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At the GENERAL ASSEMBLY of the Province of *Nova-Scotia*, begun and holden at HALIFAX, on the Fifth Day of December, 1785, in the Twenty Eight 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 Twenty Fifth Day of October, 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.

## C A P. I.

An ACT for the further Regulating the Times of holding the *Inferior Court of Common Pleas* for the County of *Halifax*.

HEREAS the Sittings of the Inferior Court of Common Pleas for the County of Halifax but twice in each Year have been found inconvenient;

Preamble.

I. Be it Enacted, by the Lieutenant Governor, Council and Aſſembly, That in future the *Inferior Court of Common Pleas* for the County of *Halifax*, ſhall be held on the Second Tueſdays of *March, September* and *December*, in each Year, any Law, Uſage or Custom to the contrary notwithstanding.

Inferior Court of Common Pleas for the County of *Halifax* to be held on the ſecond Tueſdays in *March, September* and *December* annually.

II. And be it Enacted, That all Writs and other Proceſs, that have been already iſſued out of the Clerk's Office, returnable in the ſaid Court in *March* next, ſhall be proceeded on at the Sitting of the Court in *December* next, and all Officers and other Perſons concerned are required to govern themſelves accordingly.

All Writs, &c. that have already iſſued and returnable in *March*, to be proceeded on at Sitting of the Court in *December*.

## C A P. II.

An ACT in Amendment of an Act made in the Twenty First Year of His Majesty's Reign, intituled, An Act in Addition to an Act, made in the Tenth Year of His present Majesty's Reign, intituled, *An Act for Establishing the Toll to be taken at the several Grist Mills in this Province.*

Preamble.

\*\*\*\*\* HERE AS the Toll as now by Law established for Bolting  
 \* W \* is found insufficient to defray the Expences of erecting and re-  
 \* \* pairing proper Bolting Machines in the several Townships in  
 \*\*\*\*\* this Province, for Remedy whereof;

A Quart of Grain to be taken out of each Bushel for Bolting.

Miller refusing to bolt Grain or taking greater Toll than the Law allows, to be subject to the Penalties of 10th Geo. 3.

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 Reign, intituled, "An Act for Establishing the Toll to be taken at the several Grist Mills in this Province."*

And also for refusing to grind.

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.*

## C A P. III.

An ACT for Regulating and Maintaining a Light House at the Entrance of the Harbour of *Shelburne.*

Preamble.

\*\*\*\*\* HERE AS it is necessary for the Safety of the Naviga-  
 \* W \* tion of this Province, that there be a Light House erected on  
 \* \* the Island commonly called M<sup>c</sup>Nutts Island, at the Entrance of  
 \*\*\*\*\* the Harbour of Shelburne, for the Maintainance 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*

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.

All Vessels except Coasters &c. to pay a Duty of Four Pence per Ton.

Vessels belonging to Freeholders in the Province to pay only three Pence per Ton.

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.

What Vessels deemed Coasters, &c.

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.

Coasting Vessels to pay 20s. p. Annum and One Shilling per Ton above Twenty Tons.

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.

Monies arising by this Act to be applied towards the Support of the Light House to be drawn by Warrant of the Governor, &c.

And Surplus if any to be applied to the Uses of the Government.

C A P. IV.

An ACT in Amendment of an Act, passed the First Year of the Reign of His present Majesty, intituled, *An Act for the repairing and mending Highways, Roads Bridges and Streets, &c.*

\*\*\*\*\*  
 \* W \*  
 \*\*\*\*\*  
 HEREAS 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

Preamble.

*jury of Individuals, and Inconvenience of the Public in general, for Remedy whereof;*

Surveyor of Highways for the several Townships and Districts in this Province to order the Inhabitants as often as they shall deem necessary during the Winter to work on the public Highways.

Provided no Inhabitant shall be compelled to work more than one Days Labour for any one Fall of Snow, &c.

Inhabitants refusing to obey or neglecting such Orders of the Surveyors of Highways shall forfeit Ten Shillings for each Offence to the Use of the Road where the Offence may be committed.

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.

## C A P. V.

An A C T for the more effectually carrying into Execution the Provisions of an Act made in the Sixth Year of His Majesty's Reign, intituled, *An Act to prevent the Multiplicity of Law Suits.*

Preamble.

HEREAS the Act, intituled, 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 Actions 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

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.

