or taxes not otherwise specially appropriated to other uses; which sum of four hundred and forty four pounds, eight shillings and ten pence halfpenny, shall be drawn by warrant, under the hand and seal of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, on the Provincial Treasurer in the way usually practised in equal quarterly payments; the first quarter to commence the first of January, one thousand seven hundred and eighty nine, and to be drawn for on the first of April, and so on from quarter to quarter, as the same shall grow due, on the requisition of the Governors of the said College, or the major part of them, as herein after appointed, for or towards the maintenance and support of the said college, and the payment of the salaries of the President and Professors to be by them appointed.*

Governors of the College.

II. *And be it further enacted, by the authority aforesaid, That the Governor and Commander in Chief of the Province of Nova-Scotia, for the time being; the Lieutenant-Governor, for the time being; the Bishop of Nova-Scotia, for the time being; the Chief Justice, for the time being; the Secretary of the Province, for the time being; the Speaker of the House of Assembly, for the time being; His Majesty's Attorney General, for the time being; and His Majesty's Solicitor General, for the time being, shall be Governors of the said college.*

III. *And be it further enacted, by the authority aforesaid,* That for the better management and regulation of the faid college, and the more full and complete executing the purpofes of this Act, the faid Governors, hereby appointed, fhall be a body politick and corporate in deed, and name, and have fucceffion for ever by the name of "The Governors of King's College, of Nova-Scotia." and by that name fhall fue, and be sued, implead and be impleaded, in all Courts and places within the Province of Nova-Scotia; and they, or the major part of them, fhall have power to have and ufe a common feal, to be appointed by themfelves, and to make bye law, and ordinances for the regulation and general management of the faid college, and to afsemble together, when and where, and as often, and upon fuch notice as to them fhall feem meet, for the execution of the trust hereby reposed in them; and fhall alfo have full power and capacity to purchafe, receive, take, hold and enjoy, for the ufe and benefit of the faid college, and the purpofes of this Act; as well goods and chattels, as lands, tenements and hereditaments, any law or ftatute to the contrary thereof notwithstanding.

Incorporated by the ftyle of "The Governors of King's College of Nova-Scotia."

Governors to make laws, ufe a common feal, & to purchafe; or receive, for the ufe of the College Goods & Lands

IV. *And be it further enacted, by the authority aforesaid,* That the Governors of the faid college, fo appointed and incorporated by this Act, or fuch major part of them, at any general meeting afsembled, fhall from time to time, and as they fhall think fit, make and eftablifh fuch ftatutes, rules and ordinances, for the inftruction, care and government, of the ftudents, and for the care and prefervation of the books, furniture and other property, belonging to the faid college, as to them fhall feem meet, and fhall and may in like manner nominate and appoint the Prefident and Profefors (the Prefident always to be a clergyman of the eftablifhed Church of England, duly qualified for that office,) to whom the tuition of the ftudents in the faid college fhall be committed; and alfo to appoint fuch Officers and Servants from time to time, as the faid Governors, or fuch major part of them, may think neceffary, and affign to them refpectively out of the faid fum of four hundred and forty four pounds, eight fhillings and ten pence halfpenny, annually granted by this Act, fuch falaries and allowances as they fhall think fit, and fhall and may in like manner fufpend or remove the Prefident, Profefors, Officers and Servants, or any or either of them, for mifbehaviour or neglect of duty; and no Prefident, Profefor, Officer or Servant of the faid college, unlefs in cafes of ficknefs, fhall abfent themfelves from their refpective duties, without the exprefs leave of the Governors, or the majority of them, who are hereby authorized to appoint a deputy or deputies to fill the office of fuch Prefident or Profefor in fuch cafes, and to appropriate a part or the whole of the falary of the Prefident or Profefor, abfent as aforesaid, for the payment of fuch deputy.

Duty of the Governors.

Appointment of Profefors.

No Profefor, or fervant, to abfent himfelf, without leave.

V. *And be it further enacted, by the authority aforesaid,* That befides the four hundred and forty-four pounds, eight fhillings and ten pence half-penny, hereby annually granted for the purpofes of the faid college, it fhall and may be lawful for the Governor, or Lieutenant Governor and Commander in Chief, at the requifition of fuch major part of the Governors of the faid college, to draw by warrant from the Treafury of this Province, a fum not exceeding five hundred pounds, to enable them to purchafe fuch houfe, lot of ground and premifes, in the townfhip of Windfor, as they may chufe and think requifite, and proper, for the purpofe of founding and eftablifhing of fuch college.

Grant of 500. to purchafe a houfe &c. in Windfor, for the College.

VI. *And be it further enacted,* That it fhall and may be lawful for the faid Governors to provide a perfon, well and fufficiently qualified, to act as a temporary Prefident, and alfo a perfon or perfons, well and fufficiently qualified, to act as temporary Profefors, who fhall be immediately employed in the education of youth; and the faid Governors fhall and may continue to apply fuch parts or fhares of the faid fum, herein before granted, for the payment and fupport of fuch temporary eftablifhment, until a fufficient building fhall be erected, and a charter obtained from our Moft Gracious Sovereign to authorize the opening of fuch college in due form.

Governors to provide a temporary Prefident or Profefors, until a fufficient building be erected, and a Charter obtained from His Majesty.

CAP. V.

An ACT for establishing the Times of holding an Inferior Court of Common Pleas, and General Sessions of the Peace, in the Township of Yarmouth.

For Acts in amendment of this Act see 36th Geo. 3d. cap. 5.

Preamble

WHEREAS the want of roads, and the distance between the township of Shelburne, and townships of Yarmouth and Argyle, in the county of Shelburne, renders it inconvenient for the inhabitants, resident in said townships, to attend at the Inferior Court of Common Pleas, and at the General Sessions of the Peace, held at Shelburne; for remedy whereof:

Time of holding the Inferior Court at Yarmouth.

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That an Inferior Court of Common Pleas, and a Court of General Sessions of the Peace, shall and may be kept and held within the township of Yarmouth, in the county aforesaid, on the first Tuesday of April, and last Tuesday of October, in every year.

What Laws extend to the same.

II. And be it further enacted, That all and every the laws of this Province, respecting the balloting, summoning and attendance, of jurors, ordering and taking of bail, the service of writs and executions, or which relate to order, and direct, either practical or judicial proceedings of the Courts of law in this province, shall extend, and be construed to extend, to the said Inferior Court of Common Pleas, and General Sessions of the Peace, in the said township of Yarmouth.

CAP. VI.

An ACT to enable the Inhabitants of the Town Plot of Dartmouth to use and occupy the Common Field, granted them by his Excellency the Lieutenant-Governor, in such way as they may think most beneficial to them.

For Acts respecting Commons see note on 34th Geo. 2d. cap. 12.

Preamble.

WHEREAS his Excellency the Lieutenant Governor hath granted a certain tract of land adjoining to the town plot of Dartmouth, to the inhabitants thereof for the time being, for the purpose of a common field, for feeding cattle, &c. and as the intention of said grant cannot be carried into effect, without the aid of a law for that purpose:

Proprietors to meet once a quarter, on the order of the Trustees.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the proprietors and persons interested in said common field, to assemble in such place in said town, as the Trustees named in said grant shall appoint, once in every quarter of a year, and one or more of said Trustees are hereby empowered to grant an order for such meeting, directed to one of the Constables for the district of Dartmouth, requiring him to notify the proprietors, and others interested in said common field, of the meeting, and the time and place for the same, which notification shall be given in writing posted up in some public place within the town aforesaid, five days before the day appointed for the meeting, and such and so many of the proprietors and persons interested in said common field, who shall be assembled and meet accordingly, shall have power by a majority of votes, to chuse a Clerk to enter and record all votes and orders that from time to time shall be made and passed in said meeting, respecting the said field and the management thereof, who shall be sworn to the faithful discharge of his office, and also to pass orders for the managing and improving said common field.

Empowered to chuse a Clerk to enter and record all votes and orders relative to the Common.

And for the better enabling the said proprietors and persons interested in said common field, to fence and improve the same:

II. *Be it further enacted, by the authority aforefaid, That the proprietors and perfons interefted in faid common field, that by either of the trustees for the time being may fue, commence and profecute any fuits or actions (refpecting the management of faid common field) in any Court proper to try the fame, and in like manner to defend all fuch fuits and actions that fhall be commenced againft them, and the faid proprietors and perfons interefted in faid common field are hereby impowered at their quarterly meetings to order the raifing of any fuitable fum or fums of money, that fhall be by them thought fufficient to carry on and profecute, or defend any actions or fuits that may be brought by or againft them, or for the carrying on or managing any affairs relating to the faid common field, and to appoint three of the proprietors aforefaid, to proportion fuch fum or fums, as fhall be thought neceffary to be raifed for the ends and ufes aforefaid, upon the proprietors and perfons interefted therein, and to appoint a collector or collectors to gather in, and collect the fame, which collector or collectors fhall be and are hereby fully authorized and empowered to levy and collect the fum or fums fet, and apportioned for fuch proprietors, to pay, in the fame manner as the collector or collectors in the town of Halifax are impowered to collect the public taxes; and to pay in the fame to the clerk of faid meeting, (who is hereby impowered to grant warrants for levying and collecting fuch affeffments) at fuch times as fhall be by them appointed for the payment thereof; and fuch clerk fhall be accountable to faid proprietors therefor, and the perfon fo affeffing, and the collector or collectors that fhall be appointed, fhall be under oath for the faithful performance of their fervices refpectively.*

Trustees to fue, or defend fuits for proprietors, refpecting the Common.

Mode of raifing money for defraying expence of Law Suits, &c.

III. *And be it further enacted, by the authority aforefaid, That the proprietors and perfons interefted in faid common field at a meeting warned (as by this Act directed) and afsembled, fhall and may have power by a majority of votes of the perfons then afsembled, to make and pafs fuch orders for fencing and improving of faid common field as by them fhall be thought proper and convenient, and to annex penalties on the breach and non-obfervance of fuch orders; provided fuch penalties do not exceed fifteen fhillings for one offence. Provided alfo, That fuch orders fo made are not repugnant to the general laws of the Province; faid penalties to be recovered before any of His Majesty's Juftices of the Peace for the county of Halifax, and to be difpofed of as faid proprietors fhall order or direct, any law, ufage or custom, to the contrary notwithstanding. Provided always, That this Act, nor any thing therein contained, fhall be conftrued to impower faid proprietors, or the trustees, to alienate faid common field, or any part thereof, or to affefs or levy any money on any commoner, who fhall not ufe his right of common, or on any commoner, except in proportion to the beafts he may depafture there, and the benefit he may derive from faid common field.*

Fencing of Common,

Rules and orders relative to the fence of the faid Common, not to be repugnant to the Laws of the Province.

Proprietors or Trustees not to alienate the common, or to levy taxes on fuch proprietors as do not ufe the common.

CAP. VII.

An ACT, in amendment of the feveral Acts paffed in the Firft and Twenty-Eighth years of His Majesty's reign, relative to the repairing of Highways, Roads, Bridges, &c.

For Acts refpecting highways, fee note on 1ft Geo. 3d. cap. 14.

WHEREAS the road leading from the town of Halifax to the town of Annapolis, is frequently rendered inconvenient to pafs, from the great depth of fnow, and the injudicious manner of uſing the faid road; for remedy whereof.

Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Afſembly, That from and after the publication of this Act, all loaded sleds, or fuch as are conſtructed to carry loads, going to, or coming from, the town of Halifax, or uſing any part of the road leading as aforefaid, and which fhall be drawn by more than one horſe or ox, fhall be in breadth from outſide to outſide of*

Of Sleds paſſing to and from Halifax and Annapolis, conſtructed for carrying loads.

the

the runners, not less than four feet, and that the horses or oxen drawing the same, shall be harnessed or yoked in such manner, that they draw two and two, side by side of each other

Penalty for disobeying said Act, 10s.

II. *And be it further enacted*, That any person disobeying this Act, shall forfeit the sum of ten shillings for each and every offence, to be recovered before any one of His Majesty's Justices of the Peace, and the money so recovered to be appropriated to the use of the persons informing and prosecuting the same to effect.

Sleds used in other Counties, to be 4 feet wide.

III. *And be it further enacted*, That all sleds which shall hereafter be made use of in any of the settled townships of this Province, (Halifax excepted,) shall be no less than four feet wide as aforesaid, and any person using a sled of less dimensions, shall forfeit and pay for each and every offence, a penalty of ten shillings, to be recovered and applied as aforesaid.

CAP. VIII.

An ACT in further addition to an Act, made in the Thirty-second year of the reign of King George the Second, entitled, an Act for preventing Trespasses.

Respecting trespasses, see note on 32d. Geo. 2d. cap. 14.

Penalty for any person found in any enclosed field in the peninsula of Halifax.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That if any person, from and after the publication of this Act, shall be found within any fenced field or other inclosure of land on the peninsula of Halifax, with a gun, or otherwise, unless by leave of the owner thereof, such person, shall for every offence forfeit the sum of ten shillings, to be recovered on due proof, before any one Justice of the Peace, and be for the use of the prosecutor; and in case the party convicted, shall be unable to pay the fine imposed, it shall and may be lawful for such Justice to commit him to the common goal of the county, there to remain for twenty-four hours, or until he pays such fine.

Fine for cutting or carrying off fods or soil.

II. *Be it further enacted*, That any person or persons who shall cut or carry away any soil or fods from off the common of Halifax, or of Lunenburg, whereby the pasturage shall be injured, or the ground defaced, he or they, shall, on conviction, forfeit and pay for every such offence, a sum not exceeding twenty shillings, to be recovered and applied as aforesaid.

CAP. IX.

An ACT in amendment of the several Acts passed in the Thirty-second and Thirty-fourth years of the reign of His late Majesty, King George the Second, and in the First, Fifth, and Twelfth years of the reign of His present Majesty, relative to the registering of Deeds and Conveyances made of, or which may affect, Lands, Tenements, and Hereditaments.

For Acts in amendment or addition to this Act, see note on 32d. Geo. 2d. cap. 2.

Preamble.

WHEREAS by the various and secret ways of conveying lands, tenements and hereditaments, ill disposed persons frequently have it in their power to commit frauds, by means whereof bona fide purchasers and mortgagees may (by prior secret conveyances and fraudulent incumbrances) be greatly injured; for remedy whereof:

Conveyances of lands to be immediately registered in the town or district where the lands lay.

I. *Be it enacted*, by the Lieutenant-Governor, Council and Assembly, That all deeds and conveyances of lands, tenements, or hereditaments, made after the first day of June, in this present year of our Lord, one thousand seven hundred and eighty nine, shall immediately on the execution thereof, be registered in the office of the Register, or deputy Register, of the town or district

trict

trict wherein the lands lay, and in case there shall not be a Register, or deputy Register's office, in such town or district, then in the Register or deputy Register's office of the town or district nearest the lands, and within the county; and that every deed or conveyance made after the said first day of June next, shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee, for valuable consideration, unless such deed or conveyance shall be registered prior to the subsequent purchase and registry thereof.

Every deed made after the 1st June, 1789, void against subsequent purchaser or mortgagee, unless first registered.

CAP. X.

An ACT in amendment of an Act, made in the Third year of His present Majesty's reign, entitled, an Act to prevent Frauds in the selling of Flour and Biscuit, or Ship Bread in Casks.

For Acts respecting this subject, see note on 3d. Geo. 3d. cap. 3.

WHEREAS many inconveniences arise from the manner in which meal of different kinds has been heretofore sold in this Province; for remedy whereof:

Preamble.

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That from and after the publication hereof, all meal, or flour, made of Indian corn, buck wheat, rye, or any other species of grain, that shall be sold, bartered or exchanged, within this Province, either in casks, or otherwise, shall be sold, bartered or exchanged, by weight only, and in no other way or manner whatsoever.

Meal and flour to be sold by weight only.

And whereas great frauds are often committed in measuring grain:

II. Be it further enacted, That after the publication hereof, the measure with which grain is sold, shall be struck with a fruit board or stick, rounded at the edges, and with no other, and that any person or persons herein offending, shall be liable to the penalties and forfeitures mentioned in the Act, entitled, An Act to prevent Frauds in the selling of Flour and Biscuit, or Ship Bread in Casks.

Of the measure.

Transgressors of this Act, how punished.

CAP. XI.

An ACT in amendment of an Act, made in the Second Year of His present Majesty's reign, entitled, an Act for regulating the Exportation of Fish, and the affize of Barrels, Staves, Hoops, Boards, and all other kind of Lumber, and for appointing Officers to survey the same.

For Acts respecting these objects see note on 2d. Geo. 3d. cap. 2.

WHEREAS it is found from experience, that our present regulations respecting the exportation of fish, are in many cases defective; for remedy whereof:

Preamble.

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That from and after the publication hereof, when pickled fish, of any description, shall be offered for sale in any town, district or fishing port, within the Province, and the same shall appear to be in any wise unmerchantable, it shall and may be lawful for the Surveyor or Surveyors for the town, district or fishing port, where such fish shall be so offered, to call in any three persons, accustomed to deal in, or having knowledge of the requisite qualities of such articles, and if they shall be of the opinion, that the fish so offered are unsound, that then, and in such cases, the Surveyor or Surveyors, before whom such inquest shall be had, shall destroy the same.

Survey of Pickled Fish, how to be made, &c.

Unmerchantable Fish to be destroyed.

II. And be it further enacted, That if any Surveyor or Surveyors shall suffer any owner, or other person for him, to remove or carry such condemned or unsound fish, that they shall, up-

Penalty, on Surveyor suffering bad fish to be removed.

on conviction forfeit and pay the sum of twenty shillings per barrel, for each and every barrel so removed, the same to be recovered on the oath of one credible witness before any one of His Majesty's Justices of the Peace, and applied to the use of the poor.

Exportation of Fish, regulated.

III. *And be it further enacted*, That all masters of vessels carrying merchantable dried fish to any European market, or any kind of pickled fish to any foreign market, shall be obliged to produce the certificate of the sworn Culler of dried fish, and the certificate of the sworn Surveyor of pickled fish, to the Collector and Naval Officer of the port where his vessel shall be laden, before he can obtain a clearance.

Size of Salmon Tierce.

IV. *And be it further enacted*, That all salmon tierces shall be made to contain forty-two gallons at least, and not less than two hundred and eighty pounds of fish, exclusive of salt and pickle.

Size of barrel for pickled fish.

V. *And be it further enacted*, That in future all pickled fish shall be packed in barrels containing thirty gallons, and no less, any law, custom or usage, to the contrary notwithstanding.

Penalty for Surveyors transgressing this Act.

VI. *And be it further enacted*, That if any Surveyor of fish or lumber of different kinds, shall pass any fish or lumber as merchantable, which is not merchantable, or shall refuse or neglect to do with such unmerchantable fish, lumber, hoops, staves, shingles, clapboards, or any other species of lumber, what the Act, of which this is an Act in amendment, directs, such Surveyor, shall forfeit and pay the full value of the fish or lumber, of any kind, which he shall so pass as merchantable, not being such, or which he shall neglect or refuse to destroy or dispose of as the law requires in such cases, the same to be recovered before any one of His Majesty's Justices of the Peace, and applied to the use of the poor.

CAP. XII.

An ACT to provide for the better support of the Puisne Judges of His Majesty's Supreme Court.

For Acts respecting Supreme Court, see note on 8th and 9th Geo. 3d. cap. 5.

Preamble.

WHEREAS the independence and uprightness of the Judges are essential to the impartial administration of justice, and has ever been considered as one of the best securities of the rights and liberties of the Subject, in order therefore to make a suitable provision for such appointments and establish the permanency thereof :

Allowance to the Judges of the Supreme Court.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That there shall be paid annually to the two Puisne Judges of the Supreme Court, during their continuance in office and residence in the Province, the sum of four hundred pounds currency each, which said sum shall be paid out of the public monies in the Treasury, by warrant from the Governor, Lieutenant Governor, or Commander in Chief for the time being, on the Treasurer thereof.

Removal of the Judges.

II. *Provided always*, That nothing herein contained, shall extend, or be construed to extend, to change the nature of His Majesty's commissions to such Judges, but the Puisne Judges shall be removed at the pleasure of His Majesty, or upon the joint address of the Council and Assembly, to the Governor, Lieutenant Governor, or Commander in Chief for the time being.

CAP. XIII.

An ACT for continuing and amending the several Acts for suppressing unlicensed Houses, and for granting to His Majesty a Duty on Persons hereafter to be licensed.

Expired.

CAP. XIV.

An ACT for the better support of the Poor in the respective Counties within this Province, by laying an Impost Duty on all articles imported into this Province from the United States of America.

WHEREAS by an Act of Parliament, made and passed in the twenty eighth year of the reign of His present Majesty, entitled, An Act for regulating the trade between the Subjects of His Majesty's Colonies and Plantations in North America, and in the West-India Islands, and the countries belonging to the United States of America, and between His Majesty's said subjects and the Foreign islands in the West-Indies, certain articles, therein enumerated, may be allowed by the Governor, Lieutenant-Governor, or the Commander in Chief for the time being, by and with the advice of His Majesty's Council, to be imported into this Province for a limited time, from any of the territories belonging to the aforesaid United States, for the supply of the Inhabitants of this Province, provided such goods and commodities, so authorized to be imported, shall not be imported except by British Subjects, and in British built ships, owned by His Majesty's Subjects, and navigated according to law; and whereas it may be expedient and necessary to authorize the importation of many of these enumerated articles for some time to come, nevertheless for the encouragement of the inhabitants of Nova-Scotia, to raise and procure those commodities within the Province.

Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That from and after the publication hereof, all articles so imported under the authority of the Governor, Lieutenant Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, from any of the United States of America, shall pay a duty of ten per cent. *ad valorem*, to be levied and received by the Collectors of Impost and Excise, to be estimated according to the original invoice to be produced by the importer on oath, before the landing of any such articles, except scantling, planks, staves, heading boards, shingles, hoops, or square timber of any sort, wheat, rice, rye, Indian corn, barley, wheat and rye flour, neat cattle and sheep alive.

Duty on articles imported from the United States

II. *And be it further enacted,* That the duty in this Act before mentioned, shall be paid in current money of this Province, by the importer or importers thereof, unto the Collector or Collectors, Receiver or Receivers, for the time being, before the landing thereof.

Payment of duty.

III. *And be it further enacted,* That any importer or importers, owner or owners, who shall import and land any of the articles, except such as are herein excepted, without paying the duty thereon imposed by this Act, shall, upon discovery thereof, forfeit such articles so imported and landed.

Articles landed without payment of duty forfeited.

IV. *And be it further enacted,* That the master of any vessel employed in the trade to the United States of America aforesaid, or any other person who shall land, or attempt to land, any of the articles in this Act, except as herein before excepted, before the duty, imposed by this Act, shall be paid, shall forfeit and pay the sum of fifty pounds.

Persons landing of Goods before Duty be paid to forfeit sol.

V. *And be it further enacted,* That the collectors or receivers of the duties of the time being, shall render a just account, and pay into the hands of the Treasurer of the Province all such monies received by him or them, for the duties collected in pursuance of this Act, within thirty days after receipt of the same, under penalty of fifty pounds for his or their neglect, which duties shall be applied to the relief of the poor of the county or town where the same shall be collected.

Duties collected, to be accounted for.

VI. *And be it further enacted,* That all forfeitures and penalties incurred by this Act, shall be appropriated one half to the informer, and the other half to the use of the poor of the county wherein the same is collected or recovered, the forfeiture to be recovered, on complaint or proof, before any one of His Majesty's Justices of the Peace, and the penalty by action of debt, bill, plaint or information, in any Court of Record within this Province.

Appropriation of Forfeitures.

VII. *And be it further enacted,* That this Act shall continue in force until the thirty-first day of March, one thousand seven hundred and ninety.*

* This Act is continued by several subsequent Acts to the present day.

CAP. XV.

Expired.

An ACT to provide for the support of His Majesty's Government in this Province, by amending and continuing the several Laws for raising a Revenue, as are herein after particularly mentioned and expressed.

CAP. XVI.

Expired.

An ACT for continuing in Force the several Acts herein after mentioned.

CAP. XVII.

Executed.

An ACT for applying certain Monies therein-mentioned, for the services of the year one thousand seven hundred and eighty-nine, and for appropriating the Supplies granted in this Session of General Assembly, and for funding the Province Debt.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Fifth Day of December, Anno Domini 1785, in the Twenty-Sixth 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 Twenty-Fifth Day of February, Anno Domini 1790, in the Thirtieth Year of His Majesty's Reign, being the Fifth Session of the Sixth General Assembly convened in the said Province.*

*In the time of John Parr, Esq. Governor; Henry Newton, President of Council; Richard John Uniacke, Speaker; James Gautier, Secretary of Council; and James B. Franklin, Clerk of Assembly.

CAP. I.

An ACT to amend the Act, entitled, an Act for appointing Firewards, and ascertaining their Duty, and for punishing Thefts and Disorders at the Time of Fire, and also in amendment of the several Acts made in amendment or addition to said recited Act, and to extend the several Provisions, therein contained, to the Town of Shelburne.

For Acts on this subject see note on 2d Geo. 3d. cap. 5,

WHEREAS *the fine of forty shillings now imposed on persons neglecting to sweep their chimnies has been found too high:*

Preamble.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof the said fine shall be reduced to the sum of ten shillings only, the same to be recovered and applied in the manner and form directed in, and by the said recited Act; and the several Acts made in amendment thereof, or addition thereto.*

Fine of 40s. for not sweeping Chimnies reduced to 10s.

And whereas the number of firewards to be appointed by virtue of said recited Acts are found to be insufficient:

II. *Be it therefore enacted, That from and after the publication hereof it shall and may be lawful for the Justices in their Sessions to nominate and appoint any number of fit and proper persons to discharge the duty of firewards, as in and by said recited Acts are directed. Provided the number of such firewards so to be appointed shall not exceed fifteen, any law, usage or custom, to the contrary notwithstanding.*

Justices in Session one to appoint not exceeding fifteen Firewards.

And whereas it is found expedient and necessary, that the several provisions in said recited Acts should be extended to the town of Shelburne:

III. *Be it therefore enacted, That from and after the publication hereof, the several matters, clauses*

Acts respecting
Firewards ex-
tended to Shel-
burne.

clauses and things specified and contained in said Act, entitled, An Act for appointing firewards, and ascertaining their duty, and for punishing thefts and disorders at the time of fire, and contained in this Act, and the several other Acts in addition to, or amendment thereof, shall be, and the same is hereby extended to the said town of Shelburne, and the Justices in their Sessions, Justices of the Peace, firewards, and all other persons whatsoever, within the said town of Shelburne, shall hereafter be bound thereby in as full and ample a manner as if the said town of Shelburne had been originally named therein.

CAP. II.

An ACT in amendment of an Act, entitled, an Act for the more speedy and effectually collecting such Town Rates and Taxes, as may be assessed on the Inhabitants of the Town of Halifax.

For Acts respect-
ing Rates, see
note on 5th Geo.
3d. cap. 5.

Preamble.

WHEREAS by an Act passed in the twentieth year of His present Majesty's reign, entitled, An Act for the more speedy and effectually collecting such town rates and taxes as may be assessed on the inhabitants of the township of Halifax, the Collector is allowed ten pounds per centum for collecting and paying in the said rates and taxes, which allowance has been found to be more than a reasonable compensation for his services :

Seven and a half
per centum, al-
lowed for collect-
ing Town Rates
and Taxes in Ha-
lifax.

I. For remedy whereof, be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, it shall and may be lawful for the Justices in their Sessions to allow the said collector such a reasonable commission as they shall think proper, not exceeding seven and a half pounds per centum, and no more, any law, usage or custom, to the contrary notwithstanding.

CAP. III.

An ACT to prevent the destroying or defacing Mile-Posts, Mile-Boards or Mile-Stones, erected, or to be erected, within this Province.

Preamble.

WHEREAS the erecting of mile-posts, and boards, or mile stones, tends greatly to the convenience of the public, and is often a useful direction to the traveller. And whereas mischievous and ill disposed persons have, in many instances, wantonly and wickedly defaced and destroyed such posts and boards :

Penalty for de-
facing, displac-
ing, &c. any mile
post, board, or
stone.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, whoever shall be found guilty of defacing, displacing, injuring or destroying any post, board or stone, erected, or to be erected, for the purpose of ascertaining distances shall, on conviction thereof before any two of His Majesty's Justices of the Peace, forfeit and pay the sum of two pounds ; the one half whereof to be given to the prosecutor, and the other half paid in to the Treasurer of the county wherein such offence shall be committed, for the purpose of repairing and erecting mile boards within such county, and in case the party so convicted shall be unable to pay the fine imposed, it shall and may be lawful for such Justices to direct and order the offender a corporal punishment, not less than twenty lashes, nor exceeding thirty lashes, to be inflicted at the most public place within the said district, in the usual and accustomed manner.

CAP. IV.

An ACT to authorise certain Commissioners to dispose of the Building wherein the General Assembly now sits; and also to adjust the Debt due from the Province to the Public School at Halifax.

This Act executed.

CAP. V.

An ACT in amendment of an Act relating to Wills, Legacies and Executors, and for the settlement and distribution of the Estates of Intestates, and to enable Executors and Administrators the more speedily to settle the Estate of the deceased.

repealed 18
For Acts on this subject see note on 3d Geo. 3d. cap. 11.

WHEREAS from the neglect of creditors in giving in their claims or demands against the estate of the deceased, it frequently happens executors and administrators are prevented making a settlement of the estate of the deceased within a reasonable period:

Preamble.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication of this Act, it shall and may be lawful for every executor or administrator having sued out letters testamentary or letters of administration, at the expiration of two years and six months, from the date of said letters, &c. to pay all such debts, dues, and demands as shall then be exhibited, so far as the real or personal estate of the deceased in his hands will enable him, and after the payment of such debts, dues and demands, if there shall remain any overplus, to make such further distribution of the same, as by law, or by the last will and testament of the deceased, is directed.

Executors and Administrators after two years and six months may pay all debts then exhibited, and to distribute overplus according to law, and the last will.

II. And be it further enacted, That every executor and administrator, previous to the payment of debts or distribution of the estate of the deceased, shall by advertisement in the public news paper or papers of the Province, and in one or more of the public news papers of the city of St. John, in New-Brunswick, for the space of six months, call on all persons, who have any demands on the estate of the deceased; to exhibit such demands within the space of eighteen calendar months from the date of said advertisement, which advertisement made and published as aforesaid, shall exclude every creditor who shall not exhibit his demand in manner aforesaid. Provided always nevertheless, That nothing herein contained shall extend to judgments on record, or mortgages registered. And provided always, That nothing in this Act contained shall extend, or to be construed to extend, to oblige any executor or administrator, or executors or administrators, to advertise in any other public news paper other than in this Province unless the inventory of the deceased estate, returned into the probate office, shall exceed the sum of one hundred pounds, any thing herein contained to the contrary thereof notwithstanding. And be it further enacted; That any executor or executors, administrator or administrators, who shall, from and after the publication hereof, neglect or refuse, when called on, to make distribution of the deceased estate, agreeable to this Act; all such executor or executors, administrator or administrators, shall for each and every neglect, or refusal, forfeit and pay the sum of fifty pounds, to be recovered by bill, plaint or information, in any of His Majesty's Courts of Record in this Province, by any or either of the heirs or creditors of the deceased.

Publication to be made, of the settlement of Estate, six months, in the Nova-Scotia and New-Brunswick Papers, and the production of demands within 18 months; all accounts excluded which are not exhibited within that time.

Not to extend to judgments or mortgages.

Executors, &c. not obliged to advertise in a New-Brunswick paper unless the value of the estate exceeds 100l.

Executors, &c. transgressing this Act to forfeit 50l.

CAP. VI.

An ACT for altering and adding to the Times appointed for holding the Court of Common Pleas, and General Sessions of the Peace, in the Town and County of Shelburne.

Preamble.

WHEREAS *the stated periods for holding the Court of Common Pleas, and General Sessions of the Peace, in the town and county of Shelburne, has been found inconvenient; for the remedy whereof;*

Common Pleas and General Sessions at Shelburne held on first Tuesday of March, July and November.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly, That the Court of Common Pleas, and General Sessions of the Peace, for the town and county of Shelburne, shall be in future held on the first Tuesday in March, the first Tuesday in July, and the first Tuesday in November annually, any law, usage or custom, to the contrary notwithstanding.*

CAP. VII.

An ACT in amendment of an Act, entitled, an Act for appointing Commissioners of Sewers.

For Acts on this subject see note on 34th Geo. 3d. cap. 7.

Preamble.

WHEREAS *by an Act of General Assembly, made and passed in the thirty fourth year of the reign of His late Majesty, entitled, An Act for appointing Commissioners of Sewers, it is, among other things, enacted, that the Commissioners of Sewers, shall be empowered by their commissions from time to time, to assess and tax all such persons as may or shall be owners of dyked meadows, marshes, &c. for and towards the repairing of dykes and wears, or building of new ones, and whereas it frequently happens, that the Commissioners of Sewers are proprietors of a great proportion of such lands, whereby equal justice will not be done to the proprietors in general; for remedy whereof:*

If the expences of drying exceed 5s. per acre commissioner's to summon the owners of the lands to chuse five assessors who with the commissioner's may assess and tax such owners according to the quantity and quality of their lands.

I. *Be it therefore enacted by the Lieutenant-Governor, Council and Assembly, That from and after the publication hereof, whenever the building or repairing such dikes and wears, as are necessary to prevent inundations, or for the draining or flowing of swamps, and other unprofitable grounds, or for working and draining marsh lands, shall appear expedient to the commissioners aforesaid, and the expences thereof shall exceed the sum of five shillings per acre, it shall and may be lawful for the said commissioners, or the major part of them, and they are hereby requested to summon the owners of such meadows, marshes, unprofitable swamps and lands, to meet on a certain day, and at a certain place, first giving reasonable notice of the same, for the purpose of electing five assessors, and the said commissioners with such assessors, or the majority of them, shall and may, and they are hereby authorized and empowered, (the said assessors being first duly sworn impartially to execute the said office) to assess and tax all such persons, as shall be owners as aforesaid, towards the charge of repairing such dykes and wears, and draining such unprofitable grounds, having regard to each person's quantity and quality of land, and the benefits to be received thereby according to the best of their judgment.*

CAP. VIII.

An ACT in amendment of an Act for regulating the manner of issuing Procefs and Execution from the Inferior Courts of Common Pleas for the feveral Counties in this Province, and for altering the Form of the Summons heretofore used by his Majesty's Justices of the Peace, also in amendment and declaratory of the Act for the Summary Trials of Actions.

For Acts on this subject see note on 5th Geo. 3d. cap. 11.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That from and after the publication hereof, all summonses issued by Justices of the Peace, shall be directed to either of the constables of the county where the Justice issuing the same shall reside, and that the party or parties against whom such summons shall issue, shall have three days notice to appear to such summons, exclusive of the day of service, and the day of appearance, and where the constable shall not be able to make a personal service, a copy of such summons shall be left by the constable, at the defendant, or defendants house, or last place of abode, with some person residing there, of which service the constable shall, if thereto required, make oath.

Summons issued by Justice of Peace to be directed to constables, party to have three days notice, if not, to be left at defendants place of abode.

II. And be it further enacted, That for the service of such summons, the constable shall have one shilling. and three pence per mile travel, to be computed from the Justice's residence.

Allowance to the constable for serving a summons.

And whereas doubts have arisen respecting the power of Justices in taking cognizance of certain civil actions :

III. Be it therefore enacted, That from and after the publication hereof, no Justice of the Peace shall entertain or have any jurisdiction of any of the following actions, (to wit) of debts for Rent, Trover or Conversion, or Actions on the Case for Words ; or Actions for Trespass, Assault, and Battery ; or False Imprisonment, or where the Titles of Land shall in any ways come in question.

Actions not within the Justices' jurisdiction.

CAP. IX.

An ACT in addition to an Act, made in the Fifth year of the reign of His present Majesty, entitled, an Act for the raising Money by Presentment on the several Counties in this Province, for the defraying certain County Charges therein mentioned.

For Acts on this subject, see note on 5th Geo. 3d. cap. 5.

WHEREAS the Clerks of the Peace in the several Counties in this Province, are, by virtue of their office, obliged to do and perform certain services, for which no payment is by law established ; for remedy whereof :

Preamble.

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the several Grand Juries, in each of the Counties in this Province, either at the Court of Assize or General Sessions of the Peace, to be held for such County, on proper representation made thereon by the Justices in their General Sessions, to present annually such sum or sums as shall by them be deemed necessary for the payment of the Clerk of the Peace for his services in that office, for which no provision has hitherto been made.

Grand Jury to present Sums necessary for payment of Clerk of the Peace.

CAP. X.

This Act executed.

An ACT to provide a suitable place for the General Assembly, and King's Courts, to fit in, and for other public purposes.

CAP. XI.

Expired.

An ACT to provide for the support and maintenance of His Majesty's Government in this Province, by reviving, amending and continuing, the several Laws for raising a Revenue, herein after particularly mentioned and expressed.

CAP. XII.

Expired.

An ACT, entitled, an Act for appointing Commissioners to superintend and direct the maintenance and support of certain poor persons, known by the general appellation of Transient Poor.

CAP. XIII.

Expired.

An ACT for reviving, continuing and amending, the several Acts for suppressing unlicensed Houses, and for granting to His Majesty a Duty on Persons hereafter to be licensed; as also for compelling persons retailing Gun Powder, within the peninsula of Halifax, to take out a licence for retailing the same.

Expired.

CAP. XIV.

An ACT for reviving and continuing in Force the several Acts herein after mentioned.

Expired.

CAP. XV.

An ACT in amendment of an Act, entitled, an Act for establishing a Public Market House in Halifax, and for regulating the same; also in amendment of an Act, entitled, an Act for building a Public Slaughter House in the Town of Halifax, and for regulating the same.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Fifth Day of December, Anno Domini 1785, in the Twenty-Sixth 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 Sixth Day of June, Anno Domini 1791, in the Thirty-First Year of His Majesty's Reign, being the Sixth Session of the Sixth General Assembly convened in the said Province.*

* In the time of John Parr, Esq. Governor; Thomas Andrew Strange, Chief Justice, and President of Council; Richard Jouy Uniacke, Speaker; James Gautier, Secretary of Council; and James B. Franklin, Clerk of Assembly.

CAP. I.

An ACT in addition to, and amendment of, an Act, made in the Thirteenth year of His present Majesty's reign, entitled, an Act for rating and levying the Expences attending the executing Writs of Partition.

For Acts on this subject see note on 32d Geo. 2d. cap. 3.

WHEREAS the said Act is found insufficient for the recovery of the charges and expences attending the executing writs of partition, from proprietors not resident on their lands, and having no goods or chattels thereon; for remedy whereof:

Preamble.

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That where any non-resident proprietor shall refuse, or neglect, to pay his or their proportion or proportions, of the assessment or assessments made, conformable to the said Act, it shall and may be lawful, upon petition of the Collector or Receiver of such assessment to the Supreme Court, setting forth such refusal or neglect, to direct a sale to be made at public auction to the highest bidder, of so much of such non-resident proprietor's lands, as shall be sufficient to pay their several proportions of such assessment, together with the charges arising from such sale and partitions as aforesaid, and good and sufficient deed or deeds of conveyance of the lands so sold to be made and executed, by, and in the name of, the Sheriff of the County where such lands lie, reasonable means having been previously used by the said Court, according to its discretion, for the ascertaining of such proprietor, and for the enabling him by due notice to prevent the necessity of such sale, by satisfying the said charges and expences, with the costs attending such inquiry and notice as aforesaid.

Manner of recovering from non-resident proprietors their portion of assessment for the partition of their lands.

CAP. II.

This Act executed. An ACT to provide for the future maintenance of the Poor, now maintained at the Province expence.

CAP. III.

For Acts on this subject see note on 1st Geo. 3d. cap. 1. An ACT in addition to an Act, passed in the First year of His present Majesty's reign, entitled, an Act for the better Observation and Keeping of the Lord's Day.

Preamble.

WHEREAS doubts have arisen whether it is lawful to serve writs or process, in civil suits, on the Lord's day; to remove the same:

Serving of writs on the Lord's day.

I. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That no person or persons upon the Lord's day shall serve or execute, or cause to be served or executed, any writ, process, order, judgment or decree, (except in cases of treason, felony, or breach of the peace); but that the service of every such writ, process, warrant, order, judgment or decree, shall be void to all intents and purposes whatsoever, and the person or persons so serving or executing the same, shall be liable to the suit of the party grieved, and to answer damages to him for doing thereof, as if he, or they, had done the same without any process, warrant, order, judgment or decree, whatsoever.

CAP. IV.

An ACT to enable the Justices of the Supreme Court, and Justices of the Courts of Common Pleas, to issue commissions for the examining of Witnesses out of the Province, and for the regulation of Prisons therein.

For Acts on this subject, see note on 14th and 15th Geo. 3d. cap. 4.

Deposition of witnesses residing out of the Province to be read as evidence.

Issue of commission for taking such depositions.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That in all civil causes depending in the Supreme Court of this Province, as well as in any of the Courts of Common Pleas of the same, in which either party shall be desirous to take the depositions of witnesses residing out of this Province, to be read as evidence in such causes, it shall and may be lawful for the Justices of the said Courts, upon sufficient cause being shewn by affidavit on behalf of the party desiring the same, to issue a commission, under the seal of said Courts, for taking such depositions in such manner, and under such restrictions and regulations, as the said Courts, by any rules and orders for that purpose made, shall direct and appoint, and such depositions, so taken, shall be read in evidence, unless the person or persons, making such depositions, shall be present in Court on the trial of such cause or causes, and the costs attending the issuing and taking such depositions, shall be regulated by rule and order of the said Courts, for that purpose to be made.

The Justices of Supreme Court to ascertain the limits of goal yards, boundaries, and privileges of prisoners.

II. And be it further enacted, by the authority aforesaid, That the Justices of the Supreme Court, in their Sessions in the different counties in this Province, may and shall, from time to time, make and publish such rules and orders, for fixing and ascertaining the extent and limits of goal yards, boundaries and privileges of prisoners, and for directing and controuling the conduct

duct of Sheriffs, Goalers and other Officers, having the charge or custody of prisoners, and for the safe keeping and protection of prisoners, as the said Justices may judge proper and necessary.

CAP. V.

An ACT to regulate the Times of holding the Inferior Court of Common Pleas, and General Sessions of the Peace, in the District of Colchester; and to enable the Grand Juries, in the said District, to assess Monies for the purpose of erecting a Court-House and Goal in said District, and for ascertaining the Boundaries for the said District.

For Acts respecting County rates, see note on 5th Geo. 3d. cap. 5.

WHEREAS *it is necessary for the administration of justice, and the execution of the law within the District of Colchester, that a Court-House and Goal be erected within said District :* Preamble.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly, That the Justices in their General Sessions, to be held in the said district of Colchester, and the Grand Juries, who shall be duly returned, sworn and impanelled for the same, shall, and may, from time to time, exercise all the power and authorities within the same district, with respect to building and repairing court houses, goals and bridges, making and repairing roads therein, and assessing monies for the same, and other necessary purposes, which of right the Justices and Grand Juries respectively, in the several counties within this Province, may or ought, by law, to exercise within such counties.*

Repair of court house, goals and bridges, and repairing roads, and assessing monies for the same, in district of Colchester.

II. *And be it also enacted, That the freeholders and inhabitants of said district of Colchester, shall be exempted from serving on Grand or Petty Juries at Inferior Court of Common Pleas or General Sessions of the Peace, in any place within the county of Halifax, except the district of Colchester.*

Inhabitants of said district, exempted from serving on Grand or Petty Juries except within the same.

III. *And be it further enacted, That the bounds or limits of the said district of Colchester, shall be as follows: to wit, bounded northerly and westerly on the county of Cumberland, King's and Hants Counties, to the junction of Gay's River, with Shubenaccadie River; thence up said Gay's River, to Halifax road, thence running east to the line of Sydney County, thence north, bounded on said county, to the Gulph of St. Lawrence, thence north westerly, bounded on said Gulph, to the line of Cumberland County.*

Boundaries of the district of Colchester ascertained.

The 4th section of this Act is not printed, having been altered by the 32d. Geo. 3d. cap. 9.

CAP. VI.

An ACT to prevent the Growth and Increase of Thistles on the Lands in this Province.

WHEREAS *the growth and increase of thistles has become very detrimental in several parts of this Province, owing to the neglect of the inhabitants in not cutting them down, and using other means to prevent it:* Preamble.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly, That in all such counties where it may be necessary, the Justices in their General Sessions of the Peace, held in the beginning or spring of the Year, shall make such regulations as to them shall seem proper and necessary*

Justices in Sessions, to make regulations to prevent the growth of thistles.

fary for the preventing the growth and increase of thistles on the lands within such counties respectively, and the regulations so made shall be published, by posting the same in the most public places in each township within the said county.

Appointment of Inspectors.

Fine for refusing to serve.

Penalty for disobeying regulations, 40s.

Recovery and application of penalties.

II. *And be it also enacted*, That the said Justices, in their Sessions as aforesaid, shall appoint two or more proper persons in each township, within such county to be inspectors for the purpose of carrying into execution the regulations so made, and if the persons so to be appointed shall refuse to accept such office, or having accepted the same, shall neglect their duty therein, they shall forfeit and pay a fine not exceeding three pounds.

III. *And be it also enacted*, That all and every person, who shall refuse, or neglect, to pay due obedience to such regulations, so made by the said Justices, shall forfeit and pay a fine of forty shillings for each such refusal or neglect.

IV. *And be it also enacted*, That the several penalties and forfeitures aforesaid shall be recovered on complaint, and due proof, before the General Sessions of the Peace, and on non-payment thereof, be levied by distress and sale of the offender's goods and chattles by a warrant from the said Court; one moiety thereof to the person or persons who shall prosecute the same to effect, the other moiety to be applied to the purpose of repairing the roads in the township wherein the offence shall have been committed, at the discretion of said Court.

And whereas it may happen that in several counties the General Sessions of the Peace will not be held until the full of the year, too late for the purposes of preventing the evil which may arise from the spreading of the thistles now growing:

Justices authorized to call a special Session for making regulations.

V. *Be it enacted*, That a Special Sessions of the Peace shall be held by any three of the Justices in any such respective county, where the same may be required, immediately after the publication of this Act, for the making such regulations as are necessary to be forthwith put in force for that purpose.

This Act to be read at the first Session of the Peace in every year.

VI. *And be it further enacted*, That this Act shall be publicly read at the first Sessions of the Peace in every year, after the Grand Jury are sworn.

CAP. VII.

This Act altered by 39th Geo. 3d. cap. 5.

An ACT for altering the Times of holding the Supreme Court in the County of Annapolis, King's County, and the County of Hants.

CAP. VIII.

For Acts on this subject, see note on 2d Geo. 3d. cap. 5.

An ACT in further addition to, and amendment of, an Act, made in the Second year of His present Majesty's reign, entitled, an Act for appointing Firewards, ascertaining their Duty, and for punishing Thefts and Disorders at the time of Fire.

Preamble.

WHEREAS it has been found expedient, that two fire engines should be provided for the town of Halifax, and that the same be kept in good order, and that a number of prudent persons be appointed for that purpose:

Appointment of nine additional Engine Men, who are to be exempted from serving on Juries, &c.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That it shall and may be lawful for the Justices, in their Sessions of the Peace, for the town and county of Halifax, and they are hereby required, to appoint such number of prudent persons, not exceeding nine, in addition to the number already directed to be appointed; in, and by an Act, passed in the twenty third year of His present Majesty's reign, entitled, An Act in further addition to the said before recited

recited Act, to which this is an addition to, and amendment, who, together with the nine already to be appointed as aforesaid, shall be denominated Engine Men, and shall have charge of the said town engines, and shall be obliged to keep the same in good order, and fit for service on all occasions, and that the said persons so chosen shall be exempted from serving on Juries, or the office of Constable, and from working on the highways during their continuance in said office, and faithfully discharging the duties thereof; any law, usage or custom, to the contrary in any wise notwithstanding.

CAP. IX.

An ACT to empower His Majesty's Justices of the Supreme Court to require and take Bail from Persons removing, or bringing up, Causes from Inferior Courts to the Supreme Court.

For Acts on this subject, see note on 14th and 15th Geo. 3d. cap. 8.

WHEREAS the issuing writs of Certiorari, or Habeas Corpus cum Causa, to bring up causes and parties from the Inferior Courts within this Province, subject to no terms or conditions on the part of the person or persons suing out the same, may be attended with great inconvenience:

Preamble.

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That from and after the publication hereof, no cause commenced in any of the Inferior Courts of Common Pleas, or other Inferior Courts in this Province, shall be removed by any writ, or writs, of *Habeas Corpus cum Causa*, or *Certiorari*, into His Majesty's Supreme Court, without sufficient surety being first given in the said Supreme Court, or before a Judge thereof, by the person or persons applying for, and purchasing out such writ or writs, to abide, fulfill and perform, the final judgment of the said Supreme Court, in the cause or causes so removed.

Removal of causes from Inferior to Supreme Court.

II. And be it further enacted, That previous to the issuing of such writ or writs, the Justice of the said Supreme Court, who has taken the surety as aforesaid, shall indorse on the back of the writ the amount for which surety is taken with the names of the surety or sureties, and shall also signify his assent to the issuing the said writ, by indorsing his allowance thereof, with the day and date it was allowed, and his signature thereto.

The Justice before whom surety is taken shall indorse on the back of the writ all particulars and affix his signature thereto.

CAP. X.

An ACT in amendment of an Act, passed in the Thirty-Second year of the reign of His late Majesty, entitled, an Act for confirming Titles to Lands, and quieting Possessions.

For Acts on this subject, see note on 32d. Geo. 2d. cap. 2.

WHEREAS great inconveniences may happen to the inhabitants of this Province, from the manner in which townships, and large tracts of land, have been granted; for remedy whereof:

Preamble.

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That all persons who now hold lands, tenements or hereditaments, in joint tenancy, and who have not, nor shall in their, or any of their life times, have parted or divided such joint interest, that nevertheless the undivided share or right of such joint tenant or tenants who may die, shall not be inherited by the surviving joint tenant or tenants, but shall descend to the lawful heir or heirs of the deceased; any law, usage or custom, to the contrary thereof notwithstanding.

Of the disposal of lands on the death of a joint tenant.

II. And be it further enacted, That where any persons, being either joint tenant or tenants in common in lands or tenements, have divided such their interests in the same by survey and plans, such surveys and plans shall be henceforth deemed and taken to be a legal division of the same, so as to bind the owners thereof, equally as if the same had been made by deed or writ of partition.

Division of lands held jointly.

III.

Persons found guilty of removing bounds or marks.

III. *And be it further enacted*, That any person or persons, who shall hereafter wilfully or maliciously remove and destroy the bounds or land marks, or shall be aiding, abetting or assisting, in removing, or destroying, the bounds or land marks of any person or persons whatsoever, set up agreeable to said survey and plan, such person or persons being duly convicted thereof, in His Majesty's Supreme Court, or any other Court of Record within this Province, shall be fined, imprisoned, or whipped, at the discretion of the Judges of said Court.

All former grants under the great seal of the Province, valid.

IV. *And be it further enacted*, That all grants of land of what kind, or nature whatsoever, purporting to be grants in fee simple, which have been heretofore made by any Governor, Lieutenant Governor, or Commander in Chief for the time being, under the great seal of the Province, such grants shall be, and are hereby declared, to be good and sufficient in law, to convey unto the grantee or grantees, in such grant or grants respectively named, a good and sufficient title in fee simple, for ever, notwithstanding any defect in the form or words thereof, and notwithstanding, that such grant or grants, might not express His Majesty's name therein. *Provided*, That the lands specified in such grant or grants were vested in His Majesty, by inquest of office or otherwise, at the time of making the same. *And provided also*, That any defect in form or words as aforesaid, shall not be construed to extend said grant, beyond the limits intended by the true intent and meaning thereof; any thing herein contained to the contrary notwithstanding.

If said Grants, were regularly vested in His Majesty.

CAP. XI.

This Act altered as it respects the June sitting, by 36th Geo. 3d. cap. 3.

An ACT for altering the Time appointed for holding the Inferior Court of Common Pleas, and General Sessions of the Peace, in the County of Cumberland, in the Spring of the Year.

Time of holding the Inferior Court at Amherst.

WHEREAS *the time for holding the Inferior Court of Common Pleas, and General Sessions of the Peace, at Amherst, in the county of Cumberland, in the month of April, has been found inconvenient:*

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly*, That the said Inferior Courts of Common Pleas, and General Sessions of the Peace, for the County of Cumberland, shall for the future be annually held at Amherst in the said County, on the second Tuesday of June, and the last Tuesday of October, any law, usage or custom, to the contrary notwithstanding.

This Act executed.

CAP. XII.

An ACT to raise a Revenue for the purpose of paying off all such Debts as are now due by the Province, or which shall become due before the first day of July next, the Funded Debt only excepted.

Expired.

CAP. XIII.

An ACT to provide for the Support and Maintenance of His Majesty's Government in this Province, by amending and continuing the several Laws, for raising a Revenue herein after mentioned.

CAP. XIV.

An ACT for continuing in Force the several Acts herein mentioned. Expired.

CAP. XV.

An ACT for continuing, and amending, the several Acts for suppressing Unlicensed Houses, and for granting to His Majesty a Duty on Persons hereafter to be licensed. Expired.

CAP. XVI.

An ACT for applying certain Monies therein mentioned, for the Services of the Year One Thousand Seven Hundred and Ninety, and for appropriating such part of the Supplies granted in the said Year One Thousand Seven Hundred and Ninety, as now remain unappropriated. Executed.

CAP. XVII.

An ACT for applying certain Monies therein mentioned, for the Services of the Year One Thousand Seven Hundred and Ninety One, and for appropriating such part of the Supplies granted in this Session of General Assembly, as are not already appropriated by the Laws or Acts of the Province. Executed.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Fifth Day of December, Anno Domini 1785, in the Twenty-Sixth 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 Sixth Day of June, Anno Domini 1792, in the Thirty-Second Year of His Majesty's Reign, being the Seventh Session of the Sixth General Assembly convened in the said Province.*

* In the time of Sir John Wentworth, Esq. Lieutenant-Governor; Thomas Andrew Strange, Chief Justice, and President of Council; Richard John Uniacke, Speaker; James Gautier, Secretary of Council; and James B. Franklin, Clerk of Assembly.

CAP. I.

An ACT to enable the Treasurer to pay off certain Warrants drawn on the Treasury, and to enable the Commissioners to fund certain Debts not yet liquidated; as also to provide for allowing a drawback of the Duties on a quantity of Spirituous Liquors purchased for the use of His Majesty.

This Act executed.

CAP. II.

An ACT to amend, and render more effectual, an Act passed in the Thirty-first year of His present Majesty's reign, entitled, an Act to raise a Revenue for the purpose of paying off all such Debts as are now due by the Province, or which shall become due, before the first Day of July next, the Funded Debt only excepted.

This Act executed.

CAP. III.

An ACT in addition to, and amendment of, an Act, entitled, an Act for the appointment of sworn Gaugers, ascertaining their Duty, granting them an Allowance, and establishing their Fees.

For Acts on this subject see note on 1st Geo. 3d. cap. 9.

WHEREAS inconveniences have arisen, from the Gaugers not doing a part of their duty, no penalty being annexed to the neglect thereof, in and by the said recited Act :

Preamble.

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That all casks containing rum, wine, and molasses, hereafter imported into this Province, shall be gauged, by the sworn and established Gauger, immediately after landing, and before removal from the wharf whereon it is landed; and the said Gaugers shall mark with a marking iron, the quantity of gallons each cask contains, on the stave, next the bung stave, or upon the head of each cask so gauged by them, with the two first letters of his name, on the left hand of the quantity, all which to be done in a fair legible manner, and in lieu of the present allowance for gauging, such Gauger shall receive for every cask exceeding ten, to be gauged by him at any one time and place, the following fees: for every puncheon, three pence; for every hoghead, or tierce, two pence; and for every barrel, one penny.

Casks containing Rum, &c to be gauged before removal.

Allowance for gauging.

And whereas, in and by the aforementioned Act, no fine or penalty is imposed on such Gauger, or Gaugers, who shall gauge in any other manner, than is directed in the said Act :

II. Be it further enacted, by the authority aforesaid, That if any Gauger or Gaugers, appointed as aforesaid, shall neglect or refuse to do the duty enjoined by this, and the above recited Act, he or they shall for each and every offence, forfeit and pay the sum of forty shillings, to be recovered before any one of His Majesty's Justices of the Peace, by any person or persons, who shall sue for the same, one moiety thereof to the person or persons who shall prosecute for the same, and the remaining moiety to the Overseers of the Poor for the use of the poor, of the township to which such Gauger or Gaugers belong.

Penalty for Gauger refusing to do his duty.

III. And be it further enacted, by the authority aforesaid, That any cask directed by this law to be gauged and marked, which shall be fraudulently removed or exposed to sale without the marks prescribed by this Act, shall be liable to be seized as forfeited, by the Collectors of Impost and Excise, or any other officer employed in the collection of the revenue of this Province; one half of the forfeiture, to be given to the informer, and the other half, to the use of His Majesty's Government in this Province. Provided always, That until persons can be found in the out ports, of this Province, capable of gauging with callipers, that it shall be lawful in such ports, to gauge with a rod, as also in the port of Halifax, when the parties consent.

Ungauged casks, removed or exposed to sale forfeited.

Manner of gauging at out-ports.

CAP. IV.

An ACT to revive, and amend, an Act for establishing the standard Weight of Grain, and for appointing proper Officers for measuring Grain Salt and Coals, and ascertaining the standard size of Bricks, and the quantity of Lime to be contained in a Hoghead.

The Act, of which this purports to be an amendment, was a temporary Act, and suffered to expire.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That the grand jurors for the several counties in this Province at the Court of General Sessions of the Peace, which shall be holden for each county respectively next after the publication of this Act, and thereafter annually at the first sitting of the said Court in every year, shall nominate four fit persons in each

Appointment of persons as measurers of corn, salt, coals, lime and bricks.

each and every township within their respective counties, out of whom the said Court shall appoint two, for the purpose of measuring all species of corn or grain, salt, coals, and lime, and for inspecting all bricks, which shall be offered for sale, and sold, within their respective townships.

II. *And be it also enacted, by the authority aforesaid, That all grain exposed to sale, shall not be deemed merchantable, unless it be of the following standard weight, to say :*

Weight of grain.	Wheat shall weigh per bushel fifty eight pounds.	}	Avoirdupoise...	
	Rye do. do. fifty six pounds.			
	Indian corn do. do. fifty eight pounds.			
	Barley shall weigh per bushel forty eight pounds.		}	Avoirdupoise.
	Oats do. do. thirty four pounds.			
Pease do. do. sixty pounds.				

Allowance for measuring.

And that all such grain, as may be imported, or brought to market for sale, shall be, on request of the purchaser, inspected and measured by the sworn inspectors of such town or port, where the same shall be brought for sale, and that the inspectors shall be allowed and paid, the one half by the purchaser, the other half by the seller, at, and after the rates hereafter mentioned, for his attention and trouble therein, to say, for measuring all grain, (oats excepted) two shillings per hundred bushels, and for oats, one shilling per hundred bushels.

Of exact weight and measurement of grain.

III. *And be it further enacted, by the authority aforesaid, That if any corn or grain, of any kind, shall be imported or brought for sale, within any port or place, within the Province, which shall not be merchantable, agreeable to the standard weight before appointed, for each species of grain to weigh respectively; that it shall and may be lawful, for the inspector, or person measuring the same, if required, either by the buyer or seller thereof, to add to each bushel, a quantity sufficient to make the same weigh, equal to the standard herein before regulated for each particular species, and if such corn or grain, shall weigh more than the standard weight herein before appointed, it shall in like manner be lawful to deduct from each bushel, so much as shall be sufficient to make the same weigh, agreeable to said standard.*

The Inspector, if grain is less than the standard weight, exported, shall make exporter pay rs. for every bushel, five. Half to the informer, half to the poor.

IV. *And be it further enacted, by the authority aforesaid, That if any person or persons, whatsoever, shall export or send to any place whatsoever, out of the Province, any corn or grain, of any kind whatsoever, which shall weigh less than the standard weight herein before respectively appointed, or which shall not have been inspected, and measured, by the person or persons, to be appointed inspectors by this Act, previous to such exportation, the person or persons making such export, shall forfeit and pay the sum of one shilling, for every bushel, which he or they shall so export, the same to be recovered, on complaint, before any one of His Majesty's Justices of the Peace; one half of which penalty, shall belong to the informer, or person prosecuting for the same, and the other half to the poor of the township, from which such export shall have been made.*

Size of bricks; six score to the hundred.

V. *And be it further enacted, That no bricks to be made in this Province for sale, from and after the first day of November next, shall be less than eight inches in length, four inches in width, and two inches thick, and shall be sold at the rate of six score to the hundred.*

Allowance for measuring salt and coals, and for inspecting bricks and lime.

VI. *And be it further enacted, That all salt, coals and lime, exposed to sale in any part of this Province, shall be measured; and all bricks shall be inspected by the officers appointed for that purpose, and that they shall be allowed and paid by the seller for every hoghead of salt, one penny; for every chaldron of coals, three pence; and for every hoghead of lime, if required to be inspected, which it is hereby declared shall contain eight Winchester bushels, heaped, at the least, or ninety-six gallons, two pence; and for inspecting bricks, at the rate of two pence per thousand; and that the officers so appointed, shall be respectively sworn to the faithful discharge of their duty; and that upon refusal to accept of said offices, or being guilty of any neglect, or misbehaviour, in the execution of the duties thereof, they shall forfeit and pay, for*

Officers refusing to do their duty

the

the use of the poor in the town wherein they reside, a sum not exceeding three pounds, to be recovered before any two of His Majesty's Justices of the Peace, for the same county.

or negligent therein, shall pay 3l.

VII. *And be it further enacted,* That all grain, salt, coals and lime, imported into this Province, shall be subject to the foregoing regulations.

C A P. V.

An ACT to alter and amend an Act, passed in the Thirty-third year of His late Majesty's reign, entitled, an Act for regulating and maintaining an House of Correction, or Work-House, within the Town of Halifax, and binding out Poor Children, and to extend certain provisions therein, to the whole of the Province.

For Acts on this subject, see note on 33d. Geo. 1st. cap. 1.

WHEREAS it is necessary for preserving the peace and good order of society, that idle, and disorderly persons, should be restrained and punished, and that the establishment of work-houses, or houses of correction, in the several counties, where none are provided, would be highly conducive to this salutary purpose, and a measure of great public utility :

Preamble.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That it shall and may be lawful for the Justices of the Peace, and Grand Juries, of the several counties or districts, in their General Session, when they shall think necessary, to provide proper buildings, or to appropriate a certain part of the county or district jail, as a work-house, or house of correction; the expence of establishing which, and all other incidental charges, to be defrayed by the counties and districts, and raised in the usual mode of presentment and assessment on the Inhabitants.

Mode for Providing work houses or houses of correction.

II. *And be it further enacted,* That it shall and may be lawful for the said Justices in their Sessions, or for any one Justice out of Court; in any of the counties or districts in the Province, to commit to such work-houses, or houses of correction, all or any person or persons, of the description mentioned in the second clause of the Act hereby altered and amended, in the manner specified in the said clause, which is hereby extended to the whole Province.

Commitment of persons to the work-house.

III. *And be it further enacted,* That the said Justices are hereby impowered to agree with any suitable persons, on the best terms they can, to be masters, or keepers, of said houses of correction, or work-houses; and that any person, appointed by them for that purpose, shall have power and authority, to set all such persons as shall be duly sent, or committed to his or their custody, to work and labour if they be able, for such time as they shall continue or remain in said house.

Appointment of keeper of said house.

IV. *And be it further enacted,* That the keepers of the said house, when appointed as aforesaid, shall keep regular accounts of all expences attending the same, and of all earnings arising from the labour of the offenders, and render them upon oath to the Justices in their General Session, and that all expences of keeping such offenders, shall be defrayed out of the produce of their labour, if the same shall be found sufficient; any deficiency to be made good in-manner as is herein after directed.

Keeper to keep regular accounts to be rendered on oath.

V. *And be it further enacted,* That when any person committed as above, shall be unable to labour, by reason of sickness, or otherwise, or that his or her earnings shall be found insufficient for his or her support; if such person shall have a legal settlement in any township within the county where such work house may be situated, the expence of keeping and maintaining such offender, or such part thereof, as may exceed the amount of his or her earnings, shall be defrayed by the township, to which such offender may belong, and shall be paid by the Overseers of the Poor of such township, on the certificate of the Clerk of the Peace, by order of the Justices in their Sessions, that such expence has been fairly incurred; and in case such offender shall

Defraying mode of the expence of maintaining persons unable to work in the work-house.

shall

The Justice previous to commitment to examine the offender as to his or her place of settlement.

shall have no legal settlement in any township within the county, the expence of maintaining him or her, or the part thereof, exceeding the amount of his or her earnings, shall be defrayed by said county, and the Justice of the Peace committing any offender, shall examine him or her, as to his or her place of settlement, if any, and note the same, in the warrant of commitment.

Appointment of Inspectors of work house.

VI. *And be it further enacted*, That it shall and may be lawful for the Justices aforesaid, in their General Session, to make such further bye laws, rules and ordinances, for the better regulation and government of said houses of correction, or work houses, as to them may seem meet and proper, not being repugnant to the common law of England, or the statutes of this Province; and the said Justices, shall, at each General Sessions of the Peace, in each county or district, nominate three of their bench, to have the inspection of said work house in each county or district, one of which Justices, in rotation, shall visit the same, at least once in every month, to see that such persons, as shall be committed thereto, shall be kept diligently at work, and to rectify any abuses that may be found in the management thereof, and in concurrence with the other Justices, and such Justice shall report the same, without delay, to the Justices in their Sessions, and the said Justices in their Sessions, shall have power to remove the keeper of said house, and appoint another in his place, in case of any disobedience of orders, neglect, or misconduct, in said keeper.

Inspectors to make report to the Sessions.

Removal of keeper for misconduct.

Keeper subject to a fine of 20l. if found guilty of cruelty.

VII. *And be it further enacted*, That in case the keeper of said house, shall be guilty of any cruelty to the offenders, committed to his charge, or shall fraudulently deprive them of any part of their allowance of provision, he shall, on conviction of any such offence, before the Justices in General Session, be subject to a fine, not exceeding twenty pounds; and moreover, shall be imprisoned, for a term not exceeding six months.

Persons aggrieved may appeal to the General Sessions of the Peace.

VIII. *And be it further enacted*, That any person or persons, aggrieved by any Act of any Justice, or Justices of the Peace, out of Sessions, in, or concerning the execution of this Act, may appeal to the next General Sessions of the Peace, for the county or district, giving reasonable notice thereof, whose order thereon, shall be final.

Of the detention and discharge of prisoners.

IX. *And be it further enacted*, That the term for which persons shall be committed to the houses of correction, or work-houses, established, or to be established, as aforesaid, shall be, until the meeting of the next General Sessions of the Peace, for the county, or district, or until otherwise discharged by law, at which time the keeper of such house, or houses, shall deliver to the said Justices, a list of the names of all persons confined therein, and for what, and by whom, they are so confined, and the said Justices shall make particular enquiry into the behaviour of such persons, and shall cause such as merit the same, to be discharged; *Provided always*, That it shall and may be lawful, for the said Justices, who shall be appointed as aforesaid, to visit such houses, or for any other two of the Justices of the Peace, for the said county, or district, at any time to discharge any person committed to the said work-house, if they shall think it fit, and proper, so to do.

Keeper refusing to deliver up possession.

X. *And be it further enacted*, That if the master, keeper, or any other person or persons, having the care or management of any work house, or house of correction, shall refuse to deliver up the possession thereof, in ten days from the time the Justices in their Sessions shall order him so to do, it shall and may be lawful, for any two of His Majesty's Justices of the Peace, for the same county, on due proof of such refusal, by warrant, under their hands and seals to direct the Sheriff of the county, to remove him, or them, out of such house of correction, and to clear the possession thereof, as upon a writ of *Habere facias possessionem*; and to take and secure all the furniture, implements and materials of every kind, belonging to such house of correction, and to prevent any person, from removing, or taking the same away.

Persons sued may plead the general issue.

Defendant allowed treble costs taxed.

XI. *And be it further enacted*, That if any person or persons, shall hereafter be sued for any thing, which he, or they, shall do in execution of this Act, he, or they, may plead the General Issue, and give the special matter in evidence, and if a verdict shall pass for the defendant, or the

the plaintiff shall be non-suited, or discontinue his cause, the defendant shall have treble costs taxed, and allowed him or them.

Raising of monies for support of said work-house.

XII. *And be it further enacted,* That all monies necessary for the support and maintenance of such work houses, over and above the earnings thereof, shall be raised by the Grand Juries for the several counties and districts respectively, by presentment, to be levied and assessed, in the manner already by law appointed, for the levying certain county rates, and charges.

No out pensioners allowed, at Halifax, and no expence to be paid but what has been actually incurred in said house.

XIII. *And be it further enacted,* That the Overseers of the Poor, for the town of Halifax, shall no longer support or maintain, any poor person or persons, as out pensioners, in manner hitherto practised, but shall maintain and support the poor chargeable on said town, in that part of the work house allotted by the Act hereby amended, for the reception of such poor; and all such poor persons, who shall refuse to accept of the provision made for their maintenance in said house, shall be entitled to receive nothing from said town of Halifax, and the Overseers of the Poor, after the publication hereof, shall not be allowed, in their account, any charge whatsoever, except what has been actually incurred for the support of the poor, maintained in said House.

CAP. VI.

An ACT to prevent the Windsor and Hammond Plain Road, being injured by heavy loaded Carriages.

For Acts respecting Highways, see note on 1st Geo. 3d. cap. 14.

WHEREAS great injury hath been done in time past, in the spring of the year, on the road leading from the head of Bedford Basin, towards Windsor, by carts, trucks, waggons and other carriages, with narrow wheels, heavily laden with logs and timber, passing and repassing on the said road:

Preamble

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That from and after the first day of October next, no cart, truck, waggon or other wheel carriage, laden with logs, timber, cord wood or any kind of lumber, shall hereafter pass, or repass, or when the snow is off the ground, no such logs, timber or lumber, shall be trailed, or drawn, without wheels, on the said road, between the said basin, and the boundaries of the county of Hants, or on the road leading to Hammond Plain, unless the felloes of the wheels of such cart, truck, waggon or other wheel carriage, shall be of the breadth of nine inches, at the least; under pain of the forfeiture, of the sum of five pounds, to be recovered from the driver or drivers, owner or owners, of such cart, truck, waggon or other wheel carriage, by bill, plaint or information, in any of His Majesty's Courts of Record, within the county of Halifax, by any person or persons, who shall sue or prosecute for the same, together with the costs of suit; to be applied, one half to the use of such person or persons, as shall prosecute for the same, the other half, of the said sum, to be applied to the purpose of repairing the said road, by the surveyor appointed to oversee the repairs thereof.

After 1st October, all wheels be nine inches, under penalty of 5l.

How to be recovered:

Application:

CAP. VII.

An ACT in addition to an Act, entitled, an Act for establishing the Times of holding an Inferior Court of Common Pleas, and General Sessions of the Peace, in the Township of Yarmouth.

For Acts respecting this subject, see note on 29th Geo. 3d. cap. 5.

WHEREAS it is necessary for the administration of Justice, and execution of the Laws, within the township of Yarmouth, and Argyle, that a Court House and Jail, should be erected within the district of Yarmouth, in the county of Shelburne:

Preamble

Court-house, jail, &c. at Yarmouth.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly,* That the Justices in their General Sessions, to be held in the said township of Yarmouth, and the Grand Juries, who shall be duly returned, impanelled, and sworn, under, and by virtue of the aforesaid Act, shall, and may from time to time, exercise all the powers and authorities within the same district, with respect to the building, and repairing of Court Houses, and Jails therein, and assessing monies for the same, and other necessary purposes, which of right, the Justices and the Grand Juries respectively, in the several counties, within this Province, may, or ought by law, to exercise within such counties.

Inhabitants of Yarmouth and Argyle not to be taxed for buildings out of their district, nor to serve on juries out of their district.

II. *And be it further enacted, by the authority aforesaid,* That the said district of Yarmouth and Argyle, and the inhabitants living within the same, shall be exempt from, and shall not be taxed, assessed or amerced, by the Justices or Grand Juries for the county of Shelburne, for any expences to be incurred for, or in building, or repairing any Court House, or Court-Houses, Jail or Jails, in any part of the said county, the said district excepted; and that the freeholders, and other inhabitants of the same district, shall be exempted from serving on Grand or Petit Juries, at the Inferior Court of Common Pleas, and General Sessions of the Peace, in any place within the said county of Shelburne, out of the same district.

CAP. VIII.

An ACT in amendment of an Act for the better regulating of Elections.

For Acts, on this subject see note, on 29th Geo. 3d cap. 1.

Preamble.

WHEREAS from the extent of many of the counties in this Province, and from the unimproved state of their roads, it is extremely difficult for the freeholders of such counties, to meet and assemble at any one fixed, or given, place, for the purpose of electing members to serve in the General Assembly:

Opening of Poll.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That from and after the publication of this Act, it shall and may be lawful, (on application of either of the candidates) on the day the poll is first opened, for every Sheriff, or other officer of the counties herein after named, to whom any writ for electing a member or members for such counties, to serve in the General Assembly, of this Province, shall be directed, after having opened a poll at the county Court-House, if demanded, and having received the votes of the freeholders of such county in manner and form as is directed, in, and by the said Act, entitled, an Act, for the better regulating elections, to remove or adjourn the poll (held as aforesaid) in each of the counties, herein after named, and to the respective places following, *That is to say,* In the county of Halifax, on application as aforesaid, the poll to be adjourned at the Court-House in Onslow, and to the town plot called Walmsley, at, or near the harbour of Pictou; in the county of Annapolis, to Scissabou, opposite to the town plot of New-Edinburgh; in King's County, to the town plot of Parrsborough, near Partridge Island; in the county of Shelburne, to the Court-House, and at the French Meeting-House in the township of Argyle; in the County of Sydney, to Country Harbour and Antigonish.

Places where the Poll is to be removed at desire of candidates.

How the Poll is to be demanded, in case of removal.

II. *And be it further enacted, by the authority aforesaid,* That the application aforesaid for the removal or adjournment of the poll, shall be made on the day on which the poll is opened at the county Court House, and that the said Sheriff or other officer as aforesaid, shall, on such application duly made, forthwith notify the Freeholders of the county, of the said adjournment, by fitting up advertisements, at the Court-House, where the poll is then held, and at two of the most public places in the district, to which the poll is to be adjourned, that he will, on the twelfth day from the opening the poll at the Court-House, continue the same at the place within the district to which it is adjourned; that he will then and there proceed for the space of two days, to take the poll, or until the Electors then and there present be polled.

To continue open for two days.

III.

III. *And whereas in the counties of Halifax, and Sydney, the respective Sheriffs of those counties, are herein before required, to remove the Poll to two places, other than the county Court-House, at the request of any or either of the candidates: be it therefore enacted, That the Sheriff on opening the poll, at the second place of holding the same, shall give the same notification of holding a poll in the third place, as is herein before directed in counties where the poll shall be held only in two places.*

Notice, how to be given in case of removing the Poll to a third place.

IV. *And be it further enacted, That in case the poll shall be removed from one place to another, in any of the before named counties, pursuant to this Act, it shall not be lawful for the said Sheriff, to carry with him his two assistants, who assisted him in conducting that part of the election, held in the first place, in such county, but shall, on removal of the poll, appoint other assistants, in such place, or places to which it shall or may be removed.*

Sheriff not to take with him his two assistants, to the places of removal, but to appoint others.

CAP. IX.

An ACT in amendment of an Act, passed in the Thirty-first year of His present Majesty's reign, entitled, an Act to regulate the Times of holding the Inferior Court of Common Pleas, and General Sessions of the Peace, in the District of Colchester, and to enable the Grand Juries, in the said District, to assess Monies for the purpose of erecting a Court-House and Goal in said District, and for ascertaining the Boundaries for the said District.

WHEREAS the times specified in the afore-recited Act, for holding the Inferior Court of Common Pleas, and General Sessions of the Peace, within the district of Colchester, has been found inconvenient to the inhabitants of said district; for remedy whereof:

Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly, That the said Court of General Sessions of the Peace, and Inferior Court of Common Pleas, shall in future be held in and for the said district, at the following times and places only, to wit: at Onslow, on the first Tuesday of July, at Walmisley, in the district of Pictou, on the third Tuesday in July; at Onslow, on the first Tuesday of January; and at Walmisley, afore said, on the third Tuesday of January, annually; any law, usage or custom, to the contrary notwithstanding.*

Times of holding the Inferior Court at Onslow, and Walmisley.

II. *And be it further enacted, That the jurisdiction of the said Court at Walmisley, shall extend to, and be comprised within the following limits, to wit: beginning four miles eastward of David Archibald's house, at Salmon river, between Euro and Pictou, measuring as the road now runs, from thence to run north, four degrees west (by the Magnet) to the shore of Tamagouche harbour, thence from said place or beginning to run south twenty seven degrees east, to the southern line of the district of Colchester; thence east, by the said line, to the western line of the county of Sydney, including all the lands to the eastward and northward of said lines, within the district of Colchester.*

District of Walmisley described.

III. *And be it further enacted, That the jurisdiction of the Court at Onslow, shall extend over the remaining part of the district of Colchester, not comprised in the foregoing limits. Provided always nevertheless, That every matter and thing, herein contained, shall continue, and be no longer in force, than so long as the district of Colchester remains a part of the county of Halifax.*

Act to continue in force as long as the district of Colchester belongs to Halifax.

CAP. X.

An ACT for limiting the Duration, or Continuance, of the General Assemblies.

Preamble.

WHEREAS it is necessary for the well-being of this Province, that its General Assemblies should have a fixed, and determined period, for their dissolution :

General Assemblies continued for seven years, it not sooner dissolved by authority.

Act not to have effect until His Majesty's approbation be known. His Majesty's assent has been signified.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly,* That this present Assembly, and all General Assemblies, that shall at any time hereafter be called, assembled or held, shall and may respectively have continuance for seven years, and no longer ; to be accounted from the day on which by the writ of summons, this present Assembly hath been, or any future General Assemblies shall be appointed to meet, unless this present, or any such General Assembly hereafter to be summoned, shall be sooner dissolved by His Majesty, his heirs or successors, or by his Governor, Lieutenant Governor, and Commander in Chief for the time being.

II. *Provided always,* That nothing herein contained, shall be of force or effect until His Majesty's pleasure shall be known thereon.

CAP. XI.

Expired.

An ACT for raising an additional Duty of Excise on Rum, and other Distilled Spirituous Liquors, and for amending and continuing the several Laws for raising a Revenue herein after mentioned.

CAP. XII.

Expired.

An ACT for continuing in Force the several Acts herein mentioned ; and also for reviving and continuing an Act herein mentioned, which has expired.

CAP. XIII.

For Acts respecting the Revenue of the Province, see 29th Geo. 3d. cap. 14. 33d. Geo. 3d. caps. 1. and 14. 34th Geo. 3d. cap. 7. and 15. 35th Geo. 3d. cap. 8. 36th Geo. 3d. cap. 14. 37th Geo. 3d. cap. 8. 38th Geo. 3d. cap. 3. 39th Geo. 3d. caps. 13 and 16. 40th Geo. 3d. caps. 8, 11 and 14. 41st Geo. 3d. cap. 11. and 12. 42d. Geo. 3d. caps. 14 and 15.

An ACT for the further increase of the Revenue, by raising a Duty of Excise, on all Goods, Wares and Merchandise, imported into this Province.

WHEREAS the revenue of the Province, for the year last past, has by no means been so productive as was expected ; and whereas it is necessary to increase the revenue for the purpose of discharging the present demands against the Province :

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That from and after the publication hereof, a duty of excise shall be levied, paid and received, on all kind of goods, wares or merchandise, of what kind or nature soever (except as herein after excepted) which shall be imported or brought within the Province from any place or country whatsoever, and which shall be sold and expended, or consumed, within the same ; which said duty of excise shall be levied, paid and collected, at the following rates, that is to say : a duty of excise of two pounds

pounds ten shillings on every one hundred pounds worth of goods, of any kind as aforesaid, which shall be imported for sale and consumption as aforesaid, by any person or persons whatsoever; and a duty of excise shall be levied, paid and collected, at the rate of five pounds on every one hundred pounds worth of goods as aforesaid, which shall be imported as aforesaid, for sale and consumption as aforesaid, or which shall be in any shape owned by any other person or persons whatsoever, who have not been actually resident inhabitants within this Province, for six months previous to such importation, unless such person or persons, not having been so actually resident, shall have imported the same immediately, and directly, from Great-Britain and Ireland; which said duty of excise of two pounds ten shillings *per centum*, and five pounds *per centum*, shall be calculated on the first or sterling cost of each one hundred pounds worth of such goods as aforesaid, and so in proportion for a greater or less quantity thereof.

A Duty of Excise of two and a half per cent. on all goods imported by residents and

Five per cent. on non-resident importers, Who have not resided six months previous to such importation. Centage to be calculated on the sterling cost.

II. *And be it further enacted, by the authority aforesaid,* That all and every person or persons whatsoever, who shall import, or bring within this Province, after the publication hereof, any goods, wares or merchandise of any kind whatsoever, such person or persons shall immediately produce to the Collector or Collectors of Impost and Excise for the district wherein such importation shall be made, the original invoice of the goods, wares or merchandise, which shall be so imported as aforesaid; and the owner or owners of such goods shall make and subscribe the following affidavit (which the said Collectors are hereby impowered to take and administer the oath thereon)

Importers to produce the original Invoice to the Collector of Impost and Excise.

“ I A. B. of _____ in the county of _____ do swear, that the account or invoice, now by me produced, is just and true, and that it contains the exact quantity of all the articles by me imported in the _____ from _____ which are made subject to an excise duty, in and by an Act, passed in the thirty-second year of His present Majesty's reign, entitled, An Act for the further increase of the revenue, by raising a duty of excise on all goods, wares and merchandise, imported into this Province. And I do further swear, that the prices annexed to each article are just and true, and agreeable to the first or sterling cost thereof, and that I am either the owner thereof, or consignee, who has the principal care, disposal and management of the same, and I do further swear, that I have actually resided as an inhabitant in this Province, for more than six months from the date of these presents, and have paid scot and lot therein.”

Importer's Oath.

And if the Goods so imported, shall belong to a person not resident as aforesaid, then the person producing to the Collectors the invoice thereof as aforesaid, shall only be obliged to swear to such part of the said affidavit as relates to the value and ownership of such goods.

Goods liable to forfeiture, if the above conditions are not complied with.

And all or any goods, wares or merchandise, which shall be imported or brought within the Province as aforesaid, after the publication hereof, and shall be found in the custody or possession of any person or persons whatsoever, after the said publication, without having been entered and accounted for as aforesaid, and the duties thereon paid or secured in the manner herein after mentioned, the whole and every part thereof shall be seized, forfeited, condemned and distributed, in the manner herein after mentioned. *Provided always,* That in case of the absence of the importer of such goods, wares or merchandise, it shall and may be lawful for the principal clerk or agent of such importer, to make oath agreeable to the tenor of the above affidavit.

III. *And be it further enacted, by the authority aforesaid,* That the said Collectors of Impost and Excise shall, after the publication hereof, take an exact account, and ascertain the exact value as aforesaid, of all and every of the said goods, wares or merchandise, which shall be imported as aforesaid, within their several districts, and shall ascertain by whom the same shall be owned, and shall take bonds from the owner or importer thereof, with two good and sufficient sureties, bound therein for the payment of the said duties of excise quarterly, in the manner directed

Collectors of Impost and Excise to take an exact account of what shall be imported.

Manner of securing the duties.

If importer refuses to give bond.

Difference to be adjusted by three merchants.

The Collectors keeping the goods in their own custody.

If any be found with 50*l.* worth of goods without a certificate, to be forfeited and distributed as directed by Act of 24th of Geo. 3*d.*

All masters of vessels who shall break bulk, previous to such entry, made liable as in the before mentioned Act.

Trials for forfeitures, as by before recited Acts.

in and by an Act passed in the twenty-ninth year of the reign of His present Majesty, entitled, An Act to provide for the support of His Majesty's government in this Province, by amending and continuing the several laws for raising a revenue, therein particularly mentioned and expressed; and in case the owner or owners, importer or importers, shall refuse to give such bond or bonds, then it shall and may be lawful for the said Collector or Collectors of Impost and Excise to proceed to secure said duties, in the manner directed in the said herein before last recited Act; and in case any difference shall arise between the Collectors of Impost and Excise, and the owners or importers of any of the said enumerated articles, as to the quantity, quality, or value thereof, such difference shall be settled by three merchants, mutually to be chosen by the said Collectors, and the said owners or importers, the opinion of two of which merchants shall be final. *Provided always*, That it shall be lawful for the said Collectors to keep the custody of the articles about which the difference shall arise, until the same shall be adjusted.

IV. *And be it further enacted, by the authority aforesaid*, That all persons whatsoever who shall have any goods, wares or merchandise, so to be imported as aforesaid, in his, her or their custody or possession, after the publication hereof, of the value of fifty pounds or upwards, without a certificate, that the duty of excise has been secured thereon, such person or persons shall be subject to the penalty or penalties, and the goods, wares or merchandise, to the same forfeiture and distribution as is directed for the like offence, in and by an Act passed in the twenty-fourth year of His present Majesty's reign, entitled, An Act for more effectually raising a duty of excise on wine, rum, and certain other enumerated articles, and for preventing frauds in the collection of the revenue, and as also is directed in the several Acts afterwards made for the altering, continuing and amending of the said Act, unless such person or persons shall have obtained a permit or certificate in the manner and form directed in and by the said Acts. And all masters of vessels, or owners, neglecting to make report and entry of the goods, wares and merchandise, so imported in the manner and form directed in and by the said last before mentioned Act, and the several Acts for amending, altering and continuing thereof, or who shall break bulk or remove any of the said articles, before he or they shall have permission so to do, such owners or masters shall be subject to the several penalties, and the goods, wares and merchandise, to the several forfeitures, appointed and directed in and by the said Act, and the said several Acts in amendment thereof; and the owners or persons removing any of the said goods, wares or merchandise, without first obtaining a permit or permits in the manner directed in and by the said last recited Acts, and all other person or persons whatsoever, who shall in any shape whatsoever, by any manner of ways or means, endeavour to evade the securing and payment of the said duties on the said goods, wares or merchandise so to be imported as aforesaid, or prevent, or endeavour to prevent, the said Collectors from doing their duty in the execution of this Act, shall suffer and pay the same penalties and forfeitures directed and appointed for the like offences, in and by the said last recited Acts, and all of the said goods, wares or merchandise, which shall be clandestinely landed, removed, or in any shape whatsoever disposed of, contrary to the provisions made relative to spirits and other articles in the said recited Acts, shall be subject to the seizure, condemnation and distribution, directed and appointed in and by the said last recited Acts, and all drawbacks of the duties of excise herein, and hereby imposed, shall be obtained and paid in the manner herein after directed and appointed.

V. *And be it further enacted, by the authority aforesaid*, That all trials for forfeitures and penalties on a breach of this Act, shall commence and be prosecuted in the manner and form directed in the said last before recited Acts, and all permits to be granted under this Act, shall be in the same form, and obtained in the same manner, contained in the said last before recited Acts, and the said Collectors of Impost and Excise, shall, in every shape and form, have the same

power and authority to execute this Act, that they have given to them in the said last before recited Acts, and shall in all respects conduct themselves in the securing, collecting, receiving, and paying, the excise duties imposed by this Act, and shall account for the same, and be subject to the same penalties specified and contained in the said last before recited Acts; and all forfeitures and penalties for any breach of this Act shall be paid, applied and disposed of, in the manner directed in said last before recited Acts, and all and every provision, clause, matter or thing, made and provided for the securing the duties of excise on wine, rum and other articles as specified and contained in the said recited Act, entitled, An Act for more effectually raising a duty of excise on wine, rum, and certain other enumerated articles, and for preventing frauds in the collection of the revenue, and as specified and contained in the said several Acts afterwards made for continuing, altering, and amending, of the same, such provisions, clauses, matters and things, and each and every of them, shall extend, and be construed to extend, to the securing the collection of the several excise duties imposed by this Act, and to the punishment of persons acting contrary thereto, and to the condemnation and distribution of property seized and condemned, and in all things to the furtherance and support of the execution of this Act, and carrying the same into full effect, as fully and particularly as if each, and every such provision, clause, matter, or thing was herein over again recited and set forth, *provided always nevertheles*, That nothing herein contained, shall extend, or be construed to extend, to compel any master or masters of any vessel or vessels, to disclose the contents of the several packages, loaden on board of his or their vessel or vessels, in any other shape, manner or form, than such master or masters would be compelled to disclose the same at His Majesty's Custom House, any thing herein contained to the contrary notwithstanding.

No master or masters of vessels compelled to disclose the several packages, but in the same manner as they give in their ships manifest at the Custom houses.

VI. *And be it further enacted, by the authority aforesaid*, That it is the true intent and meaning of this Act, that nothing herein contained, shall extend, or be construed to extend, to the levying, imposing, or collecting, any duty whatsoever, by virtue, or under the authority of this Act, from or upon the several articles herein after enumerated, that is to say: wine, rum, and spirits of all kinds; refined sugar, porter and ale, gunpowder, fine and bolica teas, brown sugar and molasses, the same being already subject by law to the several duties both of impost and excise; also all articles imported from the United States of America, which are subject already by law to a duty of ten per cent. likewise, flour, grain of all kinds, salt, salted beef and pork, butter, hogs lard, coals, pitch, tar and turpentine, fish and fish oil, furs and skins of all kinds; lumber, slaves and cocoa: all which said several articles, in this clause particularly enumerated and mentioned, shall be imported and consumed in this Province, free and clear of and from the said excise duty of two pounds ten shillings *per centum*, and five pounds *per centum*, hereby imposed on goods imported as aforesaid; any thing herein contained to the contrary notwithstanding.

Sundry enumerated articles which are free and clear of this excise being already subject to a duty.

VII. *And be it further enacted, by the authority aforesaid*, That if any contractor or contractors, commissary or commissaries, actually in His Majesty's service or employment, shall import or bring within this Province for the use of His Majesty's navy or army, any cloathing or floss, bread, cheese, oatmeal, peas, salted suet, vinegar, oil, raisins and currants; such contractor or contractors, commissary or commissaries, or their principal agent, shall produce to the Collectors of Impost and Excise an invoice thereof as aforesaid, and in addition to the affidavit herein before appointed to be made by an importer, shall declare on oath, and subscribe the same, that such part of the several goods in this clause enumerated, as shall be contained in such invoice, were actually imported directly from Great Britain or Ireland for the use of His Majesty's navy or army, to be issued to the same, for and on account of His Majesty, and for no other use or purpose whatsoever; and such contractor or contractors, commissary or commissaries, shall give bond to be accountable for the duties of excise imposed thereon; and the Collectors of Impost and Excise shall pursuant to the directions contained in the said herein before recited Acts, relative

Articles imported for use of Navy or Army, exempt from this Excise.

to the excise on rum, &c. examine from time to time the stocks of such enumerated articles, which shall be in the hands or custody of the said contractors or commissaries, or their agent, and shall call him or them to an account for the expenditure thereof, agreeable to the provisions of the said Acts, and shall give credit on the bonds so to be given as aforesaid, for the amount of the duties on the said several articles, which such commissary or commissaries, contractor or contractors, or their agents, shall prove agreeably to the provisions contained in the said Acts, to have been actually expended for the use of His Majesty's navy or army, and the said contractors or commissaries, or their agents, shall pay the duties of excise on all the said articles which shall be wanting, or which he or they shall be unable to account for the expenditure of as aforesaid; any thing herein contained to the contrary notwithstanding.

New Settlers
free'd from duty
on Household
goods, and arti-
cles for private
use.

VIII. *And be it further enacted, by the authority aforesaid,* That if any person or persons whatsoever shall come within this Province, or any part thereof, for the purpose of actually settling therein, that it shall and may be lawful for the said Collectors of Impost and Excise to exempt from the said duty of five pounds *per centum*, all household goods, provisions and necessaries of all kinds, which such person or persons shall import, or bring with them for their own use, and the use of their families; but it shall not be lawful to exempt any goods, wares or merchandise, of any kind whatsoever, brought or imported by such person or persons for the purpose of trade, or for sale.

If any of these
goods are export-
ed.

IX. *And be it further enacted, by the authority aforesaid,* That in case any goods, wares or merchandise whatsoever, which by this Act are made subject to an excise, and on which such excise duty shall have been paid or secured pursuant to the provisions herein before made, shall be re-shipped or exported out of the Province, to any other country not within its jurisdiction; the person or persons making such shipment, or exportation, shall, before such goods or merchandise shall be loaden on board any ship or vessel, give notice of such intended export to the Collector of Impost and Excise for the district wherein such goods, wares or merchandise, shall be, and shall deliver to such Collectors, at the same time, an account, specifying the several articles so about to be re-shipped or exported, together with the quantity, quality, and the first or sterling cost thereof; and such person or persons shall also exhibit or shew the packages so about to be exported, to an officer or officers to be appointed by the said Collectors for that purpose, who shall have liberty to see the same loaden on board the ship or vessel in which the same are to be exported; and the owner or owners, or person making such shipment, shall produce an invoice of such goods so loaded or re-shipped, and shall make and subscribe the following affidavit, which shall be annexed thereto:

Invoice of the
quantity and ster-
ling cost, shall be
produced to the
Collectors, by the
Shipper.
Who shall take
the following
Oath.

Exporter's oath,
to be sworn be-
fore Collector.

" I A. B. do swear, that the goods specified in the foregoing invoice, were imported by me, and are charged therein at the first or sterling cost, and that I have actually paid or secured the duty of excise imposed thereon by the Law of this Province agreeable to the value in such invoice, and I have shewn and exhibited the Packages in which the same goods are contained to the officer appointed to examine the same, who has attended the re-shipment thereof, and the whole of the said goods have been regularly entered at this office, and are now actually loaden on board the bound to and the same are not intended to be again landed, brought back, sold, bartered, exchanged or consumed, in any part of this Province; and do swear that if it shall ever come to my knowledge, that the whole, or any part thereof, shall be relanded in, or brought back to this Province, I will to the best of my power endeavour to prevent the revenue thereof from being in that respect defrauded, and I will make the same immediately known to the Collector of the district wherein I shall then be. And the master of the vessel in which such export shall be made, shall likewise make and subscribe the following affidavit, which shall be annexed to the said invoice. I A. B. Do swear that to the best of my knowledge and belief, the goods specified in the annexed invoice

are contained in package, marked and numbered as follows; that is to say: which said several packages, with the goods therein contained, are now actually laden on board the bound to and I know of no fraudulent intention or design to reland or bring the same back to this Province, or any part thereof, and if it shall ever come to my knowledge, that the whole or any part thereof shall have been brought back, or fraudulently relanded in any part of the Province, I will make the same known to the Collector or Collectors of some district within the same. And I do swear, that unless prevented by the danger of the seas, winds or other unavoidable accident, I will truly land and put on shore at the said packages, with the goods contained therein."

The masters of the vessel's oath

Which affidavit, when duly made, and sworn to before the Collector of Impost and Excise for the district, shall be delivered, with the original invoice, to the person making such shipment, together with a permit for such export, in the usual form; and the person making such export, shall be entitled to a drawback of the whole duty of excise paid, or secured to be paid, on such goods, by virtue of this Act, on his or their producing to the Commissioners of the Revenue; or the Treasurer of the Province, a certificate from the Collectors of the Duties or Customs, or British Consul, or Vice Consul, for the Kingdom, Province or Country, to which such exportation shall be made, that the goods and packages mentioned in such invoice and affidavit have actually been landed within such Collector's, Consul or Vice Consul's district, for the amount of which, to be certified by the Commissioners of the Revenue, or Treasurer of the Province, the Collectors of Impost and Excise shall give credit, and if the duties have been paid thereon, the Collector or Collectors shall certify the same on the back thereof, which shall entitle such person or persons to receive a warrant or warrants on the Treasury of the Province for the amount thereof, which warrant or warrants the Governor, Lieutenant-Governor, or Commander-in-Chief for the time being, is hereby authorized from time to time to draw, and the Treasurer to pay; and if any vessel or vessels shall be found relanding of any of the goods so exported for a drawback as aforesaid, such vessel or vessels, together with the articles clandestinely landed, shall be taken into custody, condemned and distributed in the manner appointed by the several laws of this Province relative to impost and excise; and all persons aiding or assisting in the clandestine landing or putting such goods, or any part thereof on shore, or bringing the same back to this Province, and all person or persons clandestinely having the same in his, her, or their custody or possession, shall forfeit and pay the sum of one hundred pounds each for every offence, to be levied and distributed in the manner directed in and by the said last mentioned laws. *Provided always nevertheless*, That it shall not be lawful for the said Commissioners of the Revenue, or Treasurer, to grant any certificate for drawbacks of duties under and by virtue of this Act, unless the sterling cost of the goods shipped at one and the same time, and owned by one and the same person, in one and the same vessel, shall exceed the sum of fifty pounds, and unless application be made for the drawback to be allowed, and the several proofs requisite for allowing thereof made, within twelve months, to be computed from the time of such re-shipment, any thing herein contained, to the contrary notwithstanding. *And provided also*, That the time limited for such shipment shall be from sun-rising to sun-setting, both in winter and summer.

Exporter shall be entitled to a drawback of the whole Excise, on producing proper documents.

If goods be relanded, vessels and goods shall be condemned.

All concerned shall forfeit and pay too.

Drawback only to be allowed on goods when they shall exceed 50l. value.

Proof to be made within 12 months from shipment. Shipments to be made from sunrise to sun-set.

X. *And be it further enacted, by the authority aforesaid*, That this Act, and all and every matter and thing herein contained, shall be and continue in full force and virtue, until the first day of July, which will be in the year of our Lord one thousand seven hundred and ninety three.

To be in Force until 1st July next.

CAP. XIV.

An ACT to regulate the Summary Trial of Actions before His Majesty's Justices of the Peace, in the Town and Peninsula of Halifax.

For Acts respecting summary trials, see note on 5th Geo. 3d. cap. 11, but particularly see 4th and 43d. Geo. 3d.

Three Justices for County of Halifax to be taken in rotation To compose a Court.

The General Quarter Sessions to appoint a Clerk who shall be sworn.

Three Justices to attend for one month.

To publish the names of the Justices as when and where this Court is held.

The time and manner of summoning the Justices.

If the two Justices next in rotation are not of the quorum, the Clerk to give notice to one of the three being of the quorum, to attend. If any Justice dies, the Clerk to summon the next in rotation.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, three of the Justices of the Peace, for the County of Halifax, to be taken in rotation, in the manner herein after mentioned, shall compose a Court, for the summary trial of all civil actions or suits, which shall be commenced in the said town or peninsula of Halifax for any matter or thing whatsoever, for the trial whereof cognizance is given to one or more of His Majesty's Justices of the Peace; and it shall and may be lawful for the Justices of the General Sessions of the Peace, for the said county, in their Sessions from time to time, as occasion shall require, to appoint a fit and proper person to act as a Clerk to the said Court of Justices, so to be appointed as aforesaid, who shall be sworn faithfully to discharge the duties of such office.

H. And be it further enacted, by the authority aforesaid, That the said Justices shall immediately on the publication hereof, at a special Sessions to be holden for that purpose, appoint the first three Justices, named in the commission of the Peace for the said County, to attend as Justices of the said Court for one calendar month, then next following, and shall nominate a Clerk, and shall provide a proper and suitable place for the same to be publicly held, at the times, and in the manner herein after directed, and shall cause the names of the Justices so appointed, and the name of the Clerk, with his place of residence, to be advertised in the public newspapers of the said town, together with the place and times, where, and when, such Court is to be held.

III. And to the end, that the duty intended to be imposed by this Act, be equally distributed: Be it further enacted, by the authority aforesaid, That the said Clerk, shall within three days before the expiration of the first calendar month, in which the Court, to be established by this Act, shall have been held, summons, or cause to be summoned, the next two of the said Justices, as they stand in order in the said commission: which said two, shall, together with the junior of the three last before appointed, (whose service for that purpose is hereby required accordingly,) attend, and do the business of the said Court, for the succeeding calendar month, and so the like number of Justices, as they stand next to the former in rotation, together always with the junior of the three last before summoned, or setting to do the like duty from calendar month to calendar month, for each succeeding calendar month, till the whole number shall have been summoned, and then begin again with the first of the said Justices in the order aforesaid, and continue to summon two monthly in like rotation, during the continuance of this Act, so as that the Justices for the time being may according to the order in which they shall stand in the said commission, take upon themselves and put the powers in this Act contained in due execution.

IV. Provided always, That as often as it shall happen, that the two Justices so next in rotation as aforesaid, are neither of them of the quorum, the said clerk shall give notice to such one of the three, then holding the said Court, as shall be of the quorum (beginning always with the junior) to attend the said duty for the month then next ensuing. And in case one or more of the Justices so appointed, or summoned, should die, or be otherwise prevented by a cause to be allowed by a majority of three Justices next in rotation in the said commission, from attending the duty to be imposed by this Act, then the said Clerk shall forthwith summon, or cause to be summoned, the next in rotation, whose attendance is hereby required accordingly.

dingly : and such person or persons so attending and doing the duty of the said Court, for the residue of the month then not expired, shall be deemed, and taken, to have served for one calendar month, to every intent and purpose of this Act.

V. *And be it further enacted, by the authority aforesaid,* That nothing herein contained shall extend, or be construed to extend, to oblige such person or persons who are named in the said commission by virtue of their seats in His Majesty's Council for this Province, or as holding certain offices, and who have not usually acted in the said commission of the Peace, or who do not usually reside within the town and peninsula of Halifax, to take upon themselves the duties of the Court intended to be established by this Act, or to subject them to be summoned to the discharge thereof; and that it shall and may be lawful for any Justice of the Peace, being one of the persons holding the said Court, to substitute another to attend for him at any time or times to do the business of the same, without cause to be allowed as herein before mentioned.

Persons exempted from serving in Rotation Court.

VI. *And be it further enacted, by the authority aforesaid,* That the said Justices, so from time to time to be appointed to hold a Court as aforesaid, shall hold the same publicly at the place so to be appointed as aforesaid, twice in every week, to wit : on Tuesdays and Fridays; and shall have full power and authority, by virtue of this Act, to administer an oath, as well to the parties as their witnesses, and hear and determine all causes brought before them, of which they shall have jurisdiction, according to equity and good conscience, regarding the true merits of the case; and shall cause a fair entry, which shall be signed by the said Justices, to be made in a book by the Clerk of the said Court, of the nature of every case brought before them, and of the evidence produced and examined by both parties, together with the judgment given therein; and shall likewise enter with each cause a particular account of the fees, and cost allowed to be recovered by either party, and shall, in all respects, have, use and exercise, the same power and authority, relative to proceeding in such causes, and granting executions, as has heretofore been exercised, and used by His Majesty's Justices of the Peace, under, and by virtue of, the several Acts of the Province, for the trial of summary actions; and all writs, processes and executions, out of the said Court, shall be issued by the Clerk of the same, under the seal, and tested in the name of the senior Justice; which writ, process or execution, shall be always made returnable at the next day of the sitting of the said Court, unless the same should issue so short a time before the day appointed for its sitting, that such writ, process or execution, could not be executed in time, then, and in such case, the same to be made returnable the next day appointed by this Act for the sitting of the said Court, and it shall not be lawful for the said Court to delay, or put off, the hearing of any cause, at the request of either party, but shall immediately proceed to hear and determine the same on the return of the writ or process; unless the party, wanting a continuance, do set forth, by affidavit, good cause for granting the same; and in case there shall be more causes before the said Court than can be determined in one day, then the said Court may adjourn from day to day, until every cause shall be disposed of according to law; and the Clerk of the said Court shall give regular attendance in a public office, to be by the said Sessions appointed for that purpose, during the hours each day to be regulated and fixed by the said Court of Sessions; and the said Justices, in their Sessions, shall quarterly examine the entries and proceedings of the said Court, and take special care that the same be kept regularly, and in good order, agreeable to the true intent and meaning of this Act.

Court held twice a week.

Swearing of witnesses.

Registry of all transactions.

Manner of issuing process.

The Clerk shall give regular attendance.

VII. *And be it further enacted, by the authority aforesaid,* That if any person or persons shall think themselves injured by the judgment of the said Court, he, she or they, may appeal to the next Inferior Court of Common Pleas, to be held for the said county, and on such appeal being made, the said Court shall suspend the issuing of execution, or further proceeding in such cause, on the party appealing, giving good and sufficient security to prosecute such appeal at the next Inferior Court of Common Pleas, and to perform whatever the judgment of

Appeal allowed to Inferior Court.

such Court shall be, and the Clerk of the said Court, to be appointed for the trial of summary actions, as aforesaid, shall, on the first day of each sitting of the Inferior Court of Common Pleas, for the county aforesaid, return to the said Court a list of all causes, in which appeals have been entered, and the said Court shall appoint a day for hearing thereof, and if the party appealant shall not appear to prosecute the same, such appeal shall be dismissed, but if the parties appear, then the said Court shall proceed to try the said cause over again, upon the evidence as entered and certified by the Clerk below, and to give judgment thereon, which judgment, the said Clerk of the said Court, shall enter in the book, wherein the cause and the first judgment thereon was entered, which entry shall be signed by the Justices present; and in case the Justices of the Inferior Court shall dismiss said appeal, or shall affirm the judgment given by the Court that first tried the cause, and shall be of opinion, that such appeal was made without any reasonable cause or foundation, but for delay, or vexation, then it shall and may be lawful for the said Justices to give judgment against the appealant, for a sum not exceeding thirty shillings cost, in addition to the amount of the first judgment, which additional cost shall be distributed in the manner the said Justices shall appoint; but if there appears reasonable cause for such appeal, then no additional cost shall be paid by the appealant, and no writ of *Certiorari*, or *Habeas Corpus Cum Causa*, shall be allowed or brought to set aside any determination or order respecting such causes as aforesaid.

How the judgment is to be made up.

Appealant liable to 30s. costs if found to proceed from delay or vexation.

No writ of *Certiorari* or *Habeas Corpus Cum Causa*, shall be allowed.

Not lawful for any Justice to commit to jail, but for further examination.

VIII. *And be it further enacted, by the authority aforesaid,* That from and after the publication hereof, it shall not be lawful for any Justice of the Peace, within the town and peninsula of Halifax, finally to commit any person to jail, or to the house of correction, who shall be charged with any breach of the peace, or any criminal offence, of any kind or nature soever, but if such Justice shall, on his own view, or other good information, cause any breaker or breakers of the peace, or criminal offender or offenders of any kind whatsoever, to be apprehended, such persons, when apprehended, shall immediately be carried before the Justices, to be appointed to set as a Court for the trial of summary actions, if such Court be sitting, and if the same be not sitting, then it shall and may be lawful for such Justice, or Justices, to commit the offender, or offenders, so apprehended, for further examination, and the Sheriff, Jailor, Keeper of the House of Correction, or other person to whose custody such offender or offenders shall be committed for examination, shall immediately give notice thereof to the Clerk, to be appointed as aforesaid, who shall notify the said Justices appointed to hold the said Court, and such Justices, together with the Justice or Justices who committed such offender, or offenders, if such Justice or Justices shall think fit to attend, shall assemble as soon as possible, and shall cause the offender or offenders, so committed for further examination, to be brought before them, together with all witnesses, and other persons having any knowledge of the premises, and shall proceed to a public examination of all concerned; which examination, together with the testimony of all witnesses, examined on oath, shall be correctly and fairly entered in writing by said Clerk, and signed by the Justices present, and after the said Justices shall have finished such examination, and entered the same in writing, as aforesaid, then such Justices shall proceed to dispose of such offender or offenders as the law directs, and shall return the examinations, so taken, in due time to the Court, to which the cognizance of the offence, or offences, shall properly belong.

Goalor or Keeper to acquaint the Clerk what offenders are committed.

This Court shall further examine such commitment.

The Clerk to keep all proceedings in writing.

Fees the same as heretofore before one Justice.

The Clerk to keep an account of Fees.

IX. *And be it further enacted, by the authority aforesaid,* That the fees to be allowed and paid for any business whatsoever, to be transacted as aforesaid by the Justices, so to be constituted a Court as aforesaid, shall be the same as the law allows to be paid for the like service when done by a single Justice; and all fees of every kind, payable for services done and performed therein, shall be received by the said Clerk, who shall keep an exact and regular account thereof, which account the said Clerk shall state quarterly, on oath, and deliver the same to the Justices in their Sessions, quarterly, and the said Justices shall apply so much of the proceeds

ceeds of the whole thereof, as shall be necessary to pay the said Justices, for their attendance, the said Clerk, and all other charges which may arise, or be necessary to go to, for the holding and establishing of the said Court, and shall apply the overplus thereof to such general uses as the said Justices shall from time to time think necessary for the preservation of the peace and good order of the said town and peninsula.

Fees to go for the payment of Justices, and the Clerk, and defraying charges against said Court.

X. *And be it further enacted, by the authority aforesaid,* That no judgment or proceeding can be given or had in the said Justices' Court, but with the consent of two at least of the Justices, to be appointed Judges thereof as aforesaid, and two of the said Justices shall be a quorum to hold said Court, and the process, warrants and executions, of the said Court, shall extend throughout the county of Halifax, in the same manner, and with the same effect, with the process, warrants and executions, of one or more Justices of the Peace for the said County as aforesaid.

The decisions and powers of the Justices.

XI. *And be it also further enacted, by the authority aforesaid,* That this Act shall continue and remain in force, for, and during the term of, one year, from and after the publication hereof, and no longer.

Act continued for one year.

CAP. XV.

An ACT for applying certain Monies therein mentioned, for the Services of the Year One Thousand Seven Hundred and Ninety Two, and for appropriating such part of the Supplies granted in this Session of General Assembly, as are not already appropriated by the Laws or Acts of the Province.

Executed.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twentieth Day of March, Anno Domini 1793, in the Thirty-Third Year of the Reign of Our Sovereign Lord George the Third, of Great-Britain, France, and Ireland, KING, Defender of the Faith, &c. being the First Session of the Seventh General Assembly convened in the said Province.*

* In the time of Sir John Wentworth, Lieutenant-Governor; Thomas Andrew Strange, Chief Justice, and President of Council; Thomas Barclay, Speaker; James Gautier, Secretary of Council; and James B. Franklin, Clerk of Assembly.

CAP. I.

An ACT for granting to His Majesty certain Duties on Wine, Rum, and all other Distilled Spirituous Liquors, and Brown Sugar, for the purpose of paying the Interest, and reducing the Principal, of the Public Debt of this Province.

For Acts on the subject of Revenue, see note on 32d. Geo. 3d. cap. 13.

Duties payable on wine, rum, &c.

Duty on wine.

Duty on rum, &c.

Duty on sugar.

Mode of payment of duties.

Articles on hand to pay duty.

BE it enacted, by the Lieutenant Governor, Council and Assembly, and it is hereby enacted, That from and after the publication hereof, there shall be raised, levied, collected and paid, to His Majesty, his heirs and successors, for the uses and purposes aforesaid, upon all wine, rum, and all other distilled spirituous liquors, and brown sugar, (maple sugar excepted) now within, or hereafter to be imported into, or manufactured within, this Province, the respective rates, duties and impositions, herein after mentioned, that is to say: for and upon all wine which now is, or shall be hereafter imported into, or made within this Province, the sum of six pence per gallon: to be paid by the importer or manufacturer of them.

For and upon all rum, and all other distilled spirituous liquors, which are now in, or shall be imported into, or made within, this Province, the sum of six pence per gallon: to be paid by the importer or manufacturer of them.

For and upon every hundred weight of brown sugar, (maple sugar excepted) the sum of one shilling; which said rates, duties and impositions, shall be raised, levied, collected, and paid to His Majesty, his heirs and successors, by the ways, means, methods, rules and directions, and under the penalties herein after mentioned and expressed, that is to say: All and every person and persons, who have heretofore imported, manufactured, or now have in their possession, any of the herein enumerated articles, on which the duties heretofore imposed, have not been paid, shall pay all and every of the duties, rates and impositions, due and payable thereon, under, and by virtue of, and agreeable to, the several laws made and provided in the seventh session of the sixth General Assembly of this Province, begun and holden on the sixth day of June, in the year one thousand seven hundred and ninety two, for the purpose of raising a revenue for the use

use of His Majesty, and the support of the Government of this Province; out of which duties so now due and unpaid, the amount of the rates and duties hereby imposed, shall be appropriated and applied to the purposes herein after mentioned and expressed; and that all and every merchant, and other person or persons, who shall, from and after the publication hereof, import or bring into this Province, in any ship or vessel, or shall receive, or have consigned to him, her or them, any wine, rum, or other distilled spirituous liquors, or brown sugar, (maple sugar excepted) he, she or they, shall, within twenty-four hours after the arrival of such ship or vessel, in any port, harbour or creek, within this Province, and notice thereof given to him, her or them, render an account on oath to the Collector or Collectors of Excise, for the district in which such merchant, consignee, or other person or persons, shall reside, setting forth, and specifying the quantity of each of the said enumerated articles, so by him imported or received, the nature and kind of casks and packages in which the same is, or are, contained and packed, with the marks and numbers thereof, and also the place from which they were imported and brought. And that the master, or owner, and the supercargo, if any there shall be, of any vessel so importing or bringing any of the above enumerated articles, shall also, within twenty-four hours after the arrival of such vessel, at any port, harbour or creek, within this Province, report to such Collector or Collectors for the district in which such port, harbour or creek, shall lie, the quantity of each of the above enumerated articles, laden on board such ship or vessel, the casks or packages in which the same are contained, with the marks and numbers of them, with the name, or names, of the person or persons to whom such article or articles is, or are, consigned, and shall verify his, and each of their said report, by oath, before the said Collector or Collectors.

Importer of wine, rum, &c. and sugar, to render an account within 24 hours after the arrival of vessel,

Owner, or Supercargo, to produce a manifest of the vessel's cargo.

Importer or Consignee's Oath.

I A. B. do swear, that the account I have now rendered and subscribed of the wine, rum, and other distilled spirituous liquors and brown sugar, to me belonging or consigned, laden on board, and imported in the at is a true account of all the wine, rum, and other distilled spirituous liquors and brown sugar, laden on board the to me belonging or consigned, and that no wine, rum, or other distilled spirituous liquors or brown sugar, laden on board the to me belonging or consigned, hath to my knowledge or belief been landed, sold, delivered, bartered or exchanged, at any port or place within this Province, or on the coasts thereof.

Importer or Consignee's oath.

Master's and Supercargo's Oath.

I A. B. do swear, that the report which I have now made, read and subscribed, contains a just and true account of all the wine, rum, and other distilled spirituous Liquors, and brown sugar, laden on board the at and that I have not landed, or suffered to be landed, sold, or delivered, bartered or exchanged, any wine, rum, or other distilled spirituous liquors, or brown sugar, at any port or place within this Province, or on the coasts thereof, since my sailing from

Master's and Supercargo's oath.

And shall also obtain a permit from the said Collector, or Collectors, for landing the same, at some certain wharf or place, within his or their districts, which permit shall be in the words following:

Permit to land the articles.

Permit A. B. master of to begin to unload the cargo of the said vessel at wharf, or landing, within the district of and to continue to unload the same, betwixt sun rising and sun setting each day, until such vessel's cargo shall be discharged. Given under my hand, at this day of A. D. 179

Form of the permit.

And

The Master, Owner, or Consignee neglecting to make report, or breaking bulk without permit subject to penalty.

And if such master, owner, or consignee, or other persons, shall neglect to make such report, or shall break bulk of, or on board such ship or vessel, or shall unlade or land any of the said enumerated articles, before he, she or they, shall have made such report, and obtained such permit, or shall unlade or land any of the said enumerated articles, or either of them, at any other place, than is specified in the said permit, or shall remove, or carry away, or suffer to be removed, or carried away, any of the said articles, from the place specified in the said permit for landing, before such wine, rum, or other distilled spirituous liquors, shall be guaged, and such sugar weighed, under the direction of the said Collector or Collectors, and shall have secured the rates, duties and impositions aforesaid, as is herein after directed; and not having a permit for so removing the same, in the words following:

Permit for removal of the articles.

