

Technical and Bibliographic Notes/Notes techniques et bibliographiques

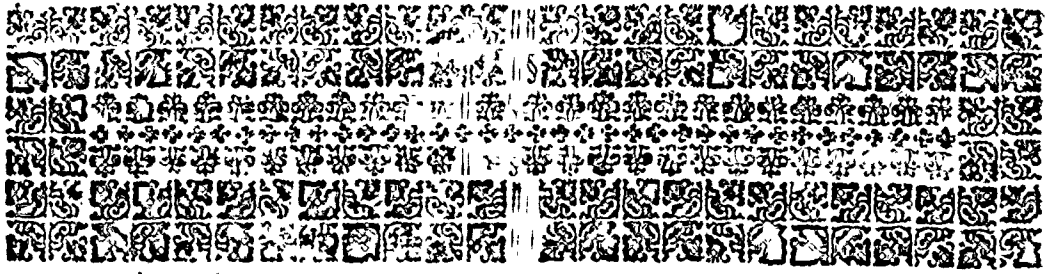
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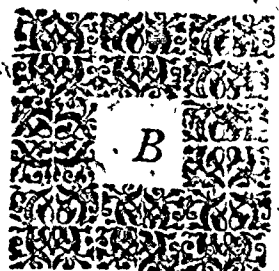
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At the *General-Assembly* of the Province of *Nova-Scotia*, begun and holden at *Halifax*, on Tuesday the 28<sup>th</sup> Day of *May* 1765, in the *Fifth* Year of His Majesty's Reign, and there continued by several Prorogations, to Tuesday the *Third* Day of *June*, 1766, in the *Sixth* Year of His Majesty's Reign.



An Act for prescribing the Forms of Writs and the Manner of issuing the same.



*Be it enacted, by the Commander in Chief, the Council and Assembly, That all Processes and Writs for the bringing any Suit into any of the Courts of Justice within this Province, shall issue out of the Clerk's Office of the same Court where the Cause is to be tried, under the Seal of the said Court in his Majesty's Name, and be directed to the Provost Marshall, or his Deputy, and if such Process*

or Writs be against the Provost-Marshal, then it shall be directed to the Coroner of the County, who is hereby empowered to execute the same. And all Writts as well original as judicial issuing out of the Clerk's Office as aforesaid, shall run through the Province, and be executed by the Officer and Officers to whom they shall be directed. *Provided always, That all local Actions or where the Plaintiff and Defendant shall both reside in one County, in that Case the Action shall commence and be tried in the Inferior Court of that County.*

*And be it further enacted, That all Processes and Writts, as well original as judicial issuing out of the Clerk's Office of the respective Courts, shall bear Teste of the first Justice, and upon any Vacancy by Death or Removal, or other Impediment then of the Justice next named in the Commission for the Time being; and all original Process in the said Courts shall be by Summons or Attachment, or *Capias ad respondendum*, and shall be made returnable *Twelve Days* before the Sitting of the said Court, and shall be executed at least *Fourteen Days* before the Sitting of the said Court, to which the same is returnable, (except such Writts as are served in other Counties, or in any other part of the Province distant from the County wherein the Cause is commenced, which may be returned at any Time during the Sitting of the Court) and that the Forms herein prescribed shall be the Form of the original Summons, Writ of attachment, *Capias ad respondendum*, Writ of Execution, and Writ of *Habere facias Possessionem*.*

## FORM of the SUMMONS.

L. S. ff. GEORGE the Third, by the Grace of  
G O D, of Great-Britain, France, and Ire-  
land KING, Defender of the Faith, &c.

*To the Provost-Marshal or his Deputy, Greeting.*

*WE command you that you summon A. B. of C. in our County of (Occupation) if he may be found in your Precinct, to be and appear before our Justices of our Court next to be held at Halifax, (or other County Town,) on the day*

• Day of *next, then and there to answer the Suit of*  
 C. D. of *in the County of* *to*  
*the Damage of the said C. D. as he says the Sum of*  
*Pounds. Here fail not and have you then there this Writt with*  
*your Doings therein according to Law, upon the* Day  
 of *next. Witness* Esqr; *this* Day of  
*in the* Year of Our Reign, Annoque Domini,  
 Clerk.

FORM of an ATTACHMENT,

¶ GEORGE the Third, by the Grace of  
 L. S. GOD, of Great-Britain, France, and Ire-  
 land KING, Defender of the Faith, &c.

To the Provost-Marshal or his Deputy, Greeting.

WE command you to attach the Goods Chattels or Estate of A:  
 B: of C: within the County of (Occupation)  
 to the Value of Pounds, and for Want thereof to arrest  
 the Body of A: B: if he may be found in your Precinct, and him  
 safe keeps so that he may be had before the 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  
 to the Damage of the said C: D: as he says, the Sum of  
 Pounds, and have you there this Writt with your Doings thereon  
 according to Law, upon the said Day of next.  
 Witness Esqr; this Day of  
 in the Year of our Reign, Annoque Domini.  
 Clerk.