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 Time, as limited by the Act of Assembly of this Province, for the Limitation of Actions, and for avoiding Suits 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.

Provided that if for want of Evidence the Defendant cannot prove his Demand he may afterwards bring his Action.

III. *And be it further Enacted*, That in all Actions, which shall hereafter be commenced and prosecuted, 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, altho' 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 Opportunity of pleading their Demand as an Offset in a Suit, they shall pay Costs although a Verdict is found for them.

C A P. VI.

An ACT in Addition to, and Amendment of an Act made in the fifth Year of His present Majesty's Reign, intituled, *An Act for regulating Servants.*

\*\*\*\*\* HER EAS great Inconveniences have arisen, and do  
 \* W \* arise from the Misbehaviour of bound and hired Servants,  
 \* \* \* for remedy whereof;

Preamble.

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

Memorandum to be made in writing in all Cases where a Servant is hired for longer Time than a Month.

Parties, which Memorandum fhall fpecify the Period for which fuch Servant fhall have agreed to ferve, and the Wages or other Conside- rations 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.

Justice of Peace on the Complaint of the Maſter to order a reaſonable Part of the Servants Wages to be ſtopped for Miſbehavior.

II. *And be it further Enacted,* That it ſhall and may be lawful for any one of His Majeſty'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.

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;*

Maſters not to ſell Rum to their Servants on Forfeiture of double the Value of ſuch Rum, nor to ſtop any Part of their Wages on ſuch Accounts.

III. *Be it Enacted,* That if any Maſter or Miſtreſs ſhall ſell Rum or other ſpirituouſ 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 ſpirituouſ 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 ſpirituouſ Liquors ſold to ſuch Servant or Labourer, while in his, or her Service or Employment.

All Notes or other Securities given by Servants in which any Part of the Sum ſhall have been given for Rum to be void, and all Accounts and Contracts in which ſuch Charge ſhall be made ſhall be void, and if ſued the Plt. ſhall become nonſuit.

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, if it ſhall appear, that any Part of the Sum due or ſecured by ſuch Bond, Note, Bill, Specialty, or Agreement, was given for or on Account of any Rum or other ſpirituouſ Liquors, the ſame and every Part thereof ſhall be void and of none Effect, and all Accounts or Contracts on which Suits ſhall or may be brought againſt any Servant or common Labourer, in which ſhall appear any Charge made, directly or indirectly, for Rum or other ſpirituouſ Liquors, the whole of ſuch Account or Contract ſhall be null and void, and the Party ſuing the ſame ſhall become nonſuit.

V. *And be it further Enacted,* That if any Tavernkeeper, or Retailer, ſhall by himſelf, or any other Perſon, buy, purchaſe, or receive in Pawn; any wearing Apparel, Tools or Implements of Trade or Huſbandry, or any Houſehold Goods or Furniture made up from any Servant or common Labourer, ſuch Tavernkeeper or Retailer ſhall

shall forfeit and pay for every ſuch Offence a Sum not exceeding Forty Shillings, and the Bargain, Sale, or Pawning ſhall be *ipſo facto* void, and the Articles ſo purchaſed or received, be immediately reſtored, or double the Value thereof, on Pain of Imprifonment, not exceeding one Month, at the Diſcretion of the Juſtice or Juſtices before whom Complaint ſhall be made, and all Perſons keeping a Tavern or retailing ſpirituous Liquors within this Province, after the Publication hereof, are always to keep a fair legible Copy of this Act paſted or hung up in ſome public and conſpicious Part of their Houſe under the Penalty of Ten Shillings, for each and every Days neglect thereof, to be recovered before any Juſtice or Juſtices of the Peace on the Complaint of any Perſon or Perſons whatſoever.