Permit A. B. to remove from within the town of to the duties thereon having been already paid or secured in the Collector's office, at Given under my hand at this day of A. D. 179

Penalty for such as transgress in this respect.

Every such merchant, owner, or master of such vessel, consignee, or other person or persons, shall forfeit for each and every offence, the sum of one hundred pounds, and the ship or vessel from which such articles, or any, or either of them, shall have been fraudulently and clandestinely landed, shall become forfeit, and shall be seized by the said Collector or Collectors, shall be condemned and sold, and the proceeds of the sale thereof, distributed in manner and form herein after directed.

Permit for loading, by the Collector; and the guaging and weighing of the articles.

II. *Be it further enacted, by the authority aforesaid,* That on the accounts and reports being made as aforesaid, and by the persons herein before mentioned, of all, and every part of the above enumerated articles, which shall be imported into this Province as aforesaid, the Collector or Collectors of Excise, for the district, into which such articles shall be imported, shall give to such merchant, consignee, or master, a permit to break bulk of, and to unlade from such ship or vessel, all and every the herein before mentioned articles, and to land the same at such wharf or place, as such Collector shall think most convenient to the owner, or consignee, of such articles, and shall proceed to guage such wine, and spirituous liquors, and mark the name of the island from whence the said spirituous liquors came, on the head of the hogheads or casks, in which such spirituous liquors are in, at the time of guaging the same; and to weigh such sugar, and after weighing and guaging the said articles respectively, shall proceed, in case the duties on the articles so imported shall not amount to more than ten pounds, to collect the same, before the importer shall have a permit for the removal of the said articles, and in case such duties shall amount to more than ten pounds, then such Collector shall proceed to secure the said duties, by taking a bond or bonds from such importer, owner or consignee, to His Majesty, His heirs and successors, with sufficient sureties for the payment of the rates and duties herein before mentioned, in manner and form following: that is to say, one fourth part of the said rates and duties in three months, from the giving such security; one other fourth part of the same rates and duties, in six months from the giving such security; one other fourth part of the said rates and duties in nine months, from the giving such security; and the residue of the said rates and duties, in one year from the giving such security.

Securing the duties.

Owners of distilleries and manufactories, to render an account of the articles distilled or manufactured.

III. *Be it further enacted, by the authority aforesaid,* That the owner or owners of any distillery, or distilleries, or other person, who shall manufacture any distilled spirituous liquors, within this Province, and in case such distillery or distilleries shall be carried on by any servant or servants, having the care and management of the same, such owner, master, servant, or servants respectively, shall, on or before the second day of each and every month, after the publication of this Act, render a true account in writing to, and on oath, made before the said Collector or Collectors, of the quantity of rum or other distilled spirituous liquors, that hath
been

been manufactured or distilled in his, her or their, distillery or distilleries, and shall give security for the payment of the rates and duties on such rum, or other spirituous liquors, by this Act imposed, in manner and form, as in this Act is directed, with respect to such articles as shall be imported into this Province, under the penalty of one hundred pounds, for each and every neglect.

Penalty for not obeying.

IV. *Be it further enacted, by the authority aforesaid,* That in case no person shall appear, to pay, or give security for the rates and duties herein imposed on the said enumerated articles, within twenty-four hours after the same shall have been landed and gauged, weighed or reported by the distiller thereof, as above required, that then it shall and may be lawful for the said Collector or Collectors, to take such enumerated articles into his or their custody, store the same, and shall within five days, from receiving the same into his or their possession, give notice, for the space of ten days, of such sale, and proceed to sell at public auction so much of the said articles as shall be necessary to pay the rates and duties imposed by this Act, with all reasonable costs and charges attending the storing and selling such articles, and shall deliver up to any person, lawfully authorized to receive the same, the residue of such articles, as may remain in the hands of the said Collector or Collectors, after paying such rates, duties, costs and charges.

Disposal of the articles on which the duty is not paid or secured, or on which no person appears to pay or secure the duties,

V. *And be it further enacted, by the authority aforesaid,* That none of the herein enumerated articles, of the value of five pounds, or above, shall be transferred by, or removed from the store or stock of any importer or owner of the same, to any other person or persons whomsoever, without a permit from the said Collector or Collectors of the district wherein the same shall be, in the words following :

Dutiable articles, not to be removed without a permit.

Permit A. B. to receive from the stock of C. D. the following articles, viz. and to carry the same from within the town of to the duties thereon having been paid or secured in the Collector's office, at Given under my hand at this day of 179

Form of permit.

VI. *Be it further enacted, by the authority aforesaid,* That in case any of the above enumerated articles shall be found in the possession of any person or persons whomsoever, or shall be found laden on any cart, truck, waggon, sled, horse or horses, or on board any boat or vessels, the rates and duties herein mentioned not being paid or secured, or without the respective permits by this Act required, the person or persons in whose possession they shall be so found, shall forfeit fifty pounds, and all and every such articles, carts, trucks, waggons, sleds, horses, boats and vessels, shall be forfeit ; and that where any question shall arise whether the aforesaid rates and duties have been paid or secured, the proof of the payment, or the securing the same, shall lie on the possessor or claimer of such articles.

Articles found in possession of any person, or laden on any cart, &c. Such person to forfeit 50l.

VII. *Be it further enacted, by the authority aforesaid,* That in case any person shall be desirous to export or carry, in any ship or vessel registered according to law, any quantity of wine exceeding two hundred gallons ; or any quantity of rum, or other distilled spirituous liquors, exceeding four hundred gallons ; or any quantity of brown sugar, exceeding ten hundred weight, out of this Province, to any Kingdom, State or Colony, such person or persons shall, previous to reshipping, exporting or carrying, the same out of the Province, obtain a permit, authorising him, her or them, to export the said article or articles ; which permit the said Collector or Collectors shall give without fee, upon such person or persons giving security, in double the value of the duties imposed in and by this Act, on such articles as are intended to be so exported, that the same shall, within three days from the time of requiring such permit, be laden on board some ship or vessel, and be, without unnecessary delay, transported out of, and shall not be fraudulently reloaded within, this Province : after obtaining which permit it shall and may be lawful, after the same has been first gauged and weighed by the proper officer, to lade the same

Proof to be made by owner.

Persons desirous of exporting wine, rum, and sugar, to obtain a permit.

on board any ship or vessel for exportation, in the presence of the said Collector or Collectors, weigher or weighers, gauger or gaugers, for the district, or either of them. And the exporter, and master of the vessel on board which such articles shall be laden, shall respectively make and subscribe before, and leave in the hands of the Collector or Collectors who shall give the said permit, the following oaths, viz.

Exporter's Oath.

Form of Exporter's Oath.

I A. B. do swear, that the _____ now actually by me shipped on board _____ whereof
C. D. is master, bound for _____ is really part of the stock of _____ imported from
in the _____ from the island of _____ entered in this office, and is of the proof of the said
island as imported, and is not intended to be relanded in this Province.

Master's Oath.

Master's Oath.

I C. D. do swear, that _____ is now actually shipped on board the _____ of which I am
master, bound for _____ and that the same hath been laden on board the said _____ for the
purpose of exportation out of this Province, and that the same is not intended to be again land-
ed, sold or exchanged, in any part of this Province.

Time allowed for payment of duty on exported Stock.

After which oaths, made and filed as aforesaid, with the said Collector or Collectors, the duties secured on such articles as are specified in such permit and affidavit, shall not be demanded for the space of twelve months after the date of such permit; and in case, such exporter shall, at or before the expiration of the said twelve months, produce to the Collector or Collectors, from whom he obtained such permit for exportation as aforesaid, a certificate under the hand and seal of the principal officer or officers of His Majesty's Customs, at the place to which such articles shall be exported, of the proof of the said spirituous liquors, and that the same have been, to his knowledge, landed within the port of which he or they is or are principal officer or officers; or in case such enumerated articles shall be exported to any foreign country, such exporter shall produce the like certificate from His Majesty's Consul, or Vice-Consul for such foreign State or Country; that then, and in that case, the said exporter shall have credit with the said Collector or Collectors of Excise, for five sixth parts of the amount of the duties secured for, and on the articles so by him exported out of this Province; and in case the rates and duties herein laid and imposed, shall have been paid, such certificate shall entitle such exporter to receive the amount of the said five sixth parts of the said rates and duties so paid from the Treasurer of the Province. And if any of the enumerated articles which shall be so shipped for exportation, shall be fraudulently relanded in this Province, such articles so relanded, shall be forfeit to His Majesty, His Heirs and Successors, together with the ship, boat or vessel, from which they shall be relanded, and all and every person or persons, who shall be aiding and assisting in such relanding, shall forfeit and pay the sum of fifty pounds, to be prosecuted, recovered and distributed, as is hereafter directed.

Articles fraudulently relanded.

Wine, rum, &c. supplied for His Majesty's army, or navy, exempt from duty.

VIII. *Be it further enacted, by the authority aforesaid,* That if any merchant, distiller or other person, shall supply for, and on account of His Majesty's army, navy, or careening-yard within this Province, any rum, or other distilled spirituous liquors, for which he shall have paid or secured the duties and rates by this Act laid and imposed on the same; such merchant, distiller, or other persons, shall be entitled to have credit, or be repaid for the duties so secured or paid; provided such rum, or other distilled spirituous liquors, so sold and delivered for the use of His Majesty's said army, navy and careening-yard respectively, shall have been delivered over to the respective commanders of His Majesty's army, navy, or the storekeeper of the said careening-yard, or to some person or persons by them respectively, under their hands and seal, authorized to

to accept and receive the same, in the presence of the Collector or Collectors of Excise, for the district in which the same shall be so sold and delivered, and such merchant, distiller, and other person or persons, shall produce to the Collector or Collectors of Excise for such district, from the said respective Commanders of His Majesty's said army and navy, or the storekeeper of the said careening-yard, a certificate, or certificates, that the rum, or other spirituous liquors, so supplied by the said merchant, distiller, or other persons to them respectively, on account of His Majesty, for the use of the army, navy or careening-yard respectively, that the same hath been actually issued in and for His Majesty's service, or hath been sent out of the Province as an allowance from His Majesty to the persons under, or in their respective commands or departments; and provided the said merchant, distiller or other person, so supplying such rum, or other distilled spirituous liquors, shall make and subscribe the following oath:

Provided the Merchant, &c. make oath of their being for the use of His Majesty's service

I A. B. do swear, that I did on the _____ day of _____ in the year of our Lord _____ bona fide sell and deliver to _____ for the use of His Majesty's _____ at Halifax, _____ gallons of _____ for and on account of His Majesty, and for no other use; that such sale and delivery was an absolute sale and delivery of such _____ without any express or implied condition, trust or confidence, on the part of _____ to whom the same was delivered, or of any other person or persons whomsoever, and that I do verily believe the said _____ hath been actually issued for, or applied to, the purpose it is stated by this deponent to have been delivered for.

Form of the oath

IX. *Be it further enacted, by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant-Governor or Commander in Chief, of this Province, for the time being, to appoint one or more person or persons to collect the rates and duties by this Act laid and imposed, and such Landwaiter or Landwaiters, Guager or Guagers, Weigher or Weighers, for the several districts in this Province as heretofore hath been used and practised; which Collector or Collectors, Landwaiter or Landwaiters, Weigher or Weighers, Guager or Guagers, or one of them, shall and may, immediately upon the arrival of any ship or vessel in any harbour, port or creek, in this Province, either at, or before, her coming to an anchor or wharf, enter on board the same, and shall have full power and authority to take custody of, and to seize, any ship, vessel, boat, cart, waggon, truck, sled or horse, on board of, or on which any of the above enumerated articles shall be laden or found, contrary to the provisions of this Act, and to prosecute the same; and all and every person or persons offending against all or any of the rules, regulations and provisions, thereof, to final condemnation, judgment and execution; and shall and may enter into any ships, vessels, boats, houses, shops or cellars, of all and any person or persons in which they, or either of them, shall have reasonable cause to suspect there is or are any article or articles above enumerated, for which the rates and duties herein mentioned have not been paid or secured, or which has, or have been, fraudulently reloaded within this Province.

Governor to appoint persons to collect the duties.

Collectors, Landwaiters, &c. authorized to enter ships and vessels,

With power to seize vessels, &c. laden with dutiable articles, contrary to this Act.

Punishment of offenders.

Collectors, &c. may enter vessels, houses, &c. against there is cause of suspicion.

Provided, That every such Collector, Landwaiter, Guager, and Weigher, shall before they, or either of them, enter into any houses, shops, stores or cellars, on oath, inform some, or one, of His Majesty's Justices of the Peace, for the county or town, wherein such houses, shops, stores or cellars, are situate, that he has cause to suspect there is, or are, any of the article or articles above enumerated, and for which the rates and duties herein mentioned, have not been paid or secured, or which has or have been reloaded as aforesaid, within this Province; and the said Justice is hereby authorized and directed, immediately on the information aforesaid, to attend and go with such Collector, Landwaiter, Guager or Weigher, to the houses, shops, stores or cellars aforesaid; and shall then and there require to be admitted into the same, either by personally demanding of some person in, or belonging to such dwelling-house, shop, store or cellar, admittance into the same, or by publicly and aloud, near such dwelling

Collector, &c. to inform a Justice of Peace of such suspicion.

The Justice to attend, and require admittance.

house, shop, store or cellar, declaring the purpose for which he is about to enter into the same, after which demand or declaration, made as aforesaid, in case the door or doors of such dwelling-house, shop, store or cellar, shall not be opened, it shall and may be lawful for such Justice of the Peace, to direct and order the said Collector, Landwaiter, Guager or Weigher, forcibly to enter into such dwelling-house, shop, store or cellar as aforesaid, at any time between sun rising and sun setting, and to search for any articles herein enumerated, and to seize such of them whereon the said rates and duties shall not have been paid, secured, or permitted to be removed, agreeable to the provisions of this Act.

If refused admittance, may use force.

Collector to administer the oaths required by this Act, under penalty of 100l. for neglect to do.

Persons swearing falsely, guilty of perjury, &c.

X. *Be it further enacted, by the authority aforesaid,* That all and every Collector or Collectors, appointed under and by virtue of this Act, shall be, and are hereby authorized to administer any, and all, the oaths by this Act appointed to be taken and made; and that if any such Collector or Collectors shall omit to administer, or shall dispense with any of the oaths by this Act required to be taken, by the persons therein mentioned, such Collector or Collectors, shall forfeit and pay the sum of one hundred pounds, for each and every neglect, and that in case any person or persons shall make oath to any false reports, or shall falsely swear to any other matter or thing, hereby required to be verified on oath, before such Collector or Collectors, the person or persons so offending shall be deemed guilty of corrupt and wilful perjury, and shall on conviction thereof, be liable to, and suffer all the pains and penalties by law inflicted on persons guilty of corrupt and wilful perjury.

[The 11th, 12th, 13th, 14th, 16th and 19th sections of this Act are not re-printed, the same having been executed by the payment of the Public Debt, to which purpose these duties were, by such sections, appropriated, and these duties are now, by a subsequent Act, applied to the general purposes of Government.]

Security to be given by Collectors.

XV. *Be it further enacted, by the authority aforesaid,* That every person who shall be appointed a Collector of the Rates and Duties by this Act imposed and laid, shall, before he enters on the execution of the office, give bond to His Majesty, his heirs and successors, with two good and sufficient sureties in the sum of one thousand pounds, the Collector or Collectors of Halifax, excepted; who shall give bond as aforesaid in the sum of two thousand pounds, for the true and faithful performance of the duties of the office of Collector, agreeable to the true intent and meaning of this Act.

Prosecutions against such as act under this Act.

XVII. *And be it further enacted, by the authority aforesaid,* That if any action or suit shall be commenced against any Collector, or other officer or officers, by any person or persons, for any thing by him done in the execution of his office, by virtue or in pursuance of this Act, he or they shall and may plead, to such action or suit, the general issue, and give the special matter in evidence at the trial to be had thereon; and if it shall appear to have been done in pursuance of, and under the authority of, this Act, the jury shall find for the defendant or defendants, and such defendant or defendants shall recover his or their costs of suit.

Recovery and application of fines.

XVIII. *Be it further enacted, by the authority aforesaid,* That all fines, penalties and forfeitures, for any offence against this Act, shall be prosecuted; levied and recovered, by bill, plaint or information, in any of His Majesty's Courts of Record within this Province, and that one moiety of such fines, penalties and forfeitures, shall be to His Majesty, his heirs and successors, to be applied to the support of the government of this Province, the other moiety to him or them that shall discover, inform, or sue for the same, together with full costs of suit. And that on all prosecutions for any fines, penalties and forfeitures, for any offences against this Act, the prosecutor and defendant shall be entitled to demand a special jury for the trial thereof, and to take the depositions of witnesses to be used in evidence at such trial, as is practised and authorized by the laws and usages of this Province, in civil actions.

Special Jury allowed for the decision of causes.

[The 19th section limited the duration of this Act until the Debt paid, which being executed, the same has been continued by a subsequent Act for other purposes.]

CAP. II.

An ACT to amend, and render more productive, an Act passed in the Thirty-first year of His present Majesty's reign, entitled, an Act to raise a Revenue, for the purpose of paying off all such Debts as are now due by the Province, or which shall become due before the first Day of July next, the funded Debt only excepted.

This Act expired

CAP. III.

An ACT to prevent obstructions of the Navigation in the Ports, Harbours, Rivers and Creeks, within this Province.

For Acts on this subject see note on 25th Geo. 3d. cap. 6.

WHEREAS much injury hath of late happened, by the practice of heaving ballast over the sides of ships, and other vessels, coming into the ports, harbours, rivers and creeks, within this Province; for remedy whereof:

Preamble.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof, no ballast shall be unladen, or thrown overboard, from any ship, vessel, or boat, below high water mark, into any port, harbour, river or creek, within this Province, or at the entrance into the same; and that if any master or seamen, or other person on board any ship, vessel, or boat, shall unlade, or throw from on board any ship vessel or boat, any ballast, below high water mark, into any port, harbour, creek or river, or at the entrance of the same, such master, seaman, or other person, shall be obliged to remove such ballast or impediment, or in default thereof, shall forfeit and pay a sum not exceeding twenty five pounds, to be sued for and recovered, by information or complaint, before any two of His Majesty's Justices of the Peace, for the county wherein such offence shall be committed, one half of which penalty shall be to the use of the person or persons who shall sue for the same, the other half to the use of the poor of the township wherein the offence shall be committed, subject to an appeal to the Court of Common Pleas, in, and for the county where such offence shall be committed, upon security given, for prosecuting the same to effect.

No ballast to be thrown from any vessel, or boat, below high water mark, into any port, harbour, river, &c.

Penalty for such as transgress.

Recovery and application of penalty.

CAP. IV.

An ACT in addition to, and in amendment of, an Act, passed in the Thirty-fourth Year of the Reign of his late Majesty, entitled, an Act for appointing Commissioners of Sewers.

For Acts on this subject, see note on 34th Geo. 3d. cap. 7.

WHEREAS it is found by experience that the power by law vested in persons holding shares of, or rights in, marshes, meadows and low grounds, is frequently exercised to the injury of others; for remedy whereof:

Preamble

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly That from and after the publication of this Act it shall not be lawful for the Commissioners of Sewers now in being, or any Commissioners of Sewers hereafter to be appointed, by virtue of an Act, passed in the thirty-fourth year of the reign of His late Majesty, to meet and convene together from time to time, as occasion may require, to view, consider, consult and contrive, such ways and methods for building

Power of Commissioners of Sewers limited, respecting dykes, weirs, &c.

building and repairing such dikes and wears as are necessary to prevent inundations, and for the drowning and draining of swamps, and other unprofitable grounds; or to exercise any of the other powers and authorities given to them, the said Commissioners, in and by the said Act, otherwise than upon application from, and at the request of, such a number of the proprietors, whose rights and shares in such dyked land, marsh, swamp or other unprofitable ground, when added together will amount to more than the one half part of such dyked land, marsh, swamp or other unprofitable ground; any thing in the before mentioned Act to the contrary notwithstanding.

Not to extend to prevent the Commissioners from proceeding to drain, or repair breaches in, any lands now dyked.

II. *Provided always*, That nothing in this Act contained shall extend, or be construed to extend, to prevent the Commissioners of Sewers from proceeding to drain or repair breaches made in any lands now dyked in the manner directed and prescribed by the Act of which this is an amendment.

CAP. V.

An ACT to render and make valid, certain Marriages, heretofore solemnized before Magistrates, and other Lay Persons.

For Acts on this subject, see note on 3d Geo. 2d. cap. 17.

Preamble.

WHEREAS in some parts of this Province, owing to the remote situation of the inhabitants from any Clergyman, in the early settlement of the same, divers marriages have been heretofore irregularly solemnized, before Magistrates, and other Lay Persons, otherwise than as by law required:

Marriages before Magistrates and Lay Persons, made valid.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly, and it is hereby enacted*, That all marriages heretofore solemnized before Magistrates, and other Lay Persons, in the presence of one or more credible witness or witnesses, and where the parties so married, have co-habited together, shall be deemed, and taken, lawful, and of as much force and validity, as if the same had been solemnized before a Minister of the Church of England, with all the forms required by law.

Issue of such marriages made legitimate.

II. *And be it further enacted, by the authority aforesaid*, That the issue of such marriages, hereby made valid, shall be, and the same are hereby made, legitimate, to all intents and purposes whatsoever.

Magistrates, &c. who have solemnized such marriages, indemnified from penalty

III. *And be it further enacted*, That all Magistrates, and other Lay Persons, who before the publication of this Act, shall have solemnized any of the marriages, which are hereby enacted to be valid, shall be, and they are, hereby indemnified against the penalties, to which they are otherwise by law subject.

CAP. VI.

An ACT in addition to, and amendment of, an Act, made in the Fifth year of the reign of His present Majesty, entitled, an Act to enable the Inhabitants in the several Townships in this Province, (Halifax excepted) to cause any absent proprietor of lands within the same, to pay a dividend or proportion of any County or Town Charge, to be assessed according to law, and to bear their just proportion in repairing highways, roads and bridges, within the said Townships respectively.

For Acts on this subject, see note on 5th Geo. 2d. cap. 5.

WHEREAS the Act above mentioned, has been found by experience, insufficient for effecting the salutary purpose for which it was intended, and it is just and necessary to the improvement of the Province, that the lands of absent proprietors should be made more effectually liable to the payment of the rates and taxes assessed upon them, and of their proportion of the expence of repairing highways, roads and bridges:

Preamble.

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That from and after the publication of this Act, when no person shall appear to pay the rates and taxes, assessed on any tract or parcel of land, or to perform his proportion of highway labour for the same, and no goods or chattels can be found on the premises, or within the county, whereon to levy an execution or distress for the payment of such rates and taxes, or the fine for the non-performance of such highway labour, the Collector of all rates and taxes for the district, in which such land shall be situate, or the Surveyors of Highways for such district, shall report to the Justices of the Peace for the county, in which such district may be, in their Spring Session, the amount of such rates, taxes, and fines; and it shall and may be lawful for the said Justices to order the Clerk of the Peace for the said county, to advertise to be let, such lands, for the space of three months, in the most public places, in the county and township, wherein such lands may be situated; and if no person shall be found willing to give as much for the hire of the same for one year, as the amount of the rates, taxes, and fines, as above; with reasonable charges for advertising the same, then it shall and may be lawful, upon representation for that purpose, by the said Clerk, to the Supreme Court, for the said Court in all such cases to direct a sale to be made at public auction, to the highest bidder, of so much of the delinquent's lands as shall be sufficient to pay the amount of his, or their, said rates, taxes and fines, together with the charges of such sale, and good and sufficient deed or deeds of conveyance of the land so sold, to be made and executed, by, and in the name of, such Clerk of the Peace respectively, reasonable means having been previously used by the said Court, according to its discretion, for the ascertaining of the proprietor, and for the enabling of him by due notice, to prevent the necessity of such sale, by satisfying the said charges and expences, with the costs attending such enquiry and notice as aforesaid.

Lands made liable for the payment of Taxes.

Provided always, That if the rents or proceeds on the sale of such lands, shall be more than sufficient to pay and defray the amount of such rates, taxes and fines, with all reasonable costs and charges attending the rating, taxing, advertising, letting or selling, the same, the surplus shall be paid to the proprietor of such lands, or any persons duly authorized to receive the same; and if no such person shall appear to claim the same, for the space of three years, such surplus having been previously paid into the Treasury of the county or district, wherein such lands may be situated, shall there remain to be applied to such public purposes as the Justices of such county or district in their Session shall think meet.

Disposal of the surplus of the monies arising from the sale of lands.

Penalty for Collectors neglecting to report delinquents.

II. *And be it further enacted*, That if any Collector of Taxes, or Surveyors of Highways, shall, previous to the expiration of his office, neglect to make report in manner as herein before directed, he shall forfeit the sum of two pounds, to be applied to the relief of the Poor of the township for which he shall be chosen, and if any Clerk of the Peace shall refuse or neglect to make such representation as is herein before directed, he shall forfeit the like sum, to be applied to the same use.

CAP. VII.

An ACT for extending to the several Towns of Windsor, Annapolis and Lunenburg, the Provisions of an Act, passed in the second year of the Reign of his present Majesty, entitled, an Act for appointing Firewards, ascertaining their Duty, and for punishing Thefts and Disorders, at the Time of Fire; and also, of the several Acts made in addition to, or amendment of, the said Act.

For Acts on this subject, see note on 2d Geo. 3d. cap. 5.

Preamble.

WHEREAS it is expedient and necessary, that the several provisions contained in the Act, passed in the second year of the reign of his present Majesty, entitled, An Act for appointing firewards, ascertaining their duty, and for punishing thefts and disorders at the time of fire; and also the several Acts, made in the twenty third, twenty eighth, and thirtieth years, of his said Majesty's reign, in addition to, or amendment of, the said Act, should be extended to the towns of Windsor, Annapolis and Lunenburg.

Act for appointing Fireward extended to Windsor, Annapolis, and Lunenburg.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly*, That from and after the publication hereof, the several matters, clauses and things, specified and contained in the said before recited Acts, shall be, and the same are hereby extended to the several towns before mentioned. *Provided always*, that it shall be lawful for the Justices in their Sessions, to assign the limits within which the inhabitants of the respective towns abovementioned, shall be liable to make good losses sustained, and recoverable, under the first of the above recited Acts, as hereby extended; any thing, in the present Act, to the contrary notwithstanding.

CAP. VIII.

An ACT to enable the Deputy Surveyors of this Province, to administer an Oath, or Affirmation if Quakers, to such Persons as may be employed under them, as Chain Bearers in measuring Lands.

Preamble.

WHEREAS the Surveyor General of lands has ordered his deputies not to proceed on the survey of lands, until the chain men, to be employed under him for that purpose, have been sworn to the faithful discharge of their duty. *And whereas* it frequently happens, that persons employed as chain bearers in laying out lands, are under the necessity of travelling a great distance, in order to have an oath administered to them, by some one of His Majesty's Justices of the Peace, previous to their, the said chain bearers, proceeding to assist in laying out such lands, which is attended with expence and inconvenience: for remedy whereof:

Administering of Oaths to Chain Men.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly*, That from and after the publication of this Act, it shall and may be lawful for all Surveyors who are, or may be appointed by the Surveyor General of Lands, as his deputies, where there is no Justice of the Peace within

two miles of the place, where any survey is to be made, to administer an oath, or affirmation, as the case may require, to their chain men, before they proceed upon the same, that they will well and truly perform that service, according to the best of their skill and judgment, and according to the directions they shall receive from the said deputy Surveyor or Surveyors.

II. *And be it further enacted,* That no Justice of the Peace, shall exact or take any fee or reward for administering any oath, provided for by this Law.

No fee for administering oath by a Justice to be taken.

CAP. IX.

An ACT to enable the Inhabitants of the Town of Annapolis, and the Officers of His Majesty's Garrison, stationed for the time being in the said Town of Annapolis, annually to nominate and appoint Supervisors, to take charge of the Common appertaining to the said Town, and for other purposes therein mentioned.

For Acts on this subject, see note on 34th Geo. 3d cap. 12.

WHEREAS the inhabitants of the town of Annapolis, in the county of Annapolis, have, at a very great expence, dyked a marsh, situated north of the said town of Annapolis, and which marsh was reserved, in and by His Majesty's letter patent, to Erasmus James Philips, and others, bearing date the sixth day of September, in the year of our Lord, 1759, as a perpetual common, (or pasturage to, and amongst, the said grantees, and all the inhabitants in the town of Annapolis, and garrison of the fort of Annapolis.) And whereas it will tend greatly to the advantage of the proprietors of the said common, to have proper persons annually nominated, to take charge of the said marsh, and to make rules and regulations for the government of each person, having a right of common in the said marsh:

Preamble.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly,* That it shall and may be lawful, for the Grand Jury of the county of Annapolis, annually, at the Spring Court of Sessions of the Peace, to nominate four of the inhabitants of the town of Annapolis, as supervisors of the said marsh, out of whom the said Court of Sessions of the Peace, shall appoint two, to be supervisors for the year then next ensuing, who shall respectively be sworn to the faithful discharge of their duty hereafter set forth, in and by this Act.

Appointment of Supervisors of the Common of Annapolis.

II. *And be it further enacted, by the authority aforesaid,* That the commanding officer of the garrison of Annapolis, for the time being, if a commissioned officer, shall be a third supervisor for the purposes hereinafter expressed, and if at any spring Court of Sessions aforesaid, there shall be no commissioned officer belonging to the said garrison, stationed at Annapolis, then, and in such case, the said Grand Jury shall nominate six of the aforesaid inhabitants as supervisors aforesaid, out of whom the said Court of the Sessions of the Peace shall appoint three to be supervisors for the year next ensuing, which said supervisors are hereby empowered and directed to meet and convene together, from time to time, as occasion may require, to view, consider, consult, and order such ways and methods for repairing the dykes, and aboteaux, and ditches of the said marsh, and for fencing the same, or repairing the fences thereof, and to assess and tax each and every person, entitled to commonage in the said marsh, his equal proportion of labour, in, and towards the same, and from time to time, as occasion may require, to call on such person or persons for the performance thereof.

The Commanding officer of the Garrison of Annapolis, if a commissioned officer, to be also appointed a Supervisor.

Duty of Supervisors.

III. *And be it further enacted, by the authority aforesaid,* That each and every person disobeying, or refusing to comply with, such order, assessment or tax, shall forfeit, for each and every day's manual labour so ordered, assessed or taxed, the sum of five shillings; and for each and every day's labour of his horse or horses, oxen, cart or waggon, the sum of ten shillings; to be recovered.

Penalty for persons disobeying the orders of the Supervisors.

recovered before any of His Majesty's Justices of the Peace, in and for the County of Annapolis, on the oath of one of the said supervisors, that such person had been duly notified to perform such labour, and had neglected and refused to do the same; the forfeiture arising from such conviction to be applied to the purpose for which the person convicted had been assessed.

Advertisement for the opening of common.

Appointment of keeper.

IV. *And be it further enacted*, That the said supervisors, shall annually, by public advertisements put up in three of the most public parts of the town, direct and appoint the day when the said marsh shall be opened for pasturing; and direct and appoint the day when the cattle, appertaining to the commoners, shall be taken out of the marsh, and no longer permitted to pasture there, until the ensuing spring, and next notification; and the said supervisors shall annually, in the said advertisements, specify how many head of cattle each commoner shall be permitted to depasture in the said marsh; and shall appoint a keeper of the said marsh, who shall have power to turn out, or impound, the cattle of any commoner, put into the said marsh, contrary to the said advertisement, or over and above the number specified by the said supervisors, which said keeper, for his care and trouble in and about the said marsh, shall, and is hereby exempted from any expences, assessments or taxes, which may accrue, or arise in, about or concerning, the said marsh, during the time of his being keeper aforesaid.

to be advanced by each proprietor.

And whereas it is reasonable, and just that such persons as hereafter may become inhabitants of the town of Annapolis, and consequently entitled to a right of common in the said marsh, should pay a rate or proportion for the expences already incurred in, and about, the dyking, ditching and fencing the same:

Account of fines, forfeitures, admission, payment &c. to be kept in a book.

V. *Be it therefore enacted, by the authority aforesaid*, That each and every person, not an inhabitant of the town of Annapolis aforesaid, (His Majesty's officers of the garrison of Annapolis, and persons claiming by descent, devise or conveyance, from and under any of the present proprietors, excepted) on the first day of the publication of this Act, shall, previous to his being entitled to a right of common in the said marsh, pay, or cause to be paid, to the supervisors for the time being, the sum of five pounds, which said sum shall be applied by the said supervisors, in, and towards the keeping in repair the said dykes, ditches, aboiteaux and fences, and for the purpose of purchasing stationery for the use of the said supervisors.

First Supervisors named.

VI. *And be it further enacted*, That the said supervisors shall keep a book, wherein all fines, forfeitures and admission payments, shall be entered, and the expenditures thereof accounted for, and a journal of their meetings and proceedings regularly kept, which book shall be ready and opened for the inspection of any commoner on demand, and from year to year transmitted by the supervisors, for the time being, to their next succeeding supervisors.

VII. *And be it further enacted*, That David Seabury, and Joseph Winniet, Esquires, shall be supervisors as aforesaid, for the purposes herein before expressed, until the next General Court of Sessions of the Peace, for the County of Annapolis, to be holden at Annapolis aforesaid, on the first Tuesday of April, in the year of our Lord one thousand seven hundred and ninety four.

CAP. X.

An ACT to enable the Sheriffs of the several Counties in this Province, to administer the Oath or Oaths, or if to a Quaker, Affirmation, by Law required to be administered to such Person or Persons, as the said Sheriffs may respectively have occasion to employ as Appraiser or Appraisers of Goods, Chattels, Lands, or other real Estates by them attached on *mesne process*, or taken in Execution.

For Acts on this subject, see note on 23d Geo. cap. 1.

WHEREAS inconveniences have been experienced from the Sheriffs in their respective counties, not being authorized to administer the oath or oaths by law required to be taken, by persons whom they are obliged to employ to appraise goods, chattels, lands, or other real estates, by them attached on *mesne process* or taken in execution :

Preamble.

I. Be it enacted, by the Lieutenant-Governor, Council, and Assembly, and it is hereby enacted, That from and after the publication hereof, it shall and may be lawful for the Sheriffs, in the respective counties, to administer the oaths, or if to a Quaker, the affirmation, by law required to be taken, by all and every person or persons, whom they shall from time to time have occasion to employ, in appraising goods, chattels, lands, or other real estates, by them hereafter to be attached on *mesne process*, or taken in execution.

Sheriffs authorized to administer oaths to persons employed by them as appraisers.

CAP. XI.

An ACT in addition to, and amendment of an Act, passed in the Twelfth year of the reign of His present Majesty, entitled, An Act declaring what shall be deemed Merchantable Timber, for Exportation to Great-Britain.

See 12th Geo. 3d. cap. 3.

WHEREAS by experience it is found, that the Act, declaring what shall be deemed merchantable square timber for exportation, is insufficient for the purposes intended :

Preamble.

I. Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly, That from and after the first day of December next, all square strait timber, thereafter to be exported from this Province to Great-Britain or Ireland, shall be truly lined, well squared, and square butted at both ends, shall have not more than one inch wein thereon, shall have no appearance of the narrow axe scoring left, to be detrimental to the stick, and shall not have any rots, splits, or worm holes therein ; and if the sticks or joints are sixteen feet in length, or under, shall be of equal dimensions at both ends, and that no joints or sticks of pine or spruce timber, shall be less than twelve feet in length, or of birch, or other wood, commonly called hard wood, shall be less than four feet in length. And if any person or persons from and after the first day of December next, shall survey and certify, as merchantable for the British or Irish market, or shall export from this Province to Great-Britain or Ireland, any square timber, as aforesaid, not answering the above description, every person or persons so offending, shall forfeit a sum not exceeding ten pounds, for each and every offence, to be recovered by bill, plaint, or information, in any Court of Record within this Province, the one half to the use of His Majesty, His heirs and successors, the other moiety to him, or them, who will sue for the same.

Exportation of Timber to Great-Britain or Ireland

Size of Timber, for exportation, established.

Penalty for false survey, and for exporting unmerchantable Timber.

II. And be it further enacted, by the authority aforesaid, That the Surveyor or Surveyors of

Allowance to all Surveyors.

all such Timber, shall be paid, and receive, two pence per ton, with reasonable travelling charges for their trouble in surveying, and no more.

CAP. XII.

An ACT for extending an Act, passed in the Thirty-second year of the reign of his late Majesty, entitled, an Act to prevent unnecessary firing off Guns, and other Fire Arms, in the Town and Suburbs of Halifax, to the Town Plot of Dartmouth.

For Acts on this subject, see note on 32d Geo. 2d. cap. 2.

Preamble.

WHEREAS it is deemed necessary for the safety of the inhabitants of the town plot of Dartmouth, that an Act passed in the thirty-second year of the reign of His late Majesty, entitled, An Act to prevent unnecessary firing off Guns, and other Fire Arms, in the Town and Suburbs of Halifax, should be extended to the said town plot of Dartmouth :

Act to prevent unnecessary firing off Guns in the town of Halifax, &c. extended to Town Plot of Dartmouth.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That every matter, clause and thing, contained in the above recited Act, shall be, and the same is hereby extended to the said town plot of Dartmouth.*

CAP. XIII.

An ACT for providing for the Support of His Majesty's Government in this Province, by laying an additional Duty on Wine, Rum, and other Articles herein mentioned, and for encouraging the Agriculture, Fisheries, and Commerce of this Province.

For Acts on this subject, see note on 32d Geo. 3d. cap. 13.

Additional duties on wine, rum, &c. and brown sugar.

Duties on molasses, coffee, porter, beer, loaf sugar, gun-powder, and teas.

Duty on rum or spirits.
On wine.
On molasses.

On brown sugar.
On Coffee.

On refined sugar.
On gun-powder.
On bohea tea.
On other teas.

Duty on porter, or beer, per hhd. and doz. bottles.

BE it enacted, by the Lieutenant Governor, Council and Assembly, and it is hereby enacted, That from and after the publication hereof there shall be raised, levied, collected, and paid to His Majesty, His heirs and successors, for the support of the government of this Province, on all wine, rum and other distilled spirituous liquors, and brown sugar (maple sugar excepted) hereafter to be imported into, or manufactured within, this Province, the additional rates, duties and impositions, herein after mentioned, and upon all molasses, coffee, porter, beer, loaf sugar, gun-powder and teas, which shall hereafter be imported into, or manufactured within, this Province, the respective rates, duties and impositions, herein after mentioned, that is to say:

For and upon every gallon of rum, and other distilled spirituous liquors, six pence.

For and upon every gallon of wine, nine pence.

For and upon every gallon of molasses, one penny.

For and upon every hundred weight of brown sugar, two shillings and six pence.

For and upon every pound of coffee, one penny.

For and upon every pound of refined sugar, one penny and one halfpenny.

For and upon every pound of gun-powder, two pence.

For and upon every pound of bohea tea, one penny.

For and upon every pound of all other teas, four pence.

For and upon every hoghead of porter, or beer, seven shillings and six pence.

For and upon every dozen bottles of porter, or beer, six pence : to be paid by the importer thereof.

II. *Be it further enacted, by the authority aforesaid, That if any person or persons shall, from and*

and after the publication hereof, export out of this Province any wine, rum or other distilled spirituous liquors, or brown sugar, such person or persons shall be entitled to have credit for, or to be repaid, the whole amount of the additional rates and duties herein above mentioned, and hereby imposed and laid; upon the same terms and conditions, from the same person and persons, for the same quantities, and upon the same certificates, as he or they shall or may be entitled to have credit for, or to be repaid, five sixth parts of the rates and duties imposed and laid on wine, rum and other distilled spirituous liquors, as are prescribed, mentioned, named and expressed, in an Act, passed in the present session of this General Assembly, entitled, An Act for granting to His Majesty certain duties on wine, rum and all other distilled spirituous liquors, and brown sugar, for the purpose of paying the interest, and reducing the principal of the public debt of this Province:

Drawback on the exportation of wine, rum, &c. and brown sugar.

III. *Be it further enacted, by the authority aforesaid,* That if any person or persons shall, from and after the publication hereof, export out of this Province any quantity of molasses, exceeding one thousand gallons; any quantity of coffee, exceeding five hundred pounds weight; any quantity of bohea tea, exceeding three hundred pounds weight; any quantity of other kinds of tea, exceeding two hundred pounds weight; any quantity of porter or beer, exceeding six hogsheads, or sixty dozen bottles; any quantity of refined sugar, exceeding five hundred pounds weight; any quantity of brown sugar, exceeding ten hundred pounds weight: such person or persons shall be entitled to, and shall have credit for, or be repaid, the five sixth parts of the rates and duties herein above mentioned, and hereby imposed thereon, upon the same terms and conditions, and from the same person and persons, and upon the like certificates, as persons exporting wine, rum and other distilled spirituous liquors, and brown sugar, are entitled to have credit for, or to be repaid, five sixth parts of the rates and duties laid and imposed on wine, rum and other distilled spirituous liquors, and brown sugar, in and by the herein before recited Act, entitled as aforesaid, by virtue of the said Act.

Drawback on the exportation of molasses, coffee, teas, porter or beer, and sugar.

IV. *Be it further enacted, by the authority aforesaid,* That if any merchant, distiller or other person or persons, shall supply and deliver for the use of His Majesty's army, navy or careening-yard, any rum or other distilled spirituous liquors, in the manner, and for the purposes in the herein before recited Act mentioned; such merchant, distiller or other person shall be entitled to, or have credit for, the rates and duties by this Act imposed and laid thereon, in the same manner, upon the same oaths and certificates, as he or they shall or may be, by the said recited Act, entitled to have credit for, or be repaid, the rates and duties by the said recited Act imposed and laid.

Persons supplying rum, &c. for the Navy or Army, entitled to drawback.

And whereas it is highly necessary for promoting the agriculture, fisheries and commerce, of this Province, that merchants, traders and others, who shall export the produce or manufactures of the Province, to the West-Indies, or other parts beyond the sea, and who shall bring back the produce of the West-Indies in return for the same, should have some encouragement for carrying on a trade so beneficial to this country;

V. *Be it therefore enacted, by the authority aforesaid,* That from and after the publication hereof there shall be paid, levied and collected, to the use of His Majesty as aforesaid, on all rum, molasses, brown sugar and coffee, which hereafter shall be imported into this Province, the further additional rates, duties and impositions, herein after mentioned, over and above the duties herein before, or by any former or other Act, imposed thereon: unless one full third part of all such rum, molasses, brown sugar and coffee, shall have been purchased with the proceeds of the produce or manufactures of this Province, to be exported as herein after directed; and unless such rum, molasses, brown sugar and coffee, shall be imported in a vessel or vessels owned by an inhabitant or inhabitants of this Province, resident therein, and who shall have resided therein at least six months previous to such importation, or by any firm or trading company, any of the partners of which have resided as aforesaid, which said further rates, duties and impositions, are as follows, to say:

Further additional rates on rum, molasses, brown sugar and coffee unless purchased with the produce of this Province, and imported in a vessel owned by an inhabitant.

Further duty on rum or spirits.

For and upon every gallon of rum, and other distilled spirituous liquors, one third part of which gallon of rum, or other distilled spirituous liquors, shall not have been purchased with the produce of the Province, and imported as aforesaid in the same, three pence.

On molasses.

For and upon every gallon of molasses, one third of which shall not have been purchased and imported as aforesaid, one penny.

On brown sugar.

For and upon every hundred weight of brown sugar, one third of which shall not have been purchased and imported as aforesaid, two shillings and six pence.

Duty on coffee.

For and upon every pound of coffee, one third of which, shall not have been purchased and imported as aforesaid, one penny; which said several rates, duties and impositions so imposed, and herein last before mentioned, shall be levied, received and collected, by the Collector or Collectors for that purpose appointed, on the importation of such rum, molasses, sugar and coffee.

To be levied and paid, on the importation.

British subjects entitled to drawback of these duties, when the produce of the Province is sent in return for the amount of the articles imported.

Provided always, That if any person or persons, British subjects, bringing the produce of the West-Indies to this Province, in vessels owned as aforesaid, and on which produce the several duties, by this law, shall have been paid or secured, shall in six months after such importation, shall be made, export the produce of this Province, in the bottom or vessel, in which such importation shall have been made; it shall and may be lawful for the Commissioners of the Revenue, appointed by the appropriation Act of this present Session of General Assembly, upon due proof being made of such export, and the value thereof, to approve of any claim or claims, for re-payment of the whole of the aforesaid duties; as it shall appear that such claimant making the said export, shall have paid or secured, on so much of his inward bound cargo, as shall be equal in value to the cargo exported from the Province, for the payment of which sum, the Governor, Lieutenant-Governor, or Commander in Chief for the time being, is hereby authorized, upon a certificate or certificates from the said Commissioners for such purpose, to grant a warrant upon the Treasury.

Duties, how collected.

VI. *Be it further enacted, by the authority aforesaid*, That all rates, duties, and impositions by this Act imposed and laid, on all and every the articles herein enumerated, shall be raised, levied, collected, and paid to His Majesty, His heirs and successors, by the ways, means, methods, rules, provisions and directions, and under the penalties and by the Collectors prescribed, mentioned, named, and expressed in, and by the before recited Act, entitled, An Act for granting to His Majesty, certain duties on wine, rum and all other distilled spirituous liquors, and brown sugar, for the purpose of paying the interest, and reducing the principal of the public debt of this Province.

Owners and masters of ships exporting produce of this Province, how to proceed to obtain drawback on the returns.

VII. *Be it further enacted, by the authority aforesaid*, That every owner, or master of any ship or vessel, who shall ship and export any goods or merchandise whatsoever, the produce or manufacture of this Province, and who intends to obtain an exemption of the duties herein last before imposed, on rum, molasses, sugar and coffee, one third of which shall not have been purchased with the produce or manufacture of the Province, such owner or master, at the time of shipping and exporting such goods and merchandise, the produce or manufacture of the Province, shall deliver to the Collector of Impost and Excise for the district wherein such export and shipment shall be made, an invoice of the articles, goods or merchandise so to be shipped, specifying the quantities of each article so shipped, and the owner or master so making such shipment and export, shall, at the foot of such invoice, make and subscribe the following affidavit, or if a Quaker, affirmation, viz.

Oath to be made of the exports.

I A. B. do swear or affirm that the foregoing invoice is just and true; and that the several articles specified therein are now actually shipped on board the bound for and also that the several articles therein specified have been actually and truly purchased, or otherwise procured, by me within this Province.

Which

Which invoice and affidavit, or affirmation, shall be filed with such Collector or Collectors; and no rum, sugar, molasses or coffee, shall be exempted from paying such additional rates and duties as are herein last before mentioned, unless such rum, sugar, molasses and coffee, shall be imported into this Province within eighteen months from the time that the produce or manufactures of this Province shall have been exported, with the proceeds of which produce, or manufactures, one third of such rum, sugar, molasses and coffee, shall have been purchased.

Invoice and affidavit, to be filed by the Collector. No rum, sugar, molasses and coffee, exempt from duty, that is not imported in eighteen months after the exportation of the produce of this Province. Owners or masters of ships, importing rum, molasses, sugar and coffee, & requiring an exemption from duties, to deliver an invoice, and make oath to the Collector, within twenty-four hours after importation made.

VIII. *And be it further enacted, by the authority aforesaid,* That every owner or master of any ship or vessel, who shall import into this Province, any rum, molasses, sugar, and coffee, which such master or owner, shall require to be freed from the said last mentioned additional duty, by reason of one third of such rum, sugar, molasses or coffee having been purchased with the produce of the Province, such master or owner, shall within twenty four hours, after such importation, deliver to the Collector of Impost and Excise, for the district, an invoice specifying therein, the quantity of such rum, sugar, molasses, and coffee, and shall at the foot of such invoice, make and subscribe the following affidavit, or affirmation, viz.

I A. B. Do swear or affirm, that the foregoing invoice is just and true, and that the several articles specified in such invoice, are actually owned, and belong to _____ of _____ in _____ and that one full third part in value of the several articles mentioned in such invoice, were actually, and truly purchased with the proceeds of certain goods, and merchandises, the produce or manufacture of the Province, shipped on-board the _____ where- of _____ was master at _____ the _____ Day of _____ 17 _____ as will more fully appear, by the invoice and affidavit, thereunto annexed, which invoice and affidavit or affirmation, is lodged in the hands of the Collector of _____ in this Province; and I do further swear, or affirm, that _____ who is, or are, an inhabitant or inhabitants within this Province, and whose place of residence has been at _____ within the same for six months last past, is or are the owner or owners of the ship or vessel, called the _____ on board of which the several articles, contained in the said invoice, are imported.

Form of the oath.

And it shall and may be lawful, for the Collector of Impost and Excise, for the district to free so much of the rum, sugar, molasses or coffee, so imported or specified in such invoice, as shall amount to two third parts more in value than the proceeds of the goods, wares, and merchandises, the produce or manufacture of the Province, so exported as aforesaid, shall have sold for at the place where the same shall have been sold, or disposed of.

Duty to be taken off.

IX. *Be it further enacted by the authority aforesaid,* That if any Collector, or Collectors of Impost or Excise in this Province, shall exempt or free any rum, sugar molasses or coffee from the said additional duties, herein last before imposed thereon, without the several requisites herein before specified, having been fully complied with by the master or owner, claiming such exemption, and without it fully appearing to such Collector or Collectors, that such rum, sugar, molasses, or coffee, is by this Act exempted from such additional duty, such Collector or Collectors, for every such offence, shall forfeit and pay the sum of two hundred pounds, the same to be recovered by any person, who will sue for the same in any of His Majesty's Courts of Record within this Province, and any person or persons, who make any declaration by this Act required to be made on oath, or affirmation, which declaration, when made on oath, or affirmation, shall be in any respect false, or untrue, such person or persons, on due conviction thereof, shall suffer the pains and penalties by law appointed for persons guilty of wilful and corrupt perjury.

Penalty for Collector acting contrary to this Act.

Penalty for persons taking false oaths.

X. *And be it further enacted by the authority aforesaid,* That on the importation of any rum or other distilled spirituous liquors, or any sugar, into this Province, subject to the duties in the said Act specified after the same shall be exactly gauged and weighed, the Collector of Impost

Allowance for
wastage.

Impost and Excise for the district, wherein such importation shall have been made, shall deduct five per cent. for the net weight or quantity of the said articles, so imported, which shall be in lieu of all other allowances heretofore made, by any of the revenue laws of this Province, on account of leakage or wastage.

And in order to prevent frauds from being committed on the revenue of this Province, in certain of the out ports, by masters and owners of vessels; for remedy whereof:

Vessels not to
pass the town
plot of Digby,
to unload at Bear
or Moose River,
&c. without se-
curing the duties
at Digby.

XI. *Be it enacted by the authority aforesaid,* That no ship or vessel entering the Gut of Annapolis, shall pass the town plot of Digby, to unload at Bear River, or Moose River, or in the creeks in the lower part of the township of Granville, or at any other place or places, between the town plot of Digby aforesaid, and the the town plot of Annapolis, without having first made an entry of the whole, and secured the duties, by law required to be paid, on the dutiable articles in such ship or vessel, with the Collector of Impost and Excise, in the said town plot of Digby, nor shall any ship or vessel, entering the Gut of Annapolis aforesaid, pass the town plot of Annapolis, to unload at any place or places, further up the said river, or to the northward or eastward of the said town plot of Annapolis, without first having made an entry of and secured the duties by law required to be paid, on the whole of the dutiable articles, in such ship or vessel, with the Collector of Impost and Excise, in the said town of Annapolis.

Vessels not to
pass the town
plot of Annapo-
lis, to unload
further up, with-
out securing the
duties at Anna-
polis.

XII. *Be it further enacted, by the authority aforesaid,* That an Act passed in the thirty-second year of the reign of His present Majesty, entitled, an Act, for raising an additional duty of excise, on rum, and other distilled spirituous liquors, and for amending and continuing the several laws, for raising a revenue herein after mentioned, and each and every Act and Acts, therein mentioned, expressed, referred to, enumerated or continued, except such part thereof, as relates to the continuing two several Acts, entitled, An Act for the better support of the poor, in the respective counties within this Province, by laying an impost duty on all articles imported into this Province, from the United States of America; and An Act for suppressing unlicensed houses, and for granting to His Majesty, a duty on persons hereafter to be licensed; and every matter, clause, thing and things therein, or in either of them contained, except as before excepted, shall be, and the same are hereby repealed, and no longer in force or virtue.

Repeal of former
Revenue Acts.

Duration of Act.

XIII. *And be it further enacted, by the authority aforesaid,* That this Act, and every matter and clause, therein contained shall be, and continue, and the same is hereby continued in force, until the first day of July, which will be in the year of our Lord, one thousand, seven hundred, and ninety-four.*

* This Act is continued to the present time, by subsequent Acts.

CAP. XIV.

This Act expired

An ACT to continue in Force, the several Acts herein mentioned.

CAP. XV.

An ACT, to amend an Act, passed in the Thirty second Year of the Reign of his present Majesty, entitled, an Act, to prevent the Windsor and Hammond Plain Road, being injured by heavy loaded Carriages.

Preamble

WHEREAS inconveniences have been experienced, by the aforesaid Act, from its being difficult to carry heavy loads, on carriages with wheels, the felloes of which, are nine inches broad:

I. Be

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That after the publication hereof, it shall and may be lawful, for any person or persons, to pass and repass, on the said roads with carts, trucks, waggons or other wheel carriages, drawn by one horse, laden with logs, timber, and any other kinds of lumber, with wheels, the feloes of which, are of a less width, than nine inches, the said law or any other law, to the contrary notwithstanding. Provided, that all such carriages as aforesaid, drawn by more than one horse, shall have their feloes, of a width not less than six inches, and that this law shall continue for the space of one year, and until the end of the next Session of the General Assembly, and no longer.*

Feloes of wheels of carts, &c. with one horse, may be of less width than nine inches. If drawn by more than one horse, not less than six inches.
 Act continued for one year.
 This Act continued by subsequent Acts to the present day.

CAP. XVI.

An ACT in amendment of, and in addition to, an Act, made in the Thirty-third year of the reign of His late Majesty, entitled, an Act for regulating and maintaining a Light House on Sambro Island, and in addition to, and amendment of an Act, passed in the Twenty eighth year of His present Majesty's reign, entitled, An Act for regulating and maintaining a Light House at the entrance of the Harbour of Shelburne.

This Act was regularly continued, until 31st July, 1803, & is now printed from an opinion that it was suffered to expire by mistake, and probably will be revived by a subsequent Act.
 For Acts on this subject, see note on 33d. Geo. 2d. cap. 2.

WHEREAS the several Laws heretofore made for maintaining the Light House erected on Sambro Island, and McNutt's Island, have proved ineffectual for that purpose, and many ships and vessels which derive great benefits by the said Light Houses, are not by the said Act compellable to pay any duty towards the support of them :

Preamble.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That all registered vessels owned by any person or persons within this Province, and not wholly employed in the fisheries thereof, which shall not within one year to be computed from the first day of April in the present year, and yearly and every year afterwards, come into the port of Halifax or Shelburne, and in one of the said ports pay the duties by the herein recited Acts imposed, shall pay in such port, harbour or place, to which such vessels shall respectively belong, the sum of four pence per ton yearly and every year.*

Fishing vessels belonging to the Province, which do not come to Halifax or Shelburne within a year, shall pay 4d. per ton yearly, in the ports to which they belong.

II. *And be it further enacted, That every ship or vessel, his Majesty's ships of war and such transports or other vessels employed in his Majesty's service as shall by their charter party be exempted from paying port charges excepted, which shall from and after the publication hereof come into any port, harbour, creek, or river within this Province not being to the north eastward of Cape Canso, and not owned by some person or persons belonging to this Province, shall pay the same duty per ton as is payable by the above recited Act, entitled, an Act, for regulating and maintaining a Light House at the entrance of the harbour of Shelburne, upon every merchant's vessel coming into the said harbour of Shelburne.*

All vessels (His Majesty's ships of war and transports excepted,) coming into any port, not to the north eastward of Canso, and not owned in the Province, to pay the same duty, as those going into the harbour of Shelburne.

III. *And be it further enacted, by the authority aforesaid, That from and after the publication hereof, it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, from time to time, and so often as he shall think proper, to appoint fit and proper persons Collectors of the said duties in the several ports, harbours, creeks and rivers in this Province, to the southward and westward of Cape Canso, and to describe the particular limits of such Collector or Collectors jurisdiction, in the commission or commissions to be granted for that purpose, and it shall and may be lawful for the said Governor,*

Governor to appoint Collectors of the duties, in harbours to the southward and westward of Cape Canso.

Lieutenant

Or may let to farm the whole or part of the duties.

Duties not to be farmed longer than a year.

Persons having charge of vessel, refusing to pay the duties when demanded, shall forfeit and pay 5l. over and above the duties; to be recovered in any Court of Record.

If person having charge of any vessel shall neglect or refuse to pay the duties, the Collector may seize and take the vessel into custody, and deliver her to the Collector of His Majesty's Customs, who shall detain her in custody, until the fine of 5l. with the duties, and all expenses are paid.

Monies arising from duties to be applied to repairs of light-houses, &c. Governor authorized to contract of light-houses.

Ships owned by a company of merchants, whereof one is a resident freeholder, to pay same as vessel wholly owned by freeholders.

Act continued to 1st July, 1796.

Lieutenant Governor or Commander in Chief for the time being, if he shall think proper, to let to farm, to the highest and fairest bidder, the whole or any part of the said duties, and to take good security from such farmer or farmers for the faithful performance of his duty, and for the payment of the several sum or sums of money, at the times and in the manner in which such farmer or farmers shall have stipulated to pay the same. *Provided always*, that the said Governor, Lieutenant Governor, or Commander in Chief shall not at any time, let or farm the said duties or any part thereof, for a longer period than one year.

IV. *And be it further enacted*, That if the master or person having charge of any vessel or vessels, being subject and liable to pay any duty or duties by virtue of this Act, shall after the publication hereof, after his arrival in any port or harbour of this Province, to the southward and westward of Cape Canso as aforesaid, the same being of him duly demanded, refuse to pay such duties, or shall depart with such vessel or vessels from, or out of the port or harbour, wherein he shall first arrive with such vessel, before or until he or they shall have paid and discharged the duties imposed by this Act on such vessel, such master or commander shall forfeit and pay over and above the said duty and duties, the sum of five pounds, to be recovered, together with such duty, by bill, plaint or information, in any of His Majesty's Courts of Record within this Province, one half of such penalty to the Collector or Collectors, Farmer or Farmers of the said duties, who shall sue for the same, and the other half thereof to be paid into the Treasury of the Province, for the support of the government thereof.

V. *Be it further enacted, by the authority aforesaid*, That if the master or person having charge or command of any ship or vessel, shall neglect after demand made of payment thereof, or shall refuse to pay the duties herein imposed and laid on such ship or vessel, it shall and may be lawful for any Collector or Collectors, by virtue of this Act to be appointed, to seize and take such ship or vessel into his custody, and to carry the same to the port nearest to the place where such seizure shall be made, and there to deliver up such vessel to the Collector or any other principal officer of His Majesty's Customs of such port, in whose custody such ship or vessel shall remain, until the aforesaid fine of five pounds, and the duties due and payable by virtue of this Act, together with all reasonable expenses shall be paid, or until good and sufficient security shall be given, by such master or person having charge or command of such ship or vessel, to abide by, and perform the judgment of the Court, in which the suit or prosecution for such duties and penalty as by this Act are inflicted and laid, shall be instituted and prosecuted.

VI. *Be it further enacted, by the authority aforesaid*, That all the monies arising from the duties by this and the herein recited Acts, imposed and laid, shall be paid into the Treasury of this Province: to be applied to the repairing and lighting the said Light Houses, and in keeping and maintaining lights in the same; and it shall and may be lawful for the Governor, Lieutenant Governor or Commander in Chief for the time being, to contract with any person or persons he shall think fit, for the repair of the said Light Houses, and keeping sufficient lights in the same, and to defray and pay the expence of lighting and repairing the said Light Houses, out of the monies arising from the duties by this Act imposed.

VII. *Be it further enacted, by the authority aforesaid*, That the ships and vessels owned by any firm or company of merchants, whereof one of the said firm or company shall be a resident freeholder within this Province, shall pay the same duty only, as if such ship or vessel was wholly owned by any freeholder or freeholders resident in this Province; any thing in the Acts contained of which this is an amendment, to the contrary notwithstanding.

VIII. *And be it further enacted, by the authority aforesaid*, That this Act and every matter and clause therein contained, shall be and continue, and the same is hereby continued in force until the first day of July, which will be in the year of our Lord one thousand seven hundred and ninety six.

CAP. XVII.

An ACT to amend an Act, passed in the sixth Year of his present Majesty's Reign, entitled, an Act for regulating the Times and Places for holding the several Courts of Justice therein named, and also to enable the Supreme Court to alter and fix the Returns of Writs.

This Act continued to the present day.

WHEREAS the time for holding the Supreme Court, in each of the terms at Halifax, is limited to fourteen days, from the opening of the same, unless in cases of unavoidable necessity, or that the multiplicity of business should require it; in which cases the Judges may, by the said Act, continue the same, for a time not exceeding six days longer, and whereas such limitation hath proved inconvenient:

Preamble.

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, and it is hereby enacted, That it shall and may be lawful for the Justices of the Supreme Court to continue the several terms at Halifax for as many days, after the expiration of the fourteen days above described, as they shall, in their discretion, think fit, and during the same to enforce the attendance of the Petit Jury as convenience shall require, any law to the contrary thereof notwithstanding.

Continuation of the Terms of the Supreme Court at Halifax.

II. Be it further enacted, by the authority aforesaid, That it shall and may be lawful for the said Supreme Court, by their order or orders, for that purpose hereafter to be made, to appoint any, and as many, return days for the return of writs and processes into the said Court, during the several terms by law directed to be holden, as shall be judged expedient.

Return of Writs, &c.

III. And be it further enacted, That this Act shall continue and remain in full force for, and during, the space of one year, from and after the publication hereof, and until the end of the first Session of the General Assembly, then next following, and no longer.

Act to continue for one year.

CAP. XVIII.

An ACT to revive a Law for empowering the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, to prohibit the Exportation of Gunpowder, Arms, and Ammunition, or Salt-Petre, or the carrying the same Coastways.

The Act hereby revived is continued to the present day.

WHEREAS by an Act, made in the fifteenth year of His present Majesty's reign, during the late disturbances in America, entitled, An Act to empower the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to prohibit the exportation of gunpowder, arms and ammunition, or salt petre, or the carrying the same coastways, it was enacted, That it should and might be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice and consent of His Majesty Council, to issue a proclamation for prohibiting, for such time as should be therein expressed, the exportation out of the Province or coastways, of any gun-powder, arms, ammunition or salt petre, except for His Majesty's use and service, unless by licence first obtained from the Governor, Lieutenant-Governor, or Commander in Chief for the time being, or other person appointed by government for that purpose.

And that if any gun-powder, arms, ammunition or salt petre, should be shipped or laden on board any vessel for exportation, or be carried coastways, contrary to such proclamation so issued

Preamble.

fued for prohibiting the exportation thereof, the same should be forfeited: and the master of such vessel, or any other person or persons concerned in shipping or lading any gun-powder, arms, ammunition or salt petre, shall forfeit and pay the sum of fifty pounds: to be recovered in any of His Majesty's Courts of Record in this Province, and applied one half to His Majesty's use, and the other half to the informer. *Provided*, That nothing in the said Act should extend, or be construed to extend, to any small quantity of gun-powder, or small arms, for the ship or vessel's use.

And whereas the said Act is since expired, and good policy requires that the same should be now revived and continued, for a time to be hereinafter limited:

Act to continue
for one year.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly*, That the above mentioned Act, and the several matters and things therein contained, shall be, and is, and are hereby revived, and to be in force for one year from and after the publication hereof, and until the end of the Session of the General Assembly next following.

CAP. XIX.

Executed.

An ACT for applying Monies therein mentioned, for the Service of the Year of Our Lord One Thousand Seven Hundred and Ninety Three, and for appropriating such part of the Supplies granted in this Session of General Assembly, as are not already appropriated by the Laws or Acts of the Province.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twentieth Day of March, Anno Domini 1793, and continued by several Prorogations to the Sixth Day of June, Anno Domini 1794, in the Thirty-Fourth Year of the Reign of Our Sovereign Lord George the Third of Great-Britain, France, and Ireland, KING, Defender of the Faith, &c. being the Second Session of the Seventh General Assembly convened in the said Province.*

* In the time of Sir John Wentworth, Lieutenant-Governor; Sir Thomas Andrew Strange, Chief Justice, and President of Council; Thomas Barclay, Speaker; James Gautier, Secretary of Council; and James B. Franklin, Clerk of Assembly.

CAP. I.

An ACT in addition to, and amendment of, an Act, passed in the Thirty first year of His present Majesty's reign, entitled, an Act to raise a Revenue for the purpose of paying off all such Debts as are now due by the Province, or which shall become due, before the first Day of July next, the Funded Debt only excepted, and also in addition to, and amendment of, an Act, passed in the Thirty-third year of His present Majesty's reign, to amend and render more productive the Act aforesaid. Expired.

CAP. II.

An ACT for the preservation of Sheep.

WHEREAS the increase and preservation of sheep will be of great advantage to the inhabitants of this Province, and for that purpose it is necessary that dogs, accustomed to kill sheep, and wolves, should be destroyed:

I. Be it further enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication of this Act, if any person or persons shall keep any dog, which hath been known to kill, or accustomed to worry, sheep or lambs, after notice thereof, such person or persons shall forfeit and pay the sum of ten shillings to the owner of every sheep or lamb so killed as aforesaid, and shall also forfeit and pay the sum of three pounds for each and every offence:

For Acts on this subject see note on 19th Geo. 3^d. cap. 7.

Preamble.

To prevent keeping dogs that destroy Sheep.

to be recovered before any of His Majesty's Justices of the Peace for the county where the offence shall be committed: the one moiety thereof for the use of the poor of the township or place where the offence is committed, and the other moiety to the person or persons prosecuting for the same.

To encourage
the killing of
Wolves.

II. *And be it further enacted, by the authority aforesaid,* That the Court of General Sessions of the Peace for each and every county and district within the said Province, upon recommendation of the Grand Jury of each county or district, shall and may establish rules and orders for encouraging the killing and destroying of wolves, and may grant such rewards for the same as they shall think fit and proper.

Mode of raising
money for the
payment of re-
wards for killing
Wolves.

III. *And be it further enacted, by the authority aforesaid,* That the Justices aforesaid, with the Grand Jury, shall have full power and authority to grant and assess upon each township or district, within their respective counties and districts, such sum or sums as shall be necessary to pay the rewards which shall be from time to time due by virtue of the rules and regulations as shall by them be established by virtue of this Act: the same to be assessed and collected in the same manner that county taxes are assessed and collected by the laws of this Province.

CAP. III.

An ACT to render valid, conveyances of Real Estates of married Women by them made, or to be made, during their coverture.

Preamble.

WHEREAS it hath been usual for married women, entitled to real estates in this Province, to convey the same jointly with their husbands, during coverture, and no inconvenience hath been found to result therefrom:

How conveyances heretofore made by married women, jointly with their husbands, made valid.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That all grants and conveyances heretofore made and executed by any married woman, jointly with her husband, of any lands or tenements lying within this Province, to which such married woman was in any way possessed of, or entitled to, shall be good and valid in law, as if the same had been made by a *feme sole*, or by any other person or persons whomsoever; *provided,* Such married woman hath, after the execution of such grant or conveyance, acknowledged before a Justice of the Peace, that she did voluntarily make and execute such grant or conveyance, without any compulsion or constraint of her husband.

How conveyances are hereafter to be made by married women.

II. *Be it further enacted, by the authority aforesaid,* That all grants and conveyances which shall hereafter be made by any married woman, jointly with her husband, of estates to which she is entitled, or in which she may have any present or future interest in her own right, or in any other way, or by any other means whatsoever, shall be good and valid in law, and of the same force and effect as if the same grants and conveyances had been made by a *feme sole*, or by any other person or persons whomsoever, any law, usage or custom, to the contrary notwithstanding. *Provided,* The deed or deeds, by which such grants or conveyances shall be made and subscribed by such married woman, shall have been acknowledged in the presence of a Judge of the Supreme Court of this Province, or any Justice of the Inferior Court of the county wherein such *feme covert* shall be or reside, or shall be after the execution thereof, acknowledged by such married woman, before such Justice, as her free act and deed, and to have been executed for the purposes in the said deed or deeds mentioned, and that the same was done without any force or compulsion from her husband.

If acknowledged before a Judge of the Supreme Court, or Justice of the Inferior Court.

And whereas it may so happen, that married women not residing within this Province, may be possessed of, or entitled to, lands and tenements within the same, and which they may be desirous of granting and conveying:

III. *Be it further enacted, by the authority aforesaid, That grants or conveyances hereafter made by such married women of lands and tenements within this Province, shall and may be made agreeable to the mode herein before prescribed, and shall be made and subscribed in the presence of some or one of the Justices of a Court of Record of the county or place where such feme covert may reside at the time of her making such grant or conveyance as aforesaid, or by acknowledging the same as aforesaid, after the execution thereof.*

Mode of conveying Lands belonging to married women not resident within the Province.

CAP. IV.

An ACT for the preservation of Partridges, and blue winged Ducks.

WHEREAS *the preservation of the before-mentioned species of birds, or fowls, during the time of their breeding, will be highly beneficial to the inhabitants of this Province:*

Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly, That from and after the publication hereof, no person or persons whomsoever shall, under any pretence whatsoever, kill any partridge within this Province, from the first day of March until the first day of September; or any of that species of duck commonly called the black duck, or blue winged duck, from the first day of April, until the first day of August in any year.*

To prevent the killing of Partridges and blue winged Ducks at certain seasons of the year.

II. *And be it further enacted, by the authority aforesaid, That every person who shall take, kill or destroy, or who shall sell, or expose to sale, or who shall buy, or cause to be bought, any partridge, or black duck, or who shall have in his or her custody or possession, any dead partridge or black duck, within the respective times herein before mentioned, shall, for every partridge or duck so taken, killed, destroyed, sold, or exposed to sale, or found dead in his or her possession, forfeit the sum of ten shillings, for each and every offence: to be recovered on the oath of one or more credible witness or witnesses, or by the confession of the party before any one of His Majesty's Justices of the Peace for the county where the offence shall be committed: the same to be levied, with the lawful cost, either on the person or property of the offender, and to be paid to the informer.*

Penalty for such as transgress.

III. *Provided always, That nothing in this Act shall extend, or be construed to extend, to any indian, or other poor settler, who shall kill any partridge, or black duck, within the times herein before mentioned for his own use.*

Act not to extend to any Indian, or other poor settler.

CAP. V.

An ACT for altering the Time of holding the Supreme Court in the County of Cumberland.

This Act altered by the 39th Geo. 3d. cap. 5.

CAP. VI.

An ACT for altering the Time of holding the Inferior Court of Common Pleas, and General Sessions of the Peace, for the County of Cumberland, in the Spring of the Year.

This Act altered by the 36th Geo. 3d. cap. 3.

CAP. VII.

An ACT in addition to, and amendment of, an Act, made in the Thirty-third year of His present Majesty's reign, entitled, an Act for granting to His Majesty certain Duties on Wine, Rum, and all other distilled Spirituous Liquors, and Brown Sugar, for the purpose of paying the Interest, and reducing the Principal, of the public Debt of this Province, and also to revive, amend, and render more effectual, an Act passed in the same Thirty-third year of His present Majesty's reign, entitled, an Act for providing for the Support of His Majesty's Government in this Province, by laying an additional Duty on Wine, Rum, and other Articles therein mentioned, and for encouraging the Agriculture, Fisheries and Commerce, of this Province.

For Acts respecting Revenue, see note on 29th Geo. 3d. cap. 14.

Preamble.

WHEREAS, it may happen that the rum, and other spirituous liquors, intended to be issued to His Majesty's navy, careening-yard or army, and for which a drawback of the duty paid or secured, is to be allowed, may be of higher proof than what the Contractor or his Agent may be bound to deliver by his contract, and may be reduced to the injury of the revenue :

How drawback of duties on rum and other spirituous liquors, issued to His Majesty's navy, army, or careening-yard, shall be obtained.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly,* That no merchant, distiller, or other person, shall hereafter be entitled to have credit for, or be repaid, any of the rates and duties by him secured or paid on any rum, or other spirituous liquors, which shall be by him supplied for the use of His Majesty's army, navy, or careening-yard, unless the same, shall, immediately upon the importation or manufacture thereof, be stored under the inspection of the Collector of Impost and Excise, and the Inspector and Searcher, in a proper ware-house, in the joint custody of the said Collector and Inspector, and the merchant, distiller, or other person or persons who shall supply the same, and unless such rum, or other spirituous liquors, shall be delivered out of such ware-house, to the person or persons authorized to receive the same, for the use of His Majesty's navy, army, or careening-yard, in the presence of such Collector and Inspector and Searcher, and unless the same shall also be immediately conveyed from the said store or ware-house, on board some one of His Majesty's ships of war, or into the careening-yard, or delivered over to the Commissary of His Majesty's army, in the presence of such Collector and Inspector and Searcher, and such rum and other spirituous liquors, shall also be subject, in all respects, to the restrictions and regulations, forfeitures and penalties, which such articles are made liable to, in case of their being entered for exportation out of the Province, and fraudulently re-landed, in, and by the before-mentioned Acts, or either of them.

Persons not appearing to pay duties, within 24 hours after landing the articles, Collector empowered to dispose of so much, as will be necessary to discharge the same.

II. *Be it further enacted, by the authority aforesaid,* That in case no person shall appear to pay, or give security for, the rates and duties by the aforesaid Acts imposed on the said enumerated articles, within twenty-four hours after the same shall have been landed, gauged, and weighed, or reported, by the importer or distiller thereof, as therein required, it shall and may be lawful, for the Collector or Collectors of Impost and Excise, to take so much of the said enumerated articles, as shall by him, or them, be deemed sufficient to pay the whole duties upon such importation, store the same, and at the end of three months, if one fourth part of the said duties hath not been paid, conformable to the second section of the before recited Act, then, and in that case, to sell at public auction so much of the said articles in his or

they

their custody, as may be sufficient to discharge the first quarterly payment, and so in like manner at the end of every succeeding three months, until the whole duties aforesaid shall be discharged; and if any balance should then remain in the hands of the said Collector or Collectors, after deducting two pounds ten shillings per cent. for the Auctioneer's commissions, and a reasonable sum for storage, and other charges while in custody, to pay the same to the owner thereof.

III. *Be it further enacted, by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint a fit and proper person, to be Inspector and Searcher of the Duties of Impost and Excise for the port of Halifax, to insure the better collection of the duties of Impost and Excise within the district of Halifax, who shall have full power to enter on board any ship or vessel, or into any house, store or place, and to make seizures for all purposes, and in all cases, in which the Collectors of Impost and Excise are authorized to do the same by virtue of the aforesaid Acts, and under the restrictions and qualifications therein expressed; and such Inspector and Searcher, shall attend the unloading of all rum, and other distilled spirituous liquors, wine, and brown sugar, hereafter to be imported into this Province, and shall take and keep a regular and just account of the same, and shall attend the weighing and gauging all rum, wine, sugar, and other articles which are respectively to be weighed and gauged by virtue of the before mentioned Acts, at the first landing of the same, and shall attend at the delivery of all rum, and other distilled spirituous liquors, hereafter to be supplied for the use of His Majesty's army, navy, and careening-yard, and shall attend the reshipping of all articles, on which the duties, or any part of them imposed by the aforesaid Acts, or either of them, are drawn back upon the exportation thereof, and shall also take and keep a regular and just account thereof, for the inspection of the Commissioners of the Revenue, whenever they shall think fit to call for the same.

Appointment of an Inspector and Searcher for the port of Halifax; his power, and duty.

IV. *And be it further enacted, by the authority aforesaid,* That if any person or persons shall obstruct or assault, with intent to obstruct any Collector, Inspector, or other officer, appointed by virtue of this, or either of the aforesaid Acts, in the execution of the duties of their respective office or offices, such person or persons so offending, shall forfeit and pay the sum of one hundred pounds, the one half thereof to, and for the use of, His Majesty, His heirs and successors, for the support of the government of this Province; the other moiety to the use of any person or persons who shall sue for the same by action of debt, bill, plaint or information, in His Majesty's Supreme Court.

Penalty for persons obstructing, or assaulting an officer of Excise, in the execution of his duty.

And whereas from the situation of this Province, many vessels not bound thereto, are obliged to put into its ports by distress of weather, and other unavoidable causes, which may have on board dutiable articles, and which it may be absolutely necessary to unlade, in order to repair such vessels, and enable them to proceed upon their intended voyages:

V. *Be it therefore enacted, by the authority aforesaid,* That it shall and may be lawful for the Collector or Collectors of Impost and Excise within the district, where such vessel or vessels may arrive in distress, upon application to them by the master or consignee thereof, to permit such master or consignee, to unlade all such dutiable articles, and deposit and store the same in the custody of the said Collector or Collectors, who shall take an exact account of the packages in which such articles are contained, and the contents of each, and make a correct entry thereof, in his or their books, which dutiable articles shall continue and remain in the custody of the said Collector or Collectors, until such vessel or vessels shall be put in a condition to receive the same on board again, and be ready for sea. And the said Collector or Collectors are hereby authorized to deliver up to the said master, or consignee, the whole, or any part of such cargo or cargoes as may be required for re-shipment and exportation, upon payment of store rent, and all other reasonable charges that may have been incurred by such unloading.

Of dutiable articles on board of vessels in distress.

unlading and storing, and without being subject to any duty, upon the like conditions, as persons are by the said Act permitted to export the like articles, by them imported into this Province. *Provided always*, That no person as aforesaid, shall be entitled to the benefit of this clause, who shall be proved to have sold any part of the said dutiable articles, except such as may be sufficient to pay for the necessary repairs of such vessel or vessels, and shall have been permitted to be sold for that purpose by the Commissioners of the Revenue.

Articles sold for the payment of repairs, liable to duty.

All wines in future to pay only six pence per gallon.

All rum, &c. distilled within the Province in future, to pay only three pence per gallon.

Exporter of dutiable articles to make and subscribe the following oath.

Form of oath.

Act continued to 24th July 1795.

Provided also, That if any part of the said dutiable articles shall be sold for the payment of the repairs, and other necessary charges, that may arise in refitting such vessel or vessels, for the prosecution of her or their intended voyage, the same shall be subject to, and pay the whole of the duties imposed by the aforesaid, or any other, Act or Acts of this Province.

VI. *Be it further enacted, by the authority aforesaid*, That all wines imported into this Province, shall, in future, pay only six pence per gallon, in lieu of the nine pence per gallon, imposed thereon, by the Act herein last before-mentioned, of which this is an amendment, any thing herein, or therein, contained to the contrary notwithstanding.

VII. *Be it further enacted, by the authority aforesaid*, That all rum, and other spirituous liquors, distilled in this Province, shall, in future, pay only three pence per gallon, in lieu of the six pence per gallon imposed thereon, by the Act herein last before-mentioned, of which this is an amendment, any thing herein, or therein, contained to the contrary notwithstanding.

And for the more effectual preventing of frauds on the exportation of articles liable to duties, by the aforesaid Acts:

VIII. *Be it enacted, by the authority aforesaid*, That no person or persons shall have credit for, or shall be paid, the duties by him or them paid, or secured, on such articles by him or them exported, unless he, or they, shall, after the exportation thereof, or some other person in his or their behalf, in case of the absence of such person or persons exporting the same out of this Province, make and subscribe the following oath, viz.

I A. B. do swear, that I verily believe the rum, or other spirituous liquors, by me exported to a certificate of the landing of which is now by me exhibited, has been really and *bona fide* landed at the said place, and that the same has not, to my knowledge, or belief, been again landed, sold, or exchanged, in any part of this Province.

IX. *And be it further enacted, by the authority aforesaid*, That this Act, and the last above-mentioned Act, of which this Act is an amendment, and every matter and clause therein contained, shall be in force from the first day of July, one thousand seven hundred and ninety four, until the first day of July, one thousand seven hundred and ninety-five, inclusive.

CAP. VIII.

An ACT to continue in Force, the several Acts therein mentioned

CAP. IX.

An ACT to regulate the packing and inspecting of Salted Beef and Pork, for Exportation.

Preamble.

WHEREAS it is necessary, for the encouragement of raising neat cattle and hogs, as staple articles of exportation from this Province, to apply every necessary precaution to prevent salted beef and pork being shipped, otherwise than in the best manner and condition, and under certain regulations:

1. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Assembly,* That from and after the publication hereof the Grand Juries of the several counties in this Province, at their General Session of the Peace in each of the said counties, wherein by law town officers are to be nominated and appointed, shall nominate, out of every township in such county, four fit persons, out of whom the said Court of Sessions shall appoint two, to be inspectors and repackers of beef and pork intended for exportation: which inspectors and repackers shall hold and exercise their said office for and during the year succeeding such their nomination and appointment, and until others shall be appointed in their stead; and shall, within eight days after notice of their appointment, and before they enter upon the execution of their office, take the following oath, before some one Justice of the Peace for the county wherein they reside, viz.

Appointment of
Inspectors and
Repackers of
Beef and Pork
for exportation.

I A. B. do swear, that I will faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute, do and perform, the office and duty of an inspector and examiner of beef and pork, according to the true intent and meaning of the laws of this Province relative to the same.

Inspectors oath.

II. *And be it further enacted, by the authority aforesaid,* That from and after the publication of this Act, all barrels in which any beef or pork shall be repacked, shall be made of good sound hard wood staves and heading, with not less than twelve hoops on each barrel, and shall be of such size and dimensions as herein after expressed, and be made as nearly strait as possible, and in every respect sufficient to hold pickle, and that all half barrels shall be made of the like materials and quality.

Barrels to be
made of hard
wood staves, and
twelve hoops on
each.

III. *And be it further enacted, by the authority aforesaid,* That the inspectors and repackers, so to be appointed, shall examine and sort all beef and pork to be by them repacked, and such as is well fattened, and in every other particular in a good state for exportation, shall be by them repacked into barrels in the following manner, that is to say: such beef as is large and fat without either hocks, shins or neck pieces, shall be sorted by itself, and on one of the heads of all barrels, containing beef of this quality, shall be branded the words mefs beef, and that such beef as is not of the very first quality, shall be sorted and repacked by itself, and on one of the heads of all barrels, containing beef of this quality, shall be branded the words prime beef, in each of which barrels of prime beef there shall be at the least one round, and not more than two hocks or shins, and one half of the neck, and to be good and well fattened beef, and such as is inferior or third quality beef, shall in like manner be sorted and repacked by itself, and on one of the heads of all barrels, containing beef of this quality, shall be branded the words cargo beef, which shall not contain more than three hocks or shins, and one half of the neck in each such last mentioned barrel. And further that every barrel in which any kind of beef, shall be so repacked as aforesaid, shall contain two hundred neat pounds of such beef, and the figures 200 shall be branded on one of the heads of each and every such barrel, and shall be of such size and dimensions as to hold not more than thirty one or less than thirty gallons; and that each barrel of pork shall contain two hundred neat pounds of pork, well fattened, the first quality of which shall not have in each barrel more than three shoulders without the legs, which shall be cut off at the knees, and such a proportion of head or heads, as shall not exceed twenty four neat pounds in weight, the ears and snouts cut off, and on one of the heads of all barrels containing pork of this quality, shall be branded the words prime pork, with the figures of 200 thereunder. The second quality of pork, shall not have in each barrel more than five shoulders without the legs, and not more than two heads, which shall not exceed thirty neat pounds, and shall be otherwise good merchantable pork, on one of the heads, of all barrels containing pork of this last mentioned quality, shall be branded the

Inspectors to ex-
amine and sort
beef and pork.

Mefs Beef to be
packed by itself,
and the barrel
branded accord-
ingly.

Second quality to
be branded prime
beef.

Third quality to
be branded car-
go beef.

Each barrel to
contain two hun-
dred pounds of
beef or pork,
and to be brand-
ed.

words

words cargo pork, with the figures 200 thereunder; and all barrels wherein such pork shall be repacked shall be of the dimensions to contain not more than thirty, or less than twenty nine gallons.

Half barrel to contain one hundred pounds.

IV. *And be it further enacted, by the authority aforesaid,* That every half-barrel, in which beef shall be repacked by virtue of this Act, shall be of such size as to hold not less than fifteen gallons, and one half gallon, or more than sixteen gallons, and shall contain one hundred neat pounds of beef; and every half barrel in which pork shall be so repacked, shall be of such size, as to hold not less than fifteen gallons, or more than fifteen gallons and one half gallon, and shall contain one hundred neat pounds of pork, and on one of the heads, of every such half barrel of beef or pork, shall be branded the figures 100, and in other respects to be assorted and branded, and under the same rules and restrictions, as full barrels of beef and pork are herein before directed to be.

Beef or pork not to be repacked until in salt fourteen days. How each cask is to be branded. Inspectors to secure the marking irons, from their servants.

V. *And be it further enacted, by the authority aforesaid;* That not any beef or pork shall be repacked until the same has been laid in salt not less than fourteen days before such repacking, and all casks of beef and pork so repacked, shall be branded with the initial letters of the inspector's and repacker's christian name, with his surname at full length, together with the name of the place where repacked. And every inspector and repacker of beef and pork, shall carefully secure such his marking irons, so as to put it out of the power of his servants, or others, to obtain and make use of them contrary to the true intent and meaning of this Act.

Allowance to Inspector.

VI. *And be it further enacted, by the authority aforesaid,* That the inspectors and repackers shall receive and be paid for inspecting and repacking, after the rates following, that is to say: for inspecting and repacking each barrel, one shilling, and for each half barrel, seven pence half penny; for each hoop wanting, and put on by the inspector and repacker, two pence, and for flagging, nailing, pegging, and pickling, each barrel, seven pence half penny, and each half barrel, five pence, the owner of the beef or pork, furnishing, or paying for, the salt.

Penalty for such as shift beef or pork after inspection.

VII. *And be it further enacted, by the authority aforesaid,* If any person or persons shall, at any time hereafter, intermix, take out or shift, any beef or pork that has been repacked and branded as aforesaid, and shall export, or lade on board any vessel for exportation, such beef or pork so intermixed, taken out or shifted, every person so taking out, intermixing and fraudulently shifting, such beef or pork, shall, on conviction thereof, forfeit and pay the sum of fifty pounds: to be applied to the benefit and use of the informer or informers.

Penalty for Inspectors that transgress.

VIII. *And be it further enacted, by the authority aforesaid,* That if any inspector or repacker, hereafter to be appointed by this Act, shall inspect, repack or brand, any barrels or half barrels of beef or pork, in any manner or form contrary to the true intent and meaning of this Act, or shall, in any other manner, offend against the true intent and meaning thereof, such inspector and repacker shall forfeit for every offence, the sum of fifty pounds, the one half of which shall be applied to the use of the poor of the township wherein the offence is committed, and the other half to be paid to the person or persons informing.

Penalty for such as export uninspected beef or pork.

IX. *And be it further enacted, by the authority aforesaid,* That from and after the appointment of such inspectors and repackers, if any person or persons shall export, or ship for exportation out of this Province, any beef or pork, not being inspected, repacked and branded, by one of the sworn inspectors and repackers as aforesaid, every such exporter and master of every vessel, having on board such uninspected beef or pork, shall, upon conviction, respectively forfeit and pay the sums following: for every barrel of beef or pork, so exported, or shipped for exportation, as aforesaid, that is to say, the owner thereof shall forfeit and pay for every such barrel, the sum of forty shillings, and the master of every vessel, having the same on board, shall forfeit and pay, for every barrel, twenty shillings, and further, that the said inspectors, and every of them, shall have full power and authority, by virtue of this Act, on suspicion

Of uninspected beef or pork laden on board of vessels for exportation.

that

that any beef or pork, not inspected as aforesaid, shall be shipped in any vessel for exportation, to apply to any Justice of the Peace, and, on oath, to assign to such Justice, the causes of such suspicion, and if the said Justice shall think the said suspicion well grounded, he shall issue his warrant to the said inspector or inspectors, to enter on board any vessel whatever, laden, or loading in any port within this Province, and to search for, and make discovery of, any beef or pork shipped on board any such vessel, for exportation out of this Province: And if any of the said inspectors shall discover any beef or pork not repacked or branded as directed in, and by this Act, on board of any such vessel, such inspector shall apply to such Justice of the Peace, who is hereby authorized and required, to issue his warrant directed to the Sheriff, his deputy, or any of the Constables of the county, wherein such vessel is laden, or loading as aforesaid, commanding him or them to enter on board every such vessel having on board such uninspected beef or pork, and cause the same to be relanded and delivered to the owner or owners thereof, upon his or their paying all reasonable and lawful expences for the aforesaid warrant, search and relanding; and if any person or persons shall obstruct, or prevent, any inspector from making such search as aforesaid, or any peace officer, in relanding such beef or pork, each and every person so offending, shall forfeit and pay the sum of fifty pounds, to be paid to the overseers of the poor for the township, wherein such offence is committed, the same to be recovered on the oath of the inspector or peace officer.

Penalty for obstructing Peace officer on entering any vessel, to search for or unlade uninspected beef and pork.

Provided always, nevertheless, That each and every vessel bound for any voyage, and not carrying any beef or pork out of the Province for sale, shall, and may, be permitted to carry any quantity of beef and pork for the use of the ship's company, not exceeding in the whole, two thousand pounds, gross weight, in any manner or mode, that the owner of such vessel may think proper.

Of beef or pork for ship's use.

X. *And be it further enacted, by the authority aforesaid,* That all and every the forfeitures and penalties aforesaid, shall and may be recovered, with costs of suit, in the Supreme Court, or the Inferior Court of Common Pleas, by any person or persons who will sue and prosecute for the same to effect, by bill, plaint or information.

Manner of recovering forfeitures

XI. *And be it further enacted, by the authority aforesaid,* That this Act shall continue, and be in force, for two years, from the end of the present Session of the General Assembly, and no longer.

Act to continue for two years.

CAP. X.

An ACT for providing for the Trial of Issues, by Justices of Nisi Prius, in the Counties of Sydney, Lunenburg, Queen's County, and Shelburne.

WHEREAS it is highly expedient for the due administration of Justice, that Courts of Nisi Prius, should be established in the several counties in this Province, in which His Majesty's Supreme Court are not now by law, authorized to sit:

Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That when and so often as any issue or issues shall be joined in His Majesty's Supreme Court, which issue or issues ought, by the law of the land, to be tried in the respective counties of Sydney, Lunenburg, Queen's County and Shelburne, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to assign one or more Justice or Justices of the Supreme Court, joining, with him or them, one or more of the Justices of the Inferior Court, for the particular county, to try such issue or issues in and by a jury of the county, in which the venue or venues shall respectively be laid; which Justice or Justices shall proceed to try such

Trial of issues by commission, in the counties of Sydney, Queen's County and Shelburne

issue

issue or issues in the same manner, and shall have, use and exercise, all the powers and authorities which the Justices of *Nisi Prius* do have, use or exercise, within the realm of England, and shall be entitled to be reimbursed such extraordinary expences as shall have been incurred, in the hiring of vessels for the purpose of conveying such Justice or Justices to the county where such *venue* shall be laid as aforesaid, if no passage boat, or proper accidental conveyance, offers to convey them as aforesaid:

Issue of commission in time of war.

Provided always, That when and so often as His Majesty's Dominions shall be at war with any other kingdom, state or power, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by and with the advice of the Council, to defer issuing any commission for such purpose until it shall appear safe and expedient for him so to do, any thing in this Act to the contrary notwithstanding.

Notice of time of such Court Sitting to be given in the Halifax Gazette.

II. *Be it further enacted, by the authority aforesaid*, That in all cases wherein the Justices shall be assigned to try any issue or issues as aforesaid, the Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall appoint some day certain between the first day of April, and the first day of October, on which the Justice or Justices, so assigned as aforesaid, shall repair to the court-house of and in the county, for and in which he or they shall be assigned, to try any issue or issues, of which day notice shall publicly be given in the Halifax Gazette, or some other public newspaper, pursuant to the directions of the Governor, Lieutenant-Governor, or Commander in Chief, a reasonable time before the day so to be appointed as aforesaid.

Summoning Jury for said trial.

III. *Be it further enacted, by the authority aforesaid*, That as soon as the day shall be appointed for the Justice or Justices, to repair to any or either of the aforesaid counties, for the trial of any issue or issues, so to be joined as aforesaid, it shall and may be lawful for the plaintiff in such action, or his attorney, to sue out of the said Supreme Court, a writ of *venire facias*, directed to the Sheriff of the county, wherein such issue or issues is, or are, to be tried, commanding him to have, on the day so to be appointed, at the court-house within his county, thirty six persons, qualified to serve as petit Jurors, who shall be drawn in the manner directed by the several laws of this Province, for regulating Juries, and declaring the qualifications of Jurors, in the presence of one of the Justices of the Inferior Court of Common Pleas, in such county, the Sheriff thereof, and the Prothonotary or Clerk of such Inferior Court, and shall be by such Sheriff summoned to attend at the time and place in the said *venue* commanded:

And whereas there are at present no practicable roads from Halifax, to the several counties herein before mentioned, by reason of which, the Justices so to be assigned, may not be able to attend at the places, and on the day so to be appointed, as aforesaid:

Of Justices not appearing on the day appointed for trial.

IV. *Be it therefore enacted, by the authority aforesaid*, That in case such Justice or Justices, so to be assigned as aforesaid, shall not arrive at the places and the times to be appointed as aforesaid, it shall and may be lawful for the Sheriff of the County, to respite the attendance of all Jurors, parties, witnesses, and other persons summoned or bound to attend at the times and places aforesaid, from day to day, until such Justice or Justices shall arrive, which Justice or Justices, shall then proceed to try such issue or issues, as are by him triable by virtue of his commission.

Chief Justice to appoint Clerks of the Courts of *Nisi Prius*, and to regulate the practice in such Courts

V. *Be it further enacted, by the authority aforesaid*, That it shall and may be lawful, for the Chief Justice of His Majesty's Supreme Court, for the time being, from time to time to appoint such fit and proper persons, as he shall think proper, to be Clerk or Clerks to the Court of *Nisi Prius*, hereby established in the several counties herein mentioned, and the said Supreme Court shall and may, from time to time, make and ordain such ordinances and rules as to their discretion may seem meet, to regulate the practice of the said Courts, and for the effectual administration of justice in and by the same.

VI. *Be it further enacted, by the authority aforesaid,* That the Clerk or Clerks of *Nisi Prius*, to be appointed by the Chief Justice aforesaid, shall and may sign and seal writs of *capias*, *summons*, and all other writs returnable into the said Supreme Court, or into the said Court of *Nisi Prius*, and shall and may take the affidavit or affidavits of any person or persons, for the purpose of holding to bail, or attaching the property of, any defendant or defendants; and shall and may indorse writs of *capias ad respondendum*, or attachment, upon such affidavit or affidavits, in the same manner as the Justices of the Supreme Court are by law authorized and directed to indorse the same.

Duty of C
Nisi Prius.

VII. *And be it further enacted, by the authority aforesaid,* That it shall and may be lawful for the said Chief Justice, by warrant under his hand and seal, to appoint in any of the Counties of this Province, such fit and proper persons, as he shall think convenient; to be commissioners to take affidavits, to be used in all causes subsisting, or which hereafter may be instituted, in His Majesty's Supreme Court, or in the said Court of *Nisi Prius*, hereby established.

Chief Justi
appoint Co
missioners to t
affidavits in
cases pending
the Suprem
Court or N
Prius.

VIII. *And be it further enacted, by the authority aforesaid,* That it shall and may be lawful for the Justices of the Supreme Court in all cases wherein they shall think proper, to tax such reasonable counsel fee or fees, not exceeding the sum of five pounds, to be paid by the party against whom a verdict shall pass in any cause tried before them, as they shall think proper.

Counselfees
taxed.

IX. *And be it also further enacted, by the authority aforesaid,* That so much of this Act as respects the establishment of Courts of *Nisi Prius*, shall continue and remain in force for and during the term of three years, from and after the publication hereof, and until every issue actually joined at the expiration of such term shall have been disposed of, and no longer.

Continuatio
Act.

CAP. XI.

An ACT in addition to, and amendment of, an Act, passed in the Thirty-second year of the reign of His late Majesty, entitled, an Act for establishing and regulating a Militia.

Repealed by
Geo. 3d.

CAP. XII.

An ACT for making, repairing, laying out, and altering, Highways, Roads, Bridges and Streets, within the County of Annapolis, and for the more equal apportionment of the Work and Labour of the Inhabitants of the said County, to be performed in and about the same.

Expired.

CAP. XII.

Expired.

An ACT to enable the Justices of the Peace, and Grand Jury, for the District of Colchester, to assess the Inhabitants of the Townships of Truro, Onflow, and Londonderry, as also the Inhabitants on the lower Settlement of Sewack, Shubenaccadie, Gay's River, and the Settlers on the Road leading from Truro to Gay's River, for the repairs of the said Road.

CAP. XIV.

Expired.

An ACT for the better regulating the Herring Fishery in the Counties of Annapolis, and King's County, and the exportation of pickled Herring from the said Counties.

CAP. XV.

An ACT to provide for the Support of the Grammar School in Halifax, and for other public purposes therein contained.

Preamble.

WHEREAS no particular fund is appropriated for the support of the Halifax Grammar School, and as it is also expedient, that some provision should be made for the support of schools, in other parts of the Province :

Additional duty of three pence per gallon on wine hereafter imported.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That from after the publication hereof, there shall be raised, levied and collected, on all wine, to be hereafter imported into this Province, the additional duty of three pence per gallon, to be paid and applied as is herein after directed, that is to say : on all wine imported into the port of Halifax, the additional duty of three pence per gallon, shall be paid into the Provincial Treasury in Halifax, and on all wine imported into any of the out ports, harbours or creeks, in this Province, the aforesaid additional duty shall be paid into the treasury of the county or district whereto such harbour, port or creek, shall appertain, all which said additional duties shall be raised, levied, collected and paid, as aforesaid, by the ways, means, methods, rules, provisions and directions, and under the same penalties, and by the Collectors prescribed, mentioned, named and expressed, in and by an Act, entitled, An Act for granting to His Majesty certain duties on wine, rum, and all other distilled spirituous liquors, and brown sugar, for the purpose of paying the interest, and reducing the principal, of the public debt of this Province.

Collecting of duty.

15s. per annum of such duty to be applied to the Grammar school, the remainder to the use of the poor of the town of Halifax.

II. *And be it further enacted, by the authority aforesaid,* That all and every sum and sums of money, arising from, or which shall be collected and paid into the treasury of this Province, under, and by virtue of, this Act, after paying the expence for collecting the same, shall be paid and applied in manner following, that is to say : all such sum and sums of money as shall be collected in the port of Halifax, a sum not exceeding one hundred and fifty pounds per annum shall, and may, by warrant, be drawn for out of the treasury by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, upon application of the trustees of the said school, and applied in and towards the maintenance thereof, and that all and every the sum or sums of money arising from the duty hereby imposed, and which shall remain in the

said

said treasury after the expiration of the said year, shall and may, on application of the Overseers of the Poor for the time being, of the town of Halifax, be drawn by warrant under the hand and seal of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and be, by them, applied in and towards the support of the poor of the town of Halifax.

III. *And be it further enacted, by the authority aforesaid,* That in case it should so happen that the monies arising from the duty herein before imposed, shall not amount to the sum of one hundred and fifty pounds per annum, and it shall appear to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, upon application of the said trustees, that the full sum of one hundred and fifty pounds is necessary to be applied in and towards the maintenance and support of the said school, then, and in such case, it shall and may be lawful to and for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to use and apply so much of the monies arising from duties on licensed houses, within the town and district of Halifax, by virtue of the Acts now in force for suppressing unlicensed houses, and for granting to His Majesty a duty on persons thereafter to be licensed, as shall, with the monies arising from the duties on wine herein before imposed, make up in the whole the said sum of one hundred and fifty pounds, any thing in the aforesaid several Acts for suppressing unlicensed houses, and for granting to His Majesty a duty on persons hereafter to be licensed, or of Acts made in addition thereto, or amendment thereof, to the contrary notwithstanding.

If the money collected should not amount to 150l. per annum, the deficiency made up from the duty on licensed houses.

IV. *And be it further enacted, by the authority aforesaid,* That when any wine shall be exported or carried by land from the port, wherein the duties for the same have been paid or secured, to any other port or place in the Province, not in the same county, that the county, into which the same may be so imported or landed, shall be entitled to a drawback of the amount of the additional duty of three pence per gallon, imposed by this Act, sufficient proof being produced, that such wine has been actually landed or received in some part of such county. *Provided always,* That no drawbacks shall be allowed for any quantity less than one hundred gallons, to be exported at one and the same time, by one and the same person.

Of the drawback of duties on wine exported to any part of the Province.

V. *And be it further enacted by the authority aforesaid,* That all such sum or sums of money, as shall be collected as aforesaid, by virtue of this Act, in each and every of the out ports, harbours and creeks, of this Province, and paid into the county treasury as aforesaid, shall be used and applied for the support of public schools, or such other public beneficial purposes, as the Justices of the Peace, in their General Sessions, shall think most expedient and useful, the same to be drawn for by warrant on the county Treasurer, signed by a majority of the Justices present, at such General Sessions of the Peace as aforesaid.

Application of monies collected in the out ports.

VI. *And be it further enacted, by the authority aforesaid,* That this Act, and every matter and thing therein contained, shall be and continue, and the same is hereby continued in force, to the first day of July, one thousand seven hundred and ninety five.

Act continued to 1st July, 1795.

CAP. XVI.

An ACT to provide for the Summary Trial of Actions heretofore vested in His Majesty's Justices of the Peace, in the Town and Peninsula of Halifax.

Expired.

CAP. XVII.

Enacted.

An ACT for applying certain Monies therein mentioned, for the Service of the Year of Our Lord One Thousand Seven Hundred and Ninety Four, and for appropriating such part of the Supplies granted in this Session of General Assembly, as are not already appropriated by the Laws or Acts of the Province.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twentieth Day of March, Anno Domini 1793, and thence continued by several Prorogations to the Twelfth Day of March, Anno Domini 1795, in the Thirty-Fifth Year of the Reign of Our Sovereign Lord George the Third of Great-Britain, France, and Ireland, KING, Defender of the Faith, &c. being the Third Session of the Seventh General Assembly convened in the said Province.*

* In the time of Sir John Wentworth, Lieutenant-Governor; Sir Thomas Andrew Strange, Chief Justice, and President of Council; Thomas Barclay, Speaker; James Gautier, Secretary of Council; and James B. Franklin, Clerk of Assembly.

CAP. I.

An ACT to amend, and reduce into one Act, the several Acts made by the General Assembly, relating to the Office of Sheriffs; and also for altering the form of the Summons heretofore used.

Nomination and
appointment of
Sheriffs.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Chief Justice of His Majesty's Supreme Court, or in his absence, for the senior Judge of the said Court, once in every year, that is to say: on the last day of Michaelmas term, to nominate for each county in the Province respectively, three proper and fit persons to be made High Sheriffs, a list of whom he is hereby directed to present to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, who is hereby empowered immediately to prick one out of the said number for each county, to serve the office of high Sheriff for the ensuing year, which Sheriff, being resident in his proper county, and having entered in the Secretary's office for the Province, good and sufficient security for the faithful execution of his office, as Sheriff, shall, immediately upon receiving his patent, be fully invested with all the powers,

powers and authorities of a high Sheriff, and be subject to all such laws, customs, ordinances, regulations and directions, as the high Sheriffs in the several counties in England are subject to: and also to all such Acts of this Province as in any way or manner relate to the execution of the office of a Provost Marshal, or to the said office of high Sheriff.

Sheriff to give security.

II. *And be it further enacted*, That the Sheriff, so appointed, shall continue in office until another shall be sworn in his stead.

Sheriff to continue in office till another be sworn.

III. *And be it further enacted*, That when any person or persons, who shall be so appointed to execute the said office of high Sheriff, shall refuse to accept the same, the person or persons so refusing shall be subject to a fine of fifty pounds for such his refusal: and the Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall and may prick any other of the number then remaining upon the list so returned as aforesaid, instead of the person so refusing.

Penalty for such as refuse to serve.

IV. *And be it further enacted*, That it shall and may be lawful for the said Chief Justice, or senior Judge of His Majesty's Supreme Court, in the list of persons to be presented as aforesaid, to the Governor Lieutenant-Governor, or Commander in Chief for the time being, to return over again the name of such person, as shall be then in the office of Sheriff for any county, in case such person shall have signified to such Chief Justice, or senior Judge, his consent in writing, to serve for the ensuing year, unless a representation, signed by a majority of the Justices, in their General Sessions assembled, in any county within the Province, shall be filed in His Majesty's Supreme Court at Halifax, as of any Michaelmas term hereafter ensuing, praying thereby, that the person then serving the office of Sheriff in such county, may not be returned in the Judge's list to serve the office of Sheriff for the then ensuing year; in which case, the Judge who is to return such list shall not return the name of such person so petitioned against.

The same Sheriff may be again returned.

V. *And be it further enacted*, That all Sheriffs to be hereafter appointed, shall before entering upon the duties of their office, take and subscribe the following oath, viz.

Sheriffs to take the following oath on entering their office.

I do solemnly swear, that I will truly serve the King, in the office of Sheriff of the county of _____ and promote His Majesty's profit in all things which belong to my office, as far as I legally can or may. I will truly preserve the King's rights, and those which belong to the Crown; and where I have any knowledge of their being concealed, or withdrawn, I will use my utmost endeavours, to make them be restored to the Crown again; and if I cannot cause them to be so restored, I will certify and inform the King's representative in this Province, or some of his Judges of the same; I will do right as well to poor as to rich, in all things belonging to my office; I will not do wrong to any person whatsoever, for any gift, reward or promise, nor for favour or hatred; I will disturb no man's rights; I will at the end of the year, render to His Majesty's Supreme Court at Halifax, a true and faithful account of all such debts, duties, fines and forfeitures, to the Crown, as shall be levied by me, or come to my hands; I will take nothing whereby the King may lose, or the revenue of this Province be injured or diminished; I will duly return, and truly serve, without favour or affection, all the King's writs that shall come to my hands; I will take no deputy or bailiff into my service, but such as I will answer for, and will cause each of them, before they enter upon their office, to take such oaths as I do, in what belongeth to their several occupations; I will duly make fair and impartial lists and pannels of persons able and sufficient as it is appointed by the laws of this Province; I will not, during the continuance of my office, receive, either directly, or indirectly, any fee, favour or reward, for constituting any person or persons, my deputy, or bailiff, but will keep a strict eye over such deputy or bailiff, that he or they do not exact unreasonable fees, and be not guilty of extortion and oppression in their offices; I will truly to the best of my skill and judgment, execute the laws and

Form of the oath.

statutes of this Province, and in all things will act uprightly in my office, for the honour of the King, and the good of his subjects. So help me God.

In case of the death of a Sheriff, how another shall be appointed.

VI. And be it further enacted, That if any Sheriff of any county within this Province, shall happen to die before his year shall be expired, or before he be lawfully superseded, the deputy Sheriff by him appointed, shall continue to execute the said office, in the name of the deceased Sheriff, until another Sheriff shall be appointed for the said county, and sworn into office; and securities given by the Sheriff, for the faithful discharge of his office, shall be accountable for the conduct of the said deputy or deputies, in the same manner as they would have been, if the said Sheriff had been living; and if such Sheriff, shall have left no deputy by him appointed, it shall and may be in the power of any two of the Judges of the Inferior Court of the county to which he shall have belonged, of whom the senior Judge of the same, then within the county, shall be one, and they are hereby required, forthwith to appoint some proper and fit person to act as Sheriff, during such interval, who, before he shall enter upon the duties of his office, shall take the oath herein before prescribed, and shall give good and sufficient security to the satisfaction of the said Justices, for the faithful discharge of the duties thereof, until a Sheriff shall be appointed, and sworn, in manner as he is herein before directed.

Writs of Summons to be directed to Sheriff.

VII. And be it further enacted, That from and after the publication hereof, all writs of summons, to be issued from any Court of Record within this Province, shall be directed to the Sheriff of the County within which such writ is to be served, and that the form of all summonses, to be hereafter issued from any Court of Record, shall be as follows:

Form of Summons.

(L.S.) George the Third, by the Grace of God, of Great-Britain, France and Ireland, King, Defender of the Faith, &c. &c. &c.
To the Sheriff of the county of _____ Greeting:
We command you, that you summon _____ if he may be found in your precinct, to be and appear before our Justices of our _____ Court, at _____ on the _____ of _____ next, then and there to answer to _____ in a plea of _____ to the damage of the said _____ pounds, as is said, and have you then there this writ.
Witness, _____ Esq. at _____ this _____ day of _____ in the _____ year of our reign, annoque domini, 179 _____ Proy.

A copy of which summons, shall, in all cases, be served by the Sheriff, upon the defendant or defendants.

Fees allowed the Sheriff.

VIII. And be it further enacted, That the fees hereafter to be allowed and taken by the several Sheriffs for their services to be done and performed in the said office, shall be as follows: Serving every summons, or *scire facias*, and making return thereof, three shillings and six pence.
Serving every other writ of *mesne process*, five shillings.
Serving every execution, and making return thereof, five shillings.
Serving writ of possession, ten shillings; travel, three pence per mile, for every mile from the place of residence of the Sheriff, to the place where he shall serve any writ; and one penny per mile, and no more, for every mile from the place of residence of the Sheriff, to the Court House, where such writ is returnable; provided such Court be out of his bailiwick, and not otherwise.
Bail bond, three shillings.
Summoning a Jury in each cause, two shillings and six pence.
Executing writ of enquiry, summoning a jury, and making return; ten shillings.

Returning:

Returning Special Jury; ten shillings.

On executions or attachments (where a sale shall take place) extended on personal property, sale and payment of the monies received, to the plaintiff, or his attorney, as follows, viz.

For any sum not exceeding fifty pounds, one shilling.

From fifty pounds, to one hundred pounds, nine pence.

All above one hundred pounds, six pence.

On executions or attachment, where a sale shall take place, extended on real estates, three pence in the pound, on the appraised value for laying the same thereon; and the sale of such real estate, and payment of the proceeds of such sale to the plaintiff or his attorney; the further fee of three pence in the pound.

For making inventory of goods and chattels attached, such reasonable fees as shall be taxed by the Court, out of which the writ shall have issued.

IX. *And be it further enacted*, That the appraisers of goods, chattels or estates, taken upon attachment, or in execution, shall be allowed two shillings and six pence each for such appraisement, or where the property is so extensive, or complicated, as to require a long time to ascertain its value, three shillings and six pence each per day, for every day while they are actually, and *bona fide*, employed in such appraisement; and where goods and chattels of a perishable nature, or live stock of any kind, shall be taken by attachment, and appraised, and the party whose goods or stock are so taken, shall not, within three days after notice of such appraisement being made, give sufficient security for the value thereof, according to law, it shall and may be lawful for any Judge of the Court, out of which such writ of attachment shall have issued, upon application of the plaintiff, and notice thereof to the defendant, or, if the defendant be an absent or absconding debtor, to his agent, factor or trustee, if he have any, and no good cause to the contrary shewn, to order the goods, chattels or stock, so attached and appraised, to be sold by the Sheriff at public auction: and the money arising from such sale, to be retained in the hands of the Sheriff, or paid into Court, to respond the judgment, to be afterwards given in such cause.

X. *And be it further enacted*, That if any Sheriff, or his deputy, shall demand and take any greater or other fees, in respect of any of the services herein before mentioned, than are ascertained and allowed by this Act, he or they so offending, shall, for each offence, be liable to the penalties and forfeitures, specified in an Act, made in the twenty eighth year of His Majesty's reign, entitled, An Act for the establishment of fees, as regulated by the Governor and Council, at the request of the House of Assembly; and to be recovered in manner, and to the uses therein mentioned.

XI. *And be it further enacted*, That the several fines and forfeitures imposed by this Act, shall be recovered by bill, plaint or information, before the Supreme Court: and when recovered shall be paid to the Treasurer of the Province, for the use and service thereof.

XII. *And be it further enacted*, That no writ of *mesne* process, issuing from the Inferior Court of Common Pleas, shall hereafter be directed to any Sheriff within the Province, except to the Sheriff of the county or district for which such Inferior Court shall sit, and belong to; and no person or persons whomsoever shall be hereafter sued before any Inferior Court of Common Pleas, within this Province, unless such person or persons shall be actually resident within the county or district where such Inferior Court shall sit, and belong to.

XIII. *And be it further enacted*, That if any Sheriff, or his deputy, shall levy, or receive, any sum or sums of money, by virtue of any execution, writ or process, and shall detain the same in his or their hands for the space of twenty-four hours after the same shall have been demanded, that then such Sheriff shall forfeit, to the party entitled to receive such sum or sums of money, for each and every week that he, or his deputy, shall detain the same, the sum of five shillings

Fees on appraisement of goods or estates.

Manner of proceeding on the attachment of goods of a perishable nature.

Sheriffs taking illegal fees.

Recovery and application of fines.

Issue of *mesne* process from the Inferior Court. No person to be sued out of his county before any Inferior Court.

Penalty for Sheriff detaining money in his hands.

shillings for each and every pound which he shall so detain after demand so made as aforesaid: to be recovered by bill, plaint or information, in His Majesty's Supreme Court, at their fittings in any part of this Province: *provided*, Such action shall be brought within three months after such demand as aforesaid, and not otherwise:

This Act to be in force instead of the following Acts.

18th of Geo. 3d.

23d of Geo. 3d.

28th of Geo. 3d.

Except so much of the 23d Geo. 3d. as respects the obligation of Clerks of the Crown, and Peace to make returns to Supreme Court.

XIV. *And be it further enacted*, That, from and after the publication hereof, this Act shall be wholly substituted, and be in force, instead of the Acts herein after mentioned, *viz*:

An Act, made in the eighteenth year of His Majesty's reign, entitled, An Act to empower the Governor, Lieutenant-Governor or Commander in Chief, to appoint Sheriffs in such counties where it may be found necessary. And also instead of an Act, passed in the twenty-third year of His Majesty's reign, entitled, An Act for the better regulating the office of Sheriffs, and the manner in which Sheriffs, Clerks of the Crown, and Clerks of the Peace, shall return and pass their accounts of all fines and forfeitures which shall be imposed by their respective Courts. And likewise instead of an Act, passed in the twenty-eighth year of His Majesty's reign, entitled, An Act for the regulating the manner of issuing process and execution from the Inferior Courts of Common Pleas for the several counties in this Province, and also for altering the form of the summonses heretofore used: any thing in the said Acts, or either of them, to the contrary hereof, or different from the several provisions of this Act, in any wise notwithstanding. *Provided always, and it is hereby enacted*, That nothing in this Act contained, shall extend, or be construed to extend, to repeal so much of the Act, passed in the twenty-third year of His present Majesty's reign, above recited, as respects the obligation of Clerks of the Crown, and Clerks of the Peace, in the several counties within this Province, to make their returns to the Supreme Court, in the manner, and subject to the penalties expressed in, and by the eighth section thereof.

CAP. II.

An ACT to enable the Governor, Lieutenant Governor, or Commander in Chief for the time being, to appoint persons to solemnize Marriages, in places wherein no established Clergyman resides.

Preamble.

WHEREAS great inconveniences have arisen, and do still exist, in many parts of this Province, for want of persons being legally authorized to solemnize marriages, for remedy whereof:

Appointment of persons to solemnize marriages in places where no established Clergyman resides.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That from and after the publication hereof, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint such fit and proper persons as he shall think necessary, within any of the townships or districts in this Province, wherein no regular or licenced Clergyman doth reside, to solemnize marriages within such townships or district, between parties, both of whom shall have resided one month at least, within such township or district, by licence or otherwise as required by the laws of this Province, and all marriages so solemnized shall be as good and valid in law, as if the same had been solemnized by any regular licenced clergyman; any law, usage or custom, to the contrary notwithstanding.

