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Commentaires supplémentaires:

Pagination is as follows: p.283-298.

At the GENERAL ASSEMBLY of this Province of Nova-Scotia, begun and holden at HALIFAX, on the Fifth Day of December, 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 unto the Sixth Day of June 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.

C A P. I.

AN ACT, in Addition to, and Amendment of an Act, made in the Thirteenth Year of His present Majesty's Reign, intituled, *an Act for rating and levying the Expences attending the executing Writs of Partition.*

~~XXXX~~ *HEREAS* the said Act is found insufficient for the Recovery of the *W^{ch}* Charges, and Expences, attending the executing Writs of Partition, from Proprietors not resident on their Lands, and having no Goods or Chattles 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 Proprietors 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

Non Resident proprietor refuse to pay his, or their proportion on Petition of Collector of such Assessment to the *Supreme Court*.

Sale to be made at Public Auction of so much Land as will pay said Assessment.

By a good and suf-

efficient Deed of Conveyance by the Sheriff.

All reasonable means for ascertaining of such Proprietor having been made by the Court to prevent such Sale.

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.

C A P. II.

AN ACT, to provide for the future Maintenance of the Poor now maintained at the Province Expence.

Preamble.

HEREAS by an Act passed in this present Sessions, it is Enacted, *W* that no Persons shall in future be received into the Poor House at Halifax, to be maintained at the Expence of the Province; and *Whereas* it is necessary to provide for the Support of such Persons as have been heretofore provided for by the Province.

The transient Poor after the 7th July, are to be maintained at Expence of the Town of Halifax.

And to enable the Town of Halifax to maintain them.

I. *Be it therefore Enacted, by the Lieutenant Governor, Council and Assembly,* That from and after the Seventh Day of the present Month of July, all the Persons who are maintained on the Account of the Province under the Denomination of Transient Poor, shall be maintained and supported by the Town of Halifax, and to enable the said Town to Support and maintain them.

The Sum of £1500 be granted and applied to the Town for the Maintenance of all such transient Poor.

The Governor to give Warrants of £500 each, from time to time until the whole Sum of £1500 be drawn for.

II. *Be it further Enacted,* That a Sum of Fifteen Hundred Pounds be granted and applied to the Town of Halifax at such Times, and in such Proportions as hereinafter is expressed and directed, which Sum of Fifteen Hundred Pounds is, and shall be in full of all Demands, that the said Town of Halifax, shall hereafter have on Account of any transient or other Poor whatever, that now are, or shall be chargeable to the Province on the said Seventh Day of July, and the Governor, Lieutenant Governor or Commander in Chief for the Time being, is hereby authorized and impowered from Time to Time to draw Warrants on the Treasury in Favor of the Justices in their Sessions for the County of Halifax, for the said Sum of Fifteen Hundred Pounds, the same to be paid at the Rate of three Hundred Pounds Each, and every Year, until the whole Sum of Fifteen Hundred Pounds shall be paid off and discharged, each yearly Payment of three Hundred Pounds to be drawn for, at such Times, and in such Sums as the said Justices in their said Sessions shall from time to time require. *Provided always,* that nothing herein contained shall extend or be construed to extend to oblige the said Justices in their Sessions to pay any Expence, which has been incurred for the Maintenance of said Poor Persons, prior to said Seventh Day of July.

The Justices not to pay any thing previous to the 7th July.

II. *And*

II. *And be it further Enacted*, That the Treasurer of the Province is hereby authorized to pay out of the Treasury the said Sum of Three Hundred Pounds yearly, and no more, until the whole of the said Sum of Fifteen Hundred Pounds shall be paid off and discharged.

The Treasurer to pay no more on that Account than £1500.

C A P. III.

AN ACT in Addition to an Act, passed in the First Year of His present Majesty's Reign, intituled, *an Act for the better Observation and keeping of the Lord's Day.*

***** *HEREAS doubts have arisen, whether it is lawful to serve*
 * *W* * *Writs or Procefs in Civil Suits on the Lord's Day to remove the*
 * * *same.*

Preamble.

