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THE  
TEMPORARY ACTS  
OF THE  
GENERAL ASSEMBLIES  
OF  
HIS MAJESTY'S PROVINCE OF  
*NOVA SCOTIA.*



HALIFAX, in Nova Scotia:  
Printed and Sold by ROBERT FLETCHER.

M.DCC.LXVII.

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R.C.

CONFIDENTIAL



At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the Second Day of *October*, Anno Domini 1758, and in the Thirty Second Year of the Reign of Our Sovereign Lord GEORGE the Second, of *Great Britain, France, and Ireland*, KING, Defender of the Faith, &c. being the First GENERAL ASSEMBLY convened in the said Province.

C A P. I.

An ACT for confirming the Proceedings on the several Resolutions or Acts of the Governors and Council of this Province, relating to the Duties of Impost on Rum and other distilled Liquors, and enabling the late Collector or Receiver to recover the Monies unpaid for any Bonds or Notes remaining in his Hands; and for establishing and regulating several Duties of Impost on Wines, Beer, Rum, and other distilled Spirituous Liquors, for the future.

*The several Laws, laying Duties of Impost, are altered and reduced into one Act, by 7. Geo. 3. c. 4.*

C A P. II.

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

*Re-enacted by 1. Geo. 3. c. 4.*

C A P. III.

## C A P. III.

*Exp.*

An A C T for confirming the past Proceedings of the Courts of Judicature, and for regulating the further Proceedings of the same.

## C A P. IV.

*Exp.*

An A C T for the reviving and putting in full Force several of the Resolutions or Acts of His Majesty's Governors and Council of this Province heretofore made.

## C A P. V.

*Repealed by 4. Geo. 3. c. 4. & by 6. Geo. 3. c. 3. 2. Sess.*

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

## C A P. VI.

*Exp. and re-enacted by 1. Geo. 3. c. 1. in the Perpetual Laws.*

An A C T for the better Observation and Keeping of the LORD'S DAY.

## C A P. VII.

*The several Laws laying Duties of Excise, are altered and reduc'd into one Act, by 7. Geo. 3. c. 3.*

An A C T for the granting to His Majesty, an Excise upon Wine, Rum, and other distilled Spirituous Liquors sold by Retail.

## C A P. VIII.

*Exp.*

An A C T for granting and establishing an Allowance to the Collectors of the Impost and Excise Duties.

## C A P. IX.

An ACT in Addition to, and Amendment of a Resolution of the Governor and Council of this Province, of the *Fourteenth of April, One Thousand Seven Hundred and Fifty Five*, intituled *An Act to prevent the cutting and splitting of Hides*; *revived this present Sessions of the GENERAL ASSEMBLY.*

*Exp. and re-traced by 1. Geo. 3. c. 12. in the Perpetual Laws.*

## C A P. X.

An Act in Addition to, and Explanation of an Act passed this Session, intituled *An Act for confirming the past Proceedings of the Courts of Judicature, and for regulating the further Proceedings of the same.*

*Exp.*

At

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the Second Day of *October*, *Anno Domini* 1758, and in the Thirty Second Year of the Reign of Our Sovereign Lord GEORGE the Second, of *Great-Britain, France, and Ireland*, KING, Defender of the Faith, &c. and there continued by Prorogation until the First Day of *August*. *Anno Domini* 1759, and in the Thirty Third Year of His said Majesty's Reign; being the Second Session of the First *General Assembly* convened in the said Province.

## C A P. I.

*The several Laws laying Duties of Impost, are altered and reduced into one Act, by 7. Geo. 3. c. 4.*

An Act for allowing a Drawback of Part of the Impost Duties on Wines, Beer, Rum, and other distilled Spirituous Liquors, on their being exported out of this Province.

## C A P. II.

*The several Laws, laying Duties of Impost are altered and reduced into one Act, by 7. Geo. 3. c. 4.*

*Resolution* of His Excellency the Governor in *General Assembly*, in Explanation of the Impost Act.

At

At the GENERAL ASSEMBLY of the Province of *Nova-Scotia*, begun and holden at *Halifax*, on the Fourth Day of *December*, Anno Domini 1759, and in the Thirty Third Year of the Reign of Our Sovereign Lord GEORGE the Second, of *Great Britain, France, and Ireland*, KING, Defender of the Faith, &c. being the First Session of the Second GENERAL ASSEMBLY convened in the said Province.

C A P. I.

An Act in Addition to, and Amendment of an Act, intituled *An Act for confirming the Proceedings on the several Resolutions of the Governors and Council of this Province, relating to the Duties of Impost on Rum, and other distilled Liquors, and enabling the late Collector or Receiver to recover the Monies unpaid, for any Bonds or Notes remaining in his Hands, and for establishing and regulating several Duties of Impost on Wines, Beer, Rum, and other distilled Spirituous Liquors for the future; and for the further Continuance of the same.*

*The several Laws, laying Duties of Impost, are altered and reduced into one Act, by 7. Geo. 3. c. 4.*

C A P. II.

An Act to prevent the Distilling Grain in this Province.

\*\*\* HERE AS it has been found by Experience, that the  
 \* W \* drawing, distilling, and making Brandies and Spirits from  
 \* \* \* Malt, Corn or Grain, in many Parts of His Majesty's Dom-  
 \* \* \* inions, has been often the Occasion of great Scarcity of Corn,  
 and enhancing the Price thereof; which has proved a great Grievance  
 to His Majesty's Subjects: In order to prevent the Introduction of such  
 evil Practises into this Province, Be it therefore enacted by His Excel-  
 lency the Governor, Council, and Assembly, and by the Authority of the  
 B same

Preamble!

No Person, after 1st  
February, 1760. to  
draw, distill, &c. any  
Brandies, &c. from  
Malt, Corn, &c.

*same it is hereby enacted*, That from and after the *First Day of February*, which shall be in the Year of our Lord *One Thousand Seven Hundred and Sixty*, no Person or Persons whatsoever shall, directly or indirectly, draw, distill, or make, or cause or procure to be drawn, distilled or made, within this Province, any Brandies, Spirits, or Low Wines whatsoever, from Malt, Corn, or Grain, or from any Wash or Liquors produced from any Malt, Corn, or Grain whatsoever.

On Penalty of for-  
feiting £50. and  
all the Spirits distil-  
led; with the Stills,  
&c.

II. *And be it further enacted by the Authority aforesaid*, That if any Person or Persons within this Province, after the Time beforementioned, shall presume to draw, distill, or make any Brandies, Spirits, or Low Wines, from Malt, Corn, or Grain, or from the Wash or Liquors produced therefrom, they shall forfeit and pay the Sum of Fifty Pounds, and all the Spirits so distilled, and also the Stills, Backs, Casks, and other Utensils employed in distilling the same shall be forfeited: One Moiety of which Fines and Forfeitures shall be applied to the Use of the Poor of the Town where the Offence shall be committed, the other to him or them who shall discover, inform, or sue for the same; and the said Penalties and Forfeitures shall be recovered by Bill, Complaint, or Information, in any of His Majesty's Courts of Record in this Province.

One half to the  
Poor, the other Half  
to the Informer.

This to be deemed  
a Public Act, and

III. *And be it further Enacted*, That this Act shall be deemed and taken as a Public Act; and all Officers, as well His Majesty's Justices of the Peace, Grand Jurors, Constables, and all other His Majesty's liege Subjects in this Province, are hereby authorized to see that this Act be duly observed, and to present and inform of all Breaches of the same.

to continue for  
Ten Years.

IV. *And be it further Enacted*, That this Act shall be and continue in force for Ten Years, and from thence to the End of the then next Session of the *General Assembly* of this Province.

### C A P. III.

*The several Laws,  
laying Duties of Ex-  
cise, are altered and  
reduced into one Act,  
by 7. Geo. 3. c. 3.*

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

## C A P. IV.

An A C T in Addition to, and Amendment of, and for further prolonging, an Act made and passed in the 32<sup>d</sup> Year of His Majesty's Reign, intituled *An Act for granting to His Majesty an Excise upon Wine, Rum, and other distilled Spirituous Liquors, sold by Retail*; as also of an Act, intituled *An Act for the better discovering and more effectually suppressing unlicensed Houses.*

*The several Laws, laying Duties of Excise, are altered and reduced into one Act, by 7. Geo. 3. c. 3.*

## C A P. V.

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

*The several Laws, laying Duties of Excise, are altered and reduced into one Act, by 7. Geo. 3. c. 3.*

## C A P. VI.

An A C T for further prolonging a Resolution of the Governor and Council, revived and put in force by the *General Assembly*, in the 32<sup>d</sup> Year of His Majesty's Reign.

*Exp. and re-enacted by 3. Geo. 3. c. 4. 2. Sess.*

## C A P. VII.

An A C T for extending the Bounty on Stone Walls built, and Hay raised within the Peninsula of *Hali-fax*.

*Repealed by 4. Geo. 3. c. 4. & by 6. Geo. 3. c. 3. 2. Sess.*

## C A P. VIII.

An A C T for the Summary Trial of Actions.

*Re-enacted by 5. Geo. 3. c. 1.*

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the Fourth Day of *December*, *Anno Domini* 1759, and in the Thirty Third Year of the Reign of Our Sovereign Lord GEORGE the Second, of *Great Britain, France, and Ireland*, KING, Defender of the Faith, &c. and there continued by several Prorogations until the Eighth Day of *September*, *Anno Domini* 1760, in the Thirty Fourth Year of His said Majesty's Reign; being the Second Session of the Second *General Assembly* convened in the said Province.

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C A P. I.

*Exp.*

An A C T for further continuing an Act, intituled *An Act for the reviving and putting in full force, several of the Resolutions or Acts of His Majesty's Governors and Council of this Province heretofore made.*

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C A P. II.

*Exp. and re-enacted by 1. Geo. 3. c. 1. the Perpetual Laws.*

An A C T in Amendment of an Act, intituled *An Act for the better Observation and Keeping of the LORD'S DAY.*

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## C A P. III.

An A C T for further prolonging an Act, made and passed in the Thirty Second Year of His Majesty's Reign, intituled *An Act for granting to His Majesty an Excise upon Wine, Rum, and other distilled Spirituous Liquors, sold by Retail*; as also of an Act, intituled, *An Act for the better discovering and more effectually suppressing unlicensed Houses.*

*The several Laws, laying Duties of Excise, are altered and reduced into one Act, by 7. Geo. 3. c. 3.*

## C A P. IV.

An A C T for continuing an Act, intituled *An Act for confirming the past Proceedings of the Courts of Judicature, and for regulating the further Proceedings of the same*; and also An Act in Addition to, and Explanation of an Act, intituled *An Act for confirming the past Proceedings of the Courts of Judicature, and for regulating the further Proceedings of the same.*

*Exp.*

## C A P. V.

An Act for granting and establishing an Allowance to the Collector or Collectors of the Impost and Excise Duties.