*And whereas it is become requiſite, as well to provide a more ſuitable Punishment for Perſons convicted of clergyable Felony, Grand Larceny and other Offences, as to bind out to Service all Vagabonds, diſorderly and beggarly Perſons.*

VI. *Be it therefore Enacted by the Authority aforeſaid, That from and after the Publication hereof, all diſorderly and beggarly Perſons, who ſhall be found ſtrolling in any Part of this Province, and who on Examination before three of His Majesty's Juſtices of the Peace, ſhall not be able to ſhow any viſible Means, whereby he or they obtain a ſober and honeſt Livelihood, it ſhall and may be lawful for ſuch Juſtices to commit ſuch Perſon or Perſons to the next Jail, or Bridwell, and to provide a Maſter or Miſtreſs for ſuch Perſon or Perſons, and to execute an Indenture or Indentures in the uſual Form to bind ſuch Perſon or Perſons to any Maſter or Miſtreſs, who ſhall appear to hire him or them, for ſuch Term of Time, and on ſuch Conditions as ſuch Juſtices in their Diſcretion ſhall think fit, not exceeding Seven Years, and all Perſons convicted of any clergyable Felony, Grand Larceny, or other Offences in any of His Majesty's Courts of Judicature within this Province, beſides the Penalty inflicted by Law on ſuch Offenders may be bound out to Service as aforeſaid, by Order of the Judges or Juſtices of ſuch Court or Courts, and all Perſons receiving Indentures from the ſeveral Authorities aforeſaid, ſhall be entitled to the entire Service and Labour of the Perſon or Perſons ſo indented or bound, and all Perſons having Servants bound to them by the Authority aforeſaid, or by the voluntary Act of any Servant, may ſell or aſſign the unexpired Term of ſuch Servant or Servants, and the Aſſignee or Purchaſer ſhall be as fully entitled to the entire Service and Labour of ſuch Servant as the Perſon who aſſigned the ſame. Provided ſuch Aſſignment ſhall be made in the Preſence of, and with the Approbation of three Juſtices of the Peace, and Security given, if required, not to carry ſuch Servant out of the Province.*

VII. *And be it further Enacted, by the Authority aforeſaid, That it ſhall and may be lawful for the Juſtices in Sessions for each and every County*

No Tavernkeeper 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 reſtored.

Tavernkeepers and Retailers to keep a Copy of this Act paſted up in their Houſes, on Penalty of 10s.

All diſorderly Perſons to be apprehended and bound to Service.

Perſons convicted of clergyable Felonies to be alſo bound.

And Maſters holding Indentures of ſuch Servants may aſſign the ſame, provided ſuch Aſſignment is made with the approbation of three Juſtices preſent, and Security given not to carry Servant out of the Province.



Justices in Sessions to make further Regulations respecting Servants.

County or District 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 disobedient or refractory Servants within their respective Jurisdictions, and also for the apprehending all runaway Servants, and conveying them to their proper Masters and Mistresses.

Former Laws not hereby expressly altered to be continued.

VIII. And be it further Enacted, That all and every the former Laws of this Province, respecting Masters and Servants or either of them, so far as the same or any Part thereof are not expressly abrogated or altered by this present Act, shall be construed to be in full Force.

C A P. VII.

An ACT for 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 Summons heretofore used.

Preamble.

\*\*\*\*\* HERE AS the Manner of issuing Proceſs from the Inferior Courts of Common Pleas has been found inconvenient and troublesome, and the Form of the Summons heretofore used, has been found expensive and vexatious, for remedy whereof;

No Writ of Execution from Interior Court to be directed to any Sheriff out of the County, and no one to be sued there unless actually resident within the County.

I. Be it Enacted, by the Lieutenant Governor, Council and Assembly, That from and after the Publication hereof no Writ or Execution issuing from the *Inferior Court of Common Pleas* shall be directed to any Sheriff within the Province, except to the Sheriff of the County or District in which such *Inferior Court of Common Pleas* shall sit or belong to, and no Person or Persons whatsoever shall hereafter be sued in or before any *Inferior Court of Common Pleas*, within this Province, unless such Person or Persons shall be actually resident within the County or District, wherein such *Inferior Court of Common Pleas* shall sit or belong to.

II. And be it further Enacted, by the Authority aforesaid, That from and after the Publication hereof all Summons issuing from any Court of Record within this Province, shall instead of being directed to the Sheriff or Constable, be directed to the Party or Parties, and the Form of the Summons hereafter to be issued from, or by any Court of Record in this Province, shall be as follows :

GEORGE the Third, by the Grace of GOD of *Great Britain, France and Ireland*, KING, Defender of the Faith, &c. &c. &c. New Form of Summons prescribed.

To A. B. of C. in the County of D. (Occupation) we command you, that you be and appear before our Justices of our Court, next to be held at on the Day of next, then and there to answer to the Suit of C. D. of E. in the County of F. (Occupation) in a Plea of to the Damage of the said C. D. Pounds, as he says, and herein fail not. Witness Esquire, this Day of in the Year of our Reign, Annoque Domini.