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, Procefs, Order, Judgement or Decree (except in Cases of Treason, Felony or Breach of the Peace) but that the Service of every such Writ, Procefs Warrant, Order, Judgement 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 Procefs, Warrant, Order, Judgement, or Decree whatsoever.

No Writ, Procefs, Order, Judgment or Decree (except in cases of Treason, Felony or Breach of the Peace) to be served on the Lord's Day.
 Any Person or Persons on serving or Executing the same shall be liable to the Suit of the party grieved and answer damages also.

C A P. 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.

***** *Be it Enacted, by the Lieutenant Governor, Council and Assembly,*
 * *B* * *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

Depositions of Witnesses residing out of the Province to be read as Evidence.

The Justices being shown by Affidavit on the party desiring the same to issue a Commission under the Seal of said Court for taking such Disposition, the Cost to be regulated by Rule of Court. Unless the parties are present.

of the said Courts upon sufficient Cause being shewn by Affidavit, on the 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 the Supreme Court, to ascertain the limits of Goal Yards, boundaries and privileges of Prisoners.

I. And be it further Enabled, 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 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.

C A P. 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.

Preamble

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.

The Justices in their General Sessions for the District of Colchester, and the Grand Juries to give Directions to repair Court House, Goals and Bridges and repairing Roads and assessing Monies for the same.

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 impannelled 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.

II. And

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 Shebenaccadie 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.

And whereas it is found necessary, that a Court of General Sessions of the Peace and Inferior Court of Common Pleas, should be held in the Township of Pictou in said District.

IV. Be it therefore Enacted, by the Authority aforesaid, That the said Court of General Sessions of the Peace and Inferior Court of Common Pleas, shall be held in, and for said District at the following Times and Places, to wit, at Onslow on the first Tuesday of January, at Walmisley in the Township of Pictou on the first Tuesday of April, at Onslow on the first Tuesday of July, and at Walmisley aforesaid on the first Tuesday of October annually, any Law, Usage or Custom to the contrary notwithstanding.

Times and Places appointed for holding Inferior Court and Sessions of the Peace in said District.

C A P. 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 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.

Justices in their General Sessions, to make Regulations to prevent the growth of Thistles, in their respective Counties.

FFF

II. And

Two Persons to be appointed Inspectors liable to a fine of £3. for refusing to accept the Office or neglect of Duty.

H. 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.

Persons refusing to pay obedience to Regulations to be fined 40s.

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.

Penalties to be recovered before the General Sessions, one Moiety to the prosecutor and the other Moiety for repairing Roads.

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 Offenders 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 fall of the Year, too late for the Purposes of preventing the Evil which may arise from the spreading of the Thistles now growing.

Justices authorised 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 1st 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.

C A P. VII.

AN ACT for altering the Times of holding the Supreme Court in the County of Annapolis, King's County and the County of Hants.

Times appointed for holding Supreme Courts &c. in the County of Hants, King's County, and County of Annapolis.

Be it Enacted, by the Lieutenant Governor, Council and Assembly, That the Supreme Court of Judicature, Court of Assize and General Goal Delivery, shall for the future be held annually, in the Months of May and Sept. at Windsor in the County of Hants on the

the third Thursday of said Months; At Horton in King's County on the Monday next following, the sitting of said Court at Windsor; and at Annapolis, in the County of Annapolis, on the Monday next following, the sitting of said Court at Horton; any Law, Usage or Custom to the contrary notwithstanding.

II. And be it Enacted, That all Writs and other Procefs that may have been issued out of the Clerk's Office, returnable at Annapolis, on the third Tuesday of September next, and at Horton, on the fourth Tuesday of said Month, and at Windsor, on the first Monday of October next, shall be returnable at the sitting of the said Court at Windsor, on the third Thursday of September next, at Horton, on the Monday next following, and at Annapolis, on the Monday following.

All Writs that may have Issued out of the Clerks Office, returnable at Annapolis on the third Tuesday of Sept. At Horton on the fourth Tuesday of said Month, And at Windsor, on the 1st Monday of Oct.