Certificate of such marriages to be returned to the Clerk of the Peace.

II. *And be it further enacted*, That each and every person, solemnizing marriages as aforesaid, by virtue of this Act, shall, within thirty days after the solemnization as aforesaid, file with the Clerk of the Peace, for the county wherein such marriage is solemnized, a certificate thereof, under pain of forfeiting the sum of ten pounds for each and every offence.

III. *And be it further enacted*, that the Clerks of the Peace in their respective counties shall record

record within three days, each and every such certificate so affiled, under pain of forfeiting the sum of five pounds, for each and every neglect, which fine of ten pounds, and five pounds, shall be recovered by bill, plaint or information, in any of His Majesty's Courts of Record within the Province, the one half to be applied to the use of the poor of the township, wherein such offence shall be committed, and the remainder given to the person prosecuting therefor.

Clerks of the Peace to record such certificate.

IV. *And be it further enacted,* That such record shall be deemed, and taken, to be legal evidence of such marriage, in all Courts of law and equity within this Province.

Record to be legal evidence.

CAP. III.

An ACT in addition to and amendment of, an Act, passed in the Thirty-third year of the reign of His late Majesty, entitled, an Act for regulating and maintaining a Light-House on Sambro Island, and in addition to, and amendment of, an Act passed in the Twenty-eighth year of His present Majesty's reign, entitled, an Act for regulating and maintaining a Light-House at the entrance of the Harbour of Shelburne.

WHEREAS the duties payable on merchant ships and vessels by the aforesaid Acts, are directed to be paid at their going out of the said harbours of Halifax and Shelburne:

Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That from and after the publication hereof, all duties which shall become due, and payable on any merchant ship or vessel by virtue of the aforesaid Acts, or either of them, shall be paid immediately, after the arrival of such ship or vessel in the said harbours of Halifax and Shelburne respectively; and that in case the master or commander of any such ship or vessel, shall neglect or refuse to pay the said duties in manner hereby directed, such master or commander shall forfeit and pay the sum of five pounds; and it shall and may be lawful for the Collector of the said duties to enter on board such merchant ship or vessel, and hereto seize and detain until the said duties, and the aforesaid penalty shall be discharged and paid; and if any person or persons shall assault or obstruct the said Collector in the execution of his office as aforesaid, such person or persons so offending, shall forfeit and pay for each and every offence the sum of twenty pounds, which fines and penalties shall and may be recovered, by bill, plaint or information, in any of His Majesty's Courts of Record in this Province, two third parts whereof, shall be paid to the person or persons prosecuting for the same, and the remainder into the Treasury for the use of His Majesty.

Light duties to be paid on vessels arrival.

Master neglecting or refusing to pay duties to forfeit 5l.

Persons assaulting or obstructing Collector to pay 20l.

II. *And be it further enacted,* That for the more effectual security of the collection, and just account of the duties imposed by the Act of which this is in amendment, it shall not be lawful for the Naval Officer, or his deputy, to clear out any vessel at the naval office, until he receives a certificate from the Collector of the light duties, that such duties are paid, and the Naval Officer is hereby required to keep lists of such vessels, with their tonnage, and the names of their masters and owners, and to transmit to the Treasurer of the Province, quarterly, copies of such lists; and for the taking such lists, and making such copies, the said Naval Officer shall be entitled to receive from the master of every vessel, of fifty tons and upwards, the sum of one shilling, and for every vessel under fifty tons, the sum of six pence, and no more.

Naval Officer not to clear out any vessel until duties are paid.

Naval Officer to keep lists of vessels cleared out.

CAP. IV.

An ACT for quartering and billeting His Majesty's Forces, when marching from one District to another, within the Province.

WHEREAS it is expedient that His Majesty's forces, when marching from one district or county to another, should be provided with quarters :

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly,* That it shall and may be lawful for any one Justice of the Peace, inhabiting in, or near, any town, village or place, within this Province, to quarter and billet the officers and soldiers in His Majesty's service, when marching from one district to another, in inns, taverns and ale houses; and where there shall not be found room in such houses, then in the houses of persons selling spirituous liquors by retail, on the officer or non-commissioned officer commanding the regiment or detachment producing to such Justice the order of the officer commanding His Majesty's forces, within this Province, directing such march.

II. *And be it further enacted,* That if any inn holder, tavern or ale house keeper, or persons selling spirituous liquors by retail, shall, on being presented with a billet in writing from a Justice of the Peace as aforesaid, refuse to quarter and billet the officers and soldiers directed in the said billet, to be by him quartered and billeted, he shall forfeit and pay for each and every offence the sum of five pounds: to be recovered by bill, plaint or information, in any of His Majesty's Courts of Record within this Province: the one half whereof shall go to the informer, and the remainder be paid into the Treasury, for the use of the Province.

CAP. V.

An ACT to prevent the harbouring Deserters from His Majesty's Army, and the Sale of Arms, Accoutrements and Clothing, belonging to His Majesty.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That if any person shall harbour, conceal or assist, any deserter from His Majesty's service, knowing him to be such, the person so offending shall forfeit for every such offence the sum of five pounds; or if any person shall knowingly detain, buy or exchange, or otherwise receive any arms, clothes, caps, or other furniture belonging to the King, from any soldier or deserter, or any other person, upon any account or pretence whatsoever; or any hats, shoes, shirts or stockings, or other articles generally deemed regimental necessaries, according to the custom of the army, provided for such soldier or deserter, by his captain, or other officer commanding the company to which he belongs, and paid for by deductions out of his pay, without leave in writing, from such captain or officer, or cause the colour of such clothes to be changed, the person so offending shall forfeit for every such offence the sum of five pounds; and, upon conviction by the oath of one or more credible witness or witnesses before any two of His Majesty's Justices of the Peace, the said respective penalties of five pounds, and five pounds, shall be levied by warrant under the hands of the Justices of the Peace, by distress and sale of the goods and chattels of the offender: one moiety of the said first mentioned penalty of five pounds, to be paid to the informer by whose means such deserter shall be apprehended: and one moiety of the said last mentioned penalty of five pounds to be paid to the informer, and the residue of the said respective penalties to be paid to the officer to whom any such deserter or soldier

did

For Acts respecting soldiers, see chap. 5. of this session, 40th Geo. 3d. cap. 18, 41st Geo. 3d. cap. 4. 43d. Geo. 3d. cap. 4. Preamble.

Billeting of Officers and Soldiers on a march.

Penalty for such as refuse to billet them.

Penalty for such as harbour or assist any deserter.

Penalty for the purchase of Soldiers' Necessaries

Recovery and application of penalties.

did belong. And in case any such offender who shall be convicted as aforesaid, or assisting any such deserter or deserters, of harbouring, or having knowingly received any arms, clothes, caps, or other furniture, belonging to the King; or any hats, shoes, shirts, stockings or other regimental necessaries provided and paid for as aforesaid, without leave in writing as aforesaid; or having caused the colour of such clothes to be changed, contrary to the intent of this Act, shall not have sufficient goods and chattels, whereon distress may be made, to the value of the penalties recovered against him for such offence, or shall not pay such penalties within four days after such conviction; then, and in such case, such Justices may, by warrant under their hands and seals, commit such offender to the common jail; there to remain without bail or mainprize for the space of three months, or cause such offender to be publickly whipped at the discretion of such Justices. *Provided always*, That no commission officer shall break open any house to search for deserters without a warrant from a Justice of the Peace, obtained upon oath made of a desertion, from the regiment to which he belongs, and that there is reason to believe that such deserter or deserters be concealed in the dwelling or out-house in which it is proposed to search for him or them, and into which he the said officer, has been refused admittance. And that every commission officer, who shall without warrant from one or more of His Majesty's Justices of the Peace, (which said warrant the said Justice or Justices are hereby empowered to grant) forcibly enter into, or break open the dwelling-house, or out-house, of any person whatsoever, under pretence of searching for deserters, shall, upon due proof thereof, forfeit the sum of twenty pounds.

Commissioned officers entering houses to search for deserters, liable to a penalty.

CAP. VI.

An ACT to amend, and reduce into one Act, the several Laws now in being, relating to a Militia in this Province.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That from and after the publication hereof, every male inhabitant or resident within this Province, from sixteen to sixty years of age, inclusive, shall be enrolled in some independent company, or in one of the regimented companies in the district where he dwells or resides, and the clerk of such company, is hereby required to keep a book for the purpose of registering the names of all persons required by this Act to be enrolled in the Militia, and to make fair entries therein of all such names: such book to be ready at all times for the inspection of the captains or other officers belonging to such company, and every person enrolling himself in any independent company shall continue therein for three years, unless in case of his removal from the county, in which such company may be, or of his being discharged by the captain or officer commanding such company.

For Acts in amendment of this Act, see 36th Geo. 3d. cap. 10, 37th Geo. 3d. cap. 6, 40th Geo. 3d. cap. 18.

Men from sixteen to sixty to be enrolled in Militia.

II. *And be it further enacted*, That the militia shall be formed into regiments by counties; and in case any county shall be sufficiently populous to admit of the regiment being subdivided into two, or more battalions, then, and in such case, the said regiment may be subdivided into battalions, not consisting of less than three hundred men each; that no independent company shall consist of more than fifty four men rank and file; nor any artillery company, (that of Halifax excepted,) of more than thirty two rank and file, and there shall not be more than one independent company in any county, for every battalion of militia in said county; and all regimented companies, those of grenadiers and light infantry excepted, shall be formed by districts in such manner, as that such companies may be assembled as conveniently as possible; that no such company shall consist of less than thirty men, to be commanded by one captain and two subalterns; and when any such company shall exceed sixty men, ad-

Forming of Militia into regiments and battalions.

Forming of companies.

ditional

ditional officers may be appointed thereto, in the proportion of one officer to twenty rank and file, the limits of such district, and the number of men in each of such companies, to be regulated by the field officers, and officers commanding companies, at their meetings herein after directed; and it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to consolidate the aforesaid independent companies into a battalion or regiment.

Militia Soldier to furnish himself with arms, ammunition, &c.

III. *And be it further enacted*, That from and after the publication of this Act, every militia soldier enrolled, or to be enrolled in any company within this Province, shall provide himself, and continue at all times to be provided, with proper and sufficient fire arms, consisting of a musket, gun, or fuzil, not less than three feet long in the barrel, two spare flints, and twelve charges of powder and ball, suitable to their respective fire arms and to the satisfaction of the commissioned officers of the company, to which he belongs; with all which he shall appear on every day of exercise or training, and other occasions of duty, whereon he may be ordered, under the penalty of forfeiting and paying for the want of a musket, gun, or fuzil, a fine of three shillings, and the sum of six pence, for each and every other appurtenance, with which he shall be unprovided: The fine to be paid by the parents for their sons under age, and under their command, and by masters or heads of families for their domestics or servants, other than servants on wages; and until such arms can be so provided, all such militia soldiers shall appear with the best arms they have or use for exercise, or on duty, such as may be procured for them from his Majesty's stores, or otherwise.

How often Militia must assemble.

IV. *And be it further enacted*, That every regiment or battalion of militia, shall be called out, and assemble, six times in each and every year, that is to say: by companies, four times, and by every regiment or battalion, two times, either entire, or by such detachments as the commanding officers of the respective regiment or battalion, from local, or other circumstances, shall judge fit, and direct; for the purpose of training, disciplining, and improving in martial exercises; the time and place of assembling for the companies, regiments and detachments, to be appointed by the colonel, or commanding officer of the regiment, and arranged on different days, that the field and staff officers may have an opportunity of attending the several companies, detachments and regiments, exercised in detail, in order to introduce uniformity in the manœuvres and discipline of the regiment: And that every independent company shall be called out and rendezvous for the like purposes, six times in every year at least, at such time and place as the captains or commanding officers of such companies shall respectively direct and appoint, of all which several and respective days of rendezvous previous notice shall be given at least three days by warning from a non-commissioned officer; and every field officer neglecting to give orders for such assembling and training, shall forfeit and pay the sum of twenty pounds; and every captain or officer commanding an independent company, and every officer commanding a regimented company, having received orders for such purpose, who shall neglect to call out and discipline his company so many times, and in the manner prescribed by this Act, shall forfeit and pay the sum of five pounds for every offence; which said sums of twenty pounds, and five pounds, shall and may be recovered in any of His Majesty's Courts of Record in this Province, by bill, plaint or information: the one half thereof, shall go to the person prosecuting, and the the other half to be applied as herein after directed; and every person enrolled as aforesaid, who shall refuse or neglect to appear agreeable to the provisions of this Act; when called upon, or appearing under arms, shall refuse or neglect to perform such military duty, as shall be required of him, or shall on the day of muster or training depart from such company without leave from the commanding officer, shall forfeit and pay, for each and every offence, a sum not less than five, nor exceeding ten shillings, unless such person shall have reasonable excuse for non-attendance, to be adjudged by a majority of the commissioned officers of the company, then present.

Field officers neglecting to give orders for assembling to forfeit 20l.

Captains neglecting to discipline their companies to pay 5l.

Persons enrolled, refusing to perform military duties, forfeit ten shillings.

V. *And be it further enacted*, That no established or licenced clergyman shall be liable to any of the provisions of this Act; and that the persons hereafter named shall be exempted from all trainings, except such as shall receive commissions in the militia, viz. The Members of His Majesty's Council; the Members of the Assembly for the time being; the Chief Justice, and Judges of Courts; the Attorney and Solicitor General; Justices of the Peace; high Sheriff; Coroners; all persons who have held commissions, civil or military, under His Majesty; the Secretary; Surveyor General and Treasurer of the Province; Officers of His Majesty's Customs; the Naval Officer and his Deputies; Physicians, Surgeons, and Attornies at Law; constant Ferrymen, (being licenced as such) one Miller to each grist mill; and all persons between the ages of fifty and sixty years, and persons commonly called Quakers, and duly certified as such by their society. *Provided always*, That all persons so exempted from training, shall be, at all times, furnished with arms and ammunition in manner prescribed by this Act, and under the like penalties for neglect thereof; and shall be liable to, and attend, all other duties directed by this Act for persons enrolled in the militia, by themselves, or sufficient substitutes, excepting only the following persons, viz. The Members of His Majesty's Council; the Judges of the Supreme Court; the Secretary of the Province; and persons commonly called Quakers, and duly certified as such by their society, shall not be liable to the duties of watching and warding.

Persons exempted from training

VI. *And be it further enacted*, That if any non-commissioned officer, or private, of any company of militia, shall be guilty of drunkenness, contemptuous behaviour, disobedience of orders, or shall otherwise misbehave himself at any muster or training, in such case it shall and may be lawful for the officers commanding the company to cause such person so offending to be immediately apprehended and committed to the county goal, for a time not exceeding three days, nor less than twelve hours: there to remain without bail or mainprize; and the captain, or officer commanding such company, shall, with the person to be committed, send to the Sheriff of the county, or his goaler, a warrant under his hand and seal, for the receiving and keeping the said offender, in the words following, that is to say:

Punishment of persons guilty of drunkenness or misbehaviour.

To A. B. Sheriff of the County of or to his Goaler.

You are hereby required to receive C. D. of my company, who was guilty of on the day of in the year of our Lord 17 at a muster (or training) and him closely confine in your goal for the space of hours, from the time of his being delivered into your custody, and, at the expiration whereof, you are to release the said C. D. on his paying your fees, and this to you, or either of you, shall be your sufficient warrant.

And on refusal or neglect of the said Sheriff, or Goaler, to receive such person so committed into his custody, he shall forfeit and pay the sum of five pounds for each and every offence; and the serjeant or corporal, who shall be ordered by the officer commanding the said company to escort the said offender to goal, shall, in case of neglect or refusal, be reduced to the ranks, and shall for each and every such offence forfeit and pay the sum of forty shillings; and each and every private, who shall be ordered by the commanding officer as aforesaid, for the purpose of escorting the said offender as aforesaid, who shall neglect or refuse to do the same, shall forfeit and pay the sum of ten shillings.

VII. *And be it further enacted*, That there shall be an adjutant appointed to each regiment, or battalion, in the Province, whose duty it shall be to attend at the place of assembling each company, regiment, and detachment of the regiment, when called out as aforesaid, then and there, under the direction of the officer commanding, to inspect their arms, ammunition and accoutrements, to superintend their exercise and manœuvres, and introduce a proper system of military discipline, agreeable to such orders as he shall receive from time to time from the

Appointment of Adjutant for each regiment, and his duty.

Allowance to Adjutant, while employed.

colonel, or commanding officer, of the regiment, and to do and perform such other duties and services, suitable for an adjutant, as the colonel, or commanding officer of the regiment, shall from time to time order and direct; and that every such adjutant shall be allowed, as a full compensation for all the services he is required to perform by this Act, the sum of five shillings by the day, for every day he shall be actually employed in the exercising and manœuvring as aforesaid, to be paid out of the Provincial Treasury, by warrant from the Governor, Lieutenant-Governor, or Commander in Chief for the time being, on the certificate of the field officer, and a majority of the captains of the regiment or battalion, that such adjutant is duly qualified, and has faithfully performed the services prescribed by this Act. *Provided always*, That no one adjutant be allowed more than fifteen pounds in any one year.

Appointment of Sergeants, Corporals and Clerks.

VIII. *And be it further enacted*, That the captain, or officer commanding each company, shall, and is hereby fully impowered to, nominate and appoint proper persons to serve as sergeants, corporals, and clerks, in the respective company, which such captain or officer commands and to displace them, and appoint others in their room, as he shall see occasion; and if any person so appointed, shall refuse to accept such appointment, he shall forfeit and pay a fine of forty shillings, and another shall be appointed in his room, who, in case of refusal, shall be liable to the same fine, and so on, until one do accept.

Clerk to take the following oath.

IX. *And be it further enacted*, That all clerks of companies, before they enter on the execution of their duty, shall take the following oath, viz.

I do swear truly to perform the office of clerk of the militia company under the command of A. B. to the utmost of my skill and power in all things appertaining to my office, according to law. So help me God.

Duties to be performed by the Clerk.

And the duties of clerks of companies shall be to keep registers of their respective companies, to notify such non commissioned officer or officers, as shall be appointed by the officers commanding companies, to warn the men for training, and all other duties prescribed by this Act, to take lists of such companies as often as required by the officers commanding them, to attend commissioned officers making inspection of arms, to attend all musters, and to prosecute for all offences, and sue for all penalties incurred by this Act, when so ordered by the officers commanding such company or regiment, and such clerk shall be allowed and paid one fourth part of all fines and forfeitures he shall recover by virtue of this Act, as a reward for his trouble, in doing the duties enjoined thereby.

Removal of Drummers and Fifers.

X. *And be it further enacted*, That when any person shall be enrolled as drummer or fifer in any company, he shall remain in such company, notwithstanding he may not reside in the district which composes the same. *Provided*, That no drummer or fifer shall be obliged to serve in any company, but in the town where he resides, unless ordered on a march.

Of returns of the Militia.

XI. *And be it further enacted*, That twice in every year, viz. on or before the last day of March and November, the colonels, or other officers commanding regiments or battalions, and the officers commanding independent companies, shall make out and transmit to the Adjutant-General, at the Secretary's office in Halifax, for the information of the Governor, Lieutenant-Governor, or Commander in Chief, returns of the strength of their regiments, battalions or companies, and also returns of arms; and all captains, or officers commanding regimented companies, are hereby required to make out and transmit to the officers commanding the regiment or battalion to which such companies belong, twice in every year, viz. on or before the fifteenth day of March and November, annually, and as often further as required by the commanding officer of the regiment, returns of the strength of their respective companies, with fair rolls thereof, and also returns of arms: all forms of returns prescribed by the Adjutant-General to be uniformly adopted; and any officer guilty of wilfully making any false returns

returns, shall be cashiered by the sentence of a general court-martial, to be appointed as is hereinafter directed, and shall moreover be liable to a fine not exceeding twenty pounds.

XII. *And be it further enacted*, That the colonel, or officer commanding any regiment or battalion, shall, twice in every year (besides the usual times of training,) order an inspection of the arms, accoutrements and ammunition, of the several companies under his command, to be made at one and the same time, by one subaltern from each company, attended by the clerk thereof, and by calling on each and every man of the said company, at the usual place of his or their abode; which subaltern, shall make an exact return of such arms, accoutrements and ammunition, describing the state and condition thereof; and every person required by law to be provided with arms, accoutrements and ammunition, who shall, at such inspection, have such arms in unserviceable condition, or shall be deficient in any of the appurtenances prescribed by this Act, shall forfeit and pay for each deficiency, the like sum as if such deficiency had happened at a muster or training.

Inspection of Arms, &c.

XIII. *And be it further enacted*, That if any person shall wilfully interrupt any company or detachment of militia at exercise, or on any duty prescribed by this Act, it shall and may be lawful for the officer commanding such company or detachment, to confine such person during the time of such exercise or duty, (if necessary,) to prevent the continuance of such insult or wilful interruption; and the person so offending shall forfeit and pay the sum of ten shillings, for each and every offence.

Penalty for such as interrupt Militia when at exercise.

XIV. *And be it further enacted*, That when any person enrolled in the militia, shall make it appear to the colonel, or officer commanding the battalion, and captain, or officer commanding the company to which such person may belong, that by reason of sickness, accidental or natural infirmity, he is unable to perform the military duties required by this Act; that it shall and may be lawful for such colonel, and captain, or officers, to give such person a certificate thereof, which certificate shall exempt such person from such duties during the continuance of his disability, and in case such colonel, and captain, or officers commanding such battalion and company, shall judge it necessary to have the opinion of some able surgeon or physician, as to the disability of the person claiming an exemption from military service as aforesaid; that it shall and may be lawful for such colonel, captain or officer, to apply to any able physician or surgeon, residing within the county or district to which such battalion belongs, for his opinion, on the complaint and disability of the person claiming exemption as aforesaid: which opinion the said physician or surgeon is hereby required to give forthwith, without fee or reward, under penalty of forfeiting, for every offence, the sum of forty shillings.

Of persons claiming exemption from duty, by reason of sickness, &c.

Surgeon obliged to give his opinion of such complaint.

XV. *And be it further enacted*, That the colonel, or officer commanding any regiment or battalion, shall, once in every year, within the first fourteen days of the month of March, and as often further as, with the advice of three captains of his regiment, he shall judge fit, require the captains, and officers commanding companies, to meet at such time and place, as he shall appoint, and there, with them, confer and take order for the better regulation of their companies, for establishing and altering the limits of districts, and prescribing the number of men in each company; appropriating such fines as by this Act are to be applied to the service of the regiment; and to make such rules and regulations as to them, or the major part of them, may seem meet, for the promotion of subordination and military discipline in the regiment or battalion to which they belong, and all officers shall yield obedience to the warrants or commands of their superior officers, and shall observe such regulations, being in writing, as may be made at the meetings herein prescribed, under penalty not exceeding five pounds, to be adjudged at the next meeting as aforesaid. *Provided always*, That no officer shall be bound by any regulation, regarding his dress or appointments, unless two thirds of all the commissioned officers of the regiment or battalion shall have concurred thereto. *And provided also*, That an account of all fines, with their appropriations, as aforesaid, shall, from time to time, be rendered

Officers commanding companies to confer for the better regulation of their companies.

Dress of the Officers.

Account of the Fines.

to the Secretary's office, by the colonels, or other officers commanding regiments or battalions, and by the officers commanding independent companies, and subject to the like penalty for defaults; and that no rule or regulation, made at any of the aforesaid meetings (excepting only such as may relate to the establishing the limits of districts, and numbers of men in each company, or to the appropriation of fines) or any warrant or command thereupon, shall be of any force or validity, till the same shall have been transmitted to the Governor, or Commander in Chief, and shall have received his approbation.

And whereas there are sundry militia officers holding commissions, who, by removing from one district to another, or, from other circumstances, are not attached to any particular regiment or company:

Officers removing, to do duty where they reside

XVI. *Be it enacted*, That such officers shall not be obliged to do duty in any situation under the rank to which their commissions entitle them, but shall nevertheless hold themselves in readiness to join companies, or to do duty according to their rank, when ordered by the officers commanding in the counties where they reside, and in case of neglect or refusal, shall be considered as having resigned their commissions. *Provided always*, That nothing contained in this clause, shall extend, or be construed to extend, to any person who, having received a commission in the militia, shall have resigned the same.

Calling of the Militia into actual service.

XVII. *And be it further enacted*, That the Governor, or Commander in Chief, shall be, and he is hereby authorized and empowered in case of any invasion or sudden attack made, or threatened, by his Majesty's enemies, to call out the militia of the several counties, or any part thereof, into real service, as he, in his discretion, shall think fit; and that the militia, or any part thereof, so called into real service by virtue of the provisions in this Act, shall and may be ordered to march from one county or part of the Province to another, on any necessary service, occasioned by any such invasion, or sudden attack made, or threatened.

Commanding Officer for the time, if occasion require, to order militia on service, and empowered to impress men, horses, boats, carts and waggons that may be wanted.

XVIII. *And be it further enacted*, That in case of any invasion, or sudden attack, made, or threatened to be made, as aforesaid, in any county where the Commander in Chief cannot be immediately consulted, the commanding officer of the militia in such county shall have power, if he in his discretion shall think it absolutely necessary, to call out the militia of such county, or any part thereof, into real service; and in case of any such invasion, or sudden attack being made, or threatened to be made, in any town, parish or district, in any county where the colonel or commanding officer of the militia of such county cannot be immediately consulted, the officer commanding the militia in such town, parish or district, shall have power, if he in his discretion shall think it absolutely necessary or expedient to call out the militia under his command, or any part thereof, into real service, and such officer last mentioned, shall forthwith report his proceedings, and the reasons and grounds thereof, to the colonel, or commanding officer of the militia of the county, who is hereby empowered and required, in case he shall call out, or continue in real services, any part of the militia under his command, forthwith to dispatch, if necessary, an express to the Governor, or Commander in Chief for the time being, notifying the danger, and the strength and motions of the enemy; and the said colonel, or commanding officer, is hereby empowered to impress men and horses, boats, carts or waggons, as the service may require; and all expresses so ordered, and the men so impressed, or owners of such horses, shall be allowed a reasonable compensation for such service, to be paid out of the Provincial Treasury, by warrant from the Governor, Lieutenant-Governor, or Commander in Chief for the time being, with the advice of His Majesty's Council, and on certificate of such colonel, or commanding officer, and two captains of the militia of such county, that such expenses have been justly incurred.

Compensation for such impress.

Duty of Militia when called into service to be re-

XIX. *And be it further enacted*, That when, in consequence of the order of the Commander in Chief, or in the cases herein before mentioned of the colonel or officer commanding the militia

militia of any county, shall be called into real service in the county to which they belong, all duties to be performed, except in cases of great emergency, shall be regulated by rosters, to be kept of the militia fit for duty, so that such service may be equitably distributed; and every officer, or person enrolled in the militia, so called into actual service, is hereby bound and required to yield obedience to all lawful commands of his superior officers for mounting guards, erecting works, and other military services; for repelling, resisting, or guarding against the attacks of the enemy, under penalty of incurring the forfeitures appointed by this Act, for disobedience of orders.

XX. *And be it further enacted*, That if any officer, or non-commissioned officer or soldier of the militia, under arms on real service, on a march, or on guard, or that shall be ordered for any of the above mentioned duties, shall disobey orders, or neglect doing his duty, or shall shew any contemptuous behaviour towards his superior officers: if an officer, he shall, on conviction thereof before a general court martial, to be constituted and appointed as herein after is directed, be cashiered by the sentence of such court martial; if a non-commissioned officer, or soldier, he shall be confined by the commanding officer of such party or guard; and it shall be lawful for the commanding officer of the regiment, or any party or detachment not under the degree of a captain, to order a regimental court martial to be forthwith held for the trial of such offender, the said court martial to consist of one captain, and two subalterns at least, but when they can be had, of one captain, and four subalterns; who may give judgment by laying a fine on such offender, in any sum not exceeding forty shillings, which fine, so ordered by the court-martial, if he neglect or refuse to pay, the said offender shall be committed to the county goal, for any time not exceeding ten days. *Provided nevertheless*, That no sentence of a regimental court martial shall be put into execution until approved by the commanding officer of the regiment, or of the detachment where the crime may have been committed; and no officer being the accuser shall sit as a member.

XXI. *And be it further enacted*, That if any officer, non-commissioned officer or soldier, of the militia, shall, in the field, upon a march, or in quarters on actual service, begin, excite or join in, any mutiny, or knowing of such mutiny begun or intended, shall not give information thereof to his commanding, or other superior officer, or shall not, when thereunto ordered, use his utmost endeavours to suppress such mutiny, or shall desert the troop, company or command, to which he belongs, or shall disobey orders, if a commissioned officer, he shall be put under arrest by any superior officer, if a non-commissioned officer or soldier, he shall be committed to the next county or other goal as soon as convenient, by warrant under the hand and seal of the officer commanding the regiment, company or detachment, to which such person, so offending, shall belong, and it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief of the Province for the time being, to order a general court martial, by warrant under his hand and seal, for the trial of such offender, as speedily as the service will admit, which court martial shall not consist of a less number than thirteen commissioned officers of the militia, and the president of such court martial shall not be under the rank of a field officer, and there shall be as many captains as conveniently can be had, the eldest subalterns to make up the number, and that such court martial shall have power to administer an oath to any witness, in order to the examination or trial of the above offences, that shall come before them.

XXII. *And be it further enacted*, That such general court martial shall have power to punish with death, or otherwise, by fine, or imprisonment, in proportion to the enormity of the offence, the fine not exceeding one hundred pounds, or imprisonment not more than twelve months. *Provided always*, That the power of punishing with death shall be limited to the offences of mutiny and desertion only. *And provided always*, That in all trials by general court martial every officer, before any proceedings be had, shall take the following oath, and the Judge Advocate is hereby authorized to administer the same, viz. I.

regulated by rosters except in cases of great emergency.

Men enrolled to obey superior officer.

Punishment of persons disobeying the orders of their superiors.

Forming Court Martial for trial of Mutiny, Desertion and disobedience of order.

Power of Court Martial in cases of Mutiny and Desertion, and to punish other offences.

Oath to be taken
by Members of
the Court.

I A. B. Do swear, that I will duly administer justice, according to the laws of this Province now in force for the better regulating the militia, without partiality, favour or affection ; and I further swear, that I will not divulge the sentence of this court until it shall be approved by His Majesty, or some person duly authorized by him ; neither will I, upon any account whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a Court of justice, in a due course of law. So help me God.

No sentence of
death to be given
unless twelve
concur.
Appointment of
a Judge Advocate.

And no sentence of death shall be given against any offender, by such general court martial, unless twelve officers present shall concur therein ; and the Governor, Lieutenant-Governor or Commander in Chief, shall have power to appoint any one of His Majesty's Justices of the Peace for said Province, or other fit person, to act as Judge Advocate at any such general court martial. *And provided always,* That the Judge Advocate, previous to any proceedings had on the trial of any prisoner, take the following oath, to be administered by the president of the court martial to wit :

Oath to be taken
by Judge Advocate.

I A. B. do swear, that I will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof, as a witness by a Court of Justice in a due course of law. So help me God.

And that no sentence of such general court martial shall be put in execution before the same be approved by the Governor, Lieutenant-Governor, or Commander in Chief for the time being.

Of able bodied
volunteers.

XXIII. *And be it further enacted,* That whenever the Governor, or the Commander in Chief for the time being, shall, in consequence of any invasion or attack made, or threatened as aforesaid, think it expedient to order a proportion of the militia of any county, to march out of such county on real service, that all volunteers, who offer themselves for such service, (being able of body in the opinion of the field officers of the regiment, to which such volunteer or volunteers belong,) shall be accepted therefor, and being so accepted, shall be subject to all the provisions of this Act, as though they had been draughted by ballot, the remainder of the proportion of said county to be balloted for as herein after directed ; and every person so accepted as a volunteer from any independent company, or regimented company, of the militia, shall have the privilege of exempting from balloting, for that especial service, so many men belonging to the same, or any other company or companies of the militia of said county, as shall amount to his proportion of the number ordered from such county ; and such men shall be exempted from balloting for that special service as aforesaid, in the companies to which they respectively belong, on producing a certificate from any officer ordered for service out of the said county as aforesaid, that such volunteers have been accepted to serve for such men.

Mode of balloting.

XXIV. *And be it further enacted,* That all ballots shall be in exact proportion to the number of men fit for duty in each company, who have not been already draughted for service, or who be not exempt by certificate, as herein before directed, from balloting for that especial service ; and where any emergency shall render it impracticable to assemble any company for the purpose of balloting, such balloting shall be made by the officer commanding such company, in presence of one of His Majesty's Justices of the Peace, and two other credible persons not belonging to the said company, who shall be upon oath : and each and every person so draughted shall go in his own proper person, or find a sufficient substitute, to be approved of by the officer commanding the detachment, or field officer of the regiment in his room ; and in case of neglect or disobedience herein, he shall be confined by the commanding officer, and shall pay a fine of ten pounds, or remain in goal three months, and another man shall be draughted as aforesaid, to march in his place, who shall have the whole of the said fine, if he shall not refuse or neglect to go, or find a sufficient substitute in his room as aforesaid : but if he shall also neglect, or refuse, then he shall be subject to the like fine or imprisonment, and a further draught shall be made of another man, who shall have the whole of

of the fine last mentioned, if he shall not neglect or refuse to go, or find a sufficient substitute in his room as aforesaid, and so often as such case shall happen. *Provided always, and it is hereby declared,* That the rest of such fines, if more than one, shall accumulate and be recoverable to the use of the regiment, to which such draughts belong. *Provided also,* That in case any part of the militia in any county shall be called not more than once within four years, no person who has been once draughted as aforesaid, and shall have served, shall be again draughted, until all the others belonging to the same company, who are not exempted by volunteers serving for them, shall have been draughted, and shall have served in their turns also. *Provided always,* That no person commonly called quakers, and duly certified as such by their society, shall be liable to the foregoing fine; but in case of such quaker being draughted as aforesaid, and refusing to serve or procure a substitute as aforesaid, it shall and may be lawful, for the captain or officer commanding the company, to which such quaker belongs, to procure and hire a substitute for such quaker, and such quaker shall be liable to pay the expence of such hiring, to be recovered before any two of His Majesty's Justices of the Peace; and provided the same shall not exceed the sum of ten pounds.

Servitude of the men of each battalion or regiment.

Quakers being drafted and refusing to serve to pay for a substitute.

Whereas the people called quakers are exempted from meeting with the militia on the several days of training by this Act; and whereas it is but just and right those people should contribute to the public service of the country:

XXV. *Be it therefore enacted,* That every person, under the aforesaid description, from the age of twenty one years, to the age of fifty years, shall, yearly, during the continuance of this Act, work for the space of four days on the public highways, under the direction of the overseers of the highways in the district to which he belongs, over and above the time he is, by any other Act of the Province, bound to work; or shall pay the sum of three shillings for every day he shall neglect so to work, to be recovered before any one of His Majesty's Justices of the Peace.

Quakers liable to work on the roads.

XXVI. *And be it further enacted,* That when any part of the militia shall be ordered to march from one part of the Province to another, on real service as aforesaid, or shall be called out as aforesaid, to do actual duty, on real service, within any town or county in this Province, (otherwise than by mounting ordinary guards, for the defence of any place in such town or county) there shall be allowed and paid to the commissioned, and non-commissioned, officers, drummers, fifiers and private men, for so long a time as they shall remain on such service, at and after the same rates following: that is to say, to the commissioned officers, at and after the same rate as officers of the like rank in His Majesty's troops; to every serjeant two shillings and two pence per day; to every corporal, one shilling and six pence per day; to every drummer, and to each fifier, one shilling and six pence per day; to every private man, one shilling and three pence per day, together with the like allowance of rations of provisions of all kinds, as are distributed and allowed to His Majesty's regular forces, and subject to the like deductions therefor.

Payment of Militia, when called out, (except for ordinary guards, where they reside.)

XXVII. *And be it further enacted,* That in any county, exposed to the attacks of an enemy by water, it shall and may be lawful for the General Sessions of the Peace, on presentment of the Grand Jury of such county, to assess such sum or sums, as may be so presented, for the providing one or more armed boats, for the defence of such county or township; such boat or boats to be under the direction of the officer commanding the militia in such county, until by the sessions, and on presentment of the grand jury aforesaid, such boat or boats shall be judged no longer necessary; when they shall be at the disposal of such sessions, on the presentment of said Grand Jury, for the benefit of such county.

Manner of furnishing armed boats, in places exposed to attack by water.

XXVIII. *And be it further enacted,* That whenever the colonel, or commanding officer of the militia in any county, where such boats are provided, shall find it necessary to order the boats,

What is required of the militia when ordered on service in boats.

boats so provided, or any other boats or vessels with which he may be furnished, to proceed in repelling the enemy, or to the assistance of any neighbouring district or place, or to be stationed as a watch for the defence of any such place, the militia of such county, shall, on the orders of such commanding officer, proceed in such boats accordingly. *Provided always*, That the officer commanding the party of militia on board such boat or boats, shall have the command also of such boat or boats, and that the militia shall not be obliged to proceed more than three leagues from the land when so ordered.

Muster roll of independent companies, to be rendered: and to whom.

XXIX. *And be it further enacted*, That every captain, or officer commanding an independent company, shall thrice a year, if thereunto required, deliver a copy of His muster roll to the colonel, or commanding officer of the regiment or battalion of the county, where such independent company may be, and in case of the militia in such county, or any part thereof, being called into actual service on account of any invasion or sudden attack made, or threatened to be made, by His Majesty's enemies every such independent company shall, in the absence of the Governor, or Commander in Chief of the Province, or until otherwise ordered by him, be under the immediate command and direction of the colonel, and, in his absence, of the next commanding officer of such regiment.

Disabled men to be taken care of at the expense of the Province.

XXX. *And be it further enacted*, That if any person be wounded or disabled upon any invasion or attack of the enemy, he shall be taken care of at the expense of the Province, during the time of such disability.

And whereas arms and accoutrements have been issued from His Majesty's stores, for the use of some of the militia, in several parts of this Province; and it is necessary to provide for the security of these arms and accoutrements, or such as may hereafter be issued on any occasion:

Of the issuing of Arms, &c.

XXXI. *Be it further enacted*, That such arms so issued, or which may hereafter be issued, shall be branded distinctly on the broad part of the butt, with the letter M. and the name of the county to the militia of which they are issued (such brand to be provided by the Treasurer of such county) and delivered to the officer commanding the militia thereof, and all captains, or other officers commanding companies, shall be, and are hereby made responsible (except in case of unavoidable accident) for the safe keeping, and return, if called for, of such arms and accoutrements as were issued to the men in their respective companies, or may hereafter be so issued; and such captains, or officers commanding companies, are hereby empowered and required, to take into their possession all such arms and accoutrements, except where the persons to whom they have been issued shall give unexceptionable security for the safe keeping and return of the said arms and accoutrements, in which case such persons shall be intitled to keep possession of such arms and accoutrements, while they remain in the township in which such company may be; and, in case of the removal of any such persons from one company in said township to another, their security shall be transferred to the officer commanding the company to which such person shall remove, who shall give a receipt for such arms, accoutrements, which receipt shall exonerate the captain, or officer commanding the company from which such person removed, from his responsibility for such arms and accoutrements, which shall then attach to the captain, or officer commanding the company into which such person shall remove; and if any person having such arms or accoutrements in his possession, shall vend, pledge, or exchange, the same, or any part thereof (without leave of the officer commanding the company, to which such person belongs) or shall convey, or cause the same, or any part thereof, to be conveyed out of the township to the militia of which such arms and accoutrements were issued, (except when ordered on real service); or shall convey, or cause the same to be conveyed, on board any boat, ship or vessel, with intent to have the same carried out of the county, or Province;

vince; or if the master of such boat, ship or vessel, shall wilfully receive into his boat, ship or vessel, any such arms or accoutrements so intended to be conveyed out of the Province, every person so offending shall, for each and every offence, forfeit and pay the sum of ten pounds: and all fines, recovered by virtue of this clause, shall be applied to the purpose of defraying the expences incurred in repairing such arms and accoutrements, and making good any deficiency, which, from unavoidable accident, may have happened, in such arms and accoutrements; the overplus, if any, to be appropriated as other fines incurred by the provisions of this Act.

Application of the above fines.

XXXII. *And be it further enacted,* That the Governor, or Commander in Chief of the militia for the time being, is hereby impowered to cause alarm posts, and signals, to be established, when and so often as he may think it necessary in time of war, in any place or places of this Province; and all orders received from the Governor, or Commander in Chief, or by the officer appointed by him for this purpose, shall be punctually obeyed, under the penalty of incurring the forfeiture incurred for disobedience of orders; and every person or persons who shall wilfully make, or cause to be made, any false alarm, shall forfeit and pay, for every and each offence, the sum of fifty pounds.

Governor to establish Alarm Posts and Signals.

Persons making false alarms to forfeit Fifty Pounds.

XXXIII. *And be it further enacted,* That when the militia of this Province, or any part thereof, shall be ordered to march from one district to another, it shall and may be lawful for the Justices of Peace, inhabiting in, or near any town, village or place, into, or through, which such militia shall arrive or pass, to quarter and billet the officers and soldiers of the militia, so on their march as aforesaid, in inns, taverns and ale-houses, and where there shall not be found sufficient room in the inns, taverns and ale-houses, then to quarter and billet the remainder of such officers and soldiers of the militia as aforesaid, in the houses of persons selling spirituous liquors by retail, and in the houses of persons who have, within one month previous to the marching of such militia, kept an inn, tavern or ale-house; and all persons on whom the militia shall be quartered and billeted as aforesaid, shall, and are hereby required to, furnish the said officers and soldiers, so billeted on them as aforesaid, with lodging, and good and sufficient provisions, consisting of bread, flesh and vegetables; and the officer commanding each, and every, detachment of militia, so quartered and billeted as aforesaid, shall give to the person or persons on whom they shall be so quartered and billeted, receipts, or certificates, of the number of meals furnished to his detachment, which receipt shall entitle such person or persons to receive from the treasury of the Province, six pence for every meal, so to be furnished as aforesaid, and one penny for every night's lodging so to be furnished, the same to be drawn for by warrant on the treasury, by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, with the advice of His Majesty's Council; and if any officer shall give any receipt, or certificate, for any greater number of men than he has then actually present with him, or for a greater number of meals of provisions, or nights' lodging, than has actually, and *bona fide*, been by him received for the use of his detachment or command, such officer, on conviction thereof before a general court-martial, shall be cashiered, and shall moreover forfeit and pay a fine of fifty pounds: to be recovered by bill, plaint or information, in any of His Majesty's Courts of Record in this Province: one half whereof shall go to the informer, and the remainder be paid into the treasury of the Province, for the use of the Province.

Billeting of Officers and Soldiers on a march through the Province.

Recovery and application of all Fines.

XXXIV. *And be it further enacted,* That all fines and forfeitures incurred by this Act, not exceeding three pounds, shall be recovered before any one of His Majesty's Justices of the Peace, not being an officer of the company in which such fines shall be incurred; and it shall not be lawful for the Justice, before whom such fines and forfeitures shall be recovered, to accept or take any fees for doing the duties enjoined by this Act, on his own account: and all other fines and forfeitures, above three pounds, shall be recovered in any of His Majesty's Courts of Record within this Province, unless the recovery of the same be otherwise provided

for by this Act. *Provided*, That no person or persons whomsoever shall be prosecuted by virtue of any clause in this Act, for any breach thereof, after the expiration of three months from the commission of the offence; and all fines, penalties and forfeitures, arising by virtue of this Act, not otherwise disposed of therein, shall be for the use of the regiment or independent company respectively, wherein the same doth arise, and payable; and the officer commanding such regiment or independent company; that is to say, for the procuring and repairing arms, drums, colours, pay of drummers, and other charge of the said regiment or independent company, and the overplus, if any be; to be laid out for arms and ammunition, for the use of such regiment or independent company.

Officers commanding companies to read this Act at their head once a year, under penalty.

XXXV. *And be it further enacted*, That this Act shall be read once every year by the officers commanding companies, at the head of their respective companies, on pain of such commanding officer forfeiting for every offence, the sum of five pounds.

All former Acts, respecting Militia, repealed.

XXXVI. *And be it further enacted*, That an Act, made and passed in the thirty-second year of His late Majesty's reign, entitled; An Act for establishing and regulating a militia; and also an Act, made and passed in the thirty-second year of His present Majesty's reign, entitled, An Act for the better regulating a militia in time of war: together with all the additions to, and amendments of, the said recited Acts, shall be, and the same are hereby, repealed; and the militia, raised by virtue of the said former Acts, shall be subject to all the provisions and regulations herein contained in lieu thereof.

Continuance of this Act.

XXXVII. *And be it further enacted*, That this Act shall continue, and be in force, to the first day of July, one thousand seven hundred and ninety six, and until the end of the next Session of the General Assembly, and no longer.

CAP. VIII.

Expired.

An ACT to provide for the Summary Trial of Actions, heretofore vested in His Majesty's Justices of the Peace, in the Town and Peninsula of Halifax.

CAP. VIII.

An ACT in amendment of an Act, made in the Thirty-fourth year of His present Majesty's reign, entitled, an Act in addition to, and amendment of, an Act, made in the Thirty-third year of His present Majesty's reign, entitled, an Act for granting to His Majesty certain Duties on Wine, Rum, and all other distilled Spirituous Liquors, and Brown Sugar, for the purpose of paying the Interest, and reducing the Principal, of the public Debt of this Province; and also to revive, and render more effectual, an Act passed in the same Thirty-third year of His present Majesty's reign, entitled, an Act for providing for the Support of His Majesty's Government in this Province, by laying an additional Duty on Wine, Rum, and other Articles therein mentioned, and for encouraging the Agriculture, Fisheries and Commerce, of this Province.

For Acts respecting Revenue See note on 29th Geo. 3d, Cap. 14.

WHEREAS *divers provisions are necessary to render more effectual the aforesaid Acts:*

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That all rum, and other distilled spirituous liquors, which shall be stored for the purpose of supplying His Majesty's army, navy, or careening yard, as directed by the aforesaid Acts, or either of them, shall be exactly gauged, without an allowance of five per cent. for leakage, and the quantity contained in each cask, marked by the Gauger on the head thereof, for which quantity, and no more, the person supplying the same to His Majesty's army, navy and careening yard, shall be allowed credit for, or be repaid, the duties by him secured or paid thereon.

Preamble.

Rum or Spirits, stored for the use of the Army, Navy, &c. to be exactly gauged and no allowance to be made for leakage.

II. Be it further enacted, That the Collectors of Impost and Excise in their several districts, and the Inspector and Searcher in the district of Halifax, shall, once in every three months, or oftener, if they shall think proper, take an account of all the articles subject to duty by virtue of the aforesaid Acts, or either of them, which shall be in the possession of any person dealing in the said articles, within their respective districts, and for that purpose, shall and may, at any time between the rising and setting of the sun, on any day, enter into any house, shop, or storehouse, of any person or persons, so dealing in the said articles: and if any person or persons so dealing in articles, liable to duty aforesaid, shall refuse to open the door of his, her or their, house, shop, or storehouse, or shall prevent or obstruct such Collector or Collectors, or Inspector and Searcher, from entering in such house, shop, or storehouse, for the purpose aforesaid, such person or persons shall forfeit the sum of one hundred pounds, to be recovered by such Collector or Collectors, or Inspector and Searcher, by bill, plaint or information, in any of His Majesty's Courts of Record, within this Province.

Officers of Excise to take account of dutiable articles, in stores, &c. once in three months.

Penalty for such obstruct them.

Whereas by reason of accidents and delays during the time of war, persons who have exported, or may hereafter export, articles liable to duties as aforesaid, may not be able to procure the certificates, by law required, to entitle them to have credit for, or to be repaid, the duties by them secured or paid thereon, within the time limited by law, for producing such certificates: And whereas it may often happen that such articles so exported, or to be exported as aforesaid, may be lost, or taken by the King's enemies, before they arrive at the port or place to which they are, or shall be destined; for remedy thereof:

III. Be it enacted, That it shall and may be lawful for the Commissioners of the Revenue

Additional time allowed for ob-
for

drawback of duties, on exported articles.

for the time being, in cases where they shall deem it just and necessary, to allow any person or persons, who have exported, or shall export, any of the said articles liable to duty as aforesaid, a reasonable time above the space of one year, now by law allowed, for the return of the certificates required to entitle them to have credit for, or to be repaid, the duties by them secured or paid thereon, during which time the duties secured on such articles, shall not be demanded of the exporters of the same.

Drawback of duties on articles lost, or captured in exportation, how obtained.

IV. *Be it further enacted*, That in case any of the articles liable to the duties aforesaid, shall be exported out of this Province, agreeable to the provisions of the aforesaid Acts, or either of them, and shall be lost, or taken by the King's enemies, it shall and may be lawful for the Commissioners of the Revenue, upon full proof of such loss or capture, to order and direct that the exporter thereof shall receive credit for, or repayment of, the duties by him secured or paid thereon, in the like manner as such exporter would be entitled to receive the same, upon his producing the regular certificates of exportation and landing such articles, required by the said Acts, or either of them.

Appointment of Collectors, &c. in out-ports, and districts; and their duty and authority.

V. *Be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to authorize and empower such fit and proper persons, as he shall think convenient; in the several out-ports and districts in this Province; who shall and may enter on board any ship or vessel, which shall arrive or come into the port or district for which they shall be appointed; with articles liable to duties by virtue of any of the Acts of this Province, to examine and search the same, and such officers, so to be appointed, shall and may seize and prosecute to condemnation any ship, vessel or goods, liable to forfeiture by the Acts, or either of them, and to sue for, and recover, any fines, penalties and forfeitures, imposed by the said Acts, for the same causes, and in the same manner, as the Collectors of Impost and Excise, in their respective Districts, are empowered to do the same; and shall be entitled to have and receive the same share and proportion of such ship, vessels, goods, fines and forfeitures, as such Collectors are, by the said Acts, or either of them, entitled to, on condemnation or conviction, in like cases.

Duration of the Act

VI. *And be it further enacted*, That this Act, and every matter and thing therein contained, shall be and continue, and the same is hereby continued in force, to the first day of July, one thousand seven hundred and ninety six, and no longer.

CAP. IX:

Expired.

An ACT to continue in Force, the several Acts therein mentioned.

CAP. X.

Executed.

An ACT for applying certain Monies therein mentioned, for the Service of the Year of Our Lord One Thousand Seven Hundred and Ninety Five, and for appropriating such part of the Supplies granted in this Session of General Assembly, as are not already appropriated by the Laws or Acts of the Province.

CAP. XI.

An ACT to raise a Sum of Money, not exceeding Two Thousand Pounds, by Lottery, for the purpose of building Bridges, and repairing and amending Roads within this Province.

This Act having received the approbation of His Majesty, was executed.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twentieth Day of March, Anno Domini 1793, and thence continued by several Prorogations to the Third Day of March, Anno Domini 1796, in the Thirty-Sixth Year of the Reign of Our Sovereign Lord George the Third of Great-Britain, France, and Ireland, KING, Defender of the Faith, &c. being the Fourth Session of the Seventh General Assembly convened in the said Province.*

* In the time of Sir John Wentworth, Lieutenant-Governor; Sir Thomas Andrew Strange, Chief Justice, and President of Council; Thomas Barclay, Speaker; James Gautier, Secretary of Council; and James B. Franklin, Clerk of Assembly.

CAP. I.

An ACT in amendment of an Act, passed in the Thirty-first year of His present Majesty's reign, entitled, an Act to raise a Revenue, for the purpose of paying off all such Debts as are now due by the Province, or which shall become due before the First day of July next, the Funded Debt only excepted; and to suspend the operation of such parts of the said Act, and the several Acts in amendment thereof, as relate to any new Tax, or Assessment, hereafter to be made.

Expired.

CAP. II.

An ACT to regulate Juries.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication of this Act, every person not herein after exempted, having an estate of freehold in the county for which he shall be summoned; of the clear yearly value of ten pounds, and having

Of the qualification of Jurors.

Persons exempted from Juries.

having been resident therein for the space of three months, or a personal one of one hundred pounds, with like residence; or, in like manner, a freehold of twenty shillings, or personality to the amount of ten pounds, shall be respectively qualified, and liable, to serve upon Grand and Petit Juries within this Province. *Provided always*, That the Members of His Majesty's Council, the Members of the Assembly, the Treasurer and Secretary of the Province, the Officers of His Majesty's Courts, the Officers composing the Staff of the Army, the Clerks belonging to the several departments of the Army, the Officers and Clerks belonging to, and Labourers actually employed in, the Naval Yard, the Officers and Clerks belonging to, and Labourers actually employed in, the Civil Departments of His Majesty's Ordnance, the Officers of His Majesty's Customs, Register of Deeds, Chief Surveyor of the Crown Lands, Naval Officer, and his Deputies, Ministers, Attornies, Physicians, Surgeons, Engine Men, and persons above seventy years of age, are hereby exempted from such service.

Mode of returning, and ascertaining, Jurors.

II. *And be it further enacted*, That the different Sheriffs shall, once every year, viz. on or before the 10th day of April, return to the Prothonotaries, or Clerks, of the several Courts in which Juries are required to serve, lists of all persons so qualified, and not exempted as aforesaid, who shall thereupon cause the names of such persons to be written on distinct and similar pieces of paper, and the same to be severally rolled up, and put together in a box, to be kept by them respectively, under lock and key, for that purpose. And for the better enabling the Sheriff of the County of Halifax to make out such lists as have been accustomed to be by him returned for the service of the several Courts in that county, and in order to assist the other Sheriffs, throughout the Province, to complete their respective lists, he, or any of them, shall, upon request made by him, or any of them, respectively, to any person in that part of the County of Halifax, comprehended within the town and peninsula, or in any other County, who shall have in his custody any rates or assessments for the payment of taxes, have liberty to inspect the same, and take from them the names of all such persons liable to serve on Juries, as they shall be found to contain.

Grand and Petit Juries to be drawn from the Box the last Term or Sessions in every Year.

III. *And be it further enacted*, That the Grand Juries for the several Counties shall be drawn from the said box, in the Supreme Court, or in the Court of Quarter Sessions, for those counties to which the Supreme Court does not go, by the proper officer thereof, in the course of the last term or sessions in every year: and being afterwards summoned and sworn, at the first ensuing term or sessions in the following year, shall serve as such during the whole of the same. And the Prothonotary, or Clerk, of the Supreme Court, Inferior Court, and Court of Quarter Sessions, in every county, is hereby also directed, on or before the last day of each term or sessions, to draw in like manner the names of a sufficient number, to serve as Petit Jurors, for the term or sessions then next ensuing: lists of which, as also of the said Grand Juries, being respectively made out, by the said Prothonotary or Clerk, and signed by the Chief or first Justice, presiding at the time, the said Prothonotary, or Clerk, shall, ten days before the next meeting of the Court, issue writs of *venire facias*, for the summoning the persons contained therein accordingly. *Provided always, and be it enacted*, That the persons now returned, and serving on the different Grand Juries throughout the Province, shall continue to serve for the present year, as if they had been returned under this Act.

Lists to be signed by the Chief Justice and *venire facias* issued.

Persons now serving on Grand Juries to continue for the present Year.

Grand Juries to pay every days, default a fine not exceeding 20s. and Petit Juries 10s.

IV. *And be it further enacted*, That every person duly summoned as aforesaid to serve upon any Jury, who, not being prevented by sickness, or other reasonable cause of absence, shall fail to appear, and serve upon the same, shall forfeit and pay for every day's default, if a Grand Juror, a fine not exceeding twenty shillings, and if a Petit Juror, a fine not exceeding ten shillings; which being levied, if necessary, by warrant of distress and sale, shall be paid to the Prothonotary, or Clerk, respectively, and be by them accounted for at the end of each term or sessions, to the Treasurer of the respective counties, to be from time to time applied by the Justices of the several Courts, for the countries use.

V. *And be it further enacted,* That if, by reason of just excuses to be allowed of by the Court, a sufficient number of persons so summoned as aforesaid, either as Grand or Petit Jurors should not be likely to attend in any particular term, sessions or year, it shall be in the discretion of the Court to return the names of the persons so excused, or of such of them as the Court shall think fit, into the box, as though they had not been drawn, and to draw others in their stead, who shall be forthwith summoned by the Sheriff, and be subject to all the consequences of non-attendance as before provided. And in every case where a full Jury for the trial of any cause shall not appear, or appearing shall, by challenge of either of the parties, otherwise prove deficient, a *Tales de Circumstantibus* shall be awarded, and immediately returned in manner as has been heretofore practised.

In case of default of Jurors others to be drawn in their stead.

VI. *And be it further enacted,* That it shall and may be lawful for His Majesty's Supreme Court, upon motion made on behalf of any party, in any cause, civil or criminal, to order a special Jury to be struck before the Prothonotary from the list in his office, according to the course of the common law, for which he shall be entitled to a fee of five shillings: and the Jury so struck, shall be the Jury to be summoned and returned for the trial of such cause.

Special Jurors to be struck before the Prothonotary from the list in his office.

VII. *And be it further enacted,* That where, in the Supreme Court, or in any of the Inferior Courts of Common Pleas, a view shall be allowed in any cause, six or more of the Jurors to be mutually consented to by the parties or their agents, or if they cannot agree, to be named by the Court, together with two persons to be in like manner appointed to shew them the matters in question, shall have the same; and the said viewers, or such of them, as appear, shall be first sworn upon the Jury, to try the cause, in which it shall have been allowed: And in case a view shall either not have been had at all, or not had by the number appointed, yet the trial shall proceed, and no objection be received on either side, on account thereof.

Where a view is allowed six of the Jurors to have the same.

CAP. III.

An ACT in addition to, and in amendment of, an Act, passed in the Sixth year of His present Majesty's reign, entitled, an Act for regulating the Times and Places of holding the several Courts of Justice therein named.

WHEREAS it will greatly conduce to the speedy determination of suits in His Majesty's Supreme Court, and in the Inferior Court of Common Pleas at Halifax, to increase the number of Terms for the sitting of the said Courts, and to add to the number of days for the return of writs therein:

Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That the said Supreme Court, (in addition to the terms now by law to be holden) shall hereafter be held annually on the second Tuesday of January in every year; and shall continue to sit for any period not exceeding fourteen days.

Supreme Court to hold an additional term at Halifax, on the second Tuesday January annually

II. *And be it further enacted, by the authority aforesaid,* That the Grand and Petit Jurors bound by law, to attend the setting of the said Court, shall not be bound to attend the said Supreme Court on the second Tuesday of January annually, or at any time during the continuance of that term, unless such Jurors shall be specially summoned to attend the same by the Sheriff of the said county, in consequence of an order from some one of the Judges of the said Court.

Attendance of Jurors in January, dispensed with, unless specially ordered to attend.

III. *And be it further enacted, by the authority aforesaid,* That from and after the publication hereof the Court of Common Pleas for the said county of Halifax, shall be holden on the first Tuesdays of March, June, September and December, in every year, to sit for any period, not exceeding fourteen days, and that the Justices of the said Courts respectively, shall and may appoint such, and so many days during the sittings of the said Courts for the returns

Time of holding Court of Common Pleas, for the County of Halifax established, and power given to Courts to appoint return days.

returns of writs and process, as to them, or the majority of them, shall seem proper and convenient.

And where it will be convenient so to order the first sitting of the Inferior Court of Common Pleas, and General Sessions of the Peace, for the county of Cumberland, that those Courts may have the benefit of the same Juries summoned to attend the Supreme Court for that county:

Time of holding Court of Common Pleas for the County of Cumberland.

IV. *Be it further enacted, by the authority aforesaid, That from and after the passing of this Act, the said Courts shall hold their first sittings in every year, upon the day next after the meeting of the Supreme Court, and that the Grand and Petit Juries returned for the said last mentioned Court, shall respectively serve at the said Inferior Court, and General Sessions of the Peace, in like manner as if they had been summoned for the same.*

CAP. IV.

For Acts in addition to this Act, see note on 3d. Geo. 4d. cap. 24.

An ACT in addition to, and in amendment of, an Act, entitled, an Act for the limitation of Actions, and for avoiding Suits of Law.

Preamble.

WHEREAS *in negligent and involuntary trespasses it frequently happens, that actions are commenced before the party, committing the trespass, has an opportunity of tendering satisfaction, agreeable to the Act of Assembly, of which this is in amendment:*

Notice allowed in actions of trespass.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly, That in all actions of trespass, quare clausum fregit, wherein the title of lands is not chiefly in question, hereafter to be prosecuted, the plaintiff shall, at least seven days previous to the issuing of process, serve the defendant with a notice in writing, to be left at the defendant's house, or place of abode, of his intention to commence such suit, unless the defendant shall, within that time, render reasonable satisfaction for the injury committed, and if, on the trial of any such actions, the plaintiff shall not prove due notice to have been given as aforesaid, he shall recover no more costs than damages; any law, usage or custom, to the contrary notwithstanding.*

CAP. V.

An ACT to alter and establish the Place, where the Courts of Justice for the Townships of Yarmouth and Argyle, shall in future be held.

Preamble.

Courts of Justice for the townships of Yarmouth and Argyle, to be held at Tusket Village.

WHEREAS *the place where the Courts of Justice for the townships of Yarmouth and Argyle, are now held, is found inconvenient to the inhabitants of both townships; for remedy whereof:*

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly, That from and after the publication hereof the Courts of Justice for the said townships, shall be held at the Tusket Village, on the eastern side of the Tusket river, and at no other place within the said township.*

CAP. VI.

An ACT to enable the Inhabitants of the Townships of Yarmouth and Argyle, to erect a Bridge over the Tusket River, near the Tusket Village.

WHEREAS a bridge over the Tusket River, will greatly facilitate the communication between the townships of Yarmouth and Argyle, and the adjacent county : Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council, and Assembly,* That it may be lawful for the inhabitants of the said townships to erect and establish a bridge over the said Tusket River, from Salmon Trout Point, on the east side of the said river, to Titus Hallibus, on the west side. Authority to build a bridge over Tusket River.

II. *Provided always, and be it further enacted,* That the said inhabitants of Yarmouth and Argyle, shall construct, and keep in repair, in the most convenient situation in the said bridge, a draw-bridge of sufficient width to admit of the passing and repassing of vessels and boats, up and down the said river. Provided there be a draw-bridge.

CAP. VII.

An ACT to encourage the building of a Bridge across the Harbour of Halifax.

WHEREAS the building of a bridge across the harbour of Halifax, would greatly facilitate the communication of the settlements in the eastern parts of the Province, with the town of Halifax : and whereas, Jonathan Tremain, Esquire, and others, have proposed to raise, by private subscription, a sufficient sum of money, for the purpose of building a bridge of boats, or other practical structure, across the said harbour and have prayed the aid of the Legislature of this Province, to enable them to carry into effect this intention : Preamble

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by letters patent, under the great seal of this Province, to incorporate Jonathan Tremain, Esq. and all and every person and persons, who, in their own right, or as executors, administrators, or assigns, for the original proprietors, at any time or times hereafter, shall have, and be entitled to, any part, share or interest, in the said bridge, so long as they shall respectively have any such part, share or interest, therein, to be one body, politick and corporate, in deed and in name, by the name of The Halifax Bridge Company, and by that name to have a succession, to continue for the term of ninety-nine years, and to have a common seal, with power, from time to time, to chuse their president, vice-president, and other officers, in such manner, and under such qualifications, with regard to the electors, and elected, as shall be directed in such letters patent : the first president, vice-president, and other officers, being qualified in the like manner, as all subsequent president, vice-president and officers, shall, by the said letters patent, be directed to be qualified, and to continue in their respective offices for such space of time, as, by the said letters patent, shall be limited and directed. Governor empowered to grant letters patent to incorporate Jonathan Tremain, and others, by the name of The Halifax Bridge Company, for ninety-nine years

II. *And be it further enacted, by the authority aforesaid,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by the said letters patent of incorporation, to empower the said company to make bye laws, from time to time, as well for the management and direction of the building and repairing the said bridge, as for Company empowered to make bye laws.

the regulation and government of the said company, and for the government of the servants and others who may be employed by the said company.

And to raise a capital stock in shares of twenty five pounds each.

III. *And be it further enacted, by the authority aforesaid,* That it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by the said letters patent, to empower the said company, by a voluntary subscription, to raise a sufficient sum of money, in shares of twenty-five pounds each: which sum, when so raised, shall be the capital stock of the said company: and to direct how the property of the persons subscribing and holding shares may be ascertained, transferred and alienated.

The Company to make calls, for payment of the subscriptions.

And to fix the times and proportions.

IV. *And be it further enacted, by the authority aforesaid,* That it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by the said letters patent, to empower the said company, or such part thereof, as, in the said letters patent, shall be named for that purpose, to make calls, and direct the payment of any part of the said subscriptions, which any person or persons shall subscribe, towards carrying on the said undertaking, at such times, and in such proportions, and to such person or persons, as the said company, or such part thereof, as shall be for that purpose named, shall direct and appoint: And that all payments be pursuant to the directions of a general meeting of the said company, to be assembled for that purpose, or of a majority of those present at such meeting. And if any person or persons shall refuse, or neglect, to pay any money which shall be so called for by the said company, at the time when the same shall be appointed to be paid, it shall be lawful for the said company to sell and transfer such share or shares of the person or persons so refusing or neglecting, as shall be requisite for raising the sum which such person or persons ought to have paid; and the purchaser of any share or shares, so sold, shall be liable to advance and pay therefor, to the said company, as much money as will be sufficient to answer the call aforesaid, and to reimburse to the person or persons, whose share or shares shall be so sold, in proportion to the then value of such share or shares, whatever sum or sums the former proprietor or proprietors shall have advanced and paid thereon.

and to sell the shares of those who refuse or neglect to pay.

Company empowered to erect a bridge across Halifax-harbour.

and to occupy the waters and lands, from high water mark on each side for 99 years.

A draw bridge to be constructed for the passage of vessels, &c.

Company empowered to establish a toll for 99 years.

And from time to time to alter the toll.

V. *And be it further enacted, by the authority aforesaid,* That it shall and may be lawful for the said company, to erect, maintain and keep, a bridge across the harbour of Halifax, to commence from, or near to, the Black-Rock, on the eastern side of said harbour, and to terminate on the opposite or western shore of said harbour, to the north of the Navy Hospital: And that the said company shall, and may, occupy, possess and enjoy, during the said term of ninety nine years, all the waters, and lands covered with water, from high water mark, on the eastern side, to high water mark, on the western side, of said harbour, whereon, or over which, said company shall erect such bridge.

VI. *Provided always, and be it further enacted, by the authority aforesaid,* That the said company shall be obliged to construct, and keep, in the most convenient situation, at least, one draw bridge, of sufficient width to admit of the passing and repassing of ships, vessels or boats, which draw-bridge shall, from time to time, as occasion may require, be raised up, or drawn, for the passage of any ship, vessel, raft or boat, passing up or down the said harbour, upon any lawful business.

VII. *And be it further enacted, by the authority aforesaid,* That for an encouragement to such persons as shall become subscribers to the said sum to be raised for building the said bridge, and to indemnify and recompence them for the great costs and charges of the said undertaking, it shall be lawful for the said company at any time or times during the said term of ninety nine years, to set, establish, demand and receive, a reasonable toll or tolls for all persons, horses, cattle, sheep, carts, waggons, trucks, coaches, chaises or carriages, of any kind, passing or repassing over the said bridge, which toll or tolls the said company may, from time to time, and at any time during the said term, alter and change: *Provided* such alteration and change be pursuant to the directions of a general meeting of the said company, to be assembled for that purpose, or

of a majority of those who shall be present at such general meeting. *And provided also*, That a notification of the several toll or tolls, so set and established, altered and changed, be publicly posted, or fixed, upon some post or posts at each end of the said bridge for general inspection, and that such notification remain so publicly affixed, or put up, for at least seven days before any establishment, alteration or change of any toll or tolls, shall take place.

Seven days notice to be given, before any toll is established or altered.

VIII. *And be it further enacted, by the authority aforesaid*, That, in order to secure the due payment of the said tolls, it shall be lawful for the said company to erect toll bars, or toll gates, at both, or either, of the ends of the said bridge, and to appoint and empower one or more person or persons to demand and take at the toll bars, or toll gates, so to be erected, the respective toll or tolls to be established or set, altered or changed as aforesaid, before any persons, horses, cattle, sheep, carts, waggons, trucks, coaches, chaises, or carriages of any kind, shall be permitted to pass through such toll bars, or toll gates.

Company empowered to erect toll gates.

IX. *And be it further enacted, by the authority aforesaid*, That the property of the said bridge, and the landings and abutments of the same, shall be vested and remain in the said company during the said term of ninety-nine years, and that from and after the expiration or determination of the said term, all the right, title and claim, of the said company in and to the said bridge, and the landings and abutments thereof, shall cease and determine, and the same shall henceforth be, and for ever remain, the property of the public.

Property of the bridge, &c. vested in the company for 99 years. Then to become the property of the public.

X. *Provided always, and be it further enacted, by the authority aforesaid*, That, unless the said company shall erect a good and sufficient bridge for the passage of men, horses, carts, waggons, and carriages of all kinds, loaded or unloaded, within the term of ten years, to be computed from the end of this present session of the General Assembly, the several provisions of this Act, and the encouragement therein granted to the said company, shall cease, determine, and remain without effect.

Bridge to be erected within ten years, or the provisions of this Act to remain without effect.

CAP. VII I.

An ACT to regulate the Assize of Bread.

WHEREAS the present rule for establishing the assize of bread, has been found not to be, in all cases, duly apportioned, to the respective prices of flour; and whereas it is of consequence that so necessary an article should be fairly, and strictly regulated, to the intent, that a plain and constant rule and method may be duly observed and kept, in the making and assizing of the several sorts of bread, which shall hereafter be made for sale, in any place, or places, where an assize of bread shall be thought proper to be set, in pursuance of this Act:

Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the publication hereof, it shall and may be lawful for the Court, or persons herein after authorized by this Act, to set the assize of bread; to set, ascertain and establish, in any place or places within their respective jurisdictions, the assize and weight of all sorts of bread which shall, in any such place or places, be made for sale, or exposed to sale, and the price to be paid for the same respectively, when and as often from time to time as such Court or persons as aforesaid shall think proper, having due respect to the price or prices which the grain, meal or flour, shall bear in, or near, the place or places for which such assize shall be set: and making, from time to time, reasonable allowance to the makers of bread for sale, where such assize shall be set, for their charges, labour and profit, according as such Court, or persons as aforesaid, shall from time to time think proper.

Assize and price of bread to be set.

II. *And be it further enacted, by the authority aforesaid*, That, from and after the publication hereof, where any assize of bread shall at any time be set, for any place or place, by virtue of this Act, no person or persons, shall there make for sale, or sell, or expose to sale, any sort of bread,

Where assize and price of bread, is set, no other sort than what is allowed by the

other

Court to be fold
on penalty of
from 5s. to 20s.

other than wheaten bread, and such other sorts of bread, as in such place or places shall, by the Court, or persons authorized as aforesaid, be publicly allowed to be made, or sold; and the Court, or persons empowered to set an assize of bread by virtue of this Act, may, from time to time, as they shall see fit, order and allow, in any places within their respective jurisdictions, bread to be made with the flour, or meal of rye, barley, Indian corn, or other grain, or with the meal or flour of any such different sorts of grain, mixed together: And if any person shall offend in the premises, and shall be convicted of such offence, either by his, her, or their own confession, or by the oath of one or more credible witness or witnesses, before any Justice or Justices of the Peace, within the limits of his or their jurisdiction, every one so offending shall, on every such conviction, forfeit and pay any sum not exceeding twenty shillings, nor less than five shillings, as such Justice or Justices shall think fit and order.

Assize of Bread
to be set, accord-
ing to the table
given.

III. *And be it further enacted, by the authority aforesaid, That, from and after the publication hereof, in every place and places, for which an assize of bread shall at any time be thought proper to be set by virtue of this Act, the assize and weight of all bread, made of good sound inspected wheaten fine flour, which shall be there made for sale, or sold, or exposed to sale, and the price to be paid for the same respectively, shall be set, and ascertained, according to the following table:*

Explanation of
Table.

(By the English stat. 31. Geo. 2d. C. 29, every sack of meal or flour, of the respective sorts, is to weigh, 2 cwt. 2 qrs. net, and from every such sack of meal or flour there ought to be produced, on the average, twenty peck loaves, well baked, each weighing seventeen pounds six ounces, avoirdupoise weight. By this rule is constructed the following table, which contains, in column No. 1, the price of the hundred weight of meal or flour, the allowance of the Justices to the Baker being included: And, in column No. 2, are the weights of the several loaves; so that for example, if the price of flour is certified to be twenty shillings per hundred weight, and the Justices allow four shillings to the Baker, for baking, find twenty four shillings in the column No. 1, and even therewith, under No. 2, will be found the weight of the several loaves; but if the price in the market is fifteen shillings, and the allowance three shillings, then the weight of the said loaves will be found even with eighteen shillings.)

No. I. Price of the Cwt. of Flour and Baking.	No. II.										
	The Penny Half-Penny Loaf.		The Threepenny Loaf.			The Sixpenny Loaf.			The Shilling Loaf.		
	Oz.	Dr.	Lbs.	Oz.	Dr.	Lbs.	Oz.	Dr.	Lb.	Oz.	Dr.
10s.	27	12	3	7	0	6	15	3	3	14	6
11s.	25	4	3	2	8	6	5	1	12	10	2
12s.	23	2	2	14	5	5	12	10	10	9	5
13s.	21	6	2	10	12	5	5	8	10	11	1
14s.	19	13	2	7	11	4	15	6	9	14	13
15s.	18	8	2	5	1	4	10	2	9	4	4
16s.	17	6	2	2	12	4	5	8	9	11	0
17s.	16	5	2	0	11	4	1	6	8	2	13
18s.	15	7	1	14	14	3	13	12	7	11	8
19s.	14	10	1	13	4	3	10	8	7	5	0
20s.	13	14	1	11	12	3	7	9	6	15	3
21s.	13	3	1	10	7	3	14	15	6	9	14
22s.	12	10	1	9	4	3	2	8	6	6	1
23s.	12	1	1	8	2	3	0	5	6	5	11
24s.	11	9	1	7	2	2	14	5	5	12	10
25s.	11	1	1	6	3	2	12	7	5	8	15
26s.	10	11	1	5	6	2	10	12	5	5	8
27s.	10	4	1	4	9	2	9	2	5	2	5
28s.	9	14	1	3	13	2	7	11	4	15	6
29s.	9	9	1	3	2	2	6	5	4	12	11
30s.	9	4	1	2	8	2	5	1	4	10	2
31s.	8	15	1	1	14	2	3	13	4	4	11
32s.	8	11	1	1	6	2	2	12	4	7	8
33s.	8	6	1	0	13	2	1	11	4	3	11
34s.	8	2	0	0	5	2	0	11	4	1	6
35s.	7	15	0	15	14	1	15	12	3	15	8
36s.	7	11	0	15	7	1	14	14	3	13	12
37s.	7	8	0	15	0	1	14	0	3	12	1
38s.	7	5	0	14	10	1	13	4	3	10	8
39s.	7	2	0	14	4	1	12	8	3	9	0
40s.	6	15	0	13	14	1	11	12	3	7	9
41s.	6	12	0	13	8	1	11	1	3	6	3
42s.	6	9	0	13	3	1	10	7	3	4	15
43s.	6	7	0	12	14	1	9	13	3	3	11
44s.	6	5	0	12	10	1	9	4	3	2	8
45s.	6	0	0	12	5	1	11	11	3	1	6
46s.	6	2	0	12	1	1	8	2	3	0	5
47s.	5	14	0	11	13	1	7	10	2	15	5
48s.	5	12	0	11	9	1	7	2	2	14	5
49s.	5	10	0	11	5	1	6	11	2	13	6
50s.	5	8	0	11	1	1	6	3	2	12	7
51s.	5	7	0	10	14	1	5	12	2	11	9
52s.	5	5	0	10	11	1	5	6	2	10	12
53s.	5	3	0	10	7	1	4	15	2	9	15
54s.	5	2	0	10	4	1	4	9	2	8	2
55s.	5	0	0	10	1	1	4	3	2	9	6
56s.	4	15	0	9	14	1	3	13	2	7	11
57s.	4	14	0	9	12	1	3	8	2	7	0
58s.	4	12	0	9	9	1	3	2	2	6	5
59s.	4	11	0	9	6	1	2	13	2	5	11
60s.	4	10	0	9	4	1	2	8	2	5	1

IV. And be it further enacted, by the authority aforesaid, That the said table shall also extend, as well to bread which shall be made with the flour of wheat, mixed with the flour or meal of other grain, as also to bread which shall be made of the flour or meal of other grain or grains, than wheat, which shall be publicly licensed and allowed to be made into bread, in any place or places, in pursuance of this Act; and that the affize of all such mixed bread shall be set and ascertained, as near as may be, according to the said table.

The affize of mixed bread to be set as near as may be to the Table.

Return of the general prices of flour and meal, to be made to the Justices, from which to ascertain the assize of bread.

V. *And be it further enacted, by the authority aforesaid,* That, from and after the publication hereof, the Justices of the Peace for the several counties, in their Quarter Sessions, or, if need be, at a Special Session to be called for the purpose, shall and may, from time to time, as there shall be occasion, cause the prices which the several sorts of meal or flour, fit and proper to make the different sorts of bread which shall be allowed to be made in any town or place within their respective jurisdictions shall, from time to time, *bona fide* sell for, at the mills, warehouses or markets, in or near such town or place, publickly and generally, and not at particular times, and on special contract only, to be given in, and certified to such Justices in such manner, and on such day in every week, as such Justices shall direct, by the Clerks of the Market, or by such person or persons as such Justices, in their said Sessions, shall from time to time appoint; and the prices so certified shall, from time to time, be entered by the respective person or persons, who shall certify the same, in some book or books, to be provided by such person or persons, and kept by him or them for that purpose; and within two days after every such price shall be so returned the assize and weight of bread for such town or place shall be set by such Justices for any time not exceeding one calendar month from every sitting thereof, and be made public in such town or place for which the same shall be so set, in such manner as the Justices, who shall set the same, shall order and direct. *Provided,* That after any assize of bread shall be set, in pursuance of this Act, no alteration shall be made therein, either to raise the same higher, or to sink the same lower, unless, and except, the price of the flour of wheat, or other grain, shall be returned, as having risen one shilling in the hundred weight, or having fallen one shilling in the hundred weight, since the last return made.

No alteration to be made in the assize, unless the price of flour or grain shall have risen or fallen 1s. in the cwt.

Bakers to have leave to inspect the book, the day after the return made, that they may have opportunity to object to the assize.

VI. *And be it further enacted, by the authority aforesaid,* That any maker of bread for sale, in any town or place where any assize of bread shall be set as aforesaid, shall have liberty, at all seasonable times, in the day time, the next day after every return of the price of flour or meal shall be made for such town or place, and entered in the proper book directed to be provided and kept for that purpose, as aforesaid, to see the entry which shall be made in such book, of the price of meal, or flour, without paying any thing for the same: to the intent that every such maker of bread for sale, may have an opportunity, on the said next day after such entry made as aforesaid, to offer to such Justices, in their Quarter Sessions, or Special Sessions aforesaid, before such assize shall be set or altered, such objections as any such maker of bread, for sale, can reasonably offer, against any advance or reduction being at any time made in the assize or weight of bread, in any such town or place.

Form of publication of the assize.

VII. *And be it also enacted,* That when any assize of bread shall be set at any time, in pursuance of this Act, the same shall be made public, in the form, or to the effect following, to wit:

The assize of bread, set the _____ day of _____ for _____ to take place on the _____ day of _____ now next ensuing, and to be in force:

- The Penny halfpenny loaf, of fine wheaten flour is to weigh _____
- The Three penny loaf, of _____ do. _____ is to weigh _____
- The Six penny loaf, of _____ do. _____ is to weigh _____
- The Shilling loaf, of _____ do. _____ is to weigh _____

Lb. oz. d.

The assize of mixed bread to be also put li hzd as Justices may direct.

And whenever any bread shall be ordered, or allowed, as aforesaid, to be made with the meal or flour of rye, Indian corn, or barley, either alone, or mixed, with the meal of flour, or any other grain or grains, the assize of such bread shall be made public, in such manner as the Justices, who shall set such assize, shall from time to time direct.

VIII. *And be it further enacted,* That whenever the Justices of the Peace, in their respective Sessions

as aforesaid, shall order and allow any bread to be made within their respective jurisdictions, of, or with the flour or meal of any other grain, or grains, than wheat; or to be mixed with the flour of wheat, or to be made with the flour, or meal, of any other sort or sorts of grain, either separate or mixed together; all persons who shall make any bread for sale, in any town or place where such orders shall be made, shall, from time to time, make bread with such mixed meal or flour in every such place or places, in such manner, and of such weight and goodness, as such Justices shall, from time to time, so order and direct, upon pain that every person who shall at any time offend in the premises, and shall be convicted of any such offence, in the manner herein after prescribed, shall forfeit and pay any sum not exceeding twenty shillings, nor less than five shillings, as the Justice or Justices, before whom any such offender or offenders shall be convicted, shall think fit and order, every time he, she or they, shall so offend and be convicted.

Where Justices order mixed bread to be made, or bread other than wheaten, bread, bakers & others making it for sale, to conform to such order under penalty of, from 5s. to 20s.

IX. *And be it further enacted,* That, from and after the publication of this Act, no person shall knowingly put into any bread, which shall be made for sale, any mixture of meal or flour, of any other sort of grain, than of the grain the same shall import to be, and of which bread shall be allowed to be made, in pursuance of this Act; or shall put into bread, which shall be made for sale, any larger or other proportion of the meal or flour of any other or different sort or sorts of grain than what shall be allowed as aforesaid by virtue of this Act, or any mixture, or thing, as for, or in lieu of, flour, which shall not really be the genuine flour which the same shall import to be, and ought to be, upon pain that every person who shall offend in the premises, and shall be convicted of any such offence in manner herein after prescribed, shall forfeit and pay any sum not exceeding twenty shillings, nor less than five shillings, as the Justice or Justices, before whom any such offender or offenders shall be convicted, shall think fit to order, every time he, she or they, shall so offend, and be convicted.

Baker not to mix any other sort or proportion of flour or meal than what shall be ordered, or any foreign mixture, on penalty of from 5s to 20s.

X. *And be it further enacted, by the authority aforesaid;* That the several sorts of bread which shall be sold, or made for sale, or exposed to sale, shall always be well made, and in their several and respective degrees, according to the goodness of the several sorts of meal, or flour, whereof the same ought to be made, and no preparation of damaged or musty flour, or ingredients or mixture whatsoever, (except the genuine meal or flour, which ought to be put therein, and common salt, pure water, eggs, milk, yeast and barm, or such leaven as shall be allowed to be put therein, by the Justices, which shall have set the assize) shall be put into, or in any wise used, in making dough, or any bread, to be sold, or as, or for, leaven, to ferment any dough, or on any other account, in the trade of making bread; on pain that every person, other than a servant, or journeyman, who shall knowingly offend in the premises, and be convicted thereof, by confession, or the oath of one witness, before any Justice of the Peace, shall forfeit, not more than three pounds, nor less than forty shillings, or shall be committed to the house of correction, or to the county jail, there to remain, and be kept to hard labour for any time not exceeding fourteen days, nor less than seven days, from the time of such commitment, as such Justice shall think fit; and if any servant, or journeyman, shall knowingly offend, and be convicted as aforesaid, he shall forfeit not more than forty shillings, nor less than twenty shillings, or shall be committed as aforesaid; and it shall be lawful, for the Justice, before whom any such offender shall be convicted, out of the money forfeited, when recovered, to cause the offender's name, and offence, to be published in some newspaper, which shall be printed in, or near, the town or place where any such offence shall have been committed.

Bread to be well made, without damaged or musty ingredients, under a penalty of not less than 40s. or more than 3l.

Penalty on servants or journeymen offending.

Offenders names to be published.

XI. *And be it also enacted,* That if any person or persons, who shall make any bread for sale, or who send out, sell, or expose to sale, any bread, shall at any time, from and after the publication hereof, make, send out, sell, or expose to sale, any bread which shall be deficient in weight, according to the assize which shall from time to time be set for any such bread, in pursuance

Penalty for every ounce of bread deficient in weight.

Deficient bread
to be weighed
within 24 hours
after baking.

Bread to be
marked with the
initial letters of
the baker's name,
and the quality
of the flour.

Bake-houses to
be visited.

Seizure and ap-
plication of bread
deficient in
weight.

Penalty for such
as obstruct search
of bake-houses.

purfuance of this Act, he, she or they, so offending in the premises, and being convicted there-
of in manner herein after prescribed, shall forfeit and pay a sum not exceeding five shillings,
nor less than one shilling, for every ounce of bread which shall at any time be wanting or de-
ficient in the weight, which every such loaf ought to be of; and for every loaf of bread, which
shall be found to be wanting less than an ounce of the weight the same ought to be, of a
sum not exceeding two shillings and six-pence, nor less than six-pence, as such Justice, or Jus-
tices, before whom any such bread, which shall not be of the due weight the same ought to
be shall be brought, shall think fit to order, so as such bread, so deficient in weight, be
brought before one or more Justice or Justices having jurisdiction in the premises, and be
weighed before such Justice or Justices, within twenty-four hours after the same shall have
been baked, sold, or exposed to sale, unless it shall be made out to the satisfaction of such
Justice, or Justices, by, or on behalf of, the party or parties, against whom any such com-
plaint or information shall been made, that such deficiency wholly arose from some un-
avoidable accident in baking, or otherwise, or was occasioned by, or through, some acci-
dent, contrivance or confederacy.

XII. *And be it further enacted,* That from and after the publication of this Act, every person
who shall make, send out, sell, or expose to sale, any sort of bread, whatsoever, shall, from
time to time, cause to be fairly imprinted, or marked, on every loaf of each respective sort of
bread, in Roman characters, the initial letter or letters of the grain, or grains of the flour, or meal
whereof such bread shall be made, and also the christian and surname of the baker or manu-
facturer thereof; and that every person who shall make for sale, or shall sell, carry out, or
expose to sale, any loaf of any sort of bread which shall be allowed to be made in pursuance
of this Act, which shall not be marked pursuant to the directions of this Act, so as that it may,
on view thereof, be ascertained from time to time, under what denomination or sort of bread
every such loaf was made, and ought to be weighed, (except as to such loaves as shall be
rasped after the bespeaking or purchasing thereof, by the particular desire of the person who
shall order the same to be so rasped, for his, her or their, own use, or uses,) shall, for every
time, he, she or they, shall offend in the premises, and be thereof convicted in manner here-
in after prescribed, forfeit and pay a sum not exceeding twenty shillings, nor less than five
shillings, as any Justice, or Justices, before whom the offender shall be convicted, shall order
for every loaf of bread, not marked as is hereby directed.

XIII. *And be it further enacted,* That the Clerks of the Market, in the several towns in this
Province, shall visit the houses, bake-houses or shops, and other places, of every baker or
seller of bread, at least, one day in every week, and that it shall be lawful for the Clerks of
the Market, or for any Justice of the Peace, or for any Constable thereto authorised by war-
rant of any Justice, to enter, in the day time, into any house, shop, bake-house, out-house, or
other place belonging to any baker, or seller of bread, and to search, view, weigh and try,
all, or any, bread which shall there be found; and if any bread shall, on any such search or
trial, by any Justice, or by the Clerks of the Market, or on proof made before any Justice,
by the oath of one credible witness, be found to be deficient in weight, or not truly marked,
or deficient in the due baking or working thereof, or wanting in the goodness of the stuff; or
made with any mixture of meal, or flour of any other grain, than the same shall import to
be made with, or with any larger or other proportion of any other grain, than what ought
to be put therein, or with any mixture or ingredient which by this Act ought not to be
put therein; or with any thing in lieu of flour, which shall not be the genuine flour the same
shall import to be; or made with any leaven not allowed by this Act, such Justice, Clerks
of the Market, or Constable, may seize the same, and dispose thereof to poor persons, as
such Justice or any other Justice respectively, shall think fit; and if any person or persons
whatsoever,

whatsoever shall obstruct or oppose any such search or seizure of bread, he, she or they, shall forfeit and pay, not exceeding forty shillings, nor less than twenty shillings each, for every such offence.

XIV. *Provided always, and be it further enacted,* That if any baker shall make it appear to any such Justice, that any offence for which he shall have paid the penalty, was occasioned by the wilful neglect or default of his journeyman or servant, the said Justice shall issue his warrant for bringing such offender before him, or some other Justice, who, on conviction, shall order what reasonable sum shall be paid by the said offender, by way of recompence; and if he do not immediately pay the same, the said Justice shall commit him to the house of correction, or other prison of the place, there to be kept to hard labour for any time not exceeding one calendar month, unless payment be sooner made.

The baker proving the fault in the bread to be occasioned by his journeyman or servant.

XV. *And be it further enacted,* That the Grand Jurors for the several counties in this Province, at the Court of General Sessions of the Peace, which shall be holden for each county respectively, next after the publication of this Act, and thereafter annually, at the first sitting of the said Court in every year, shall, where requisite, nominate four fit persons in each and every township within their respective counties, of whom the said Court shall appoint two, for the purpose of inspecting the flour, or meal, of all wheat, rye, barley, indian corn, or other grain, to be bought or sold within the respective townships: which inspectors shall, within eight days after notice of their appointment, and before they enter upon the execution of their office, take the following oath, before some one Justice of the Peace for the county wherein they reside, viz.

Appointment of Inspectors of Flour and Meal.

“ I A. B. do swear, that I will faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute, do and perform, the office, and duty, of an Inspector of Flour, or Meal, according to the true intent and meaning of the Laws of this Province, relative to the same.”

Inspector's Oath.

XVI. *And be it further enacted,* That all flour, or meal, as aforesaid, to be hereafter bought, or sold, within this Province, or shipped for exportation therefrom, shall be liable to be inspected, and branded, by an Inspector of the township in which it shall be proposed to be so bought, sold or exported; who shall, on request of either party, or his agent, attend to examine the same, and see that it is sound, wholesome and merchantable, and to brand the same accordingly with the initials of his name; and in any case in which any bread shall be proposed to be seized, under, and by virtue of, this Act, for any other cause than deficiency in weight, or not being truly marked, it shall and may be lawful for the person or persons interested therein, in case of any dispute between the person seizing, and the owner or possessor of such bread, to call in one of the said Inspectors to examine and ascertain the quality and proportion of the ingredients used therein: the person calling upon such Inspector to pay him one shilling for every time he shall so attend.

Flour for sale, &c. to be inspected and branded.

Bread seized, except for deficiency in weight, or not truly marked, the owner may desire the Inspector to examine quality of flour, and ingredients used.

Inspector's Fee.

XVII. *And be it further enacted,* That it shall be lawful for any of His Majesty's Justices of the Peace, or any one of them, within their respective counties, to hear and determine, in a summary way, all offences against the true intent and meaning of this Act: and, for that purpose, to summon before them, or any of them within their respective jurisdictions, any party accused of having offended against the true intent and meaning of this Act; and if the party accused shall not appear on summons, or offer some reasonable excuse for his default, then upon oath of any credible witness, of any offence committed against this Act, any such Justice, or Justices, shall issue his or their warrant for apprehending the offender or offenders, and upon appearance of the party accused, or in case he or they shall not appear after notice given to, or left for, him or them, at his or their usual place of abode: or if he or they cannot be apprehended upon a warrant, granted as aforesaid, then, and in any such case, any such Justice, or Justices, is, and are, hereby authorised to examine any witness or witnesses on

Any one Justice may determine offences against this Act.

Mode of recovering penalties and forfeitures incurred under this Act.

Application of Penalties.

Persons aggrieved by conviction, may appeal to the next General Sessions of the Peace for the County.

Prosecutions instituted against persons acting under the authority of this Act. Treble costs given.

Offences to be prosecuted within three days.

Act of 31d Geo. 2d & subsequent Acts, relating thereto, suspended.

oath, who shall be offered on either side, touching the matters complained, and after hearing such witnesses, and the party who shall appear, such Justice or Justices, shall thereupon convict, or acquit, the party accused; and if any money, or penalty forfeited for any such conviction, be not paid within Twenty-four hours after conviction, such Justice or Justices shall issue his or their warrant of distress, against the goods and chattels of such offender or offenders; and if, within five days after such distress taken, the money forfeited shall not be paid, the goods seized shall be appraised and sold, rendering the overplus, if any, after payment of the penalty, and the costs and charges of prosecution, distress and sale, to the owner; and for want of such distress, such offender or offenders shall be committed to the county jail, or house of correction, there to remain for the space of not more than twenty-one days, nor less than seven days; unless such penalty or forfeiture, costs and charges, shall be paid, before the expiration of such term, of his or their commitment; and all such penalties and forfeitures, when recovered, shall be paid, one half to the informer, and one half to the Justice, or Justices, who shall have convicted such offender, to be by such Justice, or Justices, paid to the Sessions, who shall dispose thereof, for the better carrying this Act into execution.

XVIII. *Provided always, and be it further enacted*, That any person or persons, convicted of any offence against this Act, who shall think him, her, or themselves, aggrieved by such conviction, shall have liberty, from time to time, to appeal to the next General or Quarter Sessions of the Peace, for the county or place where such conviction shall have been had; and upon due security given by recognizance, the execution of such judgment of conviction shall be suspended; and the Justices in their said sessions, are hereby required and empowered, finally, to hear and determine such appeal, and to award such costs, as to them shall appear just and reasonable, to be paid by either party; and if such conviction shall be affirmed, such appellant shall forthwith pay the sum, which he, she, or they, shall have been adjudged to have forfeited, with costs, to be awarded as aforesaid; and in default thereof, shall be committed to the county jail, there to remain for three months, unless such forfeiture and costs shall be sooner paid; and if the appellant, or appellants, shall make good their appeal, and be discharged of such conviction, reasonable costs shall be awarded, against the informer, to be recovered, as costs given at any Session of the Peace, are recoverable.

XIX. *And be it further enacted*, That if any action or suit shall be commenced against any Justice, or Justices, Clerk of the Market, Constable or other person, for any thing done or committed by virtue, or in pursuance, of this Act, it shall be commenced within three months next after the fact committed, and not afterwards; and the defendant or defendants, in any such actions, may plead the general issue, and give this Act, and the special matter, in evidence at any trial to be had thereupon, and that the same was done in pursuance, and by the authority, of this Act: and if it shall appear so to have been done, or if a verdict be given for the defendant or defendants, or if plaintiff be non-suited, or discontinued after appearance of the defendant or defendants, or if judgment be given against the plaintiff or plaintiffs, the defendant or defendants shall recover treble costs of suit. *Provided always*, That no person shall be convicted in manner aforesaid, for any of the before-mentioned offences, unless the prosecution, in order to such conviction, be commenced within three days next after the offence committed.

XX. *And be it further enacted*, That an Act, made in the thirty-second year of the reign of His late Majesty, entitled, An Act relating to the assize of bread, and for ascertaining the standard of weights and measures; and the several laws made in addition to, and in amendment of, the same, and every clause, matter and thing, in the said several laws contained respecting the assize of bread, shall be, and the same are hereby, suspended, and of no effect, for and during the continuance of this Act.

XXI. *And be it further enacted*, That this Act shall continue, and be in force, until the first day of July, in the year of our Lord one thousand seven hundred and ninety-seven, and no longer.

Act to continue to 1st July, 1797. Continued by subsequent Acts.

CAP. IX.

An ACT to enable the Inhabitants of the several Towns in this Province, to raise Monies for the Sinking of Wells, supplying the same with Pumps, and for keeping them in repair.

WHEREAS *the wells and pumps, made and erected in the public streets and lanes of the several towns in this Province, are generally in great want of repair, and there being no law to compel the inhabitants of the said towns to bear their equal proportions of putting and keeping the said pumps and wells in repair ; for remedy whereof :*

Preamble

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the publication hereof, it shall and may be lawful for the inhabitants of the said towns, at their town meetings, to vote such sum or sums of money as they shall think necessary for sinking wells, and for repairing, and keeping in repair, such pumps as are now erected, and furnishing with pumps, and keeping in repair, such wells as are now made, or hereafter may be made, in the streets, and lanes, of the said towns, by the authority of this Act ; which said sum and sums of money, to be raised for the purposes aforesaid, shall be assessed and collected in the same manner, and at the same time, as monies are raised and collected for the support and maintenance of the of the poor, and by the same assessors and collectors, under the same penalties and forfeiture for neglect or refusal : and the said monies shall be paid into the hands of the Firewards of the respective towns, who shall apply the same for the purposes aforesaid, and, at the expiration of their year of office, shall render to the Justices aforesaid, at their General Session then next ensuing, an account of the expenditure of the sums so by them received, and shall pay over to their respective successors, within ten days after they shall have been appointed, the balance, if any, which shall remain in their hands. *Provided*, That if any person shall think himself over-rated, he may appeal for redress to the next General Sessions of the Peace of the county or district ; and the Justices thereof are hereby required, and empowered, to examine, hear and determine, all and every such appeal or complaint, and to give redress as they, in their judgment, shall think equitable ; and such their order and judgment shall be final.

How to raise monies for the sinking of Wells explained.

Monies to be lodged in the hands of the Firewards, who are to account therefor at the end of the year.

Appeal allowed to such as may think themselves over-rated.

II. *And be it further enacted*, That in case the inhabitants of any of the said towns shall neglect, or refuse, to vote such sum or sums of money, as may be necessary as aforesaid, it shall and may be lawful for the Justices of the Peace for the county wherein such towns may be, in their General Quarter Sessions of the Peace, on complaint of any three of the inhabitants of the said towns, to amerce such towns in such sum as shall appear to them to be necessary for the purposes aforesaid : which amercement shall be assessed, collected and paid, in the same manner as monies voted by the inhabitants of the towns as herein before directed to be assessed, collected and paid.

Inhabitants neglecting to vote monies, the Justices, on complaint being made, may amerce the towns, in such sum as may be necessary.

III. *And be it further enacted*, That, from and after the publication hereof, whoever shall be found guilty of wilfully injuring, or destroying, any pump or well, made and erected in any of the public streets or lanes of the said towns, shall, on conviction thereof, before any two of His Majesty's Justices of the Peace, forfeit and pay a sum not exceeding five pounds, nor less than forty shillings : the one half thereof to be given to the prosecutor, and the other half to be paid to the said Firewards of the town wherein such offence shall be committed, for the purpose of repairing said pumps and wells within such town ; and in case the party so con-

Penalty for such as injure or destroy Pumps.

vided

victed shall be unable to pay the fine imposed; it shall and may be lawful for such Justices to commit the offender to the house of correction, there to be put to hard labour for a space not exceeding ten days, nor less than five days.

Act to continue
to 1st July, 1797.
Continued by
subsequent Acts.

IV. *And be it further enacted*, That this Act shall continue, and be in force, until the first day of July, in the year of our Lord one thousand seven hundred and ninety-seven, and no longer.

CAP. X.

An ACT in addition to, and in amendment of, an Act, passed in the thirty-fifth year of the Reign of His present Majesty, entitled, An Act to amend, and reduce into one Act, the several Laws, now in being, relating to a Militia in this Province.

Preamble.

WHEREAS *the mode of prosecution prescribed by the Act, of which this is an amendment, against persons enrolled in the Militia, who shall be guilty of disobedience of orders, when ordered for, or employed in, erecting works, is found tedious, and, in some instances, ineffectual:*

Persons neglecting to obey his superior officer, when ordered for, or employed in erecting works to forfeit 10s. for every offence.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the publication of this Act, if any person, enrolled in the Militia, shall refuse, or neglect, to obey the lawful commands of his superior officers, when ordered for, or employed in, erecting works, such person, so offending, shall forfeit and pay, for each and every offence, a sum not exceeding ten shillings, to be recovered on the oath of one credible witness, before any Justice of the Peace for the county, wherein such offence shall be committed.

Militia to be called out four times a year, and no more.

II. *And be it further enacted, by the authority aforesaid*, That, from and after the publication hereof, the Militia shall be called out, and assembled, four times in each and every year, and no more; any law, usage, or custom, to the contrary notwithstanding.

Act continued to the 1st July, '97. Continued by subsequent Acts.

III. *And be it further enacted, by the authority aforesaid*, That this Act, and the Act whereof this is in addition, and amendment, shall be, and the same are hereby continued in force, until the first day of July, in the year of our Lord, one thousand seven hundred and ninety-seven, and no longer.

CAP. XI.

An ACT to enable the Justices of the Peace, and Grand Jury, in the District of Picou, to assess the inhabitants of that District, for the repairs of the Roads within the same.

Expired.

CAP. XII.

An ACT to encourage the killing of Wolves, Bears, Loup-Cerviers, and Wild Cats.

Preamble.

WHEREAS *great damage hath been done to the farmers in this Province, by wolves, bears, loup-cerviers, and wild cats; for remedy whereof:*

Sessions upon recommendation of

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the publication hereof, the Court of General Sessions of the Peace in the several counties in this Province,

Province, upon recommendation of their respective Grand Juries, shall and may establish rules and orders for encouraging the killing of wolves, bears, loup cerviers and wild cats, and may grant such rewards for the same as they shall think proper.

Grand Jury, to establish orders for encouraging the killing of wolves, &c. by granting rewards

II. *And be it further enacted,* That the Justices aforesaid, with the Grand Jury, shall have full power and authority to grant and assess upon each township or district within their respective counties, such sum or sums as shall be necessary to pay the rewards which shall be, from time to time, due by virtue of the rules and orders aforesaid, as shall by them be established by virtue of this Act: the same to be assessed, and collected, in the same manner that county taxes are assessed, and collected, by the Laws of this Province.

Town to be assessed for payment of such rewards.

III. *Provided always, and be it enacted,* That this Act shall continue, and be in force, until the first day of July, in the year of our Lord, one thousand seven hundred and ninety seven, and no longer.

Act to continue to 1st July, 1797. Continued by subsequent Acts.

CAP. XIII.

An ACT to continue in force the several Acts therein mentioned.

Expired.

CAP. XIV.

An ACT in addition to, and in amendment of, an Act, made in the thirty-third year of His present Majesty's Reign, entitled, An Act for granting to His Majesty certain duties on Wine, Rum, and other distilled Spirituous Liquors, and Brown Sugar, for the purpose of paying off the interest, and reducing the principal, of the Public Debt of this Province, and of the several Acts made in addition to, or in amendment thereof.

WHEREAS it is necessary that wines supplied, as an allowance from His Majesty, to the officers and men of His navy, should be exempt from the payment of the duties imposed by the several Laws of the Province on all wines imported into this Province:

Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That, from and after the publication hereof, all wines which shall be supplied to the officers and men on board His Majesty's ships of war, as an allowance from His Majesty, shall be exempt from the duties imposed by the several Acts of this Province, upon the same terms and conditions as rum, and other distilled spirituous liquors, are exempted in and by the Act, or Acts, whereof this is in addition, and amendment, any law to the contrary thereof notwithstanding.

Wines supplied to the officers & men the Navy, exempt from duty.

II. *And be it further enacted,* That this Act, and every matter and thing therein contained, shall be and continue, and the same is hereby continued in force to the first day of July, one thousand seven hundred and ninety seven, and no longer.

Act to continue to 1st July, 1797. Continued by subsequent Acts.

CAP. XV.

An ACT to prohibit the exportation of Wheat, Rye, Barley, Indian Corn, Flour, Rye and Indian Corn Meal.

Expired.

CAP. XVI.

Revised by 40th
Geo. 3d Cap. 19th
and further con-
tinued by the
40th Geo. 3d.

An ACT in addition to an Act, made in the fifth year of his present Majesty's Reign, entitled, An Act for the raising money by pre-
sentment on the several Counties in this Province, for the defray-
ing certain county charges therein mentioned.

Preamble.

WHEREAS it had been found necessary, in the County of Halifax, for many years past, to make
an annual provision for the maintenance of a Jail Keeper, and for providing fuel for poor
prisoners confined in the county goal; and whereas it hath, of late, been questioned whether the Grand
Jury have power, by law, to include, in their presentment, such sums as may, from time to time, be found
 requisite for such purposes:

Grand Juries to
include in their
presentment, ex-
pences for the
support of a jail-
or, &c.

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That, from and
after the publication hereof, it shall and may be lawful for the Grand Juries, in each of the
several counties in this Province, in the presentments which, by the aforesaid Act, they are au-
thorized to make at the Court of Assize, or General Sessions of the Peace, to include all such
expences as shall be found to have been necessarily incurred, and also such sum and sums of
money as it may be necessary to raise towards the maintenance and support of a jailor for the
respective counties, and for providing fuel, and other necessaries, for poor prisoners, who may
be at any time confined in the several county goals. *Provided always*, That this Act, and
every matter and thing therein contained, shall continue, and be in full force and virtue, un-
til the first day of July, one thousand seven hundred and ninety seven, or to the end of the
next Session of General Assembly, and no longer.

Act to continue
to 1st July, 1797.
Expired.

CAP. XVII.

Expired.

An ACT for making, repairing, laying out and altering, Roads,
Highways, Bridges and Streets, within the County of Annapolis,
and for the more effectual apportionment of the work and labour
of the inhabitants within the said County, to be performed in and
about the same.

CAP. XVIII.

Expired.

An ACT for applying certain monies, therein mentioned, for the ser-
vice of the year of our Lord one thousand seven hundred and
ninety six, and for appropriating such part of the supplies, granted
in this session of General Assembly, as are not already appropria-
ted by the Laws or Acts of the Province.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the 20th day of March, 1793, and thence continued by several prorogations to the 6th day of June, 1797; in the 37th Year of the Reign of our Sovereign Lord George the Third of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. being the Fifth Session of the Seventh GENERAL ASSEMBLY, convened in the said Province.*

* In the time of Sir John Wentworth, Baronet, Lieutenant-Governor; Henry Newton, President of Council; Thomas Barclay, Speaker of the Assembly; James Gautier, Secretary of Council; and James B. Franklin, Clerk of Assembly.

CAP. I.

An ACT for appointing Commissioners to determine upon a proper situation, in the town of Halifax, and to purchase Lots of Ground, if necessary, to erect a Public Building, for the accommodation of the General Assembly, Court of Chancery, Supreme Court, and Court of Admiralty, and Public Offices, and for procuring plans and estimates for a building hereafter to be erected for the residence of the Governor, Lieutenant-Governor, or Commander in Chief, for the time being.

For Acts in amendment, or addition to this Act, see 39th George 3d Cap. 9, and 40th Geo. 3d. Cap. 4.

WHEREAS, from the present state of the Province, it is become necessary, that, as soon as mechanics and labour can be procured on reasonable terms, a public building should be erected, wherein the General Assembly of the Province may convene, and where the Court of Chancery, Supreme Court, and Court of Admiralty, may be provided with a hall, and suitable apartments, for the administration of justice, and public offices:

Preamble.

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That the Honorable Charles Morris, the Honorable Thomas Cochran, and the Honorable Sampson Salter Blowers, of His Majesty's Council: Jonathan Sterns, Michael Wallace, and Lawrence Hartshorne, Esquires, of the House of Assembly, and Richard John Uniacke, Esquire, His Majesty's Solicitor General, be appointed Commissioners for the purpose of determining upon proper sites, purchasing lots of ground where it may be deemed necessary, and for erecting thereon a range of public buildings, of stone or brick, wherein the General Assembly may hold its Sessions, and the Court of Chancery, Supreme Court and Court of Admiralty, their respective sittings, and the public offices may be held; which said Commissioners, or the major part of them, are hereby authorized, to make purchase of the lots of ground herein before mentioned, and to proceed to the purchase of materials, for the aforefaid range of public buildings, when they can be reasonably

Commissioners to determine sites, and to purchase grounds for erecting public buildings, of stone or brick.

For sittings of the General Assembly, and Courts of Justice.

Buildings not to exceed certain dimensions.

reasonably procured, after a Peace takes place: when the price of labour shall be reduced to a reasonable standard to employ mechanicks, workmen and labourers, to erect and complete the said range of buildings, which said range of public buildings, shall not exceed the following dimensions, That is to say, in front and rear, one hundred and twenty-nine feet; in depth, fifty feet; and, in height, forty-one feet.

A plan, and estimate, of building for the residence of the Governor to be procured.

II. *And be it further enacted, by the authority aforesaid,* That the said Commissioners, or the major part of them, shall procure proper plans, and sections, of a House to be erected for the residence of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, with particular estimates of the probable cost and expences of the materials, and workmanship, necessary to complete the said building: which plans, sections and estimates, shall be laid before the General Assembly, at their next Session; and to report to the General Assembly, in their next Session, the site the said Commissioners may think most eligible for a Government House.

Contracts made by Commissioners, to be approved by the Governor.

III. *And be it further enacted, by the authority aforesaid,* That all contracts entered into by the aforesaid Commissioners, with any person or persons for the purchase of lots of ground, materials and workmanship, shall, previous to their being executed, be laid before the Governor, Lieutenant-Governor, or Commander in Chief for the time being, for his approbation.

Money allowed for the building.

IV. *And be it further enacted, by the authority aforesaid,* That a sum, not exceeding three thousand pounds, shall and may be drawn from the Treasury of the Province, for the purpose of purchasing the materials and lots of ground aforesaid, and for paying the workmen to be employed, in erecting and completing a range of buildings for the General Assembly, Courts of Justice, and Public Offices abovementioned; and the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, is hereby empowered to draw warrants on the Treasury, at the requisition of the said Commissioners, or the major part of them, for the aforesaid sum, or any part thereof, at such times, and in such proportions, as they may deem necessary.

AND WHEREAS there may not be a public ground sufficient, in the situation the said Commissioners may judge most convenient for the erection of such building, and that the said Commissioners cannot procure other lots of ground, from the proprietors, at a fair and reasonable price:

Governor empowered to appoint a Special Court to ascertain the value of any Lots purchased.

V. *Be it further enacted, by the authority aforesaid,* That in case the herein named Commissioners shall think it necessary, to make a purchase of any lot or lots of ground, for the purposes aforesaid, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, on application of the said Commissioners, or the major part of them, to commission and appoint a Special Court, for the purpose of ascertaining the value of such lot or lots of ground; which Court shall be composed of, at least, one of His Majesty's Justices of the Supreme Court, and such other Justices of the Court of Common Pleas, for the town of Halifax, as, by the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, may be deemed necessary.

Officers comprising said Court.

How said Court are to proceed.

VI. *And be it further enacted, by the authority aforesaid,* That such Court, so appointed as aforesaid, shall forthwith issue a *venire facias*, directed to the Sheriff of the County of Halifax; to summon twenty-four good and lawful men of his bailwick, freeholders of land, situate within the town of Halifax, to be and appear before the said Justices, at such place, and on such day and hour, as by the said Justices shall be directed: twelve of whom shall be sworn by the said Court, to appraise and value such lot or lots of ground, at a fair and reasonable price, according to the best of their knowledge; and the twelve jurors so sworn, shall proceed to view, and value, the lot or lots of ground, so required by the aforesaid Commissioners for the said building, and shall deliver in a verdict to the said Court, under the hands and

seals of, at least, nine of the said jurors, wherein the value of such lot or lots of ground shall be expressed, in which said verdict the jurors aforesaid, shall give a particular description of the metes and bounds of such lot or lots, specifying each lot, distinct and separate from the others, according to the number of proprietors, and such verdict, so delivered into the said Court, shall be duly entered, and become a record of the said Court.

VII. *And be it further enacted, by the authority aforesaid,* That the value of such lot or lots of ground in money, so ascertained by the said verdict, shall be paid by the said Commissioners, to the proprietor or proprietors thereof; and in case the said lot, or lots, shall appertain to absent persons or minors, or the proprietor or proprietors thereof shall abscond, so as that the sum of money awarded cannot be paid, or tendered, to them, or shall neglect, or refuse, to receive the same when tendered, the said money shall be lodged in the Treasury for their use, there to remain until some person, duly authorized by law, shall apply for the same, and the said lands shall thereupon be vested in His Majesty, His heirs and successors, for ever.

VIII. *And be it further enacted, by the authority aforesaid,* That if the Sheriff shall refuse, or neglect, to summons a jury as aforesaid, he shall forfeit, and pay, the sum of twenty pounds, for each, and every offence, and in case any of the jurors, duly summoned, shall not attend, or shall refuse to be sworn, such juror shall forfeit, and pay, for such neglect, or refusal, the sum of five pounds, to be levied by warrant, from the said Court, of distress and sale of the offender's goods and chattles.

IX. *And be it further enacted, by the authority aforesaid,* That an Act, made in the twenty eighth year of the reign of His present Majesty, entitled, An Act for enabling Commissioners to make sale of the Public Buildings, therein named, for public uses, and to erect on the lower parade, in the town of Halifax, a commodious building, and also to provide, or build, a common jail; and every matter and thing, in the said Act contained, (saving, and except such parts of the said Act, as have been already carried into effect) shall be, and the same are hereby, repealed, and no longer in force or effect.

Commissioners to pay the value to proprietors & the Lands appertaining to absent persons or minors; the value to be lodged in Treasury till applied for.

Neglect of the Sheriff to summon a jury.

Non-attendance of jurors, after summoned.

Former Act made in 1788, repealed, except such parts as have been carried into effect.

CAP. II.

An ACT to enable the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint Trustees, for the Common of the Town of Dartmouth, on the death, or removal, of the Trustees holding the same, and to vacate that part of the grant of the Common aforesaid, which vests the trust in the heirs, executors or administrators, of the Trustees, named in the said grant, on the death of such Trustees.

See 20th Geo. 3d. cap. 6.

WHEREAS by letters patent under the great seal of this Province, bearing date the 14th day of September, in the year of our Lord one thousand seven hundred and eighty-eight; His Majesty was pleased to grant to Thomas Cochran, Timothy Folger, and Samuel Starbuck, their heirs, executors, and administrators, the common of the township of Dartmouth; situate on the eastern side of the harbour of Halifax, in special trust, for the use of the inhabitants settled and resident in the town plat, or that might thereafter settle, and actually reside, within the township of Dartmouth, during such residence only; as a common, for the general benefit of such resident settlers, and not otherwise. And whereas the said Timothy Folger and Samuel Starbuck, have removed from this Province, by reason whereof the good intent of the said grant, is in a great measure defeated; and whereas many, and great inconveniences

Preamble.

may arise from the trust aforesaid, on the death of either, or the whole, of the said trustees, devolving to their heirs, executors, or administrators; for remedy whereof:

Governor to appoint Trustees for the Common at Dartmouth.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to nominate and appoint fit and proper persons, trustees for the common of the town of Dartmouth, which trustees, so nominated and appointed, shall hold the said common on the same terms and conditions, as the trustees, named in the aforesaid grant, are authorised to hold the same, by virtue of the said grant.

And on the death of any Trustee, to appoint another to exercise the trust.

II. *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, from time to time, and at all times hereafter, on the death, or removal out of this Province of any of the aforesaid trustees, to nominate and appoint another person, to exercise the said trust.

Former trust vacated.

III. *And be it further enacted,* That so much of the said grant as relates to the appointing the before named *Timothy Folger,* and *Samuel Starbuck,* trustees, as aforesaid, and such part thereof, as, on the death of either of the trustees, therein named, devolves the trust on the heirs, executors or administrators, of the trustee so deceased; and every matter and thing, in the said grant contained, relating to the same, shall be, and the same is hereby, vacated, and no longer in force or effect.

Power of Trustees appointed under this Act.

IV. *And be it further enacted,* That the trustees to be named, in and under this Act, shall exercise, and use, every right, power and privilege, heretofore given to the trustees, named in the aforesaid grant, and referred to in an Act, passed in the twenty-ninth year of His Majesty's reign, entitled, An Act to enable the inhabitants of the town plot of Dartmouth, to use, and occupy, the common field, granted by His Excellency the Lieutenant-Governor, in such way as may be most beneficial to them.

CAP. III.

An ACT in amendment of an Act, passed in the Twenty-ninth year of the reign of His present Majesty, entitled, An Act for the better regulation of Elections.

Preamble.