And the Form of a Summons from a Justice of the Peace, shall be as follows :

To A. B. of C. YOU are hereby commanded to appear before me on the Day of at o'Clock in the to answer to C. D. of E. in the Sum of and herein fail not. Witness my Hand and Seal, this Day of in the Year of our Reign, Annoque Domini.

III. *And be it further Enacted, by the Authority aforesaid, That a Copy or Copies of such Summons or Summonses shall and may be served on the Defendant or Defendants at least eight Days before the Day of Return thereof by any Person or Persons whatsoever of good Fame and Reputation, who shall be above the Age of Twenty one Years, and who can read and write (save the Party at whose Suit the same shall issue) and the Person serving a Summons issued out of any of His Majesty's Courts, shall make and subscribe on the Back of said Summons the following Oath or Affidavit to be made before any one of His Majesty's Justices of the Peace, and attested by him, viz. I A. B. Do swear that on the Day of last I served the within named Defendant C. D. with a true Copy of the within Summons by delivering the same to at and at the same Time told to the said what was the Meaning thereof, which Service shall be deemed and taken to be as good and effectual in Law as the Service of the Sheriff heretofore was; and if any Doubt shall arise before a Justice of the Peace relative to the Service of any Summons issued by him as aforesaid, he shall before he proceeds further on said Summons call on the Person who served the same to make the foregoing Affidavit.*

Same to be served by any one of good Fame, and Affidavit made thereof to be as sufficient Service as if done by Sheriff.

IV. *And be it further Enacted, That all Plaintiffs who shall hereafter recover Judgment in any Court of Record on such Summons or Summonses shall have taxed and allowed in their Bill of Costs for the Service thereof, as follows, viz. Two Shillings and Six Pence for the Service, One Shilling for the Affidavit, and one Penny per Mile Travel, the Travel to be computed from the Court House to the*

Fees allowed on such Process.

Place of the Defendant's Residence, and the Plaintiffs shall be allowed for Service of a Justices Summons, Six Pence, if the Distance of the Defendant's Residence from the Justices House shall not exceed Six Miles, and if the Distance shall exceed Six Miles than One Shilling and no more.

## C A P. VIII.

An ACT in further Addition to an Act passed in the Second Year of His Majesty's Reign, intituled, *An Act for appointing Firewards and punishing Thefts and Disorders at the Time of Fire.*

Preamble.

WHEREAS the Town of Halifax is often in great Danger of being burned by Reason of the Inhabitants neglecting to sweep and keep clean their Chimnies, for remedy whereof;

Firewards of Halifax to license Chimney Sweepers, and any one following the Calling without Licence to be punished as a Vagabond.

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 Firewards in the said Town to nominate and licence fit and proper Persons to be Sweeper of Chimnies, and no Person or Persons shall presume to follow such Occupation or Employment unless he shall be appointed and licensed for that Purpose by the Firewards on Pain of being sent to the House of Correction and there punished as a Vagabond.

Firewards to make Orders respecting the Sweeping Chimnies.

II. And be it further Enacted, That it shall and may be lawful for the Firewards in said Town to make Orders and Regulations respecting the Sweeping of Chimnies in each Ward, and to direct the same to be done once a Month at farthest, and oftener if they shall think proper. And in Case any Fire or Fires shall happen in any House or Chimney within said Town, so as to alarm or endanger said Town or the Houses and Buildings in the Neighbourhood of such Fire, and the Occupants or Occupant of the House or Building where such Fire or Fires shall happen cannot make it appear that the Chimney or Chimnies of such House or Building has been swept according to the Rules and Directions of the Firewards by some licensed Sweeper, he, she or they shall forfeit and pay a Fine of Forty Shillings to be recovered on the Complaint of any one of the Firewards in said Town before any Justice of the Peace for the County of Halifax, to be levied by Warrant of Distress on the Offenders Goods and Chattels, and for want thereof on his Body, and to be paid into the Hands of such Fireward to be by him applied to the Repair of the Fire Engines or Water Buckets, or such other necessary Uses as the Safety of the Town from Fire may require, and any Fireward refusing or neglecting to give Information or to make Complaint in such Case, shall forfeit

Any Fire happening and the Occupant not being able to make it appear that his Chimney has been swept as is required to forfeit 40s.

feit and pay Five Pounds to the Use of the Poor of said Town, to be recovered before the Justices in Sessions for the County of Halifax, on the Complaint of any Inhabitant of said Town, being a Freeholder or Housekeeper.