C A P. VIII.

AN ACT, in further Addition to, and Amendment of an Act made in the Second Year of his present Majesty's Reign, intituled, *an Act for appointing Firewards, ascertaining their Duty, and for punishing Thefts and Disorders at the Time of Fire.*

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.

Preamble.

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, intituled, an Act in further Addition to the said before 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 of 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.

Justices in their Sessions for the Town of Halifax to appoint nine Persons in Addition to the number already appointed.

Who are to be called Engine Men and exempted from serving on Juries &c.

C A P. 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*.

Preamble.

HEREAS 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.

No cause to be removed out of *Inferior Courts*, into *Supreme Court*; without sufficient surety being first given.

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.

The Justice before whom such surety is taken shall indorse on the back of the Writ all particulars and affix his Signature thereto.

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.

C A P. X.

AN ACT in Amendment of an Act, passed in the Thirty Second Year of the Reign of His late Majesty, intituled, an Act, for confirming Titles to Lands, and quieting Possessions.

Preamble.

HEREAS great Inconveniencies 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;

I. Be it Enacted, by the Lieutenant Governor Council and Assembly, That all Persons who now hold Lands, Tenements or Hereditaments,

taments, 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.

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 Plan, 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.

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.

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.

Tenancy not divided during the life time of the parties shall not be inherited by the surviving Tenant or Tenants but descend to the lawful Heir of the deceased.

Tenants in Common who have divided their Interests by Survey and Plan, the same shall be deemed a legal division, as if made by Deed or Writ of Partition.

Whoever shall be found removing the Bounds &c. and convicted thereof in his Majesty's *Supreme Court* or any other Court of Record, shall be fined, imprisoned or whipped at the discretion of the Judges.

All former Grants in Fee Simple under the Great Seal of the Province, shall be deemed good and sufficient in Law although they may be defective in words.

If the Lands so Granted were vested in his Majesty by Inquest of Office, or otherwise at the time of making said Grant.

C A P. XI.

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.

Preamble.



HEREAS 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.

Inferior Court of Common Pleas, and General Sessions of the Peace to be annually held at *Amherst*, on the 21 Tuesday in *June* and last Tuesday of *October*.

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 21 Tuesday of *June*, and last Tuesday of *October*, any Law, Usage or Custom to the Contrary notwithstanding.

C A P. 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.

Preamble.



HEREAS the Revenue heretofore raised within this Province, has proved insufficient to defray the Current Expences thereof, whereby, a large Public Debt hath been incurred; and Whereas the Continuance of the several Laws now in Force for the raising a Revenue, have been by Experience found inadequate to the Payment of the said Expences and the Interest of the said Debt.

Tax to commence within one year after passing this Act.

I. Be it therefore Enacted, by the *Lieutenant Governor, Council and Assembly*, That the following Tax or Assessment, shall be levied and paid on, and by His Majesty's Subjects within this Province, within one Year after the passing this Act, that is to say.

Two Shillings and six Pence to be paid by every Farmer who has six Head of Cattle, and every Person owning a Fishing or Passage boat.

The Sum of Two Shillings and Six Pence, on and by every Farmer, or other Person within this Province, having in his own Use, Custody or Possession, on any Farm, whereof he is Owner or Tenant, Six Neat or Black Cattle and Horses, and on, and by every other Person having or Owning a Fishing Boat or Passage Boat.

The Sum of Five Shillings, on and by every Farmer, or other Person

Person within this Province, having as aforesaid, more than Six Neat Cattle and Horses, and on, and by every Mechanic or Handicrafts Man, carrying on any Trade or Mystery as a Master Workman, for Hire or Wages, and on, and by every Person belonging to the Province, who is the Owner of, or employed as a Master or Mate, in Navigating a Ship or Vessel of any Description whatsoever, which by Law is required to be registered.

Five Shillings by every Person who has more than six Head of Cattle, or who is a Mechanic or Master-workman, Master or Mate of a Vessel, required by Law, to be registered.