FORM of the WRIT of Capias ad responden-  
 dum, empowering the Sheriff to arrest.

¶ GEORGE the Third, by the Grace of  
 L. S. GOD, of Great Britain, France, and Ire-  
 land KING, Defender of the Faith, and so  
 forth.

To the Provost Marshall or his Deputy, Greeting. WE



## FORM of EXECUTION,

H. GEORGE the Third, by the Grace of  
GOD, of Great Britain, France, and Ire-  
land KING, Defender of the Faith, &c.

To the Provoost Marshal or his Deputy, Greeting,

WHEREAS A: B: of \_\_\_\_\_ within our County of  
(Occupation) by the consideration of our Justices of our  
Court held at \_\_\_\_\_ on the \_\_\_\_\_ Day of \_\_\_\_\_ last,  
recovered Judgement against C: D: of \_\_\_\_\_ for the Sum of  
Pounds, Shillings, and Pence; debt  
or damage, and the Sum of \_\_\_\_\_ Pounds Shillings,  
and \_\_\_\_\_ Pence, Cost of Suit as it appears to us of Record,  
whereof Execution remains to be done. We command you therefore  
that of the Goods, Chattels, Lands, or Tenements of the said  
C: D: within your Precinct, you cause to be paid and satisfied un-  
to the said A: B: at the Value thereof in Money, the aforesaid  
Sums, being \_\_\_\_\_ Pounds, Shillings and  
pence, and thereof also to satisfy you for your own Fees, and for  
Want of Goods, chattels, Lands or Tenements of the said C: D:  
to be by him shewn unto you or found within your Precinct to the  
Acceptance of the said A: B: to satisfy the Sums aforesaid; We  
command you to take the Body of the said C: D: and commit unto  
our Gaol in \_\_\_\_\_ and detain in your Custody within our  
said Gaol, until he pays the full Sums abovementioned with your  
Fees, or that he be discharged by the said A: B: the Creditor or  
otherwise by Order of Law. Hereof fail not and make Return of  
this Writ with your Doings thereon into our said Court of  
\_\_\_\_\_ upon the \_\_\_\_\_ Day of \_\_\_\_\_ next. Witness  
\_\_\_\_\_ Esqr; at \_\_\_\_\_ the \_\_\_\_\_ Day of \_\_\_\_\_  
in the \_\_\_\_\_ Year of our Reign, Annoque Domini.

Clerk.

And be it further enacted, That when Goods or  
Chattels of any Debtor are taken in Execution, the same shall be  
valued and appraised by at least three Appraisers under Oath, and  
shall be sold at Public Vendue, Ten Days Notice being first given,  
of

of such intended Sale ; and all Lands taken in Execution, shall be valued, levied, extended and Sold according to the Laws of this Province.

FORM of the *Writ of Habere facias Possessionem.*

L. S. *H. GEORGE* the Third, by the Grace of  
 GOD, of Great Britain, France, and Ire-  
 land KING, Defender of the Faith, &c.

*To the Sheriff Marshall or his Deputy, Greeting.*

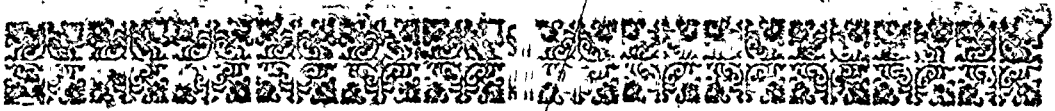
“ *WHEREAS* A: B: of before our Justices  
 “ of our Court of holden for  
 “ or within our County of aforesaid, at  
 “ upon the Day of by the Consideration  
 “ of our said Court, recovered Judgement for his Title and Pos-  
 “ sion of and in a certain Messuage or Tenement with the Ap-  
 “ purtenances, or Acres of Land, &c. lying and being  
 “ in the Town of against E. F: of who had un-  
 “ justly withheld, put out or amoved the said A: B: from his  
 “ Possession thereof, and also at the said Court recovered Judge-  
 “ ment for Pounds Shillings, and  
 “ Pence, for Costs and Damages which he sustained by Reason of  
 “ the same, as to us hath been made to appear of Record. We  
 “ command you therefore, that without Delay you cause the said  
 “ A: B: to have Possession of and in the said Messuage or  
 “ Tenement with the Appurtenances thereof, or said  
 “ Acres of Land &c. We also Command you that of the Goods,  
 “ Chattles, or Lands or Tenements of the said E: F: within your  
 “ Precinct, at the value thereof in Money, you cause the said  
 “ A: B: to be paid and satisfied the aforesaid sum of  
 “ Pounds Shillings and Pence, which to the said  
 “ A: B: was adjudged for his Costs and Damages, with *Two*  
 “ *Shillings* more for this Writ, and thereof also to satisfy yourself for  
 “ your own Fees, and for want of such Goods, Chattels, Lands