*Exp.*

## C A P. VI.

An Act for further extending of Bounties and Premiums.

*Repealed by 4. Geo. 3. c. 4. & by 6. Geo. 3. c. 3. 2. Sect.*

## C A P. VII.

An Act for further prolonging the several Acts hereinafter mentioned, relating to the Duties of Impost and Excise, heretofore granted by the General Assembly of this Province, on Wines, Beer, Rum, and other distilled Spirituous Liquors.

*The several Laws, laying Duties of Impost and Excise, are altered by 7. Geo. 3. c. 3. & 4.*

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the First Day of *July*, Anno Domini 1761, and in the First Year of the Reign of Our Sovereign Lord GEORGE the Third, of *Great Britain, France, and Ireland*, KING, Defender of the Faith, &c. being the First Session of the Third General Assembly convened in the said Province.

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C A P. I.

Exp. An Act in Amendment of, and Addition to, and for further prolonging an Act, intituled *An Act for granting and establishing an Allowance to the Collector or Collectors of the Impost and Excise Duties.*

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C A P. II.

*The several Laws, laying Duties of Impost, are altered and reduced into one Act, by 7. Geo. 3. c. 4.*

An ACT for altering and amending several Acts of this Province, relating to the Duties on Wines, Beer, Rum, or other distilled Spirituous Liquors, and for granting a Bounty and allowing a Drawback on the same.

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C A P. III.

*The several Laws, laying Duties of Excise, are altered and reduced into one Act, by 7. Geo. 3. c. 3.*

An Act for altering and amending an Act, intituled *An Act for laying a Duty of Excise of Three Pence per Gallon on all Rum, and other Spirituous Liquors distilled within this Province, and for granting a Bounty on the Exportation thereof.*

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C A P. IV.

## C A P. IV.

An A C T for suppressing unlicensed Houses, and for granting to His Majesty a Duty on Persons hereafter to be licensed.

Re-enacted by 3.  
Geo. 3. c. 3. 2. Sess.

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the First Day of *July*, Anno Domini 1761, and in the First Year of the Reign of Our Sovereign Lord GEORGE the Third, of *Great Britain, France, and Ireland*, KING, Defender of the Faith, &c. and there continued by several Prorogations until the Seventeenth Day of *March*, Anno Domini 1762, in the Second Year of His said Majesty's Reign; being the Second Session of the Third GENERAL ASSEMBLY convened in the said Province.

## C A P. I.

An A C T in Addition to, and Amendment of, and for further prolonging, an Act made and passed in the 1st Year of His Majesty's Reign, intituled *An Act for suppressing unlicensed Houses, and for granting to His Majesty a Duty on Persons hereafter to be licensed.*

Re-enacted by  
3. Geo. 3. c. 3.  
2. Sess.

## C A P. II.

An Act to prohibit for a limited Time, the Exportation of Warlike Stores.

Exp.

## C A P. III.

Re-enacted by  
5. Geo. 3. c. 1.

An Act for continuing an Act made and passed in the Thirty Third Year of His late Majesty's Reign, intituled *An Act for the summary Trials of Actions.*

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the First Day of *July*, Anno Domini 1761, and in the First Year of the Reign of Our Sovereign Lord GEORGE the Third of *Great Britain, France, and Ireland*, KING, Defender of the Faith, &c. and there continued by several Prorogations until the Twenty Fifth Day of *April*, Anno Domini 1763, in the Third Year of His said Majesty's Reign; being the Third Session of the Third GENERAL ASSEMBLY convened in the said Province.

## C A P. I.

Re-enacted by  
3. Geo. 3. c. 3.  
2. Sess.

An ACT in further Addition to, and Amendment of an Act, intituled *An Act for suppressing unlicensed Houses, and for granting to His Majesty a Duty on Persons hereafter to be licensed.*

## C A P. II.

The several Laws  
laying Duties of Im-  
post, are altered and  
reduced into one Act,  
by 7. Geo. 3. c. 4.

An ACT for altering and amending several Acts of this Province, relating to the Duties of Impost upon Wines, Beer, Rum, and other distilled Spirituous Liquors.

## C A P. III.

## C A P. III

An A C T for altering and amending several Acts of this Province, relating to the Duties of Excise on Wines, Rum, and other distilled Spirituous Liquors sold within this Province.

*The several Laws, laying Duties of Excise, are altered and reduced into one Act, by 7. Geo. 3. c. 3*

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the First Day of *July*, Anno Domini 1761, and in the First Year of the Reign of Our Sovereign Lord GEORGE the Third of *Great Britain, France, and Ireland*, KING, Defender of the Faith, &c. and there continued by several Prorogations until the Nineteenth Day of *October*, Anno Domini 1763, in the Third Year of His said Majesty's Reign; being the Fourth Session of the Third GENERAL ASSEMBLY convened in the said Province.

## C A P. I.

An A C T in Addition to an Act, intituled *An Act for altering and amending several Acts of this Province, relating to the Duties of Excise on Wines, Rum and other distilled Spirituous Liquors sold within this Province.*

*The several Laws laying Duties of Excise, are altered and reduced into one Act, by 7. Geo. 3. c. 3.*

## C A P. II.

## An ACT for laying a Duty on Billiard Tables and Shuffle Boards.

Preamble.

 *N order to prevent the Increase of Billiard Tables, and Shuffle Boards within this Province, We do hereby grant unto His Most Excellent Majesty, His Heirs, and Successors, the Duty herein after mentioned, to be applied towards defraying the Expences of opening, and repairing the Roads within this Province; Be it therefore Enacted, by the Lieutenant Governor, Council, and Assembly, that after Ten Days from the Publication of this Act, no Person or Persons shall presume to set up, or keep any Billiard Table or Shuffle Board within this Province, unless a License for that Purpose be first obtained from the Governor, Lieutenant Governor, or Commander in Chief for the Time being; which License shall be renewed from Year to Year.*

No Person to keep a Billiard Table or Shuffle Board, without License.

c

Persons licensed, to pay £10 per Ann.

II. *And be it further Enacted, That every Person licensed as aforesaid, to keep a Billiard Table or Shuffle Board, shall pay into the Hands of the Clerk of the Licences, the Sum of Ten Pounds per Annum, to be collected and paid in quarterly, three Months in Advance; and if they shall refuse or neglect to pay the same as aforesaid, within Fourteen Days after the said quarterly Payment shall become due, upon Complaint thereof by the Clerk of the Licenses, to any Two of His Majesty's Justices of the Peace, the same shall be levied by Warrant of Distress and Sale of the Delinquents Goods and Chattels.*

Persons keeping Billiard Tables, &c. without License, forfeit £20.

III. *And be it also further Enacted, That if any Person shall presume to set up or keep any Billiard Table or Shuffle Board as aforesaid, without having first obtained a License for that Purpose, such Person shall forfeit and pay the Sum of Twenty Pounds; to be recovered by Bill, Plaint, or Information, upon the Oath of One credible Witness, in any of His Majesty's Courts of Record within this Province; One Moiety to be for the use of His Majesty, to be applied for the Purposes aforesaid, and the other Moiety to the Informer, or Prosecutor thereof.*

Act to continue two Years.

IV. *And be it Enacted, That this Act, shall continue and remain in full force, for and during the Space of Two Years, from and after the Publication hereof, and until the End of the First Session of the General Assembly then next following.*

*This Act is further continued for three Years, by 6. Geo. 3. c. 5.*

## C A P. III.

An A C T for suppressing unlicensed Houses, and for granting to His Majesty a Duty on Persons hereafter to be licensed.



*E it enacted by the Lieutenant Governor, Council, and Assembly,* That from and after the Publication hereof, if any Person or Persons whatsoever, within this Province, either by themselves, or their Wives, or any of their Children or known or reputed Servants, or Substitutes under them, directly or indirectly, in any House, Shop, Warehouse, or other Place whatsoever, belonging to the Father or Mother of such Child or Children, or to the known or reputed Master or Mistress of such Servant or Substitute, shall sell, barter or exchange, or deliver upon Credit, any Rum, Brandy, Wine, Ale, Cyder, Perry, or other strong Liquors, mixt or unmixt, by whatsoever Name or Names, they are or may be called or distinguished, without License first had and obtained for that Purpose, in Manner and Form as herein after directed; whether such Wife, Child, Children, Servant, or Substitute, so sold, bartered or exchanged, or delivered the same, or not, by the Commandment of such Father, Mother, Master, or Mistress; or shall hawk, sell, or expose to sale, barter or exchange, or deliver upon Credit, any such Liquors, mixt or unmixt, by whatever Name or Names they are or may be called or distinguished, about the Streets, Wharves, Highways, Lanes, or Suburbs of the Town of *Halifax*, or any Town or Place whatsoever within this Province, in any Manner whatsoever, or upon the Water, in any Ship, Boat, or Vessel, or in any other Manner whatsoever; or shall deliver upon Credit, or sell, or barter, or exchange, or expose the same to sale on any Bulk or Bulks, Stall or Stalls, or in any Shed or Sheds, or on or in any other Place or Places, the Father or Mother of such Child or Children, the reputed Master, or Mistress of such Servants or Substitutes, shall forfeit for every Offence the Sum of Ten Pounds Currency of this Province; and it shall and may be lawful for any one Justice of the Peace within this Province, on his own View, or on Confession of the Party, or by Proof on the Oath of one credible Witness, to convict any Person or Persons so offending; and the Person or Persons so convicted, shall immediately on such and every other like Conviction, pay the Sum of Ten Pounds, into the Hands of such Justice; and on such Offender or Offenders refusing or neglecting to pay the said Sum, together with the Charges of Prosecution, it shall and may be lawful for such Justice to issue a Warrant under his Hand and Seal, for the levying the same by Distress and Sale of the Offender's Goods and Chattels; and if no sufficient Distress can be found, then the said Justice shall by Warrant under his Hand and

Persons selling &c. any Rum, &c. by themselves or their Wives &c. in any House &c. without License.

Shall forfeit £10.

Seal

or suffer three  
Months Imprison-  
ment.

Seal, commit the Offender or Offenders to his Majesty's Gaol, within the County where the Offence shall be committed, there to remain in close Confinement for the Space of three Months; or until he or she shall have fully paid and satisfied the said Fine and Charges as aforesaid.

Licensed Persons  
to hang out Signs

II. *And be it further Enacted*, That any Person having License to sell any Spirituous Liquors, Wine, Ale, Beer, Cyder, or Perry, shall within ten Days after obtaining such License, hang out a Sign or Inscription with their Names thereon, setting forth that Spirituous Liquors are there to be sold by License, on pain of forfeiting Five Pounds for each and every such Neglect.

on penalty of £5.