The Sum of Ten Shillings, on and by every Barrister and Attorney at Law, Physician, Surgeon, Apothecary, Merchant and Shopkeeper, exercising their respective Professions and Occupation within this Province.

Ten Shillings by every Barrister and Attorney at Law, Physician, Surgeon, &c.

The Sum of Five Shillings, on and by every Person, having and enjoying any Annual Stipend Salary or Annuity of the Amount of Thirty Pounds, and upwards, and not amounting to Forty Pounds.

Five Shillings by every Person enjoying a Salary of £30 and upwards.

The Sum of Seven Shillings and Six Pence, on and by every Person, having and enjoying any Annual Stipend Salary or Annuity of Forty Pounds, and upwards, and not amounting to Sixty Pounds.

Seven Shillings and six pence for every Salary of £40. and upwards.

The Sum of Ten Shillings, on and by every Person, having and enjoying any Annual Salary, Stipend or Annuity of Sixty Pounds, and upwards; Provided such Person having and enjoying such Stipend Salary or Annuity as aforesaid, be not a Widow or an Officer belonging to, and actually for the time being employed in His Majesty's Army or Navy.

Ten Shillings for every Salary of £60. and upwards, Widows and Officers actually employed in Army or Navy excepted.

The Sum of One Shilling, on and by any other Person within this Province, being a Male above the Age of Twenty One Years, and who is not comprehended within any of the foregoing Descriptions, or by this Act subjected to the Taxes and Assessments, in the preceding Sections mentioned.

One Shilling by every Male Person above the Age of 21 Years not comprehended in the above descriptions.

II. And Whereas, in and by an Act made in the Fifth Year of His Majesty's Reign, intituled, an Act for the Raising Money by Presentment on the several Counties in this Province, for defraying certain County Charges therein mentioned, the Grand Juries are authorized and directed Annually, to present three or more good and sufficient Freeholders for every Township in each County, to be Assessors for such Township, who are to be approved of and sworn as in, and by the said Act is directed.

Grand Juries to present three Persons in each Township as Assessors.

III. *Be it therefore Enacted*, That such Persons in each Town within this Province, so presented, approved and sworn as Assessors as aforesaid, shall, and they are hereby impowered, directed and required, to assess the Tax herein and hereby above directed to be Assessed in manner and form as aforesaid, and the said Assessors are hereby authorized

Persons so presented and Sworn as Assessors, authorized to Assess the Inhabitants.

thorized and directed forthwith, on the Publication hereof, to proceed to make their Assessments upon the Inhabitants of their respective Townships according to the Provisions, Intent and Meaning of this Act, and according to the best of their Skill and Knowledge.

Justices to call a Special Sessions in their respective Counties and appoint three Collectors in each Township.

IV. *And be it further Enacted*, That from and immediately after the Publication hereof, the Justices of the Peace in their respective Counties in this Province, shall call a Special Sessions of the Peace, and shall at such their Session, proceed to nominate and appoint three good and sufficient Freeholders in and for each Township within their respective Counties, to be the Collectors and Receivers of the Tax or Taxes herein before laid and imposed, and that such Collector or Collectors shall previous to their entering on their Office as aforesaid, be sworn before one of His Majesty's Justices of the Peace in, and for the County wherein such Collector or Collectors reside, to the due and faithful Execution of his Office.

Such Collectors to call on the Assessors for their Assessment Book, Collect the Tax, and pay it to the Collectors of Impost and Excise.

V. *And be it further Enacted*, That the said Collectors on being nominated and sworn as aforesaid, shall make immediate Application to the Assessors aforesaid, for their Assessment Book, and shall on the Receipt thereof proceed to levy and collect the respective Sums assessed on each and every Person or Persons so assessed as aforesaid, by the said Assessors, and that the said Collectors shall pay all such Sum or Sums of Money so by them levied or collected into the Hands of the Collectors of Impost and Excise for the time being, for the County or District.