“ or Tenements of the said E: F: to be by him shewn unto you  
 “ or found within your Precinct to the acceptance of the said A:  
 “ B: to satisfy the aforesaid Sum. *We Command you to take the  
 Body of the said E: F: and him commit unto our Goal in  
 in our County of . aforesaid and detain in your Custody, with-  
 in our said Goal in . until he pay the full Sum above menti-  
 oned with your Fees, or that he be Discharged by the said A: B:  
 or otherwise by Order of Law, hereof fail not, and make Returns  
 of this Writ with your doings thereon, unto Our said  
 Court of . to be holden at . upon the . Day of  
 next Witness . Esq; at the .  
 Day of . in the . Year of Our Reign, Annoque  
 Domini.*

Clerk.

*And be it further enacted, That it shall be in the  
 Power of any Plaintiff or Defendant to Maintain or Defend his  
 Cause of Suit in his own proper Person, according to the Rules and  
 Practice of the Court, or by his Attorney; and that this Act shall  
 continue and be in Force, for the Space of Two Years from the  
 Publication hereof and until the End of the Session of the General-  
 Assembly then next following.*

*Publis'd According to Law, the 5th July 1766.*



*An Act to prevent the Multiplicity of Law Suits.*

*It is enacted, by the Commander in Chief, the  
 Council and Assembly, That in all Actions sued on Books  
 Accounts, the Defendant in such Cause may file his Ac-  
 count against the Plaintiff with the Clerk of the Court, Provided,  
 the*



the same be done at least *Seven Days* before the Sitting of the *Court*, and the said *Court* is hereby impowered to proceed on Issue joined to inquire into the Merits of both Accounts, before one and the same Jury, and on the Verdict of the Jury to award Costs as they shall find, whether for the Plaintiff or Defendant. And where the Action shall be commenced on any *Bond, Bill, Note or Agreement in Writing*, the Defendant may in like Manner file his Receipt or Discharge for part or the Whole, according as he hath made Payment. *Provided*, such *Receipt or Discharge* be in Writing, signed by the Plaintiff or his Attorney, lawfully impowered to receive the same, and the Court is hereby impowered to proceed to examine in to the Merits of the same, in the same manner as in Book Accounts, between the Plaintiff and Defendant, and Equitably to reduce all such Bonds, Notes, Bills, and Writings Obligatory to the just Debt with Interest, Damages and Cost, according to the Nature of such Writing, Deed or Instrument, and the Jury are hereby impowered to give their Verdict accordingly.

*And be it further enacted*, That this Act shall Continue and be in Force for the Term of *Two Years* from the publication hereof, and until the End of the Session of the *General-Assembly*, then next following.

*Publish'd According to Law, the 5th Day of July 1766.*



*An Act Concerning Bail.*

*Be it enacted, by the Commander in Chief, the Council and Assembly*, That in all Causes wherein a Creditor shall not proceed by Attachment, but by Arrest of the Body of the Debtor, the Debtor or his Attorney may file Common Bail for the appearance

pearance of such Debtor, where the Demand shall be under the Sum of *Ten Pounds*, and where the Sum in Demand shall exceed the said Sum of *Ten Pounds*, That no Person in this Province shall be Imprisoned or held to Bail, unless the Plaintiff in such Action shall make and subscribe an *Affidavit* in Writing, before a Judge of the Court from whence the Writ shall Issue that the Defendant is justly indebted to the Plaintiff in the Sum of *Ten Pounds* or upwards, which *Affidavit* shall be filed in the Office of the Clerk of the Court from whence the Writ shall Issue, and the Sum specified in such *Affidavit* shall be indors'd on the Back of the said Writ, in the Form following.

By Oath for £ \_\_\_\_\_, for which Sum so indors'd, the Provost-Marshal or his Deputy, shall take Bail and for no more.

*And be it further enacted*, That if such Action shall be brought by any Agent, Factor or Attorney, in the Name of his Principal if absent, upon producing an *Affidavit* of the Debt of his Principal duly authenticated according to the Laws of *England* or the Usage and practice of the Plantations in such Cases, or if such Principal be in any part of the Province remote from the Court, upon producing an *Affidavit* taken as aforesaid before a Justice of the Peace, and upon the said *Affidavits* being respectively filed as aforesaid, then the said Judge shall indorse the Sum so Sworn to; and Bail shall be requir'd accordingly.