Unlicensed Per-  
sons, hanging out  
Signs, &c. liable  
to the same Penal-  
ties as Persons sel-  
ling without Li-  
cense.

III. *And be it also further Enacted*, That if any Person or Persons, not having obtained License therefor, shall presume to hang out, or suffer to remain, any Sign or any Inscription whatsoever, importing that Rum, or other distilled Spirituous Liquors, Wine, Ale, Beer, Cyder, or Perry, are there sold, otherwise than by Wholesale; upon Proof thereof in Manner and Form herein described, such Person shall be subject and liable to the like Penalties and Forfeitures, as Persons convicted of selling Spirituous Liquors without License.

Any Person sel-  
ling Rum &c. by  
virtue of one Li-  
cense, in more than  
one House, shall be  
liable to the same  
Penalties as Persons  
selling without Li-  
cense.

IV. *And be it Enacted*, That if any Person or Persons, either by themselves, or their Wives, or any of their Children, or known or reputed Servants or Substitutes under them, directly or indirectly, shall presume to sell any Rum, Brandy, Wine, Ale, Cyder, Perry, or other strong Liquors, mixt or unmixt, by whatsoever Name or Names they are or may be called or distinguished, by virtue of, or under Pretence of License obtained, as in this Act is directed, in any other Place than at the House or Place where such Person or Persons themselves shall, *Bona fide*, actually and constantly reside and dwell; upon Conviction thereof, such Person or Persons shall be subject and liable to the like Pains and Penalties, as Persons convicted of selling Spirituous Liquors without License, and the same shall and may be prosecuted for, paid, levied, and disposed of, in like manner as is directed by this Act.

Licenses may be  
granted *Gratis*, to  
Persons on Public  
Roads.

V. *Provided always*, That it shall be in the Power of the Governor, Lieutenant Governor, or Commander in Chief for the Time being, to grant Licenses *Gratis*, as an Encouragement to any Person or Persons keeping Houses of Entertainment on the Public Roads, for the Accommodation of Travellers.

Not to extend to  
Persons selling in  
any Quantity more  
than five Gallons.

VI. *Provided*, That nothing in this Act contained shall extend, or be construed to extend to prevent or debar any Merchant, Shopkeeper, or other Person not licensed to retail Rum or other distilled Spirituous Liquors, Wine, Ale, Beer, Cyder, or Perry, from selling any Quantity of such Liquors, not less than Five Gallons delivered at one and the same Time.

VII. *And*

VII. *And be it Enacted*, That from and after the Publication of this Act, the Clerk of the Licenses shall be, and is hereby empowered and required to make diligent Enquiry after, and prosecute any Person or Persons, who shall presume to retail any Kind of Spirituous Liquors, contrary to the Intent and Meaning of this Act, or that shall offend in any of the Particulars therein contained.

Clerk of the Licenses to prosecute Offenders.

VIII. *And Whereas the opening a Communication through the Province by making Highways, Roads and Bridges, and keeping the same in Repair, are highly necessary; We do therefore grant unto His Most Excellent Majesty, His Heirs, and Successors, the Duties hereafter specified, for the Purposes herein mentioned: Be it therefore Enacted*, That from and after the First Day of January, which will be in the Year of Our Lord, One Thousand Seven Hundred and Sixty Four, there shall be paid by every Person, who shall have License to retail Wine, Beer, Ale, Cyder or Perry, Rum, or other distilled Spirituous Liquors, within the Peninsula of *Halifax*, the old Districts of *Annapolis Royal*, and *Fort Cumberland*, to the Clerk of the Licenses, over and above his customary Fees for making out Licenses and taking Bonds, the Sum of Eight Pounds *per Annum*, to be paid quarterly, Three Months in Advance; and that there shall be paid by every Person, who shall obtain License in every other Town and Place within the Province, Five Pounds *per Annum*, to be paid quarterly and in Advance as aforesaid.

Licensed Persons at *Halifax*, *Annapolis*, and *Cumberland*, to pay Eight Pounds *per Ann.* in other Places, Five Pounds *per Ann.*

IX. *And for the better securing the Payment of the Duties imposed by this Act, be it Enacted*, That no Person shall be intitled to receive a License as aforesaid, without first giving Bond with one sufficient Surety to the Acceptance of the Clerk of the Licenses, in the Sum of Twenty Pounds, that he, she, or they, shall well and truly comply with, and yield Obedience to the Laws of this Province already made, or to be hereafter made, in Relation to Persons licensed to sell Liquors; and shall keep and maintain good Order in the said Tavern or House of public Entertainment; and shall not suffer the using any unlawful Games therein; and shall duly pay into the Hands of the Clerk of the Licenses, his, her, or their quarterly Payment, within Ten Days after such Payment shall become due as aforesaid.

Licensed Persons to give Bond in £20, to observe the Laws. &c.

X. *And be it further Enacted*, That all the Monies arising from the Conviction of any Person or Persons for the Breach of any Part of this Act, shall after deducting the Charges of Prosecution, be paid by the Justice before whom the same shall be recovered, two third Parts to the Person or Persons who shall inform and sue for the same, and the remaining one Third Part to the Clerk of the Licenses, and to be by him accounted for at the Treasury, with the Duties he receives in virtue of this Act.

Application of Fines.

Witnesses refusing  
to attend &c.

Shall forfeit £5.

XI. *And be it Enacted*, That when an Information shall be made against any Person or Persons offending against this Act, and any Person or Persons shall be summoned to give Evidence relative thereto, and that such Person or Persons so summoned, shall neglect or refuse to give his or her Attendance at the Time and Place mentioned in the Summons, not having any just or reasonable cause therefor, to be allowed of by the Justice, before whom such Information shall be made, or wilfully withdraw himself, or herself before sworn, or shall wilfully refuse to be sworn, or shall refuse to give his or her Evidence; in every such Case the Party so offending shall forfeit and pay the Sum of Five Pounds, to be levied by Warrant of Distress and Sale, from the said Justice, on the Offenders Goods and Chattels, and to be applied to the Use of the Poor of the Town, where such Offence shall be committed, and to be paid by such Justice to the Overseers of the Poor of the said Town; and for Want of such Distress, such Person or Persons shall be committed to Gaol, there to remain for the Space of One Month, or until the said Sum of Five Pounds shall be paid.

Witnesses to be  
paid their Charges.

XII. *Provided neverttheless*, That no Person shall be obliged to give Evidence, on any Information, before such Person be paid or secured their reasonable Charges for Attendance, to be allowed of and ordered by such Justice.

Monies arising  
from the Duties, to  
be applied to the  
making and repair-  
ing public Roads.

XIII. *And be it further Enacted*, That the Money arising from the Duties to be paid by every Retailer of Wine, Beer, Rum or other distilled Spirituous Liquors, on their obtaining a License for that Purpose, and also the Fines incurred by this Act, shall be forthwith paid by the Clerk of the Licenses, after deducting Five *per Cent.* for his Trouble, into the Hands of the Treasurer of the Province; which Money is hereby appropriated to and for the making, opening and repairing the publick Roads through the Province; and that such making, opening and repairing, shall be under the Direction of the Governor, Lieutenant Governor, or Commander in Chief of this Province.

Licenses to be in  
force for One Year  
only.

XIV. *And be it also further Enacted*, That all Licenses granted by Virtue of this Act, shall not continue, or be in force for a longer Time than One Year after their Dates respectively; and any Person or Persons who shall continue to sell for a longer Time, without taking out a new License, such Person or Persons shall be deemed as selling without License, and shall forfeit and pay the Sum of Ten Pounds for each Offence, to be sued for and recovered as herein before directed, and to be appropriated as aforesaid.

Licenses granted  
before this Act, to  
be in force till the  
1st December next.

XV. *And be it Enacted*, That all Licenses granted before the Publication of this Act, shall continue and be in force until the Thirty First Day of December next, and no longer; and the Person or Persons who shall neglect to pay due obedience to this Act, and continue to sell without taking out new Licenses and give  
Bond

Bond, as herein before directed, shall forfeit and pay the Sum of Ten Pounds for each and every Offence, to be recovered and appropriated as herein before directed.

XVI. *And be it further Enacted*, That when any Person or Persons licensed, shall neglect or refuse to pay to the Clerk of the Licenses the Money due by him or them, in virtue of this or any former Act, the same may be recovered upon Complaint of the said Clerk, by Bill, Plaint, or Information in any of His Majesty's Courts of Record in this Province, if above the Sum of Three Pounds, or before any Two of His Majesty's Justices of the Peace, if the Sum be under Three Pounds.

In what manner  
the Duties shall be  
recovered.

XVII. *And be it Enacted*, That this Act shall continue and be in force for Two Years, from and after the First Day of January, One Thousand Seven Hundred and Sixty Four, and until the End of the Session of the *General Assembly* then next following.

Continuance of  
the Act.

*This Act is further continued by 4. Geo. 3. c. 6. 2. Sess. in the Perpetual Laws.*

## C A P. IV.

An A C T for reviving an Act, made and passed in the Thirty Third Year of His late Majesty's Reign, intituled *An Act for further prolonging a Resolution of the Governor and Council, revived and put in Force by the General Assembly in the Thirty Second Year of His Majesty's Reign.*

\*\*\*\*\* *HERE IS the Resolution or Act of the Governor and Council,*  
 \*W\* *intituled An Act, That foreign Debts should not be plea-*  
 \*d\* *dable in this Province, unless for Goods imported into*  
 \*\*\*\*\* *this Province, made the Second Day of February, One*  
*Thousand Seven Hundred and Forty Nine; and amended and con-*  
*tinued by a Resolution or Act, made the Fourteenth Day of January,*  
*One Thousand Seven Hundred and Fifty One, was confirmed, and con-*  
*tinued for two Years, from and after the Second of October, One*  
*Thousand Seven Hundred and Fifty Eight, and until the End of the*  
*Session of the General Assembly then next following, by an Act made*  
*and passed in the Thirty Second Year of His late Majesty's Reign, inti-*  
*tled An Act for reviving and putting in full force, several Resolutions*  
*or Acts of His Majesty's Governors and Council of this Province*  
*heretofore made; and further prolonged for One Year, from and after*  
*the Second of October, One Thousand Seven Hundred and Sixty, and*  
*until the End of the Session of the General Assembly then next following,*  
*by an Act made and passed in the Thirty third Year of his late Majesty's*  
*Reign, intituled An Act for further prolonging a Resolution of the*  
*Governor and Council, revived and put in force by the General*  
*Assembly, in the Thirty second Year of His Majesty's Reign.*

Preamble.