And Firewards neglecting to give Information to forfeit £5.

III. *And be it further Enacted,* That it shall and may be lawful for any three of the Firewards on View of any Chimney, Stove, Pipe or Smoke Funnel in said Town which they may deem to be dangerous and insufficiently built, or secured to prevent the Risk of Fire, to order the same to be removed, altered or repaired as they may direct, within Twenty Four Hours or such reasonable Time, whether longer or shorter as they may think proper to allow. And if the Occupant or Occupants of such House or Building in which such Chimney, Stove, Pipe or Funnel shall be 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.

Firewards to order Chimney Stove Pipe or Funnel to be taken down or altered if dangerous

And Persons neglecting to remove them when ordered, a Justice of the Peace may order them to be prostrated as a Nuisance.

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.

Justices to make Rates for the purchasing one or more Fire Engines for the Use of the Town.

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

Not more than 25 Pounds of Powder to be kept in any House or Shop at one Time.

this


Hay or other combustible Materials kept in any House if deemed dangerous to the Town to be removed in 24 Hours, or forfeited.

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.

## C A P. IX.

An A C T 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.

 *HERE AS* 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 Person or Persons to vend or offer in Payment knowingly any other than Tower Half or other Copper Coin as may and do legally pass current in Great Britain or Ireland.

On Pain of Forfeiting the same and double the Value thereof to the Use of the Poor.

English Crowns to pass at 5s. 6d. half Crowns at 2s. 9d. in Proportion for the lesser Divisions of such Coin.

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 in Payment, or circulated as aforesaid, to be recovered on Information before any two of His Majesty's Justices of the Peace, within the Town or County where such Offence shall be committed.

II. *And be it further Enacted,* That in future each and every English Crown shall pass current at Five Shillings and Six Pence, and every such Half Crown at Two Shillings and Nine Pence, and every such Shilling at Thirteen Pence, and so in Proportion for the lesser Divisions of such Coin.

## C A P. X.

An A C T 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.

\*\*\*\*\* *HERE AS* the several Buildings herein after named are  
 \* \* \* \* \* *found to be incommodious, and greatly out of Repair, and the*  
 \* \* \* \* \* *increase of Inhabitants in the Province makes it expedient to*  
 \* \* \* \* \* *build a suitable House for the Accommodation of the General*  
 \* \* \* \* \* *Assembly, His Majesty's Council, and the several Courts of Judica-*  
 \* \* \* \* \* *ture, which usually meet at Halifax;*

Preamble.

I. *Be it Enacted, by the Lieutenant Governor, Council and Assembly,* That it shall and may be lawful for the Commissioners to be appointed, as is herein after directed, or any three of them to sell, and dispose of at Public Auction, to the highest Bidder, the *Orphan House*, so called, with the Lot of Ground thereunto belonging; the *Court House*, so called, with the Lot of Ground thereunto belonging; The House and Lot of Ground thereunto belonging where the *General Assembly* now meet; the Building commonly called the *Slaughter House* with the Lot of Ground thereunto belonging; and the House and Ground now used as the *Common Jail*; and to make, execute and deliver to the Purchaser or Purchasers thereof, or of any Part thereof, good and sufficient Deed and Deeds of the same, which Deed or Deeds so made and given, shall be valid and effectual in Law, to pass and convey in Fee simple the entire Estate and Interest of the before mentioned Lands and Tenements, and every Part or Parcel thereof, to the Purchasers or Purchaser thereof, and their Heirs and Assigns, any Law, Usage, Custom, Deed in Trust or other Conveyance whatsoever to the contrary notwithstanding. *Provided always* that the said Commissioners shall not proceed to the Sale of the before mentioned Premises or any Part thereof until they shall have obtained a Warrant or Warrants for that Purpose, signed by the Governor, Lieutenant Governor or Commander in Chief for the Time being, by and with the Advice of His Majesty's Council, and shall govern themselves in such Sale or Sales by such Instructions and Directions signed by the Governor, Lieutenant Governor, or Commander in Chief, by and with the Advice of Council, as shall, and may be given with or annexed to such Warrant or Warrants.