*And be it further enacted*, That when any Person or Persons shall be arrested by Virtue of any Writ or Original Process, the Provost-Marshal or his Deputy shall be obliged and are hereby respectively required, upon sufficient Bail being offered to let such Defendant or Defendants go at large, upon his or their first executing a Bond with two Sufficient Sureties to the said Provost-Marshal, with a Condition thereunderwritten for the personal appearance only of the Defendant on the first day of the Court, to which such Writ is returnable, and if such Defendant shall not appear accordingly or give in sufficient Bail to abide the final event of the Suit, Judgment shall be entered against the Defendant by Default, and the Provost-Marshal shall then and there in Court, upon the request of the Plaintiff or his Attorney, assign the Bail Bond, by indorsing his Name thereon, for the Benefit of the Plaintiff, to be

in

in Suit or otherwise recover the Penalty thereof, which assignment shall not debar the Plaintiff from proceeding to final Judgment and Execution, the same Court against the Defendant or Defendants in the said Action as in Cases wherein Default is made, but whenever it shall happen that the Defendant or Defendants in the said Action, shall appear according to the Tenor of the Condition of the Bond, and there abide by the Order of the Court, or give Bail to the Satisfaction of the Plaintiff and Approbation of the Court to abide by the final Issue and Determination of the Suit, or if the Defendant from some impediment, shall not appear, but nevertheless two sufficient Persons to be approved of by the Plaintiff and Court, shall offer to become and give Bail in manner aforesaid in such Case the Bail for appearance only shall be Discharg'd, and such Defendant or Defendants shall be intitled to all the priviledges of Law, and in no other Case whatsoever unless Consented to and agreed upon in open Court between the Plaintiff and Defendant or their Attornies in their behalf.

*And be it further enacted,* That this act shall continue and be in Force for the Term of *Two Years* from the publication hereof, and untill the end of the Session of the *General-Assembly* then next following.

*Publisb'd According to Law, the 5th Day of July 1766.*



An Act for the Establishment of Fees, as regulated by  
the Governor and Council, at the Request of the  
*House of Assembly.*

B

*It is enacted, by the Commander in Chief,  
the Council and Assembly, That the establishment  
of the Fees belonging to the several Offices in this  
Province, be as followeth,*

*Justices of Peace out of Court,*

<i>For every Writ or Summons, each Justice,</i>	}	two shillings and six Pence.
<i>Entering an action,</i>		one shilling.
<i>Execution</i>	}	one shilling and four Pence.
<i>Sending up Papers to the Inferior Court,</i>		one shilling.
<i>Subpœna for each Witness,</i>		six pence.
<i>Every Recognizance, each Person</i>		one shilling.
<i>Taking of Affidavits, each Person</i>		one shilling.
<i>Acknowledging an Instrument or Deed,</i>		one shilling.
<i>A Warrant in Trespass and Assault and Battery,</i>		one shilling.
<i>Every Examination in assault and Battery,</i>	}	two shillings & six pence.

*Clerk of the Peace.*

<i>Drawing an Indictment if found</i>	}	two shillings and six pence.
<i>Every Tryal and Judgment</i>		five shillings.
<i>Every Submission.</i>		two shillings and six pence.
<i>Concordatum Fee</i>		one shilling and six pence.
<i>Every Petition and Proceedings thereon,</i>		two shillings and six pence.
<i>Every Cause continued by Traverse or otherwise</i>	}	one shilling.

every

Every Presentment proceeded on, to be paid by the Delinquent,	} three shillings and four pence.
Certificate of administering the State Oaths,	one shilling.
Warrant from the Court,	one shilling,
Every Recognizance each Person	one shilling,
Discharging a Recognizance,	one shilling,
Inferior Court of Common Pleas,	

## Judges Fees.

Entry of every Action if for £ 10 or upwards,	ten shillings,
If above £ 3, and under £ 10,	four shillings,
Taxing Bill of Costs,	two shillings,
Taking a Recognizance,	one shilling,
Every Tryal	three shillings and four pence.
Every Judgment,	three shillings and four pence.
Every Writ issued,	two shillings and six pence.

## Clerks Fees in Causes for Ten Pounds or upwards.

Every Writ Signed and Sealed,	one shilling,
Affidavit for Bail if drawn by him,	one shilling
Entry of every Cause, Declaration, Plea, &c.	} three shillings,
Entering up Judgment and where a Jury assesses Damages,	} three shillings & four pence.
Ditto in defaults,	two shillings,
Every Execution,	one shilling and four pence.
Subpœna for each Person,	six pence.
Advertising day of making up Judgment each Cause,	} three pence,
Continuing a Cause to another Court,	one shilling,
Copies of all papers, every Hundred Words,	} one shilling,
Taking special Bail at Bar each person,	one shilling,
Receiving Returns of Execution, and filing,	six pence.
Searching the Records,	one shilling.
Certifying a Judgment under the Seal of the Court, if short	} two shillings and six pence.
If above 200 Words the same as for copying, with one Shilling for the Seal.	} .