*Which*

Which Acts did expire with the said next Session of the General Assembly, ending the Twenty eighth Day of August, One Thousand Seven Hundred and Sixty two. And Whereas it appears that the said Acts have been beneficial to the Colony, as Numbers of unfortunate honest Persons, who under the Encouragement of the Protection afforded them by the said Acts, did repair to the Province, have become useful Members of the Community, and by their Industry have been enabled to discharge their former Obligations to their Creditors, some of them fully, and others in Part, with a Prospect of completing the same by the Continuation of the said Protection: And Whereas in the said Acts especial Care is taken that no fraudulent Persons can receive Benefit therefrom, or the Province become thereby an Asylum for dishonest People; Be it therefore Enacted by the Lieutenant Governor, Council and Assembly, That the before recited Resolutions of the Governor and Council, and Acts of the General Assembly confirming and prolonging the same, shall be and are hereby revived, and shall be in full force, from the Day of the Publication hereof, in favour only of these Persons, their Goods, Chattels, and Estates, who have come into this Province, and have been under the Protection and Sanction of the aforesaid Laws, before the said Twenty Eighth Day of August, One Thousand Seven Hundred and Sixty Two, and shall continue for and during the Term and Space of Three Years, and from thence to the End of the Session of the General Assembly then next following.

Act to continue for Three Years, respecting Persons in the Province before the 28th Aug. 1762.

*This Act is further continued by 6. Geo. 3. c. 4. 2. Sess.*

## C A P. V.

An ACT for granting to His Majesty a Duty of Impost on Loaf Sugar, Bricks and Lumber.

*Exp. but re-enacted, as to Loaf Sugar, by 6. Geo. 3. c. 6. 2. Sess.*

## C A P. VI.

An ACT in Addition to an Act, made and passed in the Thirty Third Year of His late Majesty's Reign, intituled *An Act for the Summary Trial of Actions.*

*Re-enacted by 5. Geo. 3. c. 1.*

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the First Day of *July*, Anno Domini 1761, and in the First Year of the Reign of Our Sovereign Lord GEORGE the Third, of *Great Britain, France, and Ireland*, KING, Defender of the Faith, &c. and there continued by several Prorogations until the Twenty Second Day of *March*, Anno Domini 1764, in the Fourth Year of His said Majesty's Reign; being the Fifth Session of the Third *General Assembly* convened in the said Province.

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C A P. I.

An ACT in further Addition to an Act made and passed in the Third Year of His Majesty's Reign, intitled *An Act for altering and amending several Acts of this Province, relating to the Duties of Excise on Wines, Rum, and other distilled Spirituous Liquors, sold within this Province.*

*The several Laws, laying Duties of Excise, are altered and reduced into one Act, by 7. Geo. 3. c. 3.*

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C A P. II.

An Act for the ascertaining the Times and Places for the holding the *General Sessions of the Peace*, and *Inferior Courts of Common Pleas*, for the several Counties in this Province. *Exp.*

## C A P. III.

An ACT in Addition to an Act, made and passed in the Third Year of His Majesty's Reign, intituled *An Act for altering and amending several Acts of this Province, relating to the Duties of Impost upon Wines, Beer, Rum, and other distilled Spirituous Liquors.*

*The several Laws, saying Duties of Impost, are altered and reduced into one Act, by 7. Geo. 3. c. 4.*

## C A P. IV.

An Act for discontinuing Part of the Bounties and Premiums, granted by former Laws of this Province.

Preamble.


**HEREAS** the Sums demanded for Bounties and Premiums, *W* have greatly exceeded the Funds appropriated for their Payment; *And Whereas* for the Support of the public Credit, the Legislature of this Province have been obliged to borrow several Sums of Money at a high Interest, to pay off the said Bounties and Premiums, and other contingent Expences of Government: *And Whereas* the public Debt will be greatly augmented, by the Demands that will be made for the growing Bounties and Premiums, not yet expired: In order therefore the better to enable the Government to pay off and satisfy the public Creditors, and the sooner to relieve the Province from the present Load of Debt, *Be it Enacted*, That from and after the Publication hereof, all Bounties and Premiums whatsoever, which have heretofore been granted by any Law of this Province, shall absolutely cease and determine, except only the Bounty for building Stone Walls on the Peninsula of *Halifax*; any Thing to the contrary in any wise notwithstanding.

All Bounties and Premiums to cease, except for Stone Walls on the Peninsula of *Halifax*.

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the Twenty Eighth Day of *May*, Anno Domini 1765, and in the Fifth Year of the Reign of Our Sovereign Lord GEORGE the Third, of *Great Britain, France, and Ireland*, KING, Defender of the Faith, &c. being the First Session of the Fourth *General Assembly* convened in the said Province.

C A P. I.

An ACT for the Summary Trials of Actions.

 *HEREAS* the Trial of Causes in a Summary Way has been found useful, and a means of determining many Suits with little Costs; Be it Enacted by the Governor, Council and Assembly, That the *Supream Court* and the *Inferior Courts of Common Pleas* within this Province, be and are hereby empowered in all Causes of Action brought before them, the Sum Total whereof shall not exceed Ten Pounds, to proceed in a Summary Way by Witnesses to examine the Merits of such Causes, wherein no dilatory Plea shall be allowed, and to determine therein according to Law or Equity, and make up Judgment accordingly; subject to a Writ of Error to be brought from the said *Inferior Courts of Common Pleas* to the *Supream Court*, when the Judgment shall exceed Five Pounds.

Preamble.

The *Supream Court*, & *Inferior Courts* to proceed in a Summary way in Causes not exceeding £10.

Subject to a Writ of Error.

II. *Provided always*, That when on the Examination of the Witnesses (which shall be taken in Writing) the Matters of Fact from the Evidence may be doubtful, in such Case they may order a Jury to try the same, any former Law of this Province to the contrary notwithstanding.

When the Fact may be doubtful, a Jury may be sworn to try the same.

III. *And be it further Enacted*, That any one of the Justices of the *Supream Court* or *Courts of Common Pleas* within this Province, is hereby empowered in all Causes of Action brought before him, where the Debt does not exceed Ten Pounds, to take the voluntary Confession of the Debtor for the Sum demanded by the Creditor, as agreed between the Debtor and Creditor, and upon such Confession so made

Any one Justice of the Court may take the Confession of the Debtor, and grant Execution thereon.

made by the Debtor, and the Specialty, Contract, or Account on which the said Debt arose, being filed with said Justice, and a Record made of the same, that then said Justice by whom such Record is made, is hereby empowered to grant Execution thereon according to such Agreement, upon the Oath of the Creditor, that the Debt is *bona fide* due to him, in the same Manner as if the said Action had been tried in either of the said Courts; and that the whole Costs on such Confession and Record of the same, and Execution, shall not exceed Five Shillings exclusive of the Provost Marshal's Fees; and the Proceeding so had before the said Justice (where the Debt is Three Pounds and upwards) shall be filed by him with the Clerk of the Court to which such Justice belongs, that the same may be recorded therein, and the Clerk's Fees for so doing shall not exceed One Shilling; and where the Debt is under Three Pounds, the Record thereof shall remain with the Justice before whom the Debt was confessed

Causés not exceeding 20<sup>s</sup> to be sued before one Justice of the Peace, above 20<sup>s</sup> and under £3. to be sued before two Justices.

IV. *And be it further Enacted*, That all Causes where the Sum shall not exceed Twenty Shillings, shall be sued for and recovered before one Justice of the Peace; and that all Causes where the Sum shall not exceed Three Pounds, shall be sued for and recovered before Two Justices; subject to an Appeal as heretofore hath been practised; and they are hereby empowered to award Execution, returnable to him or them within Ten Days after the Date thereof, and if not satisfied he or they may issue out *Alias* or *Pluries* returnable respectively within the Term of Ten Days each, and all Writs of Summons issuing from such Justice or Justices, shall be made returnable at least Seven Days after their Dates respectively.

V. *And be it further Enacted*, That the form of the Writs to be issued by the Justices of the Peace, for the Recovery of small Debts, shall be by Summons only, in the following Form,

County of

*To the Provost Marshal or his Deputy Greeting.*

Form of Justice's Writ.

**I**N his Majesty's Name you are hereby commanded to Summon  
 A. B. of if he may be found in your Precinct, to be  
 and appear before His Majesty's Justice of the Peace  
 for said County, at the Dwelling House of on  
 Day being the Day of at of the Clock in  
 the Noon, then and there to answer to C. D. of  
 in a Plea of to the Damage the said C. D. as says,  
 the Sum of which will then and there make appear, and  
 do you make due return of this Summons, with your Doings there-  
 on to on or before said Day. Witness Hand and Seal  
 this Day of in the Year of His Majesty's Reign,  
 Annoque Domini, 17

A Copy of which shall be left with the Defendant at his last Place of Abode, at least Seven Days before the Trial.

A Copy to be left with the Defendant.

VI. *And be it Enacted*, That all Writs of Execution issued by the said Justices shall run against the Goods and Chattels of the Defendant, and for want thereof to take the Body of the said Defendant.

Execution to be against Goods and Chattels.

VII. *And be it Enacted*, That this Act shall continue, and be in Force for the Space of Two Years from the Publication thereof, and from thence to the End of the next Session of the *General Assembly*.

Act to continue two Years.

*This Act is further continued for Ten Years, by 7. Geo. 3. c. 2.*

C A P. II.

An ACT for granting to His Majesty an Excise on Wines, Tea, Coffee, and Playing Cards, sold within this Province.

HEREAS the several Duties of Impost and Excise already granted to His Majesty, are found insufficient to discharge the several Sums of Money borrowed in virtue of the several Acts, made and passed by the General Assembly of this Province, We do therefore grant unto his Most Excellent Majesty, his Heirs, and Successors, for the Uses aforesaid, the several Duties of Excise hereafter mentioned; Be it therefore Enacted, by the Governor, Council and Assembly, That from and after the Publication hereof, there shall be paid the several Rates and Duties of Excise on all Wines, Tea, Coffee and Playing Cards, sold within this Province, as follows, viz.

Preamble:

Duties of Excise laid

For every Gallon of Wine in lieu of the former Duty of Impost, Six Pence per Gallon.

on Wines;

For every Pound of Tea, - - - One Shilling.

Tea,

For every Pound of Coffee, - - - Two Pence.

Coffee,

For every Pack of Playing Cards, - - - One Shilling.

Playing Cards.