Assessors and Collectors to deliver to the Justice in Sessions a Copy of their Books and Accounts on Oath.

VI. *And Be it further Enacted*, That every Assessor or Assessors, Collector or Collectors above mentioned, in each and every County, shall respectively make up his and their Assessment Book, Accounts of Collections, Receipts and Payment upon Oath, and shall deliver a Copy thereof to the Justices of the Peace in their respective Counties at their next *General Sessions of the Peace*, after such Assessment, Collection, Receipt and Payment, each or either of them has or have been made, and the said Justices in such their *General Sessions*, are hereby authorized and required to examine and compare the said Accounts, and in Case of any Deficiency or Defalcation, to direct the Clerk of the Peace for such their Sessions, to proceed against each and every Defaulter by Information, and to prosecute the same to effect. *Provided always*, That if any Person or Persons shall think themselves aggrieved by such Assessment or levying thereof, or if any Collector or Collectors shall have been prevented from completing their Collection in consequence of any Person or Persons included therein, having left the Province without the knowledge of the said Collectors, and having left no Property to respond the Amount so on them assessed as aforesaid, that then, and in such Case, it shall and may be lawful to, and for the Justices in such their *General Sessions* to hear and deter-

Persons aggrieved by making of Assessment, &c. to be heard by the Justices in their Sessions.

determine the same, and the said Justices are hereby authorized to make such Alterations and grant such Relief in and about the Premises, as to them shall seem reasonable and fit; and Provided, that every such Application shall be made to the Justices as aforesaid, at the next *General Sessions*, after the Cause of such Application arose, and not otherwise.

VII. *And be it further Enacted*, That it shall and may be lawful for each and every Collector or Collectors of Impost and Excise, to receive and take into his, and their Custody all such Sum and Sums of Money, as hereafter may be collected as aforesaid, and tendered to him by the said Collectors, and from Time to Time to give Receipts to such Collectors for the Sums so by them paid into the Hands of the said Collectors of Impost and Excise, and that the said Collectors of Impost and Excise shall Quarterly, to Wit, on the first Day of *October*, on the first Day of *January*, on the first Day of *April*, and on the first Day of *July*, transmit to the Treasurer of the Province all such Sum or Sums of Money as shall or may have been paid into his Hands by Virtue of this Act, and shall at the same time transmit to the said Treasurer for the Province an Account specifying the Amount each Town in the said County has so paid as aforesaid, and the Collectors of each Town or District are hereby authorized to retain in their Hands five per Cent. on all Monies by them collected by Virtue of this Act, and paid into the Hands of the said Collectors of Impost and Excise, and the said Collectors of Impost and Excise shall for their trouble receive the Sum of *Two and a half per Cent.* on all Monies by them received by Virtue of this Act, and paid into the Province Treasury as aforesaid. The District of *Halifax* only excepted, where the Payments as aforesaid, are to be made to the Treasurer of the Province.

VIII. *And be it further Enacted*, That if any Assessor or Assessors, Collector or Collectors, shall refuse or neglect to serve in Manner and Form as herein before is expressed and declared, or shall neglect faithfully to execute the Office after accepting the same, each and every of them so neglecting or refusing, shall forfeit and pay the Sum of Fifty Pounds to be recovered by Bills, Plaint or Information in any of His Majesty's Courts of Record in this Province, the one Moiety whereof shall be given to the Prosecutor or Informer, the other Moiety to be paid to the Overseers of the Poor for the Town wherein the Offence is committed, to be by them applied in, and towards the Support of the Poor in such Town.

IX. *And be it further Enacted*, That on Neglect of Grand Juries presenting Assessors as aforesaid, or in Case of the Refusal, Neglect or Death, of such Assessor or Assessors, Collector or Collectors, it shall and may be lawful to and for His Majesty's Justices of the Peace on Information thereof, to call a Special Sessions, and to nominate and appoint good and sufficient Assessor or Assessors, Collector or Collec-

Collectors of Impost and Excise to receive Tax of Collectors and Account for the same to the Treasurer of the Province quarterly.