For every Commitment from the Court for Contempt, or otherwise	} one shilling.
For every Warrant to levy fines, to be levied with the fine,	} one shilling,
Minuting a motion,	one shilling,
Drawing and taking Recognizance each Person,	one shilling,
For all Monies tendered in Court per Pound,	six pence
Entering a Bond of Arbitration and Award and Entry of Judgment thereupon, and for Examining Costs,	} two shillings and six Pence.
Every Writ of Habere facias Possessionem,	two shillings,
For Taxing Costs, each Cause,	one shilling,
His Fees in Summary Causes not tried by a Jury, for all Fees,	} four shillings,

### Clerks Fees in the Supreme Court.

For every Writ of Error and Entry thereof,	} six shillings and eight pence.
Judgment thereon and Recerding,	} thirteen shillings & four pence.
A Writ of Execution,	} two shillings and six pence.
Every Subpœna,	one shilling,

To have the same Fees as the Clerk of the Peace in Criminal Causes; and also in all Causes upwards of Ten Pounds on Original Process in the Supreme Court, to have the same Fees as the Clerk of the Inferior Court.

### Attornies Fees.

In all Causes for Ten Pounds, or upwards Filing every Writ of Attachment, or Sum- mons, and Copy,	} five shillings,
Drawing Affidavit and filing,	} one shilling and six pence.
Drawing Declaration, and filing,	} two shilling and six pence.
Special Declarations that are of Necessity long from the nature of the Case, to be Taxed by the discretion of the Court,	attending.

Attending the Court on tryal and arguing the Cause,	five shillings,
On a Default,	two shillings and six pence.
Special Pleas in Abatement, Bar, Demurer,	} two shillings,
Replication, Rejoinder, each,	
Entering an Appearance,	one shilling,
Plea to the Issue,	one shilling,
Warrant of Attorney,	one shilling,
In summary Causes not tried by a Jury, for all Fees,	eight shillings
In Real Actions in Ejectment or Scire facias,	
Filling the Writ or Summons, Declaration and Copy,	} six shilling & eight pence.
Notice to the Tenant in Possession,	
Preparing the Rule &c.	three shillings and four pence.
Entering a Cause on Bonds of Arbitration and Awards,	} two shillings & six pence.
Notice to the Defendant or Defendants each,	
	one shillings.
In the Supream Court,	
Pleading a Cause of Tried,	ten shillings;
if not	five shillings,
Every Writ of Error,	three shillings and four pence.
Arguing a point of Law on a Motion,	three shillings and four pence.

### Provost-Marshal's Fees.

Service of a Writ or Summons,	two shillings and six pence.
Of an Execution and Return thereon,	five shillings,
For Levying, receiving and paying, all Monies	
on Execution to £ 40,	one shilling in the pound.
From £ 40 to £ 100,	six pence in the pound.
And all above,	four pence in the pound.
For every Tryal	two shillings and six pence.
For every Default, Nonsuit or withdrawn Cause,	} one shilling & six pence.
For every Deed,	five shillings,
Drawing and Executing a Bail Bond,	two shillings and six pence.
Travel,	three pence per mile,
To be computed from the Place of Service to the Court where the Writ or Execution shall be returned, no greater travel to be allowed than he can actually make appear,	}
For Inventory of all Goods attached, to be Tax'd by the Court,	

For every Member return'd for the *House of Assembly*, in lieu of all Expences, to be paid by the Treasurer of the Province, } twenty *shillings*,

Cryers Fees,

Calling a Jury, one *shilling*,  
A Verdict, one *shilling*,  
A Default or Nonsuit, eight *pence*.

Constables Fees,

Attending the Jury each Cause one *shilling*,  
Serving a Warrant (except in Criminal Cases,) one *shilling*.  
Summoning a Jury on an Inquest by Warrant from the Coroner and Attendance per Day, } two *Shillings*.  
Travel three Pence per Mile as to the Provost-Marshal.

Petit Jurors Fees in Civil Causes.

Foreman each Cause, one *shilling*,  
Each other Juror, ten *pence*,

Plaintiffs Fees,

For his Attendance at Court, for so many Days as he necessarily attended to be judged of by the Court per Day, } two *shillings*,

Witnesses.

Attendance, one *shilling* and six *pence*.  
If more than one Day to be paid at the Discretion of the Court.  
Travelling Charges, three *pence* per mile,  
To be computed from the Place of his Residence, to the Court or Place of Tryal,

Coroner's Fees,

For serving a Writ, Summons, or Execution and travelling Charges, the same as by this Table is allowed to the Provost Marshall.

Taking an Inquest to be paid out of the Deceased's Estate. } Twenty five *Shillings*.

And if no Estate to be paid by the Treasurer of the Province, The



The Foreman of the Jury                      two *shillings and six pence.*

Every other Juror,                              two *shillings.*

To be paid them by the Coroner when received, and in the same Manner as the Coroner.