II. *And be it Enacted*, That all Merchants or other Persons whatsoever, having in their Possession any Wines for Sale, shall within Thirty Days after the Publication of this Act, deliver to the Collector or Receiver, or Collectors or Receivers of the Excise Duties for the Time being, an Account in Writing and upon Oath, of all such Wines remaining in their Possession; and that all Merchants and other Persons whatsoever, buying or receiving into their Possession any Wines for Sale, shall within Twenty Four Hours after such Purchase or Receipt, deliver to the Collector or Receiver,

Merchants, &c. having in their Possession any Wines for Sale, to deliver an Account thereof to the Collector within 30 Days, also to deliver an Account, within 24 Hours, of all they shall purchase,

on Penalty of £50.

ver, or Collectors or Receivers aforesaid, an Account upon Oath of all such Wines by them so bought or received, specifying the Kinds of Casks with the Marks and Numbers thereof, in which the same is contained, under the Penalty and Forfeiture of Fifty Pounds for each and every Offence.

Penalty of £50. for selling, &c. any Wines, in any other Manner than herein directed,

Merchants, &c. to settle their Stock Accounts at the End of every Quarter.

III. *And be it Enacted*, That no Merchant or other Person whatsoever, shall presume to sell, barter, exchange, or deliver any Wine, other than to such Persons or for such Quantities, as shall be expressed in a Permit to be granted by the Collector or Receiver, or Collectors or Receivers aforesaid, or either of them, in the Manner hereinafter mentioned, under the Penalty and Forfeiture of Fifty Pounds for each and every Offence; and the said Merchant or other Person shall render a just Account upon Oath of the Disposal of all such Wines, now in their Possession, or that shall hereafter be received by any of them, whenever thereunto required; and shall at the End of each Quarter, ballance and settle their Stock Accounts with the said Collector or Receiver, or Collectors or Receivers aforesaid, at their Office.

Gaugers Certificates, and the Permits, to be Vouchers for the settling Stock Accounts.

Merchants, &c. to pay the Duty for what is deficient on such Settlement,

on Penalty of £10.

IV. *And be it further Enacted*, That the public sworn Gaugers shall have Power to gauge the Whole of the Stock of Wines, in the Cellars or Storehouses of all Persons entering such Stock, previous to the ballancing and settling the said Stock Accounts at the End of each Quarter; and the Certificate of the said Gaugers of the Quantity in Store unfold, with the Permits that have been filed as herein directed, shall serve as Vouchers for the Settlement of all such Stock Accounts; and all Merchants or other Persons entering Stock as aforesaid, shall account with and pay to the Collector or Receiver, or Collectors or Receivers aforesaid, or either of them, the Duty of Excise imposed by this Act for whatever Quantity of Wine shall be found deficient at the Time of making such Settlement; and that under the Penalty of Ten Pounds for each and every Offence.

Permits to be granted gratis to Retailers, &c.

V. *And be it further Enacted*, That the Collector or Receiver, or Collectors or Receivers aforesaid, or either of them, shall grant Permits gratis, to all Retailers and others for the several Quantities of such Wines, as they shall from Time to Time purchase from the Merchant or other Person whatsoever, and shall deliver a Duplicate of such Permit, one to remain in the Hands of the Buyer, and the other to be delivered to the Seller, at the Time of Delivery of such Wines.

Collector to receive from the Purchaser, the Duty for what is expressed in the Permit.

VI. *And be it also further Enacted*, That the Collector or Receiver, or Collectors or Receivers aforesaid, is and are hereby empowered and directed, to take and receive from the Purchaser or Purchasers of such Wines, the Duty of Excise at and after the Rate aforementioned, for the Number of Gallons to be expressed in

in the said Permit and Duplicate, before the Delivery of the same: *Provided*, the Amount of the said Duty does not exceed Five Pounds, but if the same shall exceed Five Pounds, the Collector or Receiver, or Collectors or Receivers, is and are hereby authorized, on sufficient Security being given, to give Credit for Payment thereof within the Term of Three Months.

VII. *And be it further Enacted*, That all Wines which shall be found in the Custody of any Merchant or Retailer without such Permit as aforesaid, and which shall not have paid or secured to be paid the Duty of Excise imposed by this Act (except the Stock in the Custody of the Merchant or other Person, and which shall have been reported by the Account herein before directed to be given or delivered to the Collector or Receiver, or Collectors or Receivers aforesaid) shall be seized and forfeited, and the Person or Persons in whose Custody the same shall be found, shall forfeit and pay the Sum of Ten Pounds for every such offence.

VIII. *And be it also further Enacted*, That the Merchant or such other Person whatsoever, shall preserve upon File the Duplicates of all such Permits for the inspection of the Collector or Receiver, or Collectors or Receivers aforesaid, or either of them, whenever thereto required, under the Penalty and Forfeiture of Ten Pounds for each and every Offence; and the Quantity contained in said Permits shall, as far as they go, be sufficient to discharge him or them of so much Stock, as he or they shall have so bought or received as aforesaid.

IX. *And be it further Enacted*, That the said Collector or Receiver, or Collectors or Receivers, shall make an Allowance of *Five per Cent.* for Wastage and Leakage, and if through Accident any Part of the Stock of Wines, in the Hands of any Merchant or other Person, shall by Leakage, Decay or otherwise be lost, the said Collector or Receiver, or Collectors or Receivers, shall on due Proof of the same on Oath, within One Month after such Leakage, Decay or Loss, credit the Stock of such Merchant or other Person for the Quantity so lost, or rendered useless.

X. *And be it also Enacted*, That in Case of re-shipping and Exportation out of the Province, of any Part of such Wines, Tea, Coffee or Cards, the Collector or Receiver, or Collectors or Receivers aforesaid, shall credit the Stock on Hand of the Merchant or other Person, for what shall *bona fide* have been so exported, upon the said Merchant or other Persons producing a Certificate, within Eighteen Months after the Time of the Exportation (the Danger of the Seas and Enemies excepted) from the principal Officer of His Majesty's Customs, or Commanding Officer for the Time being, of the Port to which the same shall be carried, of its being there duly landed; and in Case such Wines, Tea, Coffee or Cards, shall have duly paid or secured to be paid the Duty prescribed by

if not above £5.  
If above £5. Credit  
to be given for the  
Payment thereof in  
3 Months, upon  
sufficient Security.

All Wines found in  
the Custody of any  
Merchant, &c.  
without Permit  
(except Stock re-  
ported) to be for-  
feited, and

such Merchant, &c.  
shall forfeit £10.

Duplicates of the  
Permits to be kept  
upon File by Mer-  
chants, &c. on Pe-  
nalty of £10.

5 per Cent to be al-  
lowed for Wastage  
and Leakage.

Duty to be repaid  
on Exportation.

by this Act, such Merchant or other Person shall produce a Certificate from the Collector or Receiver, or Collectors or Receivers aforesaid, or either of them, that the Duty thereon has been duly paid or secured to be paid before such Exportation, upon which the same shall be repaid, or the Bond given therefor discharged.

Exporter to take  
the following

XI. *And for the preventing Frauds herein, the following Oath shall be taken by every such Exporter of any Wines, Tea, Coffee, or Cards, which Oath the Collector or Receiver, or Collectors or Receivers, or either of them, are hereby authorized to administer.*

Oath.

“*YOU A. B. do swear that the Quantity of Wine, Tea, Coffee, or Cards, by you shipped for Exportation on board the Master, bound for was really and bona fide purchased of (or) imported in the and that the same is not intended to be fraudulently reloaded into any Port or Place in this Province.*”

Wines fraudulently  
reloaded, to be for-  
feited & the Vessel.

XII. *And be it Enacted, That if any Wines shall be fraudulently reloaded into any Port or Place of this Province, after shipped for Exportation, the same shall be forfeited, together with the Vessel out of which the said Wines, Tea, Coffee or Cards, shall have been so fraudulently reloaded.*

Persons selling  
Wines, &c. to en-  
ter their Names &  
Places of Abode  
with the Collector,

within 7 Days, and  
render an Account  
upon Oath, of what  
they have sold,

XIII. *And be it further Enacted, That from and after the Publication hereof, all Persons who shall sell any Wines, Tea, Coffee or Playing Cards, directly or indirectly, by themselves, or any other Person or Persons acting under them, or by their Order, shall and are hereby required to enter their Names and Places of Abode, with the Collector or Receiver, or Collectors or Receivers of the Duties of Excise for the Time being, or either of them, within Seven Days after such Publication, and shall keep an Account of all Tea, Coffee, and Cards sold by him or them, or any Person or Persons acting under him or them, or by his or their Order, from the Publication hereof; which Account they shall render in upon Oath, which Oath the said Collector or Receiver, or the Collectors or Receivers aforesaid, and each of them are hereby authorized to administer in the following Words:*

“*YOU A. B. do swear that the Account now delivered in by you, contains a just and true Account of all the Tea, Coffee, and Playing Cards that have been sold by you, or any Person or Persons under you, or acting for you, or by your Orders, between the Day of and the Day of to the best of your Knowledge and Remembrance.*”

So Help you G O D.

and pay the Duty  
Quarterly.

And shall at the End of every Three Months pay to the Collector or Receiver, or Collectors or Receivers aforesaid, the Duties of

of Excise imposed by this Act, on all Tea, Coffee, and Playing Cards, so sold by him or them, or by any other Person or Persons acting under them, or by their Order as aforesaid, within such Time respectively.

XIV. *Provided nevertbeless*, That it shall and may be lawful for any Person or Persons to sell or dispose of by Wholesale, any Tea in Chests or otherwise, not less in Quantity than Fifty Pounds Weight, or any Coffee in Quantity not less than Fifty Pounds Weight; and also to sell and dispose of by Wholesale, any Playing Cards to any Person or Persons, in any Quantity not less than one Gross or Twelve Dozen Packs, without being liable to pay the aforesaid Duties of Excise; but shall within Forty Eight Hours after the Sale and Delivery thereof, render an Account to the Collector or Receiver, or Collectors or Receivers aforesaid, of the Person to whom the same shall be sold or disposed of, under the Penalty of Ten Pounds for every Neglect thereof, to be sued for and recovered, as is hereinafter prescribed.

Tea, Coffee, and Cards, sold in Gross, not liable to the Duty.

XV. *And be it also further Enacted*, That if any Person or Persons shall, from and after the Publication of this Act, presume directly or indirectly by themselves, or any Person acting under them, or by their Order, to sell any Tea, Coffee or Playing Cards, by any less Quantity than is herein before prescribed, without first making Entry of their Names and Places of Abode, as by this Act is directed, he, she, or they shall, for every such Offence, on due Conviction thereof, by the Oath of one credible Witness before any one of His Majesty's Justices of the Peace, forfeit and pay the Sum of Ten Pounds, one Half to be paid to the Informer, and the other Half to be to His Majesty for the Uses mentioned in this Act; which Fine shall be levied by Warrant of Distress and Sale of the Offenders Goods and Chattels, from under the Hand and Seal of the Justice before whom such Conviction shall be made.