WHEREAS conveyances have heretofore been made, for the purpose of qualifying persons to vote in counties and towns within this Province, for members to represent them in General Assembly:

What constitutes the right of voting at an election, and of an individual to be elected.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That each person hereafter to be chosen a member of Assembly, and each elector, at the time of giving his vote, in any election hereafter to be held in this Province, shall actually have an income of forty shillings per annum, in freehold estate, or shall have, within the county or town for which he shall vote, or be elected, in his own right in fee simple, a dwelling-house, with the ground on which the same stands; or one hundred acres of land, whereof five acres, at least, shall be under cultivation: such person, or persons, possessing any one of the before mentioned interests, shall be entitled to vote, or be elected, for the county, or town, wherein the same shall be situate. *Provided always,* That no person shall be entitled to vote in any election, to be hereafter held in this Province, or shall be eligible to serve as a member of Assembly, who shall not have had the grant or conveyance, under which he holds as aforesaid, registered six months before the test of the writ for holding the election. *Provided also,* That nothing in this Act contained, shall be construed to extend to any person, or persons, holding, by descent or devise, of the yearly value aforesaid.

CAP. IV.

An ACT to explain and amend an Act, passed in the seventh year of His present Majesty's Reign, entitled, An Act for partition of Lands in Coparcenary, Joint Tenancy, and Tenancy in Common, and, thereby, for the more effectual collecting His Majesty's Quit Rents, in the Colony of Nova-Scotia.

For Acts on this subject, see note on 7 and 8, Geo. 3d Cap. 2.

WHEREAS doubts have arisen, whether the said Act doth extend to, and enable, persons, who are Coparceners, Joint Tenants, and Tenants in Common, other than the proprietors of Townships, to make partition of lands to them belonging.

Preamble.

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That the said Act, and all Acts heretofore made, in amendment thereof, shall be construed to extend to all persons, who do, or shall, hold lands in coparcenary, joint tenancy, and tenancy in common.

The Acts for making partition of Lands, to extend to all persons holding as Joint Tenants, Coparceners, or Tenants in Common.

CAP. V.

An ACT in amendment of an Act, passed in the twenty-ninth year of His present Majesty's Reign, entitled, An Act for altering the Times appointed for holding the Court of Common Pleas, and General Sessions of the Peace, in the County of Sydney.

WHEREAS the times, specified in the afore recited Act, for holding the Inferior Court of Common Pleas, and General Sessions of the Peace, within the County of Sydney, have been found inconvenient to the inhabitants of the said District; for remedy whereof:

Preamble.

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That the Court of General Sessions of the Peace, and Inferior Court of Common Pleas, shall, after the present year, be held at Guyborough, in the said County, on the first Tuesday of March, and first Tuesday of October, annually. Any law, usage or custom, to the contrary notwithstanding.

General Sessions and Inferior Court, for County of Sydney, to be held at Guyborough; at times stated.

CAP. VI.

An ACT in amendment of an Act, passed in the Thirty-fifth year of His Majesty's Reign, entitled, An Act to amend, and reduce into one Act, the several Laws, now in being, relating to a Militia in this Province.

WHEREAS the drafting of militia men, employed as mechanics or labourers in His Majesty's Ordnance Stores, and Naval or Carcening-Yard, and in the department of the Royal Engineers, is frequently injurious to His Majesty's service, for remedy whereof:

Preamble.

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That, whenever a proportion of the militia of the town of Halifax, shall be called into service, it shall and may be lawful for the Colonel, or officer commanding the Regiment of militia to which mechanics or labourers belong, who are employed in His Majesty's Ordnance Stores, or in the Navy or Carcening Yard, or in the Royal Engineer Department, to apportion the number of drafts such mechanics and labourers, in each of the said departments, respectively ought to furnish, and to procure

Substitutes to be procured for men employed in the navy-yard, and ordnance and engineer departments.

good

Expence to be
assessed on men
so employed, in
proportion to
their pay.

Amount of as-
sessment to be
paid to the com-
manding officer.

On refusal to pay
after notice, Jus-
tice to issue War-
rant of Distress
and Sale to levy
the same,

in default thereof
to commit offen-
der to Gaol.

Provido that such
persons may find
their own substi-
tutes, or serve in
person.

Act to continue
to 1st July, 1798.
Continued by
subsequent Acts.

good and sufficient substitutes in the place or stead of such mechanics or labourers, on the most reasonable terms; the amount of which cost and expence, for procuring such substitutes, shall be duly assessed by the Colonel, Lieutenant-Colonel, or officer commanding the regiment, with the assistance of two captains of the said regiment, on each mechanic and labourer so employed in each of the aforesaid departments respectively, in proportion to the daily pay of each and every of the said mechanics and labourers.

II. *And be it further enacted, by the authority aforesaid,* That each and every such mechanick or labourer so assessed, as aforesaid, shall, on due notice thereof, pay the amount of such rate or assessment, to the officer commanding the regiment, or to any person by him duly authorized to receive the same. And if any such mechanick, or labourer, refuse or neglect to pay, such rate or assessment, it shall and may be lawful for any of His Majesty's Justices of the Peace, for the town of Halifax, on complaint of the officer commanding the regiment, and on due proof of such mechanick or labourer having been notified of the amount of his rate or assessment, and of his neglect or refusal to pay the same, to issue his Warrant to any of the constables of the town of Halifax, directing them to levy, by distress and sale of the goods and chattles of such mechanick or labourer, the sum so proved to be by him due and owing, as his proportion, rate, or assessment aforesaid, with costs of suit; and for want of goods and chattels, to commit such mechanick or labourer to jail; there to remain, until the amount, so specified in the warrant be duly paid. *Provided always,* That nothing, in this Act contained, shall extend, or be construed to extend, to prevent the said mechanicks or labourers, in each of the aforesaid departments respectively, from procuring substitutes agreeable to law, or performing the aforesaid Militia duty in person; on due notice given them of such duty, and on their declaring such their intention at the time of notification, and carrying the same into effect.

III. *And be it further enacted, by the authority aforesaid,* That this Act shall be, and continue, in force to the first day of July, in the year of our Lord one thousand seven hundred and ninety eight, and no longer.

CAP. VII.

Expired.

An ACT to continue in force the several Acts therein mentioned.

CAP. VIII.

An ACT to amend, and continue for one year, an Act, passed in the thirty-third year of His present Majesty's Reign, entitled, An Act for granting to His Majesty certain duties on Wine, Rum, and all other distilled Spirituous Liquors, and Brown Sugar, for the purpose of paying the interest, and reducing the principal, of the Public Debt of this Province.

Preamble.

WHEREAS it is necessary, for defraying the expence of public buildings, and other expenditures, that the Act, whereof this is in amendment, be further continued. And whereas doubts have arisen, whether articles forfeit to His Majesty, on account of illegal importation, or otherwise, are subject, on the sale of such articles, to the duties by law imposed thereon, the same as if they had been legally imported, for remedy whereof:

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That all articles, subject to duties by the Laws of this Province, which shall hereafter become forfeit to His Majesty, on account of illegal importation, or for any other causes whatsoever; shall be liable to all the duties the same are, or may be, liable to, by the laws of the Province, in case they had been legally imported; which duties shall be paid by the purchasers of the same.

Articles forfeited to His Majesty for illegal importation, &c. subject to the usual provincial duties, as when legally imported.

II. *And be it further enacted, by the authority aforesaid,* That this Act, and the Act whereof this is in amendment, and every matter and thing therein contained, shall be, and continue, and the same is hereby continued in force, to the first day of July, which will be in the year of our Lord, one thousand seven hundred and ninety-eight, and no longer.

Continued by subsequent Acts.

CAP. IX.

An ACT to revive and continue an Act, passed in the Thirty-third year of the reign of His present Majesty, entitled, An Act in amendment of, and in addition to, an Act, made in thirty-third year of the reign of His late Majesty, entitled, An Act for regulating and maintaining a Light-House on Sambro Island; and in addition to, and amendment of, an Act, passed in the twenty-eighth year of His present Majesty's reign, entitled, An Act for regulating and maintaining a Light-House at the entrance of the harbour of Shelburne.

WHEREAS *the before recited Act, passed in the thirty-third year of the reign of His present Majesty, expired on the first day of July, one thousand seven hundred and ninety six, and it is expedient that the same should be revived and continued:*

Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That the said Act, and every matter and clause therein contained, shall be, and is hereby, revived and continued to the first day of July, which will be in the year of our Lord one thousand seven hundred and ninety-eight, and no longer.

Act for maintaining Light Houses at Shelburne and Sambro Island, revived and continued to 1st July, 1798.

CAP. X.

An ACT for applying certain monies, therein mentioned, for the service of the year of our Lord one thousand seven hundred and ninety seven, and for appropriating such part of the supplies, granted in this session of General Assembly, as are not already appropriated by the Laws or Acts of the Province.

This Act executed.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twentieth day of March, 1793, and thence continued by several prorogations to the Eighth day of June, 1798; in the Thirty-eighth Year of the Reign of our Sovereign Lord George the Third of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. being the Sixth Session of the Seventh GENERAL ASSEMBLY, convened in the said Province.*

* In the time, of Sir John Wentworth, Baronet, Lieutenant-Governor; S. S. Blowers, Chief Justice, and President of Council; Thomas Barclay, Speaker of the Assembly; James Gautier, Secretary of Council; and James B. Franklin, Clerk of Assembly.

CAP. I.

An ACT respecting Aliens coming into this Province, or residing therein.

Preamble.

WHEREAS it is, at present, necessary, for the safety and tranquility of this Province, to prevent, under certain limitations and restrictions, persons, not being natural born subjects of His Majesty, or denizens, nor persons duly naturalised, from resorting to, and residing within, this Province:

No alien to reside in the Province without a special permit.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That, from and after the publication of this Act, no alien, now residing within this Province, or who shall, hereafter, during the continuance of this Act, come to reside therein, shall be permitted to be, and remain, within this Province, without a special permit, under the hand and seal of the Governor, Lieutenant-Governor, or Commander in Chief for the time being; or such person, or persons, as the Governor, Lieutenant-Governor, or Commander in Chief for the time being, may appoint to grant the same.

How an alien may obtain a permit

II. *And be it further enacted,* That any such alien, as aforesaid, desirous to attain such permit, shall make his application to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, in writing; stating therein his name, age, place of nativity, rank, and occupation, with the time, and manner, of his arrival in this Province, and the place of his residence: and such alien shall, also, make due proof, that during the time of his residence within this Province, he has demeaned himself in conformity to the laws thereof; and, thereupon, the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, if the proof shall be satisfactory to him, may, and shall, grant a permit to such alien, as aforesaid, to be, and remain, within such town, and place, within this Province, as the Governor, Lieutenant-Governor, or Commander in Chief for the time being, shall think fit and proper. *Provided nevertheless,* That such alien, previous to his receiving the permit as aforesaid, shall enter into a bond, with sufficient surety, in such sum as the Governor, Lieutenant-Governor, or Commander in Chief for the time being, may think necessary: conditioned for the good behaviour of such alien, and for his not violating his permit.

III. *And be it further enacted*, That if any alien, as aforesaid, shall not obtain a permit, as above directed, or shall violate his permit by travelling, residing; or being in any place, contrary to the tenor thereof, or shall, by any seditious writing, or speaking, or in any other way, intermeddle with, or disturb, His Majesty's government within this Province, such alien shall, on conviction thereof, be sentenced to imprisonment during the continuance of this Act, or pay such fine as shall be imposed on him, by the Court before whom he shall be convicted, as aforesaid; and be transported beyond His Majesty's dominions in America, to such place as the Governor, Lieutenant-Governor, or Commander-in-Chief, may think proper to direct.

Punishment of alien violating his permit; or not obtaining one.

IV. *And be it further enacted*, That in all cases, against an alien, for any of the causes aforesaid, whose residence within this Province commenced since the first day of May, in the year of our Lord one thousand seven hundred and ninety three; the proof of his having a permit, as aforesaid, or having conformed thereto, shall be on such alien.

Proof of his having permit to be on the alien.

V. *And be it further enacted*, That it shall not be lawful for any person or persons, within this Province, to harbor, entertain or conceal, any alien, knowing him to be such, or having such just reason to suspect the same; without giving notice thereof, in writing, to some Judge of the Supreme Court, Court of Common Pleas, or one of His Majesty's Justices of the Peace, within twenty-four hours after such alien shall have been so harbored, or entertained, as aforesaid; on pain of forfeiting, for each and every offence, the sum of one hundred pounds, to be recovered, and applied, as is herein after directed.

Punishment of persons harbouring aliens, without giving notice in writing, to Judge Supreme Court.

VI. *And be it further enacted*, That every master or commander of any ship or vessel, which shall come into any port or harbour, within this Province, shall, immediately on his arrival, make report in writing, to the Collector, or other chief officer of the Customs; and, in places where there may be no such officer, to one of His Majesty's Justices of the Peace, of all passengers on board his vessel, or which may have arrived in her; specifying their names, age, the place of nativity, the country from which they shall have come, the nation to which they belong, and owe allegiance, their occupation, and a description of their persons, as far as he shall have been able to obtain information thereof; and, on neglect thereof, every such master or commander shall forfeit, and pay, for each and every offence, twenty pounds; for the payment whereof, such vessel shall be holden; and may, by such Collector, or other officer of the Customs, or Justice of the Peace, be detained; and the said Collector, or other officer of the Customs, or Justice of the Peace, shall transmit, by the first conveyance, to the Secretary of the Province, true copies of all such reports, as aforesaid; and shall also report the same to the person within his district, if any such shall be appointed, who are authorized, as aforesaid, to grant permits.

Masters of vessels to make report to the Collector of customs, &c. of all their passengers immediately on their arrival.

VII. *And be it further enacted*, That it shall be lawful for the Governor, Lieutenant-Governor, or Commander-in-Chief for the time being, whenever he may deem it necessary for His Majesty's service in general, or the safety of this Province in particular, to remove, without this Province, any alien who may or shall be imprisoned under this Act: any thing herein contained to the contrary notwithstanding; and it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander-in-Chief, to send, or remove, out of this Province, all such aliens as he shall judge dangerous to the peace or safety of this Province, or shall have reasonable cause to suspect are concerned in any treasonable practices, or secret machinations, against the Government of this Province, or any other within His Majesty's Dominions: notwithstanding such alien may have obtained a permit agreeably to the provisions of this Act.

Removal of aliens when necessary.

VIII. *And be it further enacted*, That if any alien who shall be sent, or removed, without this Province, as aforesaid, shall return thereto, or be found therein, during the continuance of this Act, every such alien, on conviction thereof, shall be deemed guilty of felony, without benefit of clergy.

Punishment of any alien who shall return, after being removed.

Justices to apprehend such as are suspected of being aliens, and commit them to jail; if requisite.

Supreme Court appointed to take cognizance under this Act.

Act continued to the 1st July, '97. Continued by subsequent Acts.

IX. *And be it further enacted*, That each and every Justice of the Peace, in the respective counties within this Province, are hereby authorized and required to summon, and, in case of non-appearance, to apprehend all and every person or persons suspected of being aliens as aforesaid: and if it shall appear to the said Justice, on due examination, that the person or persons so suspected, are aliens, and have not complied with the provisions of this Act, it shall and may be lawful for the said Justice to commit the said alien to the county goal, there to remain until he shall be discharged by due course of law.

X. *And be it further enacted*, That the Supreme Court, and Courts of Common Pleas, in their respective counties, shall respectively have cognizance of all crimes and offences against this Act, saving, and except, the crime of returning to this Province, after having been sent, or removed, therefrom, the cognizance whereof shall wholly, and only, appertain to the Supreme Court; and all penalties and forfeitures, recovered under this Act, shall be applied, the one half to the informer, and the remainder for the use of His Majesty's Government within this Province.

XI. *And be it further enacted*, That this Act shall continue in force for one year, and from thence until the end of the next Session of General Assembly.

CAP II.

An ACT for regulating the exportation of Red, or Smoaked, Herrings, and in amendment of an Act, passed in the second year of His present Majesty's Reign, entitled, An Act for regulating the exportation of Fish, and the affize of Barrels, Hoops, Boards, and all other kinds of Lumber, and for appointing officers to survey the same.

Red or smoaked Herrings for exportation, to be put up in kegs or boxes, &c.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That, from and after the publication hereof, red or smoaked herrings for exportation, shall not be put in any other package but kegs, or boxes, of the dimensions and kind herein after described; and that the said red or smoaked herrings shall be sweet, well faved and smoaked, and all that are in the said package shall, as near as may, be of the same size, close packed, and so stowed, as completely to fill the package.

Appointment of Inspectors of smoaked Herrings.

II. *And be it further enacted*, That the Grand Juries of the several counties in this Province, at the Court of General Sessions of the Peace for each county, shall annually, at the time of nominating other town officers, nominate out of every township in the said county, where the smoaking and preserving herrings is carried on, two or more fit persons; out of whom the said Court shall appoint one, or more, to be Inspector or Inspectors of red or smoaked herrings, for each respective township; which said person or persons, so appointed, shall be sworn to the faithful discharge of his or their duty, in manner as is prescribed by the laws of this Province, in the nomination and appointment of other town-officers; and in case of his or their refusal to serve, or neglect, or misbehaviour in the execution of his or their office, he or they shall be punished in like manner, as is provided in the like case for other town officers, in and by an Act, passed in the fifth year of His present Majesty's Reign, entitled, "An Act for the choice of town officers, and regulating of townships"; and in case of a vacancy or vacancies, in the said office of Inspector of red or smoaked herrings, between the times of the sitting of the said Courts of General Sessions of the Peace, for the county

Their refusal to serve.

Upon a vacancy happening, the same to be filled up by two Justices.

county where such vacancy shall happen ; the same may and shall be filled up by two Justices of the Peace of the said county, in like manner as other vacancies in the town offices are filled up by virtue of the said Act.

III. *And be it further enacted,* That if any red or smoaked herrings shall be shipped for exportation, before the same shall have been inspected, approved, and marked by the Inspector of red or smoaked herrings ; or if any red or smoaked herrings shall be sold, and delivered, in kegs or boxes, before the same shall have been inspected, approved, and marked in like manner, such red or smoaked herrings, shall, on information, and due proof thereof, before any one of His Majesty's Justices of the Peace, be seized, and sold by Warrant under the hand and seal of said Justice, and the nett proceeds arising from the sale, shall be paid to the Overseers of the Poor, for the use of the poor of the township, where such seizure shall be made.

Seizure of red or smoaked herrings shipped for exportation, before inspection.

IV. *And be it further enacted,* That if any master or commander of any ship or vessel, shall receive any red, or smoaked, herrings, to be carried, or exported, without the township wherein such herrings shall have been smoaked, or preserved, on board his ship, or vessel, at any port, or place, within this Province, before the same shall have been marked, as herein after directed, by an Inspector of red, or smoaked, herrings ; the said master or commander shall forfeit, and pay, the value of such herrings, not marked as aforesaid, according to the price of merchantable herring, and in case the value of the said herring shall exceed the sum of fifty pounds, such master or commander shall forfeit, and pay, the sum of fifty pounds, and no more ; to be recovered by bill, plaint or information, before any of His Majesty's Courts of Record within this Province, or before any one of His Majesty's Justices of the Peace, in case the sum sued for shall not exceed three pounds ; one half to the use of His Majesty, and the other for the benefit of the person who shall sue for the same.

Penalty for master of vessel, receiving on board uninspected red or smoaked herrings.

V. *And be it further enacted,* That the Inspector of red, or smoaked, herrings, shall mark each, and every such keg, or box, of red, or smoaked herrings, as he shall have inspected, and approved, with a brand, containing the initial letters of his christian and fir name, and name of the town, at full length, for which he is Inspector ; and if any person, or persons, shall counterfeit, or be concerned in counterfeiting, the said brand, or mark, of the said Inspector, or shall, without the licence of the said Inspector, make use of his said brand, in marking any keg, or box ; or shall, by shifting, put other fish into a keg, or box, previously marked by the said Inspector, in order to evade the intent, and meaning, of this Act ; such person, or persons, so offending, shall be prosecuted as, and for, a common cheat, and be punished as such by fine, or imprisonment, at the discretion of the Court before whom he, or they, shall be convicted, as aforesaid.

Inspector to mark every keg or box with a brand of his name, &c.

VI. *And be it further enacted,* That the said Inspector or Inspectors of red, or smoaked, herrings, shall not mark any keg, but such as shall be, at least, ten inches diameter at each head, measuring within the chime, and fourteen inches in length, from the inside of one head to the inside of the other ; nor any box, but such as shall measure, on the inside, eighteen inches in length, twelve inches in breadth, and six inches in depth ; nor either keg or box, unless the same shall be sufficiently seasoned, strong, and well made, close packed with good red, or smoaked, herrings of one size, and previously marked with the initial letters of the name of the owner, or packer, and with the size of the herrings, which, if of the largest size of merchantable herrings, shall be marked number one ; if of the second size, number two, and if of the smallest size, number three.

Inspector to mark no keg or box of less size than is named in the Act.

VII. *And be it further enacted,* That the Inspector, who shall inspect, and mark, any keg, or box, of red, or smoaked, herrings, shall receive, from the owner thereof, two pence, for each and every keg, or box, so inspected or marked ; the said Inspector to open, and sufficiently reclose, the same ; and, when it shall be found necessary, to cull and repack, he shall receive, in

Inspector's Fee.

like manner, for culling and repacking each keg, or box, the sum of three pence; making in the whole, for inspecting, opening, culling, repacking, reclosing and marking, one keg, or box, the sum of five pence, and four pence per mile for his travel.

Herrings rejected by the Inspector, to be publicly destroyed.

VIII. *And be it further enacted,* That all red, or smoaked, herrings, which shall be culled out, and rejected, by the Inspector, as not merchantable, shall be publicly destroyed by the said Inspector.

After the publication of this Act, pickled fish may be exported in half, quarter and eighths of barrels.

IX. *And be it further enacted,* That, from and after the publication of this Act, it shall and may be lawful to export pickled fish, in half-quarter and eighths of barrels, provided the same shall have been gauged, and surveyed, according to law; and provided the said barrel contain sixteen gallons, the quarter-barrel eight gallons, and the eighths of barrels, four gallons each.

In counties where Town Officers have been already named, two Justices to nominate Inspectors.

X. *And be it further enacted,* That in such counties where the nomination of town-officers has already taken place for the present year, it shall and may be lawful, for any two of His Majesty's Justices of the Peace, to nominate, and appoint, Inspectors, as aforesaid, for and during the remainder of the year, or until the Inspectors shall be appointed as herein before is directed, any thing herein contained to the contrary notwithstanding.

Act in force to 1st July, 1799. Continued by subsequent Acts.

XI. *And be it further enacted,* That this Act shall continue in force to the first day of July, which will be in the year of our Lord one thousand seven hundred and ninety-nine, and until the end of the next session of General Assembly, and no longer.

CAP III.

An ACT to enable the Officers of His Majesty's Navy, to obtain a Drawback of the Duties on Wines by them taken out of this Province, and consumed without the limits thereof.

Preamble.

WHEREAS, by the provisions of the existing Revenue Laws of this Province, the officers of His Majesty's Navy cannot obtain a drawback of the duties on wines, by them exported out of the same, unless they produce certificates of the landing of such wines in some other country, although such wines may have been bona fide exported out of the Province, and actually consumed on board the ships of war, or elsewhere, without the limits of the said Province; for remedy whereof:

Governor empowered to grant a licence for the purchase of wines for the use of the officers of the navy, sufficient for a period not less than 3 months, and for allowing the drawback.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That, from and after the publication of this Act, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, on the application of the captain, or officer commanding any of His Majesty's ships of war, to grant a licence to purchase, for the use of the officers of such ships, so many gallons of wine, as shall be recommended by the Commissioners of the Revenue as a reasonable allowance for the use of the officers of such ship, about to leave this Province. *Provided* that the said allowance, so to be recommended by the Commissioners of the Revenue, shall not be for a period less than three months, mentioning in such licence the name or names of the person or persons from whom such wine may be purchased, and such person or persons shall be entitled to a drawback of such proportion of the duties which may have been paid or secured thereon, as is herein after mentioned; *provided* such wine shall be shipped under the inspection of the officers of the revenue, and bona fide carried out of the Province, and the person or persons selling the same shall make all the proofs, and perform all the requisites, which the Laws of this Province require to be made and performed at the time of exporting any article for a drawback of the duties; *and provided* that the officers, for whose use such wine may be purchased, shall certify, under their hands, that such wine was actually on board one of His Majesty's ships then ready for sea, and that no part thereof shall, with their knowledge,

content

consent or privity, be relanded in this Province; then, and in such case, it shall and may be lawful for the said Commissioners of the Revenue, to grant the person or persons who may be licensed to sell the said wine, as aforesaid, a certificate to entitle him or them to a drawback of the duties paid or secured on the wine shipped and certified as aforesaid; in like manner, and in the same proportion, as is allowed on wine, rum, and other spirituous liquors exported out of this Province.

II. *And be it further enacted*, That this Act shall be, and continue, in force, until the first day of July, which will be in the year of our Lord one thousand seven hundred and ninety nine, and no longer.

Act to continue to 1st July, 1799. Continued by subsequent Acts.

CAP. IV.

An ACT to amend, and render more effectual, an Act, passed in the Eighteenth year of His present Majesty's Reign, entitled, An Act to prevent the forestalling, regrating and monopolizing, of Cord Wood, in the Town of Halifax.

WHEREAS many and great impositions are daily practised, by persons monopolizing Cord Wood, brought for sale to the town of Halifax, to the great injury of the Poor thereof; for remedy whereof:

Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the publication of this Act, it shall and may be lawful for the Justices, and Grand Jury, at the Quarter Sessions, to make regulations for the conduct of persons who purchase Wood to be sold again; to regulate the times for buying of Wood, to sell again, and also the admeasure-ment, delivery, and every other matter and thing relative thereto, which they shall think proper and necessary; and every person or persons refusing, or neglecting, to obey, and conform to such regulations, or any part thereof, shall forfeit, and pay, a sum not exceeding the value of the wood, which shall be purchased, sold, admeasured or delivered, contrary to such regulations; the same to be recovered in the manner prescribed by the before recited Act; one half of the said penalty, to go to the informer, and the other half to the Overseers of the Poor of the town of Halifax, for the use of the poor thereof; and it shall and may be lawful for the said Justices, and Grand Jury, to alter, and change said regulations, as often as they shall find it expedient, or necessary.

Justices and Grand Jury, in sessions, to make regulations for the government of persons who purchase wood to sell again. Persons transgressing regulations.

II. *And be it further enacted*, That this Act shall continue, and remain, in force, until the first day of July, which will be in the year of our Lord one thousand seven hundred and ninety nine, and to the end of the next Session of General Assembly, and no longer.

Act continued to the 1st July, '99. Continued by subsequent Acts.

CAP. V.

An ACT to continue in force the several Acts therein mentioned.

Expired.

CAP. VI.

This Act executed.

An ACT for applying certain monies, therein mentioned; for the service of the year of our Lord one thousand seven hundred and ninety eight, and for appropriating such part of the supplies, granted in this session of General Assembly, as are not already appropriated by the Laws or Acts of the Province.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twentieth day of March, 1793, and thence continued by several prorogations to the Seventh day of June, 1799, in the Thirty-ninth Year of the Reign of our Sovereign Lord George the Third of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. being the Seventh, and last, Session of the Seventh GENERAL ASSEMBLY, convened in the said Province.*

* In the time of Sir John Wentworth, Baronet, Lieutenant-Governor; S. S. Blowers, Chief Justice, and President of Council; Richard John Uniacke, Speaker of the Assembly; James Gautier, Secretary of Council; and James B. Francklin, Clerk of Assembly.

CAP. I.

An ACT for repairing, or rebuilding, the Market-House, erecting a Country Market-House, and regulating the several Markets in the Town of Halifax, and also to revive, alter, and amend, and bring into one Act, the Act for preventing frauds by Butchers, and Fishmongers, and the Act made in the Thirty-fourth year of His late Majesty's Reign, for regulating, and establishing, a Public Market in the Town of Halifax.

Preamble.

WHEREAS the present Market House in the town of Halifax, is in a ruinous state, and requires to be repaired or rebuilt; and whereas it would greatly tend to the benefit both of the town and country if a separate Market House was erected in Halifax, for the sole use of persons bringing from the country meat, poultry, butter and other victuals, and in which they might expose such articles for sale:

Appointing commissioners for repairing Market House in the town of Halifax,

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, and by the authority of the same, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief, for the time being, to appoint three fit persons to be Commissioners, who are hereby appointed Commissioners, during the pleasure of the said Governor, Lieutenant-Governor, or Commander

Commander in Chief, for the time being, for repairing, or rebuilding, the market-house in the town of Halifax, erecting therein a suitable building for the use of the farmers, and country people, who bring their produce for sale, and also for providing a proper building near the public slip, for the accommodation of persons bringing vegetables, and other victuals, by water, and the said Commissioners, or any two, or more of them, are hereby invested with all the powers, and authorities, given or granted by this Act.

and for erecting a country-market house, &c.

II. *And be it further enacted,* That it shall and may be lawful for the said Commissioners, or any two, or more of them, to appoint one or more persons as keepers of the said markets, and as receivers of the rents of the stalls therein, allowing to such person or persons so by them appointed, such salaries, or other rewards for their trouble; as to the said Commissioners, or any two, or more of them, shall seem just and reasonable, and the said Commissioners, or any two, or more of them, shall, and they are hereby empowered, at their pleasure, to remove such keepers or receivers, or other person and persons, so by them, from time to time, appointed, and to place others in their stead, and to call such persons to account for all monies received and disbursed; and the said Commissioners, or any two of them, shall render an account of the receipt and expenditure of all monies, as well respecting the building, repairing, and erecting the said markets, as of the rents and profits of the stalls, and the salaries or allowances of the officers, to the General Assembly, once every year.

Appointing of keepers to said market-houses, & receivers of rent

III. *And be it further enacted,* That the stalls in the said town-market, on the first Monday of October, in each and every year, after reasonable notice given, shall be set up at public auction by the said Commissioners, and let to the highest and fairest bidder, for one year, and one quarter's rent of said stalls shall be always paid in advance; and if any person so hiring any such stall, shall refuse or neglect to pay such rent, one week after such quarter's advance ought to be paid, as aforesaid, it shall be lawful for the keeper of such market, to exclude such defaulter from said stall, and to sue for any arrears of rent before any one Justice of the Peace, and the said Commissioners may let such stall at public auction for the residue of such year, to any person or persons who will hire the same on the terms and conditions aforesaid. And it shall be lawful for the said Commissioners, so soon as the stalls of said market-house shall be ready to be let, immediately to advertise, and let the same at auction, from such time, until the first Monday of October next ensuing.

Receipts and expenditures of said market-houses to be laid before the Assembly once a year.

Mode of renting stalls, &c.

IV. *And be it further enacted,* That all and every person, who shall exercise or follow the trade of a butcher, victualler, or journeyman butcher, within the town and peninsula of Halifax, shall strictly conform to all such orders, and rules, as the Justices, at any Quarter or Special Sessions of the Peace shall make, for the regulating the town-market, the slaughtering of cattle, and the sale of meat, within the said town and peninsula of Halifax.

Butchers to conform to the rules of the Justices in Session.

V. *And be it further enacted,* That after the said town market house shall be rebuilt, or repaired, as aforesaid, and that the Commissioners shall have given public notice that the said market house is ready for the reception of the butchers, it shall not be lawful for any butcher, victualler, or journeyman butcher, to sell, or expose for sale, any meat, or poultry, alive or dead, in any vessel, shop, stall or place, within the town and suburbs of Halifax (other than in said market-house) during the market hours herein after mentioned, on pain of forfeiting five pounds for every such offence: and such market hours shall commence at sun-rise, and continue till sun-set on Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays, and for two hours after sun-set on Saturdays, and on Sundays from sun-rising until nine of the clock in the forenoon.

Butchers to dispose of their meat in said market-houses under a penalty of 5l.

VI. *Provided always, and be it further enacted,* That it shall be lawful for any country people, by themselves, their servants or agent, to sell, and expose for sale, their meat, or poultry, alive or dead, at any time, and in any place within the said town and suburbs, as well within the market hours as without; but if any person, under pretence of being a countryman, or the

Country people, or their agents, selling meat, &c. not included in the above.

servant

servant or agent of the countryman, or farmer, shall presume to sell, or expose to sale, any meat, otherwise than as before directed, it shall be lawful for any two Justices of the Peace to give notice to such person to desist from so selling; and if such person shall afterwards continue the same practice, he shall forfeit and pay for every offence a fine not exceeding ten shillings.

Renting of stalls
in the country
market.

VII. *And be it further enacted,* That the stalls to be erected in the country market shall be let to farmers, and country people, only, at one shilling *per* day, for each stall: which rent shall commence from the time when the person, so renting it, shall receive the key thereof, and determine when the key is returned to the keeper; and no one person, or company of persons, shall be permitted to hold or retain any stall for a longer time than seven days upon any one hiring.

Scales & weights
for said market;
how to be provid-
ed.

VIII. *And be it further enacted,* That the said Commissioners shall and may provide one or more sets of scales, weights and measures, for the general use of the said country market, to be taken care of by the keeper: and if the said scales, weights or measures, shall be injured or lost while in the care or use of any of the persons hiring the stalls, such person or persons shall be accountable therefor, and shall pay the value thereof to the keeper, who, if necessary, may, in his own name, and before any Justice of the Peace for the County of Halifax, sue for, and recover, the value of the scales, weights or measures, so lost or damaged; and persons renting stalls in the said country market shall be obliged to conform to such regulations as the Justices of the Peace, for the county of Halifax, shall, from time to time, make at any Quarter or Special Sessions of the Peace, for the good order and governing of the said country market, on pain of forfeiting the sum of ten shillings for every breach of any such regulations.

Regulations of
said market.

IX. *And be it further enacted,* That the said Commissioners shall and may settle with the Trustees of the fish market in the town of Halifax, and pay to them whatever balance may be due; and that the said Commissioners shall and may thenceforth receive, and take, the rents and profits as well of the fish market as of the slip market for people bringing produce by water; and the Justices of the Peace shall, from time to time in their Sessions, establish the rates of the stalls, or standing, in the said markets respectively, and make regulations for the said markets: and any person who shall commit a breach of any such regulations, shall forfeit and pay the sum of ten shillings.

Said commission-
ers authorized to
pay the balance
due, to the trust-
ees of the fish
market.
Justices in sess-
ions to establish
the rates of the
stalls, or stand-
ings, in the said
market.

Seizure of meat,
blown or stuffed,
or meat, fish, and
fowl, tainted.

X. *And be it further enacted,* That the keeper, or keepers, of the said markets shall severally attend the different markets during market hours; and such keeper, or keepers, and also the Clerks of the Market, shall have authority to seize and take all meat, blown or stuffed, or in any ways fraudulently or deceitfully set off, and all meat, fish, and wild fowl, tainted, or offered for sale contrary to the regulations to be made as aforesaid, and shall expose the same to the view of any two Justices of the Peace, and if the said Justices shall find such meat or fish to be tainted, or fraudulently set off, or improperly exposed to sale, contrary to the true intent of this Act, or of such regulations to be made as aforesaid, they shall adjudge the same to be forfeit, and shall cause the same to be distributed to such poor persons in the town, as they shall direct, and if the said tainted meat or fish, shall be wholly unfit for food, the said Justices may cause such meat or fish to be burnt or destroyed, and adjudge the person offering the same for sale, to be fined, and pay the sum of ten shillings, for the use of the poor of the town. *Provided always,* That nothing in this Act contained, shall hinder any person contracting to supply His Majesty's ships, or the forces in the garrison of Halifax, with fresh provisions; from importing, killing, and dressing, the meat, necessary for their contracts, at such time, and in such places as they shall think proper, without exposing any part of such meat for public sale, otherwise than in the manner herein before directed.

Such seizure to
be distributed to
the poor, and the
order to be
directed.

COMPANIES of
the navy and ar-
my, allowed to
kill and dress
their meat where
they think fit.

Butchers conspir-
ing to fix the

XI. *And be it further enacted,* That if any butchers shall conspire, or combine together for the purpose of fixing the prices of cattle of any description, or of butcher's meat, or not to sell their

their meat, but at certain prices, every person so offending, shall forfeit and pay for every such offence, a fine not exceeding fifty pounds.

XII. *And be it further enacted*, That the keeper, or keepers, of said markets, and also the Clerks of the Market, shall be sworn, at the time of their taking upon them such offices, faithfully to assist in carrying into execution this Act, and all regulations which may be made by the Justices in their Sessions by virtue hereof.

XIII. *And be it further enacted*, That all penalties and forfeitures imposed by this Act, and whereof the recovery and distribution are not herein otherwise provided for, shall be sued for and recovered with costs, before any two Justices of the Peace for the County of Halifax: and one half of such penalties and forfeitures shall be paid to the prosecutor, and the residue to the said Commissioners, to increase the fund of the said markets.

XIV. *And be it further enacted*, That the rents of the said market houses, when received by the said Commissioners, shall form one general fund, to be by them applied to pay the salaries of the said keepers and receivers, and to repair the said buildings, and also for such other purposes as may appear to the said Commissioners necessary to carry this Act into effect: and all such receipts and expenditures shall be accounted for in the manner directed in the second section of this Act.

XV. *And be it further enacted*, That, from and after the publication hereof, this Act, and the several provisions, clauses and directions, herein contained, shall be wholly substituted, and carried into execution, instead of the provisions contained in an Act, made in the thirty-second year of His late Majesty's reign, entitled, An Act for preventing frauds by butchers and fishmongers; and also instead of the provisions contained in an Act, made in the thirty-fourth year of the same reign, entitled, An Act for establishing a public market at the market-house in Halifax, and for regulating the same, any thing in the said Acts, or either of them, to the contrary thereof notwithstanding.

price of cattle, subject to penalty.

Keepers & clerk of the market, to be sworn to the faithful discharge of their duty.

Recovery and application of all penalties, imposed by this Act.

Application of monies arising from the rents of said market-houses.

This Act substituted in the place of the Acts 32d and 34th George 2d for the government of markets.

This Act executed.

CAP. II.

An ACT for the sale of Glebe Land in the Township of Granville, and for purchasing another Estate, as a perpetual Glebe, for the resident Minister of the established Church, in said Township.

CAP. III.

An ACT in amendment of an Act, passed in the first year of his present Majesty's Reign, entitled, An Act to prevent the spreading of contagious Distempers, and also in amendment of an Act, passed in the sixteenth year of the said Reign, entitled, An Act in addition to the before recited Act.

WHEREAS the neighbouring States of America, have, for several years past, been visited by the yellow or putrid fever, or some other infectious distemper, which has raged to a most alarming degree, and proved fatal to great numbers of their inhabitants, whereby it hath become highly necessary, that the Legislature of this Province should make some provision, for obliging persons coming from infected places to perform Quarantine, in such manner as may be ordered by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, and for punishing offenders in a more expeditious manner, than can be done by the ordinary course of Law:

Preamble.

Ships, persons, goods, &c. coming from places whence infectious diseases may be brought, to perform quarantine.

No persons, goods, &c. permitted to come on shore from vessels performing quarantine, unless by licence or order from the Governor.

Vessels, persons, goods, &c. subject to such orders, touching quarantine, as may be made by the Governor in Council.

Governor to appoint one or more health officers to see quarantine performed.

Duty of health officer prescribed.

Vessels obliged to perform quarantine, may be compelled, by force, if necessary, to repair to the place appointed for that purpose.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, and by the authority of the same,* That all ships and vessels arriving, and all persons, goods and merchandize whatsoever, coming, or imported into any port or place, within this Province, from any port or place of the United States of America, or of the West-India Islands, or from any other place, whence the Governor, Lieutenant-Governor, or the Commander in Chief for the time being, by and with the advice of His Majesty's Council, shall judge it probable that any infectious disease may be brought, shall be obliged to make their quarantine in such place and places, for such time, and in such manner, as shall be, from time to time, directed by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, by his order or orders, made in Council, and notified by proclamation, or published in the Royal Gazette, and that until such ships, vessels, persons, goods and merchandize, shall have respectively performed, and be discharged from such quarantine, no such person, goods or merchandise, or any of them, shall come, or be brought, on shore, or go, or be put, on board any other vessel or ship, in any place within this Province, unless in such manner, and in such cases, and by such licence, as shall be directed or permitted by such order or orders made by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, in Council as aforesaid; and that all such ships and vessels, and the persons, or goods, coming, or imported in, or going, or being put, on board the same, and all ships, vessels, boats and persons, receiving any goods, or persons, out of the same, shall be subject to such orders, rules and directions, concerning quarantine, and the prevention of infection, as shall be made by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, in Council, and notified by Proclamation, or published in the Royal Gazette as aforesaid.

And, to the end, that it may be better known whether any ship or vessel shall be actually infected with the yellow fever, or any other malignant or contagious disease, or whether such ship or vessel, or the mariners, or cargo, coming, and imported, in the same, are liable to any orders touching quarantine:

II. *Be it also enacted, by the authority aforesaid,* That when any country or places is, or shall be infected with any malignant or contagious distemper, or when any order shall be made by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, concerning quarantine, and the prevention of infection as aforesaid, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint one or more health officers, or persons to see quarantine performed, in such ports or places in this Province, as he shall think proper, and as often as any ship or vessel shall attempt to enter into any port or place in this Province, the health officer, or such other person as shall be authorized to see quarantine performed as aforesaid, or the person so by him appointed for that purpose, shall, at a convenient distance from such ship or vessel, demand of the master or person having charge of such ship or vessel, the following particulars, of which the master or person having charge of such ship or vessel, shall give a true account: That is to say, the name of such ship or vessel, the name of the master or person having charge thereof, at what place the cargo was taken on board, at what places the ship or vessel touched in her voyage, whether any such places, and which of them, were infected with any contagious disease, how long such ship or vessel had been in her passage, how many persons were on board when such ship or vessel set sail, whether any and what persons during that voyage had been, or shall then be, infected with any fever, or contagious disease; how many died in the voyage, and of what distemper; what vessels he, or any of his ship's company, with his privity, went on board; or had any of their company come on board his ship or vessel in the voyage; and to what place such vessels belonged, and also the true content of his lading, to the best of his knowledge; and if it shall appear, upon examination, or otherwise, that any person then on board such ship or vessel, is actually infected with the yellow fever, or other malignant and infectious disease, or that such ship is obliged to perform quarantine, it shall and may be lawful to, and

and for the officers of any of His Majesty's ships of war, or any of His Majesty's forts, or garrisons, and all other His Majesty's officers whom it may concern, upon notice thereof given to any of them respectively, and to and for any other persons whom they may call to their aid and assistance, and they are hereby required to oblige such ship or vessel to repair to such place as shall be appointed for performance of quarantine, and to use all necessary means for that purpose, be it by firing of guns upon such ship or vessel, or any other kind of force. And if any such ship or vessel shall come from any place visited by the yellow fever, or any other infectious and malignant distemper, or have any person on board actually infected therewith, and the commander, master, or other person having charge of such ship or vessel, shall conceal the same, or on demand not make a true discovery in any of the particulars aforesaid, such master, or person having charge of such vessel, shall, for every such offence, suffer twelve months imprisonment.

III. *And be it further enacted*, That if any master, or other person having charge of any ship or vessel which shall arrive in any port, harbour, river, creek or place within this Province, from any country, port or place whatsoever, wherein any infectious disease shall rage, or prevail at the time such vessel shall sail, or depart from such country, port or place, or if such ship or vessel shall be liable to perform quarantine, or if such master, or other person, shall himself quit, or shall knowingly permit or suffer any seaman or passenger, coming in such ship or vessel, to quit such ship or vessel, by going on shore, or on board any other ship, boat or vessel, before such master, or other person, shall have made report of the state of the health of the country, port or place, from whence such ship or vessel shall come, to the proper officer appointed for that purpose, or before such quarantine shall be fully performed; unless in such cases, and by such proper licences, as shall be directed, or permitted by such order or orders to be made concerning quarantine, and the prevention of infection as aforesaid; or in case any master, or other person having charge of such ship or vessel, shall not, within convenient time after due notice given for that purpose, by the proper officer, cause such ship or vessel, and the lading thereof, to be conveyed to the place appointed for such ship or vessel, and lading, to perform quarantine respectively; then, and in every such case, such master, or person having charge of such ship or vessel, for every such offence, shall forfeit and pay the sum of one hundred pounds, one moiety thereof to the King for the use of this Province, and the other moiety to him or them who will sue for the same; and if any person shall so quit such ship or vessel, by going on shore, or on board any other ship or vessel, contrary to the true meaning of this Act, it shall and may be lawful for all persons whatsoever, by any kind of force or violence, to compel such person to return on board such ship or vessel; and every such person so quitting such ship or vessel, shall suffer imprisonment for the space of six months, and shall also forfeit the sum of fifty pounds, one moiety to the King, his heirs and successors, for the use of this Province, and the other moiety to him or them that will sue for the same; such respective penalties and forfeitures to be recovered by action of debt, bill, plaint or information, in any of His Majesty's Courts of Record in this Province; and it shall and may be lawful for any Judge or Justice of such Court of Record, to endorse any writ or writs of capias, or attachment, for bail to the full amount of any or either of the foregoing penalties. *Provided* it shall be made appear by affidavit to such Judge or Justice that the person or persons, against whom such capias, or writ of attachment, shall be sued out, has or have transgressed any or either of the several provisions contained in this Act.

IV. *And be it further enacted*, That whenever any ship or vessel shall arrive in any port or place in this Province, having on board any person or persons actually infected with the yellow fever, or other infectious sickness, or which, during the voyage, shall have had on board any person or persons who were infected with the yellow fever, or other infectious sickness, or otherwise liable to perform quarantine, and if it shall become necessary, either for the pre-

Masters of vessels not making known sickness on board their vessels, subject to twelve months imprisonment.

Penalty on masters of vessels permitting passengers, &c. to go on shore, while sickness is on board; or refuse to perform quarantine when ordered.

Persons quitting vessels under quarantine, subject to six months imprisonment.

Mode of recovering penalties.

Manner of proceeding on the arrival of any vessel infected with a malignant fever.

venting the spreading of the infection, or for the preserving the lives, or the health, of the persons on board such vessel, or for depositing, opening and airing, of the goods or merchandise liable to perform quarantine, to provide houses, tents or lazarets; for that purpose, it shall and may be lawful for two or more Justices of the Peace, together with the Overseers of the Poor, for the town or place where such vessel shall have arrived, upon full and sufficient proof, and after taking the testimony of one or more physicians, surgeons, apothecaries, or other skilful person, living in or near such township or place, to take care and make effectual provision as well for the preservation of the inhabitants, as of such sick and infected person and persons liable to perform quarantine, and also for the storing, opening and airing, of goods and merchandise from which infection may be feared: and such Justices, and Overseers of the Poor, being first authorized for that purpose by the proclamation of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, with the advice of His Majesty's Council, for the removal of such person and persons, goods and merchandise, so liable to perform quarantine, shall and may place such sick and infected persons, and all other persons coming in any such ship or vessel, in one or more separate houses, tents or lazarets, as shall be deemed requisite: the same being sufficiently remote from any street, highway or dwelling, within the Province; and shall and may provide nurses, and other assistance, and all necessaries for them, at the charge of the parties themselves, their parents or masters, if able: and shall also take care that such goods and merchandise be landed, stored and properly aired, at the expence of the owner or owners of such goods and merchandise. And if it shall happen that any person or persons, so liable to perform quarantine, and for whom such expence shall be incurred, are unable to pay the same, the Overseers of the Poor shall lay the account thereof before the Justices of any Court of General or Quarter Sessions of the Peace held for the county or district within which such expence has been incurred, and the Justices having adjusted the account, and allowed so much thereof as they shall judge reasonable, then such charge shall be defrayed out of the Treasury of the Province, by warrant from the Governor, Lieutenant-Governor, or Commander in Chief for the time being, on the certificate of the said Justices.

V. *And be it further enacted*, That the proper officers authorized to put in execution any orders to be made as aforesaid, shall, and they are hereby empowered and required, to cause and compel all persons obliged to perform quarantine as aforesaid, and all goods and merchandise comprised within any such orders, respectively to repair, or be conveyed, to some of the said houses, tents or lazarets, or to such other places as shall be provided for the reception of such persons, or for the storing, opening or airing, of such goods or merchandise, according to such order or orders to be made as aforesaid.

VI. *And be it further enacted*, That if any person obliged to perform quarantine as aforesaid, shall wilfully refuse or neglect to repair within convenient time, after notice for that purpose from the proper officer, to the house, tent, lazaret, or other place duly appointed for him or her, or having been so placed, shall escape, or attempt to escape out of the same, before quarantine fully performed; it shall be lawful for any of the persons appointed to see quarantine performed, by such force as the case may require, to compel such persons respectively to repair, return to, and remain in such house, lazaret, or other place, so appointed for him or her as aforesaid, and every person so refusing or neglecting to repair, after notice as aforesaid, to such house, tent, lazaret, or other place appointed for him or her as aforesaid, and also every person actually escaping as aforesaid, shall be deemed guilty of a high misdemeanor, and be punished by imprisonment for a space of time not less than six months, and shall also forfeit and pay the fine of fifty pounds, for every such offence.

VII. *And be it also enacted*, That all persons, liable to perform quarantine in ships, lazarets or elsewhere, shall be subject, during said quarantine, to the orders of the officers authorized to see it duly performed: and such officers may enforce all necessary obedience to their orders,

Removal of persons, goods, &c. to some healthy situation on the shore.

Expence to be paid from the treasury.

Officers to compel persons to repair, or goods to be conveyed, to the houses, tents, or lazarets appointed to receive them.

Penalty on such persons as refuse to perform quarantine on shore.

Persons liable to perform quarantine, obliged to obey the orders of the health-officer.

orders, and in case of necessity may call in others to their assistance: and all persons so called are hereby required to assist accordingly.

VIII. *And be it further enacted,* That if any person, not liable to perform quarantine, shall enter any house, tent, lazaret, or other place so appointed as aforesaid, whilst any person infected, or under quarantine, shall be therein, and shall return, or attempt to return, from thence, except in such cases, and by such licences, as shall be directed or permitted by such order or orders to be made as aforesaid: the persons appointed to see quarantine performed, may, by such force as the case may require, compel such person, so returning, or attempting to return, to repair into such house, tent, lazaret, or other place so appointed, there to perform quarantine: and if such person shall actually escape thereout, before the full performance of such quarantine, he or she shall suffer six months imprisonment, and shall also be fined in a sum not exceeding fifty pounds.

Punishments of such as enter a vessel, &c. to visit persons under quarantine.

IX. *And be it further enacted,* That if any officer or person to whom it shall appertain to execute any order or orders concerning quarantine, or the prevention of infection, shall be guilty of any wilful breach or neglect of duty, every such person shall forfeit his office, and also the sum of fifty pounds, one half to His Majesty, and the other moiety to him or them who shall sue for the same, by action of debt, bill, plaint or information, in any Court of Record in this Province; and if any such officer or person, or any other person or persons whomsoever, shall wilfully embezzle or damage any goods performing quarantine, he, she or they, shall be liable to pay treble damages, and full costs of suits.

Officers guilty of a wilful breach or neglect of duty, to forfeit their office, and sol.

And whereas it hath been expericneed, that beds, bed cloaths, wearing apparel, and household goods, that have been used by persons infected with the yellow fever, or other contagious disease, or which have come from places infected with the said fever or disease, are more especially liable to retain and communicate infection:

X. *It is hereby further enacted,* That when any such beds, bed cloaths, wearing apparel or household goods, which have been worn or used by any infected person, or imported from places infected as aforesaid, shall be found on board any ship or vessel, or in any house or place whatsoever; it shall be lawful for any two of His Majesty's Justices of the Peace, upon notice, and due proof thereof, by the oath of one or more credible witnesses, to cause such beds, bed cloaths, wearing apparel or household goods, to be burnt, or otherwise to be delivered to the proper officer, in order that they may be aired or purified in the same manner as goods liable to perform quarantine.

Wearing apparel, bedding, &c. used by infected persons on board vessels, to be burnt.

XI. *And be it further enacted,* That when any ship or vessel, person or persons, goods or merchandise, obliged to perform quarantine as aforesaid, shall have duly performed the same, they shall be freed from all further restraint or detention, and the chief officer superintending the quarantine shall certify the same, and that such ship and vessel, person and persons, goods and merchandise, are free from infection; and if any such officer shall knowingly give a false certificate, he shall be adjudged guilty of felony, without benefit of clergy.

The health-officer to give a certificate of vessels performing quarantine.

XII. *And be it further enacted,* That if any person or persons shall knowingly, or wilfully, conceal from the health-officer, or persons superintending the quarantine, or shall clandestinely convey any letters, goods or merchandise, from any ship or vessel liable to perform quarantine, or from any place where persons or goods shall be performing quarantine, every such person shall be adjudged guilty of felony, without benefit of clergy.

Persons concealing letters, &c. on board an infected vessel, declared guilty of felony.

XIII. *And be it further enacted,* That whenever the Governor, Lieutenant-Governor, or Commander in Chief for the time being, of this Province, shall make any order concerning quarantine, and the prevention of infection, and notify the same, by proclamation, or cause it to be published in the Royal Gazette as aforesaid, such proclamation, or order in Council, shall be publicly read upon the next Sunday after receipt of the same, and the first Sunday in every month afterwards, while such order is in force, immediately after the prayers in all churches, and other places set apart for divine worship, in this Province.

Proclaiming the Quarantine how to be made.

Penalty on masters of vessels arriving from any place where an infectious fever prevailed, not making a sufficient report.

XIV. *And be it further enacted*, That whensoever after the publication of this Act, any ship or vessel shall arrive in any port, harbour, river, creek or place, within this Province, from any country, port or place whatsoever, which is now, or shall hereafter be, infected with the yellow fever, plague, or any other pestilential disease; or if there shall be, or shall have been, during the voyage of such ship or vessel, any yellow fever, plague, or other pestilential disease, on board said ship or vessel, then, and in such case, if the master thereof, or other person having the charge or command of such ship or vessel, shall, on any account whatsoever, land, or come on shore himself, or go on board any other boat, ship or vessel, or shall permit or suffer any person whatsoever to come on shore, or land from said ship or vessel, or go on board any other ship, boat or vessel, or any letter or letters, goods, wares or merchandise whatsoever, to be put on shore, or on board any other ship, boat or vessel, or shall permit or suffer any person or persons whatsoever to come on board such ship or vessel, until such ship or vessel shall be visited and examined by the health officer as aforesaid, or if the master, or person having the command of such ship or vessel, shall conceal, or keep secret from such health officer, the true state and condition of the health of the inhabitants at the several ports or places where such ship or vessel shall have been during her voyage, or the true state and condition of his own health, and the health of those on board, or who were on board at any time during the voyage of such ship or vessel, or the true state and condition of the health of the people on board of any ship or vessel, which the master, or any person on board of such ship or vessel, might have boarded during the voyage, or shall give to such health officer any false or untrue information touching or concerning the premises; and if such ship or vessel be ordered to perform quarantine, and the master or person having the command of such ship or vessel, shall neglect or refuse to proceed with such ship or vessel to the place appointed for performing quarantine, or shall attempt to make his escape with such ship or vessel, or shall permit or suffer any person or persons, letter or letters, goods, wares or merchandise of any kind whatsoever, to be taken from on board said ship or vessel, after she shall be so ordered to perform quarantine, or any person or persons to come on board said ship or vessel after such order, unless with the permission, and by order, of the health officer; then, and in all such cases, such master, or person having the charge of such ship or vessel, shall forfeit and pay for every such offence, a fine not exceeding two hundred pounds, to be recovered as aforesaid.

Appointment of health-officers.

XV. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, immediately after the publication of this Act, to appoint, during pleasure, in all the counties and districts in this Province, so many fit and proper persons as may be deemed necessary to act as health-officers within such county or district: which officers shall be duly sworn faithfully and diligently to carry this Act, and every matter and thing therein contained, into effect; and such officer and officers shall have full power and authority to execute all and every matter and thing needful and necessary to be done, touching and concerning the performing of quarantine, and the carrying the several provisions, contained in this Act, into full force and effect; and such officer or officers shall be paid, out of the Province Treasury, a reasonable sum for all services which he or they shall necessarily perform in carrying this Act, or any matter or thing therein contained, into effect, upon such officer or officers exhibiting a just and true account of such services to the General Assembly of the Province at its respective sittings.

Action commenced against a person proceeding under this Act.

XVI. *And be it further enacted*, That if any action or suit shall be commenced against any person or persons for any thing done in pursuance of this Act, the defendant or defendants may plead the general issue, and give this Act, and the special matter, in evidence.

CAP. IV.

An ACT in addition to an Act, made in the third year of His present Majesty's Reign, entitled, An Act to enable the Inhabitants of the several Townships in this Province to maintain their Poor.

For Acts respecting Poor, see note on 3d and 4th Geo. 3d cap. 7.

WHEREAS it hath been doubted whether the jurisdiction of the Justices of the Peace, in their Sessions, extends to controul and direct the expenditure of monies collected for the use of the poor, and to examine and check the accounts of the Overseers of the Poor :

Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That, from and after the publication hereof, it shall and may be lawful for Justices of the Peace for the County of Halifax, from time to time, at their respective Sessions, to nominate and appoint a keeper of the poor-house at Halifax, and a surgeon to attend the poor therein : and to make such bargains and agreements, with such keeper and surgeon, as the said Justices shall find expedient, as well for the benefit of the said poor, as for the general advantage of the inhabitants of the said county.

Appointment of a Keeper and Surgeon to the Poor-House.

II. *And be it further enacted,* That it shall and may be lawful for the said Justices, at their respective Sessions to make such reasonable rules and regulations for the government of the said poor-house, and of the poor therein, as they shall see fit ; and also at every Quarter Sessions to appoint three of the said Justices to visit and inspect the said poor-house whenever they may see occasion; and such inspecting Justices shall, on some certain day in the first week of every month, visit the said poor-house, and shall give notice to the Overseers of the Poor of the day and hour when such visitation is to take place, and the said Overseers shall then and there attend upon the said inspecting Justice, and shall lay before them a list of all such wearing apparel, bedding, and other necessary articles, as may be deemed requisite for the use of the poor-house, and of the poor therein, for the ensuing month, and such list shall be examined and approved in whole, or in part, by the said Justices, and the articles so approved of, and no more, shall be applied accordingly.

Regulation and inspection of the Poor-House.

III. *And be it further enacted,* That the Justices of the Peace in their respective Sessions, in the several counties throughout the Province, shall and may examine the accounts of the Overseers of the Poor, after they shall have been delivered to them in manner directed by the aforesaid Act, and shall allow such accounts if they appear just, and may refuse to allow any monies charged in said accounts, which the said Justices shall have reasonable grounds to believe unduly, or unfairly, charged or expended.

Examination of the accounts of the Poor-House.

IV. *And be it further enacted,* That the Overseers of the Poor shall take, and keep, a true inventory of every article belonging to the said Poor House, and at the expiration of their office, shall deliver over to their successors, a true inventory of all the articles then remaining in said Poor House, a duplicate of which last mentioned inventory shall be delivered, by the preceding Overseers, into the Sessions along with their accounts.

Overseers to deliver an inventory of articles in the Poor-House to their successors.

V. *And be it further enacted,* That if any Overseer of the Poor shall refuse, or neglect, to comply with the respective directions contained in this Act, he shall forfeit and pay for every offence, a sum not exceeding forty shillings, nor less than twenty shillings, to be recovered before any Justice of the Peace, and applied to the use of the poor of the town of Halifax.

Overseers refusing, or neglecting to comply with this Act.

VI. *And be it further enacted,* That when Poor Houses shall be built, or provided in any other township in this Province, the same shall be regulated, managed and controlled as the said Poor House at Halifax is by law regulated, managed and controlled.

Regulations for the government of Poor-Houses in other townships.

CAP. V.

An ACT for the better regulation of the Circuit Courts, and for granting new Trials in Causes brought up from the Inferior Courts.

Circuit Courts in Hants, King's County and Annapolis, to be held only once a year.

New trials in causes moved from Inferior court to be granted.

Provided it be moved for in one year, and the party moving it give bail, &c.

Executions returnable in 60 days.

Writs of Certiorari, Habeas Corpus, or Writs of Error, to remove causes from Inferior to Supreme court, may be allowed by any one Justice.

Circuit Court at Amherst, on first Tuesday of June annually.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the Circuit Courts in the several counties of Hants, King's County, and Annapolis, shall in future be held only once a year, that is to say, at Windsor, on the third Thursday in September; at Horton, the Monday following the said third Thursday; and at Annapolis on the Monday next after the Court at Horton: any law, usage or custom, to the contrary notwithstanding.

II. *And be it also enacted,* That it shall and may be lawful for the Supreme Court, in causes brought up from the Inferior Courts by Habeas Corpus, Certiorari, Writ of False Judgment, or Error in cases where a trial by jury has been had below, to grant a new trial of the fact before the said Supreme Court, on such terms and conditions as the said Court shall judge best calculated to afford substantial justice to the parties: *Provided* such new trial shall be moved for within one year after the trial below, and it shall be made appear to the said Supreme Court, that a new trial ought to be granted, and the party praying the same shall put in special bail in the said Supreme Court to abide the final judgment which may be given in the said cause.

III. *And be it further enacted,* That all Writs of Execution, issuing from the Circuit Court, shall be made returnable in sixty days from the issuing thereof.

IV. *And be it further enacted,* That it shall and may be lawful for any one of His Majesty's Justices of the Supreme Court, either in term time or otherwise, to allow Writs of Certiorari, Habeas Corpus, *cum causa*, Writs of False Judgments, or Writs of Error, to remove causes from the Court of Common Pleas, to His Majesty's Supreme Courts, before trial or judgment given therein, on the application of the defendant or defendants, and, after trial or judgment, on the application of either plaintiff or defendant, or plaintiffs or defendants, upon condition that before such writ or writs be allowed, the person or persons applying for the same shall file special bail in His Majesty's said Supreme Court, with such sufficient securities as the Judge shall approve of; and such writ or writs, when so allowed, shall issue from, and be signed and sealed by, the Prothonary of the said Supreme Court, or his deputy in any part of the Province.

V. *And be it further enacted,* That the Circuit Court for the County of Cumberland, shall be held at Amherst on the first Tuesday of June, annually.

CAP. VI.

An ACT for altering the time of holding the Court of Common Pleas, and General Sessions of the Peace, and for chusing Town Officers for King's County.

Preamble.

WHEREAS the time of holding the Court of Common Pleas, and General Sessions of the Peace, for King's County, and for chusing Town Officers for the respective Townships in said County, has been found inconvenient:

Times of holding General Sessions of the Peace.

I. **B** *it therefore enacted,* by the Lieutenant-Governor, Council and Assembly, That from and after the publication hereof, the said Courts of Common Pleas, and the Court of General Sessions of the Peace for the said county, shall be held, in each year at Horton, on the third Tuesday,

day of June, and first Tuesday of October; any law, usage or custom, to the contrary notwithstanding.

II. *And be it further enacted,* That at the Court of General Sessions of the Peace for the said county, which will be held as aforesaid, on the first Tuesday of October next, and thereafter in each year at the October Sessions, the Grand Jury for said county shall nominate, and the Justices shall appoint, town-officers, and regulate the several townships of the said county, in the same manner as is by law directed, and has been heretofore accustomed to be done, at the first General Sessions of the Peace in each year for the said county. And the town-officers, for the several townships of said county, already appointed to serve the ensuing year, shall continue in office, and be bound to perform the duties of their respective offices, until others are appointed, and sworn in their stead, agreeable to the provisions of this Act.

Time of choosing town-officers, for King's County.

CAP. VII.

An ACT for regulating the Practice of Inoculating for the Small Pox.

This Act repealed by 41st Geo. 3d. cap. 2.

CAP. VIII.

An ACT for establishing a Public Market in the Town of Liverpool.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Justices of the Peace of Queen's County, at their next General Sessions of the Peace to be held after the publication hereof, to procure and fit up a proper place in the town of Liverpool, as a market-house, wherein a public market shall be held for the sale of all kinds of butcher's meat, poultry, alive or dead, fish, roots, greens, fruits, and other vegetables, on such days of the week, and during such hours, as the Justices, in their said Sessions, shall from time to time appoint: and it shall and may be lawful for the said Justices to appoint the first market day, for the opening and establishing of the said market, from which day, ever after, such market shall be deemed and taken to be a public market: and an Act, made in the sixth year of His present Majesty's reign, entitled, An Act against forestallers and regrators, shall, from that day forth, be in full force and effect, in and within the said County of Queen's County.

Justices, in Session, for Queen's County, to provide a market in the town of Liverpool.

Regulation of said market.

II. *And be it further enacted,* That it shall and may be lawful for the said Justices, in their General Sessions, from time to time, and at all times hereafter, to nominate and appoint a keeper of said market-house, who shall be sworn to the faithful discharge of his office, and shall have the same power and authority as a Constable in all matters relating to keeping peace and order in the said market; and the said Justices may, from time to time, at their pleasure, remove such keeper, and appoint another in his room, and shall regulate and fix the rate or rates of the stalls, or standings, in said market, and shall have full power and authority to make and publish such bye laws, from time to time, as may be necessary for the better regulating, governing, ruling and ordering, said market, when established: *provided* the same be not repugnant to the Laws of Great-Britain, or of this Province; and it shall be lawful for the said Justices to enforce obedience to such bye laws, by imposing a fine, not exceeding the sum of ten shillings, for each and every offence, and, upon due conviction of any offender against such bye laws, before any one of His Majesty's Justices of the Peace for the said county, it shall be lawful for such Justice to cause such fine to be levied by warrant of distress and sale of the offender's goods and chattels.

Appointment of a keeper to said market, and his power.

Fixing of the rates of the stalls, or standings.

Persons offending against this Act.

Raising money for the building a market-house : rents, &c. to go to its repair.

III. *And be it further enacted*, That it shall and may be lawful for the Grand Jury of the said county, from time to time, to raise, by presentment, in the usual form, so much money as may be necessary to build, repair and erect, the said market-house ; and the rent of the stalls, and standings, in said market, together with all fines and forfeitures arising in pursuance of this Act, shall be applied to the keeping of said market-house in repair, and to no other use.

CAP. IX.

An ACT in amendment of an Act, passed in the Thirty-seventh year of His Majesty's reign, entitled, An Act for appointing Commissioners to determine upon a proper situation in the Town of Halifax, and to purchase Lots of Ground, if necessary, to erect a Public Building for the accommodation of the General Assembly, Court of Chancery, Supreme Court, and Court of Admiralty, and Public Offices, and for procuring Plans and Estimates for a Building hereafter to be erected for the residence of the Governor, Lieutenant-Governor, or Commander in Chief for the time being.

Preamble.

WHEREAS by the aforesaid Act it is provided, that there shall be erected a range of Public Buildings, for the sittings of the General Assembly, and Courts of Justice, and for the Public Offices, and also a Government-House, for accommodation of a Governor, Lieutenant-Governor, or Commander in Chief, and by the said Act it is intended, that the said range of Public Buildings shall be first erected : and whereas the present Government-House is in so ruinous a condition, as to be unfit for the residence of the Governor, or Commander in Chief of this Province, whereby it becomes more immediately necessary, to proceed to the erection of a house suitable for his reception and accommodation :

The erection of Public Buildings for sitting of General Assembly, &c. to be deferred and a house for the accommodation of the Governor built.

I. *Be it therefore enacted*, by the Lieutenant-Governor, Council and Assembly, That the erecting of the range of public buildings, for the sittings of the General Assembly and Courts of Justice, and of the Public Offices, be deferred, and that instead thereof, a suitable house be erected, with proper offices, and conveniences, on the lot of ground purchased for the said range of public buildings, or on the ground which may be purchased contiguous thereto, for the accommodation of the Governor, Lieutenant-Governor, or Commander in Chief of this Province, which house, when erected, shall be called the Government-House of the Province of Nova-Scotia, and shall be appropriated for the residence of the Governor, Lieutenant-Governor, or Commander in Chief of the Province of Nova-Scotia, for the time being ; and to no other use and purpose whatsoever.

Governor to appoint Commissioners, to superintend said building

II. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, to nominate and appoint other Commissioners, in the room and place of such of the Commissioners nominated in the said Act, whose offices have become, or shall hereafter become vacant, by death, resignation or removal, and the persons so appointed, together with those appointed by the said Act, and continuing in their office, shall be Commissioners for building the said Government-House.

Materials collected for Public Building, to be used for Government-House.

III. *And be it further enacted*, That it shall and may be lawful for the said Commissioners to employ and use, in the building of the Government-House hereby authorized to be erected, such parts of the materials already contracted for, or purchased for, the intended range of public buildings, as they may find necessary, and to sell and dispose of such other parts of the said materials as may not be wanted for the said Government-House : and the monies, thence arising, shall be applied, by the said Commissioners, to and for the uses of the said Government House.

IV.

IV. *And be it further enacted*, That the said Commissioners, or the major part of them, with the approbation of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, may and shall determine upon, and purchase, such and so many lots of ground in the town of Halifax, contiguous to the said lot of ground lately purchased for the range of public buildings, as may be sufficient and suitable whereon to erect a house for the accommodation of the Governor, Lieutenant-Governor, or Commander in Chief for the time being. *Provided always*, That the purchase money of such lots do not exceed the sum of one thousand five hundred pounds. *And provided also*, That the whole expence of building, and fully completing the said Government-House within, and without, with all the suitable conveniences, shall not exceed the further sum of five thousand four hundred pounds.

Purchase of lot of ground, whereon to erect the government house of the Province of Nova-Scotia.

V. *And be it further enacted*, That so soon as the said Government House shall be erected, and completed, fit for the residence of the Governor, Lieutenant-Governor, or Commander in Chief, and he shall have removed thither, the house and lot of ground now used and appropriated as the Government-House, shall be used and appropriated for the sitting of the General Assembly and the Courts of Justice, and such Public Offices as it will accommodate, or which may be built, or provided, on the said lot of ground.

Old government house to be appropriated to the sittings of the General Assembly, Courts, &c.

CAP. X.

An ACT to compel the attendance of the Justices of the Peace at the several General and Quarter Sessions of the Peace, for the respective Counties of this Province.

WHEREAS great inconveniences have been experienced for the want of a regular attendance of the Magistrates at the several Courts of General and Quarter Sessions of the Peace throughout the Province, and whereas it is highly expedient that a sufficient number of Justices should attend at said Courts, to transact the public business of the several Counties, and to regulate the important concerns which are by law entrusted, and made subject, to their controul and jurisdiction:

Preamble.

I. *Be it therefore enacted*, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication hereof, the Clerks of the Peace for the several Counties of this Province, shall, at every Court of General or Quarter Sessions of the Peace for the respective Counties, and on every day of the meeting of said Court, enter into a book, to be prepared for that purpose, the names of every Justice of the Peace who shall attend at such Court, and assist in the business which shall then be brought before the said Court, and if any such Justice of the Peace shall leave the said Court before the business of the day shall be completed, or without obtaining the consent of the major part of the Magistrates then sitting in said Court, his name shall not be entered in the said book for that day, but shall be omitted as though he had totally absented himself from such meeting.

Clerks of the Peace, at every Court of Sessions, to note in a book, the attendance of Justices at such Court.

Justices leaving the Court before the business is completed to be entered as absent.

II. *And be it further enacted*, That the Clerks of the Peace, for the several Counties where the Supreme Court usually sits, shall, on the first day of the sitting of the said Supreme Court, in the respective counties, next after any General or Quarter Sessions of the Peace for such county, return into the said court, under his hand, a list of all such magistrates, as have wholly neglected to attend at such preceding Sessions, and the several Clerks of the Peace for the counties, or districts, where the said Supreme Court does not ordinarily sit, shall, within six months after any General or Quarter Sessions of the Peace, for such county or district, make a list in manner afore said, of all Magistrates who shall have neglected to attend at such Sessions as afore said, and return such list into the said Supreme Court at Halifax; and if any

The names of Justices neglecting to attend Court of Session, to be returned to the Supreme Court, by Clerk of the Peace.

The names of Justices neglecting of duty, to be returned to the Governor, & removed from office.

Clerk to forfeit st. for neglect thereof.

Justices to be summoned to attend the Supreme Court.

Magistrate whose name shall be included in any such lists, shall not give to the said Court a reasonable excuse for his non-attendance at the said Sessions, the said Supreme Court shall, and is hereby required to make a return under the hand of the Chief Justice, or the presiding Judge of such Supreme Court, to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, of the names of such Justices of the Peace as have neglected, without sufficient reason, to attend at such General or Quarter Sessions of the Peace, and every such Justice, whose name shall be so returned by the Supreme Court to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, for neglect as aforesaid, shall, *ipso facto*, forfeit his office of Justice of the Peace, as fully as if he had been discharged therefrom by express Writ under the Great Seal of the Province. And if any Clerk of the Peace shall neglect to make such return to the said Supreme Court as aforesaid, he shall forfeit and pay for every such neglect, a fine of five pounds, to be recovered before any two Justices of the Peace, by him or them who will sue for the same, one half of which penalty shall be paid to the prosecutor for his use, and the other half to the Overseers of the Poor, for the use of the poor of the town or place where such Clerk shall be resident.

III. *And be it further enacted*, That the Sheriffs of the several Counties or Districts of this Province, shall, hereafter, at least fourteen days before the sitting of the Supreme Court within such County or District, summon all and every the Justice and Justices of the Peace within their respective bailiwicks, to attend at said Supreme Court on the first day of the sitting of said Court: and the several Justices of the Peace are hereby required to pay due obedience to such summons, and to attend at said Supreme Court from day to day, during the term, or until the Justices of said Supreme Court shall discharge them from further attendance. *Provided*, nothing herein contained shall extend, or be construed to extend, to the Members of His Majesty's Council, the Justices of the several Courts of Common Pleas, or to such persons as are Justices throughout the Province.

This Act passed, with a suspending clause, until His Majesty's pleasure was known, which has not yet been signifi-

CAP. XI.

An ACT in amendment of an Act, made in the Third year of His Majesty's reign, entitled, An Act for the relief of Insolvent Debtors.

CAP. XII.

An ACT for applying certain monies, therein mentioned, for the service of the year of our Lord one thousand seven hundred and ninety-nine; and for appropriating such part of the Supplies, granted in this session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province.

Executed.

CAP. XIII.

An ACT for raising a Revenue to repair the Roads throughout the Province, by laying a Duty on Persons hereafter to be Licensed to keep Public Houses, or Shops, for the retail of Spirituous Liquors, and for regulating such Public Houses, and Shops.

For Acts in amendment of this Act, see 40th Geo. 3d Cap. 14 41st Geo. 3d. cap. 12.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication hereof, if any person or persons whatsoever, within this Province, either by themselves, or their wives, or any of their children, or their known or reputed servants, or substitutes under them, directly or indirectly, in any house, shop, warehouse, or other place whatsoever, belonging to the father, or mother, of such child or children, or to the known or reputed master, or mistress, of such servant, or substitute, shall sell, barter or exchange, or deliver upon credit, any rum, brandy, ale, wine, cyder, perry, or other strong liquors, mixt or unmixt, by whatsoever name or names they are, or may be, called, or distinguished, without licence first had and obtained for that purpose, in manner and form as herein after directed, whether such wife, child, children, servant or substitute, so sold, bartered, exchanged or delivered, the same, or not, by the command of such father, mother, master or mistress, or shall hawk, sell, or expose to sale, barter or exchange, or deliver upon credit, any such liquors, mixt or unmixt, by whatsoever name or names they are or may be called, or distinguished, about the streets, wharves, highways, lanes or suburbs, of the town of Halifax, or any other town or place whatsoever within this Province, in any manner whatsoever, or upon the water in any ship, boat or vessel, or in any other manner whatsoever, or shall deliver upon credit, or sell, or barter or exchange, or expose the same to sale on any bulk or bulks, stall or stalls, or in any shed or sheds, or on, or in, any other place or places: such person or persons, and the father, or mother, of such child or children, and the reputed master or mistress of such servants, or substitutes, shall forfeit, for every offence, a sum not exceeding ten pounds, nor less than five pounds. And it shall and may be lawful for any two Justices of the Peace within this Province, on their view, or on confession of the party, or by proof on the oath of one credible witness, to convict any person or persons so offending; and the person or persons so convicted shall immediately on such, and every other like, conviction pay the amount of such fines or forfeitures into the hands of such Justices: and on such offender or offenders refusing or neglecting to pay the said sum, together with the charges of prosecution, it shall and may be lawful for such Justices to issue a Warrant, under their hands and seals, for the levying the same, by distress and sale of the offender's goods and chattles, and if no sufficient distress can be found, then the said Justices shall, by warrant under their hands and seals, commit the offender, or offenders, to His Majesty's goal, within the county, where the offence shall be committed, there to remain in close confinement, or be put to hard labour for the space of three months, or until he, or she, shall have fully paid, and satisfied, the said fine, and charges as aforesaid; or otherwise, to be bound out by said Justices, for any time not exceeding three months, to serve and labour for any person who will pay the fine and costs. *Provided*, That all prosecutions, in pursuance of this Act, shall be made within three months after the offence committed.

No liquors to be sold without licences, under a penalty of 10l.

Recovery of penalty, &c.

Prosecutions to be within three months.

II. *And be it further enacted*, That every person having licence to sell any spirituous liquors, wine, ale, beer, cyder or perry, shall, within ten days after obtaining such licence, hang out a sign, or inscription, with their names thereon, setting forth that spirituous liquors are there to be sold by licence, on pain of forfeiting five pounds for each and every such neglect.

Persons licensed to sell spirituous liquors, to hang out a sign, or forfeit 5l.

III. *And be it further enacted*, That if any person or persons, not having obtained a licence therefor,

Persons hanging out a sign, not

having a licence, to forfeit the same penalty as for selling without licence.

therefor, shall presume to hang out, or suffer to remain, any sign or inscription whatsoever, importing, thatrum, or other distilled spirituous liquors, wine, ale, beer, cyder, or perry, are there sold, otherwise than by wholesale, upon proof thereof, in manner and form herein described, such person shall be subject, and liable, to the like penalties and forfeitures as persons convicted of selling spirituous liquors without licence.

Persons selling liquor at different places under one licence, to forfeit the same penalty as for selling without licence.

IV. *And be it further enacted,* That if any person or persons, either by themselves or their wives, or any of their children, or known or reputed servants, or substitutes under them, directly or indirectly shall presume to sell any rum, brandy, wine, ale, cyder, perry, or other strong liquors, mixt or unmixt, by whatsoever name or names they are or may be called or distinguished, by virtue of, or under pretence of, licence obtained as in this Act is directed, in any other place than at the house or place where such person or persons themselves shall, *bona fide*, actually and constantly reside and dwell, upon conviction thereof, such person or persons shall be subject, and liable, to the like pains and penalties as persons convicted of selling spirituous liquors without licence: and the same shall and may be prosecuted for, paid, levied and disposed of, in like manner as is directed by this Act.

Manner of proceeding on granting licences.

V. *And be it further enacted,* That it shall and may be lawful for the Grand Juries of the several Counties and Districts of this Province, and they are hereby required to nominate and recommend to the Justices of the Peace, at their General or Quarter Sessions for the said counties and districts respectively, first to be held after the publication hereof, and at the spring Sessions annually afterwards, as many fit and proper persons of good fame, and of sober life and conversation, as they shall judge necessary to be licensed to sell spirituous liquors, or to keep taverns, or houses of public entertainment, in the several towns, and on the several roads, of this Province, lying within their respective counties or districts, setting forth, in such nomination, the several townships, and the streets, lanes or roads, in or upon which the said persons respectively dwell; and the Justices shall, out of such list, at their next General Sessions of the Peace after the publication hereof, and at the next spring Sessions in every year afterwards, grant to as many of the persons so nominated, as they shall see fit, licences to sell wine, porter, beer, ale, rum, brandy, and all kinds of spirituous liquors, and shall then and there cause each, and every person so licensed, to enter into a recognizance, with one good and sufficient surety, in the penal sum of fifty pounds, that he, she or they, shall well and truly comply with, and yield obedience to, the laws of this Province already made, or to be hereafter made, in relation to persons licensed to sell liquors, and shall keep and maintain good order in the said tavern, or house of entertainment, and shall not suffer any raffle, or raffles, the using, or playing, of any kind of game, or games, whatsoever therein, and shall duly pay into the hands of the Clerk of the Licences, his, her and their, quarterly payments, within ten days after such payments shall become due, and the Clerk of the Licence, where such licences shall be granted, shall receive for his fees, from each person so licensed, for the licence and recognizance, five shillings, and no more.

Duty to be paid by the persons keeping licensed houses.

VI. *And be it also enacted,* That each and every person, to whom licence for selling wine, ale, cyder or perry, rum, or other distilled spirituous liquors, within the peninsula of Halifax, shall be granted, shall pay for the same the sum of six pounds per annum: one fourth part whereof shall be paid, to the Clerk of the Licences, on or before the granting of such Licence, and the remainder to be paid quarterly, three months in advance; and that there shall be paid by every person who shall obtain licence, as aforesaid, in every other town and place within the said Province, three pounds per annum, to be paid quarterly, and in advance, as aforesaid. *Provided always,* That it shall be in the power of the said Justices, in their General or Quarter Sessions of the Peace, from time to time, on the recommendation of the Grand Jury, and at the discretion of said Justices, to grant licence, or licences, gratis, to any person or persons living on roads, which are remote, and little frequented, for the encouragement of such persons, keeping houses of entertainment on such public roads, for the accommodation of travellers.

Justices empowered to grant licences gratis, to persons living on remote roads, &c.

VII. *And be it further enacted,* That the Justices aforesaid shall, on the first day of their Spring Sessions of the Peace, appoint one certain day, during their said Spring Session, whereon to grant licences as aforesaid: on which day the Clerk of the Licences shall, and is hereby required to, attend the said Justices to receive the quarters advances from the several persons licensed as aforesaid, and to take a list of their names and places of abode, and all licences granted at any other time, or in any other manner, shall be void. *Provided,* That if any person or persons, recommended as aforesaid by the Grand Jury, shall neglect or refuse to attend on the day or days to be appointed as aforesaid for the granting of licences, or shall neglect or refuse then and there to enter into recognizance, with one surety, as herein before provided; or shall not pay, to the Clerk of the Licences, one fourth part of the said licence money in advance; or in case any person, licensed, should die, or his or their licence be taken away, or otherwise become vacant, then, and in all such cases, it shall be lawful for the said Justices, at any time during the same Sessions, or in any succeeding Sessions, to appoint, and grant, such licence or licences to any other person or persons of good fame, and a sober life; living near the person whose licence may become vacant as aforesaid; or so neglecting or refusing to comply with the conditions required by this Act, he, she or they, so to be licensed instead thereof, giving the security, and paying the fees and advances; hereby required.

VIII. *And be it further enacted,* That the said Justices shall not grant a tavern licence to any person (except in the town of Halifax) unless he, she or they, shall keep a house of public entertainment for travellers: and every person, obtaining such tavern licences, shall cause a sign to be set up over or near the door of such tavern, with his or her name thereon, and a plain inscription, setting forth, that entertainment may be had there for man and horse, and shall also keep and have in his or her house, two good beds, over and above what may be required for the lodging of his or her family and servants; and shall also be sufficiently provided with good and wholesome victuals, and drink, for the accommodation of travellers, and with stables, hay and provender, for horses, in default whereof it shall be lawful for the Justices in Sessions, on complaint thereof, by one or more witnesses upon oath, to take away such licence as forfeit.

IX. *And be it further enacted,* That if any tavern-keeper; retailer of spirituous liquors, vintner, or other person, keeping a public house of entertainment within this Province, shall, on any pretence whatsoever, suffer any disorderly persons, or any hired man, or woman servant, apprentice, male or female; or any person or persons under the age of twenty-one years, to resort to such tavern; or public house, at any time or times of the day, or night, throughout the week; there to idle; or mispend, his, her or their, time, or to have any liquor to drink therein, or shall entertain, or suffer, on the Lord's Day, any of the inhabitants of Halifax, or of any of the towns respectively, where such tavern-keepers, retailers of spirituous liquors, vintners, or other persons keeping public houses of entertainment, respectively dwell; or others, not being strangers, or lodgers, in such houses, or such as come thither for necessary dieting and victualling only, to abide or remain, in or about their dwelling-houses, drinking, or idly spending their time; it shall be lawful for any one of His Majesty's Justices of the Peace for the county, either on his own view, or on the information of one credible witness, to cause the person or persons, offending against this clause, or any matter or thing herein contained, to be apprehended, and committed prisoner to the county jail, unless such offender, or offenders, shall enter into a recognizance, before such Justice, with one or more sufficient bondsmen, for his, her, or their, appearance, at the next General Sessions of the Peace, there to answer such complaint; and, in the mean time, to be of good behaviour; and also to bind over the witness, or witnesses, to prosecute at such Sessions: and it shall and may be lawful for the Grand Jury, of their own knowledge, or on the information of one or more credible witnesses, to make presentment, or to prefer a bill of indictment, against such offender, before the Justices of the Peace, at their General or Quarter Sessions for the county, or district,

Justices in Spring Sessions, to appoint a day for the granting of licences; and receiving the quarter's advance.

Persons nominated not attending, or neglecting to take out licence, or licensed persons dying, others may be licensed in their stead.

All persons, except in Halifax, shall keep houses for the entertainment of travellers.

Persons abusing their licence, by suffering disorderly persons, servants and apprentices, or persons under twenty-one years of age, to frequent their houses, or to have any liquor drank there, or who suffer persons to resort to their houses, on the Lord's Day, &c. to forfeit their licence; as also the amount of their bond and sureties, on conviction at the Sessions.

district, where the offence shall have been committed; and such tavern-keepers, retailers of spirituous liquors, vintner, or other person, keeping a public house of entertainment, being duly convicted by the verdict of a jury, upon such presentment, and indictment, shall forfeit his licence, and shall also pay the penalty of his, her or their, bond, or recognizance, taken pursuant to the fifth section of this Act, for such offence. And every such tavern-keeper, retailer of spirituous liquors, vintner, or other person keeping a public house of entertainment, shall cause the whole of the fifth and ninth sections of this Act, written or printed in a plain and legible manner, to be affixed or set up in some conspicuous part of his or her tavern, shop, and in every room in his or her house set apart, or commonly used, for the entertainment of travellers or other persons: and there to remain as long as such tavern-keeper, retailer of spirituous liquors, vintner, or other person keeping a public house of entertainment, shall hold such licence, on pain of forfeiting such licence for any neglect thereof.

Persons licenced to have the fifth and ninth sections of this Act, placed conspicuously in their houses, or forfeit their licence.

Shop Licences may be granted for the sale of liquor, but not to be drunk or consumed in the shop, &c.

Persons acting contrary to such licence, to forfeit the same penalty as for selling without licence.

Persons taking out such licence, to have this section placed conspicuously in their shop.

Continuance of licences heretofore granted to be for one year

This Act not to extend to merchants, and others selling liquor by the gallon.

Persons refusing to attend, when summoned to

X. *And be it further enacted*, That, from and after the publication of this Act, the Justices of the Peace, in the several Counties in this Province, in their General or Special Sessions of the Peace, shall and may grant licences to persons keeping shops and vending goods, wares and merchandise, for the selling wine, beer, ale, cyder or perry, rum, or other distilled spirituous liquors, in quantity not less than one quart, delivered at one and the same time; (the town and suburbs of Halifax excepted: within which it shall be lawful for persons, having shop licences, to retail a quantity of spirits not less than one jill, delivered at one and the same time) and there shall be paid for such licence, by the person taking out the same, if residing within the township of Halifax, the sum of four pounds per annum; and if residing within any other township or place in the Province, the sum of forty shillings per annum, and five shillings to the Clerk of the Licence for making out the same: which payment shall be made in advance in manner herein before directed. *Provided always*, That if any person, so taking out a shop licence, shall sell or deliver any quantity of wine, ale, beer, cyder or perry, rum, or other distilled spirituous liquors, less than one quart, (the town and suburbs of Halifax only excepted as aforesaid) or shall on any account permit or suffer any wine, ale, beer, cyder or perry, rum or other strong liquors, to be sold for the purpose of being drunk or consumed in his or her shop or house: such person or persons so offending shall be subject to the like prosecutions, penalties and forfeitures, as persons selling spirituous liquors without licence. And every person taking out such shop licence shall cause the whole of the tenth section of this Act, written or printed in a plain legible manner, to be affixed up in some conspicuous part of his or her shop, and there to remain during the continuance of his or her licence, on pain of forfeiture thereof.

XI. *And be it further enacted*, That all licences which shall be granted in the present year, by virtue of this Act, shall not continue or be in force for a longer time than until the next ensuing General Sessions of the Peace, to be held in each county or district in the year of our Lord one thousand eight hundred: and all licences to be afterwards granted shall continue and be in force for one year, and no longer, after their dates respectively; and any person or persons who shall continue to sell for a longer time, without taking out a new licence, shall be subject to the like prosecutions, penalties and forfeitures, as persons selling spirituous liquors without licence.

Provided always, That nothing in this Act contained shall extend, or be construed to extend, to prevent or debar any merchant, shop-keeper or other person, not licensed to retail rum, or other distilled spirituous liquors, wine, ale, beer, cyder or perry, from selling any quantity of such liquors, not less than one gallon, delivered at one and the same time.

XII. *And be it further enacted*, That when any information, presentment or indictment, shall be made against any person or persons, offending against this Act, and any person or persons shall be summoned to give evidence relative thereto, and that any such person so summoned,

moned, shall neglect, or refuse, to give his, or her, attendance, at the time and place mentioned in the summons, not having any just cause therefor, to be allowed of by the Justices before whom such information, presentment or indictment, shall be made, or shall wilfully withdraw himself, or herself, before sworn, or shall wilfully refuse to be sworn, or shall refuse to give his, or her, evidence, in every such case the party so offending, shall forfeit and pay the sum of ten pounds: to be levied by warrant of distress and sale from the said Justices on the offender's goods and chattels; and for want of such distress such person or persons shall be committed to jail, there to remain for the space of three months, or until the said sum of ten pounds shall be paid; *Provided nevertheless*, That no person shall be obliged to give evidence on any information before such person be paid or secured their reasonable charges for attendance: to be allowed of, and ordered by, such Justices; and payable out of the monies arising by virtue of this Act.

XIII. *And be it further enacted*, That all the monies arising from the conviction of any person or persons for the breach of any part of this Act, shall, after deducting the charges of prosecution, be paid by the Justices before whom the same shall be recovered: one half to the person or persons who shall inform and sue for the same, and the remaining half part to the Clerk of the Licences, to be by him accounted for and applied as herein after directed.

XIV. *And be it further enacted*, That the Clerk of the Licences, for the County of Halifax, shall once every quarter render a just account of, and pay into the hands of the Treasurer of the Province, all such monies as shall be by him received, as well for the licence duties as for any fines and penalties incurred by this Act (first deducting thereout seven and a half per cent. for his trouble therein): to be applied, under the direction of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, for the repairs of the public roads in the town of Halifax, or within ten miles thereof: *Provided always*, That before it shall be lawful for the Treasurer of the Province to pay to any person or persons, whatsoever, any sum or sums of money, whatsoever, out of the monies hereafter to be received into the Treasury of this Province by virtue of this Act, the account or accounts of the expenditure of such money or monies shall be duly rendered on oath to the Justices of the Sessions for the County of Halifax, who, by and with the assistance of the Grand Jury of said County, are hereby authorized and empowered to audit and examine said accounts, and to certify to the Governor, Lieutenant-Governor, or Commander in Chief for the time being, that it appears to such Justices and Grand Jury that such account or accounts are just and true, and that the amount of such account or accounts has been faithfully applied to the making or repairing the streets, roads or bridges, within ten miles of the said town of Halifax: which account, so certified, shall be annexed to the warrant for payment of the same. And the Clerks of the Licences, for the other Counties and Districts of this Province, shall also once every quarter render a just account, and pay into the hands of the respective Treasurers of such County or District, all monies and fines received by them by virtue of this Act (deducting thereout seven and a half per cent. as aforesaid): which monies are hereby appropriated, and shall be applied by the Justices of the several Counties or Districts of this Province, by and with the advice of the Grand Juries for such County or District, to the making, opening and repairing, the public roads, making or repairing bridges, or establishing ferries, throughout the several Counties or Districts within which such monies shall have been collected.

XV. *And be it further enacted*, That if any Clerk of the Licences, shall neglect to render such account, or to pay over the monies remaining in his hands, at the times, and in the manner aforesaid, he shall forfeit and pay to His Majesty, for every such neglect, double the sum he shall so retain, to be recovered, and applied to the several purposes, herein before appointed by this Act.

XVI. *And be it further enacted*, That the Clerks of the Licences shall, and may, at such times

give evidence against offenders, to forfeit rol. Mode of recovering penalty.

No persons obliged to give evidence until their charges for attendance be paid.

One half of the monies arising from forfeitures under this Act, to be paid to the persons informing and prosecuting for the same, and the other to the Clerk of the Licence.

Clerk of the Licence for the county of Halifax, to account and pay money to the Treasurer of the Province. Commission allowed to the Clerk of Licences.

Licence Duty, of the county of Halifax, to go to the repair of roads, within ten miles of Halifax.

Clerks of the Licences in other counties, to account in like manner to the county Treasurers, and the money to be applied by the Justices to repair the roads, &c. within the several counties and districts.

Penalty on clerk's neglecting to account & pay money.

Clerks of Licences to visit taverns, and to see this Act carried into execution; also to be sworn.

and periods as they shall see fit, visit the taverns, retail shops, and public rooms, of persons holding licences, to see that the several provisions of this Act are complied with, and shall and may, and are hereby required and commanded, to prosecute all offenders against this Act, and shall be sworn faithfully to carry this Act into execution, to the best of his or their power and ability, and to discharge honestly and justly, all the several duties herein and hereby imposed on him or them.

Persons interrupting Clerk to be punished.

XVII. *And be it further enacted*, That in case any person or persons keeping taverns, retail shops, or public rooms, or any person or persons being in or about such tavern, shop or room, at the time the Clerk of the Licence may be visiting the same, shall interrupt or assault the said Clerk while in the execution of this Act, the said person or persons shall be liable to be indicted, and, if convicted, fined or imprisoned for every such offence.

Governor to appoint Clerks of Licence at Halifax; in the other Counties to be appointed by the Sessions.

XVIII. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint, during pleasure, the Clerk of the Licences for the town and county of Halifax, and for the Grand Jury in the several other counties and districts in the Province, so often as the office of the Clerk of Licences, in such county or district, shall be vacant, to return to the Justices in their General Sessions, three fit and proper persons to fill such office, one of whom, the Justices in their said Sessions, shall appoint Clerk of the Licences for such county or district, during pleasure.

Tavern keepers not to sell merchandize.

XIX. *And be it further enacted*, That it shall not be lawful for any tavern-keeper within this Province, hereafter to sell, vend or expose to sale, in or about his, or her tavern, any goods, wares or merchandize whatsoever, other than the victuals and drink necessary to be used and consumed, and which are usually used and consumed in taverns, nor shall it be lawful for such tavern-keeper to suffer the same to be done; and any person or persons offending against the provisions contained in this clause, shall forfeit and pay the penalty of twenty pounds for each and every offence; to be recovered and applied in the manner herein last before mentioned.

On neglect of quarterly payments, Clerk to sue bond before a Justice.

XX. *And be it further enacted*, That so often as one quarter's payment for a tavern or a shop licence shall be due, and unpaid to the Clerk of the Licence ten days after the same shall be due, it shall and may be lawful for the Clerks of the Licence, to bring an action on such person's bond, against himself, or his or her surety or sureties, before any one of His Majesty's Justices of the Peace, for the amount of such quarter's licence duty, and such Justice shall give judgment for the same, and grant execution for such quarter's duty and costs against such debtor, and his or her surety or sureties.

Act to be read on first day of Spring Sessions.
Continuation of Act.
Continued by subsequent Acts to 31st Dec. 1805.

XXI. *And be it further enacted*, That this Act shall be publicly read by the Clerk of the Peace on the first day of the Spring Sessions, in every county throughout this Province.

XXII. *And be it further enacted*, That this Act shall continue, and be in force, until the thirty first day of July, which will be in the year of our Lord one thousand eight hundred, and no longer.

CAP. XIV.

An ACT for reviving, and continuing, the several Acts therein mentioned.

Expired.

CAP. XV.

An ACT to continue in force the several Acts therein mentioned.

Expired.

CAP. XVI.

An ACT to provide for the support of His Majesty's Government in this Province, by reviving, altering and continuing, the several Revenue Laws which were in force the last year, and which are herein particularly mentioned.

WHEREAS the revenue provided for the support of His Majesty's Government in this Province the last year, has been found fully sufficient, and whereas the several laws which secured the said revenue to His Majesty, have been improvidently suffered to expire, whereby the administration of His Majesty's Government in this Province is much embarrassed and impeded, and great injury done, and likely to be done, to His Majesty's Subjects: it is therefore deemed expedient to revive said laws as expeditiously as possible, and to continue the same, with some small alteration, for another year: Preamble.

WE, His Majesty's dutiful and loyal subjects, the House of Assembly of His Majesty's Province of Nova-Scotia, most truly sensible of the innumerable blessings and advantages which we enjoy from the free and excellent Government under which we live, and unanimously determined, with our lives and fortunes, to support our beloved Sovereign and His Government, and to maintain and defend the British Constitution, under which alone true liberty can be enjoyed, do humbly beseech that it may be enacted:

I. And be it enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made in the twenty-ninth year of His Majesty's reign, entitled, An Act for the better support of the poor in the respective Counties within this Province, by laying an impost duty on all articles imported into this Province from the United States of America. Also, an Act, made in the thirty-second year of His Majesty's reign, entitled, An Act for the further increase of the revenue, by raising a duty of excise on all goods, wares and merchandise, imported into this Province. Also, an Act, made in the thirty-third year of His Majesty's reign, entitled, An Act for providing for the support of His Majesty's Government in this Province, by laying an additional duty on wine, rum, and all other articles therein mentioned, and for encouraging the agriculture, fisheries and commerce, of this Province. Also, an Act, made in the thirty-fourth year of His Majesty's reign, entitled, An Act to provide for the grammar school in Halifax, and for other public purposes therein mentioned. Also, an Act in amendment of an Act, made in the thirty-fourth year of His Majesty's reign, entitled, An Act in addition to, and amendment of, an Act, made in the thirty-third year of His Majesty's reign, entitled, An Act for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar: for the purpose of paying the interest, and reducing the principal, of the public debt of this Province; and also to revive, amend, and render more effectual, an Act, passed in the same thirty-third year of His Majesty's reign, entitled, An Act for providing for the support of His Majesty's Government in this Province, by laying an additional duty on wine, rum, and other articles therein mentioned; and for encouraging the agriculture, fisheries and commerce, of this Province. Also, an Act, passed in the thirty-seventh year of His Majesty's reign, entitled, An Act to amend, and continue for one year, an Act, passed in the thirty-third year of His Majesty's reign, entitled, An Act for granting to His Majesty certain duties on wine, rum, and all other distilled spirituous liquors, and brown sugar, for the purpose of paying the interest, and reducing the principal, of the public debt of this Province: and the Act whereof the same is an amendment. Also, an Act, passed in the same year, entitled, An Act to revive, and continue, an Act, passed in the thirty-third year of the reign of His present Majesty, entitled, An Act in amendment of, and in addition to, an Act, made in the thirty-third year of the reign of His late Majesty, entitled, An Act for regulating and maintaining a Light-house on Sambro Island; and in addition to, and amendment of, an Act, passed in the twenty-eighth year of His present Act for laying impost duty on articles imported from the United States of America.
Act for the further increase of the Revenue.
Act for providing for the support of the government, by laying an additional duty on wine, &c.
Act to provide for the Grammar School, at Halifax.
Act in amendment of Act, for granting duties on wine, for paying the interest and principal of the public debt; also, in amendment of Act for providing for the support of government, &c.
Act to amend an Act, passed in the 33d year of His Majesty's Reign, for granting to His Majesty certain duties on wine, rum, &c.
Act in amendment of Act, for maintaining light house on Sambro Island; also for

maintaining light house at the entrance of the harbor of Shelburne.

Also, Act enabling officers of the navy to obtain drawback on wines by them consumed, revived.

Purchasers of prize goods at public sale, and which are liable to duties, to give bond for the amount of the same.

Duties on Teas reduced.

No drawback allowed on the exportation of teas.

Agents resident at Halifax, receiving consignments from merchants at out ports, of dutiable articles for sale, may receive drawbacks on the exportation thereof.

Act continued to 31st July, 1800.

Majesty's reign, entitled, An Act for regulating and maintaining a light-house at the entrance of the harbour of Shelburne. Also, an Act, passed in the thirty-eighth year of His Majesty's reign, entitled, An Act to enable the officers of His Majesty's Navy to obtain a drawback of the duties on wines by them taken out of this Province, and consumed without the limits thereof: and all the several matters and clauses contained in the foregoing Acts, or either of them, shall be, and are hereby, revived, and declared to be in full force and virtue, and the same shall be continued to the period hereafter mentioned.

II. *And be it further enacted, by the authority aforesaid,* That all articles which shall hereafter be brought into this Province under the denomination of prize goods, and are, by law, chargeable with duties, and which shall, upon adjudication, be condemned and sold at public sale, in all such cases it shall and may be lawful for the purchasers at such public sales to be considered the *bona fide* importers, who shall give the necessary bonds and securities required by law for the amount of duties arising upon such purchasers: any law, usage or custom, to the contrary notwithstanding.

AND WHEREAS *it is expedient that so much of the duties on fine and bohea teas laid by the Act, passed in the thirty-third year of His Majesty's reign, entitled, An Act to provide for the support of His Majesty's Government, &c. should be suspended:*

III. *Be it therefore enacted,* That, in lieu of the duty of one penny per pound on bohea tea, and four pence per pound on all fine teas heretofore collected, it shall and may be lawful for the Collectors of Impost and Excise to levy, demand and receive, only five shillings per chest, and in like proportion for half and quarter chests, of bohea tea, and one penny per pound on all fine teas, to comprehend all such teas as may have been imported into this Province since the thirty-first day of March last past, the duties on which have either been paid or secured: any law, usage or custom, to the contrary notwithstanding.

IV. *And be it further enacted,* That all drawbacks on teas, exported out of the Province since the thirty-first day of March last past, shall cease, and be no longer allowed.

V. *And be it further enacted,* That whenever any merchant, or merchants, resident at the out ports of this Province, shall send or consign to his or their agent or agents at Halifax, any rum, sugar, molasses, wine, or other spirituous liquors, for sale, which have been actually imported by him or them, and on which the duties have been regularly paid or secured in such out-port, it shall and may be lawful for the agent or agents, to whom such article or articles shall be consigned, to export the same, and receive the drawback or drawbacks on the export thereof, in the name of the original importer. *Provided always,* That the quantity of said dutiable articles, so imported and sent coastways to Halifax, at one and the same time, shall amount to the full quantity on which a drawback is now allowed, and provided such article or articles shall be accompanied with a regular permit from such out-port, to shew that the several duties thereon have been paid or secured at such out-port, and also expressing the place from, the time when, and the vessel's name in which the same were imported, with the marks and numbers of such cask or package.

VI. *And be it further enacted,* That this Act, and every clause, matter and thing, therein contained, and also in all and every of the above-mentioned Acts, and also in such Acts as have been made in explanation, amendment or alteration, of any or either of the said Acts, or for the purpose of reviving the same, shall be continued in force until the thirty-first day of July, which will be in the year of our Lord one thousand eight hundred, and no longer.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twentieth day of February 1800, in the Fortieth Year of the Reign of our Sovereign Lord George the Third of Great-Britain, France and Ireland, KING, Defender of the Faith, &c. being the First Session of the Eighth GENERAL ASSEMBLY, convened in the said Province.*

* In the time of Sir John Wentworth, Baronet, Lieutenant-Governor; S. S. Blowers, Esq. Chief Justice, and President of Council; Richard John Uniacke, Esq. Speaker of the Assembly; James Gautier, Secretary of Council; and James B. Francklin, Clerk of Assembly.

CAP. I.

An ACT in addition to, and amendment of, an Act, made and passed in the First year of His present Majesty's reign, entitled, An Act for the repairing and mending Highways, Roads, Bridges and Streets; and for appointing Surveyors of Highways within the several Townships of this Province.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That when and so often as any Commissioner, or Commissioners, for superintending the making or repairing of roads and bridges, shall judge it necessary, for the convenience of the public, to make, alter or enlarge, any highway or road through the enclosed, and improved, lands or grounds of any person or persons, before such Commissioner, or Commissioners, shall proceed therein, he or they shall cause a plan of such new road, or alteration, to be drawn out, and laid before two of His Majesty's Justices of the Peace for the county or district within which such new road, or alteration, is to be made; and such Justices shall and may thereupon order the Clerk of the Peace, for the county or district, to summon a Special Sessions of the Peace, to be held within ten days from the issuing of such summons, and the said two Justices shall lay the said plan before the said Sessions for inspection: and if the Justices then present at such Sessions, being three at the least, or the major part of them, shall approve of such new road, or alteration, they shall then and there order a precept to be issued to the Sheriff of such county or district, or his deputy, directing him to summon a Jury of freeholders from one or more of the neighbouring townships, lying most convenient to the place where such road, or alteration, is to be made, and such Jury shall be composed of persons having no interest in, or claim to, the lands through which such road, or alteration, is to be made, and not of kin to any of the parties having an interest or claim to such lands: and the said Jury, being impannelled, shall be sworn by the said Sheriff, or his deputy, to view the lands through which the said highway or road is to be made or altered, and to lay the same out in such way as will be most advantageous to the public, and least prejudicial to the owner of such lands, and to assess such damages

Mode of proceeding when it is necessary to make, or alter, a road through the improved lands of any persons, that they may receive a fair compensation for any injury or loss.

damages to the owner or owners, and tenant or tenants, of such lands, according to their several interests, as the said Jury shall think reasonable for the value of the lands and improvements made on such lands to be taken into such highway, as also for the expence to be imposed upon the owner or tenant for making fences or ditches on the side of such highway.

Owners of waste or unimproved lands, through which a road is made, to be compensated in like manner for damage sustained.

Manner of establishing said road as the right of the public.

II. *And be it further enacted,* That if it should be found necessary to carry any such new road through waste and unimproved lands, and the owner, or proprietor thereof shall suffer, thereby, any special damage, he shall be entitled to have such damage ascertained, and be compensated therefor, in manner herein before directed, in the case of enclosed and improved lands.

III. *And be it further enacted,* That the verdict of the said Jury, shall be returned forthwith by the Sheriff, or his deputy, to the Clerk of the Peace for such county, or district, who shall, thereupon, send notice to their respective owners, and tenants, of the nature, and course, of the road to be made, or altered, through their lands, and of the recompence awarded them by the Jury, and also of the day appointed by said Court of Sessions, to consider of the said verdict, and if on such day no reasonable cause be shewn to said Court, why the said verdict should not be confirmed, the said Court shall confirm, and record, the said verdict, and the road, or highway, shall be made, or altered, accordingly, and thenceforth become a public road, or highway, for all His Majesty's subjects.

Governor to draw on the Treasury for the amount of compensation to owners or tenants as also the fees to Sheriff and Jurors

IV. *And be it further enacted,* That it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to grant his Warrant upon the Treasurer of the Province, in favour of the person or persons who shall have obtained a verdict of a Jury in manner aforesaid, for the sums awarded, in recompence of any lands so required, and taken, for a public road, or highway; and also for so much money as shall be sufficient to pay the lawful fees of the Sheriff, and the Jury, so employed about such valuation.

Punishment of any owner, or tenant, of lands through which a road is to be made obstructing persons acting under this Act.

V. *And be it further enacted,* That if any owner, or tenant, of any lands, through which any road, or highway, shall be directed to be made or altered as aforesaid, or any other person or persons whatsoever, shall molest, interrupt, or disturb, any such Commissioner, or Commissioners, or any person or persons employed by him, or them, in making, altering, or enlarging, any such public road, or highway, after verdict given, and confirmed, for the same as aforesaid, the person or persons so offending, shall and may be prosecuted; and punished for every such offence, as and for a misdemeanour.

Persons summoned for the purposes of this Act, neglecting or refusing to attend, to forfeit 20s.

VI. *And be it further enacted,* That if any of the Jury, duly summoned by the Sheriff, or his deputy, for the purposes aforesaid, shall neglect to attend, or refuse to be sworn to perform the duties required by this Act, every such Juror shall forfeit and pay for such neglect or refusal the sum of twenty shillings: to be levied by warrant of distress and sale of the offender's goods, on conviction of such offence, before any two Magistrates of the county or district where in the offender shall be resident: And the Sheriff, or his deputy, shall summon others in the place of those who may neglect to attend, until such Jury shall be completed to the number of twelve.

CAP. II.

An ACT for altering and amending an Act, made in the thirty-second year of the Reign of His late Majesty, King George the second, entitled, An Act for preventing Trespasses.

Preamble.

WHEREAS by an Act, made in the thirty-second year of the Reign of His late Majesty, King George the Second, it is enacted, that to all Farms, which are bounded on rivers, where the tide flows,

flows; eight feet and upwards, at common tides, such river, so far up, shall be deemed a sufficient fence; and whereas the above recited part of said Act, is found to produce many inconveniences to the owners of Farms bounded by rivers:

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That such rivers, creeks, bays, harbours and inlets, of the sea only, shall be deemed sufficient and lawful fences, as in the judgment of the fence viewers, of the township or place where such lands lie, shall be sufficiently deep and inaccessible to prevent the passing of cattle.

Rivers, & creeks, deemed lawful fences, as shall be sufficiently deep to prevent the passing of cattle.

CAP. III.

An ACT in further addition to an Act for preventing Trespases.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That it shall and may be lawful for the Justices of the Peace in the General or Special Sessions of the Peace at Halifax, when five Justices, at the least, shall be attending, to make and publish from time to time, as they may judge necessary, such regulations, respecting the places and manner of slaughtering cattle, as they may think best calculated to preserve cleanliness, and prevent risk or injury to the health of the inhabitants in the town and suburbs of Halifax, and also for the cleansing of the streets, and for disposing of, and removing, heaps of dung, ashes or offals, which may be laid therein, and suffered to remain, to the annoyance of the neighbourhood, or passengers, or to the incumbrance of the streets thereof.

Justices in Sessions, (five justices being present) to make regulations for the slaughtering of cattle, and cleansing the streets, &c. in the town of Halifax.

II. And be it also enacted, That all persons, whether butchers, carmen, farmers, gardeners or others, who shall offend against such regulations, after the same shall have been published in some or one of the newspapers, or proclaimed by the town crier, as the said Justices may direct, shall, for each and every offence, be liable to a fine not exceeding forty shillings: to be recovered before the General Sessions, or any two Justices of the Peace for the County of Halifax, resident at Halifax, and to be applied, by the said General Sessions, to the cleansing the drains and gutters of the streets and lanes thereof.

Persons offending to forfeit 40s.

III. And be it further enacted, That all fines and forfeitures arising in the town of Halifax, from the breach of the fifteenth section of the Act for repairing and mending highways, roads, bridges and streets, and for appointing Surveyors of Highways within the several townships in this Province, shall, in future, be applied to the cleansing of the drains and gutters of the streets and lanes of Halifax, and not to the support of the poor; any thing in the said Act to the contrary in any wise notwithstanding.

Application of penalties.

CAP. IV.

An ACT to provide suitable places for the General Assembly, and King's Courts to sit in, and for other public purposes.

WHEREAS the term for which the Buildings belonging to the Honorable Thomas Cochran, James Cochran and William Cochran, of Halifax, Merchants, were hired by this Province, will expire on the thirtieth day of June next, and whereas it will be expedient to renew the lease of said Buildings for a term of three years:

Preamble.

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief of this Province, by Warrant under his Hand and Seal, to appoint three or more fit and proper persons, to act as Commissioners on the part of the Province; and the Commissioners so appointed, shall, and may,

Commissioners appointed to hire Messrs. Cochran's building, for the use of the General Assembly King's Courts &c.

may, in the names of themselves, their executors, and administrators, as trustees for this Province, lease and hire from the said Thomas Cochran, James Cochran, and William Cochran, all the buildings, tenements and premises, now used, occupied and held, on the part of the Province, for the General Assembly, the King's Courts, and other public purposes, for a term of three years certain, to commence, and be accounted on and from the first day of July next, and so on from year to year, so long as the Government shall have occasion for the same; the continuance of the lease to end on Government giving the proprietors six months notice, previous to the end of any succeeding year, of the intention of giving up the premises; *Provided*, that the term of such hire, shall not be extended to a period longer than ten years, at the yearly rent of three hundred pounds, to be paid out of the Treasury of the Province; in half yearly payments.

Extent of lease.
Yearly rent, and times of payment.

Lessors to keep said building in repair, &c

II. *Provided always, and be it further enacted*, That nothing to be contained in such leases shall make liable, or oblige the said Province, to pay for any repairs of the said building, or to repair or rebuild the same, in case they shall be consumed or destroyed, or made untenable by fire, or other accident or event whatsoever; unless the damage to be repaired has arisen from the negligence of the occupants, or the misuse of the premises, nor shall the Province be obliged by such lease to pay any rent in such cases, but the said building shall be kept in good tenantable repair by the said lessors, at their own proper costs and charges, and the rent shall cease from the time the said buildings are out of repair, or become untenable, unless the same are repaired in a reasonable time thereafter.

Governor to draw on the treasury for the payment of rent.

III. *And be it further enacted*, That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to draw, by warrant, on the treasury, at the end and expiration of six calendar months from the said first day of July next, for the said half yearly rent of one hundred and fifty pounds, and so on for every half year then next ensuing, during the full term of said lease: and the Province is hereby bound to provide for the punctual payment of such warrants to the said Thomas, James and William Cochran, their heirs and assigns accordingly.

CAP. V.

An ACT for the better regulating the manner of holding the Inferior Court of Common Pleas, and General Sessions of the Peace, in the County of Annapolis.

Preamble.

WHEREAS from the extent of the County of Annapolis, it is found inconvenient for the inhabitants of the western part of the said County, to attend at the times and places, when, and where the Inferior Court of Common Pleas, and General Sessions of the Peace, are now held for the said County; for remedy whereof:

Times of holding Inferior Court at Annapolis, and Digby.

I. *Be it enacted by the Lieutenant-Governor, Council and Assembly*, That, from and after the publication hereof, the Inferior Court of Common Pleas, and General Sessions of the Peace for said County, shall be held four times in each and every year, that is to say, in the town of Annapolis, on the first Tuesday of April, and on the first Tuesday of November; and in the Town Plot of Digby, on the third Tuesday of June, and the third Tuesday of December.

Inhabitants of the eastern part of Digby, excused from serving as jurors in said Court; as also the inhabitants of the western part of Annapolis, from serving in said Court.

II. *And be it further enacted*, That it shall and may be lawful for the Justices of the said Court of Common Pleas, and Sessions of the Peace, to excuse the inhabitants of the eastern part of said County, from being drawn as Grand or Petit Jurors, to serve at the said Courts, to be held at Digby, as aforesaid; and so in like manner to excuse the inhabitants in the western part of said county, from being drawn as Grand or Petit Jurors, to serve at the said Courts, to be held at Annapolis, as aforesaid.

III.

III. *And be it also further enacted*, That the presentation of money, hereafter to be assessed, or appropriated, within the said County, by the Grand Jury thereof, shall be made by the Grand Jurors of the said County, to the Justices of the Supreme Court, at their annual Sessions in the said County.

Made of regulating the presentations of money in said county.

CAP. VI.

An ACT to amend, and render more effectual, an Act made and passed in the thirty-ninth year of His present Majesty's Reign, entitled, An Act for the sale of the Glebe Land in the Township of Granville, and for purchasing another Estate, as a perpetual Glebe for the resident Minister of the Established Church in said Township.

