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At the GENERAL-ASSEMBLY of the
Province of *Nova-Scotia*, begun
and holden at *Halifax*, on Mon-
day the 2^d Day of *October*, 1758,
in the 32^d Year of His Ma-
jesty's Reign, and there continued
by Prorogation untill Wednesday
the *First* Day of *August* 1759, in
the 33^d Year of His Majesty Reign.

April 1st
33rd Geo.
1759

AN ACT

For regulating and maintaining an *House of Cor-
rection* or *Work-House* within the Town of
Halifax, and for binding out *Poor Children*.

Cap. 6

HERE AS by an Act of the General Assembly of this
Province, intituled 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*.

F f

Be

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 finish'd, to agree with some discreet and fit Persons to be the Master and Keeper, and needfull 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 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.

And be it further enacted, That it shall and may be lawfull 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, govern'd, and punish'd according to the Rules and Orders thereof, all disorderly and idle Persons and such who shall be found begging, or practising any unlawfull 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.

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 conspire 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, untill they be reduced to better Behaviour.

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 maintain'd 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.

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 releiv'd by the Master or Keeper of the said House, who shall keep an exact Account of what Char-

ges he shall necessarily be at therein; to be render'd to the said Overseers, upon Oath, if demanded.

And be it further enacted, That the Pay of the Master or Keeper of the said House of Correction, and the Charge for any Materials, Tools, or Implements purchased as beforemention'd, 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 thereto; 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.

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 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 no 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 maintain'd 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.



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

HEREAS by an Act of the General Assembly of this Province, intitled 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 untill 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.

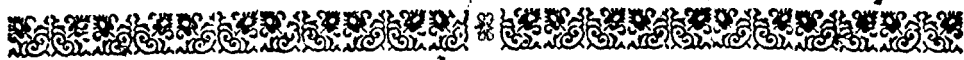
Be it enacted by his Excellency the Governor, Council and Assembly, and by the Authority of the same it is hereby enacted, That from and after the First Day of September next, there shall be paid by the Master of every Merchant Vessel coming into or going out of the Harbour of *Halifax*, at her going 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.

Provided, That all Ships or Vessels wholly belonging to any Person, that is a Freeholder and Inhabitant in the 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.

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.

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 no more, to be received and recovered in manner as aforesaid.

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.



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.

Cap. 3
 WHEREAS this Province of *Nova-Scotia* or *Accadie*, 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 *Ann of Glorious Memory*, Queen of *Great-Britain*, &c. And His most Christian Majesty, it was concluded and agreed on, that all *Nova-Scotia*, or *Accadie*, 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 altho' His Ma-

jeſty, 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 In-
 habitants ſhould within *Three Months* from ſuch Time as ſhould be
 thought proper by the Governor, take the Oath of Allegiance appoin-
 ted to be taken by the Laws of *Great-Britain*, and likewiſe behave
 themſelves as became good Subjects: And altho' ſeveral Proclamati-
 ons had hitherto been iſſued by His Maſteſty's Governors of this Pro-
 vince, requiring their Oath of Allegiance, yet ſo far were they from o-
 beying the ſame, that by a general Deputation of their principal Men,
 before His Maſteſty's Governor and Council, they abſolutely reſuſed to take
 the ſaid Oaths ſo required of them, but on the contrary did ſtill continue
 to aid, aſſiſt, and join with His Maſteſty's Enemies, and *Five Hund-*
red of them were found in Arms, within the Fort of *Beaufjour* 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 Maſteſty's Proteſtant liege Subjects, who were endea-
 vouring to ſettle themſelves on the Lands within this Province, whereby
 the Progreſs of the Settlement of this Province, with His Maſteſty's Prote-
 ſtant Subjects was retarded, and the Crown put to an exceſſive great Ex-
 pence, to defend and protect them; and alſo by ſuch their treacherous
 Practices, His Maſteſty'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 Maſteſty's Dominions, this invaluable Province, during
 the Courſe of this War, muſt inevitably have fallen into the Hands
 of His Maſteſty's Enemies the *French*.

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 Pro-
 teſtants, His Maſteſty'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 Far-
 mers, 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 altho' 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.

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.



An Act for the Relief of the *Poor* in the Town of *Halifax*.