And if any Person on whose Body a Coroner's Inquest shall sit, have not any Goods or Effects to discharge the Expences of burying, that then the Coroner shall bury them, and charge *Ten Shillings* for the same to be paid by the Treasurer of the Province.

*And be it further enacted,* That what Officer or Person soever shall ask, demand, and take any greater or other Fees than are before-mentioned for the Matters aforesaid, or any of them, shall be prosecuted as in Cases of Extortion, and being thereof duly convicted in any Court of Record within this Province, shall forfeit and pay the Sum of *Ten Pounds* current Money of this Province, one *Moiety* whereof to be unto our Sovereign Lord the King, his Heirs and Successors, for and towards the Support of the Government of this Province, and the other *Moiety* unto the Informer or him that shall sue for the same in any Court of Record; and shall further pay unto the Party grieved, double the Value of the excessive Fees so taken.

*And it is also further enacted,* That this Act shall continue and remain in full Force for and during the Term of *Two-Years*, from and after the Publication thereof, and until the End of the Session of the *General-Assembly* then next following.

*Publish'd according to Law, the 5th July 1766.*





Cap. 1.

*An Act* For the making perpetual, an Act made and pass'd in the 4th Year of His Majesty's Reign, Intitled, *an Act for preventing Nuisances, by Hedges, Wears, and other Incumbrances, obstructing the Passage of Fish in the Rivers of this Province.*

**E** it enacted by the Commander in Chief the Council and Assembly, That an Act, intitled, *an Act for preventing Nuisances, by Hedges, Wears, and other Incumbrances, obstructing the Passage of Fish, in the Rivers of this Province,* shall be, and the same is hereby made perpetual, any Proviso or Limitation in the said Act notwithstanding.

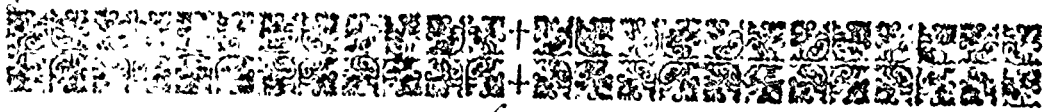
*Publisch'd according to Law, the 5th July 1766.*



*An Act* for continuing an Act made and pass'd in the 4th Year of His Majesty's Reign, intitled *an Act for laying a Duty upon Billiard Tables and Shuffle Boards.*

**E** it enacted by the Commander in Chief, Council and Assembly, That an Act, intitled, *an Act for laying a Duty upon Billiard Tables and Shuffle Boards,* shall be, and the same is hereby continued for *three Years,* from and after the Publication of this Act, and from thence to the End of the then next Session of the *General-Assembly.*

*Publisch'd according to Law, the 5th July 1766.*



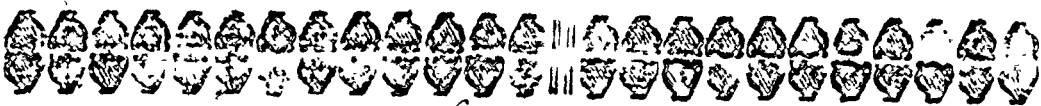
Cap. 2.

An Act in amendment of an Act made and passed in the 33d Year of his late Majesty's Reign, Intituled, an Act for Establishing a Public Market, at the Market-House in Halifax, and for regulating the same.

Whereas in the Act, intituled, an Act for establishing a publick Market at the Market-House in Halifax, and for Regulating the same, no provision is made in Case of Persons arriving in Halifax from the Country (after the hours of Market are over) with small Quantities of Provisions of a perishable Nature,

It is therefore enacted, by the Commander in Chief, Council and Assembly, That from and after the Publication hereof, it shall and may be lawtul, for all and every Person, bringing to Halifax from the Country, small Quantities of dead Butchers Meat, Poultry, and Piggss alive or dead, Roots, Greens and other Vegetables, immediately to sell and dispose thereof by Hand, except in Market Hours, to any Person or Persons not being of the Profession of a Butcher or Huckster, any Law, usuage or Custom to the contrary notwithstanding.

Publis'd According to Law, the 5th Day of July 1766.



Cap. 3.

An Act for the more effectual Recovery of his Majesty's Dues in the Islands of Cape Breton, St. John's and Islands adjacent.