WHEREAS *the day appointed for the choice of the Church-Wardens and Vestry in the Parish of Granville, happened in the last year to fall on a Sunday, and the Parishioners not thinking it lawful to elect the Parish Officers on that day, the purposes intended by said Act, have been prevented from being carried into execution, for want of the proper officers to give effect thereto; for remedy whereof:*

Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That the sale or agreement, for the sale of the Glebe Land in the Township of Granville, made by the Reverend Archibald Paine Inglis, in the month of November last, to and with George Worcester, for the sum of two hundred and ninety one pounds, lawful money of this Province, be confirmed, and the same is hereby declared to be valid, and effectual: and the Rev. Archibald Paine Inglis, Thomas Millidge, Edward Thorne and Benjamin Dodge, are hereby nominated, appointed, and authorized, to make, in their own names, and to seal and deliver to the said George Worcester, a deed of conveyance of the said glebe lands, which deed, so made and executed, shall be good and sufficient to pass, and convey, the said glebe lands, in *fee simple*, to the said George Worcester, and shall vest the same in him, his heirs and assigns forever, any thing contained in the said before mentioned Act to the contrary notwithstanding. *Provided always*, that before such deed shall be so made, and executed, the said George Worcester shall pay the said sum of two hundred and ninety one pounds, or otherwise, shall give sufficient surety to the said Archibald Paine Inglis, Thomas Millidge, Edward Thorne, and Benjamin Dodge, to make payment of the said sum on the days, and at the times, mentioned in said sale, or agreement for sale, so made as aforesaid.

Sale of Glebe Land to George Worcester, for 291. confirmed.

II. *And be it further enacted*, That the parishioners and inhabitants of said Township of Granville, who are by law obliged to contribute towards the support of the Church of England in said Township, shall meet at the middle Church in Granville on the first Monday of May next, for the purpose of choosing Church-Wardens, Vestrymen, and other parish officers for said Township, of which meeting due notice shall be given by the Ministers in said Township at their respective Churches on the Sunday preceding the said first Monday in May. And the Church-Wardens and Vestry so chosen, shall and may, in their corporate capacity, purchase from Benjamin James, Esquire, lot, number fifty-seven, in said Township, and shall take and receive from him a deed thereof in manner directed and prescribed by the Act hereby amended. And the said Church-Wardens, Vestrymen and other parish officers, shall continue in office until next Michaelmas day, and no longer. And the Church-Wardens, Vestrymen and other parish officers, shall thereafter be chosen annually on Michaelmas day, in manner directed by the Act made and passed in the thirty-second year of his late Majesty's reign, entitled, "An Act for the Establishment of Religious public Worship."

Inhabitants of Granville to appoint Churchwardens & Vestrymen, who are to purchase in their corporate capacity, from Benjamin James Esq. Lot No. 57, in said Township, and receive a deed thereof.

Churchwardens and Vestrymen, to be chosen annually, on Michaelmas day.

Michaelmas day happening on a Sunday, choice to be made the following day.

III. *And be it further enacted,* That whenever it shall happen that Michaelmas day in any year, shall fall upon a Sunday, it shall be lawful for the Minister of any Parish in this Province to adjourn such parish meeting to the following day, on which day the said parishioners shall and may proceed to the choice of parish officers as aforesaid. And of every such adjournment the several Ministers shall give due notice in their respective Churches.

CAP. VII.

An ACT for providing Pounds in the several Townships in this Province.

Grand Juries in the several counties and districts, in Session to present the number of Pounds requisite in each township, and Justices to appoint one of their own bench to see them made.

BE it enacted, by the Lieutenant Governor, Council and Assembly, That it shall and may be lawful for the Grand Juries in each of the several counties and districts in this Province at the General Sessions of the Peace, held for such county or district, to present from time to time the number of Pounds that may be necessary for each township or settlement in such county or district, specifying, if need be, the particular division of such township or settlement within which such Pound or Pounds shall be erected; and for every Pound, so to be presented, the said Justices shall nominate one fit person, who shall be Commissioner for the receiving proposals for the building of such Pound or Pounds, and for superintending and directing the same, and all such proposals shall be laid by every such Commissioner before the said Justices at their next ensuing Sessions; and, being approved of by them, and the site of such Pound being then and there determined upon, the said Commissioner shall proceed to enter into contracts for the erecting such Pound accordingly; and every such Commissioner shall continue in office until the Pound, committed to his superintendance, shall be built, and shall be reported to the Court of Sessions of the Peace, and approved of by them, as completed according to contract.

On the neglect of Grand Juries to present the sums necessary for that purpose, Justices authorized to do it.

II. *And be it further enacted,* That if the Grand Juries for the respective counties and districts in this Province, shall neglect to present to the said Justices at their said Sessions, the sums of money necessary to be raised and paid by the inhabitants of the respective townships for the building or repairing of such Pounds, it shall and may be lawful for the said Justices to amerce the inhabitants of the township in which such Pound or Pounds is or are to be built and repaired, in such sums of money as shall be found necessary for the purposes aforesaid; and all sums to be raised by any such presentment or amercement, shall be assessed on the inhabitants of such township in a just and equal manner by the sworn assessors, who shall from time to time be appointed to assess the county rates of such township; and such assessment shall be collected by the persons appointed to collect other town or county charges within the same limits, and shall be paid into the hands of the county or district Treasurer, and applied solely to the uses for which such money shall have been raised.

AND WHEREAS doubts have arisen whether the jurisdiction of the Justices of the Peace in small trespasses committed by horses and cattle, and in cases of replevin, where the damage committed does not exceed the value of three pounds, has not been taken away by an Act of the General Assembly, made in the thirtieth year of His present Majesty's reign:

Justices of Peace in the Counties and Districts of this Province, to have jurisdiction in trespasses, when the damage does not exceed three pounds.

III. *Be it therefore enacted,* That the Justices of the Peace for the several counties and districts of this Province, shall have jurisdiction within their respective counties and districts, over causes of trespass, and replevins for trespasses, committed by horses, sheep, goats, swine or neat cattle, where the damage shall not exceed three pounds, and where the title to any lands, tenements or hereditaments shall in no wise be involved, or come in question, and shall proceed therein in manner prescribed by the first section of an Act, made in the thirty-second year of His late Majesty's reign, entitled, "An Act for preventing trespasses," and also by an Act, made in the

twenty-fourth year of His present Majesty's reign, in amendment of the said last mentioned Act."

IV. *And be it further enacted,* That the eleventh section of the said Act for preventing trespasses, by which a penalty of ten shillings is imposed upon the owner of any horse breaking into any inclosure, lawfully fenced, within the peninsula of Halifax, shall be, and is hereby, extended throughout the County of Halifax, and throughout every county and district in this Province.

Penalty on horses breaking into enclosures extended throughout the Province.

V. *And be it further enacted,* That the Act, made in the nineteenth year of His present Majesty's reign, entitled, "An Act for providing Pounds in the several townships of this Province," shall be, and the same is hereby, repealed.

Act 19th Geo. 3d for providing pounds, repealed.

CAP. VIII.

An ACT to alter, amend, and continue, an Act, made and passed in the thirty-second year of His Majesty's Reign, entitled, An Act for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares and Merchandise, imported into this Province.

WHEREAS it is found expedient to exempt certain articles herein after enumerated, from the duties imposed on them by the said recited Act; and to make certain other articles herein after also enumerated, subject to the duties imposed by the said Act, instead of the higher duties, to which they are now liable by virtue of other Revenue Acts of this Province:

Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That all unwrought iron, anchors, grapnels, sail cloth, cordage, hemp, twine, lines, and fish hooks, which, from and after the thirty-first day of July next, shall be imported into this Province, shall be free and exempt from any duty or excise whatsoever.

Unwrought iron, anchors, fail cloth, &c. exempt from excise duty.

II. *And be it further enacted,* That all porter, ale, loaf sugar, and gun powder, which shall remain on hand, in this Province, on the thirty-first day of July next, or which shall thereafter be imported into this Province, shall be subject to the excise duties imposed by the said Act, and such duties shall be raised collected and paid, in the manner, and subject to the penalties and forfeitures, prescribed by the said recited Act.

Porter, ale, loaf sugar, and gun powder, subject to Excise duty.

III. *And be it further enacted,* That this Act, and every clause and thing therein contained, and also the Act hereby altered and amended, shall be, and continue, in force until the thirty first day of July, which will be in the year of our Lord one thousand eight hundred and one, and no longer.

Continued to the present time.

CAP. IX.

Expired.

An ACT to continue an Act, passed in the Thirty-seventh year of His present Majesty's reign, entitled, an Act to revive, and continue an Act, passed in the Thirty-third year of the Reign of His present Majesty, entitled, an Act in amendment of, and addition to, an Act, made in the Thirty-third year of the reign of His late Majesty, entitled, an Act for regulating, and maintaining, a Light House on Sambro Island, and in addition to, and amendment of, an Act, passed in the Twenty-eighth year of His present Majesty's Reign, entitled, an Act for regulating, and maintaining, a Light House at the entrance of the Harbour of Shelburne.

CAP. X.

Expired.

An ACT to continue an Act, made and passed in the Thirty-fourth year of His present Majesty's reign, entitled, an Act to provide for the Support of the Grammar School in Halifax, and for other public purposes therein contained.

CAP. XI.

An ACT to alter, amend, and continue in force, several Revenue Laws, for granting to His Majesty certain Duties on Wine, Rum, and other Distilled Spirituous Liquors, Brown Sugar, and other articles therein mentioned; and for enabling the Officers of His Majesty's Navy to obtain a Drawback of the Duties on Wines carried, and consumed, by them out of the limits of the Province.

Preamble.

WHEREAS the several Revenue Acts of this Province, herein after-mentioned, which, by experience, have been found productive and beneficial, will expire on the thirty-first day of July next: and whereas the great losses which the merchants of the Province have sustained during the war, and the deranged state of the commerce and fisheries, require that the duties heretofore imposed on wine, rum, and other articles herein after mentioned, should be reduced from and after the thirty-first day of July next:

Duties on wine, rum, &c. reduced.

1. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That, instead of the duties of six pence per gallon upon wines, and six pence per gallon upon rum, and all other distilled spirituous liquors, imposed by the Act made in the thirty-third year of his present Majesty's Reign, entitled, An Act for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar, for the purpose of paying the interest, and reducing the principal, of the public debt of this Province, there shall be paid for, and upon all wines, which on the said 31st day of July shall remain on hand in this Province, or which shall thereafter be imported into, or made within, the Province, the sum of two pence per gallon, to be paid by the importer, or manufacturer, of such wines, and for and upon all rum, and other distilled spirituous liquors, which on the said thirty-first day of July shall remain

on hand, or be thereafter imported into, or made within, the Proynce, the sum of two pence per gallon, to be paid by the importer or manufacturer thereof.

II. *And be it further enacted*, That all importers or manufacturers who, on the thirty-first day of July next, shall hold any stock of wine, rum, and other distilled spirituous liquors, upon which they shall have paid or secured the rates and duties imposed on them by the last before recited Act, shall be entitled to a credit upon their securities, or to receive a drawback to the amount of the difference between the duties imposed by the said Act, and the lesser duties imposed by this Act, for all the wine, rum, and other distilled spirituous liquors, actually remaining in the hands of such importer or manufacturer on the said thirty-first day of July next.

Persons holding stock of the above, which has been regularly imported, and the duties paid, entitled to a drawback of the difference of duties.

III. *Provided always, and be it further enacted*, That before any credit shall be indorsed upon such securities, or any such duties repaid, the wine, rum, and other distilled spirituous liquors, remaining, on the said thirty-first day of July, in the hands of every such importer or manufacturer, shall be examined, gauged and certified, by a sworn gauger, and an invoice thereof made out by such importer or manufacturer, corresponding with the contents so ascertained by such gauger, and specifying the amount of the duties claimed to be thereon allowed by virtue of this Act. And such importer or manufacturer shall take and subscribe, before the Collector or Collectors, of Impost and Excise, the following affidavit, which shall be annexed to the same invoice, viz,

Such wine, rum, &c. to be gauged and certified by a sworn Gauger, and an invoice to be made out by the owner thereof, whomust take the following affidavit, before drawback allowed.

I A. B. do swear, that the annexed invoice contains a just and true account of the wine, rum, and other distilled spirituous liquors, remaining, *bona fide*, in my hands, on the thirty-first day of July, one thousand eight hundred, and that I am justly entitled to a return, or drawback, of the duties specified in said invoice, amounting to _____ being the difference between the duties already actually paid, or secured, by me on the very same wine, rum, and other distilled spirituous liquors, and the lesser duties substituted and imposed instead thereof, by an Act made in the fortieth year of His present Majesty's reign, entitled, An Act to alter, amend, and continue in force, several revenue laws, for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, brown sugar, and other articles therein mentioned, and for enabling the officers of His Majesty's Navy to obtain a drawback of the duties on wines, carried and consumed by them out of the limits of the Province.

Form of affidavit.

And I do further swear, that the said rum, spirits, or wine, mentioned in said invoice, is of the same proof, and strength, as when imported, or manufactured, by me, and has not been reduced, or adulterated, by any mixture of water, or other weak liquor, to my knowledge or belief. So help me God.

IV. *And be it further enacted*, That when, and as soon as any importer or manufacturer, shall have rendered to the Collector, or Collectors, of Impost and Excise, the invoice of the wine, rum, and spirituous liquors, remaining in his hands on the thirty-first day of July next, corresponding with the Gauger's certificate, and shall have taken, and subscribed the oath thereto, in manner aforesaid, it shall be lawful for the said Collector, or Collectors, after duly examining the said invoices, and comparing the same with the stock, which by the books of such Collector, or Collectors, should then remain in the hands of such importer, or manufacturer, to give a credit upon the bonds, or securities, of such importer or manufacturer, for the amount of the duties secured upon such wine, rum, or other distilled spirituous liquors; and if the rates and duties so to be allowed, shall exceed the sums due upon the securities of such importer, or manufacturer, such Collector, or Collectors, shall grant a certificate for the amount of the credit so exceeding such securities, and upon such certificate it shall be lawful for the Governor, Lieutenant-Governor, or Commander-in-Chief, by his Warrant, to cause such amount to be paid to such importer, or manufacturer, out of the treasury of this Province.

Payment of the drawback.

Collectors of Impost authorized, and obliged, to administer the oath.

Punishment of such as make a false affidavit.

Duties payable by this Act, to be collected under the Act of 33d year, Geo. 3d.

Porter, ale, loaf sugar, and gun powder, exempt from the duties, imposed by Act 33d Geo. 3d. for providing for the support of government, &c.

Drawback of the difference of the duties on said articles which may be remaining in the hands of the importer.

Revenue Acts, 33d Geo. 3d.

V. *And be it further enacted*, That all and every the Collector, or Collectors, of Impost and Excise, shall be, and they are hereby, authorized to administer the oath, by this Act appointed to be taken and made; and that if any such Collector, or Collectors, shall omit to administer, or shall in any wise dispense with the said oath, such Collector, or Collectors, shall forfeit and pay the sum of one hundred pounds, for each and every neglect; and if any person or persons shall make oath to any false invoice, or shall falsely swear to any matter or thing hereby required to be verified on oath, before such Collector, or Collectors, the person or persons so offending, shall be deemed guilty of corrupt and wilful perjury, and shall, on conviction thereof, be liable to, and suffer, all the pains and penalties, by law inflicted on persons guilty of corrupt and wilful perjury.

VI. *And be it further enacted*, That the rates and duties hereby substituted; and imposed, upon wine, rum, and other distilled spirituous liquors, instead of the former rates and duties imposed by the aforesaid Act, made in the thirty-third year of His present Majesty's reign, shall be raised, collected, and paid to His Majesty, His heirs, and successors, by the ways, means, methods, rules, provisions and directions, and under the penalties, and forfeitures, prescribed, and expressed in, and by, the said last mentioned Act.

And whereas it is expedient to lessen the duties on porter, ale, loaf-sugar, and gun-powder :

VII. *Be it therefore enacted*, That all porter, ale, loaf-sugar, and gun-powder, which shall be imported into this Province, from and after the thirty-first day of July next, shall be exempt from the rates and duties imposed upon the said articles, in and by the Act made in the thirty-third year of His present Majesty's reign, entitled, An Act for providing for the support of His Majesty's government in this Province, by laying an additional duty on wine, rum, and other articles herein mentioned, and for encouraging the agriculture, fisheries, and commerce, of this Province.

VIII. *And be it further enacted*, That upon all porter, ale, loaf-sugar, and gun-powder, which shall be upon hand, and in the possession of any original importer thereof, on the thirty-first day of July next; such importer shall be entitled to a drawback of the duties theretofore paid, or secured; deducting thereout the excise duties imposed on the said articles, in and by an Act made and passed in this present Session of the General Assembly. *Provided*, the duties to be drawn back by any one importer of the said articles, shall exceed the net sum of five pounds, such drawback to be allowed and obtained in the manner herein before mentioned.

IX. *And be it further enacted*, That this Act, and also the said Act, made in the thirty-third year of His Majesty's Reign, entitled, An Act for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar, for the purpose of paying the interest, and reducing the principal, of the public debt of this Province, as the same is hereby altered and amended. Also, an Act, made in the thirty-third year of His present Majesty's reign, entitled, An Act for providing for the support of His Majesty's government in this Province, by laying an additional duty on wine, rum, and all other articles therein mentioned, and for encouraging the agriculture, fisheries and commerce, of this Province. Also, an Act, made in the thirty-fourth year of His present Majesty's reign, entitled, An Act in addition to, and amendment of, an Act, made in the thirty-third year of His present Majesty's reign, entitled, An Act for granting to His Majesty certain duties on wine, rum, and all other distilled spirituous liquors, and brown sugar, for the purpose of paying the interest, and reducing the principal, of the public debt of this Province; and also to revive, amend, and render more effectual, an Act, passed in the same thirty-third year of His present Majesty's reign, entitled, An Act for providing for the support of His Majesty's government in this Province, by laying an additional duty on wine, rum, and other articles therein mentioned, and for encouraging the agriculture, fisheries and commerce, of this Province. Also, an Act, made in the thirty-fifth year of His Majesty's Reign, entitled, An Act in amendment of an Act, made

made in the thirty-fourth year of His present Majesty's reign, entitled, An Act in addition to, and amendment of, an Act, made in the thirty-third year of His Majesty's reign, entitled, An Act for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar, for the purpose of paying the interest, and reducing the principal, of the public debt of this Province; and also to revive, and render more effectual, an Act, passed in the same thirty-third year of His present Majesty's reign, entitled, An Act for providing for the support of His Majesty's government in this Province, by laying an additional duty on wine, rum, and other articles therein mentioned; and for encouraging the agriculture, fisheries and commerce, of this Province. Also, an Act, made in the thirty-sixth year of His present Majesty's reign, entitled, An Act in addition to, and in amendment of, an Act made in the thirty-third year of His present Majesty's reign, entitled, An Act for granting to His Majesty, certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar, for the purpose of paying off the interest, and reducing the principal, of the public debt of this Province, and of the several Acts made in addition to, or amendment thereof. Also, an Act, passed in the thirty-seventh year of His present Majesty's reign, entitled, An Act to amend, and continue, for one year, an Act, passed in the thirty-third year of His Majesty's reign, entitled, An Act for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar, for the purpose of paying the interest, and reducing the principal, of the public debt of this Province. Also, an Act passed in the thirty-eighth year of His present Majesty's reign, entitled, An Act to enable the officers of His Majesty's navy to obtain a drawback of the duties on wines, by them taken out of this Province, and consumed without the limits thereof. And also the second, third, fourth, and fifth clauses of an Act, passed in the thirty ninth year of His present Majesty's reign, entitled, An Act to provide for the support of His Majesty's government in this Province, by reviving, altering and continuing, the several revenue laws which were in force the last year, and which are herein particularly mentioned: and every matter, clause and thing contained in all, and every, of the above mentioned Acts, and also in such Acts as have been made in explanation, amendment, or alteration, of any, or either, of said Acts, shall be continued in force until the thirty first day of July, which will be in the year of our Lord one thousand eight hundred and one, and no longer.

35th Geo. 3d. in amendment of Act 34th Geo. d.

36th Geo. 3d. in addition and amendment, of 33d Geo. 3d.

37th of Geo. 3d in amendment of Act 33d Geo. 3d.

38th Geo. 3d. allowing drawback to the officers of the navy, on wines, consumed by them. Also 2d, 3d, 4th and 5th clauses of Act 39th Geo. 3d, continued in force to 31st July, 1800.

Continued to the present time.

CAP. XII.

An ACT to continue an Act, made and passed in the Twenty-ninth year of His present Majesty's reign, entitled, An Act for the better support of the Poor in the respective Counties within this Province; by laying an Impost Duty on articles imported into this Province from the United States of America.

Expired.

CAP. XIII.

An ACT to revive, and continue, an Act, made in the Thirty-eighth year of His present Majesty's reign, entitled, An Act to amend, and render more effectual, an Act, passed in the Eighteenth year of His present Majesty's reign, entitled, An Act to prevent the forestalling, regrating and monopolizing, of Cord Wood, in the Town of Halifax.

Expired.

CAP. XIV.

An ACT to continue, and amend, an Act, made and passed in the Thirty-ninth year of His present Majesty's reign, entitled, An Act for raising a Revenue, to repair the Roads throughout the Province, by laying a Duty on Persons hereafter to be Licensed to keep Public Houses, or Shops, for the retail of spirituous liquors, and for regulating such Public Houses and Shops.

Act herein recited to continue in force to 1st July, 1801.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the said Act, entitled, "An Act for raising a revenue to repair the roads throughout the Province, by laying a duty on persons hereafter to be licensed to keep public houses, or shops, for the retail of spirituous liquors, and for regulating such public houses and shops," shall continue in force until the first day of July, which will be in the year of our Lord one thousand eight hundred and one.

Persons having a tavern, or shop licence, may be licence'd to vend goods in their taverns, or to suffer wine, rum, &c. to be drank in their shops, upon the recommendation of the Grand Jury, and the payment of 10s. per annum.

I. *Provided always, and be it further enacted, by the authority aforesaid, That, notwithstanding any thing in the said Act to the contrary, it shall and may be lawful for any person, or persons, who now have, or hereafter shall have, a tavern, or shop, licence for the sale of wine, ale, beer, cyder, perry, rum, or other distilled spirituous liquors, to make application, if they shall see fit, to the Grand Juries of the respective counties and districts in this Province, to recommend such person or persons to the Justices of the Peace, for licence to vend goods, wares and merchandise, in his or their tavern, or to suffer wine, ale, beer, cyder, perry, rum, or other distilled spirituous liquors, to be drank in his or their shop; and persons obtaining such recommendation from the Grand Juries, and being approved of by the said Justices at their General or Quarter Sessions of the Peace, as fit and proper persons to be so entrusted, shall be licensed accordingly, and shall have such licence specified and inserted in his or their tavern or shop licence: and shall, thereupon, pay an additional duty of ten shillings per annum, to be paid, collected and applied, as the other duties imposed by the said Act; and all and every person and persons, who shall obtain such further licence as aforesaid, shall cause a fair copy of such licence to be pasted up, and to remain, in some conspicuous part of his or their tavern or shop, exposed to the view of all persons frequenting such tavern or shop.*

CAP. XV.

An ACT in amendment of an Act, passed in the Thirty-fifth year of His present Majesty's reign, entitled, An Act to amend, and reduce into one Act, the several Acts, made by the General Assembly, relating to the Office of Sheriff, and also for altering the Form of the Summons heretofore used.

Preamble.

WHEREAS the fees allowed to be taken by the several Sheriffs in this Province, are found to be inadequate to the duty of said office, therefore:

Regulation of the Sheriff's fees.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly, That the fees hereafter to be allowed and taken by the several Sheriffs, for their services to be done and performed in the said office, shall be as follows:*

Serving summonses, or scire facias.

Serving every summons, or *Scire Facias*, and making return thereof, five shillings.

Serving

Serving writ of possession, twenty shillings : travel, four pence per mile, for every mile from the place of residence of the Sheriff, to the place where he shall serve any writ; and two pence per mile, and no more, for every mile from the place of residence of the Sheriff to the court house, where such writ is returnable; *provided* such Court be out of his bailwick, and not otherwise.

Serving writ of possession.

For taking of bail, and drawing bail bond, in all cases when the sum, indorsed on the writ, shall be under the sum of twenty-five pounds, five shillings; and in all cases where the sum, indorsed, shall exceed twenty-five pounds, seven shillings and six pence,

For taking bail, and drawing bond.

Summoning Jury, in each cause, when the cause shall be tried, and attending such trial, five shillings.

Summoning jury

On execution, or attachment, when a sale shall take place, extended on personal property, sale, and payment of the monies received to the plaintiff or his attorney, as follows, viz:

On execution, or attachment when a sale takes place, as following:— Sums not exceeding 100l. one shilling in the pound.

For any sum not exceeding one hundred pounds, one shilling in the pound; and all above one hundred pounds, six pence in the pound.

On execution on real estate, 3d in the pound, and 3d more on the sale of the same. Summoning jury to lay out a road.

On execution extended on real estates, three pence in the pound, on the appraised value for laying the same thereon; and for the sale of such real estate, and payment of the proceeds of such sale to the plaintiff or his attorney, the further fee of three pence in the pound.

For summoning a Jury to lay out a new road, ten shillings, and two shillings and six pence per day for himself, and each Juror, for every day they shall be actually employed in laying out such road, and three pence per mile for the Sheriff, and the same for each Juror, for every mile they may necessarily travel about such service.

II. *And be it also enacted*, That the district of Yarmouth, the district of Colchester, and the district of Picton, are, with respect to the fees for travel of writs issuing out of the Supreme Court, or the Court of Common Pleas, held in the towns of Shelburne or of Halifax, to be considered as separate and distinct from the County of Halifax and Shelburne, and the Sheriffs of the County of Shelburne, and the County of Halifax, are to receive only such fees for writs served in the said districts, as they would be entitled to receive in case the said districts were out of their bailwicks.

Sheriff's Fees of Yarmouth, Colchester & Picton, with respect to fees for travel, not in this Act.

III. *And be it further enacted*, That this Act, and the several matters and things therein contained, shall be, and continue, in full force, until the first day of July, which will be in the year of our Lord one thousand eight hundred and one, and no longer.

Continued to the present time.

CAP. XVI.

An ACT to continue in force the several Acts therein mentioned.

Expired.

CAP. XVII.

An ACT for applying certain monies, therein mentioned, for the service of the year of our Lord one thousand eight hundred; and for appropriating such part of the Supplies, granted in this session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province.

Expired.

CAP. XVIII.

An ACT in further addition to, and for altering and amending an Act, passed in the Thirty-fifth year of His present Majesty's reign, entitled, An Act to amend, and reduce into one Act, the several Laws, now in being, relating to a Militia in this Province.

Any regi-
ment, or detach-
ment of His Ma-
jesty's troops,
marching from
one district to
another, to be
quartered & bil-
leted, as prescri-
bed by the Act
for billeting Mi-
litia.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That when any regiment, or detachment, of His Majesty's troops, shall be ordered to march from one district, or place, in this Province, to another, it shall and may be lawful for the Justices of the Peace, inhabiting in, or near, any town or place, into, or through, which said regiment, or detachment, shall march, or pass, to quarter, and billet, the officers and soldiers of such regiment, or detachment, in the same way, and manner, and in the same inns, taverns and houses, as prescribed by the said Act, for billeting the officers and soldiers of the militia in the like cases; and all persons upon whom any such officers and soldiers shall be quartered, shall, and they are hereby required, to furnish the officers and soldiers, so billeted upon them, with lodging and provisions, in manner prescribed by the said Act for militia officers and soldiers, and to take from the officer commanding each regiment, or detachment, so quartered, and billeted, receipts, or certificates, of the number of meals furnished by such persons respectively to such regiment, or detachment, in order that the same may be applied for, and paid by the officer commanding the detachment, or party, or by the person or persons who may be appointed by the Commander in Chief for payment thereof.

Price of a sol-
dier's dinner
nine pence, and
a breakfast or
supper, one third
less.

II. *And be it further enacted,* That the price of a dinner, of good wholesome victuals, shall be at the rate of nine pence, and a breakfast, and a supper, one third less; such dinner to consist of good meat, bread, and vegetables, and breakfast, and supper, to be such as is usually given to farmers' servants in the country.

Price of a dinner
allowed to sol-
diers when on a
march to change
quarters.

III. *And be it further enacted,* That whenever a rout shall be granted by the Governor, Lieutenant-Governor, or Commander in Chief, for the march of any body of His Majesty's regular troops, who are to be removed from one garrison, or post, to another, within the Province, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to draw, by warrant, on the treasury so much money as shall be sufficient to pay the full price of the soldiers' dinner, to be estimated at the rate aforesaid for each soldier every day he shall be on such march. *Provided,* That the sum to be drawn for in one year for such service, shall on no account exceed the sum of five hundred pounds: the payment to be made agreeable to such regulations, and certificates, as the Governor, Lieutenant-Governor, or Commander in Chief, shall, from time to time, make, touching the premises; such regulation, and the forms of such certificates, to be delivered, with the said rout, to the commanding-officer of the party to be removed.

Rate of payment
for horses, carts
and waggons,
employed to con-
vey the baggage
of the troops.

IV. *And be it further enacted,* That it shall and may be lawful for any two of His Majesty's Justices of the Peace for the county, where any march of His Majesty's troops is to commence, or for the county through, or to, which any such march is to be continued, upon the application of the commanding-officer of such troops, and a rout signed by the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to order a suitable number of horses, carts and waggons, to be furnished, for conveying, upon such rout, the baggage of such troops, and to determine what persons shall provide the same, and the person or persons who shall accordingly carry and convey any such baggage, shall be entitled to receive payment for the same at the rate of one shilling per mile for the hire of one horse and cart, with one suitable driver, to carry a load, not exceeding five groce-hundred-weight, for a distance not to exceed twenty miles, and for every additional horse or horses, to be added to the draught of such cart, nine pence

pence more per mile for each horse. *Provided*, The additional load to be carried shall not exceed five groce hundred weight for each additional horse. And if any such waggons or carts, so employed to carry any baggage as aforesaid, shall be required and ordered by the commanding officer of any detachment of such troops to halt at any particular stages or places, and for that cause shall be delayed in their rout, such detention shall be computed, and paid for, at the rate of two shillings and six pence for every hour of the day such detention may last. And the commanding-officer shall give certificates to the respective owners or carriers of such waggons and carts of the weights of the baggage, and the distance which the same shall have been so carried and conveyed by them, specifying also therein the time and cause of the detention of such waggons or carts, according to which receipts the owner of such horses, waggons or carts, shall be entitled to demand and receive payment, forthwith, of the officer commanding such detachment.

Additional horses or detention to be paid for.

Officer commanding to give a certificate to the owner or driver of the waggon, which shall entitle him to payment.

V. *And be it further enacted*, That if any person or persons shall refuse or neglect to furnish any such horses, carts or waggons upon the order of two of His Majesty's Justices of the Peace given as aforesaid, without a reasonable excuse to be allowed by said Justices, on complaint thereof made by the said Justices, or either of them, to the next Court of General or Quarter Sessions of the Peace for such county, the said Court shall order the party complained against to be brought before them, and shall hear and determine such complaint: and if the person or persons complained against shall be convicted of wilfully disobeying the said order, he or they shall severally forfeit and pay forty shillings for such offence: to be levied by warrant of distress, and sale of the goods and chattles of such offender, and be paid to the officer commanding the militia in such county or district, and applied to the services herein after mentioned. And if any officer commanding such detachment shall force or constrain any waggon or cart to travel more than twenty miles, or one day's journey, or shall refuse or neglect to discharge the same in due time to return home, or shall overload, or suffer to be overloaded, any such waggon or cart, either by permitting soldiers, their wives or children, to ride therein, or otherwise, or shall force waggons, carts or horses, from the owners thereof, by themselves, servants or soldiers; every such offence shall forfeit the sum of forty shillings, and be liable also to the party injured for his reasonable damages; and no loaded waggon or cart, passing from town to town, nor any horse or horses, employed in travelling by or for the owner, shall be liable to be taken or constrained to transport such baggage as aforesaid.

Penalty for such as refuse to furnish horses, waggons, &c. when ordered.

Commanding officer not to force waggon, &c. to travel more than 20 miles in a day, or to be overloaded, &c.

VI. *And be it further enacted*, That all fines and forfeitures recovered by virtue of this Act, or of the Act hereby added to, shall be applied to the repairing of the arms of such militia, and to the providing and repairing of drums: and if there shall thereafter be any residue left in the hands of any commanding officer of militia, it shall then be laid out in the purchase of arms for such men of the same regiment as shall be recommended by the field officers for such coronations.

Application of fines arising from this Act

VII. *And be it further enacted*, That the commanding-officer of the several battalions, regiments and independant companies, of militia, shall, at the times and periods required by the eleventh section of the aforesaid Act for them to make their returns of the strength of their regiments, return also to the Adjutant-General, at the Secretary's office in Halifax, an account of all the fines collected, or paid to them, and of the expenditure thereof, with certified copies of the vouchers for each expenditure, for the information of the Commander in Chief, on pain of forfeiting twenty pounds for each and every neglect in making such return, or for any false return, wilfully made, concerning the receipt or expenditure of any such fines.

Militia Fines—how to be accounted for.

VIII. *And be it further enacted*, That all the provisions contained in this Act shall extend to be applied to the march of the militia, as well as the regular troops: any thing in the said before recited Act to the contrary notwithstanding: which said recited Act, entitled, "An Act, made in the thirty-fifth year of His Majesty's reign, entitled, An Act to amend, and reduce

The provisions of this Act to extend to the Militia on a march.

into one Act, the several laws, now in being, relating to a militia in this Province ;" and the Act in amendment thereof, passed in the thirty-seventh year of His Majesty's reign, together with this Act, shall be in full force, and continue until the first day of July, which will be in the year of our Lord one thousand eight hundred and one, and no longer.

Act continued.

CAP. XIX.

An ACT to revive, amend and continue, an Act, passed in the thirty-sixth year of His present Majesty's reign, entitled, An Act in addition to an Act, made in the fifth year of His present Majesty's reign, entitled, An Act for the raising money by presentment, on the several counties in this Province, for the defraying certain county charges therein mentioned.

Preamble. WHEREAS an Act, passed in the thirty-sixth year of His present Majesty's reign, entitled, "An Act in addition to an Act, made in the fifth year of His present Majesty's reign, entitled, An Act for the raising money by presentment on the several counties in this Province, for the defraying certain county charges therein mentioned," is expired by its own limitation, since which certain county charges, therein mentioned, have remained unpaid :

Revival and continuance of expired Act declared. I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, and it is hereby enacted, That the said Act, and every clause, article, matter and thing, therein contained, shall be revived and continued : and the said Act, and every clause, article, matter and thing, therein contained, is hereby revived and continued.

Act 36th year Geo. 3d, in addition to Act 5th year Geo. 3d, and this Act continued in force to 31st July, 1801. II. And be it further enacted, by the authority aforesaid, That the said Act, passed in the thirty-sixth year of His present Majesty's reign, entitled, "An Act in addition to an Act, made in the fifth year of His present Majesty's reign, entitled, An Act for raising money by presentment on the several counties within this Province, for the defraying certain county charges therein mentioned," and every clause, article, matter and thing, therein contained, shall be, and is hereby, revived and continued, which, together with this Act, is to be and remain in force as aforesaid, until the thirty-first day of July, which will be in the year of our Lord one thousand eight hundred and one, and no longer : any thing contained in this Act to the contrary notwithstanding.

Continued to the present time.

Provisions of Act above recited extended throughout the Province. III. And be it further enacted, That the provisions contained in said recited Act, shall be, and the same are hereby, extended to the several counties and districts throughout the Province, in which General Sessions of the Peace are now held.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twentieth day of February 1800, and thence continued by several Prorogations to the Ninth day of June, 1801, in the Forty-first Year of the Reign of our Sovereign Lord George the Third, by the Grace of GOD of the United Kingdom of Great-Britain, and Ireland, KING, Defender of the Faith, &c. being the Second Session of the Eighth GENERAL ASSEMBLY, convened in the said Province.*

* In the time of Sir John Wentworth, Baronet, Lieutenant-Governor; S. S. Blowers, Esq. Chief Justice, and President of Council; Richard John Uniacke, Esq. Speaker of the Assembly; James Gautier, Secretary of Council; and James B. Franklin, Clerk of Assembly.

CAP. I.

An ACT in addition to, and amendment of, the Act, passed in the Second year of His Majesty's reign, entitled, An Act for appointing Firewards, ascertaining their duty, and for punishing thefts and disorders at the time of Fire.

WHEREAS *the increase of the town of Liverpool, makes it requisite that Firewards should be appointed there, and proper precautions taken to preserve said town from the danger of fire:*

Preamble.

I. Be it enacted, by the Lieutenant Governor, Council and Assembly, That, from and after the publication hereof, the said recited Act, for appointing Firewards, and all the several Acts which have been since made, and passed, in addition to, and amendment thereof, and all the several clauses, matters and things, contained therein, shall be, and the same are hereby, extended to the town of Liverpool: and the Justices, in their Sessions, for the County of Queen's County, Justices of the Peace, and all other persons whatsoever, in and within the said town of Liverpool, are hereby bound strictly to conform to said Acts, and to carry the same into execution, within the said town, in as full and ample a manner, to all intents and purposes, as if the said town of Liverpool had been originally named therein.

Act for appointing firewards, &c. extended to Liverpool.

CAP. II.

An ACT to repeal an Act, made in the Thirty-ninth year of His present Majesty's reign, entitled, An Act to regulate the practice of Inoculation for the Small Pox.

WHEREAS *the aforesaid Act is found to be prejudicial, and inconvenient, to the inhabitants of this Province:*

Preamble.

I.

Act for regulating
the practice of
inoculation for
the Small Pox,
repealed.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That the aforesaid Act be repealed: and every matter, clause and thing, therein, is hereby repealed: any thing in the said Act to the contrary notwithstanding.*

CAP. III.

An ACT to authorise Captain WILLIAM FENWICK, His Majesty's Commanding Engineer in Nova-Scotia, to extend the South Military Barrack in Halifax, Seven Feet on Albermarle-Street for the better accommodation of the Troops in Garrison there.

Preamble.

WHEREAS *it has been represented to His Excellency the Lieutenant-Governor, that the King's service absolutely requires that a part of the western side of Albemarle street, in the town of Halifax, should be appropriated for the erecting a more commodious barrack for the reception of His Majesty's troops, garrisoned for the defence and protection of His Majesty's subjects in this Province:*

Seven feet by
three hundred
& twenty granted
on Albermarle
Street.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That seven feet, by three hundred and twenty-feet, of the said street, on the western side, adjoining to the piece of ground purchased by government, and known by the name of Adlam's Garden, shall henceforth be appropriated, in perpetuity, for the use aforementioned, or for such other purposes as His Majesty's military service may require.*

CAP. IV.

An ACT in amendment of an Act, made in the Thirty-fifth year of His Majesty's reign, entitled, An Act to prevent the harbouring of Deserters from His Majesty's Army, and the sale of arms, accoutrements and cloathing, belonging to His Majesty.

Mode of detray-
ing expences in-
curred for ap-
prehending and
securing deser-
ters.

BE *it enacted, by the Lieutenant-Governor, Council and Assembly, That when the Magistrates of any county or district within the Province, shall have incurred any expence in securing or apprehending any deserter or deserters from His Majesty's army or navy, or shall have been at any expence in maintaining them, or either or any of them, or in transmitting such deserter or deserters to the corps or ship to which he or they may severally belong, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, from time to time, to order such reasonable charges as may have actually been incurred in performing such service, to be paid out of the Provincial Treasury, in case such expences cannot be recovered upon due application to the corps or ship to which such deserter or deserters shall belong.*

Punishment of
such as entice
soldiers to desert.

II. *And be it further enacted, That if any person or persons whatsoever shall, directly or indirectly, persuade, entice or procure, or endeavor to encourage, persuade, entice or procure, any soldier, or soldiers, in the service of His Majesty, or of his heirs or successors, to desert, it shall and may be lawful for the commanding-officer of the regiment, company or party, to which such soldier or soldiers shall belong, at his option, to cause the person or persons so offending to be prosecuted by information in His Majesty's Supreme Court, or before two of His Majesty's Justices of the Peace, according to the nature and circumstances of the case: and if the person or persons, on such prosecution in the Supreme Court, shall, by the verdict of a Jury, be convicted of any or either of the foregoing offences, such person or persons shall forfeit and pay for*

for each and every offence, not exceeding forty pounds, the same to be paid and applied for the use of the poor of the town or district where such offence shall be committed, and the person so convicted, shall, by the judgment of such court, be imprisoned, until he or she shall pay the said penalty, with the cost of prosecution, to be taxed and allowed by said Court, and if such prosecution shall be carried on before two of His Majesty's Justices of the Peace, the person or persons, who, on the oath of one or more credible witness or witnesses, shall be convicted by such Justices of any, or either, of the foregoing offences, shall forfeit and pay, for each and every offence, the sum of five pounds, the same to be paid, and applied, for the use of the poor of the town or district where such offence shall be committed; and such offender or offenders, shall, by such Justices, be committed to jail, until he, she or they, shall pay and discharge the said penalty of five pounds, together with the cost of prosecution; and if such offender shall not pay the penalty or penalties recovered against him, within ten days after conviction by said Justices as aforesaid, it shall and may be lawful for such Justices to cause such offender to be publicly whipped, and discharged from said jail.

CAP. V.

An ACT for the repairing, keeping in repair, cleaning and paving, the streets in the Town and Peninsula of Halifax, and for removing obstructions therein, and also to suspend the power and authority vested in the Surveyors of Highways within the Town and Peninsula of Halifax, after the first day of August next, during the operation of this Act.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That CHARLES MORRIS, JUR. LAWRENCE HARTSHORNE, JOHN GEORGE PYKE, WILLIAM LYON, and MICHAEL WALLACE, inhabitants of the town of Halifax, shall be, and are hereby, appointed Commissioners, for the repairing, paving, and keeping in repair, the streets, lanes and alleys, in the town, and on the peninsula of Halifax, and for ascertaining, and removing, obstructions therein: and in case of the death, removal, or refusal, of any of the said Commissioners, his or their places to be filled up by such person or persons, being inhabitants of the town of Halifax, and respectable freeholders there, as the Governor, Lieutenant-Governor, or Commander in Chief for the time being, with the advice of His Majesty's Council, shall nominate and appoint.

II. *And be it further enacted,* That the said Commissioners shall and may divide the said town and peninsula into such, and so many, wards or divisions, as they shall judge convenient, and assign to each other, such ward or division thereof, as they can respectively superintend; and shall and may appoint a receiver of monies, and a clerk, and shall and may ask, demand and receive, of and from the inhabitants of the town and peninsula of Halifax, all such sum or sums of money, rates, services, highway-work, or labour, as they are by any former law, or by the provisions of this Act, made liable to pay, or furnish, for the mending, or repairing, of streets, lanes, roads or highways, in the said town and peninsula; and shall have the like remedy for the recovery thereof, as the surveyors, or overseers, of the highways, roads or streets, by such former laws, have had, or ought to have; and the said Commissioners, or any three of them, shall prosecute, on complaints made to them, every person or persons who shall offend against this Act; or any other of the laws and statutes of this Province, so far as respects the preservation, repairing, and preventing encroachments, on the streets, lanes and highways, of said town and peninsula, and are also hereby authorised and empowered, to bring any action or

Appointment of Commissioners of Roads for Halifax.

Commissioners empowered to divide the Town and Peninsula into wards, and to receive the rates and services settled by former laws and statutes.

Commissioners empowered to preserve streets & highways, and to prevent encroachments.

actions

Actions to be brought against persons, who receive monies for repair of roads, &c.

The Commissioners, or any three of them, may order the Streets to be repaired, cleared, raised, sunk, altered, or paved, as they may think best.

Water-Street & George-Street to be first paved.

Authorized to make contracts, and compound with the inhabitants for their rates.

Commissioners empowered to raise, sink, alter or new lay, any drain, &c. for the conveyance of water.

Persons forbid to encumber the Streets, with building materials, rubbish, &c.

Commissioners empowered to grant permission to persons who are building, &c. to deposit materials in the Streets.

actions in the name of the said Commissioners, or of the major part of them, against any person or persons receiving, or holding, monies, appropriated for the repair of the highways, streets, or roads, of the said town and peninsula, and also against any person or persons refusing, or neglecting, to pay, or satisfy, his, her or their, proportion of any rate or assessment of monies, or highway-work due, and owing on account thereof, as if the same were a private debt, contracted with, or owing to, them, or the major part of them, respectively, and have like process, and remedy, for the recovery thereof, as in case of private debts.

III. *And be it further enacted;* That, from and after the first day of August next, the said Commissioners, or any three of them, shall and may, from time to time, order and direct the streets and lanes, or any of them, within their respective wards or divisions, to be cleaned, repaired, raised, sunk, altered or paved, as they may think best; *Provided always,* That the paving of water-street, within the ancient picketed lines of the town, and George-street, from the parade to water-street, shall be completed before any other streets shall be begun to be paved; and the pavement shall be afterwards continued through the other streets, in every direction therefrom, as the said Commissioners may judge best, and be able to accomplish the same. And the said Commissioners, or any three of them, shall have full power and authority to cause to be dug, gathered, and carried out of, or brought into, the said streets, lanes and roads, such gravel, stones, earth, or other materials, from the shores of the harbour, or elsewhere, *provided* the same be done with as little injury as possible to the proprietor or proprietors of the soil, and to employ boatmen, carts, workmen and labourers, and to pay and satisfy them for their services, as they shall judge necessary and conducive to the accomplishing the ends and designs of this Act; and also to make contracts, with any fit persons, for the repairing and paving the said streets, highways and lanes, or any part thereof, on the best terms that can be procured for the public, and shall and may, if they think proper, bargain or compound with any of the inhabitants by the year, for such sum or sums of money as the said Commissioners may think reasonable for the share or proportion of such inhabitants for and towards the repairing, paving, or keeping in repair, the said streets, highways or lanes: *provided* such composition money be paid in advance; and shall also have power and authority to put up bars or fences, to shut up any street or streets while undergoing repairs by paving or otherwise.

IV. *And be it further enacted,* That the said Commissioners, or any three of them, shall have power to raise, sink, alter, or new lay, any drain, water courses, pipes or common sewers, as often, and in such places, as they may think proper, *provided,* the same be done with as little detriment and inconvenience to the neighbours, and others, as the circumstances of the case will admit of; and the said Commissioners, or any three of them, may cause the course or direction of any gutter, water-course or channel, running in or through the said street, lanes or highways, to be turned or altered as they think proper.

V. *And be it further enacted,* That no person or persons whatever, shall throw, or cause to be thrown, or laid, any ashes, stable manure, stones, dirt, or filth of any kind, in any of the said streets, highways or lanes, or encumber the same with any trucks, carriages, carts, timber, cordwood, sea coal, lime, or other building materials, or with any earth or rubbish, on pain of forfeiture of such trucks, carriages, carts, timber, cordwood, lime, coal, building materials, earth, rubbish, ashes, manure, stones or dirt, and likewise suffering the penalty already imposed by law, on persons guilty of incumbrances in the streets, lanes and highways, of said town and peninsula.—And the said Commissioners, or any three of them, may cause all such incumbrances to be removed, sold, or otherwise disposed of, as they may think fit. *Provided always,* that any person or persons, by leave of the said Commissioners, or the major part of them, may lay or deposit for the purpose of building houses, or other work, in the said streets, lanes, or highways; or may set up, or erect posts, bars, or other inclosures, for the better securing such materials, and to continue the same for such time only, as the said Commissioners,

missioners, or the major part of them, may give leave, and in such manner and form as they shall, in writing, direct, and no longer, on pain of forfeiture thereof; and provided also, that reasonable notice shall first be given to the owner, or proprietors, if known, of such sea coal, cordwood, ashes, rubbish, or other incumbrances, laid in the streets; and if the owner, or proprietor, be unknown, then such notice, in writing, to be left at the house or houses, nearest or opposite to where such incumbrances are laid, to remove the same within the time that may be limited and ordered by the said Commissioners, or the major part thereof.

Notice to be given to persons who incumber the Streets to remove the same.

VI. *And be it further enacted,* That it shall and may be lawful for the said Commissioners, or the major part thereof, to cause any well or wells to be dug or sunk, and pumps to be therein placed, in any parts of the said streets or lanes, where they shall judge necessary, and most convenient; the same to be placed and constructed in such manner as the said Commissioners may direct.

Commissioners empowered to cause wells to be sunk, &c.

VII. *And be it further enacted,* That the said Commissioners, or any three of them, shall, immediately after the publication of this Act, cause an impartial survey and examination to be made of all the streets, lanes and highways, of said town and peninsula, and shall cause all sign posts, show glasses, show boards, porches, steps, fences, cellar doors, and all and every other material, matter or thing, belonging to any house, ware-house, shop, cellar and building, or to any lot of ground or inclosure, which cause or occasion any nuisance, annoyance, incroachment or obstruction, in the said streets, lanes and highways, of said town and peninsula: if the same shall have been built, placed or erected, at any time within twenty years previous to the publication of this Act, to be wholly removed, or otherways to be placed or altered in such manner and form as shall be approved by them, or the Surveyor employed by them; and in case it can be done without any particular inconvenience to the public, shall and may permit and suffer the same to remain, in case the owners or proprietors thereof, or any of them, shall give security that the same shall not be repaired, or again rebuilt; and also to pay and satisfy to the said Commissioners, or the major part of them, a reasonable yearly ground rent for the part of the street so incroached on, to the satisfaction of said Commissioners, during the continuance of such incroachment.

Commissioners to survey and examine Sign Posts, Show Glasses, Porches, &c. and cause the same to be removed.

VIII. *And be it further enacted,* That every person or persons intending to erect any building upon, or close to, the line of any street, lane or highway, within the said town or peninsula, shall, previously to the digging of a foundation, or beginning to erect such building, make application to one or more of the said Commissioners to cause the line of such street, lane or highway, to be defined or laid out; and shall dig such foundation, and erect such building, within the said line, so as to avoid making any incroachment upon such street, lane or highway; and if it should be necessary to employ a surveyor on such occasion, the expence of such surveyor shall be defrayed by the person or persons so intending to build as aforesaid; and if any person or persons shall presume to erect any building, upon the line of any such street, lane or highway, without making application, and having the line of the street, lane or highway, ascertained as aforesaid, he, she or they, shall forfeit and pay the sum of ten pounds, to be recovered and applied for the purposes of this Act, and shall also remove such building, if it shall be found to have incroached upon any street, lane or highway; or otherwise the said Commissioners shall and may proceed to remove the same, or take such other steps as are allowed by law, in cases of common nuisance.

Persons intending to build, to apply to the commissioners before digging the foundation, or beginning to erect the same.

Persons neglecting to apply to the Commissioners to pay toll.

IX. *And be it further enacted,* That no person shall be at liberty to dig up, or break open, the soil of any street, lane or highway, within the said town and peninsula, without first applying to the said Commissioners, and obtaining their permission in writing, specifying the purpose for which such breaking of the soil is allowed, and the said Commissioners may impose such terms upon the person applying, as the security of passengers by day or night, shall appear to them to require; and any person acting contrary hereto, or to the terms imposed by the said Commissioners, shall forfeit and pay five pounds for every such offence.

No person to be at liberty to dig up any street, without leave from the Commissioners.

In addition to road money, the Governor empowered to draw on the Treasury, for one third part of the licence money.

Commissioners to keep regular accounts of all monies received and expended by them.

Prosecutions against persons acting under the authority of this Act.

Application of monies arising under this Act.

The authority of former Surveyors to cease after first August, 1801.

X. *And be it further enacted*, That in addition to the rates, duties and services by law imposed, for the making and repairing of the roads, streets and lanes, within the town and peninsula of Halifax, it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to draw, by warrant, on the treasury, quarterly, for one third part of the monies arising from the duty collected on licensed houses and shops, within the town and peninsula of Halifax: and the Treasurer of the Province is hereby authorized to pay the amount of such warrant or warrants to the said Commissioners, or their order.

XI. *And be it further enacted*, That the said Commissioners shall keep a regular and exact account of all monies and labour received by them, and of all services performed in the execution of this Act, and shall, once a year, on or before the tenth day of March, in every year, make up, and render under their hands, or the hands of the major part of them, to the Treasurer of the Province, a general, regular and fair, account in writing, of all monies and labour received and paid by them in the execution of, or under and by virtue of, this Act; and also of all services done and performed, and of the cost and expence of doing the same, for the past year, that the same may be audited and passed in the General Assembly at their next meeting.

XII. *And be it further enacted*, That no action or suit shall be commenced against any person or persons, for any thing done in pursuance of this Act, until twenty days notice thereof shall be given, in writing, to one or more of the said Commissioners, or after six calendar months next after the fact committed, for which such action or suit shall be brought; and every such action shall be brought, laid and tried, in the county of Halifax, and not elsewhere; and the defendant or defendants in such action or suit, may tender amends, or may plead the general issue, and give this Act, and the special matter, in evidence, at any trial to be held thereupon; and if the matter or thing shall appear to have been done in pursuance of this Act, or if it shall appear that the said action or suit was brought before the twenty days notice thereof given as aforesaid, or that sufficient amends were tendered, or if the said action or suit shall not be commenced within the time here limited, or within the county aforesaid, then the jury shall find for the defendant or defendants; and if a verdict shall be given for the defendant or defendants, or if the plaintiff or plaintiffs in such action shall become nonsuit, or suffer a discontinuance thereof, or if upon any demurrer or demurrers, in such action or actions, judgment shall be given for the defendant or defendants, then, and in either of the cases aforesaid, such defendant or defendants shall recover treble costs, and have judgment therefor accordingly.

XIII. *And be it further enacted*, That all monies raised, collected, or paid to the said Commissioners, or any or either of them, under or by virtue of this Act, shall be applied to the purposes of this Act, and for no other use or purpose whatever.

XIV. *And be it further enacted*, That after the first day of August next, the power and authority now vested in the Surveyors of Highways, within the town and peninsula of Halifax, shall cease and determine, any law, usage or custom, to the contrary notwithstanding.

CAP. VI.

An ACT for the better management and relief of the Poor of Halifax.

Appointment of Commissioners to superintend and manage the poor.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the first day of January next, RICHARD JOHN UNIACKE, WILLIAM FORSyth, LAWRENCE HARTSHORNE, JOHN GEORGE PYKE, WILLIAM TAYLOR, CHARLES MORRIS, JUNR. CHARLES HILL, WILLIAM SABATIER, JAMES CLARKE, WILLIAM LYON, JOHN LAWSON, and JAMES FRASER, shall

shall be Commissioners for the superintendance, relief and management, of the poor of the town and peninsula of Halifax, and for the appropriation and disposal of the funds which are, or may be made, applicable to their support and maintenance: which Commissioners shall have, and may exercise, all the rights, powers and authorities, of every nature whatsoever, heretofore granted by law to, and vested in, the Overseers of the Poor, and may act, in the immediate management and government of the poor by rotation, each one month, as may be agreed on from time to time by them; and in case of the death, removal, or refusal to serve, of any of the said Commissioners, his or their places to be filled up by the Governor, Lieutenant-Governor, or Commander in Chief for the the time being, out of such person or persons as may be nominated and recommended for that purpose by the major part of the remaining Commissioners, in writing under their hands.

Commissioners vested with all the powers of former Overseers, and to exercise it monthly, by rotation.

II. *And be it also enacted*, That the acting Commissioner, for the time being, shall have the immediate superintendance of the poor-house, and shall take care to have the food, allotted for the paupers, regularly served; and the beds, bedding and cloathing, kept in clean order; and shall direct what food shall be served to them, and also at what hours; and shall and may direct or order every pauper, capable of any work or labour, to be employed in such manner, and at such hours of the day, as he may think best, and may excuse from work such as he may find unfit, or too infirm therefor; and may order and direct such who, being able, shall refuse to work, or who shall misbehave, to be punished by solitary confinement, or by stoppage of their allowance of food, until they become obedient, or by such other ways and means as the said Commissioners may direct and order for the general government of the house and paupers.

Mode of proceeding on the death of any of the Commissioners.

Acting Commissioner to have power to direct the food, cloathing, labour and punishment of paupers.

III. *Be it also enacted*, That the earnings of the paupers shall be fairly rated by the Commissioners, and a regular account thereof kept, so that the earning of each may be known and ascertained, and the surplus thereof, after deducting the expence of cloathing and food furnished to such pauper, shall be accounted for, and paid, to the pauper who may have earned it, without any deduction or abatement whatever: and whoever shall misapply or embezzle the poor funds shall be liable to pay treble damages, with full costs of suit, to the party injured thereby. *Provided always*, That the Commissioners, or the major part thereof, may direct such surplus to be laid out and expended in such articles of cloathing, or other necessaries, as the pauper may be in want of: spirits, or strong drink, excepted.

Accounts to be kept of the earnings of the paupers, and the surplus to be laid out in cloathing.

IV. *And be it also enacted*, That no Commissioner, keeper of the house, or other person employed under them, or either of them, shall derive or receive any share or interest in the earnings of the paupers, on pain of immediate dismissal from office, and absolute disqualification therefor, and shall be also liable to repay double the sum so taken from the paupers, to be recovered by information or action at the suit of the pauper, or of a major part of the Commissioners in his or her behalf.

No Commissioner or Keeper of the House to have any interest in the earnings of the paupers.

V. *And be it also enacted*, That no rum, or other distilled spirituous liquors, shall be allowed to the paupers, or be bought, sold or drank, within the house and premises appropriated to the use of the poor; that the paupers shall be fed on soups, barley broth, stewed meat, wheaten, rye, oaten and indian, bread, or cakes or puddings, and also on fish and vegetables, in such way and manner as the acting Commissioner may; from time to time, direct: and an account be kept of the cost of such meal, that the earnings of the paupers may be taxed accordingly.

No spirituous liquors to be sold or drank in the House, and the kind of diet established.

VI. *Be it also enacted*, That the cloathing for the paupers, in winter, shall be a warm, but coarse, jacket and trowsers for each male, and a jacket and petticoat for each female, and also a strong cotton shirt or shift, with yarn stockings and leather buskins.

How the paupers are to be cloathed.

VII. *Be it also enacted*, That the men and boys shall be employed daily in picking oakum or rasping wood, or in such trades as can be taught and followed in the house, and the women

Employment of the paupers.

and girls in sewing, mending, or making cloaths, spinning or carding, knitting or weaving, or in such menial services about the house, as the acting Commissioner may, from time to time, direct.

Commissioners empowered to bind out boys or girls.

VIII. *Be it also enacted*, That the Commissioners, or the major part of them, shall have power to apprentice or bind out the poor boys or girls, under their charge, by indenture, until they arrive at age, to any person or persons of good repute within the Province, on such terms and conditions as they may judge best.

Appointment of a Keeper.

IX. *And be it further enacted*, That the Commissioners, or the major part of them, shall have power to nominate and appoint a keeper of the poor-house under them; and to remove him at pleasure, and to appoint another in his place: which keeper shall be allowed a salary not exceeding one hundred pounds a year, together with such rooms in the house, and such allowance of fuel and provisions, as they may think fit.

His salary.

Commissioners to order and direct all purchases.

The Commissioners, or the major part of them, or the acting Commissioner under their authority, shall direct and order all the purchases that are to be made for the use of the house and paupers, in which neither the Commissioner nor keeper shall have any profit or emolument whatever; and shall also make and publish rules for the general government and management of the house, the keeper, servants and paupers, as they may judge best from time to time, and may expel and turn out of the house, and grounds, all such persons, belonging thereto, as shall be disobedient and refractory, and all other persons whomsoever, if they shall see cause therefor.

Commissioners to expel the disobedient and refractory.

Account of the receipt and expenditure of the said House, to be rendered on the 1st January, annually.

X. *And be it further enacted*, That all monies or donations of whatever kind for the relief of the poor, paid or delivered into the hands of the said Commissioners, shall be by them applied for the relief and maintenance of the poor under their charge, and the said Commissioners shall keep fair and regular accounts of all such monies and donations received by them, and also of all sums of money paid or expended by them, for the support and maintenance of the poor, and also of the earnings of the paupers, and of the disposal thereof, and shall annually, and every year, on the first day of January, or oftener if required, render a full and true account thereof, in writing, to the Treasurer of the Province, to be by him laid before the Supreme Court, for inspection and audit.

Beggars and vagabonds to be received, and put to labour.

XI. *And be it further enacted*, That all vagrants, beggars, and disorderly persons of any kind, shall be received by the Commissioners into the poor-house, so that they may be made to earn their living; and such sturdy paupers as can work, and will not, shall be compelled thereto. *Provided always*, that the said Commissioners shall not be obliged to furnish more victuals to such disorderly and disobedient persons, than their earnings will pay for.

Commencement of Act on first of January, 1802.

XII. *And be it further enacted*, That the operation of this Act shall commence and take effect on the first day of January, one thousand eight hundred and two.

CAP. VII.

An ACT to revive, and continue, an Act made in the thirty-sixth year of His Majesty's reign, entitled, An Act to encourage the killing of Wolves, Bears, Loup Cerviers, and Wild Cats.

Preamble.

WHEREAS an Act, made in the thirty-sixth year of His present Majesty's reign, to encourage the killing of Wolves, Bears, Loup Cerviers, and Wild Cats, was found to be of great public utility: And whereas, great damage still continues to be done to the farmers in different parts of this Province, by Wolves, Bears, Loup Cerviers, and Wild Cats, killing and destroying their sheep and other cattle; for remedy whereof:

I. *Be it enacted*, by the Lieutenant Governor, Council and Assembly, That the before recited

ted Act, and every clause, matter and thing, therein contained, be revived, and that the same shall continue, and be in force, for and during the term of three years, from and after the publication hereof, and no longer.

Act continued to the present period.

CAP. VIII.

An ACT to continue an Act, made and passed in the Thirty-fourth year of His present Majesty's reign, entitled, An Act to provide for the support of the Grammar School in Halifax, and for other public purposes therein contained.

Expired.

CAP. IX.

An ACT to continue an Act, made and passed in the Thirty-ninth year of His present Majesty's reign, entitled, An Act for raising a Revenue to repair the roads throughout the Province, by laying a duty on persons hereafter to be licensed to keep Public Houses, or Shops, for the retail of Spirituous liquors, and for regulating such Public Houses and Shops.—Also, the Act, passed in the Fortieth year of His Majesty's reign, in amendment of the above recited Act.

Expired.

CAP. X.

An ACT to continue in force the several Acts therein mentioned.

Expired.

CAP. XI.

An ACT to continue the several Revenue Laws for the support of His Majesty's Government in this Province; and to explain an Act, passed last Sessions of General Assembly, entitled, An Act to alter, amend, and continue in force, several Revenue Laws, for granting to His Majesty certain Duties on Wine, Rum, and other Distilled Spirituous Liquors, Brown Sugar, and other articles therein mentioned; and for enabling the Officers of His Majesty's Navy to obtain a Drawback of the Duties on Wines carried, and consumed, by them out of the limits of the Province.

WHEREAS the following Revenue Laws, of this Province, now in force, are near expiring, and it is expedient that the same should be continued:

Preamble.

I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That the Act, passed in the thirty

Revenue Acts,
3d Geo. 3d.

thirty-third year of His present Majesty's reign, entitled, An Act for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar, for the purpose of paying the interest, and reducing the principal, of the public debt of this Province. Also, an Act, made in the same thirty-third year of His present Majesty's reign, entitled, An Act for providing for the support of His Majesty's government in this Province, by laying an additional duty on wine, rum, and all other articles therein mentioned, and for encouraging the agriculture, commerce and fisheries, of this Province. Also, an Act, made in the thirty fourth year of His present Majesty's reign, entitled, An Act in addition to, and amendment of, an Act, passed in the thirty-third year of His Majesty's reign, entitled, An Act for granting to His Majesty certain duties on wine, rum, and all other distilled spirituous liquors, and brown sugar, for the purpose of paying the interest, and reducing the principal, of the public debt of this Province; and also to revive, amend, and render more effectual, an Act, passed in the same thirty-third year of His present Majesty's reign, entitled, An Act for providing for the support of His Majesty's government in this Province, by laying an additional duty on wine, rum, and other articles therein mentioned, and for encouraging the agriculture, commerce and fisheries, of this Province. Also, an Act, made in the thirty-fifth year of His present Majesty's reign, entitled, An Act in amendment of an Act, made in the thirty-fourth year of His Majesty's reign, entitled, An Act in addition to and amendment of, an Act, made in the thirty-third year of His Majesty's reign; entitled, An Act for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar, for the purpose of paying the interest, and reducing the principal, of the public debt of this Province; and also to revive, and render more effectual, an Act, passed in the same thirty-third year of His present Majesty's reign, entitled, An Act for providing for the support of His Majesty's government in this Province, by laying an additional duty on wine, rum, and other articles therein mentioned, and for encouraging the agriculture, fisheries and commerce, of this Province. Also, an Act, made in the thirty-sixth year of His present Majesty's reign, entitled, An Act, in addition to, and in amendment of, an Act made in the thirty-third year of His present Majesty's reign, entitled, An Act for granting to His Majesty, certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar, for the purpose of paying off the interest, and reducing the principal, of the public debt of this Province, and of the several Acts in addition to, or amendment thereof. Also, an Act, made in the thirty-seventh year of His present Majesty's reign, entitled, An Act to amend, and continue for one year, an Act, passed in the thirty-third year of His Majesty's reign, entitled, An Act for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar, for the purpose of paying the interest, and reducing the principal, of the public debt of this Province. Also, an Act, passed in the thirty-eighth year of His present Majesty's reign, entitled, An Act to enable the officers of His Majesty's navy to obtain a drawback of the duties on wines, by them taken out of this Province, and consumed without the limits thereof. And also the second, third, fourth and fifth, clauses of an Act, passed in the thirty ninth year of His present Majesty's reign, entitled, An Act to provide for the support of His Majesty's government in this Province, by reviving, altering and continuing, the several revenue laws which were in force the last year, and are herein particularly mentioned. Also, an Act, passed in the fortieth year of His present Majesty's reign, to alter, amend, and continue in force, the several revenue laws, for granting to His Majesty certain duties on wine, rum and other distilled spirituous liquors, brown sugar, and other articles therein mentioned; and for enabling the officers of His Majesty's navy to obtain a drawback of the duties on wines carried and consumed by them out of the limits of the Province.

34th Geo. 3d.

36th Geo. 3d.

37th Geo. 3d.

38th Geo. 3d.

2d, 3d, 4th, and
5th clauses of Act
39th Geo. 3d.

40th Geo. 3d.

II. *And be it further enacted*, That the Collectors of Impost and Excise may and shall continue to retain one penny per gallon of the duties secured on all wine, rum, and other spirituous liquors.

liquors imported into the Province, and afterwards exported conformable to the rules and regulations prescribed in the Act, passed in the thirty-third year of His Majesty's reign, entitled, An Act for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar, for the purpose of paying the interest, and reducing the principal, of the public debt of this Province: and every matter, clause and thing, contained in this, and in all and every of the above recited Acts, and also in all such Acts as have been made in explanation, amendment or alteration, of any or either of said Acts, shall be, and are hereby, continued in force until the thirty-first day of July, which will be in the year of our Lord one thousand eight hundred and two.

One penny per gallon to be retained from the duty on Wine, &c. when exported.

Continued to the present period.

CAP. XII.

An ACT in addition to, and in amendment of, an Act, made and passed in the Thirty-ninth year of His present Majesty's reign, entitled, An Act for raising a Revenue to repair the roads throughout the Province, by laying a duty on persons hereafter to be licensed to keep Public Houses, or Shops, for the retail of Spirituous Liquors, and for regulating such Public Houses and Shops.

WHEREAS in consequence of certain regulations and provisions made and established in and by the said Act, a considerable increase of duty devolves on the Clerks of the Peace, for which no recompence whatever is by law provided:

Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That each and every person who shall hereafter obtain or take out a licence for the retailing of spirituous liquors, besides the fees now paid to the Clerk of the Licences, shall pay to the Clerk of the Peace the sum of two shillings and six pence in full for his attendance to take the usual recognizance for entering the names and proceedings in the minute book of the Sessions, and for all other his services in and about the granting of such licence.

Persons taking out a licence for retail of spirituous liquors to pay 2s. 6d. to Clerk of the Peace, for his trouble.

II. *And be it further enacted,* That this Act, and every matter, clause and thing, therein contained, shall be and continue, and the same is hereby continued in force until the thirty-first day of July, which will be in the year of our Lord one thousand eight hundred and two.

Continued to the present period.

CAP. XIII.

An ACT to continue an Act, made in the Thirty-seventh year of His present Majesty's reign, entitled, An Act to revive, and continue, an Act, passed in the Thirty-third year of the reign of His present Majesty, entitled, An Act in amendment of, and in addition to, an Act, made in the Thirty-third year of the reign of His late Majesty, entitled, An Act for regulating, and maintaining, a Light House on Sambro Island, and in addition to, and amendment of, an Act, made in the Twenty-eighth year of His present Majesty's reign, entitled, An Act for regulating, and maintaining, a Light House at the entrance of Shelburne Harbour.

Expired.

CAP. XIV.

An ACT for the Security of Navigation, and for preserving all Ships, Vessels and Goods, which may be found on shore, wrecked or stranded upon the coasts of this Province, and for punishing persons who shall steal Shipwrecked Goods, and for the relief of persons suffering loss thereby.

Preamble.

WHEREAS the preservation of shipwrecked goods, as well as the punishment of persons who shall plunder or conceal the same, are of great importance:

Shipwrecked Goods, &c. to be preserved for the owners, and persons discovering the same to give notice to Sheriff, Coroner, or Officers of Customs.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That all wrecked, stranded or abandoned, ships or vessels, and shipwrecked goods of every kind and denomination whatsoever, whether appertaining to the vessel, cargo, or otherwise, which shall be forced on shore, wrecked or stranded, upon the coasts of this Province, or of the Island of Sable, or which shall be found floating in the rivers, bays or harbors, thereof, or so near to the coast thereof as to be within soundings, shall be carefully preserved, and taken care of for the right owner or owners, and the person or persons discovering or finding the same, shall give immediate notice to any one or more of the several officers hereafter named, viz. to the Sheriff of the County, Coroner, Officers of the Customs, Officers of Impost and Excise, or Justices of the Peace, whichever of them, or either or any of them, shall be nearest at hand, and such officer or officers, or a majority of them, if more than one shall attend, shall immediately take all necessary measures for securing and preserving of all such ships, vessels, goods, effects, and property of every kind, and shall proceed therewith as herein after directed; and if any person or persons whatsoever, shall plunder, steal, take away or destroy, any wrecked, stranded or abandoned, ships or vessels, or any kind of goods, wares and merchandise whatsoever, which shall be wrecked, lost, stranded, or cast on shore, on the coasts of this Province, or of the Island of Sable, or shall steal, or take away, any kind of shipwrecked or lost goods, wares or merchandise, which shall be found floating in the rivers, bays or harbours, of this Province, or contiguous to the shores thereof, except so far as may be necessary to bring the same to the shore for security, or shall plunder, steal, or take away, any of the tackle, apparel, furniture or provision, of any ship or vessel so found wrecked, stranded or cast away as aforesaid, (whether there be any living creature on board such ship or vessel or not) or shall beat, wound, or otherwise wilfully obstruct, any person or persons endeavoring to save his, her or their, life or lives, from such ship or vessel, or shall put out any false light or lights, with intention to bring any ship or vessel into danger, then, and in all such cases, the person or persons so offending, shall be deemed guilty of felony, and, being lawfully convicted thereof, shall suffer death, as in cases of felony, without benefit of clergy.

Persons to be punished who steal, or obstruct persons employed in saving property.

Persons to suffer death who put out false lights.

If the amount stolen does not exceed 40s. person punished for Petit Larceny.

II. *Provided always, and be it enacted,* That when any goods or effects, which are under the value of forty shillings, shall be lost, stranded, or cast on shore as aforesaid, if the same be stolen without any circumstances of cruelty, outrage or violence, the person or persons convicted of such stealing, shall suffer only the punishment which the laws direct in cases of petit larceny.

Justices to issue Warrants for goods stolen from wrecks, or concealed, and persons guilty to be sent to Jail.

III. *And be it further enacted,* That all and every His Majesty's Justices of the Peace throughout the Province, shall, upon information made before him or them, on oath, that any kind of lost or shipwrecked goods, as aforesaid, or any thing belonging to any vessel, lost or stranded, as aforesaid, has been carried away, or concealed, in any place whatsoever, such Justice, or Justices, shall issue his or their warrant or warrants, for searching of all places, where the same shall be suspected to be concealed, and if any such goods be found in the custody or keeping of

any person or persons whatsoever, who shall appear to such Justice, or Justices, to have wilfully concealed, hid or kept, such goods from being found with a fraudulent intention, it shall and may be lawful for such Justice, or Justices, to commit such person or persons to the county jail, there to remain until he, she or they, may be delivered therefrom by due course of law.

IV. *And be it further enacted,* That the officers herein before named, or any one or more of them, when any ship or vessel shall be in danger of shipwreck, or when any vessel or goods, shall be wrecked or cast on shore, or shall be discovered floating as aforesaid, to require and command as many men of the neighbourhood, as shall be thought necessary to aid and assist in the preservation of the lives of the people on board such ship or vessel, and to preserve and save the vessels' goods, or whatever else may be wrecked or lost, or in danger thereof; and such officer or officers, may, if necessary, command or order the master, or principal officer, of any ship or vessel, which may be at anchor near to the place where such assistance shall be required, to furnish assistance with his or their boats, and as many men as they can conveniently spare, and all persons so ordered by such officer or officers to aid and assist for the purposes aforesaid, are required to give their attendance accordingly, and to yield ready obedience to the orders which such officer or officers shall, from time to time, give for the accomplishment of the purposes aforesaid, and if any person or persons whatsoever, when commanded by such officer or officers to give his or their attendance for the purposes aforesaid, or when notified so to do, by a person appointed by such officer or officers for that purpose, shall refuse to attend and give his assistance, or shall disobey any of the lawful orders which such officer or officers shall give to such person or persons, touching or concerning the premises, it shall and may be lawful for any one of His Majesty's Justices of the Peace, on complaint made thereof on oath, to commit such offender or offenders to the county jail for trial, unless he or they shall give good security, to appear and answer to such complaint at the next General Sessions of the Peace, for the county or district wherein such offence shall have been committed, and if such person or persons shall, on information to be exhibited against him or them, be found guilty, the person or persons so convicted, shall each pay a fine not exceeding fifty pounds, or be imprisoned in the county jail; for a term not exceeding six months, at the discretion of the Justices of said Sessions, and according to the nature and circumstances of the offence, and for the encouragement of such person or persons, as give assistance to such ships or vessels so in distress, or to the people or crew thereof, who may be in danger, or who shall assist in the securing and preserving for the right owners any property whatsoever, which shall be wrecked, lost, cast on shore, or found floating as aforesaid, such person or persons shall, within thirty days after the service performed, be paid a reasonable reward for the same, by the commander, principal officer, mariners, seamen or owners, of the vessel, goods, or property preserved as aforesaid; and the goods and property so saved, or in default thereof, the vessel or her materials shall remain and be held in the custody of any or either of the herein before named officers, until such charges be paid, and the officer or officers, and all others who shall aid in performing such service, shall be reasonably gratified for the assistance which he or they have actually and fairly given, touching or concerning the premises. *Provided always,* that no person or persons shall be entitled to receive any gratification for his or their service, if during the time thereof, he or they shall have been guilty of dishonesty, misbehaviour, or disorderly conduct of any kind, and unless the officer or officers, if any such shall attend and direct the making of such salvage; shall certify the services actually performed by each and every person who shall demand gratification, and the quantum of such reward or gratification, to be paid to the officer or officers, person or persons, claiming the same, shall be adjusted and settled on a reference to be made to three of the neighbouring Justices of the Peace, to be mutually chosen by the parties; which Justices shall adjust the quantum of the reward or gratification,

Officers empowered to demand assistance of the inhabitants contiguous to a wreck.

Persons to be paid for assisting

Persons guilty of dishonesty, misbehaviour, &c. to receive no compensation.

The quantum of reward to be settled by three Justices.

When no person appears to claim goods, part to be sold to pay salvage.

If no persons appear to claim property the proceeds to be paid into the Treasury

If the property be found in charge of any person or persons, no one to interfere, unless requested.

Persons in possession, may repel any who shall dare enter the vessel, or interfere with those employed in saving the property.

Persons sued may give this Act, &c. in issue.

Proceedings may be removed by Certiorari to Supreme Court.

ation, to be paid to the persons employed in making such salvage, and such adjustment shall be binding to all parties, and shall be recoverable in an action at law; to be brought in any of His Majesty's Courts of Record in this Province, by the parties to whom the same shall be allotted, and in case it shall happen that no person or persons shall appear, to make his claim to all or any the goods that shall be saved, that then, and in such case, the officer or officers in whose custody the same may be, shall sell so much thereof as will be sufficient to satisfy, and pay, the sum or sums of money adjusted, and allowed, for the salvage thereof, with incidental charges incurred, or if the goods are in danger of perishing, or of being otherwise lost by delay, then the whole to be sold; and shall put some principal officer of His Majesty's Customs, or some other responsible person, in case no such officer is present to receive the same into immediate possession of the goods or money remaining after payment of the salvage and costs aforesaid, first taking an account in writing of the said goods, or money, to be signed by the officer of the Customs, or person receiving the same, and if the said money, or goods, shall not be legally claimed within the space of twelve months next ensuing by the owner thereof, such of the goods as may be on hand shall be forthwith sold at Public Auction, and the monies arising from such sale or sales, reasonable charges being first deducted, with a fair and just account of the whole, shall be paid into the Treasury of this Province; there to remain for the benefit of the rightful owner when appearing, who, upon affidavit, or other proof made of his, or their, right or property therein, to the satisfaction of the Chief Justice, or one of the Justices of the Supreme Court, shall, upon his order, receive the same out of the Treasury.

V. *Provided always, and be it further enacted*, That it shall not be lawful for any person or persons whatsoever, under pretence of making salvage, under the authority of this Act, or under any pretence whatsoever, to meddle or interfere with any kind of property whatsoever, if there be found any person or persons whatsoever in the charge or custody thereof, unless such person or persons shall require his or their assistance, in which case notice shall be immediately given to one or more of the officers herein before named, that such assistance is wanted, and it shall and may be lawful for the master, or other person or persons having charge of any ship or vessel, or property so wrecked, or in distress, or for the officer or officers who shall come to his or their assistance, to repel by force any person or persons who shall dare to enter such ship or vessel, or to meddle with such property, without his or their leave, consent or orders: and the person or persons who shall molest or disturb those having charge of such property, and employed in making salvage thereof, or who shall molest, insult or disturb, the officer or officers herein before named, and those acting under his or their authority, in and about the premises, such person or persons, if convicted thereof in the Supreme Court, or General Sessions of the Peace, for the county or district, shall be punished as for a misdemeanour.

VI. *And be it further enacted*, That if any person or persons whatsoever shall be sued or prosecuted for any thing done in pursuance and execution of this Act, such person or persons, in whatever Court such suit or prosecution shall be commenced, may give this Act, and the special matter, in evidence on the general issue, and shall have his costs awarded him, if entitled thereto, from the plaintiff or prosecutor, with the usual remedy for the recovery thereof: and in case any proceedings whatsoever, touching or concerning the execution of this Act, shall be removed by Certiorari, or otherwise, from any inferior jurisdiction in the Province, into the Supreme Court, the Justices of said Supreme Court shall, and they are hereby empowered to, enquire into the real merits of the case, and if it shall appear that such inferior jurisdiction has acted according to the real justice of the case, such proceedings shall be affirmed, notwithstanding the want of legal form therein: and if, on such enquiry, it shall appear to said Supreme Court that such inferior jurisdiction has proceeded with just and honest intentions, and has been guilty of no wilful error, the said Supreme Court shall, without reversing the whole of the proceedings

of such inferior jurisdiction, proceed to amend and correct the same, and shall give such final judgment upon the merits of such case, as shall be agreeable to law and justice, and shall only wholly reverse the proceedings of such inferior jurisdiction, for wilful and corrupt error appearing on the face thereof, or being otherwise proved to the satisfaction of said Court.

VII. *And be it further enacted,* That if any person or persons whatsoever, shall make, or aid, or assist, in the making any hole or passage, in the bottom, side, or any other part of any ship or vessel, whether in distress or otherwise, if done with an intention wilfully to increase the distress of such ship or vessel, or to produce the loss or destruction of a ship or vessel, not being in distress, or shall steal, or take away, or wilfully destroy, or in any other way wilfully render useless, the pump of a ship or vessel, whether in distress or not, if so done with a wilful intention to produce the loss or other danger of such ship or vessel, or shall wilfully do any other matter or thing whatsoever, tending to produce the immediate loss or destruction of any ship or vessel whatsoever, such person or persons shall be, and are hereby, made guilty of felony, without any benefit of his, her or their, clergy.

And whereas it is of the utmost consequence to the security and safety of navigation, that no person or persons whatsoever, but such as are trust worthy, should settle on, or take up a temporary residence on, the Island of Sable, whether for the purpose of fishing or otherwise :

VIII. *Be it therefore enacted,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, so often as it shall be deemed expedient and necessary, to cause the said Island of Sable to be viewed, and inspected, by a fit and proper person, to be by him, from time to time, appointed for that purpose; and if any person or persons, whatsoever, shall be found residing on said Island, who shall have voluntarily gone there, either for the purpose of fishing, or for any other purpose whatsoever, it shall and may be lawful for the person or persons, so appointed to inspect said Island, to take and apprehend such person or persons, (unless he, she or they, shall produce to him a licence, under the hand and seal of the Governor, Lieutenant-Governor, or Commander in Chief for the time being, describing therein the person or persons so found on said Island, and authorising the person or persons named and described in such licence to go upon said Island, and to take up a permanent or temporary residence thereon) and to bring him, her or them, prisoner or prisoners to Halifax, together with all such goods, or property of any kind, found in his or their possession, and upon due proof being made before any three of His Majesty's Justices of the Peace, that such person or persons had wilfully gone on said Island, and was found sojourning there without licence as aforesaid, it shall and may be lawful for such Justices to commit such person or persons to jail, to be imprisoned therein for a space not exceeding six months, and until he, she or they, shall give security for his, her or their, future good behaviour, and so much of the goods and effects found on said Island, of whatsoever kind or nature soever, in the possession or custody of such person or persons, as shall be sufficient to pay the charge of removing such person or persons with such effects, shall, by order of such Justices, be sold, and the neat proceeds of the same shall be applied to the payment of such charges and expences, and the residue returned to the owner or owners, unless such goods and property shall appear to have been cast on the shore of said Island by the sea, or to have been procured from some wrecked or stranded ship or vessel, in which case such kind of property shall be sold, and the neat proceeds thereof, after payment of the charges, shall be paid to the proprietor, or his agent, on due proof of ownership being made; or, otherwise, lodged in the Treasury of the Province for the right owner or owners, agreeably to the rules and regulations herein before set forth.

IX. *And be it further enacted,* That the Clerk of the Peace shall, on the first day of each and every General Sessions of the Peace, in every county and district of this Province, immediately on the opening of said Court, and before the Grand Jury shall depart from the Court,

H b

differently

Persons to suffer death who make any hole in a vessel, or otherwise attempt to destroy her.

Sable Island to be inspected, and persons apprehended who reside there without licence, to be sent to Halifax, and imprisoned six months.

Goods cast on the shore of the Island, and found in possession of person on the Island how to be disposed of.

This Act to be read by Clerk of the Peace, first day of General Sessions.

distinctly read aloud this Act, and every matter, clause or thing, therein contained; and the Clerk or Clerks of the Peace, who shall neglect so to do, shall, for every such neglect, forfeit and pay to the person who shall inform against him or them, the sum of twenty shillings, the same to be recovered on conviction before the Justices of such Court of General Sessions.

Act continued to
until July 31st,
1804.

X. *And be it further enacted*, That this Act, and every clause, matter and thing, therein contained, shall continue, and be in force, for and during the term of three years, from and after the publication hereof, and no longer.

This Act approv-
ed of by His
Majesty, and fur-
ther continued.

XI. *And be it further enacted*, That nothing herein contained shall be of force, or effect, until His Majesty's pleasure be known thereon.

CAP. XV.

An ACT to revive, continue and amend, an Act, passed in the Thirty-second year of His present Majesty's reign, entitled, An Act to regulate the Summary Trial of Actions, before His Majesty's Justices of the Peace, in the Town and Peninsula of Halifax.

Preamble.

WHEREAS the said Act was found beneficial during the continuance of it, and much inconvenience has arisen since the expiration thereof, for remedy whereof:

Act revived to
regulate the Sum-
mary Trial of
Actions.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That, from and after the publication hereof, the said recited Act, entitled, "An Act to regulate the summary trial of actions, before His Majesty's Justices of the Peace in the town and peninsula of Halifax, and every matter, clause and thing, therein contained, (except so much thereof as may be altered or changed by any thing contained in this Act) shall be, and the same are hereby, revived and continued in full force and virtue, the same as if the said Act had not expired.

Justices to ap-
point a Clerk.

II. *And be it further enacted*, That a Special Sessions of the Peace shall be held in the said town of Halifax, as soon as conveniently may be, after the publication of this Act, at which time said Justices shall appoint a Clerk for said Rotation Court, and a list shall be made out by said Justices of all such of His Majesty's Justices of the Peace, as, in the opinion of said Justices, are best qualified, and will be most likely punctually to attend the duties of said Court, which list shall be delivered to the said Clerk; and the Justices named therein, whether of the quorum or otherwise, shall be called on, in rotation, to serve in said Court, pursuant to the provisions contained in the said Act hereby revived, any thing therein contained to the contrary notwithstanding; and such list shall, at every Quarter Sessions of the Peace, at a day to be specially appointed for that purpose, or at a Special Sessions of the Peace, to be called particularly for that purpose, be reviewed, altered and amended, so as to keep constantly thereon a sufficient number of Justices, who will zealously execute the duties of said Court, and the said General or Special Sessions, shall likewise select from the Constables of said town, a sufficient number of the most capable, and shall deliver a list of their names to the said Clerk, who shall summon them to attend the duties of said Court, each in rotation, for such period of time, as the said Justices shall appoint, and the said Justices shall, before the expiration of one month after the publication of this Act, take every measure requisite for the opening of said Court, and shall publish the time and place when and where said Court shall be opened and held, as likewise the name of the Clerk of the said Rotation Court, and the place where his office shall be held, and the hours during which such Clerk shall be obliged to keep his office open throughout the year.

Justices to serve
in Rotation.

The name of the
Clerk and the
place where he
holds his office
to be published.

Power taken
from three Justi-
ces to try causes
not exceeding 3l.

III. *And be it further enacted*, That, from and after the opening of said Rotation Court, so much of the jurisdiction given to one or more Justices of the Peace, within the said town and peninsula of Halifax, as respects the trial of civil causes for sums not exceeding three pounds and

and the recovery of all penalties and forfeitures imposed by law on any offender or offenders, or the awarding any punishment or punishments whatsoever, of which one or more Justice or Justices could heretofore take cognizance, shall be vested in the Justices composing said Rotation Court, to be administered by them pursuant to the provisions contained in this Act, and the said Act hereby revived; and any proceedings whatsoever in such causes, before any person or persons after the opening of said Rotation Court, shall be, and are hereby, declared to be null and void, any thing in any law of this Province, not hereby expressly repealed, to the contrary thereof notwithstanding. *Provided always*, That nothing in this clause shall extend, or be construed to extend, to prevent any one or more Justices of the Peace within the said town and peninsula of Halifax, from exercising the jurisdiction given them by the eighth section of the said Act hereby revived.

and given to the Rotation Court.

Justices to retain the Power they possessed by the 8th section of the Act revived.

IV. *And be it further enacted*, That upon an alarm of fire, or any other disturbance, all the Justices whose names are on the rotation list, or a sufficient number of them for composing the said Court, shall attend at the usual place of holding the same during the time such disturbance shall last, and all business then transacted shall be as good, and valid, as if the same were done at the stated and fixed time or times of holding the said Court.

In case of Fire, the Justices to hold Rotation Court at the usual place.

V. *And be it further enacted*, That the Clerk of the Rotation Court shall and may, when and so often as any one of His Majesty's Justices of the Peace shall require it in writing, summon a Special Rotation Court, to be held at any time previous to the stated days and times appointed for holding the same, and the business transacted at such Special Court shall be valid in all respects as if done by said Court, at its stated time or times of sitting, and in case any one or more, of the three Justices, whose turn it shall be to sit in said Court, shall be prevented from giving his attendance at any one or more of the sittings of said Court, whether a Special Court or otherwise, one of the other Justices, in rotation on the said list, shall be summoned to serve in the place of the Justice so absent, and the Justice so absent shall serve a like number of days for the Justice or Justices so doing his duty.

Clerk to summon Special Rotation Court, when required, in writing.

VI. *And be it further enacted*, That the said Act hereby revived, together with this Act, shall be and continue in full force and virtue until the thirty-first day of July, which will be in the year of our Lord one thousand eight hundred and two.

This Act has been further continued.

CAP. XVI.

An ACT to continue an Act, made and passed in the Twenty-ninth year of His present Majesty's reign, entitled, An Act for the better support of the Poor in the respective Counties within this Province, by laying an Impost Duty on articles imported into this Province, from the United States of America.

Expired.

CAP. XVII.

Expired.

An ACT to continue an Act, passed in the Thirty-second year of His present Majesty's reign, entitled, An Act for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares and Merchandise, imported into this Province; and also the Act in amendment thereof, passed in the last Session of General Assembly, entitled, An Act to alter, amend and continue, an Act, made and passed in the Thirty-second year of His present Majesty's reign, entitled, An Act for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares and Merchandise, imported into this Province.

CAP. XVIII.

An ACT for applying certain monies, therein mentioned, for the service of the year of our Lord one thousand eight hundred and one; and for appropriating such part of the Supplies, granted in this Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province.

[The 1st. 2d. 3d. 11th. and 17th. Sections of this Act are not printed, the same having been executed; the other Sections are printed, they being continued in force by subsequent Appropriation Acts.]

Appointment of Commissioners for expending monies voted for the service of roads and bridges

IV. *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, from time to time, to nominate one fit and proper person for the expenditure of each sum of money voted the present Session for the repair of roads and bridges, such person to act as Commissioner and Trustee, for the purpose of directing and superintending the making, building or repairing, such roads and bridges, within each county and district in the Province, as shall have been directed to be made, built or repaired, the present Session of General Assembly, and for the doing of which a particular sum of money shall have been granted; and it shall be lawful for the Governor, Lieutenant Governor, or Commander in Chief for the time being, by and with the advice of His Majesty's Council, at pleasure, to remove any or all of the said Commissioners, and to appoint others in their room; and the Secretary of the Province shall furnish, to the Treasurer of the Province, a list of the names of such Commissioners, and the particular sum of money for which each person shall be respectively appointed, and also shall furnish said Treasurer, from time to time, with a list of any alteration that may be made in the said Commissioners.

Treasurer of the Province to be furnished with a list of the Commissioners so appointed.

How Commissioners are to proceed on making, building, or repairing, any bridge or road, ordered to be made or repaired by the General Assembly.

V. *And be it further enacted,* That it shall not be lawful for any of the said Commissioners or Trustees, to proceed on making, building or repairing, any bridge or road, ordered to be made, built or repaired, for which a sum of money shall have been particularly appropriated this Session, in any other way than by contract, having first taken care to give due notice of such contract, before the same shall be closed, all which contracts shall be in writing, signed by the parties, and exact copies shall immediately be transmitted to the Treasurer of the Province. *Provided always,* that each of such Commissioners, before they enter into such contract, shall require reasonable security from the contractor or contractors, that he or they shall perform

perform such contract; and if the contractor or contractors shall require any money to be paid in advance, such Commissioners may, from time to time, advance any part of the amount of said contract, not exceeding, at any one time, one third part of the whole; and no advance to be made, until two sufficient bondsmen become bound with said contractor or contractors, in double the sum to be advanced, that he or they will perform and complete such contract; and no second advance shall be made to such contractor, until one half part of said work shall be executed, examined and passed, as having been done in a workman-like manner, agreeable to contract, and the said Commissioner shall so word his contract, that the same shall be finished within a limited time, and that he shall always withhold the payment of one third part of the full amount thereof, until such work shall be finished, and fully executed agreeably to contract.

Work to be done by Contract, and security taken for money advanced

VI. *And be it further enacted,* That the said Commissioners shall account exactly in the manner hereafter mentioned for the money from time to time advanced to them, and shall pay the contractor or contractors in money, and not in any other manner whatsoever. And when such Commissioner or Commissioners have had their accounts passed, or approved of, by His Majesty's Council and House of Assembly, and shall, in the first instance, have obtained a certificate from the Justices in their Sessions, and the Grand Jury for the county and district in which the Commissioner of such road or bridge shall reside, that such contract or contracts have been faithfully executed, and the money voted for such work properly laid out, such Commissioners shall be entitled to claim and receive so much per cent. on the sum so expended, as shall hereafter be judged to be a reasonable compensation for the service of such Commissioner. And all the Commissioners who have been, or shall be, appointed to expend the several sums of money, voted in the last Session of General Assembly, for the repair of bridges and roads, shall account for the expenditure of the money trusted to them in the manner herein before directed, and shall be entitled to the same allowance when their accounts shall have been certified, passed and approved of, as aforesaid.

Commissioners how to account: entitled to compensation, when their accounts are regularly passed.

VII. *And be it further enacted,* That when any contractor or contractors for repairing of roads throughout the Province, shall do any work on such road or roads at any time after the fifteenth day of October, it shall not be lawful for the Commissioner or Commissioners for such roads, to receive such work from such contractor or contractors, or to pay for the same until such road or roads shall have been examined and certified, on or after the first day of June following, to be then in the state and condition they were contracted for to be made.

Roads made or repaired after the 15th day of October, not to be certified, as completed, until the 1st of June following.

VIII. *And be it further enacted,* That the several sums which are hereby granted to the Commissioners of roads, are in full for their respective services during the past years, and each sum shall and may be divided between the Commissioners, acting under each commission, in such shares and proportions, as each of the persons named therein shall be entitled to, according to the services which each person may have actually performed in the execution thereof.

Sums granted to Commissioners of Roads for their services, when acting under one commission, to be divided.

IX. *And be it further enacted,* That whenever it shall be necessary to hold a Court of Nisi Prius, or Oyer and Terminer, or General Jail delivery, in any of the counties of this Province, the Judge of the Supreme Court, who shall be ordered to hold such Court, shall be allowed and paid at the rate of one pound three shillings and four pence per day, to pay his expences; and it shall be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to order the same by warrant, to be paid out of the Treasury of the Province; such daily allowance to be computed from the day on which such Judge leaves his home, until the day of his return, and no longer.

Judge of Supreme Court, when ordered to hold Court of Nisi Prius, &c. to be allowed £. 3s. 4d per day for his expences.

X. *And be it further enacted,* That the Commissioners of the Revenue for the time being, shall be Commissioners for the purpose of directing, ordering, and contracting for, such repairs as may be necessary at the Government House; and that all repairs hereafter to be made, shall be under the direction of the said Commissioners.

Commissioners of the Revenue to direct the repairs at the Government House.

Governor to draw money for support of prisoners committed to the County Jail of Halifax.

XII. *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to draw by warrant on the Treasury such sum or sums of money as may be necessary to defray the expences that may arise during the present year in maintaining prisoners committed to the county jail of Halifax, and not by law chargeable to the county, and also for the expence of bringing them to said jail.

Allowance to Collectors of Impost and Excise.

XIII. *And be it further enacted,* That there shall be allowed and paid to the Collectors of Impost and Excise, out of all and singular the duties respectively collected by them, and paid in cash into the treasury of the Province, that is to say, to defray the charges of collection in the district of Halifax, four pounds ten shillings, and no more, on every hundred pounds there collected and paid; and ten pounds, and no more, on every hundred pounds collected and paid at all and every the other districts and ports in this Province: which several allowances shall be in lieu of all fees, perquisites, and allowances whatsoever. *Provided nevertheless,* That if any Collector of Impost and Excise shall, directly or indirectly, follow and exercise the business or trade of a merchant, shopkeeper or dealer, in any of the articles by law subject to the duties, he shall forfeit and pay for each and every offence, the sum of fifty pounds: to be recovered in any of His Majesty's Courts of Record in this Province, by bill, plaint or information, one half of which forfeiture shall be paid to His Majesty, for the use of the Government of this Province, the other half to the person or persons prosecuting for the same; and no commission shall be allowed such Collector on the duties by him collected for the year in which such offence shall have been committed.

Allowance to Waiters & Guagers.

XIV. *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to appoint a fit and proper person, not being a Collector of Impost and Excise, as a Waiter and Guager in each of the out ports and districts of this Province, who (the Waiters and Guager of Halifax excepted) shall be paid five pounds for every hundred pounds of net revenue collected in such port or district (except as before excepted) and paid into the treasury.

Coroners fees, expence of inquests, &c. how delayed.

XV. *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to pay, out of the treasury of the Province, to the Coroners of the different counties, in lieu of all other fees or emoluments whatsoever, whether under the old table of fees or otherwise, the sum of thirty shillings for every inquest taken on any dead body, and properly returned to the Clerk of the Crown, part of which sum shall be applied for paying twelve shillings to the Jurors, and two shillings and six pence to the constable for their fees, and any further necessary charge attending such inquest shall be returned to the Justices in their Sessions, and the Grand Jury, and if approved of, and voted, by such Jury, shall be paid by the county in which the same was taken. *Provided,* The said Coroners shall render an account of the items of such charges, and make due proof thereof.

Governor to draw warrants on the Treasury, for the Justices of the Supreme Court, &c.

XVI. *And be it further enacted,* That it shall and may be lawful for the Governor, Lieutenant-Governor, or Commander in Chief for the time being, to draw warrants on the Treasury for all such sums of money as are appointed by the perpetual laws of the Province to be paid to the Justices of the Supreme Court, college, and rent for public Buildings.

Treasurer paying monies out of the Treasury, except under this Act, or some other, to pay 500l.

XVIII. *And be it further enacted,* That it shall not be lawful for the Treasurer of the Province, to pay any sum or sums of money out of the Treasury of the Province, other than such as are expressed and directed in this, or some other Act or Acts of the Province, under the penalty of five hundred pounds for every offence, to be recovered by any person or persons who shall sue for the same, in any of His Majesty's Courts of Record in this Province, and to be applied to the use of such person or persons suing for the same.

Appointment of Commissioners of the Revenue, and their duty.

XIX. *And be it further enacted,* That to facilitate the collection of the Revenue, and the arrangement and liquidation of the Public Accounts, it shall and may be lawful for the Governor,

nor, Lieutenant-Governor, or Commander in Chief for the time being, to nominate, and appoint, five fit persons to act as Commissioners of the Revenue, to serve without fee or reward, and who shall be sworn to the faithful and punctual discharge of their office, before they enter upon the execution thereof; which Commissioners, or any three of them, shall, and they are hereby empowered to, examine, and, on just cause shewn, to approve of, the claim or claims of all persons demanding drawback of duties, upon such dutiable articles as may have been imported, and the duties thereon paid or secured, and afterwards exported out of the Province, under, and in conformity to, the provisions of any Act or Acts passed this present Session of Assembly, and to grant certificate or certificates to such claimants for the re-payment of such duties as aforesaid; and the Treasurer of the Province is hereby empowered to direct and order all Public Accountants within the Province, quarterly, or at the end of every three months, to make up regular and correct returns of their receipts, payments, and other official proceedings, agreeable to such forms as he shall prescribe to them, and which returns, the said Public Accountants are hereby directed to transmit to the Treasurer's Office at Halifax, by the earliest conveyance after the end of each and every quarter as aforesaid, and the said Treasurer shall examine, correct and audit, all accounts so sent to his office as aforesaid, and from time to time report thereon to the aforesaid Commissioners; and shall also prepare, and deliver into the Committee of Public Accounts, of the General Assembly, at the next Session, a report and general statement of the Revenue, and Accounts of the Province.

Public Accountants, at the end of every three months to render their accounts to the Treasurer, who must audit the same, and return a general statement thereof to the Committee of public accounts.

XX. *And be it further enacted,* That it shall and may be lawful for the said Commissioners, to direct, and carry on, prosecutions against all delinquent officers, and provincial debtors, and also prosecutions for seizures, forfeitures, and other breaches of the Revenue Laws.

Commissioners of Revenue to prosecute all delinquents.

XXI. *And be it further enacted,* That the Collectors of Impost and Excise shall keep a regular set of books, by double entry, wherein shall be opened accounts, with all and every importing merchant, debiting all entries, and crediting all receipts of money, permits, and certificates of drawbacks; which books shall be regularly balanced, and produced for inspection, with their general accounts, when called for by the Treasurer of the Province, or the Committee of Public Accounts; and the Collectors of Impost and Excise, are hereby directed to transmit, quarterly, to the Treasurer of the Province, a list of permits by them given and received, for the removal of dutiable articles within the preceding quarter, under pain of removal from office, for neglect of this duty.

Account books of the Impost and Excise subject to the inspection of the Treasurer, and Committee of the public accounts.

Collectors of Impost and Excise to transmit, to the Treasurer, quarterly, list of permits granted for the removal of dutiable articles.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twentieth day of February, Anno Domino, 1800, and continued by several Prorogations to the twenty-fifth day of February, 1802; in the Forty-second year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of the United Kingdom of Great-Britain and Ireland, KING, Defender of the Faith, &c. &c. being the Third Session of the Eighth General Assembly, convened in the said Province.*

* In the time of Sir John Wentworth, Baronet, Lieutenant-Governor; S. S. Blowers, Chief Justice and President of Council; R. J. Uniacke, Speaker of the Assembly; James Gauzier, Secretary of Council, and James B. Franklin, Clerk of Assembly.

CAP. I.

An ACT for establishing a Circuit Court in the District of Colchester.

Supreme Court to be held, annually, at Truro, the Thursday before first Tuesday in June.

BE it enacted by the Lieutenant-Governor, Council and Assembly, That the Supreme Court shall be held, annually, at Truro, in the District of Colchester, on the Thursday preceding the first Tuesday of June, and shall not sit longer than three days from the opening thereof.

In the absence of the Chief Justice the said Court to be held by one of the assistant Justices.

II. *And be it further enacted*, That in the absence of the Chief Justice, the said Supreme Court may be held at Truro aforesaid, and also at Amherst, in the county of Cumberland, by one of the assistant Justices of the said Court, and such person or persons, being a Justice of the Common Pleas, or of the profession of the law, as the Governor, Lieutenant-Governor, or Commander in Chief for the time being, may, by advice of Council, associate and commission from time to time for that purpose, any law, usage or custom, to the contrary notwithstanding.

If inconvenient, said Court may be held elsewhere in the district.

III. *Provided always*, That in case it shall appear to the said Court, after its first sitting, that it will be more convenient to hold said Court in any other part of said district, it shall be lawful for said Court to alter the place of holding said Court to such other place within the district as shall be conformable to the presentment of the Grand Jury, that shall serve at such Court.

CAP. II.

An ACT for the appointment of Inspectors of Butter in the County of Cumberland.

Mode of appointing Inspectors of Butter in County of Cumberland.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication hereof, the Justices, and Grand Jury, in the County of Cumberland, at their Sessions, annually, may appoint one or more fit and proper person or persons in each township or district

district within said County, to be Inspector or Inspectors of Butter, who shall be sworn to the true and faithful performance of their office, as other town officers are : and such Inspector or Inspectors of Butter shall receive three pence for each and every firkin of Butter so inspected by them.

II. *And be it further enacted*, That such Inspector or Inspectors shall brand, on each and every firkin so inspected, the tare of the firkin, and also the quality of the butter, whether prime, second or third, together with the name of the county where such butter is made. And if any such Inspector or Inspectors, so appointed, shall refuse to accept of such office, or shall neglect or refuse, when so appointed, to inspect or examine any butter, being in firkin, he shall pay for every such neglect or refusal, the sum of forty shillings, on conviction before any one of His Majesty's Justices of the Peace in the said county. One half of which sum shall be paid to the informer, and the other half to be paid to the Overseers of the Poor, for the benefit of the poor in such township or district.

III. *And be it further enacted*, That no butter, being in firkins, shall be deemed merchandisable, or shall be sent out of the said county, unless such Butter shall have been inspected by the person so appointed ; and if any person or persons shall send, or export, any butter in firkins for sale from the said county, without such butter being inspected as aforesaid, he or they shall forfeit the sum of ten shillings, for each and every firkin so sent out, to be recovered and applied as aforesaid.

Inspectors to brand the tare, and quality of the butter, &c.

Upon the appointed Inspector refusing to serve, to pay 40s.

No butter to be deemed merchandisable except inspected.

CAP. III.

An ACT to enable the Justices of the Sessions, and Grand Jury, for the County of Halifax, to raise such Sums of Money, from time to time, as may be necessary to repair the Poor House at Halifax, and, also, for building additions to the same.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication hereof, it shall and may be lawful for the Grand Jury, of the county of Halifax, from time to time, at any General or Special Sessions of the Peace, to present such sum or sums of money as they may, from time to time, think necessary for repairing the poor-house at Halifax, and also, for building additions thereto ; which presentment, or presentments, when confirmed by the Justices in their said Sessions, shall be assessed and collected in like manner as the poor or other county rates now are ; and when so assessed, and collected, the amount thereof shall be paid to the Commissioners of the Poor for said town of Halifax, to be by them expended in carrying on and making such repairs and new building.

Grand Jury to assess the inhabitants for the repair of the Poor house.

CAP. IV.

An ACT to regulate and establish Fees in the Court of Chancery.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the several Officers of the said Court of Chancery shall, for services to be performed by them, take and receive the following Fees :—

CHANCELLOR'S FEES.

Every hearing of a cause, each day, *twenty shillings*.
Pronouncing decree, and signing and sealing the same, *three pounds ten shillings*.

Chancellor's fees

I. b.

COUNSEL

COUNSEL AND SOLICITOR'S FEES.

Counsel and Solicitor's Fees.

- Retainining fee for counsel, *one pound three shillings and four pence.*
- Taking instructions to draw a bill, *ten shillings.*
- Taking instructions to draw an answer, *ten shillings.*
- Making draught of a bill or answer, for every ninety words, *one shilling.*
- Counsel's fee for examining and signing the draught of each bill or answer, *one pound three shillings and four pence.*
- Engrossing the same, every ninety words, *six pence.*
- Entering an appearance in each cause, *six shillings and eight pence.*
- Attending to file the bill, answer, affidavit or petition, *three shillings and four pence.*
- Every subpoena, injunction, or other writ, *five shillings.*
- Copies for service, each, *two shillings and six pence.*
- Drawing affidavit of service of subpoena, injunction, order or notice, *three shillings and four pence.*
- Every Term fee, the terms to be computed according to the arrangement of Terms in the Supreme Court, *five shillings.*
- Every petition, *five shillings.*
- Attending to get the same answered, *five shillings.*
- Solicitor's fee on every special motion to the Court, *five shillings.*
- Counsel's fee for making or defending same, to be taxed, not to exceed, *two pounds six shillings and eight pence.*
- Drawing up every rule or order, *two shillings and six pence.*
- Engrossing and filing the same, *two shillings and six pence.*
- Each copy of a rule or order for service, *one shilling.*
- Drawing briefs in every cause, every ninety words, *one shilling.*
- Fair copies, every ninety words, *six pence.*
- Every recognizance, *three shillings and four pence.*
- Replications, and all other pleadings in a cause, every ninety words, *one shilling.*
- Engrossing the same, every ninety words, *six pence.*
- Counsel's fee for examining and signing each pleading, *one pound three shillings and four pence.*
- Drawing every notice, of any kind, *three shillings and four pence.*
- Each copy for service, *one shilling.*
- Draughts of interrogatories, every ninety words, *one shilling.*
- Counsel, for examining and signing the same, *one pound three shillings and four pence.*
- Engrossing interrogatories, every ninety words, *six pence.*
- Setting down cause for trial, *three shillings and four pence.*
- Counsel fee, on trial of a cause, to be taxed by the Court, but not to exceed the sum of *five pounds sixteen shillings and eight pence.*
- Solicitor's fee attending Court each day on hearing of cause or motion, and attending sales or references, each day, *six shillings and eight pence.*
- Making up bill of costs, *six shillings and eight pence.*
- Solicitor attending taxation, *six shillings and eight pence.*
- For serving every notice, order, subpoena, or other writ, on each person, *five shillings.*
- Travel, per mile, *three pence.*
- Draught of decree, every ninety words, *six pence.*
- Attending Register to compare decree before signing and sealing, *six shillings and eight pence.*
- Engrossing the same, every ninety words, *six pence.*

Atter ding

Attending to get decree sealed and enrolled, *six shillings and eight pence.*

All other writing necessary to be done in the conducting cause, and allowed by the Court, every ninety words, *six pence.*

MASTER OF THE ROLLS, OR MASTER'S FEES.

Each day hearing a cause, *eleven shillings and eight pence.*

Taking examinations of witnesses, each day, *eleven shillings and eight pence.*

Reference for taxing costs, and all other references on which special report shall be made, *one pound three shillings and four pence.*

Poundage on all sales for receiving and paying the money, if less than five hundred pounds, *three per cent.* and all above five hundred pounds, *two per cent.* including Auctioneer's charges.

Drawing and executing every deed, *two pounds six shillings and eight pence.*

All costs attending the execution of special commissions, to be taxed, and allowed by the Court.

Master of the
Rolls, or Master's
fees.

REGISTER'S FEES.

Copies of all papers, every ninety words, *six pence.*

Comparing, signing and certifying copies, *two shillings and six pence, each.*

Signing every rule or order on petition, *one shilling.*

Sealing every writ, *three shillings and four pence.*

Every search, *one shilling.*

Entering every bill, answer, plea, replication or demurrer, *two shillings and six pence.*

Filing all papers, each paper, *six pence.*

Attending every hearing, each day, *ten shillings.*

Making up final decree, enrolling and getting same sealed, *eleven shillings and eight pence.*

II. *And be it further enacted,* That the Register of the Court shall receive the Chancellor's fees, and be accountable therefor to him without fee or reward; and no other or greater fees than are herein specified, shall be received, or taken, for any of the services mentioned, and that if in any cause it shall be necessary to do or perform any services, for which the fees are not particularly regulated by this Act, the same shall be taxed and allowed after such rates as are herein specified for similar services, and not otherwise.

Register to re-
ceive the Chan-
cellor's fees, and
to be accountable
therefor to him.
No fees to be
taken, except
such as are speci-
fied in this Act.

CAP. V.

An ACT to enable the Justices and Grand Jury for the Districts of Colchester and Picton, to assess the Inhabitants of the said Districts, for the purpose of opening and repairing roads of communication from one settlement to another.

WHEREAS the inhabitants of the Districts of Colchester and Picton, labour under many inconveniences in consequence of the disconnected situation of the different settlements within the same, and the statute labour not being sufficient to open and repair roads of communication:

Preamble.

1. *Be it enacted, by the Lieutenant-Governor, Council and Assembly,* That, from and after the publication hereof, where any road or communication is deemed necessary to be made, or any old road shall be out of repair, and the statute labour is not sufficient to open or repair the same, it shall and may be lawful for the Justices and Grand Jury for the districts aforesaid, at their General Sessions, to be holden in January every year, to assess the inhabitants of the said districts,

Justices and
Grand Jury to
assess the inhabi-
tants or repair
of roads.

districts, in such sums of money as shall be deemed necessary to open or repair such roads: which sums of money shall be assessed, and collected, and levied, as other county or district charges, and the same shall be laid out and expended for the sole purpose of opening and repairing the road set forth in the presentment, and for no other purpose whatsoever.

Persons allowed to work instead of paying the assessment.

II. *And be it further enacted*, That in case any person who shall be assessed in any sum of money, by virtue of this Act, shall prefer to work upon the road, for which such money shall be raised, it shall and may be lawful for the Commissioners or Overseers of the said road, to apportion, and set off to such person, a part of the said road to be repaired, by such person who shall require the same, which part of the road shall be repaired and made according to directions to be given him by the said Commissioner or Overseer; and if any person, after having undertaken to make or repair such part of the said road as shall be set off to him as aforesaid, shall neglect to finish the same in the manner, and at the time, prescribed, he shall be liable to pay the sum of money assessed upon him, and the same shall be recovered in the manner herein before directed; *Provided nevertheless*, that all money or work so to be assessed, collected, levied, or done, shall be laid out, expended and done, within the bounds of the township where the same is raised.

All money to be expended in the township where collected.

Grand Jury to appoint a Commissioner or Overseer.

III. *And be it further enacted*, That the Grand Jury shall nominate two fit and proper persons, out of which the Court shall choose one for each township or settlement so to be assessed, who shall be Commissioner or Overseer for superintending the faithful expenditure and application of the several sums of money, or number of days work, within the different townships or settlements, in the said districts.

Commissioner or Overseer to render an account of all monies.

IV. *And be it further enacted*, That all Commissioners or Overseers, to be appointed under this Act, shall render an account to the General Sessions of the said districts the next January Sessions, after he or they shall be appointed, of all monies received by them, and of the expenditure of the same; and of all work done within the township or settlement, or place, for which he or they shall be appointed.

CAP. VI.

An ACT to alter, and amend, an Act, passed in the Thirty-second year of His present Majesty's reign, entitled, An Act to alter, and amend, an Act, passed in the Thirty-third year of His late Majesty's reign, entitled, An Act for regulating and maintaining an House of Correction, or Work-house, within the Town of Halifax, and binding out Poor Children, and to extend certain provisions therein to the whole of the Province.

Preamble.

WHEREAS the house of correction for the town and peninsula of Halifax, for want of a separate building for that express purpose, is at present kept, partly, in the building usually called the poor-house, and partly in the prison:

Acting Commissioner to have the superintendance and direction of all persons committed to the House of Correction.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly*, That whenever the Justices in Sessions, or any one Justice in the town and peninsula of Halifax, shall commit any idle or disorderly person or persons to the house of correction, the acting Commissioner of the Poor, for the time being, shall have the direction and superintendance of all and every such idle and disorderly person and persons, and may direct, as often as he shall see fit, the removal of any such person or persons to and from the poor-house, and jail, respectively, during the time for which such person or persons shall have been committed; and the keeper of such jail shall, and

is.

is hereby required, to obey all such orders as he shall receive from any acting Commissioner, as well with respect to the removal to the poor-house of any such disorderly person or persons who shall have been so committed to the county jail, as also to the receiving into the said jail any person or persons who shall have been committed to the poor-house for correction as aforesaid.

II. *And be it further enacted,* That it shall and may be lawful for the acting Commissioner of the poor-house, and he is hereby required, on application, to victual him, her or them, according to the table of the diet of the paupers in the poor-house, whether for full, middle or bridewell, allowance, for man or woman; and such acting Commissioner shall furnish to the keeper of such prison, proper materials for keeping all persons, so committed or removed to his custody, to hard labour, regard being had to age and sex: and the said keeper shall there-with keep such person or persons employed in the manner directed in the said Act, and shall account to the said Commissioner for the articles so entrusted to his care, and be liable to pay for any deficiency thereof, unless it shall appear to have been occasioned by some unavoidable accident.

Commissioner to attend to the victualling, and employing, persons committed.

III. *And be it further enacted,* That the keeper of the prison of Halifax, to which such person or persons shall be committed or removed, shall receive from each and every person so committed or removed, when discharged, the sum of five shillings, by way of fees: and in case such person shall be unable to pay the same, the Commissioners of the Poor shall pay the same to the said keeper, and insert the amount in their account of expences.

Keeper of Prison entitled to five shillings from each person discharged.

IV. *And be it further enacted,* That no keeper of any house of correction, or jail, to which any idle or disorderly person or persons shall be committed or removed; shall have power to inflict any corporal punishment on such person or persons, unless the warrant under which such person or persons shall be committed shall expressly specify that corporal punishment shall be inflicted on such offender. *Provided always,* That nothing herein contained shall be construed to authorise the Sheriff to discharge, by his own authority, any person so committed to the said jail, or be construed to render the Sheriff of the county of Halifax liable for the safe keeping of any person or persons so committed:

Keeper of Prison not to inflict corporal punishment unless by warrant.

CAP. VII.

An ACT to enable the Trustees of the Government South Farm, to re-invest in the Crown a part of said Farm, wanted for Military purposes.