Penalty of £10. for selling without Entry.

XVI. *Provided always and it is the true Intent and Meaning of this Act*, That if any Person who shall have entered their Names and Places of Abode as aforesaid, to sell any Tea, Coffee, and Playing Cards, shall purchase either of the said Commodities in a less Quantity than is prescribed by this Act, from Persons whose Names are entered to sell the same, and shall within Ten Days after such Purchase, produce to the Collector or Receiver, or Collectors or Receivers aforesaid, a Certificate from the Person from whom they purchased the same, such Purchaser shall not be held to pay the Duties on any Quantity so purchased.

Retailers of Tea, Coffee, and Cards, not to pay Duty for what they have purchased of Persons who have entered their Names,

XVII. *And be it Enacted*, That the Collector or Receiver, or Collectors or Receivers, of the Duties for the Time being, shall render a just Account and pay into the Hands of the Treasurer of the Province, all such Monies by him or them received in Pursuance of this Act, within Thirty Days after the End of each Quarter.

Collectors to account with the Treasurer Quarterly.

Penalties and Forfeitures, to be recovered in any Court of Record.

XVIII. *And be it further Enacted*, That all the Penalties and Forfeitures arising or accruing by this Act, shall and may be recovered by Bill, Plaint or Information, in any of His Majesty's Courts of Record in this Province; and the Money arising from such Penalties and Forfeitures, after deducting the Expences of Prosecution and all incident Charges, shall be one Half to His Majesty for the Uses and Intents for which the Duties are granted, and the other Half to him or them who shall seize or inform, and sue for the same.

Monies appropriated to pay Loan Warrants & Treasurers Receipts,

XIX. *And be it also further Enacted*, That the Monies arising from the Duties imposed by this Act, shall be and are hereby appropriated for the Redemption of the Loan Warrants and Treasurer's Receipts.

and to be accounted for to the Commissioners of the Treasury in Great-Britain, and audited by the Auditor General, or his Deputy.

XX. *And be it further Enacted*, That the Monies arising by the Operation of this Act, shall be accounted for unto His Majesty in the Kingdom of *Great Britain*, and to the Commissioners of His Majesty's Treasury, or high Treasurer for the Time being, and audited by the Auditor General of His Majesty's Plantations, or his Deputy.

Act to continue One Year.

XXI. *And it is also further Enacted*, That this Act shall continue and remain in Force for and during the Term of one Year, from and after the Publication thereof, and until the End of the Session of the *General Assembly* then next following.

*This Act is amended and further continued, by 6. Geo. 3. c. 1. 2. Sess.*

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the Twenty Eighth Day of *May*, Anno Domini 1765, and in the Fifth Year of the Reign of Our Sovereign Lord GEORGE the Third, of *Great Britain, France, and Ireland*, KING, Defender of the Faith, &c. and there continued by several Prorogations until the Third Day of *June*, Anno Domini 1766, in the Sixth Year of His said Majesty's Reign; being the Second Session of the Fourth *General Assembly* convened in the said Province.

C A P. I.

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

\*\*\* E it Enacted by the Commander in Chief, the Council, and  
 \* B \* Assembly, That all Processes and Writs, for the bringing  
 \* any Suit into any of the Courts of Justice within this Pro-  
 \* vince, 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 Marshal 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 Writs 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.

All Original Processes to issue out of the Clerk's Office of the Court where the Cause is to be tried,

and shall run thro' the Province, and be executed by the Officer to whom they are directed. In what County Actions shall be tried.

II. *And be it further Enacted*, That all Processes and Writs, 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 Processes to bear Teste of the first Justice, and in case of vacancy or other Impediment, then of the next Justice named in the Commission

Forms of Writs  
prescribed.

and all Original Procefs 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 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 Writs 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 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 GOD,  
of Great Britain, France, and Ireland, KING, Defender of the Faith, &c.

To the Provost Marshal or his Deputy, Greeting.

Form of Summons.

**W**E 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 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. Hereof fail not and have you then there this Writ with your Doings thereon according to Law, upon the Day of next. Witness Esq; this Day of in the Year of Our Reign, Annoque Domini

Clerk.

### FORM of an ATTACHMENT.

**L. S.** ff. GEORGE the Third, by the Grace of GOD,  
of Great Britain, France, and Ireland, KING, Defender of the Faith, &c.

To the Provost Marshal or his Deputy, Greeting.

Form of Attachment.

**W**E 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 keep, 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 Writ with your Doings thereon according to Law upon the said Day of next. Witness Esq; this Day of in the Year of Our Reign, Annoque Domini

Clerk  
FORM

FORM of the WRIT of *Capias ad respondendum*, impowering the Sheriff to arrest.

L. S. ff. GEORGE the Third, by the Grace of GOD, of Great Britain, France, and Ireland, KING, Defender of the Faith, and so forth.

To the Provost Marshal or his Deputy, Greeting.

WE command you, that you take A. B. of if he may be found in your Precinct, and safely keep him so that you may have him before us in our Court on the Day of to answer to C. D. of of a Plea, that whereas the said A. on the Day of (as in the Declaration) did assume, &c. To the Damage of Pounds, as is said, and have you then this Writ. Witness, &c.

Form of Writ of *Capias ad respondendum*.

III. And be it further Enacted, That before such Process shall be served, the Plaintiff or his Attorney shall indorse his Name thereon, and annex to such Process a Copy of his Declaration, with which the Defendant shall be served, as also a Copy of the Original Process, at least Fourteen Days before the Sitting of the Court, or left at the Defendant's House or last Place of Abode, which shall be judged a sufficient Service; and that all Goods, Chattels or Estate attached by the Officer, shall remain under such Attachment for the Space of Thirty Days after Judgment given, that Execution may be thereon levied.

Process to be indorsed by Plt. or his Attorney, and Deft. to be served with a Copy thereof, and of the Declaration, Fourteen Days before the sitting of the Court. Goods &c. to remain under Attachment Thirty Days after Judgment.

IV. Provided always, That in all Cases where it may be necessary to set forth several Counts in a Declaration, that then it shall and may be lawful for the Plaintiff to file his Declaration with the Clerk of the Court, and to cause the Defendant to be served with a Copy of the same at least Four Days before the Sitting of the Court, at the Expence of the Plaintiff.

Declaration containing several Counts, may be filed in the Clerk's Office, and the Defendant served with a Copy four Days before the sitting of the Court.

V. Provided nevertheless, That the Sheriff, or Officer serving such Attachment, shall make an Account in Writing of the several Articles of Goods and Chattels so attached, and shall permit the same to remain on the Premises for the Use of such Party as shall appear to be intitled to the same upon the Event of the Cause; and if the Person so attached shall alien the same in the mean Time, such Alienation shall be void, and such Person shall be liable to the Penalty of Fifty Pounds, to be recovered by Action of Debt or Information in any Court of Record, the one Moiety to be paid to the Prosecutor, the other Moiety to his Majesty for the Uses of this Government.

Officers serving Attachment, to make an account of Goods &c. attached, and to permit them to remain on the Premises. Alienation after Attachment to be void, and the party to forfeit £50.

FORM of EXECUTION.

**L. S.** ff. GEORGE the Third, by the Grace of GOD, of Great Britain, France, and Ireland, KING, Defender of the Faith, &c.

To the Provost Marshal or his Deputy, Greeting,

Form of Execution.

**W**HEREAS 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 Judgment 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 unto 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 Esq; at *the* Day of *in the* Year of Our Reign, Annoque Domini

Clerk.

Goods &c. taken in Execution to be appraised and Ten Days notice given of the intended sale thereof. Lands taken in Execution to be sold according to the Laws of this Province.

VI. 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 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.** ff. GEORGE the Third, by the Grace of GOD, of Great Britain, France, and Ireland, KING, Defender of the Faith, &c.

To the Provost Marshal or his Deputy, Greeting.

Form of the Writ of Habere facias Possessionem.

**W**HEREAS 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 Judgment for his Title and Possession of and in a certain Messuage or Tenement with the Appurtenances,* or *Acres of Land, &c. lying and being in the Town of* against

against E. F. of *who had unjustly withheld, put out or removed*  
 the said A. B. from his Possession thereof, and also at the said Court re-  
 covered Judgment 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, Chattels, 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 with-  
 in 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  
 Gaol in *in our County of* *aforesaid,* and detain in your Cus-  
 tody within our said Gaol *in* *until he pay the full Sum above mentioned*  
 with your Fees, or that he be discharged by the said A. B. or otherwise by Or-  
 der of Law. Hereof fail not, and make return 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.*

VII. *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 here-  
 of, and until the End of the Session of the *General Assembly* then  
 next following.

Any Plaintiff or  
 Defendant may sue  
 or defend in his  
 own Person or by  
 Attorney.  
 Act to continue  
 Two Years.

## C A P. II.

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

*Be it Enacted by the Commander in Chief, the Council and As-*  
*B* *sembly,* That in all Actions sued on Book Accounts, the  
 Defendant in such Cause may file his Account against the  
 Plaintiff with the Clerk of the Court, *Provided* the same  
 be done at least Seven Days before the Sitting of the Court, and  
 the said Court is hereby empowered 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 Ac-  
 tion 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 Pay-  
 ment

In Actions sued on  
 Book Accounts, De-  
 fendant may file his  
 Account with the  
 Clerk of the Court,  
 Seven Days before  
 the sitting of the  
 Court,

and both Accounts  
 to be considered by  
 the Jury.  
 Receipts may be al-  
 so filed in discharge  
 of Bonds &c.

ment. *Provided*, such Receipt or Discharge be in Writing, signed by the Plaintiff or his Attorney, lawfully empowered to receive the same; and the Court is hereby empowered to proceed to examine into 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 empowered to give their Verdict accordingly.

Act to continue  
Two Years.

II. *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.

### C A P. III.

#### An ACT concerning Bail.

Defendant may file  
Common Bail,

where the Demand  
is under £.10.

No Person to be imprisoned or held to Bail, unless the Plaintiff make an Affidavit that his Debt is £10. or more, before a Judge of the Court. Such Sum to be indorsed on the Writ, and the Defendant to give Bail for the same and no more.

If any Plaintiff be absent his Attorney &c. may file his Affidavit, and Bail shall be required accordingly.

\*\*\* *E it Enacted by the Commander in Chief, the Council, and*  
\* B \* *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 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 indorsed on the Back of the said Writ, in the Form following, *By Oath for* £. for which Sum so indorsed, the Provost Marshal or his Deputy shall take Bail and for no more.

II. *And be it further Enacted*, That if such Action shall be brought by any Agent, Factor, or Attorney, in the Name of his Principal if absent, upon producing an Affidavit of the Debt of 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 required accordingly.