Collectors in each Town or District to retain 5 per cent. on Monies collected and paid by them.

Collectors of Impost and Excise to receive 2½ per cent. on Monies paid by them into the Treasury the district of *Halifax* excepted.

Assessors or Collectors refusing to serve or neglecting Duty, to be fined £50 each.

In case Grand Juries neglect to appoint Assessors or Collectors or they are wanting by Death or otherwise, Justices in Special Sessions to appoint

proper Persons to such Offices.

Assessor or Assessors who shall have faithfully discharged his or their duty, intitled to receive from the Collector of Impost and Excise of their District 5 per cent on all Monies assessed by them and Collected in such District.

tors in the Place and Stead of such as should and ought to have been presented by the respective Grand Juries, or have refused or neglected to execute their respective Offices or died since their Appointment to such Trust and Office, and such Assessor or Assessors who shall have faithfully discharged his or their Duty as aforesaid, shall be entitled to receive from the Collector of Impost and Excise, for the County or District wherein such Assessor or Assessors shall reside *Five per Cent.* on all Monies which shall be collected in the Town or District, and which shall have been assessed by such Assessor or Assessors and paid into the Hands of such Collector of Impost and Excise, the same to be paid by such Collectors of Impost and Excise on a Certificate to be granted by the said Justices in their Sessions, that such Assessor or Assessors have faithfully discharged their Duty as aforesaid.

Assessors to enter assessment in a Book and authorized to examine Persons on oath, respecting the Sum they are to be assessed.

X. *And be it further Enacted*, That the Assessors in making the Assessment above directed, shall enter the same fairly in a Book, and opposite to the Persons Name, designate or express the Class or Description under and the Sum which he shall be assessed by Virtue of this Act, and in Case the said Assessors shall be unable to ascertain the Class or Sum, it shall and may be Lawful to and for the said Assessor or Assessors to examine any Person or Persons so by them to be rated and assessed, under Oath relative to the Number of the Cattle and Horses they possess, the Trade, Art, Mystery or Professions they belong to, or follow, which Oath the said Assessors are hereby Authorized to Administer: *Provided always*, That no Person or Persons, shall be rated or assessed under more than one Description, and that of the greatest Denomination whereunto he or they Appertain.

Collectors authorized to sue for Sums assessed, in 10 days after personal demand being made.

XI. *And for the Ease of the Collectors, Be it further Enacted*, That it shall and may be lawful for each and every Collector and Collectors in the respective Towns in this Province, within Ten days after personal Demand having been made by them on any Person or Persons in their respective Towns, of the Sum or Sums on them so rated and assessed, to commence and prosecute in the Name of our Sovereign Lord the King, before any of His Majesty's Justices of the Peace, Suit or Suits, against all such Person or Persons on whom such Demand has been made as aforesaid.

And for the more speedy and certain collecting, and receiving the Monies, herein and hereby imposed and Directed to be levied.

Assessments throughout the Province to be completed by first September next, and Monies collected and paid to receive

XII. *Be it further Enacted*, That the Assessors throughout the respective Towns in this Province, shall make and complete their Assessments on or before the first Day of *September* next, and that the said Assessors shall make three Copies of their Assessment and subscribe the same, which Assessment they are to deliver to the Collectors on or before the first Day of *September*, and that the Collectors in their respective

respective Towns throughout the Province, shall collect, recover, receive and pay to the Collectors of Impost and Excise the Sum so assessed, on or before the first Day of *May* next ensuing.

tive Collectors of Impost and Excise by 1st *May* next.

XIII. *And be it further Enacted*, That the Collectors aforesaid, shall each and every Month, after the said first Day of *September* next, pay into the Hands of the Collectors of Impost and Excise, all such Sum or Sums of Money as they shall have received, until the Collection of the said Assessment or Tax shall be completed, under the Penalty of Fifty Pounds on Neglect thereof, to be recovered by Bill, Complaint or Information, in any of His Majesty's Courts of Record in this Province, the One Half to be given to the Informer, the other Half for the Use of the Poor, in the Township wherein such Neglect shall arise.