W H E R E A S there are, or hereafter may be, Persons residing within the Town of *Halifax*, who, notwithstanding their honest Endeavours for obtaining a Livelyhood, may by the Providence of God, thro' Sickness or otherwise, be rendered incapable of supporting themselves or Families, *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 Sum not exceeding *One Hundred Pounds*, be paid out of the public Treasury of this Province, by Warrant under the Hand and Seal of his Excellency the Governor, into the Hands of the Overseers of the Poor of the Town of *Halifax* for the Time being, to be by them applied within *One Year* from the Receipt thereof, towards the Relief and Assistance of such Persons as shall appear to them, upon strict Inquiry and Examination, to be proper Objects of such Charity.

Cap. A
Exp.

And it is further enacted, That the said Overseers of the Poor are hereby authorized to open Subscriptions, and collect and distribute such

Sums as shall be subscribed by any well disposed Persons, for such charitable Uses. And the said Overseers shall, and are hereby obliged to keep a fair Account of the Receipts and Distributions of all Monies, which shall be paid into their Hands for such Purposes, and upon the Expiration of their said Office, lay the same before his Excellency the Governor, and His Majesty's Council for their Inspection, and what Ballance may remain in the Hands of the said Overseers at the Expiration of their Office, shall be by them paid into the Hands of their Successors.



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.

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184.

HERE AS by an Act passed the last Session of the General Assembly, intituled An Act for establishing and regulating several Duties of Impost on Wines, Beer, Rum, and other Spirituous Liquors, no Provision was made for allowing a Drawback of any Part of the said Duties upon the Exportation thereof out of said 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, Two Thirds of the Impost Duty which may have been paid, or secured to be paid on any *Wines, Beer, Rum, or other distilled Spirituous Liquors* imported into this Province, shall, upon the same being exported out of this Province within *Six Months* from the said Importation, be repaid to the Exporter thereof, by the Treasurer of the Province, out of the Money arising from the said Impost Duty, upon the said Exporter's producing a Certificate within *Six Months* after the Time of the Exportation, from the principal Officer of His Majesty's Customs, or commanding Officer for the Time being, of the Port to which the same shall be carried, of it's being there duly landed; together with a Certificate from the Collector of the Impost Duty that the Duty thereon had been duly paid or secured before such Exportation.

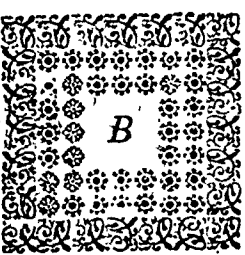
And for the better preventing Frauds herein, the following Oath shall be taken by every such Exporter, at the Time of Exportation (which Oath

Oath the Collector of the *Impost* Duty is hereby authorized to administer)
viz

“ YOU do swear, that the Quantity of is
“ bona Fide by you shipped for Exportation out of this Province, on
“ board the Master, bound for and that the Im-
“ post Duty for the same has been paid, or Security given, as by the
“ Law of this Province is required.”



An Act for regulating *Petit Juries*, and declar- ing the Qualification of *Jurors*.



BE it enacted by His Excellency the Governor, Coun-
cil, and Assembly, and by the Authority of the same it
is hereby enacted, That from and after the First Day
of October next, no Person shall be qualified to serve
as a *Petit Juror*, unless he hath a Freehold Estate of
the Value of *Twenty Shillings* a Year, or is possessed
of *Ten Pounds* in personal Estate.

Cap. 4
Add. 4

And be it further enacted, That the Provost Marshal or his Deputy
shall, as soon as conveniently may be, make out a List of all Persons
qualified as aforesaid, who have dwelt and resided within the Town and
County of *Halifax*, for three Months preceding, and return the same in-
to the Clerks Office of the *Inferior Court of Common Pleas* for said County,
who shall thereupon make out a Number of *Ballots* of an equal Size,
One for each Person, inscribing thereon the Persons Name; which *Bal-
lots* shall be safely kept in a Box, to be lockt up by him, and shall be
opened *Ten Days* before the sitting of said Court in the Presence of the
first Justice, and *Twenty Four* Ballots for the *Juries* of the *Inferior Court*;
and the Court of *General Quarter Sessions of the Peace*, shall be drawn
from thence by the Clerk of said Court, and a List of their Names shall
be taken and delivered to the Provost-Marshal or his Deputy, who shall
summon the Persons so balloted, to attend at the next Sitting Court, and
they shall be accordingly entered on the *Venires* and returned to serve
as *Jurors* at the said Court; and then the said Box shall be delivered to
the Clerk of the *Suprem Court*, and *Thirty Six* Ballots shall be drawn,
in manner aforesaid, by the Clerk of said Court in the Presence of
the *Chief Justice*, *Ten Days* before the Sitting of said Court, and

the Persons so drawn, shall be summoned, entered on the *Venire* issuing from that Court, and returned as aforesaid; and so from Court to Court till the whole Number of Freeholders and other Persons qualified as aforesaid, shall have served as *Jurors*.