III. *And*

III. *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 thereunder written for the personal Appearance only of the Defendant, on the first Day of the Court to which such Writ is returnable, and if such Defendant shall not appear accordingly or give in sufficient Bail to abide the final Event of the Suit, Judgment shall be entered against the Defendant by Default, and the Provost 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 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 discharged, 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.

IV. *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.

Officer to let any Defendant go at large upon sufficient Bail, for his personal Appearance only at the Court.

If Defendant do not appear or give Bail, to abide the final Event of the Suit, Judgment to be entered against him by Default, and Bail Bond to be assigned,

and not debar the Plaintiff from proceeding to final Judgment the same Court.

Upon the Defendants Appearance or Bond given to abide the final issue of the Cause, the first Bail to be discharged.

Act to continue for two Years.

## C A P. IV.

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

*Be it 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.

Fees established.

*Justices of Peace out of Court,*

Fees of Justices of Peace out of Court.	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>
	Subpæna 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 Trespafs, and Assault and Battery,			<i>one shilling.</i>
	Every Examination in Assault and Battery,			<i>two shillings &amp; six pence.</i>

*Clerk of the Peace,*

Fees of the Clerk of the Peace.	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 &amp; six pence.</i>
	Concordatum Fee - - -			<i>one shilling &amp; six pence.</i>
	Every Petition and Proceedings thereon,			<i>two shillings &amp; six pence.</i>
	Every Cause continued by Traverse or otherwise,			<i>one shilling.</i>
	Every Presentment proceeded on, to be paid by the Delinquent,			} <i>three shillings and four pence.</i>
	Certificate of administering the state Oaths,			<i>one shilling.</i>
	Warrant from the Court, - - -			<i>one shilling.</i>
	Every Recognizance each Person - - -			<i>one shilling.</i>
Discharging a Recognizance, - - -			<i>one shilling.</i>	

*Inferior Court of Common Pleas.**Judges Fees.*

Fees of the Judges in the Inferior Court of Common Pleas.	Entry of every Action if for £10. or upwards,			<i>ten shillings.</i>
	If above £3. and under £10. - - -			<i>four shillings.</i>
	Taxing Bill of Costs, - - -			<i>two shillings.</i>
	Taking a Recognizance, - - -			<i>one shilling.</i>
	Every Tryal - - -			<i>three shillings &amp; four pence.</i>
	Every Judgment - - -			<i>three shillings &amp; four pence.</i>
	Every Writ issued, - - -			<i>two shillings &amp; six pence.</i>

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

Clerk's Fees.	Every Writ Signed and Sealed, - - -			<i>one shilling.</i>
				<i>Affidavit</i>

Affidavit for Bail if drawn by him,	-	one shilling.
Entry of every Cause, Declaration, Pleas, &c.	-	three shillings.
Entering up Judgment and where a Jury assesses Damages,	-	} three shillings and 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 Recognizances 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 Cofts.	-	} two Shillings and six Pence.
Every Writ of <i>Habere facias Possessionem</i> ,	- - -	two Shillings,
For taxing Cofts, each Cause,	- - -	one Shilling,
His Fees in Summary Causes not tried by a Jury, for all Fees,	-	} four Shillings,

*Clerk's Fees in the Supream Court.*

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

Fees of the Clerk of the Supream Court.

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 Procces in the *Supream Court*, to have the same Fees as the Clerk of the *Inferior Court*.

## Attornies Fees.

Attorney's Fees.	In all Causes for Ten Pounds or upwards,	
	Filling every Writ of Attachment, or Summons, and Copy,	} five shillings.
	Drawing Affidavit and filing,	} one shilling and six pence.
	Drawing Declaration and filing	} two shillings 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 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 <i>scire facias</i> .	
	Filling the Writ or Summons, Declaration and Copy,	} six Shillings and eight pence.
	Notice to the Tenant in Possession,	} one Shilling,
	Preparing the Rule, &c.	} three Shillings and four pence,
	Entering a Cause on Bonds of Arbitration and Awards,	} two Shillings and six pence,
	Notice to the Defendant or Defendants, each,	} one Shilling.

## In the Supream Court.

In the Supream Court.	Pleading a Cause if 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,

## Provoft Marshal's Fees.

Provoft 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, Nonfuit or withdrawn Cause,	} One Shilling and 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 taxed }  
 by the Court, }  
 For every Member returned for the House of }  
 Assembly, in lieu of all Expences, to be } *twenty shillings.*  
 paid by the Treasurer of the Province, }

*Cryers Fees.*

Calling a Jury, - - - *one shilling.* Cryer's Fees.  
 A Verdict, - - - - *one shilling.*  
 A Default or Nonfuit, - - - *eight pence.*

*Constables Fees.*

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

*Petit Jurors Fees in Civil Causes.*

Foreman, each Cause, - - - *one shilling.* Petit Jurors Fees.  
 Each other Juror, - - - - *ten pence.*

*Plaintiff's Fees.*

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

*Witnesses.*

Attendance, - - - *one shilling and six pence.* Witnesses Fees.  
 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 Trial.

## Coroner's Fees.

Coroner's Fees.

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

Taking an Inquest, to be paid out of the } *twenty five shillings.*  
Deceased's Estate.

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

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 fit, 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.

£10. Penalty on  
Persons taking  
greater Fees than  
are here established.

II. *And be it further Enacted*, That what Officer or Person soever shall ask, demand, and take any greater or other Fees than 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.

Act to continue for  
Two Years.

III. *And be it 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.

## CAP. V.

An ACT for continuing an Act made and passed in the Fourth Year of His Majesty's Reign, intituled *An Act for laying a Duty upon Billiard Tables and Shuffle Boards.*

Act continued for  
three Years.

\*\*\* *E it Enacted by the Commander in Chief, Council, and Assembly,* That an Act, intituled *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*.

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the Twenty Eighth Day of *May*, *Anno Domini* 1765, and in the Fifth Year of the Reign of Our Sovereign Lord GEORGE the Third of *Great Britain, France, and Ireland*, KING, Defender of the Faith, &c. and there continued by several Prorogations until the Twenty Third Day of *October*, *Anno Domini* 1766, in the Sixth Year of His said Majesty's Reign; being the Third Session of the Fourth GENERAL ASSEMBLY convened in the said Province.

## C A P. I.

An ACT for altering, amending and prolonging an Act, made in the Fifth Year of the Reign of his present Majesty, intituled *An Act for granting to His Majesty an Excise on Wines, Tea, Coffee, and Playing Cards, sold within this Province.*

 *E it Enacted by the Lieutenant Governor, Council, and Assembly,* That all Wines, Tea, Coffee, and Playing Cards, sold or by any ways or means brought into this Province, shall pay the following Rates and Duties of Excise, viz. Wines *per* Gallon, Six Pence; Tea *per* Pound, one Shilling; Coffee *per* Pound, Two Pence; Cards *per* Pack, One Shilling.

Excise laid, on Wines 6d. *per* Gallon, Tea 1s. *per* Pound, Coffee 2d. *per* Pound, Cards 1s. *per* Pack.

II. *And be it further Enacted,* That the Collector or Receiver or Collectors or Receivers of the Duties, or one of them, shall grant Permits *Gratis*, to all Retailers and others, as well for Tea, Coffee, and Playing Cards, as for Wines, for all such Quantities of Tea, Coffee, and Playing Cards, as they shall from Time to Time purchase from any Merchant or other Person, *That is to say*, for Tea and Coffee in any Quantity not less than Fifty Pounds Weight; and for Cards not less than Fifty Packs; and shall deliver a Duplicate

Collector to grant Permits, *Gratis*, to Retailers, for all Wines, &c. which they shall purchase,

licate of such Permit, one to remain in the Hands of the Buyer, and the other to be delivered to the Seller, at the Time of Delivery of such Tea, Coffee and Playing Cards.

and to receive from them the Duties for the same.

III. *And be it further Enacted*, That the Collector or Receiver, or Collectors or Receivers aforesaid, is and are hereby impowered and directed to take and receive from the Purchaser or Purchasers of such Tea and Coffee, and Playing Cards, the Duty of Excise at and after the Rate aforesaid, for the Quantity expressed in said Permit and Duplicate, before the Delivery of the same, without allowing any Credit therefor.

No Allowance to be made for Wastage upon Wines, only for so much as shall appear to have been *bona fide* wasted or leaked out.

and no Allowance to be made on Wines exported

IV. *And be it further Enacted*, That from and after the Publication hereof, no Deduction or Allowance shall be made for Wastage and Leakage upon any Wines, in the Hands of any Merchant or other Person, but that the Collector or Receiver, or Collectors or Receivers aforesaid, are hereby impowered, in Lieu thereof, to give Credit to such Merchant or other Person, for so much only of such Wines, as shall *bona fide* appear to have been wasted or leaked out, to be proved upon Oath at the Quarterly Settlement of Accounts for Duties on such Wines; and no Allowance or Abatement whatever shall be hereafter made on any Wines that shall be exported.

Tea, &c. fraudulently reloaded after shipped for Exportation, to be forfeited, and the Vessel.

V. *And be it also further Enacted*, That if any Tea, Coffee, or Cards shall be fraudulently reloaded in any Port or Place of this Province after shipped for Exportation, the same shall be forfeited, together with the Vessel out of which the said Coffee, Tea, and Playing Cards, shall have been so fraudulently reloaded.

Persons importing Wines, &c. to render an Account thereof to the collector, within 24 Hours.

and pay the Duty therefor, on penalty of forfeiting the same, and £20. for every Offence.

VI. *And be it Enacted*, That all and every Person bringing in, or causing to be brought into this Province, any Wines, Tea, Coffee, or Playing Cards, for their own Consumption, shall render a just and full Account of all such Wines, Tea, Coffee, and Playing Cards, to the Collector or Receiver, or Collectors or Receivers aforesaid, within Twenty Four Hours after the Arrival of the Vessel wherein such Wines, Tea, Coffee, or Playing Cards, shall be so brought in; and shall pay or secure to be paid the Duties of Excise aforesaid thereon, under the Penalty of forfeiting all such Wines, Tea, Coffee, and Playing Cards, so introduced, in whosoever Possession the same may be found; and shall also forfeit and pay the Sum of Twenty Pounds for every such Offence.