Collectors to pay Monthly after 1st *September* next, to the Collectors of Impost and Excise all the Monies they shall have received under penalty of £50. for each neglect.

And Whereas, many Parts of this Province, at present are not Comprehended within the Limits of a Town or Township, or wherein no Town Officers have been appointed.

XIV. *Be it therefore Enacted*, That it shall and may be lawful for the Assessor and Assessors and Collectors of the youngest Town or Township most adjacent, and wherein Collectors and Assessors have been, or shall be appointed to such District not comprehended as aforesaid, to assess and collect the Tax herein before mentioned, on the Inhabitants of such District, in Manner and Form as above directed

Youngest Township most adjacent to such places as are not a Town or Township to assess, the Inhabitants of such place or District.

XV. *And be it further Enacted*, That it shall and may be lawful for the Commissioners appointed by Virtue of an Act, passed in the Twenty Ninth Year of His present Majesty's Reign, intituled, "*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 the General Assembly and for funding the Province Debt.*" To Advertize for three Months in the *Royal Nova-Scotia Gazette*, for all Persons who have any just Demands on the Treasury of this Province, due to them Prior to the first Day of *July* next, to deliver in the same at the Treasury, and such Person or Persons as shall neglect to deliver in their Demands at the time so appointed shall be precluded from having his or their Debt funded, under and by Virtue of this Act, and it shall and may be lawful for the Commissioners immediately after said first Day of *July* next, to liquidate and settle the several Demands which shall be brought into the Treasury as aforesaid, and to ascertain the several Sums which shall be justly due to each Person, on their several and respective Securities, and to enter the same in a Stock Book, and to grant such Certificates in the Manner and Form as directed in the said before recited Act, and any Person or Persons counterfeiting or forging any Certificate, Transfer or Endorsement, which shall be granted, given or made by Virtue of this Act, shall suffer all the Pains and Penalties directed in and by the said last recited Act, to be inflicted

Commissioners to advertize for three Months in *Gazette* for all Persons who have just Demands on the Treasury of the Province due prior to the 1st *July* next, to deliver in the same at the Treasury and if not complied with, such persons to be precluded from Funding their Debts.

Commissioners to liquidate and settle demands brought in as aforesaid, enter them in a Stock Book and grant Certificates for the Interest due thereon.

on such Offenders, and the Debts so to be funded by Virtue of this Act, and the Interest Certificates which shall be granted by said Commissioners, shall be transferable in the same Manner and under the same Regulations specified and contained in said recited Act.

Monies arising by virtue of this Act to be appropriated every six Months to the Payment of such Interest, and in case of an Overplus the same to be applied towards discharging the Principal Sum so Funded.

XVI. *And be it further Enacted*, That the Monies arising from the Assessments and Taxes aforesaid, shall be appropriated and applied in Manner and form following: *That is to say*, That the Commissioners aforesaid, shall at the Expiration of every six Months, direct and order the Treasurer of the Province, to appropriate and apply such Monies so received as aforesaid, in and towards the Discharge and Payment of all such Sum or Sums of Money, as now are or hereafter may grow due, and be owing as Interest Money on the aforesaid liquidated and settled Demands, and the Overplus if any, shall be immediately applied by the said Commissioners to pay off Part of the principal Sum to be funded as aforesaid, and that the said Commissioners before they shall proceed to pay off any part of the said principal Sum, shall advertize and proceed in Manner and Form as is Enacted, and directed in the Fourth Section of the herein before recited Act, made in the Twenty Ninth Year of his present Majesty's Reign, intituled, "*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.*"

This Act to continue in force until the whole of the Principal and Interest of the Debt Funded be discharged.

XVII. *And be it further Enacted, by the Authority aforesaid*, That this Act, and all and every Matter and Thing herein contained, shall continue and be in full Force and Virtue, until the whole of the Principal and Interest of the Debt hereby directed to be funded, shall be fully paid off and discharged.