WHEREAS a certain part of the Land, commonly called, and known by the name of, the Governor's South Farm, granted in trust to the Secretary, Treasurer, and Surveyor-General of the Province, and their Successors in Office, has been required by the Commander in Chief of His Majesty's Troops in this Province, for military purposes, which said piece of Land is bounded as follows:—on the north side by the public street leading to the rope-walk, and there measuring, one hundred and fifty-three feet: on the west, by military ground, one hundred and sixty three feet and eight inches: on the south, by military ground, one hundred and fifty four feet: and on the east, by the said farm, one hundred and sixty five feet:

Preamble.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly,* That it shall and may be lawful for the said trustees of said farm, by and with the consent of the Governor, Lieutenant Governor, or Commander in Chief for the time being, to sell, alienate or dispose of, the above described part of the said farm for military purposes, or to receive other land in lieu thereof, or to lease the said described piece of land for such term or terms of years, and upon such conditions, as they shall think proper, and to apply the proceeds of the sale or rents of said

Trustees authorized to dispose of a part of Governor's South Farm.

said land, in such manner as they may think just, and equally beneficial to the Governor, Lieutenant-Governor, or to their successors in office: and the said land shall thenceforth be appropriated, agreeably to their conveyance thereof, to such purposes as His Majesty's military service may require. *Provided*, That nothing herein contained shall be of any force or effect until His Majesty's pleasure shall be known thereon.

Not to take effect until His Majesty's pleasure is known.

CAP. VIII.

An ACT in addition to an Act, made and passed in the Forty-first year of His present Majesty's reign, entitled, An Act, for the repairing, keeping in repair, cleaning and paving, the Streets in the Town and Peninsula of Halifax, and for removing obstructions therein; and also to suspend the power and authority vested in the Surveyors of Highways, within the Town and Peninsula of Halifax, after the first day of August next, during the operation of this Act.

Preamble.

WHEREAS it would render the said Act more effectual and beneficial to the public, if the powers and authority vested in the Commissioners were extended:

Commissioners empowered to repair the road from Block House Hill to Nine Mile Post.

I. *Be it therefore enacted, by the Lieutenant Governor, Council and Assembly*, That the powers and authority vested in said Commissioners by the above recited Act, shall, from and after the publication hereof, be extended to the repairing, and keeping in repair, the roads and bridges from the bridge on the west side of Block-House Hill, to the Nine Mile Post, on the main road to Sackville.

CAP. IX.

An ACT for applying certain monies, therein mentioned, for the service of the year one thousand eight hundred and two; and for appropriating such part of the Supplies, granted in this Session of the General Assembly, as are not already appropriated by the Laws or Acts of the Province.

Executed.

CAP. X.

An ACT to continue an Act, made in the Thirty-seventh year of His present Majesty's reign, entitled, an Act to revive, and continue, an Act, passed in the Thirty-third year of His present Majesty, entitled, an Act in amendment of, and in addition to, an Act, made in the Thirty-third year of the reign of His late Majesty, entitled, an Act for regulating, and maintaining, a Light House on Sambro Island, and in addition to, and amendment of, an Act, made in the Twenty-eighth year of His present Majesty's reign, entitled, an Act for regulating, and maintaining, a Light-House at the entrance of Shelburne Harbour. Expired.

CAP. XI.

An ACT to continue an Act, made and passed in the Twenty-ninth year of His present Majesty's reign, entitled, An Act for the better support of the Poor in the respective Counties of this Province, by laying an Impost Duty on articles imported into this Province from the United States of America. Expired.

CAP. XII.

An ACT to continue the several Revenue Laws for the support of His Majesty's Government in this Province. Expired.

CAP. XIII.

An ACT to alter, and amend, an Act, passed in the Thirty-ninth year of His present Majesty's reign, entitled, An Act for repairing, or rebuilding, the Market-House, erecting a Country Market House, and regulating the several Markets in the Town of Halifax; and, also, to revive, alter and amend, and bring into one Act, the Act for preventing Frauds by Butchers and Fishmongers, and the Act, made in the Thirty-fourth year of His late Majesty's reign, for regulating and establishing a Public Market in the Town of Halifax.

WHEREAS it would greatly contribute to the accommodation of the Town of Halifax, as well as the Country, if the Town Butchers were permitted to use part of the new Country Market for the present, until another situation for them shall be provided: Preamble.

L. Be it therefore enacted, by the Lieutenant Governor, Council and Assembly, That, from and after the

Stalls of the Country Market to be let at Public Auction, sufficient for the town butchers.

Three stalls to be reserved.

Town butchers to be subject to the rules and regulations, provided by the Act.

Further continued by subsequent Acts.

the publication hereof, it shall and may be lawful for the said Commissioners, to advertise, and let at public auction, from time to time, to the highest bidders, so many of the stalls in said Country Market as shall be sufficient to accommodate such of the town butchers as may be inclined to bid for the same, taking care not to let to one butcher, or company of butchers, more than one stall, and reserving, at the same time, the three stalls at the north door, which will be fitted and kept for the use of the countrymen, who may have occasion, from time to time, to use the same.

II. *And be it further enacted*, That after said stalls shall have been so advertised, and let, as aforesaid, the same shall, for the present, be subject to all the rules and regulations provided in and by said Act for the regulation of the Town Market, the same as if such Town Market had actually been repaired and built, as is provided in and by said recited Act, and the Justices in their Sessions shall make regulations for said town butchers, after the letting of said stalls, with which regulations the said town butchers, victuallers, and journeymen butchers, shall strictly comply, any thing contained in the said Act to the contrary notwithstanding; and such butchers, victuallers, and journeymen butchers, shall, also, after the letting of said stalls, conform in all respects to, and with, all and every the regulations and provisions contained in the said recited Act. And the said Commissioners shall appoint a keeper for that part of the said market allotted for the use of the town butchers, and likewise for that part of said market which shall be left for the use of the country; and the keepers, when so appointed, shall have all the power and authority vested in the keepers of the markets, in and by the said recited Act. *Provided always*, that this Act shall continue in force until the thirty-first day of July, which will be in the year of our Lord one thousand eight hundred and three, and no longer.

CAP. XIV.

An ACT in alteration, and amendment, of an Act, made in the Thirty third year of the reign of His present Majesty, entitled, An Act for providing for the support of His Majesty's Government, by laying an additional duty on Wine, Rum, and other articles therein mentioned, and for encouraging the agriculture, fisheries and commerce, of this Province.

Preamble.

WHEREAS the duties at present payable by Law upon low priced Wines, are found too high, and in many cases amount to a prohibition; and whereas a beneficial trade might be carried on between the inhabitants of this Province and the Azores Islands, provided the said duties were reduced:

3d. hereafter to be paid on each gallon of wine, imported from the Azores or Western Islands.

I. *Be it therefore enacted*, by the Lieutenant Governor, Council and Assembly, That, from and after the thirty first day of July next, there shall be raised, levied, collected, and paid to His Majesty, His heirs, and successors, for the support of the Government of this Province, upon all wine, the produce of any of the islands called the Azores, or Western Islands, which shall thereafter be imported into this Province, the rate and duty of three pence, and no more, upon each and every gallon of wine, so imported and brought, which three pence shall be in stead and in lieu of all duties imposed by the herein recited Act, or any other Act: any thing in the said Acts to the contrary notwithstanding.

1d. deduction in case one third part of said wine be purchased with the produce of this Province.

II. *And be it further enacted*, That in case one third part of the said wine, so to be imported from the said Azores, or Western Islands, shall have been purchased and paid for with the produce of this Province, the person or persons so importing the same, shall be entitled to a deduction of one penny on each and every gallon so imported, upon their making the affidavit,

vit, and complying with the directions of the herein before recited Act with respect to rum, sugar, molasses and coffee, purchased with the produce of the Province.

III. *And be it further enacted*, That in case any of the wines, the produce of said islands, shall hereafter be exported from the Province, a drawback of the duties paid or secured thereon, shall be granted and allowed, agreeably to the rules and regulations mentioned and expressed in the before recited Act.

In case of exportation of said wine, a drawback allowed.

IV. *And be it further enacted*, That this Act, and every matter, clause and thing therein, shall be and continue in force, to the thirty-first day of July, which will be in the year of our Lord one thousand eight hundred and three.

Further continued by subsequent Acts.

CAP. XV.

An ACT to continue an Act, made and passed in the Thirty-ninth year of His present Majesty's reign, entitled, An Act for raising a Revenue to repair the Roads throughout the Province, by laying a Duty on Persons hereafter to be Licensed to keep Public Houses or Shops for the retail of Spirituous Liquors, and for regulating such Public Houses and Shops; also the Act, passed in the Fortieth year of His Majesty's reign, in amendment of the above recited Act; and, also, an Act, passed in the Forty-first year of His Majesty's reign, entitled, An Act in addition to, and amendment of, the said above recited Act.

Expired.

CAP. XVI.

An ACT to continue in force the several Acts therein mentioned.

Expired.

CAP. XVII.

An ACT to alter, and amend, an Act, passed in the Thirty-third year of His present Majesty's reign, entitled, An Act for providing for the support of His Majesty's Government, in this Province, by laying an additional duty on Wine, Rum, and other articles herein mentioned, and for encouraging the agriculture, fisheries and commerce, of this Province.

WHEREAS it has been found inconvenient and detrimental to the Revenue to allow a drawback of the Impost duty on rum, and other spirituous liquors, molasses, brown sugar, and coffee, imported or brought into the Province by persons not resident therein:

Preamble.

I. *Be it therefore enacted*, by the Lieutenant Governor, Council and Assembly, That it shall not be lawful for the Commissioners of the Revenue, to allow to any person or persons, not resident inhabitants as aforesaid, a drawback of the impost duty on rum, or other spirituous liquors, wine, molasses, brown sugar, or coffee, imposed and secured by law, although the produce of

Commissioners not to allow drawbacks to non-resident inhabitants, of Impost duty on rum, although returns be made in produce.

this

Not-Residents al-
lowed drawback
on exportation.

this Province should afterwards be exported within six months in the same bottom, in which the importation was made; any law, usage or custom, to the contrary notwithstanding. *Provided always*, That in case such person, or persons, shall export the articles on which such additional duties shall be imposed and collected, or secured, to any port or place out of the Province, such person or persons shall, on the usual certificates, besides the drawbacks already allowed by law, therefor, be entitled to receive the whole of the additional duties imposed by the herein before recited Act, without any deduction whatsoever.

Act to continue
until 31st July.

II. *And be it further enacted*, That this Act, and every matter, clause and thing, therein contained, shall be and continue in force until the thirty-first day of July, which will be in the year of our Lord one thousand eight hundred and three.

CAP. XVIII.

Expired.

An ACT to continue an Act, passed in the Thirty-second year of His present Majesty's reign, entitled, an Act for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares and Merchandise, imported into this Province; and, also, the Act in amendment thereof, passed in the last Session of General Assembly, entitled, an Act to alter, amend and continue, an Act, made and passed in the Thirty-second year of His present Majesty's reign, entitled, an Act for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares and Merchandise, imported into this Province.

CAP. XIX.

Expired.

An ACT to continue an Act, made and passed in the Thirty-fourth year of His present Majesty's reign, entitled, an Act to provide for the support of the Grammar School in Halifax, and for other public purposes therein contained.

CAP. XX.

Expired.

An ACT for encouraging the Fisheries of this Province, by granting a Bounty upon Cod-Fish, caught and cured by the Inhabitants thereof.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on the Twentieth day of February, Anno Domini, 1800, and continued by several Prorogations to Wednesday the First day of June, 1803; in the Forty-third year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of the United Kingdom of Great-Britain and Ireland, KING, Defender of the Faith, &c. &c. being the Fourth Session of the Eighth General Assembly, convened in the said Province.*

* In the time of Sir John Wentworth, Baronet, Lieutenant-Governor; S. S. Blowers, Chief Justice and President of Council; (during part of this Session, Alexander Croke, Dr. of Law and Judge of the Admiralty Court, acted as President of Council) R. J. Uniacke, Speaker of the Assembly; James Gautier, Secretary of Council; and James B. Franklin, Clerk of Assembly.

CAP. I.

An ACT in amendment of an Act, passed in the Thirty-fifth year of His Majesty's reign, entitled, an Act to prevent the harbouring Deserters from His Majesty's Army, and the sale of arms, accoutrements and cloathing, belonging to His Majesty.

WHEREAS *the penalty of five pounds, prescribed by the above recited Act, for persons harbouring Deserters, is found insufficient for preventing that offence, and it is necessary to provide for the easier reception of Deserters into the jails, in the several counties in this Province:*

Preamble.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly, and it is hereby enacted, That from and after the publication of this Act, any person harbouring a deserter, knowing him to be such, shall, instead of the penalty of five pounds, prescribed by the said recited Act, be liable to the penalty of twenty pounds, to be recovered by the ways and means, and applied to the purposes, directed in and by the said Act, any thing therein contained to the contrary notwithstanding.*

Persons harbor-
ing Deserters to
pay 20l.

II. *And be it further enacted, That it shall and may be lawful for the Sheriff of the county, or his deputy, or for any constable of the town or place, where any person who may be reasonably suspected to be a deserter shall be found, or for any officer or soldier in His Majesty's service, to apprehend, or cause such suspected person to be apprehended, and to bring, or cause him to be brought, before any Justice of the Peace, living in or near such town or place, who hath hereby power to examine such suspected person; and if, by his confession, or the testimony of one or more witnesses or witnessess, upon oath, or by the knowledge of such Justice of the Peace, it shall appear, or be found, that such suspected person is a listed soldier, and ought to be with the troop or company to which he belongs, such Justice of the Peace shall forthwith cause him to be conveyed to the jail of the county, or the house of correction, in such town or place, where such deserter shall be apprehended, and shall transmit an account thereof to the Governor,*

Sheriff, Constable, &c. authorized to apprehend a person suspected of being a deserter, and to carry him before a Justice of the Peace;

upon testimony of his being a deserter, the Justice to commit him to Jail, and

Governor,

send notice thereof to the Governor.

The keeper of the jail to receive the full subsistence of such deserter, but neither fee or reward.

Governor, or Lieutenant-Governor, of the Province, or to the commanding officer of the district, to the end that such person may be removed, and proceeded against according to law: and the Sheriff of the county, the keeper of every jail, house of correction, or prison, in which such deserter shall at any time be confined, shall receive the full subsistence of such deserter, during the time he shall continue in his custody, for the maintenance of such deserter, but shall not be entitled to any fee or reward, on account of the imprisonment of such deserter; and the keeper of every jail, house of correction, or other prison, shall, and he is hereby required to, receive and confine such deserter while on the road from the place where he was apprehended, to the place to which he is to be conveyed, either by warrant of the said Justice, or by order of the Governor, Lieutenant-Governor, or commanding officer of the district; and shall not be entitled to any fee or reward, on account of the imprisonment of the said deserter; any law, or usage, to the contrary notwithstanding.

CAP. II.

An ACT in addition to, and amendment of, an Act, passed in the Fortieth year of His Majesty's reign, entitled, An Act for the better regulating the Inferior Court of Common Pleas, and General Sessions of the Peace, for the County of Annapolis.

Preamble.

WHEREAS it is expedient that a Court or Session House should be erected in the western district of the county of Annapolis, in which to hold the Courts of our Lord the King, appointed to be held in that part of the county of Annapolis:

Grand Jury authorized to make presentment of such sum of money as may be necessary for building or repairing a Court House. To be levied under the Act of the 5th Geo. 3d.

1. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly,* That it shall be lawful for the Grand Jury, for the county of Annapolis, at the Court of Assize held for the said county, to make presentment of such sum or sums of money as may be expedient to be raised for the building or repairing a Court or Sessions House, in such part of said district as the Grand Jury for the said county shall appoint; which sum or sums of money so presented, shall be assessed, raised, levied, proportioned and paid, in manner as is prescribed by an Act, passed in the fifth year of His present Majesty's reign, entitled, "An Act for raising money by presentment, on the several counties of this Province, for the defraying certain county charges there-mentioned."

Money to be applied to that purpose only.

II. *And be it further enacted,* That such money shall be applied for and towards the purpose for which the same is presented, in such manner, by such person or persons, and under such regulations, as the said Court shall order in that behalf.

Court of Sessions for the County of Annapolis, to be held at Digby on the second Tuesday of June, annually.

III. *And whereas, it is found inconvenient to hold the Summer Sessions of the Inferior Court of Common Pleas and General Sessions of the Peace, of the County of Annapolis, at Digby, on the third Tuesday of June: Be it enacted by the authority aforesaid,* That, from and after the passing of this Act, the said Court and General Sessions shall be held, annually, on the second Tuesday of June, and not on the third Tuesday of June, as heretofore accustomed.

CAP. III.

An ACT in amendment of an Act, made and passed in the Tenth year of His Majesty's reign, entitled, An Act for the settlement of the Poor in the several Townships in this Province ; and, also, in amendment of an Act, made in the Forty-first year of His said Majesty's reign, entitled, An Act for the better management and relief of the Poor at Halifax.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That whenever any poor person shall apply for relief to any Overseers or Commissioners of the Poor, and it shall appear, by the declaration on oath made by such poor person, or other satisfactory proof in manner prescribed by the said first-mentioned Act, that he or she has gained a lawful settlement in some township or place in this Province, other than where application is made for relief, it shall and may be lawful for such Commissioners or Overseers to grant the necessary relief to such poor person, of which they shall send notice in a reasonable time to the Overseers or Commissioners of the Poor, for the town or place of his or her settlement, that they may remove such poor person thither, if they see fit ; and all reasonable expences which may be incurred for his or her relief, or for the burial of such poor person, shall be charged to the Overseers or Commissioners of the Poor for the town or place of settlement of such poor person, and they shall accordingly stand charged with, and pay, all such expences in manner directed by the said first-mentioned Act.

Application for relief to be made on oath respecting residence.

Overseers and Commissioners empowered to remove persons to their own town or place of settlement, and to charge the expence.

II. *And be it further enacted,* That when any person shall apply for, and obtain, relief from the Overseers or Commissioners of the Poor of any town or place, and it shall happen that such person, at the time of his or her application, or relief, is possessed of, or entitled to, any property, real or personal, out of which the expences incurred for his or her relief may be repaid ; it shall and may be lawful for such Overseers or Commissioners of the Poor, as creditors in behalf of the public to such person, to demand and receive, from him, or her, a repayment of all or any part of the expences so incurred for the relief of such person, and, if need be, to enforce the payment thereof, by the usual remedies of attachment, arrest, or other legal process ; and all monies so to be received or recovered, shall be accounted for by such Overseers or Commissioners, as other monies received for the poor.

The property of persons applying for relief, to be secured, and applied to the payment of expences incurred.

III. *And be it further enacted,* That the Commissioners of the Poor for the town and peninsula of Halifax, shall be, and they are hereby, empowered, out of such monies as shall or may come into their hands, more than sufficient for the use of the poor of said town and peninsula, to purchase the piece of land adjoining the Poor-House, on the western side ; and also any further quantity of land, not exceeding ten acres, within the said peninsula, for the use of the poor of said town and peninsula.

Commissioners empowered to purchase land adjoining the Poor House.

IV. *And be it further enacted,* That the said Commissioners of the Poor for the said town and peninsula, or the major part of them, for the time being, shall be, and they are hereby, authorized to bind out any poor children under their charge, apprentices, without applying to two Magistrates for their consent, (as heretofore directed and practised) subject, however, to all other restrictions and limitations prescribed by law. And whenever the consent of the whole of said Commissioners, or the major part of them, shall have been obtained for such Act of binding any poor child or children apprentice, or other ministerial act, and such consent shall have been entered in the minute-book of such Commissioners, then, and in such cases, the seal and signature of the Chairman of the Board, set to the indenture of such apprenticeship, or other legal instrument, shall be as valid and effectual in the Law, as if the whole,

Commissioners empowered to bind out poor children without consent of the Magistrates.

whole, or the major part, of such Commissioners had severally signed and sealed the same.

CAP. IV.

An ACT to provide for the support of a Light-House at the entrance of Annapolis Bafon, and for amending an Act, passed in the Twenty-eighth year of His Majesty's reign, entitled, an Act for regulating, and maintaining, a Light-House at the entrance of the Harbour of Shelburne, and for making perpetual the several Laws herein mentioned.

Preamble.

Annapolis Light House duties.

WHEREAS a Light-House is now erected at the entrance of the Gut of Annapolis, which will be highly beneficial to all vessels going into that passage, or any part of Annapolis Bafon: for the maintenance and regulation of such Light-House:

Shelburne Light House duties.

I. *Be it enacted, by the Lieutenant Governor, Council and Assembly,* That as soon as the said Light House shall be completed, and a light regularly kept therein, all ships or vessels entering the Gut of Annapolis Bafon, shall pay the same tonnage duties that are now received from, and made payable by, all vessels which enter the harbour of Halifax.

Collection and application of said duties.

II. *And be it further enacted,* That, from and after the publication of this Act, the same light duties shall be paid by all ships and vessels entering the port of Shelburne, as are paid by vessels entering the port of Halifax; any thing in the Act, to which this is an amendment, to the contrary notwithstanding.

Act 33d. Geo. 2d.

III. *And be it further enacted,* That it shall and may be lawful to collect, receive and apply, the said tonnage duties, in the same manner, and under the same regulations, that the said tonnage duties are now collected, received and applied, in the said harbor of Halifax.

Act 22th. Geo. 3d.

Act 25th. Geo. 3d.

IV. *And be it further enacted,* That the Act, passed in the thirty-third year of His late Majesty's reign, entitled, An Act for regulating and maintaining a Light-House on Sambro-Island; also, an Act, passed in the twenty-eighth year of His present Majesty's reign, entitled, An Act for regulating and maintaining a Light-House at the entrance of the harbour of Shelburne; also, an Act passed in the thirty-fifth year of His present Majesty's reign, entitled, An Act in addition to, and in amendment of, an Act, passed in the thirty-third year of the reign of His late Majesty, entitled, An Act for regulating and maintaining a Light-House on Sambro Island, and in addition to, and amendment of, an Act, passed in the twenty-eighth year of His present Majesty's reign, entitled, An Act for regulating and maintaining a Light-House at the entrance of the harbor of Shelburne; also, the Act, passed in the thirty-third year of His present Majesty's reign, in amendment of, and in addition to, the several Acts before mentioned; and also, the Act passed in the thirty-seventh year of His present Majesty's reign, to revive and continue the Act passed in the thirty-third year of His present Majesty's reign, as before recited, and every matter, clause and thing, therein contained, are hereby continued in force, made perpetual, and extended to the said Light-House at the entrance of the Gut of Annapolis, and also made applicable to enforce the payment of the said tonnage duties, on all vessels which enter the said Gut of Annapolis.

Act 35d. Geo. 3d.

Act 37th. Geo. 3d.

The above Acts made perpetual, and extended to the Light-House at Annapolis.

CAP. V.

An ACT for applying certain monies, therein mentioned, for the service of the year one thousand eight hundred and three; and for appropriating such part of the Supplies, granted in this Session of General Assembly, as are not already appropriated by the Laws or Acts of the Province.

This Act executed.

CAP. VI.

An ACT to continue in force the several Acts therein mentioned.

Expired.

CAP. VII.

An ACT to continue an Act, made and passed in the Twenty-ninth year of His present Majesty's reign, entitled, an Act for the better support of the Poor in the respective Counties of this Province, by laying an Impost Duty on articles imported into this Province from the United States of America.

Expired.

CAP. VIII.

An ACT to continue an Act, made and passed in the Thirty-fourth year of His present Majesty's reign, entitled, an Act to provide for the support of the Grammar School in Halifax, and for other public purposes therein contained.

Expired.

CAP. IX.

An ACT to continue an Act, made and passed in the Thirty-ninth year of His present Majesty's reign, entitled, an Act for raising a Revenue to repair the Roads throughout the Province, by laying a Duty on Persons hereafter to be Licensed to keep Public Houses, or Shops, for the retail of Spirituous Liquors, and for regulating such Public Houses and Shops; also, the Act, passed in the Fortieth year of His Majesty's reign, in amendment of the above recited Act; and, also, an Act, passed in the Forty-first year of His Majesty's reign, entitled, an Act in addition to, and amendment of, the said above recited Act.

Expired.

CAP. X.

An ACT to enable the Inhabitants of Digby to improve the Common belonging to the said Town.

Preamble. WHEREAS the Common granted for the use of the Township of Digby is injured by the growth of brush wood; and, for want of fences to such Common, the persons claiming right of Common therein, are deprived of the benefit of such right, by the cattle of strangers; and that, by continuing long without tillage, such Common is overgrown with moss, and of little benefit for pasturage, and that, by the law now in force, the Justices are not authorized to provide a remedy for these evils:

Justices of the county of Annapolis to make rules, &c for fencing the Common. I. Be it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication of this Act, it shall and may be lawful for the Justices of the County of Annapolis, on the application in writing from the majority of the inhabitants of the said town, being interested in the said Common, to make rules and regulations for the fencing of such Common, and clearing of such brush wood, thistle, and other incumbrances; for regulating

Part of Common to be leased. the number of cattle to be depastured in such Common, and the rates to be paid by the owners thereof for defraying the necessary expences, of building and repairing fences, clearing brush, and leasing such Common, not exceeding one third part of the whole, on improving leases, to persons who will break up and till the same; such leases not to exceed the term of three years; and for establishing an allowance to a herdsman, and other charges necessary for the securing full benefit of said Common to the persons having right therein; and such Justices shall have authority to establish fines not exceeding forty shillings for any persons transgressing such rules and regulations, to be recovered before any one Justice of the Peace, and levied by warrant of distress and sale of the offender's goods and chattels, in like manner as other distrainers.

Supervisors. II. And be it further enacted, That it shall and may be lawful for the Grand Jury of the western district of the county of Annapolis, at the usual terms of appointing Town Officers, to nominate four fit persons, of whom the Justices may appoint two to be Supervisors of the Common of Digby, who shall be sworn to the faithful discharge of the duties of their office, and whose duty it shall be to take charge of the Common of that town, and enforce the rules which may be made by the Justices aforesaid for the regulation thereof; and also to prosecute all offenders against such rules, and any such Supervisors refusing to accept such office, or neglecting the duties thereof, shall be liable to a fine of forty shillings, to be recovered as aforesaid.

Supervisors refusing to leave forfeit 40s. III. And be it further enacted, That all fines and forfeitures incurred under this Act, shall be applied by the Supervisors to the general benefit of the Common of the said town. *Provided always,* That no person shall be convicted for any offence, under this Act, unless prosecuted for the same within thirty days after the offence is committed.

Appropriation of fines. Prosecution within thirty days. IV. And be it further enacted, That this Act, and every clause and thing therein contained, shall continue and be in force for five years, from the publication hereof, and until the end of the next Session of General Assembly, and no longer.

Act to continue for five years.

CAP. XI.

An ACT to continue in force the several Revenue Laws for the support of His Majesty's Government in this Province.

Expire d.

CAP. XII.

An ACT to continue an Act, passed in the Thirty-second year of His present Majesty's reign, entitled, An Act for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares and Merchandise, imported into this Province; and, also, the Act in amendment thereof, passed in the forty-first year of His present Majesty's reign, entitled, An Act to alter, amend and continue, an Act, made and passed in the Thirty-second year of His present Majesty's reign, entitled, An Act for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares and Merchandise, imported into this Province. Expired.

CAP. XIII.

An ACT to continue and amend an Act, entitled, An Act to revive, continue and amend, an Act, passed in the Thirty-second year of His present Majesty's reign, entitled, An Act to regulate the Summary Trial of Actions, before His Majesty's Justices of the Peace, in the Town and Peninsula of Halifax.

BE it enacted, by the Lieutenant-Governor, Council and Assembly, That the said Act, and every matter, clause and thing, therein contained, shall be continued in force until the last day of July, which will be in the year of our Lord one thousand eight hundred and four, and from thence until the end of the next Session of the General Assembly, and no longer.

Act to continue to the 11th day of July, 1803.

II. *And be it further enacted, by the authority aforesaid,* That the Justice or Justices before whom the examination of any criminal offender shall be made, and who shall be committed to jail, or to the house of correction, for further examination, shall also immediately give notice to the Clerk of the Rotation Court, of such examination and commitment, to the end that he may, without delay, notify the same to the Justices of such Court, as in case of notice thereof received from the Sheriff, Jailor, or keeper of the house of correction, any thing in the said Acts therein contained, to the contrary notwithstanding.

Justices committing offender, to give notice to the Clerk of the Rotation Court.

III. *And be it further enacted,* That, from and after the thirty-first day of this present month of July, the Clerk of said Court shall have and receive for his services, a certain and fixed salary, to be paid him yearly by the said Justices, in lieu and stead of all fees, which salary shall be ascertained and settled by the said Justices, and shall be written down in the book, directed to be kept by the said Clerk, and signed by them, or such of them as shall be present at the time of ascertaining the same.

Salary of the Clerk of the Rotation Court.

IV. *And be it further enacted,* That the following fees shall be taken in the said Court, and no other, that is to say:

Fees to be taken.

For every warrant, or summons,	two shillings,
For every trial,	one shilling,
For every execution,	one shilling,
For serving every writ,	one shilling,

And that if any Justice or clerk of the said court, ask, demand, or receive, any other or greater

Justice or Clerk requiring greater

fees, guilty of extortion. of greater fees than those herein mentioned, he shall be liable to all the pains and penalties imposed by the laws of this Province, upon persons guilty of extortion, to be recovered by any person who shall sue for the same according to law.

At the GENERAL ASSEMBLY of the Province of Nova-Scotia, begun and holden at Halifax, on Thursday the Twenty-first day of June, 1804: in the Forty-fourth year of the Reign of our Sovereign Lord GEORGE the Third, by the Grace of God of the United Kingdom of Great-Britain and Ireland, KING, Defender of the Faith, &c. &c. being the Fifth Session of the Eighth General Assembly, convened in the said Province.*

* In the time of Sir John Wentworth, Baronet, Lieutenant Governor; S. S. Blowers, Chief Justice and President of Council; R. J. Uniacke, Speaker of the Assembly; James Gautier, Secretary of Council; and James B. Franklin, Clerk of Assembly.

CAP. I.

An ACT to amend, an Act, made and passed in the Thirty-third year of His present Majesty's reign, entitled, An Act for granting to His Majesty, certain duties on Wine, Rum, and other Distilled Spirituous Liquors, and Brown Sugar, for the purpose of paying the Interest, and reducing the Principal, of the Public Debt of this Province.

Preamble.

WHEREAS it is prejudicial to the navigation of the Province, to oblige merchants, importing any of the dutiable articles enumerated in said Act, to put on shore, and land, such part thereof as it may be the intention of the owners to send, in the same vessel, to some other colony, port or place; for remedy whereof:

Merchant importing dutiable articles, allowed an export in the same vessel, without unloading, upon making affidavit to the original invoice.

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That, after the publication of this Act, if any of the dutiable articles enumerated in said Act, shall be imported and brought into this Province, on board any ship or vessel, it shall and may be lawful for the master, owner, factor or supercargo, to report and enter, at the Impost and Excise office, conformable to the provisions contained in the said recited Act, such part or portion of said dutiable articles, as he or they may think proper to be landed, for sale, and consumption, in the Province, and to enter and report the residue or remainder for exportation, in the same vessel, to some other port, place or colony, out of the Province; and the officers of Impost and Excise shall permit the landing, and shall gauge and weigh, and secure the duties on the several parts of such vessel's cargo, so to be put on shore for sale and consumption, in the manner usual, and heretofore practised under the several clauses and provisions contained in the

said

said Act, and in the several Acts made in amendment thereof: any thing herein contained to the contrary notwithstanding. And the proper officers of Impost and Excise shall also secure the duties of Impost and Excise on such parts of the cargo of such vessel or vessels, as may be reported, and entered, as aforesaid, for exportation, in the same bottom, without unloading, or landing the same; and for that purpose shall demand and require the person or persons entering the same for exportation, to produce and deliver, to such officer or officers, the original invoice for the goods so entered for exportation; and the proper officer or officers of Impost and Excise, shall require the person or persons, making such entry, to verify such invoice on oath: which oath it shall and may be lawful for the officer or officers of Impost and Excise, to administer in the following words:

I do solemnly swear, that the invoice now by me produced, is the original invoice of the goods, wares and merchandise, now by me entered for exportation, and that such invoice was actually, and truly, made at the port or place, where such goods were shipped, and does actually, and truly, contain, to the best of my knowledge and belief, a just, and true, account of the quantities of the whole of each and every article so by me now entered for exportation.

Invoice Affidavit.

And the officers of Impost and Excise shall calculate upon such invoice, the amount of the duties, and shall thereby ascertain the same, in like manner as if the articles, so entered for exportation, had been actually landed, and regularly weighed and gauged, and bonds shall be taken, with sufficient sureties, in the usual form, for the payment of such duties, at the usual times and periods; and the officers of Impost and Excise shall, on such duties being bonded and secured as aforesaid, grant a permit, for the exportation of the goods on which the duties have been so secured, in the usual and customary form; and the exporter of such dutiable articles, shall be entitled to have, and be allowed, a drawback, without any deduction whatsoever, of the duties so secured, in the same manner and form, and upon the same certificates of landing; and under the same rules and regulations, that persons obtain drawbacks who export dutiable articles, after having landed the same in the Province.

Ascertaining and securing duties, on articles landed, and granting drawback on such as are exported.

II. *And be it further enacted*, That if, on examination, it shall be discovered, that the report and entry made of dutiable goods, part for consumption, and part for exportation, shall be false, and that there were a greater quantity of dutiable goods laden on board the ship or vessel, than were reported and entered with the Impost and Excise officers, all the surplus goods, together with the ship or vessel, shall and may be seized by the proper officer or officers, and the party making such false entry, shall be subject to all the same penalties and forfeitures imposed (in and by the Act of which this is an amendment) on persons making a false report or entry; and if any part of the goods so permitted to be exported as aforesaid, shall be discharged, or unladen, within the Province of Nova-Scotia, from on board the vessel in which the same were imported, or shall, by any manner of ways and means, be clandestinely landed, the vessel, together with the goods so discharged or landed, shall be seized, and all parties concerned therein, together with the vessels, boats, carts, horses and carriages, employed about the same, shall be subject to the same penalties and forfeitures that are provided in, and by that part of, the said recited Act, which was made to prevent the clandestine landing of goods, subject to duty, within the Province, and all such penalties, forfeitures and seizures, shall be made, recovered, paid, applied and distributed, according to the rules and regulations of said Act.

Of false entry.

Of clandestinely landing articles after permit for exportation.

III. *And be it further enacted*, That in case the party making such report and entry for exportation, shall neglect or refuse to produce such original invoice, and to verify the same as aforesaid, or shall neglect, or refuse, to secure the duties, then, and in such case, the goods so entered for exportation, shall be landed, and the duties ascertained and secured, in the manner heretofore practised and established.

Of persons neglecting or refusing to produce invoice or secure duties.

IV.

Mode of proceeding on suspicion of the contrary.

IV. *And be it further enacted*, That in case the Collector or Collectors, or Inspector of Import and Excise, shall have any just cause to doubt the truth or authenticity of any report or entry, or of the invoice produced, he shall and may search and examine into the contents of the cargo so reported and entered, and may remove, or cause to be removed, the packages from one part of the vessel to the other, so as to ascertain, as far as possible, the true contents of each package; and the master, officers and crew, of such vessel, shall aid and assist the officer, or officers, in making such search and examination; and in case he or they refuse such assistance, then, and in such case, the goods shall be landed, and the truth of such report and invoice ascertained; and it shall and may be lawful for the officer, making such search, to call to his aid three respectable merchants to assist therein; and if, in the opinion of such merchants, there shall be any reasonable cause for further suspicion, they shall certify the same, which certificate shall be sufficient to authorise the proper officer to order the cargo to be discharged; and the truth or falsity of the report and invoice actually ascertained by weighing and gauging the same. *Provided always*, That if the difference between the invoice and return of the Guager and Weigher shall, in the opinion of three merchants, not exceed the difference which frequently occurs, between the gauge and weight of two different ports or places, in such case no penalty or forfeiture shall attach to the person making such report and entry.

Unnecessary delay of the master, &c in unloading, or exporting.

V. *And be it further enacted*, That if the master, owner, or others concerned in the ship or vessel, in which goods are entered for exportation as aforesaid, shall unnecessarily delay unloading the part or parts of her cargo entered to be landed, or shall, after the unloading thereof, delay for a space longer than ten days proceeding on her voyage, and departing from the Province with the goods so exported, the said master, owner, or others concerned, shall pay each and every day to the tide waiter employed to attend such vessel, during such delay, the daily pay established for a tide waiter to receive from the Province, when on duty; and, on refusal, it shall be lawful for such tide waiter to recover the same in a summary way, before one of His Majesty's Justices of the Peace, or in the Rotation Court at Halifax, as occasion may require.

Act continued to 31st December, 1805.

VI. *And be it further enacted*, That this Act, and the several matters and things therein contained, shall be and continue in force until the thirty-first day of December, in the year of our Lord one thousand eight hundred and five.

CAP. II.

An ACT to continue in force the several Revenue Laws for the support of His Majesty's Government in this Province.

Preamble.

WHEREAS the following revenue laws of this Province, now in force, will expire, and it is expedient that the same should be continued:

Act 33d Geo. 3d. for granting certain duties on wine, rum, &c. for paying the interest and reducing the principal of the public debt. Act 33d Geo. 3d. for laying an additional duty on wine, &c. Act 34th Geo.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly*, That the Act, passed in the thirty-third year of His present Majesty's reign, entitled, An Act for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar: for the purpose of paying the interest, and reducing the principal, of the public debt of this Province; also, an Act, made in the same thirty-third year of His present Majesty's reign, entitled, An Act for providing for the support of His Majesty's government in this Province, by laying an additional duty on wine, rum, and all other articles therein mentioned, and for encouraging the agriculture, commerce and fisheries, of this Province; also, an Act, made in the thirty-fourth year of His present Majesty's reign, entitled, An Act in addition to, and amendment

amendment of, an Act, passed in the thirty-third year of His Majesty's reign, entitled, An Act for granting to His Majesty certain duties on wine, rum, and all other distilled spirituous liquors, and brown sugar : for the purpose of paying the interest, and reducing the principal of the public debt of this Province ; and, also, to revive, amend, and render more effectual, an Act, passed in the same thirty-third year of His Majesty's reign, entitled, An Act for providing for the support of His Majesty's government in this Province, by laying an additional duty on wine, rum, and other articles therein mentioned, and for encouraging the agriculture, commerce and fisheries, of this Province ; also, an Act, made in the thirty-fifth year of His present Majesty's reign, entitled, An Act in amendment of an Act, made in the thirty-fourth year of His Majesty's reign, entitled, An Act in addition to, and amendment of, an Act, made in the thirty-third year of His Majesty's reign, entitled, An Act, for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar : for the purpose of paying the interest, and reducing the principal, of the public debt of this Province ; and, also, to revive, and render more effectual, an Act, passed in the same thirty-third year of His present Majesty's reign, entitled, An Act for providing for the support of His Majesty's government in this Province, by laying an additional duty on wine, rum, and other articles therein mentioned, and for encouraging the agriculture, fisheries and commerce, of this Province ; also, an Act made in the thirty-sixth year of His present Majesty's reign, entitled, An Act in addition to, and in amendment of, an Act, made in the thirty-third year of His present Majesty's reign, entitled, An Act for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar : for the purpose of paying the interest, and reducing the principal, of the public debt of this Province ; and of the several Acts in addition to, or amendment thereof ; also, an Act, made in the thirty-seventh year of His present Majesty's reign, entitled, An Act to amend, and continue for one year, an Act, passed in the thirty-third year of His Majesty's reign, entitled, An Act for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar : for the purpose of paying the interest, and reducing the principal, of the public debt of this Province ; also, an Act, passed in the thirty-eighth year of His present Majesty's reign, entitled, An Act to enable the officers of His Majesty's navy to obtain a drawback of the duties on wine by them taken out of this Province, and consumed without the limits thereof ; and, also, the second, third, fourth, and fifth clauses of an Act, passed in the thirty-ninth year of His present Majesty's reign, entitled, An Act to provide for the support of His Majesty's government in this Province, by reviving, altering and continuing, the several revenue laws which were in force the last year, and are herein particularly mentioned ; also, an Act, passed in the fortieth year of His present Majesty's reign, to alter, amend, and continue in force, the several revenue laws, for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, and brown sugar, and other articles therein mentioned, and for enabling the officers of His Majesty's navy to obtain a drawback of the duties on wines, carried and consumed by them out of the limits of the Province ; also, an Act passed in the forty-first year of His present Majesty's reign, entitled, An Act to continue the several revenue laws, for the support of His Majesty's government in this Province : and to explain an Act, passed last Session of General Assembly, entitled, An Act to alter, amend, and continue in force, the several revenue laws, for granting to His Majesty certain duties on wine, rum, and other distilled spirituous liquors, brown sugar, and other articles therein mentioned, and for enabling the officers of His Majesty's navy to obtain a drawback of the duties on wines carried, and consumed, by them out of the limits of this Province ; and, also, an Act, passed in the forty-second year of His Majesty's reign, entitled, An Act to alter and amend an Act, passed in the thirty-third year of His present Majesty's reign, entitled, An Act for providing for the support of His Majesty's government in this Province : by laying an

additional

3d. in addition to
Act 33d Geo. 3d
for granting cer-
tain duties on
wine, &c. and al-
so to revive and
render more ef-
fectual the Act
33d Geo. 3d. for
providing for the
support of go-
vernment, by lay-
ing an additional
duty on wine &c.

Act 36th Geo.
3d in addition to,
and amendment
of, Act 33d Geo.
3d for granting
certain duties on
wine, &c.

Act 37th Geo.
3d to amend and
continue for one
year, the Act 3d
Geo. 3d. as before
mentioned.

Act 38th Geo.
3d. to enable the
officers of His
Majesty's Navy
to obtain a draw-
back of duties on
wine, &c.
2d. 3d. 4th. and
5th clauses of Act
39th. Geo. 3d.
continued.

And 40th Geo.
3d to alter, a-
mend, and con-
tinue in force the
several revenue
laws.

Act 41st Geo.
3d to continue
the several reve-
nue laws.

42d Geo. 3d. in
alteration and a-
mendment of 33d
Geo. 3d for lay-
ing an additional
dut. on wine &c.

Continued to the
31st December,
1865.

additional duty on wine, rum, and other articles herein mentioned, and for encouraging the agriculture, fisheries and commerce, of this Province; and every matter, clause and thing, contained in this, and in all and every of the above recited Acts, and also in such Acts as have been made in explanation, amendment or alteration, of any or either of the said Acts, shall be, and are hereby, continued in force, until the thirty-first day of December, which will be in the year of our Lord one thousand eight hundred and five.

CAP. III.

An ACT to continue in force the several Acts therein mentioned.

Preamble.

WHEREAS it is expedient that the several Acts herein mentioned, be further continued :

Summary trial of
Actions.

I. Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That an Act, made in the fifth year of His present Majesty's reign, entitled, An Act for the summary trial of actions, and the several Acts that have been made in amendment, explanation or alteration,

Justices enabled
to issue compul-
sory process in
civil causes.

of the same; also, an Act, made in the twenty-sixth year of His present Majesty's reign, entitled, An Act to enable one or more Justices of the Peace to issue compulsory process in the first instance, in civil causes, which are by law triable before them; also, an Act, made in the

Obstructing the
passage of fish in
rivers.

*said twenty-sixth year of His Majesty's reign, entitled, An Act in addition to, and amend-
ment of, an Act to prevent nuisances by hedges, wares, and other incumbrances, obstructing
the passage of fish in the rivers of this Province; also, an Act, made in the thirty-third year*

Act respecting
the times of hold-
ing Courts of
Justice.

*of His Majesty's reign, entitled, An Act to amend an Act, passed in the sixth year of His Ma-
jesty's reign, entitled, An Act for regulating the times and places for holding the several
Courts of Justice therein named; and also to enable the Supreme Court to alter and fix the*

Prohibiting the
exportation of
Gunpowder, &c.

*return of writs; also, an Act to revive a law for empowering the Governor, Lieutenant-Gov-
ernor, or Commander in Chief for the time being, to prohibit the exportation of gun-pow-
der, arms and ammunition, or salt-petre, or carrying the same coastways; also, an Act, passed*

Trial of Issues by
Justices of *Nisi Prius*
in Sydney,
Lunenburg, &c.

*in the same year, entitled, An Act for providing for the trial of issues, by Justices of *Nisi Prius*,
in the counties of Sydney, Lunenburg, Queen's County, and Shelburne; also, an Act, pas-
sed in the same year, to regulate the packing and inspection of salted beef and pork for expor-
tation; also, an Act, made in the thirty-sixth year of His Majesty's reign, entitled, An Act*

Inspection of salt
beef.

*to regulate the assize of bread; also, an Act passed in the same year, entitled, An Act to en-
able the inhabitants in the several towns in this Province, to raise money for the sinking of
wells, and supplying the same with pumps, and for keeping them in repair; also, an Act,*

Assize of bread.
Sinking of wells.

*passed in the thirty-eighth year of His Majesty's reign, entitled, An Act respecting aliens
coming into this Province, or residing therein; also, an Act, passed the same year, entitled,*

Respecting ali-
ens.

Exportation of
smoaked her-
rings, &c

*An Act for regulating the exportation of red or smoaked herrings, and in amendment to an
Act, passed in the second year of His Majesty's reign, entitled, An Act for regulating the ex-
portation of fish, and the size of barrels, hoops, boards, and all other kind of lumber, and for*

Office of Sheriff.

*appointing officers to survey the same; also, an Act, passed in the fortieth year of His Majes-
ty's reign, entitled, An Act in amendment of an Act, passed in the thirty-fifth year of His
Majesty's reign, entitled, An Act to amend, and reduce into one Act, the several Acts made by*

Made of raising
money on coun-
ties, for defray-
ing county char-
ges.

*the General Assembly, relating to the office of Sheriff, and also for altering the form of the
summons heretofore used; also, an Act to revive, amend and continue, an Act, passed in the
thirty-sixth year of His Majesty's reign, entitled, An Act in addition to an Act, made in the*

To prevent mo-
nopolizing of
cord wood.

*fifth year of His Majesty's reign, entitled, An Act for raising money by presentment, on the
several counties in this Province, for the defraying of certain county charges therein men-
tioned; also, an Act, passed in the fortieth year of His present Majesty's reign, entitled, An Act*

*to revive and continue an Act, made in the thirty-eighth year of His Majesty's reign, entitled,
An*

An Act to amend, and render more effectual, an Act, passed in the eighteenth year of His Majesty's reign, entitled, An Act to prevent the forestalling, regrating and monopolizing, of cord wood, in the town of Halifax; also, an Act to alter and amend an Act, passed in the thirty-ninth year of His Majesty's reign, entitled, An Act for repairing, or rebuilding, the market house, erecting a country market, and regulating the several markets in the town of Halifax; and also, to revive, alter and amend, and bring into one Act, the Act for preventing frauds by butchers and fishmongers; and the Act, made in the thirty-fourth year of His late Majesty's reign, for regulating and establishing a public market in the town of Halifax; also, an Act, passed in the forty-third year of His present Majesty's reign, entitled, An Act to continue and amend an Act, entitled, An Act to revive, continue and amend, an Act, passed in the thirty-second year of His present Majesty's reign, entitled, An Act to regulate the summary trial of actions, before His Majesty's Justices of the Peace, in the town and peninsula of Halifax; and every matter, clause and thing, contained in all and every of the above-mentioned Acts, and also in such Acts as have been made in explanation, amendment or alteration, of any, or either, of the said Acts, or for the purpose of reviving the same, shall be continued in force until the thirty-first day of December, which will be in the year of our Lord one thousand eight hundred and five, any thing in the said Acts to the contrary notwithstanding.

Relating to the Market Houses, &c.

Summary trial of Actions.

Act continued to 31st December, 1805.

CAP. IV.

An ACT in addition to, and amendment of, an Act, passed in the Thirty-fifth year of His present Majesty's reign, entitled, an Act to amend, and reduce into one Act, the several Laws, now in being, relating to a Militia in this Province.

WHEREAS, by the before recited Act, it is enacted, that no artillery company shall consist of more than thirty-two rank and file, which number is thought to be insufficient, for what may be required in defense of the country:

Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication hereof, it shall and may be lawful for such artillery companies to consist of such number of men as may be thought necessary by the Governor, Lieutenant-Governor, or Commander in Chief for the time being; any thing in the said Act notwithstanding.*

Artillery company to consist of such number, as may be thought necessary by the Governor.

II. *And be it further enacted, That all persons who are now enrolled, or shall hereafter enrol themselves, to serve, either in the grenadier company, or light infantry company, of any regiment or battalion of militia in this Province, shall continue in such company for three years from the date of his enrollment, unless in case of removal from the county, or being discharged by the commanding officer of such company.*

Persons in volunteer companies to remain 3 years, unless in case of removal or discharge.

III. *And be it further enacted, That in places and situations where there may not be a sufficient number of public inns, taverns, ale-houses and licensed shops, whereon to billet the whole of any detachment of soldiers or militia, that may be on a march, it shall and may be lawful to billet a part of such detachment on other house-keepers, in the discretion of the Magistrates, giving billets for the same.*

Where there are no taverns, &c. it may be lawful to billet the militia, when marching, on housekeepers.

IV. *And be it further enacted, That this Act, and the said Act, passed in the thirty-fifth year of His present Majesty's reign, entitled, "An Act to amend, and reduce into one Act, the several laws, now in being, relating to a militia in this Province," (except such parts thereof as are altered by this Act;) and the Act, passed in the forty-first year of His Majesty's reign, entitled,*

Continuation of this Act, and Act 35th Geo. 3d.

titled, An Act in further addition to, and for altering and amending, an Act passed in the thirty-fifth year of His present Majesty's reign, entitled, "An Act to amend and reduce into one Act, the several laws, now in being, relating to a militia in this Province," shall be, and the same are hereby, continued in force, until the thirty-first day of December, which will be in the year of our Lord one thousand eight hundred and five.

CAP. V.

An ACT to continue an Act, made and passed in the Thirty-ninth year of His present Majesty's reign, entitled, An Act for raising a Revenue to repair Roads throughout the Province, by laying a Duty on Persons hereafter to be Licensed to keep Public Houses, or Shops, for the retail of Spirituous Liquors, and for regulating such Public Houses and Shops; also, the Act, passed in the Fortieth year of His Majesty's reign, in amendment of the above recited Act; and, also, an Act, passed in the Forty-first year of His Majesty's reign, entitled, An Act in addition to, and amendment of, the above recited Act.

WHEREAS *the above recited Acts will expire, and it is expedient that the same should be continued:*
Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, That the said Acts, and every matter, clause and thing, therein contained, shall be, and the same are hereby, continued in force until the thirty-first day of December, which will be in the year of our Lord one thousand eight hundred and five.

Act continued to
31st December,
1805.

CAP. VI.

An ACT to continue an Act, passed in the Thirty-second year of His present Majesty's reign, entitled, An Act for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares and Merchandise, imported into this Province; and, also, the Act, in amendment thereof, passed in the forty-first year of His present Majesty's reign, entitled, An Act to alter, amend, and continue, an Act, made and passed in the thirty-second year of His present Majesty's reign, entitled, An Act for the further increase of the Revenue, by raising a Duty of Excise on all Goods, Wares and Merchandise, imported into this Province.

WHEREAS *the above recited Act will expire, and it is expedient that the same should be continued:*
Be it enacted, by the Lieutenant-Governor, Council and Assembly, That the said Act, and every matter, clause and thing, therein contained, shall be and continue, and the same is hereby continued in force until the thirty-first day of December, which will be in the year of our Lord one thousand eight hundred and five.

Act continued to
31st December,
1805.

CAP. VII.

An ACT to continue an Act, made and passed in the Twenty-ninth year of His present Majesty's reign, entitled, An Act for the better support of the Poor in the respective Counties of this Province, by laying an Impost Duty on articles imported into this Province from the United States of America.

WHEREAS *the above recited Acts will expire, and it is expedient that the same should be continued:*
Be it enacted, by the Lieutenant-Governor, Council and Assembly, That the said Act, and every matter, clause and thing, therein contained, shall be and continue, and the same is hereby continued in force until the thirty-first day of December, which will be in the year of our Lord one thousand eight hundred and five.

Act continued to
31st December,
1805.

CAP. VIII.

An ACT to continue an Act, made and passed in the Thirty-fourth year of His present Majesty's reign, entitled, An Act to provide for the Grammar School in Halifax, and for other public purposes therein contained.

WHEREAS *the above recited Act will expire, and it is expedient that the same should be continued:*
Be it enacted, by the Lieutenant-Governor, Council and Assembly, That the said Act, and every matter and thing therein contained, shall be, and continue, and the same is hereby continued in force until the thirty-first day of December, which will be in the year of our Lord one thousand eight hundred and five.

Act continued to
31st December,
1805.

CAP. IX.

An ACT to relieve a certain description of persons from sundry inconveniences, arising from an Act, passed in the Thirty-second year of the reign of His present Majesty, entitled, An Act to prevent the Windsor and Hammond Plain Road being injured by heavy loaded carriages, and to extend the said Act, and this Act in amendment thereof, to the Township of Windsor.

WHEREAS *inconveniences have been experienced by the aforesaid Act, from its being difficult to*
carry heavy loads on carriages, with wheels of great breadth:

Preamble.

I.

The felloes of the wheels of heavy loaded carriages may be less than nine inches wide.

I. *Be it therefore enacted, by the Licutenant-Governor, Council and Assembly,* That, from and after the publication hereof, it shall and may be lawful, for any person or persons, to pass or repass on the said road, with carts, trucks, waggons, or other wheel carriages, laden with logs, timber, or other kinds of lumber, with wheels, the felloes whereof are of a less width than nine inches.

Punishment of such as use wheels the felloes of which are less than six inches wide.

II. *Provided always, and be it further enacted,* That if any person or persons, shall, at any one time, or oftener, in each, or any year hereafter, draw, or cause or suffer to be drawn, along the Windsor or Hammond Plain Road, on his, or their, cart, truck or waggon, or other wheel carriage, having wheels, whereof the felloes are of a less breadth than six inches, any logs, timber, or other lumber, not being for the actual use of their own farms or buildings, he, or they, shall be liable to, and shall, on every day to be appointed by the Surveyors or Overseer of such roads, respectively attend in person, or send one able man, provided with such necessary implements as shall be directed by the said Surveyor or Overseer, to work on the said roads, for two days, in respect of every horse or ox, used at any one time, during such year, in drawing logs, timber, or other lumber, on any such cart, truck, waggon, or other wheel carriage, over and above the statute labour which such person or persons is, are, or may be, liable to perform, according to any Act or Acts of the General Assembly already in force.

Penalty on refusing to do the labour, prescribed as a punishment.

III. *And be it further enacted,* That if any person or persons who shall be liable to perform the aforesaid labour, on the said roads, being duly notified, shall refuse, or neglect, to attend, or to send an able man to work, as aforesaid, he, or they, shall forfeit and pay three shillings for every day's neglect; the same to be sued for by the Surveyor and Overseer, and recovered with costs of suit, before any one of His Majesty's Justices of the Peace for the County of Halifax.

Penalty for such as trail on said roads when bare of snow, or frost in the ground.

IV. *And be it further enacted,* That if any person or persons, shall trail on the said roads, respectively, when the same are bare of snow, or the frost in the ground, insufficient to support the cattle travelling thereon, any logs, timber, or other lumber, he, or they, shall forfeit and pay, for every such offence, a fine not exceeding twenty shillings, nor less than five shillings, to be recovered before any one of His Majesty's Justices of the Peace, for the County of Halifax, who may impose the same on his own view, or on the oath of a credible witness.

Application of fines.

V. *And be it further enacted,* That all fines and forfeitures, imposed by this Act, shall, when recovered, be paid to the Overseer or Surveyor of the said road, respectively, to be by them applied to the repair thereof.

And whereas the roads in and about the township of Windsor, are much injured by persons who cart Plaster of Paris on the same; for remedy whereof:

Act to extend to the township of Windsor.

VI. *Be it enacted,* That, from and after the publication hereof, all carts, carriages and waggons, employed in the carriage of plaster of paris, on any of the roads in the township of Windsor, shall use wheels of the same dimensions, that are appointed in, and by, the said Act, for the carriage of timber on the Windsor road, and persons using any other kind of wheels in and about such business, shall be subject to the same penalties that are appointed in, and by, the said Act, unless such person or persons shall perform the additional statute labour on said roads, appointed, and directed, in, and by, this Act.

CAP. X.

An ACT to alter the place of sitting of the Inferior Court of Common Pleas, and the Court of Sessions of the Peace, for the District of Colchester.

WHEREAS *the said Courts are now held at Onslow, and it is expedient that the same should be held, in future, at Truro, where the Supreme Court is, by Law, directed to be held, and where a Court-House has been erected for the purpose :* Preamble.

I. *Be it therefore enacted, by the Lieutenant-Governor, Council and Assembly, and it is hereby enacted, by the authority of the same, That the Inferior Court of Common Pleas, and the Court of Sessions of the Peace, for the said district of Colchester, shall, hereafter, be held at Truro, in the said district, and not at Onslow, any law, usage or custom, to the contrary notwithstanding.* Court of Sessions of the Peace, for the district of Colchester to be held at Truro.

II. *And be it further enacted, by the authority aforesaid, That all writs and processses issued from either of the said Courts, shall be returned at Truro, and Sheriffs, Constables, Jurors, Witnesses, Parties, and all other persons who are required by any writ heretofore issued, to appear at Onslow, shall appear at Truro ; and the same proceedings shall take place, as if the same writs and processses had been made returnable at Truro, and the persons, before named, required to appear there.* Writs to be returned to Truro.

CAP. XI.

An ACT in addition to, and amendment of, an Act, made and passed in the third and fourth years of His present Majesty's reign, entitled, An Act for the relief of Insolvent Debtors.

WHEREAS *it is expedient that provision should be made to discharge Insolvent Debtors, confined in jail, under execution, on judgments given by a single Justice :* Preamble.

I. *Be it enacted, by the Lieutenant-Governor, Council and Assembly, That, from and after the publication hereof, it shall and may be lawful for any two of His Majesty's Justices of the Peace for the County, the Justice by whom the commitment shall have been made being always one, without fee or reward, to extend the benefit of the before recited Act, to all and every such person or persons as shall, from time to time, be committed to prison, for any sum or sums of money not exceeding three pounds, and the cost ; any thing in the before recited Act to the contrary notwithstanding.* Persons confined in jail for any sum not exceeding 3l. may have the benefit of the Insolvent Act.

AN

ABRIDGEMENT

OF THE

STATUTES OF NOVA-SCOTIA:

FROM

The First Session of GENERAL ASSEMBLY, held at Halifax on the Second day of October, in the year of our LORD 1758, and in the 32d year of the Reign of His late Majesty King GEORGE II. to the end of the Session of GENERAL ASSEMBLY held at Halifax on the 21st day of June, in the year of our LORD 1804, and in the 44th year of the Reign of His present Majesty King GEORGE III.

BY RICHARD JOHN UNIACKE, Esq. ATTORNEY GENERAL.

ÆQUUM ET BONUM EST LEX LEGUM.
++++++
IGNORANTIA JURIS NON EXCUSAT.

HALIFAX:

PRINTED by JOHN HOWE and SON, Printers to the King's Most Excellent Majesty.

AN

ABRIDGEMENT, &c.

[The STATUTES are abridged under such Heads as correspond, as near as possible, with the Title and Object of each Act; and the principal matters referring to the Titles, and Paragraphs, in the Abridgement, are collected and arranged in the Alphabetical Table.]

TITLE 1-2.

Accounts Public.

P. 202. Stat. 16th, Geo. 3d. Cap. 3d, Sec. 1, 2: No. 1.

All accounts of receipts of revenue, and payments made, at the Treasury, shall be laid before the General Assembly, and, when allowed, shall be a final discharge to the accountants, and all receipts of revenue shall be accounted for in the Treasury of Great-Britain, and there audited.

Sec. 3, 4: No. 2.

All persons having any demands against the Province, shall render their accounts within the first week of each Session of General Assembly: and no account shall be paid at the Treasury which is not brought in at that time.

TITLE 2.

Aliens.

P. 390. Stat. 38th, Geo. 3d, Cap. 1, Sec. 1, 2, 3, 4: No. 1.

Aliens not to remain in the Province without a permit from the Governor, which permit is to be granted on proof of good behaviour, and sufficient security for the continuance thereof. Alien residing without a permit, or violating the same, or saying, or doing, any thing to disturb the government, shall be imprisoned, or fined, and transported out of His Majesty's dominions in America. Alien, if questioned, must prove that he had a permit.

Sec. 5, 6: No. 2.

A person, knowingly, harbouring an Alien, without giving notice to a Magistrate, shall forfeit 100l. Matters

TITLE 2-3.

Masters of vessels to report their passengers to the Custom House officer, or a Justice; and, on neglect, to pay 20l. for which the vessel may be holden: return of such reports to be made to the Secretary, or other person appointed to grant permits.

Sec. 7, 8: No. 3.

Governor may remove any suspected Alien, although he may have obtained a permit; and if such Alien return, he shall be deemed guilty of felony, without benefit of clergy.

Sec. 9, 10, 11: No. 4.

Justices to apprehend all Aliens that, on summons, refuse to appear, and to commit all suspected Aliens. Cognizance of all offences (save returning to the Province, which is given to the Supreme Court) to be taken by the Supreme and Inferior Courts: all penalties to be one half to the informer, and the other to the King. Act limited to a year.

TITLE 3.

Appropriation.

P. 452. Stat. 41st, Geo. 3d, Cap. 18, Sec. 1, 2, 3: No. 1.

Contain the several votes for money.

Sec. 4, 5, 6, 7, 8, 9, 10: No. 2.

Governor, with advice of Council, to appoint commissioners of roads and bridges, and to remove them at pleasure. Secretary to furnish the Treasurer with the list of commissioners appointed, and removed; work to be carried on by contract; copies of contracts to be sent to the Treasurer; contractors to give security. Commissioners may advance, on good security, one third part of the amount to the contractor, the other third when half the work shall be executed and passed, and the other third when the whole work shall be finished agreeably to contract; the time to be fixed in each contract at which the work is to be finished. Commissioners shall account for the money received by them, and shall pay contractors with money only, and on a certificate from the Sessions and Grand Jury that the work is performed; and, on accounting for the expenditure of the money, commissioners to be allowed a commission. No work done after 15th October, to be examined and passed until the 1st of June following; when more commissioners than one, the allowance to be divided. Judges of Nisi Prius to be paid 11. 3s. 4d. per day. Repairs of Government-House to be directed by the Commissioners of the Revenue.

Sec. 12, 13, 14: No. 3.

The Governor may provide for the maintenance of prisoners in the Halifax jail, and for the expence of bringing them to jail, who are not chargeable on the County. Collectors at Halifax allowed a commission of four and a half per cent. and all other Collectors ten per cent. Collectors not to trade in an article subject to duty, under penalty of 50l. and the loss of their commission, on money collected. Waiters and Guagers may be appointed for the out-ports by the Governor, and who shall be allowed five per cent.

Sec. 15, 16: No. 4.

Thirty shillings to be paid the Coroner for every inquest returned, in lieu of all fees, 12s. of which is for the jury, and 2s. 6d. for the constable; any further charge must be paid by the County, if approved of by the Grand Jury. The Governor given power to draw on the Treasury for money appointed to be paid by perpetual laws.

Sec.

Sec. 18 : No. 5.

The Treasurer made subject to a penalty of 500l. if he pay any money out of the Treasury, unless he be authorized so to do by an Act of the Province, the same to be recovered by a common informer.

Sec. 19, 20 : No. 6.

Governor to appoint Commissioners of the Revenue, who shall be sworn ; and power is given to them to allow drawbacks. The Treasurer shall cause all public accountants to account quarterly, pursuant to the form he shall prescribe for them, and he shall audit such accounts, and report thereon to the Commissioners, and shall deliver to the Committee of the General Assembly, a report and general statement of the Revenue and the Province Accounts. Commissioners to direct prosecutions against delinquent Collectors, provincial debtors, and for all breaches of the revenue law.

Sec. 21 : No. 7.

Collectors to keep regular account books, by double entry, in which accounts shall be kept with all importing merchants, with accounts of all permits granted, certificates of drawback ; all entries and receipts of money. Collectors to send quarterly accounts to the Treasurer of all permits granted ; books to be produced to the Treasurer when called for, under pain of removal from office.

TITLE 4.

Arbitration.

P. 133. Stat. 8, Geo. 3d, Cap. 1, Sec. 1, 2 : No. 1.

Merchants and traders may submit their differences to arbitration: Submission, if inserted in their agreement, may, on affidavit of the witnesses, be made a rule of Court ; in case party refuse to perform

perform award, he shall be punished as for a contempt, unless it appear, on oath, that the award was procured by corruption, or undue means, in which case it shall be set aside, provided application be made before the last day of the next term after award published.

TITLE 5.

Assembly General.

P. 116. Stat. 5, Geo. 3d, Cap. 10, Sec. 1 : No. 1.

Representatives in General Assembly to be elected as usual, and their numbers to be as follows : for Halifax County, four ; and for Annapolis, Lunenburgh, King's, Cumberland, Queen's, and Sunbury Counties, two each ; for the Town of Halifax two ; and for the Towns of Truro, Onslow, Annapolis, Granville, Lunenburg, Horton, Cornwallis, Falmouth, Newport, Cumberland, Liverpool, and Sackville, one each.

Sec. 2 : No. 2.

When the Towns of Barrington, Yarmouth, Chester, Dublin, Amherst, Saint John, Windsor, Wilmot at Can-
fo, Wilmot at Annapolis, and Louisbourg, shall, each, have fifty families resident, they shall be entitled to elect one member each.

P. 173. Stat. 12th, Geo. 3d, Cap. 4, Sec. 1 and 2 : No. 3.

Repeals the two Acts of the 10th and 11th Geo. 3d, to raise

money to pay the Representatives.

P. 241. Stat. 25th, Geo. 3d, Cap. 5, Sec. 1 and 2 : No. 4.

The Counties of Shelburne and Sydney, to have, each, two mem-
bers ; and the Town of Shelburne and Digby, to have, each, one member : this Act assented to by His Majesty.

P. 265. Stat. 29th, Geo. 3d, Cap. 1, Sec. 1, 2, 3 : No. 5.

Sheriff, on receiving a writ to return a member to serve in the
General Assembly, is to give, at least, twenty days notice of the time when the election shall be held. Elections for the County
to be at the Court-House, and for Towns at the usual place ; to begin between ten and eleven of the clock. The Sheriff is to read
his writ, and not to declare the choice on view, or to adjourn unnecessarily, or remove to any other place, but with the consent of
candidates ; he is to hold the poll from day to day, until all the electors are polled, and, before he closes the poll, unless by con-
sent of candidates, he shall make proclamation, and keep the poll open one hour after a freeholder shall have polled ; he
shall swear in two assistants ; and, at the close of the poll, shall declare the person, having a majority of votes, duly elected ; if a
scrutiny is demanded, he shall grant it ; no vote to be scrutinized unless objected to and marked on the poll book ; proceedings in
the scrutiny to be returned ; a clerk for each candidate shall be sworn, who shall keep the poll ; Sheriff to grant a copy of the
poll to any person ; freeholder's oath, and oath against bribing, shall, if required, be administered ; persons making fraudulent
conveyances, to multiply votes, shall forfeit 10l. and such conveyances, notwithstanding any defeazance taken, shall be good against
the grantors ; candidates and electors to have an income of forty shillings a year, or a dwelling house in the County, or Town, or
one hundred acres of land ; and, if held by licence of occupation, the same to be good. Sheriff misconducting himself, to for-
feit 200l.

Sec. 4, 5 : No. 6.

Persons furnishing entertainment for freeholders disabled from recovering payment from the candidate, or his
friends, but may recover from any individual the value of the entertainment given to himself, at his own request ; person bri-
bing or corrupting a freeholder, is made subject to the penalties imposed by the laws of England.

Sec. 6 and 7 : No. 7.

This Act to be read each day, and no other oath, save the one prescribed by this Act, shall be required
from the voters ; no poll to be kept open longer than six days, when the candidate having most votes shall be returned ; each
candidate to pay the Sheriff ten shillings per day during the election ; and, on a scrutiny, twenty shillings per day : to be paid by
the candidate demanding it.

P. 296. Stat. 32d, Geo. 3d, Cap. 8, Sec. 1, 2, 3, 4 : No. 8.

Sheriffs of the Counties of Halifax, King's County, Annapolis, Shelburne, and Sydney, to open the poll for each election first at the County Court-Houses ; and, when there closed, at the request of either candidate, to move, and open a poll for the County of Halifax at Onslow and at Walmley ; to Scissabou for the County of Annapolis ; to Parborough for King's County ; to Argyle for the County of Shelburne ; and to Country Harbour and Antigonish for the County of Sydney : the application for removal must be made on the day the poll is first opened ; due notice must be given of its removal, and it is to be opened at the place of adjournment the twelfth day after it was first opened, where it shall be held for two days, or until all the votes are taken ; and, when the poll is to be removed to a second place, the Sheriff is to give the same notice as he did of the first adjournment : the Sheriff may appoint assistants at each place of adjournment.

P. 298. Stat. 32d, Geo. 3d, Cap. 10, Sec. 1, 2 : No. 9.

Duration of the General Assembly limited to seven years, to be computed from the day appointed for the first Session to commence, unless sooner dissolved : this Act not to be in force until His Majesty's pleasure is known.

P. 386. Stat. 37th, Geo. 3d, Cap. 3, Sec. 1 : No. 10.

Candidates or freeholders, at future elections, must have forty shillings yearly income from freehold estate within the county or town, or own, in fee simple therein, a dwelling-house, with the ground on which the same stands ; or one hundred acres of land, five of which to be under cultivation : Persons having such qualifications may be either candidates or electors ; the titles to such property must be registered six months before the test of the writ : nothing herein to preclude persons from holding by descent or devise.

TITLE 6-7.

Bail.

P. 140. Stat. 8th, Geo. 3d, Cap. 7, Sec. 1 and 2 : No. 1.

The Chief Justice, and one or more of the Justices of the Supreme Court, to commission, in the several Counties, so many persons as they may think necessary (except Attornies or Solicitors) who shall have power to administer an oath, in writing, and mark a writ for bail; and may take the acknowledgement of bail in any action pending in the Court, and transmit the recognizance to one of the Justices, who shall receive the same on proof, on oath, by a person who was present when the same was acknowledged; and such bail, or recognizance, shall be of the like effect as if taken before one of the Justices, who shall receive for his Fee 2s. and the Commissioner shall receive, for marking, a writ, 2s. and for taking bail, 5s. and no more.

Sec. 3 : No. 2.

Justices to make rules for justifying bail; no cognizor of bail to be obliged to appear at Court, unless he live within twenty miles of Halifax, but the affidavit and examination may be made before the Commissioner.

Sec. 4 : No. 3.

Persons personating others, by acknowledging recognizance before a Commissioner in his name, shall suffer death.

P. 198. Stat. 15th and 16th, Geo. 3d, Cap. 4th, Sec. 1, 2 : No. 4.

When debt shall exceed 3l. Sheriff to take bail for the amount indorsed on the writ, which indorsement is to be made on an affidavit, being sworn to before the Judge, Clerk, or deputy Clerk of the Court; when the party is sick, and unable to attend to make the affidavit before the proper officer, the same may be made before a Justice of the Peace, who may order bail.

P. 211. Stat. 18th, Geo. 3d, Cap. 6th, Sec. 1 : No. 5.

Sheriff to hold to bail, in all cases exceeding three pounds; or to attach the debtors' goods, on affidavit made by plaintiff's attorney, or agent, before a Judge of the Court; or, in his absence, a Justice of the Peace, that defendant is justly indebted: the affidavit to be filed with the Clerk, and the sum indorsed on the writ; for such sum only bail shall be taken, or attachment made.

Sec. 2 : No. 6.

If plaintiff is absent, the Judge may indorse the writ, on plaintiff's agent producing his affidavit, authenticated according to the Law of England, or the usage of the plantations.

Sec. 3 : No. 7.

Defendant, if arrested, to be set at large, on giving the Sheriff bond, with two sufficient sureties, for his appearance, which, if he neglect, judgment by default may be entered, and the bond assigned to plaintiff, who may, notwithstanding, proceed to final judgment; if defendant put in special bail, the bail to the Sheriff is discharged, and defendant entitled to defend the cause, but not otherwise.

TITLE 7.

Bastard Children.

P. 27. Stat. 32d, Geo. 2d, Cap. 19, Sec. 1 : No. 1.

A woman, delivered of a bastard child, likely to be chargeable to the Province, who shall, at the time of delivery, declare to the person assisting, who the father was, and shall, some time before declare

declare herself with child of a bastard, in either case the nearest Justice to take examinations in writing, and, at the desire of the Overseers of the Poor, or householder of the place, to commit the father to prison, unless he give security to indemnify the place, and to appear at Sessions, where he is to be continued on recognisance until woman delivered. If woman die, or be married before delivery, or miscarry, or shall not be with child, person charged to be released.

Sec. 2 and 4 : No. 2.

When child born, the two nearest Justices, at the desire of the Overseers, or of a substantial householder, upon due examination, are to make an order for the relief of the place, and that the mother or father do find security to indemnify the place, or pay 20l. to be given to the Overseers. If, after order made, mother or father, on notice, shall not perform the same, they are to be committed, unless they give security to appear and perform the order of the next Sessions, or, otherwise, the first order. Appeal by party, thinking themselves injured, to be to Sessions, where the cause is to be tried by Jury.

Sec. 3. No. 3.

A woman who shall falsely accuse another, to be committed to the house of correction for six months, there to be whipped.

TITLE 8.

Beef.

P. 336. Stat. 34th, Geo. 3d. Cap. 9, Sec. 1 and 2 : No. 1.

Two persons to be appointed by Sessions, in every township, who shall be sworn as Inspectors and Re-packers of Salt Beef and Pork for exportation. All barrels, and half barrels, to be made of hard wood, with twelve hoops, and tight.

Sec. 3, 4, 5, 6 : No. 2.

Inspectors to sort beef and pork, by them re-packed, into three qualities : the description of each quality is directed by the Act; and he is to brand the quality, and quantity, on the head of each cask, with his name, and the name of the place. Each cask shall contain 200 lbs. of neat beef or pork, and beef barrels shall not contain more than thirty-one gallons, or less than thirty; and pork barrels not more than thirty, or less than twenty-nine gallons; half barrels to be in the same proportion, and, likewise, to be branded. The meat shall have been in salt at least fourteen days before repacking. One shilling to be paid for inspecting and repacking each barrel, with an allowance for hoops; the owner to find salt.

Sec. 7, 8, 9, 10, 11 : No. 3.

Persons shifting, or mixing, inspected beef or pork, and exporting same, to forfeit 50l. The Inspector shall also forfeit 50l. for every offence contrary to the Act. The owner of uninspected beef or pork to forfeit 40s. for every barrel exported without inspection; and the master of the vessel, likewise, 20s. for each uninspected barrel shipped: and Inspector may obtain from a Justice a warrant to enter a suspected vessel, and an order to the proper officer to land any beef or pork found therein, which has not been inspected; the owner to pay the expence of landing; every person obstructing the officer shall forfeit 50l. Penalties to be recovered in Supreme or Inferior Court. Two thousand pounds of beef or pork may be carried for ship's use, without inspection. The duration of the Act limited for two years.

TITLE 9-10.
Bills and Notes.

P. 57. Stat. 34th, Geo. 2d. Cap. 2, Sec. 1, 2 : No. 1.

Bills of Exchange, drawn by persons in this Province, payable in Europe, if protested subject to ten per cent. damage, and six per cent. interest, from date of Protest; and, if payable in any of the Colonies, five per cent. damage, and like interest from date of Protest; inland bills or orders subject to like interest, from date of Protest.

P. 134. Stat. 8th, Geo. 3d, Cap. 2, Sec. 1 and 2 : No. 1.

Promissory Notes, made payable to a person, or his order, may be assigned, by indorsement, the same as an inland bill of exchange: the person to whom such note is payable may maintain an action against the maker thereof: and so may the indorsee have his action either against the maker or indorser, the same as in cases of inland bills of exchange; and the plaintiff, if he recover, may have execution for his damages, and also his costs, provided that the action is brought within six years.

TITLE 10.
Biscuit and Flour.

P. 87. Stat. 3d. Geo. 3d. Cap. 3, Sec. 2, 3, 4 and 5 : No. 1.

Flour and biscuit to be sold, or exchanged, only by weight: if by the cask, or in any other way, to be forfeited to the poor, and person offending, if convicted before two Justices, to pay informer 20s. with cost, for every hundred weight, and so in proportion. Prosecution to be within ten days.

P. 273. Stat. 29th. Geo. 3d. Cap. 10, Sec. 1 and 2 : No. 2.

Meal and flour, of every kind, to be sold, or exchanged, by weight only, and in no other way; and grain, when measured, shall be struck with a strait board, or stick, rounded at the edges. Offenders subject to the penalties in the Act of which this is an amendment.

Bread.

P. 374. Stat. 36th, Geo. 3d. Cap. 8, Sec. 1, 2, 3, 4: No. 1.

Justices in General or Special Sessions, within their respective jurisdictions, to regulate the Assize of Bread, according to the price of grain, meal, or flour, making a reasonable allowance to the baker. All persons making bread for sale, shall conform to the assize so made and regulated, under a penalty not exceeding twenty shillings; the assize to be from time to time made and regulated, according to the table set forth in this Act, and the assize of mixed bread to be made, as near as possible, to the rate fixed by such table.

Sec. 5, 6, 7: No. 2.

Justices to direct the Clerks of the Market to make a weekly return of the price of meal and flour, which shall be entered in a book, and the assize to be regulated and published accordingly, for any time not exceeding one month. No alteration to be made in the assize, unless the price shall rise or fall one shilling in the hundred weight: bakers may inspect such book, and before the assize be set, may object thereto; the assize, when set, shall be published in the form directed by the Act.

Sec. 8, 9: No. 3.

When the Justices shall order and allow mixed bread to be made, the bakers shall conform to the regulations made and published by such Justices respecting the same, under a penalty not to exceed twenty shillings.

Sec. 10, 11, 12: No. 4.

The meal and flour used by bakers, in bread for sale, shall be sound and good, and the bread well made; no mixture to be used but salt, pure water, eggs, milk, yeast, and barm, or such leaven as the Justices shall allow: the masters who shall act contrary thereto, shall forfeit a penalty not to exceed 3l. or less than 2l. and the servant, or journeyman, not less than twenty shillings, or more than forty; or otherwise, to be imprisoned not exceeding fourteen days, and their names published; and for all bread sold, or exposed to sale, short of weight, the baker shall forfeit not more than 5s. for every ounce wanting, or less than one shilling; but if less than an ounce be wanting, then to forfeit not more than 2s. 6d. or less than six pence: prosecution to be within twenty four hours; bakers to mark each loaf with the initials of their names, under a penalty not exceeding twenty shillings, or less than five.

Sec. 13, 14: No. 5.

Clerks of the Market, at least, one day in every week, or a Constable, authorized by a Justice's warrant, shall visit the bakers' shops, and try the bread, and may seize all bread made for sale contrary to this Act; which, when condemned, shall be distributed to the poor, and persons obstructing them shall forfeit not less than twenty shillings, or more than forty; and if the baker shall prove the defect to have been caused by his servant, or journeyman, he shall be obliged to reimburse his master, or otherwise sent to hard labour, not exceeding a month.

Sec. 15, 16: No. 6.

Grand Jury and Sessions to appoint, when requisite, in every Township, two Inspectors of flour and meal, who shall be sworn, and shall, at the request of either party, inspect and mark the same; and if any dispute arise about the quality of bread seized, one of the Inspectors shall be called in.

Sec. 17, 18, 19, 20, 21: No. 7.

Offences against this Act may be tried by one Justice, who may hear the cause in a summary way, or otherwise proceed against delinquent: if he make default, penalties to be levied by distress; and for want thereof offender to be committed: half of all penalties to go to the informer, and the other half to carry this Act into effect: parties convicted may appeal to the Sessions, and persons sued for any thing done under this Act, may give the special matter in evidence: and, if acquitted, shall have treble cost: prosecutions against offenders to be within three days; former Acts repealed, and the duration of this Act limited to one year.

TITLE 12-13-14.

Butter.

P. 456. Stat. 42d, Geo. 3d. Cap. 2, Sec. 1, 2, 3 : No. 1.

The Sessions, in the County of Cumberland, to appoint Inspectors of Butter, who shall mark the quality of butter on each cask ; on refusal, to forfeit 40s. No butter to be deemed merchantable, unless inspected. Exporters of uninspected butter to forfeit 10s. a firkin. Inspector allowed 3d. for inspecting each cask.

TITLE 13.

Carriages.

P. 52. Stat. 33d, Geo. 2d. 2d. Sefs. Cap. 11, Sec. 1, 2 : No. 1.

Justices in their Sessions, yearly, at Halifax, in March and September, having respect to the price of labour and provender, are to regulate the price for the carriage of all articles within the Town and Suburbs of Halifax, and to cause the same to be published : Persons demanding, or receiving, a higher rate, to forfeit 20s. to be levied by distress, on conviction, before a Justice : half to go to the prosecutor, and half to repair the streets.

Sec. 2 : No. 2.

Sessions, in the several Counties in the Province, to make the same regulations, at the same time, for the Towns in the County, with the same power to enforce them.

TITLE 14.

Cattle.

P. 145. Stat. 8th, Geo. 3d. Cap. 11, Sec. 1 : No. 1.

A person maliciously killing, wounding, or hurting, any horse, sheep, or cattle, shall pay treble damage ; to be recovered in a Court of Record.

P. 213. Stat. 19th, Geo. 3d. Cap. 2, Sec. 1 : No. 2.

Justices to hold Sessions, for the purpose of making regulations, to prevent horses, or any kind of cattle, infected with distempers, from going at large. Persons disobeying such regulations, subject to a penalty not to exceed ten pounds ; to be recovered before two Justices, or the Sessions.

Certiorari.

P. 189. Stat. 14th, 15th, Geo. 3d. Cap. 8, Sec. 1 : No. 1.

Supreme Court to issue Certiorari, according to the rules and prac-

rice of the King's Bench in Great-Britain.

P. 287. Stat. 31st, Geo. 3d, Cap. 9, Sec. 1, 2 : No. 2.

No cause to be removed from Inferior to Supreme Court, until the party shall give security to perform the judgment of the Supreme Court in such cause : the Judge that allows the writ of Certiorari, shall indorse the amount of the security, and the names of the sureties, with the date, and shall sign his name to such indorsement.

TITLE 16.

Coin.

P. ²⁵⁸528. Stat 28th, Geo. 3d. Cap. 9, Sec. 1, 2 : No. 1.

Person importing, vending, circulating, or offering in payment, any copper coin, except such as are current in Great-Britain, or Ireland, to forfeit the same, with double the nominal value thereof. English crowns to pass for five and six pence, half crowns for two and nine pence, and a shilling for thirteen pence.

TITLE 17.

College.

P. 268. Stat. 29th, Geo. 3d, Cap. 4, Sec. 1, 2, 3 : No. 1.

Four hundred pounds sterling granted for ever, to be drawn out of the Treasury, quarterly, and paid to the Governors, towards the support of a College at Windsor: the Governors are—the Governor of the Province, Chief Justice, Secretary, Speaker, Attorney, and Solicitor General, who are incorporated by the name of the Governors of King's College of Nova-Scotia, who are given full power to hold property, and manage and regulate every thing respecting said College.

Sec.

Sec. 4: No. 2.

Governors to make Statutes for the government of said College, and to appoint the President and Professors; (the President always to be a Clergyman of the Church of England) also to appoint officers and servants, to regulate and establish all salaries, with power to remove for misbehaviour, and to appoint others.

Sec. 5, 6: No. 3.

Five hundred pounds granted to purchase a proper situation to found the College on; the Governors to appoint a temporary President, to be employed in the education of youth until the building be finished, and a Charter obtained from His Majesty.

TITLE 18.

Common.

P. 62. Stat. 34th, Geo. 2d, Cap. 12, Sec. 1, 2, 3, 4: No. 1.

Sessions of Lunenburg, every year, in March, to charge the Grand Jury to settle regulations for the Common of that Town, which, when agreed to by the Sessions, shall be in force for the ensuing year; Sessions to affix penalties, not exceeding forty shillings, for breach of such regulations.

P. 160. Stat. 10th, Geo. 3d, Cap. 4, Sec. 1, 2: No. 2.

Justices, in their Sessions, to make regulations for the Commons within their jurisdiction; persons transgressing such regulations to pay a fine not exceeding 40s. half to the poor, and half to the informer; to be recovered before two Justices by distress, and for want thereof, offender to be imprisoned, not exceeding ten days.

P. 270. Stat. 29th, Geo. 3d, Cap. 6, Sec. 1, 2, 3: No. 3.

Trustees named in the grant of the Common of Dartmouth, to call meetings of the persons interested in that Common; Trustees may sue, or be sued, as it respects the management and safe keeping of said Common; Proprietors, at their meetings, to vote money to pay the expence, and also the charge for managing any of the affairs of that Common, the same to be assessed, levied, and collected, as the public taxes are at Halifax, and to be paid to the Clerk, who is to be sworn, and is to be appointed at a meeting of the proprietors; the proprietors also, at their meetings, to make regulations for fencing and improving the Common; and to impose penalties, not to exceed fifteen shillings, for the breach thereof; orders not to be repugnant to the general laws of the Province; penalties to be recovered before two Justices; Trustees not to alienate Common; money to be assessed on each Commoner in proportion to the number of cattle he pastures, but not to be assessed on a proprietor who makes no use of the Common.

P. 319. Stat. 33d, Geo. 3d, Cap. 9, Sec. 1, 2: No. 4.

Two persons to be appointed every Spring, by the Sessions and Grand

Grand Jury of Annapolis County, who, with the Commanding officer of the garrison, if a commissioned officer, are to act as supervisors of the Common Marsh at Annapolis; and if there be no Commanding officer, then a third person is to be appointed, as aforesaid. Supervisors are to meet from time to time, and to cause the dykes, drains, and fences, to be repaired, and to assess, on each person entitled to Commonage, their proportion of labour.

Sec. 3, 4 : No. 5.

Persons, when called on, to perform the labour so assessed; if they neglect, are to forfeit, for each man's day's work, five shillings; and ten shillings for a team; to be recovered before two Justices; Supervisors to give notice when the marsh is opened each year for pasturage, and when closed, and shall appoint a Keeper of the Common, and shall regulate and give notice of the number of cattle each Commoner may pasture; Keeper to impound cattle that have not a right to Common; and, during his service, is to be freed from any rate.

Sec. 5, 6, 7 : No. 6.

Non-resident Proprietors of the Common, (officers of the garrison excepted) who have not contributed to the original expence of enclosing the Common, shall pay, each, five pounds, before they shall have any use of the Common, to be applied to the general purposes thereof; Supervisors to keep regular accounts of their proceedings, and expence; Supervisors are named in the Act until others appointed.

P. 385. Stat. 37th, Geo. 3d, Cap. 2, Sec. 1, 2, 3, 4 : No. 7.

Governor to appoint Trustees for the Common of Dartmouth, in lieu of those named in the grant; and in case of death, or removal, to appoint others: former trust vacated, and the Trustees appointed by this Act, are given the same power that the 29th Geo. 3d. gave former Trustees.

P. 472. Stat. 43d, Geo. 3d, Cap. 10, Sec. 1, 2, 3, 4 : No. 8.

Justices, in Sessions, at Annapolis, authorized to make regulations for the Common of Digby, or to lease the same, and to enforce such regulations, by fine, not exceeding 40s.; the Grand Jury, at Digby, may appoint Supervisors of the Common at Digby, who shall be sworn, and shall take care of the Common, and enforce the regulations of the Justices respecting the same. Act to continue five years.

TITLE 19.

County and Town Rates.

P. 110. Stat. 5th. Geo. 3d, Cap. 5, Sec. 1, 2, 3 : No. 1.

Non-resident Proprietors, (except in the Township of Halifax) shall pay their proportion of Town and County charges, and shall pay for, or perform, their proportion of labour on highways, &c. and if not paid after notice in the Halifax Gazette, and if no goods or chattels shall be found to levy the same on, one Justice may let so much of the absentee's lands as will be sufficient to pay the same. Persons grieved, to appeal to Sessions.

P. 111. Stat. 5th, Geo. 3d, Cap. 6, Sec. 1 : No. 2.

Treasurer, who is to be sworn.

Sec. 2, 3, 4 : No. 3.

Grand Jury, of their own knowledge, or on the representation of three freeholders, to present money for building or repairing Jail, Court-House, Stocks, Pillories, Pounds, for procuring Bolts and Shackles for conveying felons to Jail, and for support of poor criminals; money so raised to be paid to County Treasurer, and applied, only, to the purpose for which raised; and the persons appointed, in the presentment, Directors of the work, shall account to the Sessions, or Judges of Assize, and pay over the balance; or, otherwise, to be committed in execution; presentments to be posted up in the Court House when made, and none to be confirmed until the last day of the Court.

Sec. 5, 6, 7 : No. 4.

Grand Jury to present a sum not exceeding 10l. for the Treasurer, and, with the approbation of the Court, to appoint Assessors, who shall be sworn; persons refusing to serve forfeit 40s. to the use of the County; the Court to settle the proportion to be paid by each Town, which shall be assessed on the inhabitants; and, on refusal, shall be levied by warrant of distress from two Justices: persons aggrieved by the assessment, or mode of levying it, may appeal to next Sessions. The Treasurer to receive the money when levied, and pay it to the persons directed in the presentment. Treasurer shall make and return his accounts at every Court, with proper vouchers; and, upon neglect, to be committed to Jail till he do account, and to be forever incapable to serve as a Treasurer.

P. 150. Stat. 8th, 9th, Geo. 3d, Cap. 6, Sec. 1 : No. 5.

If Grand Juries neglect to present money, for the purposes mentioned in the Act 5th, Geo. 3d, Cap. 6. Judges of Assize, or Justices in Sessions, on proof, may amerce the County for the money necessary, and may appoint Assessors, who assess the sum equally, and the money be paid to County Treasurer.

Sec. 2, 3, 4 : No. 6.

Assessors shall, in future, appoint Collectors, who shall be allowed 1s. in the pound for all money paid to County Treasurer; Assessors or Collectors refusing to serve forfeit 5l. to be recovered before two Justices, and levied by distress, for the use of the County. County Treasurer to pay into Province Treasury the expence which attended bringing certain prisoners from Windsor to Halifax.

P. 154. Stat. 9th and 10th Geo. 3d. Cap. 1, Sec. 1, 2 : No. 7.

Grand Jury, on representation of three or more respectable freeholders, to present money to build or repair bridges; which money shall be raised and applied, as directed by the several Acts, of which this is an amendment.

Sec. 3 : No. 8.

On neglect of Jury, Judges, or Justices, may amerce the County for that purpose.

P. 173. Stat. 12th, Geo. 3d. Cap. 4, Sec. 1 and 2 : No. 9.

Members of the General Assembly.

Repeals the two Acts for raising a County Rate, to pay the

P. 219. Stat. 20th, Geo. 3d. Cap. 2, Sec. 1, 2, 3 : No. 10.

Justices, in Sessions, to appoint a Collector of Town Rates for Halifax, who shall give security, and account and pay in his receipts monthly, and be allowed for his service 10 per cent.

P. 278. Stat. 30th, Geo. 3d. Cap. 2, Sec. 1 : No. 11.

not to exceed seven and an half per cent.

Justices may allow the Collector of rates, at Halifax, a commission,

P. 281. Stat. 30th, Geo. 3d. Cap. 9, Sec. 1 : No. 12.

Grand Juries, on proper representation, may present money to pay the Clerk of the Peace for any service by him performed, for which no provision is made.

P. 285. Stat. 31st, Geo. 3d, Cap. 5, Sec. 1, 2, 3 : No. 13.

Justices, in Sessions, with the Grand Jury, for the District of Colchester, shall have the same power to raise money for public purposes in that District, which the Justices and Grand Jury have in the Counties, and the inhabitants of that District are exempted from serving on Juries at Halifax; and this Act also settles the bounds of that District.

P. 295. Stat. 32d, Geo. 3d. Cap. 7, Sec. 1, 2 : No. 14.

Grand Jury and Sessions, for the District of Yarmouth and Argyle, may raise money to build and repair Court-House, or Jail, and for all other purposes, as in the Counties in the Province; persons living in that District to be exempt from paying to the presentments for the County of Shelburne, or serving as Jurors at Shelburne.

P. 317. Stat. 33d, Geo. 3d. Cap. 6, Sec. 1, 2 : No. 15.

Proprietor of lands, on which any tax shall be assessed, or for which any highway labour is to be performed, if he neglects to pay, or to perform the same, and if nothing can be found thereon to distrain, report is to be made thereof at the Spring Sessions, and lands may be let to pay the same, with the expence. If no person will hire, representation is to be made to the Supreme Court, and, after reasonable means used to notify the party, the Court shall order so much of the lands, as will be sufficient, to be sold, and the Clerk of the Peace is to execute the deed: if there be any surplus, after paying the rates, with the charges, the same is to be paid to the proprietor; or, otherwise, paid into the County Treasury; and

and if not claimed for three years to be at the disposal of the Justices. Officers neglecting to report delinquents to Sessions, to forfeit forty shillings; and the Clerk of the Peace to forfeit a like sum if he neglect his duty.

P. 382. Stat. 36th, Geo. 3d. Cap. 16, Sec. 1: No. 15.

Grand Juries may raise by presentment monies to pay Jailors, and to provide fuel and necessaries for poor prisoners.

P. 434. Stat. 40th, Geo. 3d. Cap. 19, Sec. 1, 2, 3: No. 16.

Revives, and continues for a year, the Act of 36th Geo. 3d. which provides for the payment of Jailors, &c. and the provisions of that Act is extended to the rest of the province.

TITLE 20.

Courts of Justice.

P. 39. Stat. 32d, Geo. 2d. Cap. 27, Sec. 1, 2: No. 1.

All past proceedings of Courts of Justice confirmed; and the General Sessions of the Peace, for the County of Halifax, are to be held quarterly, as usual, on the First Tuesdays of December, March, June and September. The Section of this Act which appointed the sitting of the Quarter Sessions at Halifax, contained also the times for the sitting of several other Courts which have been since changed, no part of this Section was therefore published, upon the supposition that the Act of the 32d, Geo. 3d. Cap. 27. provided for the Sessions, as well as Inferior Court, which sat both on the same days; but the Sessions, by some mistake, being left out of that Act, therefore recourse must be had to this Act, which is the one that fixes the time at present.

Criminal Offenders.

P. 148. Stat. 32d. Geo. 2d. Cap. 20, Sec. 1 : No. 1.

Persons convicted of Blasphemy at Court of Assize, or Sessions of the Peace, to be set twice in the pillory, an hour each time ; or to be imprisoned three months.

Sec. 2 : No. 2.

A person convicted of profanely Cursing and Swearing by a Justice, either on his own hearing, or the confession of the party, or the oath of a credible witness, shall forfeit, to the poor, for the first offence, two shillings ; and, for the next offence, double that sum ; and, for the next offence, treble the same sum : to be levied by warrant of distress, and, for want of such distress, if the offender be above the age of sixteen, he shall be set in the stocks one hour for one offence ; or two hours for any number of offences of which he may be convicted at one time ; and, if under the age of sixteen, and shall not pay the forfeiture, he shall be whipped by the Constable, or the Parent, Guardian or Master, of the offender, in presence of the Constable. Prosecution to be within ten days after offence.

Sec. 3, 4, 5 : No. 3.

A person convicted of Drunkenness by a Justice, on his own view, or the confession of the party, or the oath of one credible witness, shall pay, to the poor, five shillings : to be levied by distress ; and, for want thereof, to be set in the stocks, not exceeding three hours. If convicted again, to pay the same penalty, and find two Sureties, in ten pounds, for future good behaviour ; and, for want thereof, to be sent to Goal until he find the same. Prosecution to be in ten days. Justice to register all convictions, under the two last sections, and to certify the same to the Sessions ; to be recorded by the Clerk of the Peace, and to be seen without fee. Justice, if sued, to plead general issue : and, if judgment in his favour, to have treble cost.

Sec. 6, 7 : No. 4.

A person convicted of counterfeiting, diminishing or altering, any foreign Coin, current in the Province, or of knowingly uttering the same, shall be set one hour in the pillory, one of his ears shall be nailed thereto, and shall also be publicly whipped through the town. Persons buying or receiving the clippings or filings, shall forfeit 20l. half to the King, and half to the Informer, and be imprisoned three months.

Sec. 8 : No. 5.

A person forging any Writing, Deed or Instrument, or publishing the same, knowing thereof, with intention to defraud any person, on conviction at Assize or Sessions, to be set in the Pillory, one of his ears cut off, and to be imprisoned one year ; and party injured to recover double cost and damage. Not to affect the Judge of Probate for authenticating a forged will, not knowing thereof ; or any other person, who shall shew, or give in evidence, a forged writing, without knowing of the forgery.

Sec. 9, 10, 11, 12, 13 : No. 6.

Perjury of a witness, in a Court of Record, to be punished, on conviction, by fine of 20l. one half to the King, and the other to the party injured, and to be imprisoned six months ; and for want of goods to pay such fine, offender to be set an hour in the pillory, to have one of his ears nailed thereto, and to be forever disabled from being a witness, unless such judgment be reversed, in which case, the party grieved thereby, may recover damages against the person who procured such judgment to be given against him. Person procuring others to commit perjury, to be punished in like manner. Judges of the Courts wherein perjury shall be committed, Justices of Assize, and Justices in their Sessions, to take cognizance of this offence ; those Judges that had power to punish perjury before this Act, to remain as they were.

Sec. 14 : No. 7.

Persons convicted at Court of Assize, or before Justices in Sessions, of obtaining any species of property by false tokens, or deceitful letters, to be punished with the pillory, public whipping, imprisonment, or hard labour in the House of Correction, at the discretion of the Court.

Sec. 15 : No. 8.

The punishment of liars, defamers, libellers, and makers of false news, provided by this Section, is, by the Stat. 10th, Geo. 3d. Cap. 6, altered, and cognizance thereof given to the Courts of Record, and punishment to be as usual in cases of like kind.

P. 147. Stat. 8th, 9th, Geo. 3d. Cap. 2, Sec. 1, 2 : No. 9.

Criminal offenders to pay the expence of securing and conveying them to jail, and, on refusal, the same to be levied by warrant of the Justice making the commitment ; if the prisoner is unable, County Treasurer to pay the same, on the Justice's order.

Sec. 3, 4 : No. 10.

The Court may order County Treasurer to pay the reasonable expence of poor witnesses in cases of Felony, and when there shall be no money in the Treasurer's hands to pay the same, payment shall be made out of the Province Treasury.

Sec. 5 : No. 11.

Persons sued for any thing done under this Act, may give all special matter in evidence, and, if Plaintiff be nonsuit, or there be a verdict for defendant, he shall recover treble damages, besides cost.

P. 161. Stat. 10th, Geo. 3d. Cap. 6, Sec. 1 : No. 12.

Cases of libel to be, in future, prosecuted only in Courts of Record and no higher penalty shall be inflicted than what is usual ; notwithstanding any thing in former Acts to the contrary.

P. 190. Stat. 14th, 15th, Geo. 3d. Cap. 10, Sec. 1 : No. 13.

For perjury, both ears to be cut off, and nailed to the pillory. Counterfeiting, impairing, diminishing or imbasing, current coin, one ear to be cut off, and nailed to the pillory.

TITLE 22.

Crown Lands.

P. 125. Stat. 7th. Geo. 3d. Cap. 1, Sec. 1 : No. 1.

Persons convicted in a Court of Record of taking possession of any of the King's lands without leave, in writing, from the Governor, to forfeit 50l.

TITLE 23.

Debtors Absconding.

P. 70. Stat. 1st, Geo. 3d. Cap. 8, Sec. 1 : No. 1.

The goods, or estate, of an absent, or absconding, debtor, may be attached in whosoever hands found, and taking a part shall secure the whole, and subject the same to be taken in execution when judgment recovered.

Sec. 2, 3, 4 : No. 2.

Where no goods can be found to attach, creditor may file his declaration in the Inferior Court of the County where the agent lives, and serve such agent with a summons, and copy of declaration annexed, fourteen days before the Court, which being returned, shall be sufficient to bring forward a trial; but if the debtor be an inhabitant, a summons and copy of declaration must also be left at his last place of abode. Agent shall be admitted to defend suit, and be allowed to implead for two terms; at the third term the cause to come on for trial, and, if plaintiff obtains judgment, all the property of defendant, in the hands of the agent when summons first served, shall be liable to execution; but if the agent comes in the first term, and declares, on oath, that he had no property of the debtor, at the time of service of summons, then plaintiff shall be nonsuit; and if agent does not appear the first term, and submit to examination, he shall pay plaintiff his cost.

Sec. 5, 6, 7 : No. 3.

If Agent shall, after service, dispose of property in any shape, so as not to produce sufficient to satisfy judgment, he shall answer to *Scire Facias*, on oath, what goods he had at the time, and shall be made answerable to the value thereof out of his own goods. Agent acting fairly shall be allowed his cost by party suing, and the taking of such property by execution, shall, forever, discharge the Agent from all claims of his principal, and, if sued by him, he may plead the general issue.

Sec. 8, 9 : No. 4.

Absent debtor may have a re-hearing within three years; and plaintiff, before execution issue, must give security to refund, if judgment be reversed on re-hearing.

TITLE 24.

Debts, Double Payment.

P. 168. Stat. 11th, Geo. 3d. Cap. 10, Sec. 1, 2, 3 : No. 1.

After the 1st January, 1772, no Tradesman's shop-book to be given in evidence, if the goods have been sold above two years before the action brought, unless he has taken an obligation for the debt, or brought an action within two years. Not to extend to dealings between Merchant and Merchant, Tradesman and Tradesman, or Merchant and Tradesman, respecting their mutual trades. Act to continue for five years.

P. 205. Stat. 17th, Geo. 3d. Cap. 2, Sec. 1 : No. 2.

The Act of the 11th Geo. 3d. Cap. 10, made perpetual.

Debts due to the King.

P. 209. Stat. 18th, Geo. 3d. Cap. 3, Sec. 1: No. 1.

Collectors of the Revenue, when bound to give credit for any part thereof, shall take a recognizance in the name of the King, with a warrant of attorney to confess judgment thereon; which recognizance the Collectors, on receipt of the money, may discharge.

Sec. 2, 3, 4: No. 2:

If not paid when due, Collectors to return the same to the Treasurer, who shall put the same in suit in the Supreme Court, at Halifax; and if the Court is not sitting, judgment may be entered in vacation as of the preceding term, and execution issued; Sheriff, on receiving execution, shall return the same within sixty days.

TITLE 26.

Distempers, to prevent the spreading thereof.

P. 68. Stat. 1st, Geo. 3d. Cap. 6, Sec. 1, 2, 3: No. 1.

Vessel entering the port of Halifax with an infected person on board, to anchor at least two miles, from town, having an ensign, with the union down, at her mast-head. No person to land, and Master to give notice to the Governor, and conform to his orders; before infected person be landed, Master to give security to pay charges attending him. Masters of vessels not conforming to this Act, to forfeit 100l. to be recovered in a Court of Record.

Sec. 4: No. 2.

In other Towns, one or more of the nearest Justices, to prevent persons landing from, or going on board, infected vessels; and to transmit intelligence to the Governor, for orders thereon.

P. 197. Stat. 15th and 16th, Geo. 3d. Cap. 2, Sec. 1, 2, 3: No. 3.

Persons coming from infected places, shall be taken care of by an order of two Justices; and the Overseers of the Poor, on due proof being made, that the health of the other inhabitants will be in danger from their mixing with them; if persons themselves, their parents, or masters, are unable to pay the charge, the same to be paid by the Town to which they belong; but, if strangers, the same to be paid out of the Treasury. Houses in which persons are inoculated, shall be, at least, 160 rods from any dwelling. Public notice thereof to be given in the Township; a flag to be hung out of the house, and persons infected not to go further than eighty rods from the house. This Act not to extend to Halifax.

P. 399. Stat. 39th, Geo. 3d. Cap. 3, Sec. 1, 2: No. 4.

Governor, by proclamation, to order vessels coming from infected places, to perform quarantine. No person, or goods, to be put on board, or brought on shore, from such vessels, unless by licence. Quarantine to be performed according to the directions of the Governor, to be notified by proclamation. Health Officers to be appointed throughout the Province, to see the quarantine performed, and to visit vessels coming from infected places, and examine the same; and if any danger is to be apprehended, he shall take persons to his assistance, and shall use force, if necessary, to compel such vessel to go to the place appointed to perform quarantine; master or person having charge of such vessel, to be imprisoned twelve months, if he conceal any circumstances respecting the state of the vessel.

Sec. 3: No. 5.

If the master of a vessel, coming from an infected place, shall go on shore himself, or suffer any person so to do, until report be made to the Health Officer, or shall refuse to convey his vessel to the place appointed for quarantine, he shall forfeit 100l. Persons coming on shore from such vessel may, by force, be compelled to return on board, and shall be imprisoned six months, or pay a fine of 50l. Upon affidavit, a Judge may indorse writs for bail against such delinquents, to the amount of said penalties.

Sec. 4, 5, 6, 7, 8, 9: No. 6.

Two Justices, when authorized by the Governor's proclamation, with the Overseers of the Poor, having taken the opinion of skilful persons, may take proper steps for the performing quarantine. Parties, if able, and the owners of the goods, to pay the expence; the expence of persons unable to pay, to be paid out of the Treasury. The proper officers shall compel persons, and goods, liable to quarantine, to be removed to the houses, tents, or lazarets, appointed for that purpose;

TITLE 26-27.

purpose ; and persons refusing, or escaping, before quarantine performed, shall be imprisoned six months, and pay a fine of fifty pounds ; and persons, so performing quarantine, shall be under the orders of the officers appointed to see the same performed, who have power to enforce such orders ; and persons not liable to perform quarantine, who shall enter a lazaret, shall be obliged to perform quarantine ; and, if he escape, shall suffer the punishment last mentioned. Officers misbehaving, embezzling, or damaging property, to lose their office, and pay a fine of 50l.

Sec. 10, 11, 12, 13 : No. 7.

Two Justices may order infected beds, wearing apparel, or household goods, to be burnt ; or, otherwise, may direct them to be purified by the proper officer. Officer to grant certificate when quarantine is performed ; and to be adjudged guilty of felony, without benefit of clergy, if he grant a false certificate. Persons concealing from Health Officer, or clandestinely conveying from a vessel, liable to perform quarantine, letters, or goods, shall be adjudged guilty of felony, without benefit of clergy. Governor's orders, respecting quarantine, to be published by proclamation, and read the first Sunday in every month in places of public worship.

Sec. 14, 15, 16 : No. 8.

Master of a vessel, coming from an infected place, or having any infected person on board, shall not land, or go on board any other vessel, or permit others so to do, or suffer any thing to be taken from such vessel, or any one to come on board, until visited by the Health-Officer ; and shall truly inform the Health-Officer of all circumstances, and truly answer all questions ; and shall go, when ordered, to the place for performing quarantine ; and shall not suffer any person, or thing, to escape from such vessel, when ordered to perform quarantine, unless with permission, under a penalty not exceeding 200l. Health Officers to be appointed by the Governor, during pleasure, and to be sworn, and paid out of the Treasury ; persons sued may plead the general issue, and give the special matter in evidence.

 TITLE 27.

 Distilling House.

P. 7. Stat. 32d. Geo. 2d, Cap. 4, Sec. 1 : No. 1.

No Distilling-House to be erected within one quarter of a mile of the pickets of the Town of Halifax, under penalty of 100l. and to be removed as a public nuisance.

Dykes.

P. 122. Stat. 6th, and 7th, Geo. 3d, Cap. 1. Sec. 1 : No. 1.

Persons maliciously breaking a Dyke, &c. whereby any Lands

shall be damaged, on conviction, shall suffer death.

Sec. 2 : No. 2.

Persons cutting, or carrying away, any materials that secure a Dyke, on conviction before two Justices, shall forfeit 20l. half to the poor, and half to the informer; to be levied by distress, and for want thereof, to be committed to hard labour for six months.

TITLE 29.

Fees.

P. 259. Stat. 28th, Geo. 3d. Cap. 15. Sec. 1, 2, 3 : No. 1.

Fees appointed to be taken by several officers for their services; that is to say:—The Judge of Probates and his Registrar; Justices of Common Pleas; Justices of the Peace; Clerk of the Supreme Court; Clerks of the Peace; and Attornies; and in all causes where the plaintiff has judgment, he shall recover his taxed cost; and where plaintiff discontinues without leave of the Court or of the defendant, or if he does not prosecute to final judgment, or where the defendant has judgment, defendant shall recover his taxed cost. No fees allowed to any but sworn Attornies. No Attornies fees to be taxed but where one is really employed; and no services to be taxed him but for those actually performed.

Sec. 4 : No. 2.

Regulates Sheriffs' fees; Jurors fees; Witnesses fees; Cryer's fees; Constables fees; Clerk of the Assembly, his fees; and Coroners fees: the Speaker to tax the fees of the Clerk of Assembly; no bill that relates to a County, or Town, or its precincts, to be deemed a private bill; the Coroner, where the deceased has no effects, to be paid his fees by the County; and, if the Justices in Sessions certify, that he buried the body, he shall be paid 20s. out of the Province Treasury. The Clerk of the Court to examine all bills of costs, and one of the Judges shall certify the same.

Sec. 5 : No. 3.

An attorney, if required, within six months after he receives payment, shall furnish the party a bill of particulars; and, before he issues execution, he shall file, with the Clerk, a copy of his taxed bill, and shall file the judgment roll, and indorse on the execution the debt actually due.

Sec. 6, 7 : No. 4.

Any person taking, for any service mentioned in this Act, a greater fee than is established, shall forfeit 10l. and double the amount of the fees so taken; to be recovered in a Court of Record. Prosecutions to be within six months.

P. 457. Stat. 42d, Geo. 3d. Cap. 4, Sec. 1, 2 : No. 5.

A Table of Fees, appointed for the Court of Chancery; any other service not provided for in the table; to be taxed after the rate therein stated.

TITLE 30.

Ferries.

P. 237. Stat. 23d, Geo. 3d. Cap. 10. Sec. 1, 2, 3: No. 1.

The General or Special Sessions, in each county, to establish Ferries, and grant Licenses to Ferry-men, and make proper Rules and Regulations for the same: And persons undertaking to act as Ferry-men subject to be fined at the Sessions, for the breach of any such Regulations, in a sum not exceeding Forty Shillings. Persons carrying for hire, where a Ferry is established, to pay a fine not exceeding Twenty Shillings, to be recovered before two Justices. Not to prevent persons supplying the place of a Ferryman who shall neglect or refuse to attend.

TITLE 31.

Firewards.

P. 80. Stat. 2d. Geo. 3d. Cap. 5, Sec. 1: No. 1.

Justices in their Sessions, for the County of Halifax, annually, to appoint a number, not exceeding ten fit and proper persons, as Firewards, for the Town and Suburbs; they are to be sworn, and to use a staff to distinguish their office.

Sec. 2: No. 2.

At the time of fire, they are jointly, or separately, to take the command; and to give orders respecting the extinguishing the same; saving and securing property; pulling down houses; suppressing disorders; and are in all respects vigorously to exert themselves; and all persons are to yield obedience to them; otherwise, on conviction before two Justices, to pay 40s. to the use of poor sufferers at the fire; and, if unable to pay such fine, to be imprisoned ten days.

Sec. 3, 4: No. 3.

Two or more Magistrates, or Firewards, may order houses to be pulled down; and if the house pulled down shall be the means of stopping the fire, or if it stops before it comes to it, owner shall be paid; and the inhabitants from Fresh Water River to Manger's Distilling House shall contribute. Special Sessions to be called, to order valuation of the property, to be made by two or more persons; to appoint two or more persons to make assessment on all the houses not burnt, according to their value; to order rate to be levied by distress, and payment made to the claimant; no compensation to be made to the owner of the house where fire began, if ordered to be pulled down.

Sec. 5: No. 4.

Any person stealing, or concealing, of goods, at the time of the fire, and who shall not, within two days after proclamation, return them, shall suffer death.

P. 227. Stat. 22d, Geo. 3d, Cap. 4, Sec. 1, 2, 3, 4: No. 5.

Each Fireward to be supplied with ladders, fire-hooks, axes, buckets, and bags, to be kept in each ward, at a convenient place; at which place the inhabitants, on an alarm of fire, are to assemble: these implements to be marked with the number of the ward; and any person having any of them in his possession 24 hours after a fire, to pay a fine of forty shillings. The expence of procuring these implements to be paid by an assessment on the inhabitants. Constables, at the time of fire, to attend the Firewards, with their Staves.

P. 234. Stat. 23d, Geo. 3d. Cap. 6. Sec. 1, 2, 3, 4: No. 6.

Sessions to appoint Nine persons to the charge of the Town Engine, who shall keep it always in order, and shall be exempt from the offices of Jurors and Constables. They shall bring the Engine to all Fires, and work it under the direction of the Firewards. One of the Enginemen to have the power of a Fireward. Repair of the Engine to be provided for at the Sessions by the Grand Jury.

P. 257. Stat. 28th, Geo. 3d, Cap. 8, Sec. 1, 2, 3 : No. 7.

No person to follow the business of sweeping Chimnies unless licensed by the Firewards, on pain of being punished as a vagabond. Firewards to make order respecting sweeping of Chimnies, which are to be swept at least once in the month, or oftener if they think it necessary. If a Fire happen in house or chimney, the occupant to forfeit Forty Shillings. If the chimney has not been swept, pursuant to such orders, and a Fireward neglecting to prosecute for penalty, shall forfeit Five Pounds. Firewards to order Chimnies, Stoves, or Smoke Funnels, to be altered, repaired, or removed, within Twenty-four hours, if dangerous; and if the occupant neglect or refuse, a Justice and three Freeholders shall be called to view the same, and, if they think the same dangerous, and the party refuse to repair, alter or remove, the same, the Justice shall prostrate the same, and levy the expence by distress on the party.

Sec. 4 : No. 8.

Inhabitants of Halifax shall be rated for the purchase, and keeping in order, one or more Fire Engines; the same to be under the direction of the Firewards, and to be kept in such places as they shall appoint.

Sec. 5 : No. 9.

No person to keep more than Twenty-five pounds of Gunpowder in one house or shop. Firewards to seize and sell any greater quantity. Firewards to order Hay, Shavings, or combustible materials, to be removed, if they apprehend any danger from the same; and, if not done in twenty four hours, they may seize the same.

P. 277. Stat. 30th, Geo. 3d, Cap. 1, Sec. 1, 2, 3 : No. 10.

The fine, to be paid by persons neglecting to sweep their chimnies, reduced to 10s. The number of Firewards for Halifax increased, and limited; not to exceed fifteen; and all the Acts respecting fire, and Firewards, extended to Shelburne.

P. 286. Stat. 31st, Geo. 3d, Cap. 8, Sec. 1 : No. 11.

Justices, in Sessions, to add nine more men to the Engine Company, at Halifax; who, together with the others, while they faithfully discharge their duty, shall be exempt from highway work, and serving as Jurors, or Constables.

P. 318. Stat. 33d, Geo. 3d, Cap. 7, Sec. 1 : No. 12.

All the several Acts respecting Firewards, Fires, and punishing thefts at the same, are extended to Windsor, Annapolis, and Lunenburg; the Sessions, at each place, to fix the limits, within which inhabitants shall make good losses.

P. 435. Stat. 41st, Geo. 3d, Cap. 1, Sec. 1 : No. 13.

The several Statutes respecting Fires, and Firewards, extended to the Town of Liverpool.

Fireworks.

P. 79. Stat. 2d, Geo. 3d, Cap. 4, Sec. 1, 2 : No. 1.

No person to make, sell, or expose to sale, any kind of Fireworks, or any implements for making the same; or to throw any kind of Firework into the street, highway, water, shop, or house; every such offence shall be judged a common nuisance; and every person so offending, or permitting such offence, on conviction, before one Justice, shall forfeit 40s. one half to the informer, and the other half to the poor; to be levied by distress; and, for want thereof, to be committed to House of Correction, or Jail, for a time not exceeding fourteen days.