Provided, That if upon the Return of the *Venires* into the *Supream Court*, *Inferior Court*, or *General Quarter Sessions*, it shall appear to any of said Courts, that the Persons so ballotted for, and summoned by the Provoost-Marshal, cannot attend by Reason of some unavoidable Accident; that then and in such Cases, the *Chief Justice* at the *Supream Court*, or the *First Justice* at the *Inferior Court* or *General Quarter Sessions*, shall order their respective Clerks in open Court, to draw out as many *Ballotts* out of said Box, as will amount to the Number that cannot attend, who shall be immediately summoned by the Provoost-Marshal to attend as *Jurors*, and *Ballotts* for the Names of those that are unable to attend, to be returned into the Box, and a List of all Persons qualified as aforesaid within the said Town and County, shall be taken by the said Provoost-Marshal or his Deputy from Year to Year, and returned as aforesaid, or as often as the said Lists shall be fully drawn.

And be it further enacted, That every Person summoned and returned as aforesaid to serve as a *Juror*, who (without sufficient Reason to be judged of by the Court) shall refuse or neglect to give his Attendance at the Court whereunto he is notified and summoned to appear, shall forfeit the Sum of *Five Pounds*, to be paid into the Hands of the said *Clerk*, and on his neglecting to pay the said Fine, before the End of the Term, it shall be levied by Warrant of Distress, to be issued from the said Court; and for any willful Absence or non Attendance on his Duty during the Sitting of the said Court, he shall forfeit for every Day's Neglect, the Sum of *Ten Shillings*, to be paid or levied in manner aforesaid; and the Fines so collected by the *Clerks* aforesaid, shall be paid by them to the *Treasurer* of the Province for His Majesty's Use.


Provided always, That if by Reason of Challenge or otherwise, there shall not appear a sufficient Number of good and lawfull Men to make up a *Petit Jury* or *Juries*, then and in such Case, the said *Jury* or *Juries* shall be filled up *de talibus Circumstantibus*, to be nominated and returned by the Provoost-Marshal or his Deputy; and where the Provoost-Marshal or his Deputy is concerned, or related to either of the Parties in any Case, then the *Jurors* shall be nominated and returned by the *Coroner*.

Provided also, That no Persons ballotted for as *Jurors* for any Court, shall at the same Court, be returned to serve as *Grand Jurors*.

Provided also, That the Members of *His Majesty's Council*, the Members of the *Assembly*, the *Treasurer* of the Province, *Register of Deeds*, *Chief Surveyor* of the crown Lands, *Secretaries*, *Ministers*, *Officers of His Majesty's Customs*, *Naval Officer*, and his *Deputy*, *Attorneys at Law*, *Officers of His Majesty's Courts*, *Commissary of the Ordnance Stores*, and *Surgeons*, shall be excused from serving as *Jurors*.

Resolution

*Resolution of His Excellency the Governor, in
General Assembly, in Explanation of the Im-
post-Act.*


W *HEREAS* a Doubt has arisen upon the Construction of the Word *Importer* in the *Act* for confirming the Proceedings in 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* or *Notes* remaining in his *Hands*: And for establishing and regulating several *Duties* of *Impost* on *Wines*, *Beer*, *Rum* and other distilled *Spirituos* *Liquors* for the future, whether *Wines*, *Beer*, *Rum*, and other distilled *Spirituos* *Liquors*, bartered, or so'd in any *Port* or *Harbour*, should be deemed an *Importation*, so as to subject such *Wines*, *Beer*, *Rum*, and other distilled *Spirituos* *Liquors*, to the Payment of *Duties*, it is declared by His Excellency the Governor, Council, and Assembly, That it was the Intention of the Legislature, that all *Wines*, *Beer*, *Rum*, and other distilled *Spirituos* *Liquors*, sold or bartered in any *Port* or *Harbour*, should be liable to the *Duties* imposed by the said *Act*, altho' such *Wines*, *Beer*, *Rum*, and other distilled *Spirituos* *Liquors*, should not be landed.

Cap.
Inert
Impost