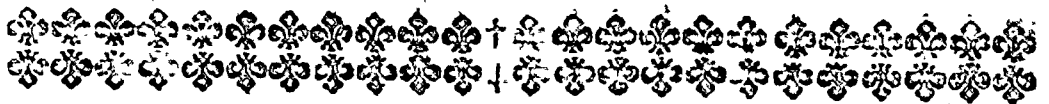
Whereas His Majesty by his Royal Proclamation, given at St. James's the Seventh Day of October 1763, in the Third Year of His Reign, has thought fit to annex the Islands of St. John's and Cape-Breton, or Isle Royal, with the lesser Islands adjacent thereto, to  
the

of the Government of Nova-Scotia; and whereas some Doubts have arisen, whether the Laws of this Province antecedent to the said Proclamation are in Force there, and as sundry Persons have since refus'd to pay his Majesty's Dues: In order therefore to Remedy the same,

It is hereby declared and enacted, by the Commander in Chief, the Council and Assembly, that by Virtue of His Majesty's Royal Proclamation the said Islands of *St. John's, Cape Breton or Isle Royal*, with the lesser Islands adjacent, were, and shall accordingly be adjudged to have been and be under the Government, Authority, and Jurisdiction of this His Majesty's Province, and that the Inhabitants thereof, were and are subject to all the Laws of the same.

And be it further enacted, That the Collectors of Import and Excise Duties, or any other Officer appointed to receive his Majesty's Dues there, shall be and are empowered to Prosecute, Sue for, and Recover, in any of His Majesty's Courts of Record, within this Province, any Duties, Customs, Excise, Rents, or Arrears of Duties, Customs, Excise or Rents, or any Debts or other Demands whatsoever due to the Crown, from Persons residing in said Territories, and such Courts in which such Causes are commenced, are hereby authorized to hear and Determine the same, and to Award Execution accordingly.

Published according to Law. the 5th July 1766.



Cap. 4.

An Act For Extending an Act made and passed in the 32<sup>d</sup> Year of His late Majesty's Reign, Intituled, *an Act for preventing Persons leaving the Province without a Pass.*

Whereas some Doubts have arisen, whether an Act made and pass'd in the 32<sup>d</sup> Year of His late Majesty's Reign, intituled, *an Act, for preventing persons leaving the Province without a Pass*, doth extend throughout this Province. Be it enacted and Resolved, by the Commander in Chief, the Council and Assembly,

ably, That the said Act and every Clause and Article therein contained, be construed to extend and shall extend to the whole Province, and that all Passes shall be given out either by the Secretary of the Province, or by such Persons as he has or shall depute for that purpose.

*Published According to Law, the 5th Day of July 1766.*



*Cap. 5.*

An Act in further addition to and amendment of an Act made and pass'd in the 33<sup>d</sup> Year of His late Majesty's Reign, Intituled, *an Act Relating to the Assize of Bread, and for ascertaining the Standard of Weights and Measures.*

*Whereas in the Act Relating to the Assize of Bread, and for ascertaining the Standard of Weights and Measures, the Duty of the Clerks of the Market, is not sufficiently provided for, or set forth, nor any penalty affixed to their Neglect of Duty; and whereas also great Frauds are daily practis'd by Bakers and Sellers of Bread: For Remedy whereof,*

**E** it enacted, by the Commander in Chief, Council, and Assembly. That the Clerks of the Market in the several Towns or Townships in this Province, where Bread is made and sold, shall visit the Bake-Houses, and the Houses of all and every Person or Persons selling Bread, at least one Day in every week during their Continuance in Office as such, and if they neglect to perform their Duty therein, they shall upon due Conviction at the General Sessions of the Peace, forfeit the Sum of *Forty Shillings* each, to be recovered on Complaint before the said Sessions; which Fine shall be one half to the Poor of the Town or Township to which such Clerk shall belong, and the other half to him or them who shall complain and prosecute for the same.

*And be it further enacted, That every Baker or Seller of Bread, shall make his Bread, commonly called white Bread,*

of the Flour of Wheat only, and if he shall make use of, or mix with the said Bread, the Flour or Meal of any other kind of Grain, or any other ingredient whatever, or shall make use of, or mix, in the said Bread, any decay'd or Damag'd Flour, and be duly Convicted thereof, he shall pay a Fine, not exceeding *Ten Pounds*, and be further Corporally punished as in Cases of Fraud, at the Discretion of the Court before which he shall be convicted.

*Provided always*, That nothing in this Act shall extend to hinder any Baker or other Person from making brown Bread, mixed with *Rye* or *Indian Meal* that is not damaged, and sell the same as such.

*And it is hereby also enacted*, That a Report shall be made once in every Month by the said Clerks of the Market, of their whole proceedings, in virtue of this or the aforesaid Act, to some one of his Majesty's Justices of the Peace within their District, who shall certify at the *General Sessions of the Peace* for the County, whether such Reports have been regularly made, and the said Sessions shall proceed to Fine all such Clerks who have neglected to make Report as aforesaid, in any Sum not exceeding *Forty Shillings* each, for the use of the Poor of the Town or Township to which the said Clerks shall belong.