Sec. 3d : No. 2.

Not to prevent the Governor, or Commanding Officer of the troops, or persons employed under them, from making Fireworks.

Sec. 4 : No. 3.

No Bonfires to be made within three hundred yards of any building, hay, or corn; under a penalty of 40s. to be recovered as aforesaid.

TITLE 33.

Fish and Lumber.

P. 81. Stat. 2d, Geo. 3d, Cap. 8, Sec. 1 : No. 1.

Pickled Fish to be of one kind in each barrel, sweet, free from rust, close packed, the barrels to be tight, of thirty-one and a half gallons, and full of sweet and strong pickle. Herrings to be free from oil. Merchantable Codfish to be the same as at Newfoundland. Hoghead Staves to be forty inches long, six broad, and three quarters of an inch thick on the thin edge. Barrel Staves thirty inches long, four wide, half an inch on the thin edge, and, for the Irish market, four inches broad, clear of sap, and three quarters of an inch thick on the thin edge. Hoghead Hoops to be substantial and well shaved, 15 feet long, and three quarters of an inch broad at the small end. Barrel Hoops to be nine feet long and half an inch broad at the small end. Boards to be full one inch thick. Singles eighteen inches long, four inches broad, and half an inch thick at the thick end at least. Clapboards five inches broad, half an inch thick at the back, and four feet four inches long. Cord Wood to be sound hard wood, full four feet long, including half the carf, piled solid, four feet high, and eight feet long.

Sec. 2, 3 : No. 2.

Fish Barrels to be of sound, well seasoned, timber, free of sap. Coopers to make barrels agreeably to this Act, and put his brand mark thereon, under penalty of forty shillings. Any person offering for sale deficient barrels, on being convicted before a Justice, to forfeit the barrels, and ten shillings for each, or suffer ten days imprisonment, for each defective barrel, provided the whole imprisonment do not exceed three months. Guagers to be appointed, who shall gauge, and mark, all barrels that are sufficient, and receive eight pence per ton.

Sec. 4, 5 : No. 3.

Grand Jury, at the first sessions yearly, to appoint Guagers of Casks and Barrels; Cullers and Surveyors of dry and pickled Fish, Lumber of all sorts, and Cord Wood, who shall be sworn by the Court, and, on refusal to serve, shall pay forty shillings, and another be appointed in his stead. All vacancies in these offices to be filled up, in like manner, at each succeeding sessions. Guager to forfeit ten shillings for every defective cask he shall mark.

Sec. 6, 7 : No. 4.

Pickled Fish offered for sale, or shipped, without Surveyor's brand or mark, to be forfeited, or the value thereof by seller or shipper. Surveyor to receive two pence per barrel, and four pence per mile travel, and to open and carefully inspect every barrel of Fish, and shall brand, with the mark appointed by the Court, such as are in all respects agreeably to this Act: and shall, also, by a cut mark, denote the kind of Fish, and when packed. And if any person belonging to a ship or vessel shall receive on board any pickled Fish, not marked and branded as aforesaid, he shall forfeit double the value of the Fish, and the owner shall forfeit the Fish, or the value thereof. And if any person shall shift Fish after survey, without having the same surveyed again, on conviction before a Justice, shall, for the first offence, suffer six months imprisonment; nine months for the second; and twelve months for the third; and besides pay all damage. Persons counterfeiting mark to forfeit ten pounds, and be imprisoned one month.

Sec. 8 : No. 5.

Dry Fish put to sale, or shipped for exportation, without Culler's certificate, to be forfeited, or the value thereof. Culler to be allowed one penny per quintal, and four pence per mile travel.

Sec.

Sec. 9, 10, 11, 12, 13: No. 6.

Boards, timber, plank, shingles, clapboards, staves, hoops, or slit-work, delivered upon sale, or shipped for export, to be forfeited, or the value thereof, unless surveyed. Shingles, clapboards, and hoops, exposed for sale, in bundles, if found deficient in quantity, shall be forfeited: shingles, clapboards, staves, and hoops, found deficient in quality, to be burned. Surveyor to receive, from seller, four pence per thousand for surveying boards, plank, and timber; and six pence per thousand for measuring, and marking, with four pence per mile travel; for shingles, two pence per thousand; for clapboards, two pence per thousand for surveying, and one penny for telling; if he unbinds, culls, and binds up again, six pence per thousand; for staves, six pence per thousand; for hoops, three pence per thousand for surveying, and three pence for telling.

Sec. 14: No. 7.

Cordwood forfeited, or the value thereof, if sold, and delivered, without survey and examination. Surveyor allowed two pence per cord.

Sec. 15, 16, 17, 18: No. 8.

All officers to be sworn, agreeably to the form in Act, and may retain, of the commodity, sufficient to pay his fees, if under 20s. but if above that sum, to be recovered before a Justice, and levied by distress; and all penalties and forfeitures under that Act, to go, one half to His Majesty, and the other to the informer. If the forfeiture or penalty shall not exceed twenty shillings, to be recovered before one Justice; if not exceeding three pounds, then before two Justices; the same to be levied by distress. If sufficient cannot be found to pay the lesser sum, offender to suffer twenty days imprisonment; and sixty days imprisonment on the large sum. Forfeitures or penalties exceeding three pounds, to be recovered in a Court of Record. This Act to be read yearly at the first Sessions held in every county.

P. 123. Stat. 6th, and 7th, Geo. 3d. Cap. 2. Sec. 1: No. 9.

All Barrels of Pickled Fish to be branded with the Packer's name, the initials of his Christian name, and Sir-name and at length, before shipping, or exposure for sale. Offender, on conviction before one Justice, to forfeit ten shillings for every cask; to be levied by distress, half to the poor, and half to the informer.

P. 273. Stat. 29th, Geo. 3d. Cap. 11, Sec. 1, 2: No. 10.

Unmerchantable Pickled Fish to be viewed by three skilful persons to be appointed by the Surveyor, and if, in their opinion, the same is unfound, the Surveyor shall destroy the same. If the Surveyor suffer any person to carry away condemned Fish, he shall forfeit, to the poor, twenty shillings per barrel; to be recovered before a Justice.

Sec. 3: No. 11.

No vessel to be cleared out for Europe with Dry or with Pickled Fish to any foreign market until the master of the vessel, shall produce, to the Collector and Naval Officer, a Certificate from the proper officer that such Fish is merchantable.

Sec. 4, 5: No. 12.

Salmon tierces to contain 42 gallons, and two hundred and eighty pounds of fish, exclusive of salt and pickle; pickled fish barrels to contain thirty gallons.

Sec. 6: No. 13.

Surveyors of Fish and Lumber forfeit, to the poor, the full value of the unmerchantable Fish and Lumber which they shall pass as merchantable, or with which they shall refuse to do as the law directs.

P. 392. Stat. 38th, Geo. 3d. Cap. 2, Sec. 1, 2, 3, 4: No. 14.

Red Herrings to be sweet, well fayed, and packed in kegs, or boxes, nearly of a size. Inspectors to be appointed the same as other Town Officers, at the Sessions, in the Counties where the smoking herrings is carried on. Herrings shipped for exportation, before they are inspected and marked, are forfeited to the poor, and the master of the vessel shall forfeit the value, provided it do not exceed 50l. Penalty to be recovered, if exceeding three pounds, in a Court of Record; otherwise before a Justice; half to the King, and half to the informer.

Sec. 5, 6, 7, 8, 9, 10, 11: No. 15.

Inspector to brand each package with the first letters of his name, and the Town, at full length. Persons counterfeiting the brand, or changing the package, to be prosecuted as common cheats; the size of the kegs, and boxes, are regulated, and the manner of marking the same. Inspector for culling, repacking, and marking each package, to have five pence, and four pence per mile travel; Inspector to destroy unmerchantable herrings. Pickled fish allowed to be exported in half, quarter, and eighths of a barrel. Act limited for a year.

Fifhery.

P. 89. Stat. 3d, 4th, Geo. 3d. Cap. 2, Sec. 1, 2, 3 : No. 1.

Justices, annually, at their first Sessions, to regulate the river fishery; persons transgressing regulations to forfeit 10*l.* one half to the poor, the other to the informer: to be recovered in a Court of Record. Act to continue two years.

P. 118. Stat. 6th, Geo. 3d. Cap. 1, Sec. 1 : No. 2.

Makes the foregoing Act perpetual.

P. 162. Stat. 10th, Geo. 3d. Cap. 10, Sec. 1, 2, 3 : No. 3.

Master of any vessel or boat to forfeit 5*l.* if convicted before two Justices, of any person under his command having thrown into the sea, within three leagues of the shore, any of the offal of the fish they may take; half the penalty to His Majesty, and half to the informer. Boat fishermen, dressing fish on the shore, may throw the offal in the land-wash.

P. 199. Stat. 15th, 16th, Geo. 3d. Cap. 10, Sec. 1, 2 : No. 4.

Justices, in General Sessions, to make regulations for the River Fishery, and to affix a penalty, not exceeding ten pounds, for breach thereof; penalty, if not over twenty shillings, to be recovered before one Justice; and, if not exceeding three pounds, before two Justices. Justices to appoint Overseers, with power to remove every thing which shall be contrary to regulations.

Sec. 3, 4, 5 : No. 5.

Netts, &c. found in rivers, contrary to regulations, with the fish found therein, to be forfeited; if no person claim the same, in ten days, to be sold for the penalties; and, if any overplus, to go to the poor. Act to extend only to rivers that fish resort for spawning, and to continue two years.

P. 210. Stat. 18th, Geo. 3d. Cap. 4, Sec. 1 : No. 6.

Act of the 15th and 16th Geo. 3d. made perpetual.

P. 247. Stat. 26th, Geo. 3d, Cap. 7. 2d. Sefs. Sec. 1, 2 : No. 7.

Mill-Dams, or other obstructions, hereafter to be placed in rivers, where fish resort, are to have a proper waste-gate kept open, while the season lasts, for fish to pass: where that is not the case, the Sessions, on complaint, are to give notice to the party, and to order the Sheriff to take an inquest; and, if the finding be for the complainant, the Sessions are to order a sufficient waste-gate to be fixed by the owner, who is likewise to pay a fine, not exceeding fifty pounds, nor to be less than ten, with costs; to be levied by distress; and, for want thereof, the party to be committed for three months.

Sec. 3 : No. 8.

If the party refuse to obey the order of the Sessions, three Justices, on complaint, or view, may hold a Special Sessions; and, on proof of neglect, to order the Sheriff to pull down, and remove, the Dam; and all persons, when required, are bound to aid the Sheriff, who may, on any suit against him, give the special matter in evidence.

Sec. 4 : No. 9.

Owners of Dams, now erected on such rivers, are bound to have waste-gates for the fish; and, on neglect, to be proceeded against as aforesaid. Persons complaining, without cause, to pay cost and fines, to be applied to the roads.

Sec. 5, 6 : No. 10.

Persons owning the lands through which a river runs, are to have the exclusive right to the fish thereof; the Sessions to appoint proper places in the river for common fisheries, where all persons may take fish.

Sec. 7 : No. 11.

Justices, at the first Sessions of each County, to distinguish the rivers or streams fit for transporting wood or lumber; and owners of mill-dams, on these rivers, are to be ordered, by Sessions, to have proper waste-gates, not only for fish, but also for wood and lumber to pass; and, persons neglecting to obey such order, may be proceeded against as aforesaid, and the dams removed as aforesaid.

Sec. 8 : No. 12.

Owners of dams heretofore built on rivers, with the consent of the inhabitants thereof, are not subject to the penalties of this Act; but the Justices may, if occasion requires, order proper passages to be made therein, under the direction of such persons as they may appoint.

Sec. 9 : No. 13.

Special Sessions to be held throughout the Province, to make regulations respecting the setting of nets in havens, rivers, creeks or harbours, so as to prevent the fishery from being injured: such orders to be enforced as specified in the Act to which this Act is in amendment. This Act to continue to the end of the year 1787.

TITLE 35.
Forcible Entry.

P. 6. Stat. 32d. Geo. 2d, Cap. 3 : Sec. 1, No. 1.

Any Justice of the Peace, on complaint, to issue his warrant to arrest any person forcibly entering, and detaining, any houses, lands or tenements, and to commit such person until he shall find Sureties to answer complaint at the next General Sessions.

Sec. 2 : No. 2.

Sessions to enquire by the oath of the party grieved, and other credible proof, and if the person be convicted by the Jury. possession to be restored within 14 days, without appeal, and the party grieved by action may recover treble damages and cost.

Sec. 3 : No. 3.

Persons peaceably possessed three years, not to be affected by this Act.

P. 66. Stat. 1st, Geo. 3d. Cap. 2, Sec. 1 : No. 4.

Minors, *Feme Covert*, insane persons, or persons absent from the Province, may sue, within five years, after impediment removed.

P. 216. Stat. 19th, Geo. 3d. Cap. 10. Sec. 1, 2 : No. 5.

Where tenant shall overhold, after expiration of his term, and notice, two Justices, on complaint, to issue warrant, and detain the party until he shall give security to appear at the next Supreme Court, where, if a Jury shall find the party guilty of overholding, the Court, by writ, shall cause the landlord to be put in possession, who may, by action on the case, recover against defendant treble rent, and cost of suit. Tenants, by the year, to have three months warning ; by the month, one month's warning ; and, by the week, one week's warning.

TITLE 36-37.

Forefallers.

P. 9. Stat. 32d, Geo. 2d. Cap. 10, Sec. 1, 2, 3, 4 : No. 1.

Importers of live stock, (oxen and sheep excepted) dead fresh provisions, grain, hay roots, or garden stuff, shall bring the same to a public wharf, and give notice thereof by the common cryer : such articles to remain openly exposed to sale for 48 hours ; and none of the aforefaid articles shall, during said 48 hours, be sold, or contracted for, in gross, under penalty of forfeiting the same, or the value thereof, upon conviction, by the oath of one credible witness, before two Justices ; to be levied by warrant of distress : half to the informer, and half to the poor. Not to extend to flour of all kinds, biscuit or fish. Two Justices, on proof made before them, may permit damaged, or decaying, articles to be sold in the speediest manner. Prosecutions to be in ten days.

P. 119. Stat. 6th, Geo. 3d. Cap. 6, Sec. 1 : No. 2.

Persons buying any provision, for the use of man, coming by land or water to fair, or market, within ten miles of the same, for the purpose of enhancing the price, shall be deemed a forefaller.

Sec. 2 : No. 3.

Persons obtaining, in any fair, or market, to sell again within a month, any provisions brought there to be sold, shall be deemed a regrator.

Sec. 3 : No. 4.

A Person convicted at Sessions, of either offence, to be fined not exceeding 10l. and, on non-payment, to suffer imprisonment, not to exceed two months, at the discretion of the Court : half the fine to the poor, the other to the informer.

P. 210. Stat. 18th, Geo. 3d. Cap. 5, Sec. 1, 2, 3 : No. 5.

Any person buying cord-wood to sell again, except when it shall be 15s. per cord, or under, shall not, within ten miles of Halifax, buy, engage, or contract for, any cord-wood coming to be sold, under penalty of 10s. per cord, over and above the price of the wood : to be recovered before two Justices. Nothing in this Act to prevent the purchase of wood for His Majesty's Troops.

P. 395. Stat. 38th, Geo. 3d. Cap. 4, Sec. 1, 2 : No. 6.

Justices, in the Sessions, to regulate the time when persons buying wood, to sell again, or retail, may purchase ; the same also the mode of retailing, measuring and delivering, such wood ; and, from time to time, to alter such regulations : and those who disobey the same, shall forfeit a sum not exceeding the value of the wood : half to the poor, and half to the informer. This Act limited to a year.

TITLE 37.

Fortifications.

P. 208. Stat. 18th, Geo. 3d. Cap. 1, Sec. 1, 2 : No. 1.

When the Military Commander in Chief shall want any lands for fortifications, or other Military uses, the Civil Commander in Chief, on his request, may appoint a Court to be held in the County where

where the lands lie ; and such Court shall order a Jury, of 24 freeholders, to be summoned from the town or precinct nearest to the land, who shall be sworn to value the same.

Sec. 3, 4, 5 : No. 2.

The Jury shall return a verdict under the hands and seals of at least, twelve : describing the premises, and to whom the same belong ; and, also, the value thereof : which verdict, when entered by order of the Court, shall become a record, and the value found being paid to the proprietor, or guardians of minors, or into Court if refused, the lands so valued shall be vested in His Majesty for ever. Lands formerly taken for Military uses to be valued the same way.

Sec. 6 : No. 3.

If the Sheriff refuse to summon Jury, he shall forfeit 20l. and every Juror neglecting to attend shall pay 5l.

TITLE 38.

Frauds and Perjuries.

P. 25. Stat. 32d, Geo. 2d. Cap. 18, Sec. 1, 2 : No. 1.

Leases or bargains respecting messuages, lands, tenements, or hereditaments made by livery and seisin, or parol only, void both in law or equity, and to have the force only of leases at will, unless put in writing, and signed by the parties, or by others lawfully authorized, by writing, to execute the same on their behalf ; except leases not exceeding the term of three years ; if the rent reserved be equal to two thirds, at least, of the improved value.

Sec. 3 : No. 2.

All assignments, grants, or surrenders of leases, for terms of years, or freehold interest, or any uncertain interest in messuages, lands, or tenements, to be void, unless put in writing, and signed by the parties as aforesaid.

Sec. 4 : No. 3.

No Executor, or Administrator, shall be charged by action, on any special promise, to answer out of his own estate, nor shall any other person be charged, on any special promise, to answer for the debt of another, or upon any contract respecting the sale of lands or tenements, or any interest therein ; or upon any other agreement not to be performed within the space of one year ; unless such promise, contract, or agreement, or a memorandum thereof, be put in writing, and executed by the party as aforesaid.

Sec. 5 : No. 4 :

No contract, for the sale of goods, for the price of ten pounds, or upwards, shall be binding, unless a memorandum thereof be made in writing, and signed by the party, or his agent, or some of the goods delivered, or some earnest given to bind the bargain.

Sec. 6, 7, 8, 9, 10 : No. 5.

All declarations, or creations of trusts, respecting lands or tenements, to be void, unless made in writing, signed by the party, or by his last will, in writing ; but all trusts which arise by implication, or construction of law ; or which are transferred, or extinguished, by implication, or construction of law, are not to be altered by any thing herein contained ; and all grants, and assignments of trust, shall be void, unless made in writing, or by will, as aforesaid. Trust Estates, shall be taken in execution, the same as any other estate of the party, and the interest of the *Cestui Que use*, shall be held thereby, free from all claim of the trustees. Trust Estates, in fee simple, descending to heirs, are made assets by descent in the hands of such heir, and chargeable, with the ancestor's obligation ; but such heir shall not, by any mode of pleading, be charged to pay out of his own estate.

Sec. 11 : No. 6.

Estates *pour autre vie* are devisable by will, executed according to law ; and, if no devise be made there-

of, the same shall be chargeable as assets by descent in the hands of the heir, as special occupant ; and, for want thereof, shall go to the executors or administrators of the party, and be assets in their hands, to be applied and distributed according to law.

Sec. 12, 13, 14, 15 : No. 7.

The first Judge of every Court to sign judgment without fee, and set down the day, month, and year, of his so doing, upon the docket which shall be entered on the margin of the record when the judgment be entered, and the same shall be construed as against *bona fide* purchasers of lands, as judgments only from such date : no satisfaction of any judgment to be entered on motion of attorney, except his warrant be proved by the affidavit, in writing, of a credible witness. No goods to be bound by execution, but from the time of delivering the writ to the officer, who is, without fee, to indorse the time he received the same.

TITLE 39.

Gaming.

P. 46. Stat. 33d, Geo. 2d. Sefs. 2, Cap. 1, Sec. 1 : No. 1.

Public gaming at cards, dice, tennis, bowls, or any other game, lotteries, and public gaming tables, decreed nuisances ; all notes, bonds, judgments, mortgages, securities, or conveyances, if any part of the value be won at any game whatsoever, or knowingly lent for the purpose of gaming, whether made to the gamblers themselves, or others in trust for them, are utterly void ; and if the same respect lands, or hereditaments, such are to go to the next heir, or heirs, the same as if the grantor had died before the executing such conveyance ; and all grants, or conveyances, made to prevent such descents, are void.

Sec. 2, 3, 4 : No. 2.

Person losing at any unlawful game, any thing above the value of twenty shillings, may, within one month, recover the same back, by action for money had and received, or trover and conversion, (if goods are lost) with cost ; and if the looser neglect to sue, any other person may, in one month thereafter, sue for the same, one half to be for his use, and the other for the poor. Parents, guardians, or masters, may recover treble the value of property won from a minor, with costs. Fraudulent gamblers, if convicted on indictment, or information, to forfeit to the person who will sue for the same, five times the value of the property won.

Sec. 5 : No. 3.

Two or more Justices may enter any public house, suspected of keeping a gaming table, and direct the keepers to remove the same within 48 hours ; and, on neglect, or refusal, Justices to break and prostrate the same, and to require security from the keeper for 12 months good behaviour, or appearance at Sessions, where, if convicted, he shall be fined or imprisoned as the Court shall direct.

Guagers, how appointed.

P. 72. Stat. 1st, Geo. 3d. Cap. 9, Sec. 1, 2, 3, 4 : No. 1.

Governor to appoint two persons Guagers for the port of Halifax, who shall be sworn, and shall gauge with the callipers only all spirits imported or distilled; and shall be allowed out of the duties on spirits, a salary not exceeding 25l. each yearly, and may, also, take as fees, 6d. for a puncheon or pipe, 4d. for a hhd. or tierce, and 2d. for a barrel, and so on in proportion; at every other place where it shall be necessary to appoint a Guager, he may take the same fees, with 6d. per mile travel; and, if a Guager neglects his duty, he shall, for each offence, forfeit 5l. with costs, to be recovered before two Justices, half to the informer and half to the poor. Guagers to have no fees for gauging the stock of rum at distilling houses.

P. 81. Stat. 2d. Geo. 3d. Cap. 8, Sec. 2 : No. 2.

Guagers to gauge and mark all fifti barrels.

P. 291. Stat. 32d. Geo. 3d. Cap. 3, Sec. 1, 2, 3 : No. 3.

Wine, rum, and molasses, to be gauged by the sworn Guager, on landing, and, before removal, Guager to mark, with an iron, in a fair and legible manner, the cask, on the head, or near the bung, with the initial letters of his name, and the contents. Guager to be allowed, for every cask, exceeding ten, gauged at one time, as follows, *that is to say*, three pence for each puncheon, two pence for each hoghead or tierce, and for a barrel one penny, in lieu of the present allowance, Guager to forfeit forty shillings for every refusal, or neglect, of duty; to be recovered before a Justice; half to the informer and half to the poor. Any cask removed, or exposed to sale, without being marked as aforesaid, to be forfeited, and seized by any Revenue Officer; half to the King, and half to the informer. In the out-ports, they may use the rod, if there is no person capable of gauging with the callipers; likewise, in the port of Halifax, if parties consent.

TITLE 41.

Grain.

P. 291. Stat. 33d Geo. 3d. Cap. 4, Sec. 1 : No. 1.

Every Grand Jury, and Sessions, to appoint, annually, two persons, to measure corn, grain, salt, coals, and lime, and to inspect bricks.

Sec. 2, 3, 4 : No. 2.

Wheat not to be deemed merchantable unless it weigh fifty eight pounds; rye, fifty six pounds; Indian corn, fifty eight pounds; barley, forty eight pounds; oats, thirty-four pounds; and, pease, sixty pounds; and to be inspected, and measured, at the desire of the purchaser, who, with the seller, are, equally, to pay the expence of the Inspector, who is to be paid for all grain except oats, two shillings for every hundred bushels, and one shilling for each hundred bushels of oats. Inspector to add, to the bushel of grain, as much as will make it standard weight, and likewise to deduct from the bushel, if it should weigh more than the standard. Persons exporting grain, of less weight than the standard, and without inspection, to forfeit a shilling for every bushel; half to the informer, and half to the poor; to be recovered before a Justice.

Sec. 5 : No. 3.

Bricks to be no less than eight inches in length, and four inches in width, two inches thick; and, to be sold, six score to the hundred.

Sec. 6, 7 : No. 4.

Salt, coals, and lime, for sale throughout the Province, to be measured, and bricks inspected; the seller to pay Inspector one penny for a hoghead of salt; three pence for a chaldron of coals; and, for the hoghead of lime, which

which is to contain eight heaped bushels, two pence ; and two pence per thousand for bricks : the officers to be sworn ; and, on refusal to accept the office, or neglect, or misbehaviour, shall pay a fine not exceeding three pounds : all grain, salt, coals, and lime, imported into the Province, to be subject to these regulations.

TITLE 42.

Grift Mill.

P. 162. Stat. 10th, Geo. 3d. Cap. 8, Sec. 1, 2, 3 : No. 1.

Grift to be taken for grinding corn, and grain of all kinds, to be one sixteenth part, to be ascertained by a fealed measure ; a person taking a greater toll, to forfeit to the poor the value of the overplus, together with 40s. to be recovered before two Justices. No miller obliged to grind grain which is not dry, clean, and in good order.

P. 224. Stat. 21st, Geo. 3d. Cap. 5, Sec. 1, No. 2.

Miller, keeping a bolt, shall be obliged to bolt the meal, ground by him, for a toll of one pint out of a bushel, and subject to the penalty of former Act if he refuse.

P. 252. Stat. 28th, Geo. 3d. Cap. 2, Sec. 1, 2 : No. 3.

One quart out of a bushel to be allowed for bolting ; the miller who shall demand, or take, more, or refuse to bolt, is made subject to the penalties of the 10th Geo. 3d. and a miller refusing to grind grain, is made subject to the same penalties.

Guardianship of Minors.

P. 37. Stat. 32d, Geo. 2d. Cap. 26th, Sec. 1, 2: No. 1.

Fathers, whether of age or not, may, by deed, or will, duly executed, dispose of the guardianship of their unmarried children, or of posthumous children, until the age of twenty-one, to any person or persons in possession or remainder, being protestants: which disposition shall be good against all others claiming the same, and such guardians may maintain actions, and recover damages, against any person who shall take such child away, and may receive, for the use of such children, the profits of their real estate, and the management of their personal estate, during their minority, and may maintain actions for them.

Sec. 3, 4, 5, 6, 7, 8: No. 2.

Governor may appoint guardians for protestant minors entitled to real estate, making such appointment to the next of kin, being protestants; and, if they refuse, to any other, being a protestant; allowing minors, above 14 years, to choose for themselves, and taking good securities, from such guardians, for the faithful discharge of the trust: such guardians, for the time of their appointment, to have the same power they would, if appointed as aforesaid, by the father of the minor. If guardian should die, before he has accounted, his heirs, executors, or administrators, must account to the minor, or his representative; in case of death, nothing in this Act to discharge apprentices bound by Overseers of the Poor.

Sec. 9: No. 3.

Posthumous Children not provided for by the Father's will, to share in his estate, as though the father died intestate.

TITLE 44.

Guns Firing.

P. 37. Stat. 32d, Geo. 2d. Cap. 25, Sec. 1, 2, 3: No. 1.

Any person, whatsoever, who shall unnecessarily fire a gun, pistol, or any kind of fire arms, in any part of the town or suburbs of Halifax, to forfeit 10s. half to the King, and half to the informer, on conviction before a Justice, to be levied by distress, and, for want thereof, offender to be sent to goal for twenty-four hours. Complaint to be within twelve hours.

P. 156. Stat. 9th, 10th, Geo. 3d. Cap. 3, Sec. 1: No. 2.

Children, under the age of fourteen, firing out of a gun, or pistol, or any other person, within the peninsula of Halifax, unnecessarily firing a gun, &c. within one hundred yards of a person on horseback, or in a carriage; such persons, or their children, their parents, guardians, or masters, shall pay the penalty in former Act, to be levied in like manner.

P. 322. Stat. 33d, Geo. 3d. Cap. 12, Sec. 1: No. 3.

The Act to prevent firing of guns, &c. in the town of Halifax, extended to the town plot of Dartmouth.

Hawkers and Pedlars.

P. 225. Stat. 22d, Geo. 3d. Cap. 1, Sec. 1, 2, 3, 4, 5 : No. 1.

Hawkers and Pedlars, (except at public fairs, and markets) with the consent of, at least, three Justices, to take out licenses at Halifax, from the Clerk of Licenses; and, elsewhere in the Province, from the Clerk of the Peace, and to give the same kind of bond that persons keeping licensed houses do, and to pay, if he travel on foot, 3l. every half year; if with one horse, 6l. and 2l. for every horse, or beast, more than one; the license to express the number of horses, and goods exposed to sale without such licence, forfeited; the duty, and two thirds of the fines and seizures to be applied to the roads, the other third to the informer; to be recovered in a Court of Record. Justices, Sheriffs, and Constables, to see this Act carried into effect; persons selling goods of their own making, or hawking fish, fruits, or vegetables, or travelling tinkers, glaziers, coopers, or harness menders, not obliged to take license.

TITLE 46.

Hides.

P. 73. Stat. 11th, Geo. 3d. Cap. 12. Sec. 1, 2, 3 : No. 1.

No raw Hides, Sheep or Calfskins, to be laden on board a vessel, before bond, for one hundred pounds, be given, to carry the same to Great-Britain, and no where else, under penalty of forfeiting the same, and the master shall also forfeit the value of such as shall be found on board; and, if carried out of the Province before seizure, the master to forfeit double, and the shipper treble, the value. Prosecution to be in twelve months: but such articles may be exported to His Majesty's Plantations, when the price shall be under three half-pence per lb.

Sec. 4, 5 : No. 2.

A butcher, or other person, offering for sale any hide, or skin, cut, whereby the same shall be impaired, in slaying thereof, shall forfeit, for each offence, twenty shillings; to be recovered before a single Justice by distress; and, for want thereof, offender to be imprisoned twenty days; half the penalty to the informer, and half to the poor; the penalties, for unlawful exportation, to be recovered in a Court of Record, half to the informer and half to His Majesty.

P. 162. Stat. 10th, Geo. 3d, Cap. 9, Sec. 1 : No. 3.

When hides are under three pence per lb. they may be exported to the Plantations.

P. 214. Stat. 19th, Geo. 3d. Cap. 3, Sec. 1, 2 : No. 4.

Searchers of Leather to view, at the slaughter-house, or tanners, every hide or skin before delivered on sale, and to make reasonable allowance for any injury the same may have received; and any person selling the same, without inspection, shall forfeit 20s. for each hide or skin: to be recovered before a Justice. Searcher to receive for each hide three-pence, and for each skin one penny.

Highways.

P. 74. Stat. 1st, Geo. 3d. Cap. 14, Sec. 1 : No. 1.

Grand Jury, at the First Sessions, after the first of January, yearly, to appoint two Surveyors of Highways, for each town ; to be sworn; and serve for a year ; and, on refusal to serve, or for each neglect of duty, to pay 5l. to be recovered in a Court of Record, and applied to repair the highways.

Sec. 2, 3, 4, 5, 6 : No. 2.

Owners of Carts, &c. to furnish a cart, with two oxen, or two horses, and an able driver to work on highways four days each year, and eight hours each day, penalty 10s. for each day's neglect ; and all other persons (hired servants excepted) to work six days each year, finding their own tools, under penalty of 3s. for each day's neglect : penalties to go to repair highways, and be recovered by distress, on complaint, before one Justice. Constables, in each Town, to make a list of owners of carts, &c. and persons bound to work in the Town ; and shall make an equal division of the highways for the Overseers to work upon ; all which shall be delivered, in writing, and signed by them, to the Overseers. Surveyors to summon inhabitants to work, giving notice of time, and place, at least, six days previous : work to be done between first of April and first of November, (seed time and harvest time excepted.) Surveyor to oversee workmen, and is excused from any other service on highways. Surveyors, if they think necessary, may order cart owners to furnish two labourers with tools each day, instead of a team, and are to account to the Sessions at the end of the year.

P. 108. Stat. 5th, Geo. 3d. Cap. 2, Sec. 1, 2 : No. 3.

If new highways are wanted, or old ones to be altered, the Sessions, on application, to empower two or three sufficient freeholders, of the next towns, to report on the necessity thereof ; and, if the same shall appear of common conveniency, Sessions shall order the Marshall to summon a Jury from the next towns, who shall be sworn, by a Justice, to lay out the same in the most convenient way for the public, and with the least possible damage to the proprietor ; and upon their doings being returned, and recorded, the same shall be after known for a public highway. All future highways to be 100 feet. Before recording such public highways thirty days notice to be given.

Sec. 3 : No. 4.

Sessions, on application, to order Surveyors to lay out private ways : party who may be injured to be first paid his damage.

Sec. 4, 5, 6 : No. 5.

Person, without authority, altering, or encroaching, on a public, or private, road, shall, on complaint to Sessions, forfeit 5l. to be levied by distress, and applied to repair roads ; Constables to make out lists of teams, householders, and labourers, within their Townships, and summon them to work, in such numbers, and at such times, as the Surveyor shall appoint. All persons between 16 and 60 to labour on the roads.

P. 179. Stat. 13th, 14th, Geo. 3d. Cap. 3, Sec. 1, 2, 3 : No. 6.

All forfeitures and penalties, for neglect of duties, to be sued for by Surveyors, the same as any other debt, before one or more Justices ; two Justices, on application, may lessen the number of poor persons' days labour ; aged persons, who are exempt from personal labour, shall send carts, if they keep any.

Sec. 4 : No. 7.

Justice, on view, or the oath of one credible witness, may fine a person incumbering the streets, or roads, not to exceed 20s. to go to the poor, and be levied by distress, if the party be known ; or, otherwise, by sale of the articles constituting the nuisance, every continuance of which shall be deemed a new offence.

P. 216. Stat. 19th, Geo. 3d. Cap. 8, Sec. 1, 2 : No. 8.

Jurors to settle the damages where new roads are laid out, to be summoned from the next Townships to the Town where the lands lie. Surveyors not to alter, or amend, a road, without the consent of three Justices.

P. 234. Stat. 23d. Geo. 3d. Cap. 5, Sec. 1, No. 9.

All highways, now in use, to continue their present breadth, or not to exceed 66 feet wide.

P. 254. Stat. 28th, Geo. 3d. Cap. 4, Sec. 1, 2 : No. 10.

Inhabitants, when called on by the Overseers, in the winter, obliged to work with cattle and sleds, to render the roads passable, not to exceed one day's work at each fall of snow when the depth is more than twelve inches ; on neglect, to forfeit ten shillings, to be recovered before a Justice.

P. 271. Stat. 29th, Geo. 3d. Cap. 7, Sec. 1, 2, 3 : No. 11.

All sleds drawn by more than one beast, and constructed to carry loads, going or coming to or from Halifax, or using the road to it, shall be not less than four feet in width, measuring from the outside of the runners, and the cattle drawing the same, shall be harnessed side by side, under penalty of ten shillings for each offence : to be recovered before a Justice to the use of the informer ; and all sleds, hereafter used in the settled townships shall be the same breadth, under the like penalty.

P. 295. Stat. 32d, Geo. 3d. Cap. 6, Sec. 1 : No. 12.

All wheels used for drawing timber, or lumber, on the road from the boundary of the County of Hants, to the Basin at Sackville, or on the Diamond Plain road, subject to a penalty, unless the felloes be of nine inches breadth ; nor shall any kind of timber, or lumber, be trailed on such roads, under penalty of five pounds, to be recovered from the driver, or owner, with cost, in any Court of Record for the County, half to the informer, and half to the poor.

P. 326. Stat. 33d, Geo. 3d. Cap. 15. Sec. 1: No. 13.

Carriages laden with timber, and drawn by one horse only, on the Windsor or Hammond Plain road, may have wheels of less width than nine inches; but if drawn by more than one horse, the wheels must be of the width of six inches. The duration of this Act limited to the end of the next session.

P. 369 Stat. 36th, Geo. 3d. Cap. 6. Sec. 1, 2: No. 14.

Inhabitants may build a Bridge over Tulket river, provided they keep therein a Draw-Bridge to permit vessels and boats to pass.

P. 369. Stat. 36th, Geo. 3d. Cap. 7. Sec. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10: No. 15.

The Governor may incorporate a Company, for ninety-nine years, to build a Bridge over the harbour of Halifax; which Company may make bye-laws, raise subscriptions, sell shares, and occupy the land and water, from high water mark, at the place where the Bridge shall be built. The Company must allow the free passage of vessels and boats through such Bridge; may erect toll gates, and establish a toll. After ninety-nine years the property in the Bridge to vest in the public; and unless the Bridge be completed in ten years this Act to be of no effect.

P. 419. Stat. 40th, Geo. 3d. Cap. 1, Sec. 1, 2: No. 16.

Commissioner wanting to change, or enlarge, a road, by taking enclosed, or improved, land for that purpose, shall cause a plan to be made, and laid before two Justices, who shall order a Special Sessions to be summoned, by the Clerk, within ten days; if the Justices approve of the new road, the Sheriff shall be ordered, by Sessions, to summon a Jury of twelve disinterested freeholders from the next Town, who shall lay out the road, and value the damage to be done thereby to the owners of the land; and if the road is to go through waste lands, and there should appear any special damage, the same is to be estimated as aforesaid.

Sec. 3, 4: No. 17.

Notice of the return of the verdict to be given the parties, that they may object; and, if the Sessions confirm the verdict, the road shall be made, and forever after remain public. The expence and cost to be paid out of the Treasury.

Sec. 5, 6: No. 18.

Owners of the land, obstructing the Commissioner, to be punished as for a misdemeanor; and Jurors to forfeit 20s. for non-attendance, to be recovered before two Justices.

P. 436. Stat. 41st, Geo. 3d. Cap. 3, Sec. 1: No. 19.

A part of Albermale Street, appointed for the use of His Majesty's South Barracks.

P. 437. Stat. 41st, Geo. 3d. Cap. 5, Sec. 1, 2, 3: No. 20.

Five persons, appointed Commissioners, to keep in repair the streets of Halifax, and the peninsula. The Governor, with the advice of his Council, to fill up vacancies. Commissioners to divide the districts into wards amongst themselves, to call out the statute labour, and to have all the power respecting the applying money, and labour, that the Overseers of the Highways had; also, empowered to prevent encroachments, and to recover all monies due for roads and streets, by action, or otherwise, to pave water street first, and then to pave other streets in succession, and to have the sole direction of repairing, and making, roads, and streets, within the district; with power to take gravel stones, and other necessary materials.

Sec. 4, 5, 6, 7, 8, 9: No. 21.

Commissioners have power to alter water-courses, and make drains, and sewers; persons incumbering the streets, are made liable to prosecution; and the Commissioners to remove all incumbrances, and sell articles left as nuisances, after notice to the party to remove the same. Persons building, may, with the leave of the Commissioners, deposit their materials in the streets. Commissioners may sink wells and erect pumps, remove signs, porches, or fences, that incumber the street, if built within twenty years; persons intending to build shall apply to the Commissioners, under a penalty of ten pounds if they begin to build before such application. Commissioners to regulate the line of the street for such person. No person to open, or break up, a street, without permission from Commissioners.

Sec. 10, 11, 12, 13, 14: No. 22.

One third of the license duty granted to the Commissioners; an exact account of receipts and expenditures, to be kept by the Commissioners; such accounts to be passed in the General Assembly. No suit to be commenced against any person acting under this Act, until after twenty days written notice, nor after six months from the time the cause of action accrued. Action to be tried in the County of Halifax; defendant may tender amends, and plead the general issue, and give this Act in evidence. If judgment for defendant, to have treble cost allowed. All monies, received by Commissioners, to be applied to the purposes of this Act; and the power of Overseers of Highways, within the town and peninsula of Halifax, hereafter vested in the Commissioners.

P. 459. Stat. 42d, Geo. 3d. Cap. 5. Sec. 1, 2, 3, 4: No. 23.

In the Districts of Colchester and Pictou, the Sessions may raise money to make and repair such Roads as the Statute labour is insufficient to make or repair. Persons assessed may pay in labour instead of money. All money raised in a township to be expended within the same. Commissioners to be appointed by the Sessions to lay out the money, who are to account at the January Sessions.

P. 462. Stat. 42d, Geo. 3d. Cap. 8. Sec. 1: No. 24.

Commissioners of the Streets at Halifax, their power extended to the Nine Mile Post at Sackville.

P. 481. Stat. 44th, Geo. 3d. Cap. 9. Sec. 1, 2, 3 : No. 25.

Persons on the Windsor and Hammond Plain Roads, may use wheels of less width than nine inches; but if less than six inches, the person using the same, shall work two additional days on the roads for every horse or ox employed to work with narrow wheels, or otherwise pay three shillings for each day's work.

Sec. 4, 5 : No. 26.

Persons who trail any Timber on those Roads when bare of snow, to pay a fine not exceeding twenty shillings, or less than five shillings. All penalties to be paid to the overseers.

Sec. 6 : No. 27.

Persons carting Plaster of Paris on the Roads in the township of Windsor, subject to the same regulations.

TITLE 48.

Indians.

P. 78. Stat. 2d, Geo. 3d. Cap. 3. Sec. 1, 2 : No. 1.

Governor to order the Attorney General to prosecute in a summary way, in a Court of Record, any person who shall wrong or cheat the Indians; such proceeding to be deemed legal; and this Act to be in force until the trade shall be regulated.

Inferior Courts and Sessions.

- P. 39. Stat. 32d, Geo. 2d. Cap. 27. Sec. 1 : No. 1. Sessions at Halifax to be held the first Tuesdays of December, March, June and September.
- P. 126. Stat. 7th, Geo. 3d. Cap. 5, Sec. 1 : No. 2. Inferior Court and Sessions to be held at Lunenburg the second Tuesdays of April and October.
- P. 161. Stat. 10th, Geo. 3d. Cap. 7 : No. 3. Sessions and Inferior Courts for Queen's County, to be held at Liverpool, the second Tuesday of April and second Tuesday of November.
- P. 237. Stat. 23d, Geo. 3d. Cap. 11, Sec. 1, 2 : No. 4. Inferior Court established in the District of Colchester;
- P. 243. Stat. 26th, Geo. 3d. Cap. 1, Sec. 1, 2 : No. 5. Sessions and Inferior Court for the County of Cumberland, to be held annually, at Amherst, the last Tuesday of October ; and executions issued from the Supreme Court at Amherst, to be returnable in sixty days.
- P. 243. Stat. 26th, Geo. 3d. Cap. 2, Sec. 1, 2 : No. 6. Three Justices, one to be of the quorum, to call Special Sessions in the several Counties, and to try offenders committed for petit larceny, either by indictment, or in a summary way ; but not to pass sentences, or inflict punishment, unless offender is convicted by a Jury.
- P. 246. Stat. 26th, Geo. 3d. Cap. 2. 2d Sess. Sec. 1 : No. 7. Sessions, and Common Pleas, to be held at Windsor, for the County of Hants, on the first Tuesday of April, and last Tuesday of October.
- P. 270. Stat. 29th, Geo. 3d. Cap. 5, Sec. 1, 2 : No. 8. Sessions, and Inferior Court, appointed to be held at Yarmouth, in the County of Shelburne, first Tuesday of April, and last Tuesday of October ; and, all the laws respecting the proceedings of such Courts, are extended to the Courts to be held there.
- P. 280. Stat. 30th, Geo. 3d. Cap. 6, Sec. 1 : No. 9. Sessions, and Common Pleas, to be held at Shelburne the first Tuesday of March, the first Tuesday of July, and first Tuesday of November, every year.
- P. 288. Stat. 31st, Geo. 3d. Cap. 11, Sec. 1 : No. 10. Inferior Court, and Sessions, to be held at Amherst, in the County of Cumberland, the last Tuesday of October.
- P. 297. Stat. 32d, Geo. 3d. Cap. 9, Sec. 1, 2, 3 : No. 11. Inferior Court and Sessions for the District of Colchester, to be held at Onslow, on the first Tuesdays of July and January ; and for the District of Picton, at Walmisley, on the third Tuesdays of July and January. The jurisdiction of Walmisley Court is described and limited, and the Onslow Court is to extend over the remainder of the District of Colchester, to continue while the District of Colchester is part of the County of Halifax.
- P. 367. Stat. 36th, Geo. 3d. Cap. 3, Sec. 3 : No. 12. Inferior Court to sit at Halifax the first Tuesdays of March, June, September, and December, each term not to exceed fourteen days ; the Court to regulate the number of return days.
- P. 368. Stat. 36th, Geo. 3d. Cap. 5, Sec. 1 : No. 13. Inferior Court, and Sessions, at Cumberland, to sit the day after the meeting of the Supreme Court, and to have the same grand and petit jury that attended the Supreme Court.
- P. 368. Stat. 36th, Geo. 3d. Cap. 5, Sec. 1 : No. 14. The Courts, for the district of Yarmouth, shall, in future, be held at Tusket Village.
- P. 387. Stat. 37th, Geo. 3d. Cap. 5, Sec. 1 : No. 15. Sessions, and Inferior Court, to be held at Guysborough, in the County of Sydney, the first Tuesdays of March and of October.
- P. 406. Stat. 39th, Geo. 3d. Cap. 6, Sec. 1 : No. 16. Sessions, and Inferior Court, at Horton, to be held the third Tuesday of June, and first Tuesday of October.
- P. 409. Stat. 39th, Geo. 3d. Cap. 10, Sec. 1, 2 : No. 17. Clerks of the Peace to enter, in a book, the names of the Justices who attend the Sessions, and to return, to the Supreme Court, the names of such Justices as neglect to attend ; if negligent Justices do not offer a sufficient excuse, their names are to be returned to the Governor from the Supreme Court, after which return, such Justice is out of office ; the Clerk who neglects making such return, to forfeit 5l. to be recovered before two Justices.

Sec. 3 : No. 18.

Sheriffs to summon the Justices to attend the Supreme Court, who shall give their attendance until discharged : the Council, and those who are Justices throughout the Province, excused.

P. 422. Stat. 40th, Geo. 3d. Cap. 5. Sec. 1, 2, 3 : No. 19.

Inferior Court and Sessions to be held at Annapolis the first Tuesday of April and first Tuesday of November ; and at Digby, the third Tuesday of June and third Tuesday of December. The Inhabitants of the Eastern part of the County of Annapolis excused from serving at Digby ; and those of the Western part from serving at Annapolis. All Money Presentments to be made at the Supreme Court.

P. 468. Stat. 43d, Geo. 3d. Cap. 2. Sec. 1, 2, 3 : No. 20.

Authorizes the Grand Jury at the Court of Assize for the County of Annapolis to raise money to build a Court-House in the Western District. The sitting of the Sessions and Inferior Court at Digby is also changed to the second Tuesday of June.

P. 483. Stat. 44th, Geo. 3d. Cap. 10. Sec. 1, 2 : No. 21.

Inferior Court and Sessions for the District of Colchester, to be held, in future, at Truro ; and all writs and process are made returnable at that place.

TITLE 50.

Innholders.

P. 77. Stat. 2d, Geo. 3d. Cap. 1. Sec. 1 : No. 1.

No Innholder, Tavern-Keeper, Ale-House-Keeper, or Retailer of Spirituous Liquor, shall recover, by law, more than five shillings, from any person for Spirituous Liquor, mixed or unmixed, sold on credit.

Sec. 2 : No. 2.

If any person shall give a pawn, or pledge, for Spirituous Liquors, exceeding the value of five shillings, a Justice of the Peace, on proof of the fact on oath, or otherwise to his satisfaction, shall cause the same to be restored, and satisfaction made for any injury done thereto, and shall fine the party twenty shillings and costs.

Sec. 3, 4 : No. 3.

Such persons shall not suffer any apprentice, bound servant, or negro slave, to sit drinking in their houses, or sell or give them any Spirituous Liquors, unless by leave of their master or mistress, under a penalty of twenty shillings, to be applied

applied to support the poor; the same to be levied by distress, on conviction before one Justice; and for want of distress offender to be committed one month. This Act not to prevent travellers or boarders from receiving necessary refreshment, on credit, at such houses.

TITLE 51.

Insolvent Debtors.

P. 90. Stat. 3d, and 4th, Geo. 3d. Cap. 5, Sec. 1: No. 1.

Person charged in execution, desiring to be released, must petition the Court, if sitting, and if not, two of the Judges, and exhibit an account, on oath, of all his effects, real and personal. Prisoner to be brought before them, and creditors summoned to appear. If they neglect to attend, Judges are to examine the matter of the petition. Sec. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12: No. 2.

If creditors are satisfied with prisoner's oath, prisoner is, by indorsement on petition, to assign the property to one or more creditor in trust for the rest; and such assignment shall be sufficient to vest the whole property in Assignee, who may recover the same in his own name, the same as a Bankrupt's Assignees could; then prisoner to be discharged, and property divided amongst creditors in proportion to their debts. If creditors object to prisoner's discharge, he must be remanded, and creditors ordered to appear at a certain day before the Court, for further examination. If creditors refuse to agree, in writing, to allow prisoner eight pounds of bread per week until the time of examination, or shall fail to supply the same, prisoner to be discharged. Prisoner refusing to make oath, or detected of falsity, to be remanded. Justices to certify their proceeding to the Court, to be made a record; and their proceedings to be as effectual as if done by the Court. If creditor neglects to appear on the second day appointed, Court may discharge prisoner, and order property to be assigned: But if creditor insists on prisoner's being detained, Court to order him his bread as aforesaid. If petition be made during the sitting of the Court, the proceedings to be the same as before mentioned. Prisoner not to have the benefit of this Act unless he petition Justices within fourteen days after being charged in execution; or the Court, before ten days lapse after sitting of the first Court subsequent to his being charged in execution. Prisoner's person, apparel of him and family, and tools only freed by discharge. The judgment to continue in force, and execution may issue against lands or effects. Prisoner, if convicted on indictment for perjury, to suffer accordingly, and be again charged in execution. Sheriff and Goaler to share for their fees with creditors; and if they offend against this Act to forfeit fifty pounds, to be recovered in a Court of Record, and be liable, besides, to all other pains and penalties. The affirmation of Quakers may be taken. No debtor to be discharged if the whole debts for which he is imprisoned exceed one hundred pounds.

P. 483. Stat. 44th, Geo. 3d, Cap. 11, Sec. 1: No. 3.

The benefit of the Act of the 3d and 4th years of his present Majesty, extended to persons confined for debts not exceeding three pounds; and two of the Justices of the Peace for the County, one of whom to be the Justice who issued the execution, are to grant relief.

Interest.

P. 160. Stat. 10th, Geo. 3d. Cap. 5; Sec. 1, 2, 3 : No. 1.

Interest on any Loan of Money, or goods of any kind, shall not exceed six per cent. by the year. Contracts of every kind for a higher interest are void; and a person who under contrivance of any bargain, shall accept and receive a higher interest, shall forfeit treble the value of the loan, to be recovered in a Court of Record in the county where the offence committed: half to the King, and half to the informer. Not to extend to bottomery of ship or vessel; and contracts made prior to this Act to be valid.

P. 183. Stat. 14th, and 15th, Geo. 3d. Cap. 1, Sec. 1 : No. 2.

Persons may hire or let live stock of any kind, or grain; the lender or hirer taking the risk on himself, without being liable to be charged as for a usurious contract: Nevertheless, if the property is lost or converted by the borrower, he shall make good the full value.

Sec. 2, 3 : No. 3.

All unfinished prosecutions for usury, in the hiring of live stock or grain, to be no further prosecuted; and all future prosecutions for usury, to be brought within twelve months after offence. Persons aggrieved by judgment of Inferior Court, may bring writ of error or appeal to Supreme Court.

TITLE 53.

Juries.

P. 365. Stat. 36th, Geo. 3d. Cap. 2, Sec. 1 : No. 1.

Persons resident three months, and having a freehold in the county of ten pounds yearly value; or a personal estate worth one hundred pounds, are liable to serve as Grand Jurors; so persons in like manner resident, and having a freehold of twenty shillings yearly value, or a personal estate worth ten pounds, are liable to serve on Petit Juries. Members of Council and Assembly, Treasurer, Secretary, Law Officers, Staff Officers, and Army Clerks, Officers, Clerks, and Labourers employed in the Naval Yard and Ordnance, Officers of the Customs, Registrar, Chief Surveyor, Naval Officer and his Deputies, Ministers, Attornies, Physicians, Surgeons, Engine Men, and persons above seventy years of age, are exempted from such duty.

Sec. 2, 3, 4 : No. 2.

Sheriff every year after the present, on or before the tenth of April, to return to the Prothonotaries, or Clerks of the Courts, a list of all persons liable to serve as aforesaid; and they are to put their names, on separate pieces of paper, into a box, to be by them kept locked. Sheriffs to have liberty to inspect the Rate Books of the county. Grand Juries to serve for a year, and to be drawn at the last sitting of the Court each year. Petit Juries to serve one session of the Court, and to be drawn the last day of the sitting of each Court. List of the Juries when drawn, are to be signed by the senior Judge present; and *Venires* to be issued by the Prothonotaries, or Clerks, ten days before the meeting of the Court. Grand Jurors to pay a fine not exceeding twenty shillings, and Petit Jurors not exceeding ten shillings for each day's default. Fines to be applied to the county use. If there appear in any term a defect of Jurors, others may be drawn and summoned, and a talis may be awarded and returned for the trial of a particular cause, if a sufficient number of the regular jury make default.

Sec. 5, 6 : No. 3.

Supreme Court, on motion, may allow a Special Jury to be struck before the Prothonotary, according to the course of the common law. In any case, civil or criminal, Prothonotary shall have a fee of five shillings, for attending such striking. In cases of view, six or more Jurors may be selected for that purpose by the parties; or, if they cannot agree, by the Court, with two persons to shew the premises. Viewers to be first sworn to try the cause; but the trial shall proceed although the view so allowed be not made.

TITLE 54.

Lands liable to Debts.

P. 21. Stat. 32d, Geo. 2d. Cap. 15, Sec. 1 : No. 1.

Executions issued on judgments recovered, to be levied on real estate. If the person against whom the same shall issue, refuse or neglect to satisfy the same with money or other personal estate. When real estate shall be taken, the Provost Marshal, at the request of the creditor, is to give the debtor and creditor notice, in writing. Each to appoint an appraiser, and the Provost Marshal is to nominate a third, who are to be discreet and indifferent freeholders. If debtor or creditor, three days after such notice, refuse or neglect to appoint an appraiser; or if absent from the Province, and have no known agent within the same, in such case the Provost Marshal shall nominate an appraiser. The appraisers to be duly sworn, and to view the estate taken in execution; and if in their opinion, or of any two of them, the rents be sufficient to pay the debt in two years, with interest and repairs, then the execution to be levied on the rent only; and persons in possession are to be caused to attorn as tenants to the creditor, to pay rent quarterly. The creditor to hold and receive the rents, until debt, cost, and interest be paid. Creditors may distrain for rent, and remove the persons, who refuse to pay, from possession.

Sec. 2, 3 : No. 2.

If in the opinion of two or more of the appraisers, the rent shall not be sufficient, then execution to be levied on a part of the estate, if it can be conveniently done; if not, upon the whole. Possession to be given to the creditors, tenants, or persons in possession, to attorn to pay rent to creditor, and to be distrained or removed as aforesaid. Appraisement of such rents or estate to be made in writing, and signed by the appraisers; the same to be annexed to executions, and returned with it, to be filed by the Clerk of the Court, and recorded by him in a book to be kept for that purpose. Provost Marshal, in consideration of the value of such estate found by the appraisers, shall execute a deed thereof to the creditor; which deed, or said return, shall make to him a good title in fee simple, subject to a right in the debtor to redeem, as hereafter mentioned. Clerk of Court refusing or neglecting his duty, to pay to party injured, five pounds: to be recovered by action of debt.

Sec. 4, 5, 6, 7 : No. 3.

Debtor may, at any time within two years, redeem his lands, by paying debt, cost and interest, with the amount of all necessary repairs; not to exceed one half the rent, which the creditor may, if he see cause, expend, with as much more as the debtor shall consent to. Creditor is bound to accept such payment, and surrender the estate to the debtor, with the quiet possession; and the debtor, if he see fit, may have action of account against the creditor. But if the appraisement of the estate be of greater value than the debt, then the creditor, within thirty days after the expiration of the two years, shall cause the sale of the premises at public auction, to be advertised; and the Provost Marshal is to sell the same, and execute a deed to the purchaser; which, when registered, shall make him a title in fee simple. If lands sell for more than the debt, &c. the creditor to pay the surplus to the debtor, and account for rents and profits, deducting repairs. But if the lands sell for less, the creditor to have an *alias* execution. The right of redemption to remain always open to the creditor, until final sale. If real estate, upon appraisement, be found insufficient to pay debt, or if the rent at the end of two years be insufficient, then an *alias* execution to issue. On which the other effects of the debtor or his body may be taken: But poor insolvent debtors are not to be detained contrary to the law of the Province.

P. 95. Stat. 3d, 4th, Geo. 3d. Cap. 8, Sec. 1, 2 : No. 4.

Debtors, or persons in possession of lands taken in execution, who shall refuse to attorn to, and pay, the creditor the rent fixed by the appraisers, to be prosecuted for a wrongful detainer; and where the rents of the lands are found insufficient to pay debt, the creditor is to fix the rent; and party refusing to attorn according to the form in the Act, and to pay such rent, is likewise to be prosecuted as before.

P. 180. Stat. 13th, and 14th, Geo. 3d. Cap. 4, Sec. 1, 2 : No. 5.

Notice of the sale of lands, by virtue of execution, to be given in the news-paper, and in some public place near where the lands lie, at least three times during three months before sale. Where execution shall be levied on part of the lands, appraisers to set off that part which will be least injurious to the debtor. Minors, *feme covert*, persons *non compos mentis*, imprisoned or absent from the Province, may, if they have title, sue for lands so sold, if within six years after impediment removed.

TITLE 55.

Law Suits.

P. 254. Stat. 28th, Geo. 3d. Cap. 5, Sec. 1, 2 : No. 1.

Defendant in any cause pending in a Court of Record, or before a Justice, may file his set-off four days before the Court, or with a Justice any time before the trial; and both demands on issue joined, are to be tried, and judgment given accordingly. If defendant, on trial, is unable to prove his offset, he may afterwards put it in suit against the plaintiff, provided at the trial he makes oath that he has a just demand against plaintiff, which he is then unable to prove.

Sec. 3 : No. 2.

If it shall appear to the Court, that the plaintiff, in an action, had an opportunity of pleading his demand as a set-off, such plaintiff shall pay cost, though a verdict be in his favor.

TITLE 56.

Leather.

P. 148. Stat. 8th, and 9th, Geo. 3d. Cap. 4, Sec. 1, 2, 3 : No. 1.

No dressed leather to be exposed to sale until viewed, stamped and marked, by the proper officer, under penalty of twenty shillings for every hide, and five shillings for every skin. The first letter of the town in the Province where the leather is manufactured, shall be marked on the skin, together with the weight thereof, by the proper officer, who shall receive three pence for a hide, and one penny for a skin. Any person convicted before two Justices of counterfeiting the stamp, shall forfeit ten pounds.

Sec. 4 : No. 2.

Penalties to be recovered before two Justices, and levied by distress; and, for want thereof, offender to be imprisoned one month: half penalty to the informer, and half to the poor.

TITLE 57.

Licensed Houses.

P. 411: Stat. 39th, Geo. 3d. Cap. 13, Sec. 1, 2, 3, 4 : No. 1.

No persons, directly or indirectly, to dispose of spirituous strong liquors, wine, ale, beer, or cyder, mixt, or unmixt, without licence, under a penalty of not less than 5l. or more than 10l. to be recovered before two Justices, and levied by distress; and, for want thereof, offender to be committed to hard labour for three months. Prosecutions to be within three months. Persons licensed are to keep a sign, under penalty of 5l. and to sell only in their dwelling-house, under the same penalty as for selling without licence.

Sec. 5, 6 : No. 2.

Grand Jury, at the Spring Sessions, to recommend so many persons of good fame, as, in their opinion, will be sufficient to be licensed in the County, setting forth and describing the residence of each person recommended, out of which list the Justices to licence so many as they shall think fit, each of whom shall enter into a recognizance, with one good surety for 50l. to keep an orderly house, and to yield obedience to the laws respecting licensed houses. The Clerk of Licences to have five shillings for his fee. Licensed houses, on the peninsula of Halifax, to pay 6l. yearly, and, in other parts of the Province, 3l. One quarter to be paid in advance. Justices may, where occasion shall require, on the public roads, grant licences gratis.

Sec. 7, 8 : No. 3.

Justices to appoint a day in every Spring Sessions to grant licences; and all licences granted any other day to be void; on which day the Clerk shall receive the quarter's advance, and take a list of their places of abode. In case the person nominated for a licence should neglect to take it out, or should die, or his licence become vacant, the Sessions may, in any future Session, grant a licence to another in his stead; and, except in the Town of Halifax, all persons licensed shall keep a sign, with entertainment for man and horse, and, at least, two spare beds, with meat, drink, stables, hay, and provender for man and horse; otherwise the licence to be taken away.

Sec. 9 : No. 4.

Tavern keepers not to suffer disorderly persons, hired servants, apprentices, or minors, to resort to their houses, or to have liquor therein; nor to suffer persons, not being strangers, or lodgers, to resort there on the Lord's day; a Justice on his own view, or on complaint, on oath, to commit such person, unless he gives security to appear at next Sessions, where he may be indicted, and, if convicted, shall forfeit his licence, and pay the penalty of his bond. The 5th and 9th Sections of this Act to be posted up in every public room in a tavern.

Sec. 10, 11 : No. 5.

Shop licences may be granted to retail not less than one quart of liquor, except at Halifax, where a gill may be retailed; such licences, at Halifax, to pay a yearly duty of 4l. and in the rest of the Province forty shillings, with a fee of five shillings to the Clerk: one quarter to be paid in advance. If persons having shop licences, suffer liquor to be drank in such shop, they shall be punished as for selling without licence, and shall keep the tenth section posted up in their shop, under pain of forfeiting licence. Licences, at present granted, to be in force until the first Sessions, in the year one thousand eight hundred, and to last afterwards but for one year, unless renewed. Shopkeepers may sell not less than one gallon of liquor without licence.

Sec. 12, 13 : No. 6.

Witnesses refusing to give evidence, or misbehaving, to forfeit 10l. and, for want thereof, to be imprisoned three months. Witnesses to be paid for attendance; half of all penalties to go to informer, and the other half paid to the Clerk of Licences, to be by him accounted for.

Sec. 14, 15, 16, 17, 18 : No. 7.

Clerk at Halifax to pay amount of collections, quarterly, into the treasury, deducting a commission of seven and a half per cent. the money to be expended under the direction of the Governor, on the roads within ten miles

miles of the town. No money to be paid for such work out of the Treasury, until the Sessions and Grand Jury shall examine the accounts, and certify the same, which certificate shall be annexed to the warrant. Clerks of the Licence, throughout the rest of the Province, to pay into the County Treasury; and the Justices are to cause the money to be expended on the roads. Clerks neglecting to pay over the monies received, to forfeit double the sums. Clerks to visit taverns and shops to see this Act complied with, to prosecute offenders, and to be sworn faithfully to do their duty; and persons interrupting them in doing their duty, liable to be indicted, and imprisoned. The Governor to appoint the Clerk of Licences at Halifax; and the Justices in Sessions, on the recommendation of the Grand Jury, to appoint the Clerks in the rest of the Province, during pleasure.

Sec. 19, 20; 21, 22 : No. 8.

No goods, or merchandize, to be sold in a tavern, under penalty of 20l. If a quarter's payment be due ten days, the Clerk may sue the parties' bond before a Justice; the Clerk of the Peace to read this Act every Spring Sessions. Act limited for a year.

P. 430. Stat. 40th, Geo. 3d. Cap. 14, Sec. 1 : No. 9.

That part of the Act which prevented goods from being sold in a Tavern, or liquor drank in a shop, is changed, and persons paying an additional duty of ten shillings, may, on the recommendation of the Grand Jury, have a licence so to do, such licence to be posted up in the shop or tavern.

P. 445. Stat. 41st, Geo. 3d. Cap. 12, Sec. 1, 2 : No. 10.

Keepers of Licensed Houses obliged to pay the Clerk of the

Peace 2s. 6d. for taking and entering the recognizance.

P. 480. Stat. 44th, Geo. 3d. Cap. 5, Sec. 1.

Licence Duty Acts continued to 31st December, 1805.

TITLE 58.

Light-House.

P. 43. Stat. 33d, Geo. 2d. Cap. 2, Sec. 1, 2, 3, 4, 5 : No. 1.

Recites the building of a Light-House on Sambro Island pursuant to the Statutes of last Session; and imposes a duty of sixpence per ton on all vessels coming into Halifax harbour, except coasters, and fishing vessels, and vessels in His Majesty's service; if their charter exempt them from port charges; duty to be paid on vessels going out, and before clearance. Freeholders of the Province to pay for their vessels only 4d. per ton; the duty, if refused, to be recovered, if exceeding forty shillings, before two Justices; if less, before one. No vessel to be deemed a fishing vessel, unless wholly employed therein; or a coaster, unless employed as such wholly within the Province. Coasters to pay twenty shillings per annum. Monies collected to be applied to support the Light-House; surplus to be for the use of the government.

P. 253. Stat. 28th, Geo. 3d. Cap. 3, Sec. 1 : No. 2.

All vessels coming in, or going out, of the harbour of Shelburne, after 1st of Jan. 1788, shall pay 4d. per ton to support the Light-House there. Coasters, fishing vessels, and transports, in the King's service, if exempt by their charter, are excepted; and vessels owned by freeholders to pay only 3d. per ton duty, to be paid before clearing out vessel, and may be sued for before two Justices. Receiver to be appointed by the Governor.

Sec. 2, 3 : No. 3.

No vessels to be deemed coasting or fishing vessels, unless wholly employed therein; coasting vessels to pay twenty shillings a year, and one shilling for every ton above twenty tons; money to be paid into the Province Treasury, and applied to support the Light-House; surplus to go to other uses of government.

P. 327. Stat. 33d, Geo. 3d. Cap. 16, Sec. 1, 2, 3 : No. 4.

Registered vessels, not wholly employed in the fishery, and which do not come once in the year to Halifax, and Shelburne, and there pay the light duty, shall pay yearly in the harbour to which they belong, four pence per ton; all vessels which are not owned by some person in the Province, (ships of war, and ships chartered

chartered to government, excepted,) that shall enter any harbour of the Province, not to the north east of Canfo, shall pay the Shelburne light duty. The Governor to appoint persons to collect the duties in all such harbours; or, otherwise, to farm the same for a period not greater than a year.

Sec. 4, 5, 6: No. 5.

Persons, after demand, who refuse to pay the duty, or depart without paying the same, shall forfeit 5l. over and above the duties, to be recovered in a Court of Record, and the Collector may seize the vessel, and lodge the same with the nearest Custom-House Officer, until the fine and duties be paid, or security given; monies arising from this Act to go to support the Light-Houses, the Governor to contract for lighting the same.

Sec. 7, 8: No. 6.

Vessels owned by companies, shall be considered as belonging to a freeholder of the Province, if one of the partners reside in it. The duration of the Act limited to three years. This Act is made perpetual by 43d Geo. 3d. Cap. 4.

P. 349. Stat. 35th, Geo. 3d. Cap. 3, Sec. 1, 2: No 7.

Light money to be paid for each vessel immediately on its arrival at Halifax, or Shelburne, and the master is subject to a penalty of 5l. if he refuses, and the Collector may seize the vessel, until the duty, with the penalty, is paid; any person obstructing the Collector subject to a penalty of 20l. Naval Office not to clear out vessel, without a certificate of the duty paid, and to keep a regular account of all vessels that shall arrive, with the names of the masters, and owners, and to send a copy thereof, quarterly, to the Treasurer, and is allowed, from each vessel, a fee for his trouble.

P. 389. Stat. 37th, Geo. 3d. Cap. 9, Sec. 1, : No. 8.

Revives and continues the Act of the 33d. Geo. 3d.

P. 470. Stat. 43d, Geo. 3d. Cap. 4, Sec. 1, 2, 3, 4: No. 9.

All vessels entering the Gut of Annapolis, after the Light House there shall be lit, shall pay the same light duty as at Halifax; and the Halifax light duty is also to be paid at Shelburne. Monies to be levied, and applied, the same as at Halifax, and the several Acts respecting Light-Houses, are extended to the Light House at Annapolis, and made perpetual.

TITLE 59.

Limitation of Actions.

P. 34. Stat. 32d, Geo. 2d. Cap. 24, Sec. 1, 2, 3: No. 1.

All Actions, both in law or equity, for the recovery of lands, shall be commenced within twenty years, after title thereto has accrued, right of entry is taken away after twenty years, and those who neglect to enter within that time, are forever excluded. Minors, *feme covert*, persons *non compos*, and persons imprisoned, or beyond seas, at the time title accrued, exempted, in case they commence their suit within ten years after impediment removed.

Sec. 4, 5, 6, 7, 8, 9: No. 2.

Actions of trespass, *quare clausum fregit*, trespass, detinue trover, replevin debt, when on contract, without specialty, assault, menace, battery, wounding and imprisonment, actions of account, and upon the case, (other than accounts concerning trade between merchant and merchant) must be commenced within the following periods: that is to say, the said actions on the case, (other than for slander) account, trespass, debt, detinue, replevin, and trespass, *quare clausum fregit*, within six years after cause of action, and actions of trespass, assault, battery, wounding and imprisonment, within one year; and actions on the case, for words, within six months after words spoken; and where judgment in any of the aforesaid actions shall be re-

versed

reversed, or arrested, after verdict for plaintiff, or where the defendant has been outlawed, and afterwards shall reverse such outlawry, such actions may be recommenced within one year; and, in actions *quare clausum frigit*, if trespass be involuntary, defendant may plead a disclaimer, with tender of amends; and, if the issue on such plea be found for defendant, or plaintiff be nonsuit, the same shall be a perpetual bar; and, in actions of trespass, assault and battery, and actions for words, if damages are found under 40s. the plaintiff shall recover no more than 40s. cost, unless in actions of assault and battery, or trespass; the Judge shall certify on the Record that the assault was sufficiently proved, or that the title of the land was chiefly in question, or that the trespass was voluntary, or malicious; in such case, plaintiff to have full cost; though damage found under 40s. *feme covertis*, minors, persons *non compos mentis*, imprisoned, or beyond sea, at the time the right to any of the aforesaid actions accrued, may commence the same within the times before limited, after such impediment be removed; and if the person or persons who may be liable to any of the aforesaid actions, be beyond sea when the action accrued, the plaintiff may bring such action after defendant's return, if done within the times respectively limited as aforesaid.

P. 368. Stat. 36th, Geo. 3d. Cap. 4, Sec. 1 : No. 3.

In all actions of trespass for entering a close, where the title to the land is not the chief question, plaintiff shall give defendant notice, in writing, at least seven days before the issuing process, that he may offer satisfaction: plaintiff, without proving such notice, shall recover no more cost than damage.

TITLE 60.

Lord's Day.

P. 64. Stat. 1st. Geo. 3d. Cap. 1, Sec. 1 : No. 1.

No shop to be opened, on the Lord's Day, for sale of any goods, except milk, or fresh fish, which may be sold, before nine o'clock in the morning, or after five o'clock in the evening.

Sec. 2 : No. 2.

No labour to be done on the Lord's Day, (except works of charity or necessity.) No sports, or pastime, on that day, under penalty of ten shillings for each offence, on conviction before one Justice.

Sec. 3 : No. 3.

Tavern keepers not to suffer inhabitants to drink, or idle their time in their houses, on the Lord's Day, and to keep their doors shut during Divine Service, under penalty of ten shillings for each offence. Persons found drinking on that day, in any public house, to pay 5s.

Sec. 4 : No. 4.

Churchwardens and Constables to walk through the Town, during Divine Service, to suppress all disorders.

Sec. 5 : No. 5.

All persons, in health, and above the age of 12 years, to be fined by a single Justice, if absent three months together from Divine Service.

Sec. 6, 7, 8, 9 : No. 6.

All fines to be for the use of the poor of the Town; prosecution must be in ten days after offence; penalties to be levied by warrant of distress; and, for want thereof, offender to be committed to jail for twenty-four hours. This Act to be read at the opening of every Sessions of the Peace, and twice in each year in every place of public worship.

P. 284. Stat. 31st. Geo. 3d. Cap. 3, Sec. 1 : No. 7.

Service of any process on the Lord's Day, except for treason, felony, or breach of the peace, unlawful, and the party injured by such service, may recover damages.

Losses by Depredation of the Enemy.

P. 231. Stat. 23d, Geo. 3d. Cap. 2, Sec. 1, 2, 3, 4 : No. 1.

Governor to appoint Commissioners in any County where required, who shall advertise the time and place of meeting, and shall give special notice to those who may have recovered judgment on account of losses by the enemy, against any inhabitant of the Province, requiring them to make proof of such losses; and the Commissioners, after due examination, shall state an account of the real losses of those who have recovered judgment, and report the same to the Chief Justice, with the names of the inhabitants who have been instrumental in producing such losses; and if parties refuse to appear, Commissioners may make an *ex-parte* report.

Sec. 5, 6 : No. 2.

Supreme Court to examine report, and if it appear that any such judgments have been improperly obtained, or that others ought to contribute to the payment thereof, Supreme Court may set such judgment aside, and may order the amount of the real loss to be assessed on the persons who should make good the same; and the execution of all such judgments is suspended until the Court shall have examined the same.

TITLE 62.

Markets.

P. 9. Stat. 32d, Geo. 2d. Cap. 10, Sec. 1, 2, 3 : No. 1.

Live stock, (oxen and sheep excepted) dead fresh provisions, grain, hay, roots, and garden stuff, imported for sale, shall be cried, and exposed for sale, 48 hours before the same shall be sold at wholesale, under pain of forfeiture. Not to extend to flour, biscuit, or fish, articles in a perishable state may by permission be sold. Offences to be prosecuted within ten days.

P. 396. Stat. 39th, Geo. 3d. Cap. 1, Sec. 1, 2, 3 : No. 2.

Governor to appoint Commissioners to repair, or rebuild, the market-house in Halifax, and to build a vegetable market, also to build a country market. Commissioners to appoint a keeper, or keepers, and receiver of the rents of such markets, with an allowance for their trouble. Commissioners to account for the monies expended on such buildings, and for the rents, and all monies received. Commissioners to let the stalls at Auction: a quarter's rent to be paid in advance; arrears of rent to be recovered before a Justice, and defaulter excluded from his stall, which shall be let again.

Sec. 4, 5 : No. 3.

Butchers, and journeymen, to conform to the regulations of the Sessions. After the town market shall be ready all meat and poultry shall be sold by butchers in the market-house, during market hours, under penalty of 5l. Market hours from sun-rising to sun-setting, and on Saturdays two hours after sun-set, and on Sundays from sun-rising until nine o'clock.

Sec. 6, 7, 8 : No. 4.

Countrymen, and their servants, may sell their meat in all places, and at all hours, alive or dead: two Justices to notify any person who shall pretend to sell meat as a countryman, and such person shall forfeit, after such notice, 10s. for every offence. Stalls in the country market to be let at a shilling per day to countrymen: not exceeding seven days to one person. Weights, scales and measures, to be provided for such markets; and, if lost, the value to be paid by those having the use of the same. Sessions to regulate the country market, and persons not conforming thereto to forfeit, for each offence, 10s.

Sec. 9 : No. 5.

Commissioners to settle with the Trustees of the fish-market, and to have the same, with the vegetable market, under their care, and to receive the rents. Sessions to regulate these markets as aforesaid.

Sec. 10, 11, 12, 13, 14, 15 : No. 6.

Keeper to attend during market hours; and he, and also the Clerks of the Market, shall seize all meat, fife and fowl, tainted, blown, stuffed, or deceitfully set off, or offered for sale contrary to the regulations of the Sessions: two Justices to view and condemn the same, and order it to the poor, or to be destroyed if the same be unfit for food. Justices may fine the person exposing the same 10s. Contractors for supplying Army or Navy not restrained to the rules in this Act contained. Butchers unlawfully combining together to pay a fine not exceeding 50l. Keeper, and Clerks of the Market, to take an oath to execute this Act, and the regulations of Sessions. Penalties and forfeitures, not otherwise provided for, to be recovered before two Justices: half to the prosecutor and half to the Commissioners. The rents to be applied, by the Commissioners, to pay salaries, and other purposes necessary to give effect to this Act. Former Acts respecting the markets of Halifax repealed.

P. 407. Stat. 39th, Geo. 3d. Cap. 8 Sec. 1, 2 : No. 7.

Justices in Sessions for Queen's County may procure, and fit up, a market-house in the town of Liverpool, and appoint the market days; the Act against forestalling shall be in force in Queen's County.

County; after such market shall be established, Justices to appoint, and, at pleasure, to remove, the keeper, who shall have the power of a constable, and may make bye-laws to regulate such market, provided the same are not repugnant to the laws of Great Britain.

P. 463. Stat. 42d, Geo. 3d. Cap. 13, Sec. 1, 2 : No. 8.

Commissioners of the Market may let stalls at auction in the country market to the town butchers. No butcher to have more than one: there are three stalls to be reserved for countrymen; butchers in the country market made subject to the same regulations as in the town market. A keeper to be appointed. Duration of this Act limited.

TITLE 63.

Marriage.

P. 24. Stat. 32d, Geo. 2d. Cap. 17, Sec. 1, 2, 3 : No. 1.

Persons solemnizing a marriage before publication three Sundays, or holidays, in some congregation within the town or towns where the parties reside, to forfeit, to His Majesty, 50l. unless a licence for such marriage be obtained from the Governor of the Province: a Clergyman refusing to make publication, or to marry parties after publication, or licence, to forfeit 50l. and liable to an action at the suit of either of the parties grieved.

Sec. 4, 5 : No. 2.

Polygamy declared to be felony, unless former marriage declared void, or sentence of divorce had before Governor and Council. Attainder not to work corruption of blood, loss of dower, or inheritance.

Sec. 6, 7 : No. 3.

Governor and Council to take cognizance of all matters respecting prohibited marriages and divorces. Marriage to be void for cause of impotence, or kindred within the degrees prohibited by the 32d of Henry VIII. Divorce to be for those causes, and for adultery and desertion.

Sec. 8, 9 : No. 4.

Incest punished with pillory for one hour, and fine of 50l. or six months imprisonment; Adultery punished with fine of 50l. or six months imprisonment, and party, nevertheless, to be subject to an action of damages.

P. 67. Stat. 1st. Geo. 3d. Cap. 4, Sec. 1, 2 : No. 5.

Proprietor's Clerk in each township, where no parish shall be established, to register marriages, births and deaths: his fee sixpence, and five shillings penalty on those who refuse to give notice to such Clerk, or to pay his fee, to be recovered before one Justice. Such registry to be evidence in a Court of Record.

P. 69. Stat. 1st. Geo. 3d. Cap. 7, Sec. 1, 2 : No. 6.

Marriage to be null and void for no other cause save impotence, contra, kindred within the degrees prohibited, adultery and cruelty.

P. 226. Stat. 22d, Geo. 3d. Cap. 3, Sec. 1 : No. 7.

Town Clerks to register marriages, &c. instead of Proprietors Clerks under the penalty mentioned in former Act: fee one shilling for each registry.

Sec. 2 : No. 8.

Town Clerks to take a copy of the registry kept by the Ministers, to which future marriages, deaths, &c. in each township, is to be added.

P. 316. Stat. 33d, Geo. 3d. Cap. 5, Sec. 1, 2, 3 : No. 9.

Marriages heretofore solemnized in the presence of one or more witnesses before Magistrates or Lay Persons, if the parties have cohabited, are made valid, and the issue of such marriages declared legitimate, and the persons celebrating the same indemnified against any penalty.

Stat.

P. 34^o. Stat. 35th, Geo. 3d. Cap. 2, Sec. 1, 2, 3, 4 : No. 10.

In the Township or District where no regular licensed Clergyman resides, the Governor may appoint proper persons to solemnise marriages: and such marriages are declared valid; the persons so appointed shall, under penalty of 10l. file a certificate of each marriage, within thirty days, with the Clerk of the Peace, who shall record the same under a penalty of 5l. Penalties to be recovered in a Court of Record: half to go to the poor, and half to the informer. Such record to be received as legal evidence.

TITLE 64.

Militia.

P. 351. Stat. 35th, Geo. 3d. Cap. 6, Sec. 1, 2. No. 1.

Every person, between sixteen and sixty, shall be enrolled in the militia, or an independent company; the names of all are to be entered in a book; the militia is to be formed into regiments by counties, and may be divided into battalions not less than 300 men; each independent company not to exceed 50 men; and artillery companies (Halifax excepted) not to exceed 32 men; no more than one independent company allowed to each regiment: companies to be formed by Districts, except the grenadier and light infantry: each company not to be less than 30 men, or more than 60, to have three officers. Officers to be in the proportion of one to twenty men: Field-Officers to regulate the numbers, and independent companies may be formed by the Governor into a battalion.

Sec. 3, 4, 5; 6 : No. 2.

The men to provide their own arms, and ammunition, under a penalty of three shillings and sixpence for each neglect. Parents to pay the fine of children, and masters of servants. Militia and independent companies to be assembled six times in a year, to exercise: the Commanding Officers to regulate the mode, and are subject to a penalty for neglect; men refusing to attend, and do their duty, subject to a penalty not to exceed 10s. Certain persons are exempt from training, and watching, and warding, but are obliged to provide arms. Persons misbehaving may be imprisoned not exceeding three days.

Sec. 7, 8, 9, 10, 11, 12 : No. 3.

Every battalion to have an Adjutant, whose duty is described by the Act: his pay not to exceed 15l. per annum. Officers commanding companies to appoint and remove non-commissioned officers. Clerks of Companies to take an oath of office, and their duty is described in the Act. Drummers and Fifers may be enrolled in companies though not within the district. Commanding Officers to make returns, to the Adjutant-General, twice in a year: and made liable to be tried by a Court-Martial for false returns. Inspection of arms to be made twice in the year.

Sec. 13, 14, 15 : No. 4.

Any person disturbing or insulting militia, while at exercise, shall forfeit 10s. and persons claiming exemption from duty, on account of sickness, shall undergo an examination by a Surgeon. Commanding Officer to call a meeting of the commanding Officers of Companies every year, in March, at which meeting the districts are to be regulated, and the number of men settled for each company; general regulations are also to be made for the dress and discipline of the regiment, but not to be carried into effect until approved by the Commander in Chief, except as to the extent of districts, and number of men in the companies; and the application of all fines are to be accounted for in the Secretary's office.

Sec. 16, 17, 18, 19, 20, 21, 22 : No. 5.

Officers not obliged to do any duty under the rank of their commission, except such as have resigned. Militia to march to all parts of the Province, on an attack, if ordered by the Governor: where occasion shall require it the commanding officer may order the militia on service without waiting for the Commander in Chief's orders, but must inform him by express of the occasion. Commanding Officer may press men, horses, &c. if the occasion require it: the expence to be paid. Regular Rosters to be kept to regulate the men next for duty, and the militia, called on service, are

to be regulated thereby: and the men are to be obedient to their commanding officers; and, for misbehaviour, officers and men may be tried by a Court-Martial: during actual service the Governor may order a General Court-Martial; the crimes of Mutiny or Desertion may be punished with death, all other offences by fine and imprisonment; members of Courts Martial shall be sworn; twelve members must agree to a sentence of death; Judge Advocate to be appointed and sworn.

Sec. 23, 24, 25: No. 6.

When the Militia is called on service volunteers shall be excepted, each volunteer may exempt another person from serving, the remainder of the number wanted are to be balloted for: the mode of balloting is regulated, and a fine imposed on those who refuse to serve, or find a substitute; persons who have served are exempted from being drafted, until all the rest have served. Quakers are exempted from serving, but must pay for a substitute, and, in lieu of training days, must work four additional days on the highways.

Sec. 26, 27: No. 7.

Militia, when called on service, other than mounting the ordinary guards in the town and county, shall be paid—the Officers the same as those in the regular service, Serjeants 2s. 2d. per day, Corporals, Drummers and Fifers, 1s. 6d. per day, Privates 1s. 3d. with rations, which are to be paid for, as by the regular soldiers. Sessions, and Grand Jury, when occasion may require, to raise money on the county, to arm boats for its defence, and the commanding officer may order the militia to serve in such boats, but not to go more than three leagues from the shore.

Sec. 28, 29, 30: No. 8.

The Muster Roll of independent companies to be delivered, three times in the year, to the commanding officers in the Counties; and, in the absence of the Governor, such companies are to be under the command of the County Officers. Men, when disabled in service, are to be supported by the Province.

Sec. 31: No. 9.

Arms issued from His Majesty's stores, to the Militia, shall be marked; and officers commanding companies are made responsible for them, and may take them into their care, unless the persons to whom issued will give security for the same; which security, if he removes, shall be assigned to the officer into whose District he goes. Persons who shall dispose of such arms, and he who receives the same knowingly, are subject to a fine of 10l. Fines to be applied to replace arms.

Sec. 32, 33, 34, 35, 36, 37: No. 10.

The Governor, in time of war, to order signal posts to be established; and persons making a false alarm to pay a fine of 50l. Militia, on their march, are to be billeted by the Justices: sixpence allowed for a meal for each person, and one penny for a night's lodging, to be paid out of the Treasury; Officer commanding to grant certificates for the number of meals and lodgings, and made liable to punishment for granting a false certificate. Fines, not exceeding three pounds, to be recovered before a Justice, without fee; other fines in a Court of Record: and fines, not otherwise disposed of, to be applied to the use of the regiment. This Act to be read at the head of every company once a year, under penalty of 5l. Former Militia Acts repealed, and this Act to continue one year.

P. 380. Stat. 36th, Geo. 3d. Cap. 10, Sec. 1, 2, 3: No. 11.

A Militia man, who is ordered on a working party, shall forfeit a sum not exceeding 10s. if he refuse or neglect to obey his officer's lawful commands. Militia to be called out only four times in the year. Act to continue for one year.

P. 387. Stat. 37th, Geo. 3d. Cap. 6, Sec. 1, 2, 3: No. 12.

When the militia shall be called into service the Commanding Officers of Militia at Halifax shall apportion the number of draughts to be furnished by the labourers in the Engineer's Department and Naval Yard, and procure substitutes in their stead, and the expence to be assessed in proportion to their pay, and, on refusal, the same shall be levied by distress, or imprisonment: parties may find their own substitutes. Act limited to a year.

P. 432. Stat. 40th, Geo. 3d. Cap. 18, Sec. 1, 2, 3: No. 13.

Soldiers, on a march, shall be billeted and provided for the same as the Militia are: a soldier's dinner to be charged nine-pence, and breakfast and supper one third less; when a rout shall be granted for soldiers to march, the Province to pay for a soldier's dinner, provided the whole expence do not exceed, in one year, 500l.

Sec. 4, 5: No. 14.

Two Justices, to provide, for soldiers on their march, horses, carts and waggons, a single horse cart, and driver to be paid one shilling per mile, and not to carry more than 500 weight, and nine-pence per mile to be paid for every additional horse, the additional weight for each horse not to exceed 500 weight; for every hour's detention 2s. 6d. Officers to grant certificates for services performed. Persons refusing, when ordered, to furnish carriages and horses subject to a fine of 40s. Officer over-loading or abusing horses, carts or drivers, taking them of his own authority, or compelling them to travel more than 20 miles in one day, to forfeit 40s. besides being liable for all damage. Horses or carriages, proceeding on a journey; not liable to be taken.

Sec. 6, 7, 8: No. 15.

All fines and forfeitures, under this Act, to go to the Militia; Commanding Officers, when they make a return pursuant to law, to the Adjutant-General, to send an account of the expenditure of fines and forfeitures, under penalty of 20l. This Act made applicable to the militia service, as well as the regular army.

P. 479. Stat. 44th, Geo. 3d. Cap. 4, Sec. 1, 2: No. 16.

The Governor to regulate the number of men to be in Artillery Companies. Persons who enter the Grenadier or Light-Infantry Companies, are obliged to serve therein for three years, unless they remove out of the County.

Sec.

Sec. 3, 4: No. 17.

Where there are not a sufficient number of taverns, soldiers or militia may be billeted on other house keepers, and all the Militia Laws are continued to 31st December, 1805.

TITLE 65.

Mile Stones.

P. 278. Stat. 30th, Geo. 3d. Cap. 3, Sec. 1: No. 1.

Persons destroying, or injuring a mile stone, or post, on the public roads, on conviction before two Justices, to pay 40s. and if unable to pay to be whipped, not to exceed thirty lashes.

TITLE 66.

Navigation Security.

P. 241. Stat. 25th, Geo. 3d. Cap. 6, Sec. 1, 2: No. 1.

Persons, by any means, destroying buoys, beacons, or sea marks, placed, by order of the Governor, in any part of the Province, shall, on conviction before two Justices, forfeit 100l. and on failure of payment to be imprisoned twelve months; persons making fast thereto shall be, in like manner, fined 20l. or imprisoned six months.

P. 315. Stat. 33d, Geo. 3d. Cap. 3, Sec. 1: No. 2.

No ballast to be thrown from any vessel below high water mark, into, or at, the entrance of any port, harbour, river or creek, and the person, so doing, shall be obliged to remove the same, or pay 25l. to be recovered before two Justices: half to the informer, and half to the poor; and appeal is given to the Inferior Court.

P. 446. Stat. 41st, Geo. 3d. Cap. 14, Sec. 1, 2, 3, 4: No. 3.

Goods shipwrecked on the coasts of this Province, or of the Isle of Sable, or found floating so near the coast as to be within soundings, shall be preserved for the right owners. Sheriffs, Coroners, Officers of the Customs, or of the Impost or Excise, or Justices of the Peace, to have notice given them of the shipwreck, and shall take measures to preserve the property; persons plundering, or taking away, shipwrecked goods, or injuring persons endeavoring to save themselves from the wreck, or who shall put out false lights, shall suffer death; but if the goods be under the value of 40s. the person convicted shall suffer as for petit larceny. Justices to issue Search Warrants, and commit offenders. The said officers may command persons to assist, and a Justice may commit persons who refuse to assist, or disobey orders; and, if convicted at the Sessions, such persons may be fined, not exceeding 50l. or be committed for six months; persons assisting shall within thirty days, be paid a reasonable reward, and the officers may retain the property until the charges shall be paid; no reward to be paid but to those who the officers certify performed their duty. If there be any dispute about the quantum, the same shall be settled by a reference to three Justices of the Peace, and the sum so adjusted may be recovered by action at law. If no person shall appear to claim goods, or they be perishing, the officer may sell so much as will pay the charges, or the whole, if in a perishing state;

state; the residue of the goods, or net proceeds, shall be lodged with the principal officer of the Customs, or with some responsible person; and if no person shall claim within twelve months, the proceeds shall be lodged in the Treasury, to be paid out on proof of ownership before the Chief Justice, or Judge of the Supreme Court.

Sec. 5, 6, 7 : No. 4.

No persons to interfere with goods, if found in the custody of another, unless he desire his assistance; the master, or other person, having charge of the shipwrecked vessel, or the officers who come to their assistance, may repel, with force, any person attempting to interfere, and the person found guilty of such unlawful interference, shall be punished for a misdemeanor. Persons sued for any thing done in execution of this Act, may give the Act and any special matter in evidence. Proceedings may be removed, by Certiorari, from Inferior Jurisdictions to the Supreme Court; the Court may affirm, or otherwise, without reversing the proceedings, may amend or correct the same, and give such judgment as the justice of the case shall require; a person doing any wilful Act, whereby to produce the loss of the ship or vessel, whether in distress or not, shall suffer death.

Sec. 8, 9, 10, 11 : No. 5.

Governor to appoint a person to inspect the Isle of Sable, who shall have power to bring off from the Island any unlicensed person or persons found there, together with all goods found in their possession; Justices may order such persons to be imprisoned, not exceeding six months; the goods found may be sold to pay the charge of removing such person, and the surplus, if any, shall be paid into the Treasury for the right owners. Clerk of the Peace, under a penalty of 20s. shall read this Act at the opening of every Sessions. The duration of the Act limited for three years, and until His Majesty's pleasure shall be known.

TITLE 67.

Papists.

P. 235. Stat. 23d, Geo. 3d. Cap. 9, Sec. 1, 2, 3 : No. 1.

Such parts of the Acts of the 32d Geo. 2d. Caps. 2, and 5, as disable Papists from holding lands, and subjects Popish Priests, or persons entertaining them, to certain penalties, are repealed.

Sec. 4, 5 : No. 2.

Any pending action not to be effected by such repeal; and, provided that all Papists claiming title to lands shall, within six months after the title shall accrue, take the oath directed in this Section; minors, insane persons, persons imprisoned, or beyond seas, to take the oath within six months after disability removed.

Sec. 6, 7 : No. 3.

Courts of Record in the Province to administer the oath, and to keep a register of the same. Act not to be in force until His Majesty's pleasure be known. *His Majesty's assent was given to this Act.*

P. 245, Stat. 26th, Geo. 3d. Cap. 1, 2d Sess. Sec. 1, 2, 3, 4 : No. 4.

Stat. 6th, Geo. 3d. Cap. 7. repealed, provided Papists, keeping School, take the oath appointed by law, and are licensed by the Governor. Popish schoolmasters not to take Protestant children under the age of fourteen years. *Act assented to by His Majesty.*

TITLE 68-69-70.

Partridges.

33. Stat. 34th, Geo. 3d. Cap. 4, Sec. 1, 2, 3: No. 1.

No person to kill a partridge between 1st March and 1st September; or a blue winged duck, between the 1st April and 1st August; and every person who shall so kill, sell, expose, buy, or have in possession, a partridge, or duck, shall forfeit, for each, ten shillings, to be recovered before a Justice; not to extend to an Indian, or poor settler, killing the same for their own use.

TITLE 69.

Penalties.

P. 144. Stat. 8th, Geo. 3d. Cap. 10, Sec. 1: No 1.

In all actions for the penalties of bonds, contracts, or agreements, the Court, on due proof, shall direct a verdict for the just sum due on the condition, with damages and costs for the non-performance; and, on payment thereof, to cause satisfaction to be entered on the judgment.

Sec. 2, 3: No. 2.

Defendant, if he has paid the money, may plead it in bar to an action of debt, on a single bill, or to a *scire facias* on a judgment; and if the action be on a bond, with a condition to make the same void on paying a less sum, if defendant has paid principal and interest before action brought, he may plead it in bar, and the same shall be as good as if paid on the day, and if pending the suit, principal, interest, and cost, be tendered in Court, defendant shall be discharged.

TITLE 70.

Persons leaving Province.

P. 32. Stat. 32d, Geo. 2d. Cap. 23, Sec. 1: No. 1.

Persons about to leave the Province must obtain a pass, and, before the same be granted, they must publish their names at the Secretary's office for seven days before, at which time, if not underwrote, the Secretary is bound to grant the pass, under a penalty of 50l. to be recovered by the injured party in a Court of Record. Secretary's fee for such pass, one shilling.

Sec. 2: No. 2.

Directs the form of the pass.

Sec. 3, 4, 5, 6: No. 3.

Whosoever shall object to the granting of a pass, by writing his name at the Secretary's office, under that of the party applying for the pass, shall verify the debt, and the cause thereof, by affidavit, before a Justice, which affidavit

affidavit is to be delivered to the Secretary, who shall take good security from the person underwrote to the amount of the debt or debts verified against him according to the form of the bond prescribed, and shall be allowed 2s. 6d. for such bond; persons underwriting another to enter their suit at the next Inferior Court, or otherwise to be barred from their action; on giving security the pafs to be granted to the party applying for it, and the bond to be delivered to the party underwriting the other, who may recover thereon his debt and cost. Persons wanting a pafs, before the seven days expire, may have it, on giving a general security to pay all debts contracted by them in the Province.

Sec. 7: No. 4.

Passes, in the out-ports, to be had from the Commanding-Officer, or such person as the Governor shall appoint.

Sec. 8: No. 5.

Military persons may depart with a special permission, under the hand of the Commander in Chief.

Sec. 9: No. 6.

Persons objecting to the granting a pafs, without cause, made liable to an action of damages.

Sec. 10: No. 7.

Master of vessel made liable to pay all damages, and 50l. fine, if he carries a person from the port of Halifax without a pafs, (except the crew brought with him), or if he leaves the harbour without a pafs from the Governor.

P. 119. Stat. 6th, Geo. 3d. Cap. 4, Sec. 1; No. 8.

The Act of 32d Geo. 2d. Cap. 23, extended throughout the Province.

TITLE 71.

Pleading.

P. 98. Stat. 4th, Geo. 3d. Cap. 1, Sec. 1: No. 1.

No judgment to be reversed for any error, mistake, erasure, or interlineation, in any record, process, warrant of Attorney, original writ, panel or return, but the Judges, in affirmance of judgment, may amend the same, and all misprison of Clerks, in their discretion, and the substance of names and additions left out, except appeals, indictments of treasons, felonies, and outlawries for the same.

Sec. 2, 3: No. 2.

In all civil actions, a variance from the original record may and shall be amended, and, after verdict, no judgment shall be stayed for defect either in form or substance in the pleadings, but nothing in this Act is to extend to criminal prosecutions of any kind.

P. 99. Stat. 4th, Geo. 3d. Cap. 2, Sec. 1, 2, 3: No. 3.

Death of parties between interlocutory and final judgment not to abate suit, but the action may be maintained by, or against, the executor or administrator of the party dying; and if there be two plaintiffs, or two defendants, and one die, the action shall proceed for, or against, the survivor, the death being suggested on the record; death of either party, between verdict and judgment, shall not be error, if judgment be entered in two terms after verdict.

Sec. 4: No. 4.

Executor, or Administrator, *de bonis non*. may have *scire facias*, and execution on judgment, after verdict, in the name of executor or administrator.

Sec. 5: No. 5.

No proceedings in any Court shall be discontinued by reason of any new commission.

P. 101. Stat. 4th and 5th, Geo. 3d. Cap. 1, Sec. 1, 2: No. 6.

After verdict, judgment shall be given, notwithstanding any insufficient or mispleading, want of colour, jeofail, discontinuance or miscontinuance, misjoining of issues, want of warrant of attorney, or any other default of parties, their counsellors or attornies. Attornies, under penalty of five pounds, to file their warrants, nor shall judgment be stayed or reversed, after verdict, for any want of form in the pleadings, or returns.

Sec. 3, 4: No. 7.

After verdict, judgment shall not be stayed or reversed for want of an averment of any life, or lives, if the person is proved to be alive, or for awarding the *venire* to a wrong person upon an insufficient suggestion, or because the *visne* is misawarded in some part, if one place be right named, or for mistake in returning the juror's name, if it appear the right person was served, or for want of return, if the panel be annexed to the writ, or for want of the officer's name to return, if it be proved that the writ was returned by the proper officer, or for that the plaintiff in *ejectione firmæ*, or in personal action was a minor, if verdict be for him, or for want of pledges, or profert. of deed, or letters of administration, or omission of force, &c. or for mistaking the

TITLE 71-72.

christian name, or fir-nar.: of parties, or the sum of money, day, month, or year, so that the same be right in any part, nor for want of verifying by record, nor for want of right venue, if the cause was properly tried, nor for want of entering the increase of cost, or cost to be given at the request or consent of party, and all such omissions, or matter of a like nature, not being against the right of the suit, or to alter the trial; such mistakes may be amended in the Court where the judgment was given.

Sec. 5 : No. 8.

Upon demurrer, if sufficient matter appear upon which to give judgment, the same shall be given by the Judges, according to the right of the cause, as it shall to them appear, without regarding any of the before recited omissions or mistakes, though it be matter of substance, except the party demurring shall specially set forth the same.

Sec. 6 : No. 9.

Judgment on confession, *nihil dicit*, or *non sum informatus*, or on writ of inquiry executed, shall not be stayed, or reversed, for any of the foregoing causes.

Sec. 7, 8 : No. 10.

This Act shall extend to all civil actions at the suit of the King, but not to any criminal suit whatsoever, or action upon a penal statute.

Sec. 9 : No. 11.

No dilatory plea to be received, unless verified by affidavit, or the Court otherwise satisfied of the truth of such plea.

TITLE 72.

Poor.

P. 94. Stat. 3d and 4th Geo. 3d. Cap. 7, Sec. 1, 2, 3, 4 : No. 1.

Freeholders, in townships of fifty families, to meet annually the first Monday of January, the Constables having given ten days previous notice, and then to choose twelve inhabitants to assess on the real and personal estate of the inhabitants the sum then voted for support of the poor; and the freeholders are to vote annually at such meeting the money necessary to support the poor, also persons are to be appointed to collect the assessment: the rate to be levied by distress on persons refusing, on complaint to a Justice; persons over-rated to appeal to Sessions, whose order shall be final.

Sec. 5, 6, 7 : No. 2.

Collectors to account with, and pay to, Overseers of the Poor, every three months, the money collected. Overseers to prosecute such as refuse in a Court of Record, and to dispose of the money for the use of the poor only, and to account with and pay the balance in their hands to their successors. Any person chosen, refusing to serve as Assessors, or Collectors, forfeit forty shillings.

P. 126. Stat. 7th, Geo. 3d. Cap. 3, Sec. 1 : No. 3.

money for poor.

A: Township having a less number than fifty freeholders, may vote

P. 139. Stat. 8th, Geo. 3d, Cap. 5, Sec. 1, 2 : No. 4.

Annual meeting of freeholders to be, in future, on the last Tuesday of October. Meeting may be adjourned to the next day, if the first day be insufficient.

Sec. 3, 4, 5 : No. 5.

If assessors refuse to serve, freeholders may nominate others in their stead; Collector neglecting his duty to forfeit 5l. for each neglect, to be recovered in a Court of Record, for the use of the poor. Former assessments made for support of the poor confirmed.

P. 146. Stat. 8th and 9th, Geo. 3d. Cap. 1, Sec. 1, 2 : No. 6.

Annual meeting of freeholders to be the last Tuesday of November. Overseers shall issue precepts to Constables to notify inhabitants to meet, and for neglect to issue such precept, shall forfeit 10l.

Sec. 3 : No. 7.

Forfeitures by Assessors, or Collectors, for neglect, made recoverable before two Justices by distress.

P. 151. Stat. 8th and 9th, Geo. 3d. Cap. 7, Sec. 2, 3 : No. 8.

Overseers of the Poor refusing to serve, to forfeit 5l. for the use of the poor.

P. 157. Stat. 10th, Geo. 3d. Cap. 1, Sec. 1, 2 : No. 9.

The Township is bound to relieve natives of it, persons who served an apprenticeship, or as a hired servant therein for a whole year next before he wants relief, or who shall have served a public annual office therein, or paid one year's poor rate.

Sec. 3 : No. 10.

Persons seeking relief, who have not a legal settlement in the Town, shall declare, on oath, before a Justice, where his last abode was; and, if he has obtained a settlement in the Province, the copy of his declaration, certified by the Justice, with an account of the expence, shall be sent to the Overseers at the place of his settlement, which, if they refuse to pay, two Justices, by warrant, are to order pauper to be removed to the place of his proper settlement, the Overseers of which are bound to receive him, and pay the expence; and if they have no money, they shall be charged therewith until the next assessment.

Sec. 4 : No. 11.

Two Justices, on complaint of Overseers, to bind out beggars, or strollers, for a term not exceeding a year

Sec. 5 : No. 12.

The fathers, grand-fathers, mothers, grand-mothers, children, or grand-children, of paupers, if they are able, shall maintain them agreeably to the order of Sessions, or shall forfeit, to the use of the poor, 5s. per week.

Sec. 6, 7 : No. 13.

Two Justices, on complaint, to order Overseers to seize the goods, and let out the lands, of persons who abscond, leaving a wife or children chargeable on the town: and, when such proceedings are confirmed by the Sessions, Overseers may receive the rents, and sell the goods, and apply proceeds to the support of the persons left chargeable. Children of parents who have gained a settlement and die, shall be maintained by the town.

Sec. 8 : No. 14.

Persons grieved by any proceedings under this Act, may appeal to Sessions, the order of which to be final.

P. 159. Stat. same Session, Cap. 2, Sec. 1, 2 : No. 15.

Inhabitants to meet, twice each year, to vote money for poor, on the first Mondays of April and November; and, if the business require it, the chairman, with the consent of the majority, may adjourn meeting; deficiency of the vote for the past year to be voted at the next meeting.

Sec. 3, 4 : No. 16.

Overseers to account on oath at the next Sessions after the expiration of their office. Future assessments shall be made by five freeholders, instead of twelve, Halifax excepted.

Sec. 5 : No. 17.

If freeholders neglect to provide for the poor, the Sessions for the County shall amerce the Township, and appoint assessors to levy the money, who, if they refuse to serve, shall forfeit forty shillings, and others be appointed in their room.

Sec. 6, 7 : No. 18.

All fines levied on Constables for neglecting to warn the freeholders to meet, shall be paid into the County Treasury, for the use of the poor. Overseers shall keep an account of their proceedings in a book, which shall be delivered to their successors.

P. 174. Stat. 12th, Geo. 3d. Cap. 6, Sec. 1, 2 : No. 19.

Five assessors, instead of twelve, to be chosen by the inhabitants of each Town, three of whom shall be a quorum; each assessor who shall omit to meet, and make his assessment within twenty days, shall forfeit 5l. to the poor.

Sec. 3 : No. 20.

No person to be rated who, in the opinion of the assessors, shall be unable to pay one shilling.

Sec. 4, 5, 6 : No. 21.

Authorizes, for that year, an extra meeting at Halifax, to vote money for the poor; those who have voluntarily contributed shall be allowed for the same, and confirms former assessments.

P. 201. Stat. 16th, Geo. 3d, Cap. 1, Sec. 1, 2 : No. 22.

Where inhabitants neglect to make provision for the poor, the Justices in Special Sessions may amerce the Townships, and appoint five freeholders to make assessment, which, when made by three of them, it shall be posted up three days before the end of the Sessions. Assessors or Collectors neglecting their duty to be fined 5l. by two Justices, on complaint of the Overseers, and others to be appointed in their stead.

P. 205. Stat. 17th, Geo. 3d. Cap. 5, Sec. 1 : No. 23.

Overseers of the Poor to forfeit 5l. if they neglect, within one month after the expiration of their office, to render their accounts to the Clerk of the Peace, penalty to be recovered before two Justices, on complaint of one or more of the inhabitants.

P. 405. Stat. 39th, Geo. 3d. Cap. 4, Sec. 1, 2 : No. 24.

Justices in Sessions at Halifax, may make bargains, and agree, with a keeper and surgeon for the poor-house, and make regulations for governing the same, and appoint three Justices who shall, on notice to the Overseers, visit the same once every week ; Overseers to attend, and lay before such Justices a list of apparel, bedding, and other articles wanted each month, and so much as the Justices approve of, to be provided.

Sec. 3, 4, 5, 6 : No. 25.

The Sessions, of every County in the Province, to examine, and allow or reject, the accounts of the Overseers of the Poor. Overseers of the Poor, at Halifax, to deliver to their successors an exact account of every article belonging to the house, and to give a duplicate thereof to the Sessions. Overseers of the Poor who refuse to comply with this Act to forfeit 20l. to be recovered before two Justices ; when Poor-houses shall be provided in other parts of the Province, to be regulated as at Halifax.

P. 440. Stat. 41st, Geo. 3d. Cap. 6, Sec. 1, 2, 3, 4, 5, 6, 7, 8 : No. 26.

Twelve persons, named Commissioners of the Poor, and vested with all the power of the Overseers ; vacancies to be filled by the Governor, on the recommendation of the Commissioners. Commissioners to act in rotation monthly ; the acting Commissioner to have the immediate superintendance and government of the house ; the earnings of the paupers to be accounted for, so that each pauper may have the benefit of his earnings, after deducting the expence of his maintenance. No Commissioner to be keeper, or to have any share in the earnings of the paupers. An account to be kept of the expence of victualling paupers, to be kept and regulated by the acting Commissioner. No spirits to be sold or used in the house. The mode of victualling, cloathing, and employing paupers, directed. Power is given Commissioners to bind out poor children.

Sec. 9, 10, 11, 12 : No. 27.

Commissioners to appoint a keeper, and fix his salary ; regulate all purchases ; remove all disorderly persons from the house ; receive and apply all donations ; to render their accounts every 1st January to the Treasurer of the Province, to be by him laid before the Supreme Court. Commissioners to receive and employ all vagrants, giving them no more victuals than they earn. Act to take effect 1st January 1802.

P. 457. Stat. 42d, Geo. 3d. Cap. 3, Sec. 1 : No. 28.

Grand Jury, for the County of Halifax, at a General or Special Sessions, may raise money to repair, or add to, the Poor House ; Commissioners of the Poor to have the expediture thereof.

P. 469. Stat. 43d, Geo. 3d. Cap. 3, Sec. 1, 2 : No. 29.

Commissioners of the Poor, at Halifax, authorised to grant relief within their district to the poor of other settlements, giving reasonable notice thereof to the proper Overseers of such poor persons, who are bound to remove them, and pay the expence. Commissioners, or Overseers, throughout the Province may, as creditors, recover the expences of a pauper from any property he may be possessed of.

Sec. 3 : No. 30.

Commissioners, at Halifax, authorised to purchase a certain quantity of land, for the use of the Poor House.

Sec. 4 : No. 31.

Commissioners at Halifax, or the major part assenting, may bind out poor children without applying to two Magistrates : the Chairman of the Commissioners may execute the indenture, when the assent of the major part of the Commissioners is entered in their minute book.

Pounds.

P. 215. Stat. 19th, Geo. 3d. Cap. 5, Sec. 1 : No. 1.

The accounts of expences for building pounds, before payment, to be approved by two Justices, and the monies levied on the township as for the poor. This Act repealed by a subsequent Act.

P. 424. Stat. 40th, Geo. 3d. Sec. 1, 2 : No. 2.

Grand Juries, at Sessions, to regulate the number of pounds, and to appoint a Commissioner to contract for each pound, when the Justices, at the next Sessions, approve of the scite, and proposals; Commissioner to hold his office until the work be completed; the expence of building, and repairing, to be raised by presentment on the inhabitants of the township or division in which the pounds are to be built; and, on neglect of the Grand Jury to provide for the expence, the Sessions may amerce the town or division.

Sec. 3, 4 : No. 3.

When the damage done by trespassing cattle does not exceed 3l. it may be recovered before a Justice, if the title to lands do not come into question; and the penalty for horses trespassing on the peninsula of Halifax, extended throughout the Province.

Sec. 5 : No. 4.

Repeals the 19th Geo. 3d. respecting pounds.

TITLE 74.

Publication of Laws.

P. 165. Stat. 11th, Geo. 3d. Cap. 2, Sec. 1 : No. 1.

Notice of a Law having passed being published in a newspaper, or affixed at the Church door, at Halifax, inserting therein the title of the law, is a sufficient publication.

TITLE 75.

Public Buildings.

P. 383. Stat. 37th, Geo. 3d. Cap. 1, Sec. 1, 2, 3, 4, 5, 6, 7, 8, 9 : No. 1.

Commissioners named in the Act to determine the situation, purchase ground and materials, and erect thereon a stone or brick building, for the holding of the several Courts of Justice at their respective sittings, and for the public offices. Also, to procure plans for a new Government-House. Governor to approve of all Contracts, and to draw 3000l. from the Treasury, at the request of such Commissioners.

If necessary to purchase ground, a Special Court to be held, and a Jury to be sworn to value the same, and when the verdict of such Jury is recorded, and the money paid, the lands to be vested in His Majesty. Jurors neglecting to attend made liable to a fine of 5l. and the Act passed in the 28th year of His present Majesty's Reign, respecting public buildings, repealed.

P. 408. Stat. 39th, Geo. 3d. Cap. 9, Sec. 1, 2, 3 : No. 2.

A house, for the residence of the Governor, to be built, instead of the building for the Courts of Justice, such house to be called the Government-House of Nova-Scotia. Governor to appoint other Commissioners to carry on such building, and to appoint others in their stead when occasion shall require. Commissioners may use the materials provided for the other building.

Sec. 4, 5 : No 3.

Commissioners may, with the Governor's approbation, purchase ground, not to exceed in value 1,500l. the whole expence of the building, in all respects finished, not to exceed a further sum of 5,400l. the old Government-House, and ground thereto belonging, shall be used for the Courts, General Assembly, and Public Offices.

P. 421. Stat. 40th Geo. 3d. Cap. 4, Sec. 1, 2, 3 : No. 4.

Trustees appointed to hire Messrs. Cochran's building for the term of three years certain, from 1st July next, at 300l. per annum ; after three years, government may continue to hold, for any term not exceeding seven years more ; six months notice to be given, before the end of the year, of the intention of government to quit. Lessors to keep the premises in repair, or rent to cease.

TITLE 76.

Quakers.

P. 48. Stat. 33d, Geo. 2d. 2d Sess. Cap. 2, Sec. 1, 2, 3, 4, 5 : No. 1.

Persons affirming, that for the year last past, they were of the profession of the people called Quakers, are allowed, instead of an oath, solemnly, sincerely, and truly, to declare, and affirm : the same affirmation to be as valid as if sworn in the usual form, and made liable, if convicted, to the same penalties as person guilty of wilful perjury, but not to be admitted to give evidence in criminal cases. This Act to be deemed a Public Act.

TITLE 77.

Rebellion.

P. 233. Stat. 23d, Geo. 3d. Cap. 3, Sec. 1, 2 : No. 1.

All persons, inhabitants of this Province, who have taken part in the Rebellion of the Thirteen American Colonies, are freely pardoned ; and all prosecutions touching the same are to be at an end.

TITLE 78.

Records.

P. 222. Stat. 21st, Geo. 3d. Cap. 2, Sec. 1 : No. 1.

Copy of any Proceedings of His Majesty's Council, respecting title to lands, signed by Clerk of Council, to be received as evidence in any Court. Clerk to receive one shilling for a search, and six and eight pence for every attested copy, if under one hundred words and, if more, one shilling for every hundred words.

Rent.

P. 136. Stat. 8th, Geo. 3d. Cap. 4, Sec. 1, 2 : No. 1.

If a person whose goods are distrained for rent, do not, within five days after notice, replevy the same, and give security, the person making the same with the Sheriff, or Constable, (either of whom are bound to assist) shall cause the goods taken to be valued by two sworn appraisers, and sold; after paying the rent and charges the Sheriff, or Constable, shall hold the overplus, if any, for the owner. Corn and Hay, if cut, and Grain, may be distrained for rent, but the same must remain impounded on the premises, until sold or replevied.

Sec. 3, 4 : No. 2.

Person injured by a pound, breach, or rescue, may, by action on the case, recover treble damages and cost against the offender, or against the owner, in case any of the goods be afterwards found in his possession. The owner of goods wrongfully distrained, may recover double the value, and costs, against the person so distraining.

Sec. 5 : No. 3.

No goods to be taken by execution upon any premises where there is rent due, until such rent be paid, provided it does not amount to more than one year's rent, on the payment of which rent the officer may execute his writ, and likewise levy the money paid for rent.

Sec. 6, 7 : No. 4.

Landlord may, within twenty days, follow and distrain, wherever found, goods which lessee shall carry off the premises, with intent to prevent the same from being distrained for arrear of rent, provided such goods were not, before seizure, actually sold for a valuable consideration.

Sec. 8, 9, 10 : No. 5.

Action of debt may be maintained against tenant for life, for rent in arrear, and a landlord may distrain for rent in arrear after the determination of the lease, if such distress be made within six months after the end of the lease, and during the continuance of the landlord's estate, and while the tenant in arrear is in possession.

Sec. 11, 12 : No. 6.

Landlord may distrain tenant's cattle upon any common appurtenant to the demised premises, and may also seize corn, grass, hops, roots, fruits, pulse, or any other product, and may cut, save, and gather in the same into any fit place on the premises; and, if no proper place there, may hire one near the premises, and may sell such produce after appraisement. Tenant, if property is removed off the premises, shall have notice within six days where the same is deposited.

Sec. 13 : No. 7.