Commissioners to be appointed by the Governor authorized to sell the Orphan House, Court House, Assembly House, Slaughter House, and Jail.

Provided they first obtain a Warrant for the Purpose from the Governor with the Advice of Council.

II. *And be it further Enacted, by the Authority aforesaid,* that the net Proceeds of such Sale or Sales of the Lands and Tenements aforesaid, shall be wholly and entirely appropriated and applied to, and for the Use and Purpose of building, procuring or preparing a strong and suf-

Proceeds of Sales to be applied to procure a new Jail, and to purchase Materials and build a Province House on the lower Parade.

sufficient Common Jail or Prison, instead of the One so to be sold and disposed of, in such Part of the Town of *Halifax*, as the Governor, Lieutenant Governor or Commander in Chief and Council may think fit, and also of purchasing Materials, and building on the lower Parade a Public Hall or Province House, of Brick or Stone, sufficiently large and commodious to afford therein suitable Apartments for *His Majesty's Council*, the *House of Assembly*, and *Courts of Justice*, which usually sit in *Halifax*, and proper Offices for the *Register of Deeds*, the *Clerk of the Crown*, *Prothonotary*, and *Clerk of the Peace*.

Governor to appoint five Commissioners by Warrant, any three of whom to a Quorum for Business, they to appoint an Overseer who is to give Bond.

III. *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, to nominate and appoint five Commissioners by Warrant under his Hand and Seal, which Commissioners or any three of them, shall be fully authorized, and they are hereby empowered to carry this Act, and the Directions thereof into Execution, and may appoint a proper Person under them as an Overseer, removable by them at Pleasure, who shall be allowed and paid for his Services a Sum not exceeding One Hundred Pounds a Year, and so in Proportion for any greater or less Time he may actually be employed, and who shall give Bond to said Commissioners to execute the Trust reposed in him faithfully, honestly and diligently to the best of his Skill and Judgment.

Proper Plans of the Buildings to be submitted to the Governor and Council for Approbation before any Materials are purchased or Contract made.

IV. *And be it further Enacted, by the Authority aforesaid*, That previous to the Purchase of any Materials for such Building, or beginning the same, or making any Contract relative thereto, the said Commissioners or any three of them, shall procure proper Plans and Sections of the Building proposed to be erected, with particular Estimates of the probable Costs and Expence of Materials and building and compleating the same, all which together with such Contracts as the said Commissioners may think proper to make and shall be offered them, shall from Time to Time be submitted to the Governor, Lieutenant Governor or Commander in Chief for the Time being, and His Majesty's Council for his and their Approbation and Direction, which being obtained shall be sufficient Authority for every Measure and Proceeding of the said Commissioners under this Act.

Sum not exceeding £1000 to be drawn from Treasury towards compleating the Buildings if wanted.

V. *And be it further Enacted, by the Authority aforesaid*, That a Sum not exceeding One Thousand Pounds over and above the Proceeds of the Buildings and Grounds herein directed to be sold, shall and may be drawn for from the public Treasury of this Province, if wanted for the Purpose of compleating the Buildings so to be erected or procured as aforesaid, and the Governor, Lieutenant Governor or Commander in Chief for the Time being, is hereby empowered to draw Warrants on the Treasury at the Requisitions of the said Commissioners or any three of them, at such Times, and in such Proportions as they may judge necessary, which Warrants in Case the same cannot be paid off  
and





## C A P. XII.

An ACT for the Relief of *Robert Appleby*, an insolvent Debtor.

Preamble.

HEREAS *Robert Appleby* an unfortunate and insolvent Debtor is detained in the County Jail at Shelburne, although willing to deliver up all his Estate and Effects towards the Satisfaction of the Debts he owes, because his Debts amount to more than one Hundred Pounds.

*Robert Appleby* to be discharged from Jail on certain Conditions.

I. For Remedy whereof, Be it Enacted, by the Lieutenant Governor, Council and Assembly, That the said *Robert Appleby*, shall be entitled to his Discharge, on the Terms and Conditions mentioned in the Act for the Relief of Insolvent Debtors, and may apply and sue for the same as is therein directed, any Thing in the said Act to the contrary notwithstanding, and the several Courts of Law and Justice, having Cognizance in such Cases, are hereby impowered and directed to take Judicial Notice of this Act, and to govern themselves accordingly.