*And be it further enacted*, That the *General Sessions of the Peace*, shall Quarterly make an *Affize of Bread*, and cause the same to be affixed up at the *Market place Weekly*, and also give a Copy of the same to the several Clerks of the Market.

*Publisd According to Law, the 5th Day of July 1766.*



*Cap. 6.*

### *An Act against Forestallers and Regrators:*

**E** it enacted by the Commander in Chief, Council and Assembly, That from and after the Publication hereof, whatsoever Person or Persons shall buy or cause to be bought

bought, any Victuals of any kind whatsoever, coming by Land or Water, towards any Market or Fair already established, or that may hereafter be established in this Province, to be sold in the same, (except at the distance of *Ten Miles* at least from the place where such Market or Fair is to be held or kept,) or shall make any Bargain, Contract, or Promise, for the having or buying the same or any part thereof, or shall make any motion by Word, Letter, Message, or otherwise, to any Person or Persons, for the enhancing the price or dearer Selling any kind of Victuals or Provisions for the use of Man, coming by Land or Water, towards any Market or Fair as aforesaid, shall be deem'd and adjudged a Forefaller.

*And be it further enacted,* That whatsoever Person or Persons shall by any means, regrate, obtain or get into his or their hands or possession, in any Fair or Market, any, Corn, Hay, Fish, Sheep; Lambs, Calves, Beef, Swine, Piggs, Geese, Capons, Hens, Chickens, Pidgeons, Hares, or other dead Victuals whatsoever, that shall be brought to any Fair or Market whatsoever within this Province, to be sold, and do sell the same again, in any Fair or Market, holden or kept in the same Place, within *One Month* after purchasing or receiving the same, shall be accepted, reputed, and taken for a *Regrator or Regrators*.

*And be it also further enacted,* That any Person or Persons who shall be guilty of *Forestalling or Regrating*, contrary to the intent and meaning of this Act, and shall be duly convicted in any of His Majesty's Courts of *General Sessions of the Peace* for the County where the Offence is Committed, shall be Fined at the discretion of said Court, in any Sum not exceeding *Ten Pounds*, and for non payment of his or their Fine, to Suffer Imprisonment at the discretion of the Court, not exceeding *Two Months* for each and every offence; and that one Moiety of the said Fine and Forfeiture, to be for the use of the Poor of the Town where the Offence has been committed, and the other Moiety to him or them who shall Sue for the same.

*Publish'd according to Law, the 5th July 1766.*



Cap. 7.  
An Act Concerning Schools and Schoolmasters.

BE it enacted, by the Commander in Chief, the Council and Assembly, That no Person hereafter, shall set up or keep a Grammar School within this Province, till he shall have first been examined by the Minister of such Town wherein he proposes to keep such Grammar School, as to the Qualifications for the Instruction of Children in such Schools, and where no Minister shall be settled, such Examination shall be made by two Justices of the Peace for the County, together with a Certificate from at least five of the Inhabitants of such Town, of the morals and good Conduct of such schoolmaster which shall be transmitted to the Governor, Lieutenant Governor or Commander in Chief for the Time being, for obtaining a Licence as by His Majesty's Royal Instruction is directed, and that no Person shall set up or keep a School, for the Instruction of Youth, in Reading, Writing, or Arithmetic, within the Township of Halifax, without such examination, Certificate and Licence, or in any other manner then is before directed, and every such Schoolmaster who shall set up or keep a School contrary to this Act, shall for each offence, Forfeit the Sum of Three Pounds. upon Conviction, before two Justices of the Peace of the County where such Person shall so Offend, to be levied, by Warrant of Distress, and applied for the use of the School of the Town where such Offence shall be committed.

Provided that no Person shall presume to enter upon the said Office of Schoolmaster, untill he shall have taken the Oaths appointed to be taken instead of the Oaths of Allegiance and Supremacy and Subscribed the Declaration openly in some one of his Majesty's Courts, or as shall be directed by the Governor, Lieutenant Governor, or Commander in Chief for the Time being, and if any Popish Recusant Papist or Person professing the Popish Religion, shall be so presumptuous as to set up any School within this Province and be detected therein, such Offender shall for every such Offence, suffer Three Months Imprisonment, without Bail or Mainprize, and shall pay a Fine to the King of Ten Pounds, and if any one shall

refuse



*refuse to take the said Oaths and Subscribe the Declaration, he shall be deem'd and taken to be a Popish Recusant for the purposes so before mentioned,*

And Whereas His Majesty has been pleased to order that *Four Hundred Acres* of Land in each Township, shall be granted to and for the use and Support of *Schools*, Be it enacted, that the said Quantity of Lands shall be vested in Trustees for the said purpose, and such Trustees shall be, and are hereby enabled to sue and defend for, and on behalf of such *Schools*, and to improve all such Lands as shall be most for the Advantage and Benefit thereof.

*Publish'd According to Law, the 5th Day of July 1766.*



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