Nothing in this Act to interfere with the right of His Majesty to recover his quit-rents.

TITLE 80.

Religious Worship.

P. 7. Stat. 32d, Geo. 2d. Cap. 5, Sec. 1 : No. 1.

The Liturgy of the Church of England, as established by the laws of England, made the fixed form of worship in this Province. No Minister to officiate unless licensed by the Bishop of London and unless he shall assent to the Book of Common Prayer, and subscribe all orders and articles of the Church. The Governor to induct such Minister into any Parish that shall make presentation of him.

Sec. 2 : No. 2.

Liberty of conscience granted to all Protestant Dissenters, with liberty to build Meeting-Houses, elect Ministers, and enter into contracts with such Ministers, which contracts are declared valid; and such dissenters are excused from any rates or taxes for the support of the Church of England.

Sec. 3, 4, 5, 6, 7 : No. 3.

Popish Ecclesiastics, of every kind, banished from the Province after the 25th March, 1759, and, if afterwards found within the same, made subject to perpetual imprisonment, and in case of escape, to be punished as for felony, without

without benefit of clergy. Persons harbouring such Ecclesiastics to forfeit 50l. and to be set in the pillory; cognizance of offences against this Act given to the Supreme Court, or Special Court of Oyer and Terminer; any Justice of the Peace to commit offenders against this Act, and to bind over witnesses to appear at trial. Popish Ecclesiastical Persons sent into the Province, as prisoners of war, are exempt from the penalties of this Act, unless they exercise the functions of a Popish Priest.

P. 48. Stat. 33d, Geo. 2d. Cap. 3, 2d Sefs. Sec. 1, 2 : No. 4.

Parish of Saint Paul to comprehend the whole Township of Halifax, while there is but one Parish within the same; the Churchwardens and Parishioners impowered to meet and choole twelve Vestry Men; the officiating Minister to be one of the Vestry; the Churchwardens and Vestry to have the same power as in the Parish Churches of England, and to be a body corporate, to sue and be sued, and to recover the Pew Rent for the benefit of the Minister and repairs of the Church, and generally to receive gifts, and grants of land, or money, for the Church, and to manage the same. Parishioners to meet, annually, on Michaelmas Day to choole Church Wardens and Vestrymen; those who refuse to serve forfeit 5l. to the use of the Church.

Sec. 4, 5, 6, 7 : No. 5.

Parishioners, at their said meeting, to vote money to support the Minister and Church, such vote to bind all the Parish except those exempt by law, and to be assessed, according to each person's abilities, by the Churchwardens and Vestry, in two assessments, payable half yearly; Churchwardens to collect the same; one Justice to grant Warrant of Distress against such as refuse to pay after one month's notice. Persons over-rated may appeal to Sessions. Churchwardens and Vestry to meet as occasion may require, but they must meet, to make the assessments, the first Monday after Easter: no assessment of theirs to be binding unless signed by the Churchwardens, and at least seven of the Vestry; and no other Act of theirs to be valid unless seven, at least, be present.

Sec. 8 : No. 6.

Ministers not conforming to the Rules and Canons of the Church, subject only to the penalties in such Canons, notwithstanding any law or usage to the contrary.

P. 52. Stat. 33d, Geo. 2d, 2d Sess. Cap. 10, Sec. 1 : No. 7.

When a building for the service of the Church of England shall be erected in any part of the Province, the Governor, with the consent of His Majesty's Council, is to fix the limits of the Parish, and the Parishioners thereof are to have all the power and authority that the Parishioners of the Parish of St. Paul's have in Halifax.

P. 62. Stat. 34th, Geo. 2d. Cap. 10, Sec. 1 : No. 8.

Ministers of the Church of England may sue Churchwardens for money by them received, or which they have neglected to sue for, and recover for the benefit of the Ministers.

P. 129. Stat. 7th and 8th, Geo. 3d. Cap. 1, Sec. 1, 2, 3, 4 : No. 9.

Vestry of St. Paul's, in Halifax, to meet with the Parishioners on the first Mondays of December, March, June, and September, yearly, to vote money to repair the Church, and for to purchase the usual goods, stock and furniture, ornaments and bells, and for the salary of Organist, Clerk, Sexton, and Clerk of Vestry, the same to be assessed and collected as by law appointed; Parishioners are those who are assessed to support the Church; three Parishioners at such meeting to be appointed, who shall fix what part of the rate the assessors shall pay. Persons grieved may appeal. All other Churches, hereafter established in the Province, made subject to this and all former Acts.

P. 423. Stat. 40th, Geo. 3d. Sec. 1, 2, 3 : No. 10.

Trustees appointed to sell the Glebe in the Township of Granville, and to purchase another. Churchwardens, Vestrymen, and Parish Officers, in said Township, to be chosen yearly on Michaelmas Day, but if it happen on a Sunday, then to be chosen the Monday following. Parish Officers throughout the Province, if Michaelmas Day happen on a Sunday, to be chosen on the day following.

Resolutions of Governor and Council.

P. 1. Stat. 32d, Geo. 2d. Cap. 2, Sec. 11: No. 1.

Confirms the following Resolutions respecting the Registry of Deeds except so far as the same are altered by the 12th and 13th Sections of said Act.

P. 2. 1st Resolution: No. 2.

A memorial of all deeds, which may affect lands, tenements, or hereditaments, either in law or equity, which shall be executed after the 1st March, 1752, shall be registered; and all deeds, unless so registered, shall be deemed fraudulent against subsequent purchasers for valuable consideration, whose deeds shall have been registered.

2d, 3d, and 4th Resolutions: No 3.

Deeds made prior to 1st March, 1752, shall be registered, or, otherwise, to be deemed fraudulent against subsequent purchasers for a valuable consideration, that is to say, deeds concerning lands in the County of Halifax, not already registered, to be registered before the 30th April, 1752, and deeds for any other part of the Province to be registered before 30th September next after. The Governor and Council may, notwithstanding, allow persons absent from the Province, a reasonable time to register their deeds after the foregoing periods.

5th Resolution: No. 4.

The memorials of all such deeds to be registered in the Office of the Public Register at Halifax.

6th and 7th Resolutions: No 5.

The memorials to be under the hand and seal of one of the grantors, and to be attested by two witnesses, one whereof shall be a witness to the original deed; the execution of which memorial, and the original deed, shall, before registry thereof, be proved by such witness on oath, to be administered by the Register, or his deputy, and a certificate thereof to be indorsed on such memorial; and if the witnesses be dead, or gone out of the Province, before the time appointed for the registry of such memorial, then a memorial of the deed to be registered, may be executed before two other witnesses, who may prove the same as aforesaid.

8th, 9th, and 10th Resolutions: No. 6.

Every memorial to contain the day of the month, and year, when the original deed was executed, the names and additions of the parties, and the description of the lands, in the same manner, or to the same effect, as set forth in the original deed. Register to indorse on the original deed a certificate of the day, hour, and time, on which the memorial was entered, the same to be signed by him or his deputy, which certificate shall be allowed as evidence of the registry of such deed; and the pages of the register book, and the memorials entered therein, shall be numbered, and the time of registry shall be specified on the margins thereof; and the Register shall keep an alphabetical calendar of the several divisions and places within the county, and of the names of the parties, and shall file the memorials in their proper order.

11th Resolution: No. 7.

Register's fees to be one shilling, if the memorial does not exceed 200 words, and 6d. for every hundred words over and above 200. The like fees for copies, and 1s. for every search.

12th Resolution: No. 8.

Persons convicted of forging any entry, acknowledgement, certificate, or indorsement, to suffer the pains and penalties mentioned in the Act of Parliament made in the 5th year of Queen Elizabeth; and any person forswearing himself before the Register, or his deputy, to suffer as for a perjury in a Court of Record.

13th Resolution: No. 9.

In case of the registry of the memorial of a mortgage, if a certificate be produced to the Register, signed by the mortgagee, in the presence of two witnesses, that the money is fully paid, and if such witnesses, upon their oaths, prove, that the money is paid, and that they saw the certificate executed, the Register shall make an entry thereof in the margin of the registry book, against the registry of the memorial, that the same mortgage is satisfied and discharged, and to file such certificate.

14th Resolution: No. 10.

This Act of Council to be a public Act, and to be noticed without pleading the same.

Revenue.

P. 275. Stat. 29th, Geo. 3d. Cap. 14, Sec. 1, 2 : No. 1.

Ten per cent. to be paid on all articles imported from the United States of America under the Governor's Proclamation, except lumber, grain, wheat, and rye flour, neat cattle and sheep alive, the value to be estimated according to the original invoice, and the duties to be received by the Collectors of Import and Excise, Sec. 3, 4 : No. 2.

Articles forfeited on which this duty has not been paid, and the master of the vessel to forfeit 50l. who lands the same.

Sec. 5 : No. 3.

Collectors, under penalty of 50l. to pay all monies received under this Act into the Treasury, within thirty days, and the money is to be applied to the relief of the poor of the County, or Town, where the same shall be collected.

Sec. 6, 7 : No. 4.

The informer to have half the forfeiture and penalties, and the poor the other half ; the forfeiture to be recovered before a Justice, and the penalty in a Court of Record. This Act to continue to 31st March, 1790.

P. 298. Stat. 32d, Geo. 3d. Cap. 13, Sec. 1, 2, 3, 4, 5 : No. 5.

Resident inhabitants to pay a duty on all goods imported of two and a half per cent. and non-residents 5 per cent. unless immediately imported from Great-Britain or Ireland ; duties to be computed on the first cost ; importer, or, if absent, his clerk, or agent, shall immediately produce the original invoice, and verify the same on oath, and all un-entered goods found in any person's possession are forfeited. Collectors to ascertain the value, and take bond, with two sureties, for the duty, payable quarterly ; if any difference arises about the value, persons are to be chosen to settle the same : the Collectors to hold the goods until difference settled and security given. Goods, of the value of fifty pounds, found in any person's custody, without certificate that the duty is secured, are subject to forfeiture. Master, or owners, breaking bulk, or removing goods before duties secured, subject to penalties, and the goods to forfeiture. Persons assisting to defraud the revenue, or obstructing officers, made subject to certain penalties and forfeitures. The duty of the Collectors is pointed out, and certain power given them ; and the mode of trial in cases of law controversy settled. The master of a vessel is not bound to know the contents of each package.

Sec. 6 : No. 6.

Enumerates sundry goods which are exempt from this duty.

Sec. 7 : No. 7.

Certain articles imported for the use of the navy or army, are exempted from this duty on certain conditions, and the mode of accounting for the expenditure thereof is directed.

Sec. 8 : No. 8.

The household goods, provisions and necessaries, of persons moving to this Province as settlers, are exempt from the duty of five per cent.

Sec. 9, 10 : No. 9.

Goods of the value of 50l. exported, are entitled to a drawback upon certain conditions, and subject to certain rules and regulations ; and goods exported for drawback, if re-landed, subjects the vessel and goods to forfeiture, and every person concerned to a penalty of 100l. This Act is limited in its duration.

P. 308. Stat. 33d, Geo. 3d. Cap. 1, Sec. 1 : No. 10.

A duty imposed on wine of 6d. per gallon ; on spirits, 6d. per gallon ; and on brown sugar, 1s. for every hundred weight : Consignees, or importers, within twenty four hours, to render an account, on oath, to the Collector, setting forth the quantity of each article imported, the packages, marks and numbers, and from whence brought ; the master, or supercargo, to make a like report, to the Collector, within twenty-four hours after arrival, with the names of the consignees, and shall take out a permit to land the cargo at some certain place. If bulk be broken before report and permit, or goods landed at any other place save that mentioned in permit, or removed without permit, or before quantity ascertained, and the duties secured, the vessel to be forfeited, and a penalty of 100l. paid by the person transgressing.

Sec. 2 : No. 11.

Collector, on report being made, to grant permit to land goods at a convenient place, and to mark the same, and ascertain the quantity, and if the duties do not exceed ten pounds, to collect the same immediately ; but, if to more, to take bond for the amount, with sufficient sureties, payable to His Majesty in quarterly payments.

Sec. 3 : No. 12.

Distillers to account with Collectors every month, and to secure the duties the same as importers.

Sec. 4 : No. 13.

Where no person appears, within twenty four hours, to pay or secure the duties, the Collector is to store the articles ; and, in ten days, to sell as much as will pay the duty, cost, and charges, and to restore the remainder.

Sec. 5, 6 : No. 14.

No dutiable articles above the value of 5l. to be removed without permit ; and, if found in any person's possession, the articles to be forfeited, with the vessel, or carriage, in which the same shall be found, and the person having the same in possession to pay 50l. Possessor, or claimer, of goods, obliged to prove the payment of duty.

Sec. 7: No. 15.

Persons exporting a quantity, exceeding two hundred gallons of wine, or four hundred gallons of spirits, or ten hundred weight of sugar, shall have a drawback of duties, upon first obtaining a permit for such export, and giving security, in double the value of the duties, to ship the same within three days, and not to re-land, and to send the same away without delay: Collector, or proper officer, to attend the shipment, and to ascertain the quantity, exporter and master first taking and subscribing the proper oaths; the duties on such articles not to be demanded for twelve months: and on exporter producing within that time the proper certificates of the landing, to have credit for five sixths of the duties secured, or, if paid, to have the same repaid out of the Treasury. Articles fraudulently re-landed, forfeited, with the vessel, and every person assisting to forfeit 50l.

Sec. 8: No. 16.

Persons supplying the army or navy with spirits, to be repaid the duties thereon, or have credit for the same, provided the spirits be delivered to the proper officers of His Majesty's navy or army in presence of the Collector, and provided the person making such supply shall make the proper affidavit, and produce a certificate from the proper officer that such spirits have been actually issued or sent out of the Province for the above use.

Sec. 9, 10: No. 17.

Governor to appoint Collectors, Land-Waiters, Weighers and Gaugers, who shall have power to enter on board any vessel, and seize and prosecute all forfeitures, and to enter and search suspected vessels or boats, houses, shops or cellars; but, before the entry to search a shop, house, or cellar, such officer shall, on oath, before a Justice, declare the cause of suspicion, and the Justice shall attend, and demand admittance, and if refused, may at any time, between sun and sun, enter by force, and seize the smuggled goods. Collectors authorized to administer the oaths directed by the Act, and, if they neglect the same, shall forfeit, for each offence, one hundred pounds. Persons swearing falsely to be prosecuted for perjury.

Sec. 11, 12, 13, 14, 16, and 19,

Having respect to the appropriation of the money raised by this Act, to pay the public debt, are not reprinted, the same having been executed by the payment of the debt, and the duties are now, by subsequent Acts, appropriated to the general purposes of government, and this Act is continued in force to the present day.

Sec. 15, 17, 18: No. 18.

Collectors, at Halifax, to give two thousand pounds security, and all other Collectors one thousand pounds security, for the faithful performance of their duty; and if sued for any thing done in virtue of this Act, may give the special matter in evidence, and may recover cost; and all penalties and forfeitures to be recovered in a Court of Record: half to go to the King, and half to the informer. Parties may have a special Jury, and take depositions as in other causes.

P. 322. Stat. 33d, Geo. 3d. Cap. 13, Sec. 1, 2, 3: No. 20.

Duty imposed, of 6d. per gallon, on spirits; 9d. on wine; 1d. on molasses; 2s. 6d. per hundred on brown sugar; on coffee, 1d. per lb.; on refined sugar, three half-pence per lb.; 2d. per lb. on gun-powder; on bohea tea, 1d.; and all other teas, 4d. per lb.; malt liquors, 7s. 6d. per hoghead: and, if bottled, 6d. per dozen. A drawback of the whole duty on wine, rum and sugar, to be paid on exportation agreeably to the regulations of another Act passed in the present Session: and a drawback of five sixths of the duty on the exportation of any of the other articles, is allowed agreeably to the regulations of the same Act: provided, that, of molasses, the quantity exported shall exceed 1000 gallons; of coffee, 500 lbs.; of bohea tea, 300 lbs.; other teas, 200 lbs.; malt liquor, six hogheads, or sixty dozen.

Sec. 4: No. 21.

Spirits supplied to the navy or army, to be exempt on the terms mentioned in said Act.

Sec. 5, 6: No. 22.

An additional duty imposed, of 3d. per gallon, on rum; 1d. on molasses; 2s. 6d. per cwt. on brown sugar; and 1d. per lb. on coffee, unless one third thereof be purchased with the produce of the Province, and imported in a vessel owned by an inhabitant thereof; the same to be levied on the importation. If British subjects, who are strangers, shall import any of the last mentioned articles in a Provincial vessel, if they, within six months, export in the same vessel, produce of the Province to the value thereof, they shall have this additional duty returned, upon a certificate from the Commissioners of the Revenue. All the duties, imposed by this Act, shall be levied and collected by the rules, and under the penalties, imposed by the other Revenue Act of this Session.

Sec. 7, 8, 9: No. 23.

Persons exporting the produce of the Province, to purchase therewith any of the foregoing articles, and who intend to have the same exempt by such purchase from the said additional duties, shall, at the time of shipping, deliver a correct invoice of such articles, on oath, to the Collector; and shall make the returns within eighteen months from the time of shipment; and the master or owner, within twenty-four hours after the arrival of such returns, shall deliver an account thereof to the Collector, and make the affidavit required by the Act, whereupon the Collector shall exempt the same from the additional duties, estimating the produce exported at the price it sold for. The Collector shall forfeit 200l. if he free any articles from such additional duty, unless on the terms provided by this Act, to be recovered in a Court of Record; and persons making false declarations to be punished as for perjury.

Sec. 10: No. 24.

Five per cent. on the neat gauge or weight of dutiable articles to be allowed in lieu of leakage and wastage.

Sec. 11: No. 25.

No vessel to pass Digby with intention to unload at any place between there and Annapolis, until the duties be paid or secured with the Collector at Digby; and no vessel to pass Annapolis without having first secured the duty with the Collector there.

Sec. 12, 13: No. 26.

Repeals former Revenue Acts, and limits the duration of this Act to one year.

P. 334. Stat. 34th, Geo. 3d. Cap. 7, Sec. 1 : No. 27.

No person to have credit for the duties on spirits sold for His Majesty's service, unless the same, on the importation, shall have been stored in the joint custody of the owner and proper officers of the Revenue, and delivered out of such store in the presence of the officer, and in his presence conveyed on board His Majesty's ships, or into the Careening Yard, or delivered to the Commissary of the Army; and if such articles are re-landed, the same shall be forfeited as though fraudulently re-landed after exportation.

Sec. 2, 3, 4 : No. 28.

If no person shall appear to pay duties, within twenty-four hours after the amount shall be ascertained, the officer may take a sufficiency of the property into custody, and sell as much thereof every quarter as will pay one fourth of the duties due thereon; and, if any balance remain, after paying the full duty and charge, the same shall be paid to the owner. The Governor to appoint a Revenue Inspector for the port of Halifax, whose duty is described by the Act. Persons obstructing or assaulting any Revenue Officer to forfeit 100l. to be recovered in the Supreme Court, half to His Majesty and half to the informer.

Sec. 5 : No. 29.

A vessel arriving in distress, having dutiable articles on board, may unload, and store the same in the custody of the officers, there to remain until the vessel be fitted for sea, when the officer is to deliver the same for re-shipment freed of duty, as on articles exported for a drawback, upon the party paying the expence; but if the owner shall have sold any of the articles, save so much as the Commissioners shall permit to be sold to pay repairs, such persons shall not have the benefit of this Act; and articles so sold are made subject to the duties.

Sec. 6, 7, 8, 9 : No. 30.

The duty on wine reduced to sixpence, and on rum to three pence. No exporter to be allowed the drawback, unless he take the oath directed by this Act, the duration of which is limited to one year.

P. 342. Stat. 34th, Geo. 3d. Cap. 15, Sec. 1, 2, 3, 4, 5, 6 : No. 31.

An additional duty of 3d. per gallon imposed on wine, and so much of such duty collected in the port of Halifax, as shall amount to 150l. yearly, is to be applied to support the Grammar School at Halifax, and the residue to support the poor; the County Treasurer to receive this additional duty throughout the rest of the Province, which is to be applied as the Justices in Sessions, in each County (Halifax excepted) shall direct. Draw back allowed to the several Counties on quantities exceeding one hundred gallons: if this duty, collected at Halifax, shall fall short of 150l. yearly, the deficiency shall be made up from the duty on licenced houses. This Act to continue for one year.

P. 363. Stat. 35th, Geo. 3d. Cap. 8, Sec. 1, 2 : No. 32.

Spirits stored for His Majesty's service to be exactly gauged, and the quantity marked, without an allowance of five per cent. which quantity shall be accounted for. The officers, every three months, at least, to take an account of all dutiable articles in any person's custody, and persons refusing admittance to officers to forfeit 100l.

Sec. 3, 4, 5, 6 : No. 33.

Commissioners of the Revenue may extend the time for persons claiming drawbacks to return certificates; and where articles exported are lost, or taken, Commissioners, on full proof, may allow the drawback. Governor to appoint, in the out-ports, Searchers, who may seize and prosecute. Act to continue for one year.

P. 381. Stat. 36th, Geo. 3d. Cap. 14, Sec. 1, 2 : No. 34.

Wine allowed by His Majesty to the officers and men on board ships of war, is exempted from duty, the same as spirits.

P. 388. Stat. 37th, Geo. 3d. Cap. 1, Sec. 1, 2 : No. 35.

The purchasers of contraband articles, forfeited to His Majesty, shall pay the duties.

P. 394. Stat. 38th, Geo. 3d. Cap. 3, Sec. 1, 2 : No. 36.

Officers of the navy purchasing wine, for consumption on board ship, to be allowed a drawback. The Governor, on application of the Commanding-Officer, to grant a licence to purchase so much as the Commissioners of the Revenue shall certify to be necessary: shipment to be made under the direction of the Excise Officers.

P. 417. Stat. 39th, Geo. 3d. Cap. 16th, Sec. 1 : No. 37.

Continues the several Revenue and Light-House Acts for another year.

Sec. 2, 3, 4, 5, 6 : No. 38.

Bonds to be taken from the purchasers of prize goods for the duties, the same as if they were the importers. The duty on tea reduced, to five shillings a chest on bohea tea, and one penny per pound on fine teas; the reduction to take place on teas imported since the 31st March last. No drawback on tea in future. Agents at Halifax, receiving consignments from the out-ports, may export such articles, and recover the drawback in the name of the original importer, provided such consignment, made at one time, shall amount to the quantity on which a drawback is allowed, and is accompanied with a proper permit. Act limited to one year.

P. 425. Stat. 40th, Geo. 3d. Cap. 8, Sec. 1, 2, 3 : No. 39.

Unwrought iron, anchors, grapnels, sail cloth, cordage, hemp, twine, lines, and fish hooks, exempted from duty; and the duty on porter, ale, loaf sugar, and gun-powder, reduced, and Act continued.

P. 426. Stat. 40th, Geo. 3d. Cap. 11, Sec. 1, 2, 3, 5, 6 : No. 40.

The duties on wine and rum reduced, each four pence per gallon, and drawback allowed on all the unconsumed wine and rum on hand the first July, 1800.
Sec. 7, 8 : No. 41.

Regulates the drawback to be allowed on all the unconsumed porter, ale, loaf sugar, and gun powder.
Sec. 9 : No. 42.

Continues the several Revenue Acts.

P. 443. Stat. 41st, Geo. 3d. Cap. 11, Sec. 1, 2 : No. 43.

Continues the several Revenue Laws, and authorises the Collector to retain one penny per gallon of the duties on wine and spirits exported.

P. 464. Stat. 42d, Geo. 3d. Cap. 14, Sec. 1, 2, 3, 4 : No. 44.

Wine, the produce of the Azores, to pay, in future, a duty of only 3d. per gallon : one penny deducted if purchased with the produce of the Province. A drawback allowed on exportation. Duration of this Act limited.

P. 465. Stat. 42d, Geo. 3d. Cap. 17, Sec. 1, 2 : No. 45.

Non-resident inhabitants importing West-India produce, in future, not to be exempt from the additional Impost duty, although they may, afterwards, export the value thereof in the produce of the Province, but are allowed a drawback of such duty, on exporting such West India produce. Act limited in its duration.

P. 474. Stat. 44th, Geo. 3d. Cap. 1, Sec. 1, 2, 3 : No. 46.

Wine, spirits, sugar, and other dutiable articles, may be exported in the same bottom without landing, and, if the parties desire it, part of the cargo may be landed, and the duties thereon secured in the usual manner ; and any other part of the same cargo may be exported without landing, the duties thereon being first secured according to the original invoice, which must be produced on oath : and the person so securing the duties shall be entitled to a drawback of such duties in the usual form. A false entry subjects the vessel, and surplus goods, to seizure ; and in case any such goods be afterwards fraudulently landed, the goods and vessel made liable to forfeiture ; if the party refuses to produce the original invoice, the goods must be landed, and duties secured.

Sec. 4, 5, 6 : No. 47.

In case the Collector suspects the entry to be false, he may examine the cargo, and the master and crew shall assist him in so doing ; and in case he refuse assistance the goods shall be landed, and, if the officer doubts the invoice, he shall submit the same to three merchants, and, if they certify there is cause of suspicion, the officer shall discharge the cargo, and ascertain the truth of the entry : no penalty or forfeiture to attach ; unless the difference shall, in the opinion of three merchants, exceed what is usually found in the gauge or weight of two different ports. Persons who unnecessarily delay discharging the part of the cargo to be landed, or, after unlading that part, shall delay proceeding to sea with the residue longer than ten days, shall pay the tide waiter his daily pay. Act to continue to 31st December, 1805.

P. 476. Stat. 44th, Geo. 3d. Cap. 2, Sec. 1 : No. 48.

Continues to 31st December, 1805, the two Revenue Acts of the 33d Geo. 3d. also, the Act of the 34th Geo. 3d. to amend and continue the said Acts ; also, an Act of the 35th of Geo. 3d. to continue, and in addition to, the same ; also, an Act of the 36th Geo. 3d. to amend and continue the same ; also, an Act of the 37th year of Geo. 3d. to amend, and continue, the same ; also, an Act passed in the 38th year of Geo. 3d. to allow a drawback on wine consumed by officers of the navy ; and, also, certain clauses of an Act of the 39th year of Geo. 3d. for altering, and continuing the several Revenue Laws ; also, an Act of the 40th Geo. 3d. to amend, and continue, the same ; also, an Act of the 41st Geo. 3d. to explain, and continue, the same ; also, an Act of the 42d year of His Majesty's reign, to amend, and continue, the same.

P. 480. Stat. 44th, Geo. 3d. Cap. 6, Sec. 1 : No. 49.

ber, 1805.

Continues the two and a half per cent. Act to 31st Decem-

P. 481. Stat. 44th, Geo. 3d. Cap. 7, Sec. 1 : No. 50.

ber, 1805. Continues the ten per cent. Act to 31st December, 1805.

P. 481. Stat. 44th, Geo. 3d. Cap. 8, Sec. 1 : No. 51.

Continues the Grammar-School duty to 31st December, 1805.

TITLE 83-8A.

Riding Disorder

P. 51. Stat. 33d, Geo. 2d. 2d Sefs. Cap. 8, Sec. 1, 2, 3 : No. 1.

No person in the streets or highways of any Town in the Province, to gallop on horseback. No driver of cart, truck, or sled, to ride on the horse, or set on the carriage, but shall lead the thill or shaft horse by a halter not longer than four feet, and drive no faster than a foot pace, under penalty of ten shillings for each offence, to be recovered before a Justice; complaint to be made within 24 hours; and if offender refuse to pay the penalty, he shall labour four days on the highway, and if he refuses, a Justice, on complaint of the Surveyor, may commit the offender to Bridewell to receive ten stripes, and be discharged. All steds and slays to have six horse bells affixed to the harness, and no kind of carriage to be driven disorderly, under penalty of twenty shillings for each offence: to be levied by warrant of distress on conviction before a Justice; complaint to be within twenty four hours. All penalties to be paid to Overseers, and laid out on the highways.

TITLE 84.

Rogues and Vagabonds.

P. 186. Stat. 14th and 15th, Geo. 3d. Cap. 5, Sec. 1, 2 : No. 1.

Soldiers or seamen travelling or wandering without a pass from their officer, and other idle or wandering persons, without a pass from a Magistrate; persons who run away, or threaten to run away, and leave their families chargeable on the town; persons returning to a Township after they have been removed; persons having no visible means to maintain themselves, and live idle, and refuse to work for wages; and beggars; shall be deemed idle and disorderly persons: and, on conviction before one Justice, to be imprisoned at hard labour not exceeding one month.

Sec. 3 : No. 2.

Any person may apprehend and carry offenders before a Justice; any Constable neglecting or refusing to do, shall be punished as for a breach of duty; and any other person who shall refuse or neglect so to do, when commanded by a Justice, shall forfeit, on conviction, ten shillings. Any constable, or other person, apprehending or delivering any such disorderly person to a Justice, or Constable, shall receive ten shillings out of the County Treasury.

Sec. 4 : No. 3.

Justices of the Peace, on information, to issue warrants to search for persons of the foregoing description; suspicious persons apprehended, although no direct proof against them, to be examined, and examinations returned to Sessions; and if the person make it not appear to the satisfaction of the Justices, that he is an orderly person, or otherwise procure surety for his appearance at another day, Justices to commit such person for a time not exceeding fourteen days, and to direct the Overseers of the Poor publicly to advertise such person, and the day of his further examination, and if no person appear to prosecute him, he shall be discharged, or otherwise dealt with according to Law.

Sec. 5, 6 : No. 4.

Persons preventing officers from executing this act, or officers neglecting to execute the same, to forfeit 5l. on conviction before a Justice; persons who shall knowingly harbour any of said disorderly persons, and shall not apprehend them, or give notice to a Constable, shall forfeit, on conviction, not exceeding forty or less than ten shillings. Persons fined for harboring deserters pursuant to the Act of Parliament, not to be prosecuted on this Act for the same offence.

Sec. 7, 8, 9 : No. 5.

Two Justices to order lunatics or mad persons to be taken up and confined, and upon proof, on oath, of the charge of confining, maintaining, and curing, such persons, to direct so much of his real or personal property to be sold as will be sufficient to pay the same; or rents, if he has any, to be received for that purpose by the Church Wardens, or Overseers of the Poor; the same to be accounted for at General Sessions. Poor persons in that state to be supported by the Town. Nothing in this Act to extend, or diminish, the power of the Crown; and the chancellor, or friends or relations, as it respects lunatics. Persons sued may plead the general issue, and if acquitted, to have treble cost.

Schools.

P. 120. Stat. 6th, Geo. 3d. Cap. 7, Sec. 1, 2 : No. 1.

No person to keep a Grammar School in any part of the Province, or any kind of School in Halifax, until examined by the Minister of the town ; and where no minister, then by two Justices, a certificate of which, with one by six of the inhabitants, of the person's morals, shall be sent to the Governor for obtaining a licence agreeably to His Majesty's instructions. Persons offending, on conviction before two Justices, shall forfeit 3l. to the use of the town school. Schoolmaster to take the State Oaths. A Papist setting up school, on conviction, to be imprisoned, and pay a fine of 10l. and persons refusing to take the oaths to be deemed a popish recusant.

Sec. 3 : No. 2.

Lands set apart for schools in each Township to be vested in Trustees, who are to hold and improve the same for that purpose.

Papists allowed, under certain regulations, to keep school—see Papists, No. 4.

P. 220. Stat. 20th, Geo. 3d. Cap. 3, Sec. 1, 2 : No. 3.

1500l. granted to build a school in Halifax, and 100l. per annum to support a schoolmaster, with 50l. a year to support an usher, when the number of scholars shall exceed forty.

Sec. 3, 4, 5 : No. 4.

Governor to appoint five Trustees annually ; one to be a President, who shall be incorporated, make bye laws, sue and be sued, hold grants of land, and receive donations, and to be accountable to the Legislature ; and shall visit and hold a public examination of the school twice in the year, that is, on the first Monday of May and of October.

TITLE 86.

Seamen.

P. 13. Stat. 32d, Geo. 2d. Cap. 12, Sec. 1 : No. 1.

Any person who shall entice a seaman or marine to desert, or knowingly harbour, conceal, or assist, a deserter from a ship of war, shall forfeit to His Majesty 20l. on conviction before three Justices : to be levied by distress of offender's goods ; and, for want thereof, to be imprisoned six months, or until fine paid.

Sec. 2 : No. 2.

Any person buying, exchanging, or receiving in pledge, from seaman or marine, any sloop cloathing, to forfeit 5l. forty shillings of which to go to informer, and the residue to the King, to be levied by distress, and for want thereof, offender to be imprisoned two months, or until penalty paid ; conviction to be before one or more Justice of the Peace, upon the cloaths being found in possession of person charged, or on confession, or the oath of one credible witness.

Sec. 3 : No. 3.

Person seeing seaman or marine selling, or exposing to sale, slops or cloathing, to carry him before a Justice, who shall commit him to goal, and deliver him to his officer.

Sec. 4 : No. 4.

Justices, on information on oath, to grant warrant to any Constable to search for deserters in any house, who is to be accompanied by one officer only from the ship of war : Persons refusing admittance to Constable to forfeit 20l. to be levied, on conviction, by warrant of distress from two Justices : for want of goods offender to be imprisoned six months. Search, in the night, for deserters, to be made by the Justice in person, attended with Constables, and only one officer from the ship : Persons refusing admittance to such Justice to forfeit the same penalty last before-mentioned. Persons apprehended on suspicion of being deserters, to be sent to goal, and delivered to their officers on proof being made, before one Justice, of their desertion, or, otherwise, for want of such proof, to be discharged.

Sec. 5 : No. 5.

To continue during present War.

Sec. 6 : No. 6.

Act to take effect in seven days after publication.

P. 56. Stat. 33d, Geo. 2d. Cap. 1, Sec. 1 : No. 7.

Makes the Statute 32d Geo. 2d, Cap. 12, perpetual.

TITLE 87.

Servants.

P. 113. Stat. 5th, Geo. 3d. Cap. 7, Sec. 1, 2 : No. 1.

All indented or hired servants, for a term not less than six months, shall have a certificate from former master, which succeeding master shall receive and keep in his hands. Person convicted at Sessions of having a servant without such certificate, to forfeit 10l. half to the poor and half to the informer, to be levied by distress; person refusing to grant certificate for five days after notice of complaint before a Justice, he may, if he finds such refusal to be without good cause, grant the servant a certificate, which shall be as good as if granted by the master. Servant convicted before two Justices of counterfeiting such certificate, to be publicly whipped.

Sec. 3, 4 : No. 2.

Servants deserting shall serve double the time, and if desertion be in seed time, harvest, or during the fishing season, the Sessions may, according to the damage, make the time of service longer. Persons complaining of desertion, must prove, before a Justice, the time of the servant's absence, and expence of recovering him, and obtain a certificate thereof, on which the Court may pass judgment.

Sec. 5 : No. 3.

Two Justices, if complaint made within ten days, unless prevented by sickness, or by the master, may examine all charges for cruel or bad usage by master, and may make order for the servant's relief, either by discharging him, or otherwise. Party, not satisfied, may appeal to Sessions, there to be finally settled.

Sec. 6 : No. 4.

Masters of vessels knowingly harbouring servants, without master's permission, forfeit 10l. to be recovered in a Court of Record.

Sec. 7, 8 : No. 5.

Before any person shall accept an assignment of a servant indented in Great-Britain, or Ireland, he shall go before a Justice, who shall examine the indentures, and certify if there be no objection to the assignment. Person hiring in the fishery for a station that he is not qualified for, shall, on proof thereof before one Justice, forfeit all his wages.

P. 255. Stat. 28th, Geo. 3d. Cap. 6, Sec. 1, 2 : No. 6.

No engagement of a servant to be valid for a longer period than a month, unless made in writing, and signed by both parties, in presence of a witness, who must read and explain the agreement, which must specify the period of service, and the wages. Justice to enquire into complaints against servants for misbehaviour, and, if well founded, to order a part of the servant's wages, not exceeding 5s. to be stopped.

Sec. 3, 4, 5 : No. 7.

Master, or mistress, selling spirits to their hired servants, are not allowed to stop their wages for the same, and shall forfeit, on conviction before a Justice, double the value of the spirits so sold. A person suing a servant or common labourer shall be non-suit, if it appear that any part of the demand, either directly or indirectly, be for spirituous liquors. And a tavern-keeper, or retailer, who shall buy, or receive in pawn, from a servant or common labourer, wearing apparel, tools, implements of trade, husbandry, or furniture, shall forfeit forty shillings, and the property be immediately restored, or double the value paid, on pain of imprisonment, not to exceed a month; complaint to be made to a Justice or Justices. Persons keeping tavern, or retailing spirituous liquors, to forfeit ten shillings if they do not keep this Act posted up in a conspicuous part of their house.

Sec. 6 : No. 8.

Three Justices, on examination, to commit to jail or bridewell disorderly or beggarly persons, who have no visible

visible means to obtain an honest livelihood, and to bind out such persons, for a term not exceeding seven years. Persons convicted of clergyable offences, may, as a further punishment, be bound out to service. Persons having servants bound to them, may, with the approbation of three Justices, sell, or assign, their time to others.

Sec. 7, 8 : No. 9.

Justices to make further regulations for the government, and punishment, of servants, and apprehending runaways, and all other Acts not altered by this to be in force.

TITLE 88.

Sewers.

P. 59. Stat. 34th, Geo. 2d. Cap. 7, Sec. 1, 2 : No. 1.

Governor, with the advice of Council, at the request of Proprietors, to grant Commissions of Sewers, for building and repairing dykes, and wears, damming and flowing swamps, and draining the same. Commissioners to meet and consult respecting the same, to employ labourers on the best terms to effect such purposes, and tax the owners for payment, having respect to quality of land, and benefit received ; to appoint Collectors to receive the tax, with power to distrain for the same, and to call Collectors to account, to value the dykes made before the date of their commissions, and rate those who are benefited thereby, and who have not contributed. Commissioners, out of assessments, to have such allowance as Governor and Council shall appoint, to whom, when required, they must account.

Sec. 3, 4 : No. 2.

Proprietors who neglect, or refuse, to pay rates, the other proprietors to hold delinquent's lands, so long as Commissioners shall think requisite, for the profits, to reimburse them. Persons grieved by any proceedings of Commissioners, may appeal to Governor and Council, who may order lands to be restored.

P. 88. Stat. 3d and 4th, Geo. 3d. Cap. 1, Sec. 1, 2 : No. 3.

A Justice, on complaint of Collector, to grant warrant of distress against such as refuse to pay dyke rates, and for want of distress, to commit delinquent till he make satisfaction. Justice to let the lands of absent proprietors, until dyke rates paid.

P. 110. Stat. 5th, Geo. 3d. Cap. 4, Sec. 1, 2 : No. 4.

Proprietors of dyked land, present in the Province, who refuse to pay rates, and shall not have any goods whereon the same may be levied, so much of his lands are to be let out by one Justice, as will be sufficient to pay the rate due.

P. 143. Stat. 8th, Geo. 3d. Cap. 9, Sec. 1, 2 : No. 5.

Every proprietor of marsh lands, when called on, shall attend himself, or send a sufficient labourer, with proper tools, to work in dyking, ditching, or draining, agreeably to the regulations of the Sewers ; and if he have oxen, or carts, he shall be obliged, if required, to send the same to work in proportion to labourers ; and, if he owns more than one right, he shall furnish labour according to the quantity of land, as the Sewers shall agree. Proprietors to have six days previous notice of the time and place where the work is to be done.

Sec. 3, 4 : No. 6.

On any sudden breach of a dyke, every owner immediately, on notice, to go to work, and to exert themselves from day to day, to repair the damage, so long as the Sewers shall think necessary. Proprietor to forfeit 5s. for every day's neglect of ordinary work after notice, and 10s. for every day's neglect, on any sudden breach, over and above their rates, to be recovered before a Justice, and levied by distress ; and, for want thereof, his lands are to be let. Proceeds of fines to be paid to the Sewers for general uses.

P. 155. Stat. 9th and 10th, Geo. 3d. Cap. 2, Sec. 1, 2 : No. 7.

Where no person appears to pay dyke rates, and no distress can be found, Sewers shall advertize the delinquent's lands in the public prints for three months to let ; and, if no person appear to hire the same, Sewers are, by warrant, to direct the dyked or drained lands of delinquent, to be valued by three persons, on oath, and then shall order the Sheriff to sell so much thereof as will pay the rate. Sheriff to execute a deed, and give possession to the purchaser, his fee to be 10s. Persons grieved to appeal to the General Assembly.

P. 167. Stat. 11th, Geo. 3d. Cap. 9, Sec. 1 : No. 8.

All appeals against proceedings of Commissioners to be made to the Governor and Council, instead of the General Assembly.

P. 223. Stat. 21st, Geo. 3d. Cap. 3, Sec. 1, : No. 9.

Where fods or soil for making a common dyke have been cut off any proprietor's marsh, or any part of it has been washed away, and, by making a new dyke, lost, the Sewers shall have the same valued by five disinterested freeholders, sworn for that purpose; and if the proprietors have in such marsh any common, or undivided marsh land, the Sewers shall compensate the injured party out of the same; and where no common marsh, then the value to be assessed on the other proprietors.

P. 280. Stat. 30th, Geo. 3d. Cap. 7, Sec. 1 : No. 10.

When the charge of dyking or draining shall exceed 5s. per acre, the Sewers shall assemble the proprietors to elect assessors, who are to be sworn, and, with the Sewers, are to assess the tax on the proprietors, having respect to the quantity and quality of each person's lands, and the particular benefit received.

P. 315. Stat. 33d, Geo. 3d. Cap. 4, Sec. 1, 2 : No. 11.

Commissioners not to exercise any of the powers given by the Act of the 34th of His late Majesty, unless called on by the owners of more than a half part of the marsh. This Act is not to extend to prevent Commissioners from repairing breaches, or draining marshes heretofore dyked.

TITLE 89.

Sheep.

P. 215. Stat. 19th, Geo. 3d. Cap. 7, Sec. 1 : No. 1.

Justices in Sessions to make regulations to prevent the clandestine driving away sheep, or lambs, from the different Townships; and persons transgressing to forfeit a sum not exceeding 5l. to be recovered before two Justices, or the Sessions.

P. 331. Stat. 34th, Geo. 3d. Cap. 2, Sec. 1 : No. 2.

A person keeping a dog accustomed to kill sheep, after notice given to put it away, shall forfeit 3l. for each offence, and pay the owner 10s. for each sheep or lamb killed, to be recovered before a Justice.

Sec. 2, 3 : No. 3.

Sessions, at the desire of the Grand Jury, to offer a reward for killing wolves, and the townships are to be assessed for the amount thereof.

TITLE 90.

Sheriffs.

P. 230. Stat. 23d, Geo. 3d. Cap. 1 : Sec. 1, 2, 3, 4, 5, 6, 7,

Repealed by 35th Geo. 3d. Cap. 1.

Sec. 8, 9 : No. 1.

All Clerks of the Crown, and Peace, every six months, to certify to the Clerk of the Supreme Court, at Halifax, all fines and forfeitures adjudged to the Crown; and, if none, to certify the same, under penalty of 5l. Sheriff, within two months after his year of office, to render an account, on oath, to the Clerk of the Supreme Court at Halifax, under penalty of 20l. and Clerk of the Supreme Court, at the end of Easter Term, to account for all fines and forfeitures throughout the Province to the Treasurer.

P. 321. Stat. 33d, Geo. 3d. Cap. 10, Sec. 1: No. 2.

the usual oath.

Sheriff may administer to appraisers of property attached, or taken,

P. 344. Stat. 35th, Geo. 3d. Cap. 1, Sec. 1, 2, 3, 4, 5: No. 3.

The Chief Justice, on the last day of Michaelmas Term, to nominate three persons to serve the office of Sheriff, in each County, of whom the Governor is to prick one, who, being resident in his County, and having given security, and received his patent, shall be vested with the power, and under the same regulations, as Sheriffs in England: subject, nevertheless, to the Laws of this Province; on refusal to serve to forfeit 50l. and the Governor to prick another: the same person may be returned to serve a second year, unless the Sessions request the contrary. Sheriff to take the oath required by the Act.

Sec. 6: No. 4.

If the Sheriff die, his deputy is to do the duty, and the principal sureties are bound for him until another Sheriff be appointed; if there be no deputy, the Judges of the Inferior Court may appoint a person to do the duty, who shall give security, and serve until another is appointed.

Sec. 7, 8, 9, 10, 11: No. 5.

The writ of summons, in future, is to be directed to the Sheriff, and the form of it is appointed by the Act; and the fees to be taken by the Sheriff are also regulated, and he is made subject to a prosecution if he demands greater. Property attached, and appraised, if of a perishable nature, may, on notice to defendant, and his refusing to give security, be ordered, by a Judge, to be sold, and money held to respond judgment. Fines covered under this Act to be paid into the Province Treasury.

Sec. 12: No. 6.

The process of the Inferior Court to extend only through the County or District to which such Court belongs, and only persons resident within the same are subject to its jurisdiction.

Sec. 13: No. 7.

Sheriff detaining money twenty-four hours after demand made, shall pay the party 5s. in the pound for every week he shall detain the same: to be recovered in the Supreme Court, if the action be brought in three months.

Sec. 14: No. 8.

Repeals the Act of the 18th Geo. 3d. Cap. 2; also, all the Act of the 23d Geo. 3d. Cap. 1, except that part which relates to the Clerks of the Crown, Clerks of the Peace, and Prothonotaries of the Supreme Court; also repeals the Act of the 28th Geo. 3d. Cap. 7.

P. 430. Stat. 40th, Geo. 3d. Cap. 15, Sec. 1: No. 9.

Gives to the Sheriff additional fees in several instances.

Sec. 2, 3: No. 10.

Fees for service of Writs in the District of Yarmouth, Colchester and Picton, to be as though they were separate Bailiwicks. Act limited for one year.

TITLE 91.

Small Pox.

P. 407. Stat. 41st, Geo. 3d. Cap. 2, Sec. 1: No. 1.

Small Pox, repealed.

Act of the 39th Geo. 3d. to regulate the practice of inoculating for the

TITLE 92.

Soldiers.

P. 350. Stat. 35th, Geo. 3d. Cap. 4, Sec. 1, 2 : No. 1.

Soldiers, and Officers, marching from one District, to another, to be billeted at inns, by a Justice of the Peace, on the Officer, commanding the party, producing to the Justice the orders for such march from the commanding officer in the Province : if there is not sufficient room at the inns, then billets to be granted on the houses retailing spirits. Persons refusing obedience to the Justice's written billet, to forfeit 5l. to be recovered in a Court of Record.

P. 350. Stat. 35th, Geo. 3d. Cap. 5, Sec. 1 : No. 2.

A person knowingly assisting a deserter to forfeit 5l. and a like penalty of 5l. for receiving soldier's arms, or necessaries : to be levied, on conviction before two Justices, by distress, and, for want thereof, offender to be committed for three months, or otherwise, whipped. No officer, under pretence of searching after deserters, to break a house, unless by warrant from a Justice, under penalty of 20l.

P. 436. Stat. 41st, Geo. 3d. Cap. 4, Sec. 1, 2 : No. 3.

Expence of conveying, and apprehending, deserters, to be paid out of the Treasury, if the same cannot be recovered from the corps, or ship, to which they belong ; penalty for encouraging desertion established, and officer, at his option, may prosecute those who encourage desertion, either before two Justices, or in the Supreme Court ; and, if convicted in the Supreme Court, the penalty to be not exceeding 40l. and cost ; and, if convicted before two Justices, the penalty to be 5l. Penalties to go to the poor ; and offender, if unable to pay the penalty, to be publicly whipped.

P. 467. Stat. 43d, Geo. 3d. Cap. 1, Sec. 1, 2 : No. 4.

Penalty, for harbouring deserters, increased to 20l. Peace Officers to apprehend persons suspected as deserters, and bring them for examination before a Justice, who, on due proof, may commit the person, and inform the Governor, or next commanding officer. All keepers of prisons are obliged to receive deserters, and are entitled to their full subsistence, while in custody, to pay for their maintenance, which is the only fee such keeper shall have.

TITLE 93.

Summary Trials:

P. 116. Stat. 5th, Geo. 3d. Cap. 11, Sec. 1, 2 : No. 1.

Supreme and Inferior Court may try all actions, the sum total of which does not exceed 10l. in a summary way, according to law and equity, subject to a Writ of Error from the Inferior Court to the Supreme Court ; when the judgment shall exceed 5l. examination of witnesses shall be taken in writing, and, if the fact appear doubtful, the Court to order a Jury.

Sec. 3 : No. 2.

Any Justice, of either Court, may receive the debtor's confession of debt, a record of which being made by the Justice, he may grant execution upon the oath of the creditor, the same as if the cause had been tried in the Court ; if debt exceeds 3l. record must be made by the Clerk of the Court : his fee, 1s. Justice 5s. exclusive of Sheriff's fees.

Sec. 4, 5, 6, 7 : No. 3.

A single Justice to try, in a summary way, demands not exceeding twenty shillings ; and, if not exceeding three pounds, to be tried by two Justices, subject to an appeal ; execution to be awarded by them, returnable in ten days ; and summons in, at least, seven days from the date. The form of the summons is prescribed by the Act, and must be left with defendant, or at his last place of abode, at least, seven days before trial ; execution to run against the goods, and, for want thereof, to take the body. The Act to continue two years.

P. 128. Stat. 7th, Geo. 3d. Cap. 10, Sec. 1, 2 : No. 4.

Former Act to continue ten years. Cost of trial before a Justice, if debt does not exceed 20s. not to be more than 7s. 6d. if debt does not exceed 3l. cost not to exceed 10s. E.

P. 170. Stat. 11th, Geo. 3d. Cap. 21, Sec. 1, 2 : No. 5.

Causes not exceeding 3l. may be sued before one Justice, in Halifax, the summons is to be directed to the Provost Marshal, or deputy, and to them, or the Constable, in the rest of the Province: if defendant is absent, a copy to be left at his last place of abode three days before trial, but, if present, the summons to be read to him: fee for serving summons 2s. 6d.; service of execution 1s. with 1s. poundage. Justice's whole fees, including execution, 4s. 10d. If the officer travels above two miles he shall have two pence per mile.

Sec. 3, 4 : No. 6.

Gives the form of Summons and Execution, and allows the Justice to take the confession of a debtor, for a sum not exceeding 3l. the same as in the Supreme Court: Justice's fee thereon, including execution, 2s.

P. 181. Stat. 13th and 14th Geo. 3d. Cap. 9, Sec. 1, 2, 3 : No. 7.

Supreme and Inferior Courts to try, in a summary way, causes not exceeding 20l. subject to a Writ of Error from the Inferior Court to the Supreme Court. If judgment exceed 5l. and, on examination of witnesses, the fact is doubtful, or the parties desire the cause shall be tried by a Jury, the Judges of the same Courts may receive the debtor's confession for the like sum, the same as if the debt did not exceed 10l.

P. 191. Stat. 14th and 15th, Geo. 3d. Cap. 15, Sec. 1, 2, 3, 4 : No. 8.

Where the whole dealing does not exceed three pounds, creditor may cause debtor to be summoned before two Justices of the County where either dwells, who shall adjudge the cause according to equity and good conscience. Defendant may set off his account against plaintiff. Justices may order defendant to pay, by instalments, according to his circumstances, and may allow cost; if judgment be above twenty shillings, party may appeal; if defendant does not appear, or perform the order of the Justices, they may issue a warrant of distress for debt and cost, and for want of goods, may commit defendant for a period not exceeding two months, according to the amount of the debt; or until he perform order; where the whole dealing does not exceed three pounds, no action to be brought for the same in any other Court, except by appeal; not to extend to debt for rent, real contract, or specialty, or contract concerning marriage. Sec. 5, 6, 7, 8 : No. 9.

In Halifax, summons to be directed to the Sheriff, or his deputy; and, in other parts of the Province to him, or the Constable of the Township; officer to read the summons to defendant, or, if absent, to leave a copy at his last place of abode three days before trial; fee, for service, one shilling, and two pence per mile travel, and the same for serving warrant of distress, or commitment, and poundage of a shilling for levying and selling the distress. Justices' whole fees 2s. 6d. for the summons, 1s. for the judgment, and 1s. 4d. for warrant to commit, or distrain; and if the sum sued for does not exceed 5s. there shall be no cost; persons taking any larger fees to pay a penalty of 5l. to be recovered in a Court of Record. The 8th Sec. gives the form of the summons.

P. 194. Stat. 15th, Geo. 3d. Cap. 3, Sec. 1 : No. 10.

Where the whole dealing shall not exceed 3l. jurisdiction is given to one or more Justices.

Sec. 2, 3 : No. 11.

Justice may issue execution against body and goods; and, for want of goods, the body to be held until released by creditor; and cost shall be awarded in all cases, where debt shall not exceed five shillings.

P. 240. Stat. 25th, Geo. 3d. Cap. 4, Sec. 1, 2 : No. 12.

Authorises Justices to replevin cattle impounded for trespass; and to try causes, in a summary way, when the damage does not exceed three pounds. [See Title Trespas, No. 17, 18.]

P. 251. Stat. 26th, Geo. 3d. Cap. 9th, Sec. 1, 2 : No. 13.

Debtors, for sums under three pounds, to be held to bail on capias, or warrant, indorsed by a Justice of the Peace, on affidavit, as is usual in debts of more value. A forty shilling freeholder not to be arrested by a Justice's writ, for a sum under twenty shillings, nor for a larger debt not exceeding three pounds, unless the party, in addition to the usual affidavit, do swear that he believes the debt will be lost, unless the debtor be arrested.

P. 281. Stat. 30th, Geo. 3d, Cap. 8, Sec. 1, 2, 3 : No. 14.

Justice of Peace to direct summons to the Constables; defendant to have three days notice, exclusive of the day of service; if defendant is not to be found, a copy to be left at his last place of abode; fee for service one shilling, and three pence per mile travel from the Justice's house. Justice not to try actions of debt, for rent, trover, defamation, trespass, assault, battery, false imprisonment, or any action in which the titles to land may come in question.

P. 304. Stat. 32d, Geo. 3d. Cap. 14, Sec. 1, 2, 3, 4, 5 : No. 15.

Rotation Court established for the trial of all actions cognizable by a single Justice, within the town and peninsula of Halifax: the Sessions to appoint a Clerk to such Court, who shall be sworn: the Court to be composed of three Justices of the Peace, who are to attend the Court for a month: the Sessions to regulate the rotation according to the provisions of the Act, by changing two of the Justices every month: the place of sitting to be advertised; and provision is made in case any of the Justices should be prevented attending his duty, a Justice may substitute another to act in his stead; and the Members of His Majesty's Council, and those Officers of Government who are appointed Justices of the Peace, and who do not usually attend the Sessions, are exempt from serving in this Court.

Sec. 6 : No. 16.

Court to be held every Tuesday and Friday; may swear the witnesses, and shall administer justice according to equity and good conscience. Justices to sign an entry, to be made by the Clerk, of the nature of every case, the evidence, and

and the judgment, and also an account of the fees, and cost, allowed. The Rotation Court to have all the power granted to a Justice for the trial of civil actions; Clerk to issue the process, which must be under the seal, and tested in the name of the senior Justice, and returnable to the next sitting of the Court, if there be time. No cause to be put off but on affidavit. Court may adjourn from day to day, if the business require it. An office to be kept open by the Clerk, for the hours the Justices shall appoint. The Sessions to examine, every quarter, the proceedings of the Court, and to see that the same are kept regular.

Sec. 7 : No. 17.

Appeal given to Inferior Court, and executions suspended on security; list of appeals to be returned to Inferior Court, and a day shall be appointed to hear them; causes to be re-tried on the evidence, certified by the Clerk; if appeal appear to be without foundation, cost, not exceeding thirty shillings, to be given; but, if otherwise, no cost to be paid by appellant; no certiorari, or other writ, to set aside such final judgment to be allowed.

Sec. 8 : No. 18.

No Justice, within the peninsula, finally to commit to Goal, or House of Correction, any criminal offender, but shall order him, when apprehended, to be carried to the Rotation Court, if sitting, but if not, then such Justice may commit for further examination before such Court; the keeper shall give notice to the Clerk of such commitment, who shall immediately assemble the Court, and notify the Justice who made the commitment to attend, when the whole examinations shall be correctly taken by the Clerk, in writing, and signed by the Justices, who shall finally commit, or discharge, the prisoner, and return the examinations to the proper Court.

Sec. 9, 10, 11 : No. 19.

The Court allowed to take the same fees as a single Justice, which are to be received by the Clerk, who shall account, on oath, for the same, quarterly, to the Sessions, out of which the Justices, the Clerk, and all other necessary charges are to be paid. Two Justices must consent to every judgment, two of whom may hold the Court; the process to extend throughout the County. The duration of the Act limited.

P. 456. Stat. 41st, Geo. 3d. Cap. 15, Sec. 1, 2, 3 : No. 20.

The Act for the summary trial of actions before Justices of the Peace, in the Town and Peninsula of Halifax, revived; the Sessions to appoint the Clerk for such Justices Court; and, from time to time, to regulate the list of Justices, who shall serve in rotation therein, and shall likewise appoint Constables to attend such Court, and take all other measures necessary for the opening of such Court, and regulate the office of the Clerk; the summary jurisdiction of Justices in civil causes, within the Town and Peninsula of Halifax, taken away, and vested in the Justices Rotation Court.

Sec. 4, 5, 6 : No. 21.

In case of fire, or other disturbance, the Rotation Court shall meet, and continue sitting while occasion shall require it. A Special Court shall be summoned by the Clerk, when one Justice shall require it. And in case one or more of the Justices, whose turn it shall be, shall be prevented, by any cause, from attending, the Clerk shall summon the next in rotation. The duration of the Act limited.

P. 473. Stat. 43d, Geo. 3d. Cap. 13, Sec. 1, 2, 3, 4 : No. 22.

Continues the former Act for a year, and directs all Justices within the peninsula of Halifax, who may commit a criminal offender to give immediate notice thereof to the Clerk of the Rotation Court: the Clerk to receive a fixed salary, and not fees. The Fees of the Rotation Court regulated, and Justices, or their Clerk, made liable to prosecution if they take any greater fee.

TITLE 94.

Supreme Court.

P. 149. Stat. 8th and 9th, Geo. 3d. Cap. 5, Sec. 1 : No. 1.

and confirms its proceedings in said Terms.

Establishes four Terms for holding the Supreme Court, P.

P. 151. Stat. 8th and 9th, Geo. 3d. Cap. 9, Sec. 1, 2, 3 : No. 2.

Justices, in Counties on the sea coast, or which have no communication by land with Halifax, may commit felons to the jail at Halifax, and bind witnesses to appear at Supreme Court there: which Court may try such felons, the same as if the offence was committed in the County of Halifax.

P. 188. Stat. 14th and 15th, Geo. 3d. Cap. 6th, Sec. 1, 2, 3 : No. 3.

Supreme Court, in future, to be held at Halifax, Horton, Annapolis, and Cumberland. The Terms at Halifax, to last fourteen days, and in case of necessity, Judges to extend the same six days; in the country the Terms not to exceed five days; proceedings to be the same as at Halifax; and the laws respecting jurors to extend to Courts in the Country. Two Judges of the Court sufficient to do business.

Executions issued from the Supreme Court, for Cumberland County, to be returnable in sixty days. [See Inferior Court, No. 3.]

P. 219. Stat. 20th, Geo. 3d. Cap. 1, Sec. 1 : No. 4.

and second Tuesdays of July and October.

Supreme Court to set in Halifax the 1st Tuesday of April,

P. 274. Stat. 29th, Geo. 3d. Cap. 12, Sec. 1, 2 : No. 5.

The Puisne Judges of the Supreme Court, while in office, and resident in the Province, to be each paid 400l. a year, and to be removable at His Majesty's pleasure, or on the joint address of the Council and Assembly.

P. 329. Stat. 33d, Geo. 3d. Cap. 18, Sec. 1, 2, 3 : No. 6.

Supreme Court, at Halifax, may continue its terms as long as it may think fit, and the Petit Jury shall attend, and it may make as many return days each term as it shall deem necessary: the duration of this Act was limited to the end of the next Session.

P. 339. Stat. 34th, Geo. 3d. Cap. 10, Sec. 1, 2 : No. 7.

The Governor to appoint a Court of Nisi Prius to try all causes at issue in the Supreme Court, which by law should be tried in the Counties of Sydney, Lunenburg, Queen's County, and Shelburne: such Court to have the same power as in England, and to be reimbursed all extraordinary expences incurred; the Governor, if it is war time, with the advice of Council, may delay the issuing a Commission, if it shall appear unsafe; the Governor to appoint the time for the Court to sit, between 1st of April and 1st of October, of which reasonable notice shall be given in the Gazette.

Sec. 3, 4, 5, 6, 7, 8, 9 : No. 8.

Plaintiff, when the day is appointed, shall issue a *venire* to the Sheriff to summon thirty-six Jurors, who shall be drawn, according to law, in presence of a Judge of the Inferior Court, the Sheriff, and the Prothonotary, or Clerk, of the Inferior Court of the County; if the Judge, at Nisi Prius, be unable to arrive at the day, the Sheriff is to respite the Jury, and all others, attending from day to day, until the Judge shall arrive; the Chief Justice to appoint the Clerks of Nisi Prius, who may sign and seal all process returnable at the Supreme Court, or in Court of Nisi Prius, and may take affidavits, and indorse writs for bail; and the Supreme Court may make regulations for the Nisi Prius Court. Chief Justice to appoint Commissioners to take affidavits throughout the Province, and the Supreme Court may tax against him, who shall have a verdict against him, a Counsel Fee, not to exceed 5l. This Act to continue three years.

P. 367. Stat. 36th, Geo. 3d. Cap. 3, Sec. 1 : No. 9.

Supreme Court, at Halifax, to commence a Term on the second Tuesday of every January: such Term not to exceed fourteen days; Jurors not bound to attend at that Term, unless summoned by order of a Judge,

P. 406. Stat. 39th, Geo. 3d. Cap. 5, Sec. 1, 2 : No. 10.

Circuit Court to be held only once a year, at Windsor, on the third Thursday in September; at Horton, the Monday following; and, at Annapolis, the Monday next after the Court at Horton. Supreme Court to grant new trials in causes removed from Inferior Courts, if moved for within a year. Party applying must put in special bail.

Sec. 3 : No. 11.

Executions from the Circuit Court to be returnable in 60 days.

Sec. 4 : No. 12.

Causes to be removed, in any stage, on application of parties, from the Inferior Court to the Supreme Court, upon special bail being filed.

Sec. 5 : No. 13.

Circuit Court, at Amherst, to be held on the first Tuesday of June.

P. 456. Stat. 42d, Geo. 3d. Cap. 1, Sec. 1, 2, 3 : No. 14.

Supreme Court to be held, at Truro, the Thursday before the 1st of June, to sit only three days. In the absence of the Chief Justice, the Court at Truro, and at Amherst, may be held by an Assistant Judge, associated with one or more persons appointed by the Governor; the Court may, after its first sitting, change the place, conformable to the presentment of the Grand Jury.

TITLE 95.

Surveyors of Land.

P. 318. Stat. 33d, Geo. 3d. Cap. 8, Sec. 1, 2: No. 1.

Deputy Surveyors, if there is no Justice within two miles of the place to be surveyed, may administer the proper oath to the Chainmen. Justice to have no fee for swearing Chainmen.

TITLE 96.

Temporary Laws.

P. 478. Stat. 44th, Geo 3d. Cap. 3, Sec. 1: No. 1.

Continues, to 31st December, 1805, the Act for summary trials, and the Act respecting process issued by Justices of the Peace; the Act for preventing nuisances in rivers; an Act for regulating the times for holding Courts, and returning writs; an Act to prohibit the export of warlike stores; an Act for establishing Courts of Nisi Prius; an Act for the inspection of salted beef and pork; an Act to regulate bread; an Act for sinking wells; an Alien Act; an Act for inspecting red herrings; an Act respecting Sheriffs; an Act respecting County Rates; an Act respecting Cord Wood; two Acts respecting Markets; also, an Act respecting summary trials at Halifax.

TITLE 97.

Thistles.

P. 285. Stat. 31st, Geo. 3d. Cap. 6, Sec. 1, 2, 3, 4: No. 1.

Justices, at the Spring Sessions, to make, and publish, regulations to prevent the growth of Thistles in the several Counties, and to appoint Inspectors to see such regulations carried into effect: Inspectors refusing to serve, or neglecting their duty, to forfeit 3l. and persons disobeying regulations to pay, for each offence, forty shillings. Penalties to be recovered at Sessions, and levied by distress; half to go to the informer, and half to the roads.

Sec. 5, 6: No. 2.

When the Sessions shall not meet until the fall, a Special Sessions may be held for the foregoing purpose. This Act to be read every year, after swearing the Grand Jury at the Sessions.

Timber.

P. 172. Stat. 12th, Geo. 3d. Cap. 3, Sec. 1, 2 : No. 1.

Timber, hewed for the British Market, to be sound, properly squared, not less than ten inches square, and free from bark ; none other to be surveyed for the British Market ; and no under shall be obliged to receive any other for that market, unless by particular agreement.

P. 184. Stat. 14th and 15th, Geo. 3d. Cap. 3, Sec. 1, 2 : No. 2.

Persons injuring or cutting masts, or timber of any kind, without licence, on the King's reserved and ungranted lands, shall forfeit not less than 100l. to be recovered in a Court of Record, half to the King and half to the informer ; and, if unable to pay the fine, to suffer six months imprisonment.

Sec. 3 : No. 3.

Persons wilfully destroying, by fire, the timber on such lands, to suffer as a felon.

Sec. 4 : No. 4.

Not to extend to the cutting firewood, or underwood, such as used in the fishery, within half a mile of the sea shore.

P. 193. Stat. 15th, Geo. 3d. Cap. 1, Sec. 1 : No. 5.

Persons inhabiting the island of Cape-Breton, and such as are employed in the fishery, may cut, off reserved lands, fuel and materials for the fishery.

P. 321. Stat. 33d, Geo. 3d. Cap 11, Sec. 1, 2 : No. 6.

Timber, for exportation to Europe, shall be true lined, well squared : no appearance of the scoring to be left ; the butts to be square ; not more than one inch vein thereon ; and to be free from rots, splits, or worm-holes ; if under sixteen feet both ends to be the same dimensions. No pine, or spruce, to be less than twelve feet ; nor hardwood less than four. Surveyor certifying timber, as merchantable, which does not answer the description of this Act, to forfeit not more than 10l. for each offence : to be recovered in a Court of Record. Surveyor to be allowed two-pence per ton, with reasonable travelling charges.

TITLE 99.

Titles to Land.

P. 1. Stat. 32d, Geo. 2d. Cap. 2, Sec. 1 : No. 1.

Persons claiming lands, by virtue of grants or deeds entered in the public registry, or by virtue of any last will, whether in their own right, or right of another, to hold and enjoy the same : any want of form in such grants, deeds, or wills ; and all possessions by virtue thereof confirmed.

Sec. 2 : No. 2.

No papist to hold any lands, except by grant from the Crown. All deeds, or wills, conveying lands to a papist, or in trust for a papist, to be null and void ; such lands not to revert to the grantor ; but, on conviction of such papist, to revert to the Crown.

Sec. 3 : No. 3.

Before any grant, or deed, be registered, except grants from the Crown, the person to whom the same shall be made, shall take and subscribe the State Oaths before the Register, or his deputy ; and the deed or deeds to the person who shall refuse to take such oaths, to be void.

Sec. 4 : No. 4.

Sales made of lands by Provoost Marshall, to satisfy judgments, confirmed.

Sec. 5: No. 5.

Provided that persons, or their heirs, whose lands have been sold, may, within twelve months from the second of October, 1758, redeem, on payment of principal, interest, and cost, and for all improvements made thereon; and may have action of account against the creditor, at whose suit the same were sold. The purchasers of such lands made accountable for wilful waste. Writ of execution to issue to put the party in possession, on payment of the balance which shall be adjudged due on such action of account; and if the balance of such account shall be in favour of the person suing, execution may be awarded him for the amount thereof.

Sec. 6, 7, 8: No. 6

Provided that debtors may, in twelve months from second of October, 1758, recover their lands, if sold by execution, from the purchaser, on paying him what he really paid for the same, with interest, and also paying for necessary repairs or alterations, and may likewise have action of account against their creditors. Deeds made by purchasers, within one year from the second of October, 1758, for a larger sum than such purchaser paid for such lands, to be void.

Sec. 9: No. 7.

No sales of land hereafter to be made by Provost Marshal, by virtue of writs of execution.

Sec. 10: No. 8.

Nothing in this Act to bar the titles of *feme covert*, persons insane, or in captivity, if they sue within one year after impediment removed.

Sec. 11, 12, 13: No. 9.

The Resolutions of the Governor and Council, touching the registry of deeds, and all proceedings had agreeable thereto, confirmed, and all deeds, in future, to be registered at full length, on the oath of one witness, without any other ceremony or form heretofore used; and, on proof of the loss of a deed being made in Court, the registry thereof to be admitted as good evidence of such deed.

N. B. For further particulars, see Resolutions of Governor and Council, Title 81, No. 2, to 10, inclusive.

P. 44. Stat. 33d, Geo. 2d, Cap. 3, Sec. 1, 2: No. 10.

The former French inhabitants of this Province, and all persons deriving title to land under them, are forever barred from any action to recover the same.

P. 57. Stat. 34th, Geo. 2d, Cap. 4, Sec. 1: No. 11.

Registrar to record deeds executed in Great-Britain, or Ireland, or in any of His Majesty's Colonies, if the execution be acknowledged by the grantor, or proved, on oath, by one of the subscribing witnesses, before one of His Majesty's Justices of the Peace of the place, and by him attested, which attestation, if made in the Colonies, must be authenticated by the Governor, or a Notary; and, if in Britain, or Ireland, under the seal of some corporation, or Notary, certifying the person to be a Justice, and that credit is due to his attestation.

P. 60. Stat. 34th, Geo. 2d, Cap. 8, Sec. 1, 2: No. 12.

Where grantees of land on the peninsula of Halifax are absent from the Province, or have lived thereon seven years without improving the same; likewise where any grantees of land are dead, and no person appears in their right to claim the same, an inquest of office may be taken thereupon by the Commissioner, and upon such inquest being returned into Chancery, the Governor may re-grant the same land, and persons may traverse such inquest within twelve months; and if not done within that time, the second grant to be absolute.

Sec. 3: No. 12.

Every person claiming, by virtue of the registry of a lot of land, granted to him simply, as a lot without any formal conveyance, under the seal of the Province, shall have a title thereto in fee simple, notwithstanding the want of form, (except persons absent, or neglecting to improve.)

P. 66. Stat. 1st, Geo. 3d, Cap. 3, Sec. 1: No. 13.

Minors, *feme covert*, persons insane, imprisoned, or absent from the Province, may sue, within five years, after impediment removed.

P. 115. Stat. 5th, Geo. 3d, Cap. 8, Sec. 1: No. 14.

Register to receive 2s. for registering a deed that does not exceed two hundred words, and one shilling for every hundred words over two hundred; one shilling for the same number of words in an office copy, and for a certificate one shilling, and the same for a search.

P. 130. Stat. 7th and 8th, Geo. 3d, Cap. 2, Sec. 1: No. 15.

On petition from one or more inhabitants, praying a division of their lands, the Supreme Court may order a writ of partition to issue to the Provost Marshal, who must execute it in presence of two Justices, and must first assign to each proprietor the lands by him improved, and occupied; and the unimproved land must be divided into shares, according to the number of proprietors, and drawn for in presence of a jury; of all which due return must be made to the Court, that judgment may be given thereon. Forty days notice to be given before execution of the writ. Judgment by default to be entered against those who neglect to appear after notice, who may, within fifteen days after, apply to the Court to set the partition aside; otherwise, final judgment to be given. If any inequality in the partition be made appear, the Court may, notwithstanding the return, order a second partition, which shall be final against all persons, but such as are under legal disability, who may apply to set partition aside, within one year after the determination of such disability. Persons absent, entitled to three weeks notice in the newspaper; and they may, within a year after, apply to set partition aside, and if another partition be ordered, and made, the same shall be final. Persons who have improved lands, given them under first partition, shall not be divested thereof by second partition, but an allowance shall be made to the others on account thereof out of the unimproved lands.

Sec. 2, 3 : No. 16.

No plea in abatement allowed; and on all appeals dismissed, costs shall be awarded against the party making the same. This Act not to prejudice His Majesty's right to quit rents.

P. 141. Stat. 8th, Geo. 3d. Cap. 8, Sec. 1 : No. 17.

Her neglecting, one month after demand, to set out dower, the widow may sue for the same, and this Section gives the form of the writ.

Sec. 2 : No. 18.

Widow shall recover damages from the time of demand; and, on obtaining judgment, shall have a Writ of Seisin, the form of which is given in this clause; and, where no damages are recovered, the writ shall run only for Seisin and cost of suit.

Sec. 3, 4 : No. 19.

Sheriff to set off dower by the opinion of three, at least, out of five freeholders, who shall be sworn for that purpose by a Justice; and if the inheritance be such that the widow cannot be endowed of the thing itself, she shall have a third of the issues and profits, to be computed as aforesaid; widow not to commit waste, but to keep premises in good repair, and leave the same so at the end of the term.

P. 152. Stat. 8th and 9th, Geo. 3d. Cap. 10, Sec. 1 : No. 20.

Jury, to make partition, need not go on the lands to be divided; but may proceed to make such partition in any place within the County.

P. 167. Stat. 11th, Geo. 3d. Cap. 6, Sec. 1, 2 : No. 21.

A wife, party with her husband to a deed for the sale of lands, shall not be, thereby, barred from her dower, unless she be examined by a Justice, and he certify that she had freely executed the deed, and assigned her dower. This Act not to affect any deed prior thereto.

P. 173. Stat. 12th, Geo. 3d. Cap. 5, Sec. 1, 2 : No. 22.

Registrar shall appoint deputies, to be approved of by the Governor, in the different counties, and registers made by such deputies within the limits, to be valid; and if the original deed be proved to be lost, then the registry to be good evidence; where deputies are appointed, deeds shall be registered in the county or district where the lands lie.

Sec. 3, 4 : No. 23.

Deputies to certify and transmit to the Registrar at Halifax, every three months, an extract of all deeds by them registered, and he shall enter the same in the registry at Halifax, with a note of the time when received, which shall be as effectual for those already registered, or hereafter to be registered, by such deputies, as if the same had been made by the Registrar himself. Deputies neglecting, to forfeit 5l. and pay all damages to party injured. Entry of the certificates of the registry of deeds, by deputies, before this Act, if entered in the registry at Halifax before the first of November, to be valid, but not to affect the attachment of lands, or judgments recovered.

P. 178. Stat. 13th and 14th, Geo. 3d. Cap. 2, Sec. 1, 2 : No. 24.

All accounts of expences for executing a writ of partition to be laid before the Supreme Court, which shall appoint persons to assess the same, the rate, when made, to be levied, on profits of the lands, or goods and chattels, of persons in possession, and shall be paid to the persons appointed by the said Court: one Justice, on complaint, may issue a warrant to distrain for the same.

Sec. 3 : No. 25.

If no property be found to levy the rate on, one Justice may let the lands; and, if no person appear to hire the same, the lands shall be held chargeable therewith.

P. 272. Stat. 29th, Geo. 3d. Cap. 9, Sec. 1 : No. 26.

Deeds to be immediately registered, after execution, in the town or district where the lands lie; and if there is no Registry therein, then in the Registrar's office nearest the lands within the county. Deeds made after the 1st day of June, 1789, to be void, as against a subsequent purchaser, or mortgagee, unless registered prior to the deed of the last purchaser.

P. 283. Stat. 31st, Geo. 3d. Cap. 1, Sec. 1 : No. 27.

Supreme Court, having taken reasonable means to notify absent proprietors of the demands against their lands for making partition, may, on their refusal to pay the same, and on the partition of the Collector, order the Sheriff to sell at Auction so much of the absent proprietor's land as will pay the charge, and such sale to be valid to the purchaser.

P. 287. Stat. 31st, Geo. 3d. Cap. 10, Sec. 1, 2 : No. 28.

Estates held in joint tenancy not to go to the survivor, but to descend to the right heirs; joint tenants, or tenants in Common, who have divided by plan, or survey, shall be bound thereby, as if division had been made by deed, or by writ of partition.

Sec. 3 : No. 29.

Persons wilfully removing, or destroying, land marks, or bounds, shall, on conviction in a Court of Record, be fined, imprisoned, or whipped, at the discretion of the Court.

SEC. 4 : NO. 30.

Grants made under the Great Seal of the Province, in the name of the Governor, purporting to be grants in fee simple, to be good, notwithstanding defect in form, or words, and although His Majesty's name be not mentioned therein ; provided, at the time of making such grant, the lands vested in His Majesty by inequity of office, or otherwise ; no construction to prevail to extend the limits of the grant beyond the true intent thereof.

P. 332. Stat. 34th, Geo. 3d. Cap. 3, Sec. 1, 2, 3 : No. 21.

Deeds heretofore voluntarily executed by married women, jointly with their husbands, conveying the estate of the wife, are declared valid ; and all such deeds hereafter executed, if acknowledged before a Judge of the Supreme Court, or a Justice of the Inferior Court of the County, are also made valid : and if the *first court* reside out of the Province, the deed must be acknowledged before a Judge of a Court of Record.

P. 387. Stat. 37th, Geo. 3d. Cap. 4, Sec. 1 : No. 32.

Co-partners, joint tenants, and tenants in common, whether holding in townships, or otherwise, entitled to the benefit of the Act passed in the 7th year of His Majesty's reign.

P. 461. Stat. 42d, Geo. 3d. Cap. 7, Sec. 1 : No. 33.

Trustees authorized to convey a part of the Government South Farm, for military uses.

TITLE 100.

Town Officers.

P. 106. Stat. 5th, Geo. 3d. Cap. 1, Sec. 1 : No. 1.

Grand Jury, and the Court of Sessions, to appoint, in the form directed by this Statute, five persons to be Surveyors of Lines, who have power to ascertain the lines and bounds of the township, and shall also act as Overseers of the Poor ; shall, likewise, appoint one to be Town Clerk ; two, or more, Constables ; two Surveyors of Highways ; also, to nominate two Fence Viewers ; one Clerk of the Market ; a sufficient number of Pound-Keepers, and Cul-lers of Fish ; two Surveyors of Lumber and Cord Wood ; one Sealer of Leather ; two Gaugers of Casks ; and two Hogreaves : all of these Officers to be sworn, and to forfeit, to the poor, 40s. for every refusal to serve, neglect, &c. to be levied, by distress, on warrant of two Justices. In case of vacancy two Justices shall fill the same with a proper person, to serve until the Sessions shall appoint.

Sec. 2 : No. 2.

This Act not to extend to Corporation Towns.

Sec. 3, 4, 5, 6 : No. 3.

Boundary lines, between townships, to be marked once in three years, on the first Monday of March, six days previous notice to be given to the adjoining Townships to appoint persons to attend, and persons appointed refusing to attend, forfeit 40s. to the poor, such neglect of attendance not to prevent the other Surveyors from marking the line. Proprietors of unfenced land, or land lying in a common field, shall, once in two years, on due notice from the next proprietor, run their lines, and set up their bounds, under penalty of 20s. half to the poor, and half to the person complaining ; common fields to be improved according to the opinion of the major part, according to their respective interests ; and persons refusing to make their proportion of common fence, to pay double costs and charges. Fence Viewer to be paid 3s. per day for his trouble. Persons transgressing the regulations of common fields, shall forfeit 10s. to the poor, and pay all damages. All horses, cattle, sheep or swine, that run in common, to be marked : proprietors to record their mark with the Town Clerk.

P. 140. Stat. 8th, Geo. 3d. Cap. 6, Sec. 1 : No. 4.

Grand Jury, in future, to return the names of eight persons as Surveyors of Highways, and the Sessions to nominate two, or more, of them to serve as occasion may require.

P. 204. Stat. 17th, Geo. 3d. Cap. 1, Sec. 1, 2 : No. 5.

Grand Jury shall return six Assessors, out of whom the Court of Sessions shall nominate three to serve ; four Collectors, two of whom the Court shall appoint, to do the duty ; four Surveyors, and Weighers, of hay, out of whom two shall be chosen by the Court, who are to be duly sworn, and shall do their duty agreeably to the Statutes now in force ; Surveyors of hay to be paid a penny per hundred, and four pence for every mile's travel over one.

P. 291. Stat. 32d. Geo. 3d. Cap. 4, Sec. 1, 2, 3, 4, 5, 6, 7 : No. 6.

Two fit persons to be appointed in each Township, to measure grain, salt, coals, and lime, and to inspect bricks. The weight of each kind of grain established ; the size of bricks regulated ; the mode of weighing and inspecting settled, and the rates to be paid for the same.

P. 406. Stat. 39th, Geo. 3d. Cap. 6, Sec. 1, 2 : No. 7.

Town officers, and town regulations, to be appointed and made at the October Court in Horton, instead of the first Court in the year ; those now appointed to continue until others shall be appointed.

TITLE 101.

Treasons and Felonies.

P. 15. Stat. 32d. Geo. 2d. Cap. 13, Sec. 1 : No. 1.

To compass the death of the King, levy war against him, adhere to, aid or comfort, the King's enemies ; to counterfeit the King's money, his Great or Privy Seal, or the Seal of this Province ; and all treasons declared by Act of Parliament in England, shall be deemed treason in this Province ; and all British Acts respecting treasons and traitors, and the proceedings and evidence against them, to be in force in this Province.

Sec. 2 : No. 2.

Murder, also lying in wait, and maiming a person, is to be punished with death, without benefit of clergy, and also accessories thereto punished in like manner ; attainder of such felony not to work corruption of blood, or loss of dower, lands or goods.

Sec. 3 : No. 3.

Stabbing a person who has no weapon drawn, or who had not struck the party ; if death is the consequence within six months, shall be punished with death, although malice cannot be proved.

Sec. 4 : No. 4.

Manlaughter, by a person in his own defence, or by misfortune, or by chance in keeping the peace, or in chastizing a child, or servant, or in any other manner than specified in the two foregoing sections, not to be punished capitally.

Sec. 5 : No. 5.

A woman delivered of a bastard child, who shall conceal the same, so as that it cannot be ascertained whether such child was born dead or alive, shall suffer as for murder, unless she can make proof by one witness that the child was born dead.

Sec. 6 : No. 6.

Buggery, with man or beast, felony, without benefit of clergy ; process to be the same as in cases of felony at common law ; and assaults, with an intent to commit buggery, to be punished with the pillory, fine, and imprisonment, with forfeitures for good behaviour at the discretion of the Court.

Sec. 7, 8 : No. 7.

Rape, or ravishment of a woman, or infant, above the age of 12 years, if complaint be made to a Justice

time of the Peace, within ten days, to be punished as a felony without benefit of clergy. To have carnal knowledge of a female child under 12 years of age, with or without consent, to be punished as last mentioned. Every violent assault, with intent to resist, to be punished with pillory, fine and imprisonment, with sureties for good behaviour, at the discretion of the Court.

Sec. 9, 10, 11, 12, 13: No. 8.

Breaking and entering, in the night, a dwelling house, or vessel, lying within the County, with intent to commit a felony, though the intent be not executed; robbing a dwelling house, in the day-time, a person being there in; breaking, in the day-time, a dwelling house, shop, or warehouse, thereto belonging, and taking out thereof goods, or money, of the value of 5s. though no person therein; robbing another, or feloniously taking away any goods in a dwelling house, and putting any person, therein, in fear; putting a person, by night or day, in fear, and robbing his person, on the highway; or privily stealing from the person of another; all such offences, and the accessories thereto, to be punished as felons, without benefit of Clergy.

Sec. 14: No. 9

Robbing, or stealing, bills, bonds, notes or warrants, for payment of money, to be considered the same as if goods had been stolen to the value of the money secured thereby, and remaining unpaid.

Sec. 15: No. 10.

Provided the attainder of any such offence, so made felony, shall not work corruption of blood, loss of dower, or disinheritance of heirs.

Sec. 16: No. 11.

Receivers of stolen goods, knowing them to be stolen, to be punished as accessories to the felony, after the fact; and it is lawful, though the principal be not convicted, to prosecute, and punish, such accessories, as for a misdemeanor, by fine and imprisonment: but if so punished for a misdemeanor, not to be liable again to be prosecuted as an accessory, if the principal should be afterwards convicted.

Sec. 17: No. 12.

Embezzling goods, or furniture, the use of which has been let with lodgings, to be punished as larceny.

Sec. 18, 19: No. 13.

Servant going away with money or goods, trusted to his care by his master or mistress; or, while in service, fraudulently embezzling, or converting the same to his or her use, being of the value of 40s. shall suffer death, but if such servant be an apprentice, within fifteen years of age, he shall be allowed benefit of Clergy.

Sec. 20: No. 14.

Persons maliciously burning a dwelling, or out-house, of another, or any public building, or the stack, cock, rick or mow, of corn, straw, hay or wood, of another, such persons, with their accessories, to suffer death.

Sec. 21: No. 15.

Maliciously shooting at a person in a dwelling house, or elsewhere; or sending an anonymous letter demanding money, or other valuable article, shall be punished with death.

Sec. 22: No. 16.

Stealing money, or goods, in any other manner than is specified in the foregoing sections, or embezzling any of His Majesty's stores, or the utensils, furniture or cloathing, in any store-house or hospital of His Majesty, if of the value of 20s. or more, to be punished as larceny; and if the property stolen be less than 20s. then to be punished, as petit larceny, by public whipping, and, if the Court order offender to make restitution, and he refuse, then he is to be committed to the house of correction to hard labour for a term not exceeding three months.

Sec. 23, 24, 25: No. 17.

All property found in possession of a robber, burglar or thief, shall be delivered by the Justice taking examinations, to the Provost Marshal, his deputy, or constable of the town, who shall keep the same until conviction of offender: Judge may order restitution to the owner if he demand the same, or, otherwise, to be forfeited; and, if the Jury acquit the party, and declare the property to belong to prosecutor, the Judge may order the same restored: such delivery not to bar the person acquitted, or any other person claiming right thereto, from their action for such property.

Sec. 26: No. 18.

The principal being allowed his clergy shall not prevent the accessories from being tried.

Sec. 27, 28, 29, 30: No. 19.

Clergy to be allowed but once to the same person, the same to be allowed without the offender being required to read. Every person convicted of manslaughter to be marked with an M. on the brawn of the left thumb, and with a T. for any other kind of felony; marks to be made by the Goaler in open Court; after allowance of clergy offender to be discharged, unless the Court, for further correction, order him to be publicly whipped, or order him to be imprisoned, or sent to the House of Correction, for a convenient time, not to exceed one year; a woman to be allowed her clergy, and punished in all respects as a man; the Clerk to certify, at the request of any in His Majesty's behalf, the tenor of the indictment and conviction on which clergy shall have been allowed, which, upon the trial of the same person for another offence, shall be sufficient proof, the same as the record that such person had the benefit of clergy before allowed.

Sec. 31, 32, 33, 34: No. 20.

Persons standing mute when charged in Court with a felony, where the benefit of clergy is not allowed, or peremptorily challenging above twenty of the jury, shall be excluded the benefit of clergy, and judgment and execution of such persons shall be awarded as on conviction by verdict, or confession; and if the felony be such as allows the benefit

benefit of clergy, then, and in such case, the Court is to proceed against such persons as if convicted of a clergyable offence by verdict, or confession. No person to be allowed the benefit of clergy more than once, and persons allowed their clergy shall, nevertheless, answer to all other felonies committed before such allowance, whereupon clergy is not allowable.

Sec. 35 : No. 21.

Witness for prisoner to be sworn the same as those for the King ; and, if convicted of wilful perjury, to be punished according to law.

Sec. 36, 37 : No. 22.

All criminal prosecutions, whether at common law or by virtue of this Act, to be according to the usage, practice, and laws, of England ; and all proceedings respecting felonies, or misdemeanors, prior to this Act, are confirmed, with a saving to all persons of any advantage they may have in law, in any proceeding actually pending at the time of passing this Act.

P. 61. Stat. 34th, Geo. 2d. Cap. 9, Sec. 1 : No. 23.

Capital offenders challenging peremptorily more than twenty jurors, such challenge shall be over-ruled, and the jurors sworn for trial. (See No. 20 under this head.)

P. 135. Stat. 8th, Geo. 3d. Cap. 3, Sec. 1 : No. 24.

When a person murdered dies in a County different from the one in which he received the injury, the murderer may be tried in the County where the person died ; the same as if the injury and death had both happened within the same County ; and an appeal of murder, when made within the year and day, as well against the principal as the accessory, may, in like manner, be tried in the County where the death shall happen.

Sec. 2 : No. 25.

When there shall be an accessory in one County, to a murder, or felony, committed in another, such accessory may be tried in the County where the accessory act was committed ; the same as if the principal offence had been done within the same County.

Sec. 3 : No. 26.

It shall be petit treason for a woman to murder her husband ; or, a servant, his or her master ; and they, and all aiders, abettors, and persons privy thereto, shall suffer death.

Sec. 4 : No. 27.

Explains the provisionary clause in the 2d Sec. of 32d Geo. 2d. Cap. 13, which provisionary clause is declared to extend only to the felony of maiming.

Sec. 5 : No. 28.

Justices shall take the information against murderers or felons, as well as the prisoners' examinations, in writing, and shall bind the witnesses against the prisoner by recognizance ; and all informations, examinations, recognizances, or obligations, so by them taken, shall be returned to next Court.

P. 166. Stat. 11th, Geo. 3d. Cap. 3, Sec. 1 : No. 29.

Any person personating another as bail, whereby he may become liable for any debt, or damage, shall suffer death as a felon.

P. 189. Stat. 14th and 15th, Geo. 3d. Cap. 7 Sec. 1 : No. 30.

Persons convicted of petit larceny to be whipped, or imprisoned at hard labour, not to exceed three months.

Special Sessions to be held for trying offenders committed for petit larceny. See Inferior Court, No. 4.

TRESPASSES.

P. 20. Stat. 3^d, Geo. 2^d. Cap. 14, Sec. 1: No. 1.

All inclosed lands to be fenced with stone, pickets, boards, posts, and rails, or logs, unless bounded by ponds, unfordable rivers, or the sea; all fences to be, at least, four feet and a half high; the owners of cattle, &c. to pay the damage done by them in fields, which, in the judgment of the Fence-Viewer, shall be inclosed as aforesaid; damage to be ascertained by three credible persons of the neighbourhood, sworn before a Justice: if the owner refuse to pay such value on notice thereof, the same may be recovered by action before a Justice, or in the Inferior Court, according to the amount.

Sec. 2: No. 2.

Boundary fences to be made and repaired equally by each proprietor; and in case one proprietor shall refuse to make, or repair, his share after ten days notice, the Fence Viewer, on application, is to make, or repair, the same, and to charge the delinquent double the sum expended, which, upon refusal, may be recovered by action, as aforesaid. No Fence Viewer to charge more than 3s. per day for his own time; and, if he refuses or neglects his duty, he shall pay, for every offence, forty shillings.

Sec. 3: No. 3.

Hogreaves to impound swine found at large in the town, or suburbs, of Halifax, and to be paid 2s. 6d. for each head so impounded, and 3d. per day for supporting each head whilst impounded; if the owner refuses to pay cost and charges within three days after the same shall be publicly cried, the Hogreave to sell such swine at Public Auction, and pay the proceeds, after deducting all charges, to the owner.

Sec. 4: No. 4.

Surveyors of Highways to have the care of the streets of Halifax, and to prevent all nuisances to the Sessions, who are to proceed thereupon according to the laws of England. Surveyors to prevent all obstructions and incumbrances in said streets.

Sec. 5: No. 5.

Overseers of the Poor, Clerks of Market, Fence Viewers, Hogreaves, and Surveyors of Highways, for Halifax, to be appointed by a Committee of the General Assembly; such officers to serve until the next Session of the Supreme Court, when the Grand Jury shall appoint others to serve in their stead; these officers to be duly sworn, and to forfeit 40s. if they refuse to serve, and others to be appointed in their stead.

P. 53. Stat. 3^d, Geo. 2^d. 2^d Sess. Cap. 14, Sec. 1, 2, 3: No. 6.

Pound to be built in Halifax forty feet square; Grand Jury, at Supreme Court, to appoint a Keeper, and when a trespass shall have been committed by any kind of cattle, the person injured may impound them until claimed; Pound Keeper to have them cried if no owners appear, or if they refuse to pay damage when ascertained according to law, cattle may, in fourteen days after impounded, be publicly sold, and the surplus, after deducting damages and charges, to be paid to owners, if any appear; if not, to the Overseers of the Poor of the Township of Halifax. Keeper to charge, for support of beasts impounded, one shilling per day for each horse, or head of horned cattle, and six pence a head for sheep, goats, or swine, together with the charge of crying the same. If any person rescue cattle driving to pound, to forfeit twenty shillings, over and above all damage, to be recovered by warrant of distress, on conviction before a Justice. Persons guilty of pound breach to forfeit five pounds, on conviction before two Justices: both the aforesaid penalties, after repairing the breach of the pound, to go to the poor of the town of Halifax.

Sec. 4, 5: No. 7,

Not in force now, the repairs of the streets being otherwise provided for.

Sec. 6: No. 8.

Sessions, in all other Counties, to make regulations to prevent cattle trespassing.

P. 72. Stat. 1st, Geo. 3^d. Cap. 10, Sec. 1: No. 9.

Persons transgressing the regulations of Sessions for preventing trespasses, subject to a fine not exceeding 40s. to be recovered before two Justices, or at the Sessions.

P. 76. Stat. 1st, Geo. 3^d. Cap. 15, Sec. 1: No. 10.

Swine, or goats, going at large in the lanes, streets or suburbs, of Halifax, to be forfeited, on proof before one Justice: one third of the value to the prosecutor, and remainder to the poor.

P. 127. Stat. 7th, Geo. 3^d. Cap. 8, Sec. 1: No. 11.

Persons removing, or destroying, fences, on conviction, in a Court of Record, to pay 10l. over and above the damages, half to His Majesty, and half to prosecutor; and, if unable to pay, to be kept at hard labour, or whipped.

Sec. 2: No. 12.

Owners of horses trespassing on the peninsula of Halifax, over and above the damages, to pay ten shillings for each horse, half to the poor and half to the prosecutor, to be recovered before a Justice; if no owner appears, Justice, after ten days advertisement, to sell horse, and pay costs, damages and fine.

P. 145. Stat. 8th, Geo. 3^d. Cap. 12, Sec. 1: No. 12.

The lawfulness of a pole, or brush, fence, shall be submitted to the judgment

judgment of the Fence Viewer ; and, if there be a dispute, it shall be immediately settled by two persons chosen by the parties, one, or both, of whom, agreeing with the Fence Viewer, shall determine the same ; if one party refuse, or neglect, to nominate a person, the other party may proceed to such choice.

P. 151. Stat. 8th and 9th, Geo. 3d. Cap. 7, Sec. 1 : No. 13.

fence.

Rivers, in which the tide flows eight feet, deemed a lawful

P. 166. Stat. 11th, Geo. 3d. Cap. 5, Sec. 1 : No. 14.

a lawful fence.

Fences, on the peninsula of Halifax, of four feet high, shall be deemed

Sec. 2 : No. 15.

Justices in Sessions, for the County of Halifax, to make regulations respecting stray horses, swine, sheep, goats, and neat cattle, and to enforce the same by penalties, as in other Counties of this Province.

P. 206. Stat. 17th, Geo. 3d. Cap. 6, Sec. 1 : No. 16.

Any person who shall cut a tree, or underbrush, within thirty feet, of that side of Sackville road, next the baston, shall forfeit 40s. to be recovered before a Justice.

P. 223. Stat. 21st, Geo. 3d. Cap. 4, Sec. 1 : No. 17.

Where lands are under improvement, partition fences to be made, equally, by each proprietor ; but where the line runs through wood, or barren land, proprietors shall not be compelled to join in making partition fences.

P. 240. Stat. 25th, Geo. 3d. Cap. 4, Sec. 1 : No. 18.

sued for before a Justice.

Where damage done by cattle does not exceed 3l. the same may be

Sec. 2 : No. 19.

In all such cases, if the cattle are impounded, the Justice may grant a replevin in the form in the Statute, on security being given ; and may hear and determine the cause, and grant execution. Justice to have the same fees as in summary trials.

P. 272. Stat. 29th, Geo. 3d. Cap. 8, Sec. 1, 2 : No 19.

Any person, unless by leave of the owner, found within a fenced field, on the peninsula of Halifax, to forfeit 10s. to the proprietor, to be recovered before a Justice ; party unable to pay to be sent to Goal for twenty-four hours ; and persons cutting fods from the Common of Halifax, to forfeit 20s. for each offence.

P. 420. Stat. 40th, Geo. 3d. Cap. 2, Sec. 1 : No. 20.

by the Fence Viewers.

The water of rivers, creeks, &c. not a lawful fence, unless declared so

P. 421. Stat. 40th, Geo. 3d. Cap. 3, Sec. 1, 2 : No. 21.

Sessions, at Halifax, to make regulations for the slaughtering cattle, and for preserving the streets clean, and free from incumbrance ; and, after such orders are published, offenders against the same liable to a penalty not exceeding forty shillings, to be recovered at the Sessions, or before two Justices, and to go to repair the streets.

Sec. 3 : No. 22.

Fines, for breach of the Acts for mending highways, to be applied for cleaning the streets, and not to go to the poor.

TITLE 103-104.

Warlike Stores.

P. 194. Stat. 15th, Geo. 3d. Cap. 4, Sec. 1, 2, 3 : No. 1.

Governor, by Proclamation, to prohibit the export of warlike stores, (except for His Majesty's service) without licence first given ; and if laden for exportation, or carried coastways, the same shall be forfeited ; and the master of vessel, or other person concerned, shall forfeit 50l. to be recovered in a Court of Record. Not to extend to a small quantity of powder, or small arms, for ship's use. Continued for a year, and since revived by 33d Geo. 3d.

P. 329. Stat. 33d, Geo. 3d. Cap. 18, Sec. 1 : No. 2.

The Statute of the 15th year of His present Majesty's reign, Cap. 4, which had been suffered to expire, is hereby revived, and is, by several subsequent Acts, continued, annually, in force to this day.

TITLE 104.

Weights and Measures.

P. 32. Stat 32d, Geo. 2d. Cap. 21, Sec. 1 : No. 1.

The Weights and Measures to be used in this Province shall be according to the standard of England. Measures and Weights to be procured by the Treasurer ; and the Clerks of the Market, throughout the Province, to furnish themselves with Weights and Measures, regulated according thereto, and marked G. R. Until the Treasurer shall procure the same, those used at the Ordnance Store to be the standard.

Sec. 2 : No. 2.

All persons, after a week's notice, shall bring their Weights and Measures to the Clerk of each town, who shall assay and mark the same : his fee, two-pence for each assay ; any person afterwards selling by Weights or Measures unmarked, to forfeit 20s. for each offence ; to be recovered before a Justice, and levied by distress.

Sec. 3 : No. 3.

Clerks to examine Weights and Measures once in three months, or oftener ; may seize, to their own use, all unmarked Weights or Measures. Persons selling, by Weight or Measure, less than the standard, to forfeit 10l. to be recovered in a Court of Record.

Sec. 4, 5, 6, 7, 8 : No. 4.

These several sections respect the Assize of Bread, and are repealed by the 36th Geo. 3d.

P. 50. Stat. 33d, Geo. 2d. 2d Scfs. Cap. 6, Sec. 1, 2, 3 : No. 5.

Nothing, throughout the Province, but hay, to be weighed for sale with Steelyards, under penalty of 20s. Clerks of Market to inspect Beams, Scales, Weights and Measures, and Steelyards for hay, every three months, and to assay and stamp them according to law : this inspection to extend not only to those used on shore, but also to those used on board vessels at the wharves, or in the harbour ; and Masters of vessels refusing admittance to the Clerks are made liable to the same penalties the inhabitants are ; all penalties recovered under this Act, or the former Act, shall go three fourths to the Clerk, and one fourth to the poor.

P. 126. Stat. 7th, Geo. 3d. Cap 4, Sec. 1 : No. 6.

All fines and forfeitures, for offences under these Acts, one half to go to the Clerk of the Market, or informer, the other half to the poor.

Wells and Pumps.

P. 379. Stat. 36th, Geo. 3d. Cap. 9, Sec. 1, 2 : No. 1.

Inhabitants of Towns may vote money for sinking, building and repairing, pumps and wells; the same to be assessed and collected as poor rates; Firewards to expend the same, and account to the Sessions; persons over-rated may appeal to the Sessions; if inhabitants neglect, the Sessions, on complaint of three inhabitants, may amerce the town.

Sec. 3, 4 : No. 2.

Persons injuring a pump, or well, on conviction before two Justices, shall forfeit not less than 40s. or more than 5l. and if unable to pay, to be sent to hard labour not more than ten days, or less than five.

Duration of the Act limited for one year.

TITLE 106.

Wild Beasts.

P. 380. Stat. 36th, Geo. 3d. Cap. 12, Sec. 1, 2, 3 : No. 1.

The Sessions, at the request of the Grand Juries, in the several Counties, may make orders to encourage the killing of wolves, bears, loup cerviers, and wild cats, and may offer rewards for the same, the amount of which to be raised as other county rates. This Act to continue for one year.

P. 442. Stat. 41st, Geo. 3d. Cap. 7, Sec. 1 : No. 2.

The Act to encourage the destroying wild beasts, revived and continued.

TITLE 107.

Wills.

P. 9. Stat. 32d, Geo. 2d. Cap. 11, Sec. 1 : No. 1.

Power given to every person, by will, subscribed by the party, attested by three or more credible witnesses, in presence of the divisor, to give and dispose of, at pleasure, any interest such party may have in lands, tenements or hereditaments, whether such interest be a sole estate in fee simple, or in coparcenary, in common, or in possession, reversion or remainders; and, also, by will, to devise any rents or profits arising out of such estates: provided, that wills made by a woman, covert, minor, idiot, or person of unsound mind, shall not be good in law.

Sec. 2 : No. 2.

No will, in writing, is revocable but by another will, or codicil, in writing, executed in presence of three or more witnesses, or by the testator, himself, destroying the same, or by the same being destroyed in his presence, and by his desire.

Sec. 3, 4, 5, 6 : No. 3.

No noncupative will good if the value of the estate bequeathed exceeds 30l. unless the same shall be proved by three witnesses at the least, who must attest, that the Testator, in their presence, bid the persons present witness, that such was his will, and such will must be made during the last sickness of the deceased, in the dwelling where he or she have resided, at least for the ten days next before making such will, unless the person shall have been suddenly taken sick when absent from home, and died before his return. No testimony allowed to prove a noncupative will, unless reduced to writing within six days after the making

making of such will. No probate of a noncupative will to be allowed, until fourteen days after the death of the testator, and until the widow and next of kin shall be cited to contest the same. None but competent witnesses to be allowed to prove such will. No will, in writing, respecting personal estate, can be repealed, or altered, by word of mouth, unless the words of the testator are committed to writing, and read to the testator, and allowed by him, which must be proved by three witnesses at least. Soldiers, in actual service, and seamen, at sea, allowed to dispose of their personal estate in the same way they could before this Act. The right of probate of wills vested in the Governor, or Commander in Chief, subject to the rules of this Act.

Sec. 7, 8 : No. 4.

Executors to cause will to be proved, and recorded in the Register's office of the County, within thirty days after the testator's death; or, otherwise, to produce the will, and renounce the executorship, under penalty of five pounds per month to each executor for every month's delay, without just excuse; after the said thirty days, penalty to be recovered at the suit of heirs, or creditors, for their use, by action of debt in the Inferior Court of the County. On refusal of executors, administration, with the will annexed, to be granted to widow, or next of kin, and, on their refusal, to one or more principal creditors. Persons suppressing a will liable to the same penalty as persons neglecting, as aforesaid, to prove it.

Sec. 9 : No. 5.

Certain legacies, or residuary and uncertain legacies, when reduced to a certainty, may be recovered at common law.

Sec. 10 : No. 6.

Every executor within three months after probate, unless the Judge allow further time, shall exhibit to the Register a just account of the whole estate of the deceased, so far as the same shall then appear, and shall add to such accounts whatever estate may, afterwards, from time to time, appear, under penalty of 5*l.* for every month's neglect, to be recovered as in the 7th Sec. after payment of debts and particular legacies; if the residue is bequeathed to any other person, except the executors, the executors must give in an inventory, on oath, and account for the same as Administrators.

Sec. 11 : No. 7.

If executor be residuary legatee, he may have action of account against his co-executor, and may sue for his ratable part, and any other residuary legatee may have like remedy.

Sec. 12, 13 : No. 8.

Letters of Administration, to intestate estates, if applied for within thirty days after intestate's death, to be granted to widow, or next of kin; and if no application is made from them, the widow, or next of kin, to be cited; and, if they refuse, administration to be granted to such person or persons as the Judge shall think fit. Bond, with sureties, to be taken by the Judge, agreeably to the British Statute of 22d and 23d Charles 2, Cap. 10. Judge to call administrators to account, and, upon hearing, to allow debts, funeral and just expenses, and then to make distribution of the residue of real and personal estate; allowing to the widow, if not otherwise endowed before marriage, one third of the personal estate, besides her dower for life in the real estate; and having appointed guardians for such of the heirs as are minors, to allow the eldest living son out of the residue, (if there be no issue living of any elder son) a double portion, and to divide the remainder equally amongst the other children, and such as legally represent them. Children advanced by settlement in the life time of the intestate, to have the same made equal to the other children's shares, (except the eldest living son, or the issue, if any there be, of an elder son) who shall have a double portion. Advance made to children during intestate's life, to be accounted for on their oaths before the Judge, who may receive other evidence respecting the same; those who refuse to account are debarred of any share of estate.

Sec. 14, 15, 16 : No. 9.

Five freeholders to be appointed, and sworn, by the Judge, to divide the real estate, unless the parties interested, being of age, shall agree to a division, which division being reduced to writing, and duly executed, and acknowledged as their deed, shall be entered of record, and be as valid as if made by writ of partition, and to be allowed as good evidence on any trial touching the premises. Real estate which cannot be divided without prejudice to the whole, the Judge, on evidence thereof, may order the whole to the eldest son; or, in case of refusal, to one of the other sons in succession, he paying the others the value of their shares, according to an appraisement, (to be made by three freeholders to be appointed, and sworn by the Judge) or, otherwise, if the Judge shall think it proper, on giving good security to pay the same, with interest, in a reasonable time. Minor children dying unmarried, their portion is to be divided amongst the survivors, (where there are no children, or any legal representative of them) the widow to have a moiety of the personal estate, besides her dower in the real estate, and the residue to be equally divided between the next of kin to the intestate, in equal degree, or those who legally represent them; no representatives to be allowed amongst collaterals after brother's and sister's children. If there is no widow, all to be distributed amongst the intestate's children; if no children, then amongst the next of kin, in equal degree to the intestate, as aforesaid; Judge to take bond from each to refund their rateable proportion, with charges, to the Administrator. If any debts of the intestate should afterwards appear, the dower of the widow in the real estate, after her decease, to be divided as aforesaid.

Sec. 17 : No 10.

Persons aggrieved by any order, sentence, or decree, of the Judge, may appeal to the Governor and Council, on giving security to prosecute the same; if such appeal be made within 30 days after sentence.

Sec. 18 : No. 11.

Estates real, or personal, not plainly devised, or bequeathed, by will, shall be distributed as the estate of an intestate.

Sec. 19 : No. 12.

Where personal estate is insufficient to pay debts, or legacies, executor or administrator may apply to the General Assembly (N. B. By the Act of the 34th Geo. 2d. Cap. 5, the jurisdiction is given to the Governor and Council, instead.

(stead of the General Assembly) for licence to sell the most convenient part of real estate, and before sale, under such licence, public notice thereof, for thirty days, shall be given in the public prints, and in the town where the deceased last dwelt, and the highest bidder shall be preferred. In case the estate shall be insolvent, commissioners shall be appointed to adjust the claims of creditors, and the value of the insolvent estate; and executors, and administrators, may be authorized to sell the whole, and divide the produce, in proportion, among the creditors.

P. 58. Stat. 34th, Geo. 2d. Cap. 5, Sec. 1, 2, 3 : No. 13.

Applications by executors, or, administrators, for liberty to sell the real estates of deceased insolvent debtors, to be, in future, made to the Governor and Council; and before any such sale, bond, with two sureties, to the full value, to be given to Judge of Probate, for the just distribution of the proceeds; and all real estates sold by virtue thereof, shall be absolute in the purchaser.

P. 279. Stat. 30th, Geo. 3d. Cap. 5, Sec. 1, 2 : No. 14.

Executors and administrators, at the end of two years and six months, may pay debts as far as real and personal estates will go, and distribute the surplus, if any there be; but before payment of debts, or distribution, they must advertise in the newspapers of this Province, and New-Brunswick, six months, for all demands to be sent in within eighteen months, which shall exclude the creditor who does not send in his demand, but not to extend to judgments, or mortgages, nor to oblige an advertisement to be published in New-Brunswick, unless the inventory of the estate shall exceed 100l. and executor, or administrator, if they refuse to make distribution, shall forfeit 50l. for every refusal.

TITLE 108.

Witnesses.

P. 185. Stat. 14th and 15th, Geo. 3d. Cap. 4, Sec. 1, 2, 3, 4 : No. 1.

Depositions of witnesses, aged, infirm, unable to travel, or about to leave the Province, may be taken, on due notice to the adverse party, before a Judge of the Court in which the cause is pending, and when duly certified by such Judge, shall be legal evidence in the cause; proof to be made, on oath, that due notice was given; but if the disability be removed before trial, the personal appearance of the witness is required; party is at liberty on the trial to take exceptions to the credit of the person examined, by virtue of this Act.

Sec. 5, 6 : No. 2.

Quakers to be examined on affirmation; and persons who shall swear, or affirm, falsely, to suffer as for perjury.

P. 239. Stat. 25th, Geo. 3d. Cap. 2, Sec. 1, 2, 3 : No. 3.

When a witness lives more than five miles from the Court House, a Justice may issue a Subpœna, pursuant to the form in the Statute to compel such witness's attendance; and, if the person served therewith shall disobey the same, he shall be punished the same as for contempt of a Subpœna issued out of the Court. No person obliged to give evidence until his reasonable charge be paid.

P. 284. Stat. 31st, Geo. 3d. Cap. 4, Sec. 1 : No. 4.

Supreme or Inferior Court, on affidavit, may grant a commission to examine witnesses, in a cause pending, who are absent from the Province, and the depositions, if taken agreeable to the orders and rules of the Court, may be used at the trial. The Court, by rule, to regulate the cost.

Sec. 2 : No. 5.

Supreme Court may make rules respecting the bounds of the prisons in the several Counties, and touching the privileges of prisoners, and for regulating the conduct of those who have the custody of prisoners.

TITLE 109-110.

Woods, burning thereof.

P. 67. Stat. 1st. Geo. 3d. Cap. 5, Sec. 1, 2 : No. 1.

Justices, annually, at their Spring Sessions, to direct the Grand Jury to make regulations to prevent damage by firing woods, underbrush, or marsh land, at unreasonable times, which regulations, when approved of by the Sessions, to be observed for one year.

Sec. 3, 4 : No. 2.

Justices to regulate penalties, but not to exceed 5l. Prosecutions to be in three months.

TITLE 110.

Work House.

P. 41. Stat 33d, Geo. 2d. Cap. 1, Sec. 1 : No. 1.

Recites the House having been built at the public expence, pursuant to the Act of last Session. Overseers of the Poor to appoint keepers and assistants, to provide materials to employ the people, and to direct the management.

Sec. 2 : No. 2.

Justices, in their Sessions, or a single Justice, on due conviction, to commit for punishment, according to the rules of the house, all idle and disorderly persons, beggars, persons practising unlawful games, fortune tellers, common drunkards, persons of lewd behaviour, vagabonds, run-aways, stubborn servants, and children, and persons mispending their time to the injury of their families.

Sec. 3 : No. 3.

Keeper to employ at labour all persons committed, if able, and to punish them with fetters and shackles, if necessary, and by moderate whipping, not exceeding ten stripes at one time, which shall be inflicted at first coming in, (unless the commitment otherwise direct) and as often afterwards as may be necessary, in case they are stubborn, or idle. He may likewise abridge them of their food.

Sec. 4, 5, 6 : No. 4.

No charge to be made for their support against Government ; they are to be maintained out of their earnings ; the keeper to account for the same, on oath, to the Overseers ; insane persons to be relieved, and kept therein ; all expences to be paid out of their earnings, if sufficient, if not, to be advanced out of the Province Treasury, and reimbursed out of the future profits.

Sec. 7 : No. 5.

Overseers, with the consent of two Justices of the County of Halifax, to set to work orphan children, or the children whose parents, in the judgment of the major part of such Overseers, are unable to maintain them ; and to bind out such male children until they shall be 21 years of age, and female children until 18, or marriage ; such indentures to be, in all respects, binding, and to contain a clause to make the same void if the apprentice be carried out of the Province.

P. 96. Stat. 3d and 4th, Geo. 3d. Cap. 9, Sec. 1, 2 : No. 6.

Justices, in Sessions, to have the ordering and government of the house, except three rooms, which shall be for the poor, under Overseers ; Justices to advertise for, and agree with, keeper, who shall account with them ; three Justices to be appointed, quarterly, who shall take it in rotation, weekly, to inspect and regulate the house.

Sec. 3 : No. 7.

The Overseers of the Poor only, have power to send to the Work-House, sick and weak persons, to be relieved, and the charges of such persons to be paid out of the poor rates.

Sec. 4 : No. 8.

The clause of former Act, for binding out poor children, extended throughout the Province.

P. 293. Stat. 32d, Geo. 3d. Cap. 5, Sec. 1, 2 : No. 9.

Justices, in Sessions, if they think it necessary, in the Counties or Districts of the Province, may provide buildings, or appropriate a part of the Jail for a Work-House : the expence to be provided for by presentment. Any Justice, or Justices, may commit to such houses any of the persons described in the Act for regulating the Work-House at Halifax, which is extended to the rest of the Province.

Sec.

Sec. 3, 4, 5 : No. 10.

Justices, in Sessions, may appoint keepers to such houses, who shall have power to employ the persons committed, who shall account, on oath, for all earnings, and expences are to be paid out of the same. If person committed be unable, by labour, to support himself, the Overseers of the Poor for the Township, in which he has obtained a settlement, shall pay the same; and, if such person has no settlement, the County to pay the expence.

Sec. 6, 7, 8 : No. 11.

Justices, in Sessions, to make regulations for the government of such houses, and to appoint three Justices to visit the same, to see such regulations obeyed. Justices, in Sessions, may remove the keeper and appoint another. The keeper, if guilty of cruelty, or oppression, subject to a fine, not exceeding twenty pounds, and six months imprisonment. Persons agrieved by a Justice, or Justices, in the execution of this Act, may appeal to the Sessions, whose order shall be final.

Sec. 9 : No. 12.

Persons shall be committed until the next general Sessions, or until otherwise discharged by law. Keeper to deliver to the Sessions a list of all persons committed, who shall examine and discharge such as merit it, which may also be done by the visiting Justices, or any other two Justices of the County.

Sec. 10, 11, 12 : No. 13.

If the keeper refuse to quit the house in ten days after he shall be ordered by the Sessions, two Justices may grant a warrant to the Sheriff to remove him, and secure every thing belonging to the house. Person sued for any thing done under this Act, may give the special matter in evidence, and, if acquitted, shall have treble costs. Money to support Work-houses to be raised by presentment.

Sec. 13 : No. 14.

The Overseers of the Poor, for the Town of Halifax, shall not be allowed, in their accounts, for any expence in supporting persons who are not kept in the Poor-house.

P. 460. Stat. 42d, Geo. 3d, Cap. 6, Sec. 1, 2, 3, 4 : No. 15.

Acting Commissioner of the Poor, at Halifax, to have direction of idle or disorderly persons committed to the House of Correction, to provide them support, and to see that they are kept at hard labour. The Keeper of the Jail to have 5s. allowed him for each person discharged. No corporal punishment to be inflicted unless expressed in the warrant.

THE
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