All Wines, &c. condemned for contraband Trade, to be subject to the Duties,

VII. *And be it also Enacted*. That all Wines, Tea, Coffee, and Playing Cards, seized for illicit and contraband Trade, which shall be brought into any Port within this Province, upon Condemnation thereof, shall be subject to the Duties of Excise imposed by this Act, and if such Condemnation shall be in the Court of Vice Admiralty,

Admiralty, the Marshal of such Court or his Deputy, or any Auctioneer or Vendue Master, shall not deliver any such Wines, Tea, Coffee, and Playing Cards, sold by him or them at Publick Auction, or otherwise, without a Permit from the Collector or Receiver, or Collectors or Receivers of the Duties, and shall render an Account to the Collector or Receiver, or Collectors or Receivers aforesaid (upon Oath) of the Quantity of all such Wines, Tea, Coffee, and Playing Cards, which he or they shall sell at Publick Auction or otherwise, and of the Persons Names to whom the same shall be sold, under the Penalty and Forfeiture of Two Hundred Pounds for each and every Offence.

and Auctioneers &c, to Account with the Collector for such Wines &c. sold by them.

On Penalty of £200.

VIII. *And be it also further Enacted*, That the Act made in the Fifth Year of the Reign of His present Majesty, intituled *An Act for granting to His Majesty an Excise on Wines, Tea, Coffee, and Playing Cards, sold within this Province*, with the Alterations and Amendments thereto made by this Act, shall be and continue, and the same is hereby continued in Force until the First Day of December, One Thousand Seven Hundred and Sixty Seven.

Act to continue to the 1st December 1767.

*This Act and the former Act of 5. Geo. 3. c. 2. are further continued, as to the Excise on Wines and Playing Cards, by 7. Geo. 3. c. 1.*

## C A P. II.

An Act in Amendment of an Act made in the Third Year of His present Majesty's Reign, intituled *An Act for altering and amending several Acts of this Province relating to the Duties of Excise on Wines, Rum, and other distilled Spirituous Liquors, sold within this Province.*

*The several Laws, laying Duties of Excise, are altered and reduced into one Act, by 7. Geo. 3. c. 3.*

## C A P. III.

An ACT for discontinuing the Bounty on Stone Walls.

**W**HEREAS the heavy Load of Debt which this Province labours under, renders it unable any longer to pay the Bounty granted on Stone Walls built on the Peninsula of Halifax, Be it Enacted by the Lieutenant Governor, Council, and Assembly, That from and after the First Day of January, One Thousand Seven Hundred and Sixty Eight, all Bounties and Premiums whatsoever, which have heretofore been granted by any Law of this Province on Stone Walls built on the Peninsula of Halifax, shall absolutely cease and determine, any Law, Usage, or Custom to the contrary in any wise notwithstanding.

Preamble.

Bounty on Stone Walls discontinued after 1st January 1768.

## C A P. IV.

An ACT for continuing an Act, intituled *An Act for reviving an Act made and passed in the Thirty Third Year of His late Majesty's Reign, intituled "An Act for further prolonging a Resolution of the Governor and Council, revived and put in Force by the General Assembly in the Thirty Second Year of His Majesty's Reign."*

Preamble.

WHEREAS the Law hereafter mentioned, hath by Experience been found useful and beneficial, and no Inconvenience having arose therefrom, and that the same is near expiring, Be it therefore Enacted by the Lieutenant Governor, Council, and Assembly, That an Act for reviving an Act made and passed in the Thirty Third Year of His late Majesty's Reign, intituled *An Act for further prolonging a Resolution of the Governor and Council, revived and put in Force by the General Assembly in the Thirty Second Year of His Majesty's Reign*, which was to continue in Force for three Years, from the Twenty Eighth Day of November, One Thousand Seven Hundred and Sixty Three, and from thence to the End of the Session of the *General Assembly* then next following, shall be and the same is hereby further continued from the Expiration thereof, until the Twenty Eighth Day of November, One Thousand Seven Hundred and Sixty Nine, and from thence to the End of the then next Session of the *General Assembly*.

Act continued,

until the 28th November 1769, and to the End of the next Session of the *General Assembly*.

## C A P. V.

An ACT for preventing Frauds in the Revenue.

Preamble.

WHEREAS many Persons coming from the neighbouring Colonies as Passengers and Traders, as also the Mariners on board the trading Vessels, do frequently, without the Knowledge, Privity or Consent of the respective Masters, put on board such Vessels sundry Quantities of Goods, subject by Law to Duties in this Province, taking out separate Cockets therefor, with Intention to land and conceal the same, without making any Report, or if discovered, to make Post Entries under frivolous Pretences: And Whereas the Officers of the Revenue are put to great Difficulties in bringing such Offenders to speedy Justice, as it frequently happens that the Masters of Vessels and other Evidences for convicting them, are obliged to leave the Province before the Return of the stated Times for holding

Courts;

*Courts; For Remedy whereof, Be it Enacted by the Lieutenant Governor, Council, and Assembly,* That from and after the Publication hereof, no Post Entry shall be allowed of any Goods liable to the Payment of Duties, which are not contained in the Manifest entered at the Impost Office, and sworn to by the Master of the Vessel entering according to Law, but the same shall be seized, forfeited, and applied as other Forfeitures are declared to be by the Laws already made establishing the said Duties.

No Post Entry to be allowed of any Goods liable to Duties, which are not contained in the Manifest entered & sworn to by the Master of the Vessel.

II. *And be it further Enacted,* That upon every Information made to any Two or more of the Judges of the Common Law Courts, the said Judges shall be and are hereby impowered and directed to hold a Special Sessions, and to try and determine the Matters therein contained, and for this Purpose to issue Process to the Provost Marshal, returnable at a short Day, to summon a Special Jury to pass on the Trial, as also to convene the Party complained of before the Court, to join Issue in the said Trial, and to hold him or them to Special Bail to abide by the Judgment and Determination of the said Special Court, which final Judgments and Determinations shall be as good and effectual to all Intents and Purposes, as if the Trials had been prosecuted in any of His Majesty's Courts of Record, at the usual and stated Terms thereof; any Law or Custom to the contrary notwithstanding.

Any two Judges of the Courts, upon Information, may order a Special Court to try and determine the Matters therein contained.

III. *And be it also further Enacted,* That in Case it shall happen, that any of the Evidences for supporting any Information that may be so brought, are obliged to leave the Province before the Day appointed by the Special Sessions for the Trial of the Cause, that then and in that Case it shall be in the Power of any One of the said Judges, upon Notice given to the adverse Party to be present, to take the Depositions of the said Evidences in Writing, which Depositions, so taken and subscribed by the the Judge and Witnesses, shall be admitted as Evidence to the Jury upon the Trial.

The Testimony of Witnesses, obliged to leave the Province before the Day of Trial, may be taken in Writing before one of the said Judges, and admitted as Evidence on the Trial.

## C A P. VI.

An Act for granting to His Majesty a Duty of Impost on Loaf Sugar. Exp.

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the Twenty Eighth Day of *May*, Anno Domini 1765, and in the Fifth Year of the Reign of Our Sovereign Lord GEORGE the Third, of *Great Britain, France, and Ireland*, KING, Defender of the Faith, &c. and there continued by several Prorogations until the First Day of *July*, Anno Domini, 1767, in the Seventh Year of His said Majesty's Reign, being the Fourth Session of the Fourth GENERAL ASSEMBLY convened in the said Province.

C A P. I.

An ACT for continuing so much of an Act made in the Fifth Year of His present Majesty's Reign, intituled *An Act for granting to His Majesty an Excise on Wines, Tea, Coffee, and Playing Cards, sold within this Province*, and of an Act made in the Sixth Year of His said Majesty's Reign, intituled *An Act for altering, amending, and prolonging an Act made in the Fifth Year of the Reign of His present Majesty, intituled "An Act for granting to His Majesty an Excise on Wines, Tea, Coffee, and Playing Cards, sold within this Province,"* as relates to an Excise on Wines, and Playing Cards, sold within this Province.

5. Geo. 3. c. 2.

6. Geo. 3. c. 1.

\*\*\* E it Enacted by the Governor, Council, and Assembly, That  
 B an Act made in the Fifth Year of His present Majesty's  
 \*\*\* Reign, intituled *An Act for granting to His Majesty an Excise on Wines, Tea, Coffee, and Playing Cards, sold within this Province*, and an Act made in the Sixth Year of His said Majesty's  
 Reign,

Reign, intituled *An Act for altering, amending, and prolonging an Act made in the Fifth Year of the Reign of His present Majesty, intituled "An Act for granting to His Majesty, an Excise on Wines, Tea, Coffee, and Playing Cards, sold within this Province,"* so far as the said Acts relate to Wines and Playing Cards sold within this Province, shall be and continue from the Expiration thereof, and the same are hereby continued in Force until the First Day of December, One Thousand, Seven Hundred, and Sixty Eight.

Excise on Wines and Playing Cards continued till the 1st December, 1768.

## C A P. II.

An Act for prolonging an Act made and passed in the Fifth Year of His Majesty's Reign, intituled *An Act for the Summary Trial of Actions.* 5. Geo. 3. c. 2.

\*\*\* HEREAS the Act made and passed in the Fifth Year of His Majesty's Reign, intituled An Act for the summary Trial of Actions, is near expiring, Be it therefore Enacted by the Governor, Council, and Assembly, That the said Act, intituled *An Act for the summary Trial of Actions*, and every Clause, Article, and Thing, therein contained, be and the same is hereby prolonged and continued from the Publication hereof, for and during the Term of Ten Years, and from thence to the End of the Sessions of the *General Assembly* then next following.

Preamble.

Act continued for Ten Years.

II. *And be it further Enacted*, That all the Costs in Causes brought before Justices of the Peace, wherein the Sum sued for does not exceed Twenty Shillings, shall not exceed Seven Shillings and Six Pence; and that the Costs in Causes brought as aforesaid, wherein the Sum sued for shall be from Twenty Shillings to Three Pounds, shall not exceed Ten Shillings, until Execution issued; any Law, Usage, or Custom to the contrary notwithstanding.

Costs of Suit before Justices of the Peace limited.

## C A P. III.

An Act to explain, amend, and reduce into one Act, the several Laws now in Force, relating to the Duties of Excise on Rum and other distilled Spirituous Liquors, sold in this Province.

Preamble.

 *HEREAS* the Methods formerly prescribed by the several Acts of this Province, relating to the Duties of Excise on Rum, and other distilled Spirituous Liquors, have been found ineffectual, and that the Manner of collecting the said Duties have been attended with great Inconveniencies; For Remedy whereof, Be it Enacted by the Governor, Council, and Assembly, That from and after the First Day of February, which will be in the Year 1768, all Rum and other distilled Spirituous Liquors whatsoever, which shall be sold within this Province, shall be subject to pay an Excise of One Shilling per Gallon.

Excise of One Shilling per Gallon laid on Rum, &c. sold within this Province.

Merchants, &c. importing, &c. any Rum, &c. shall give an Account thereof, within 24 Hours.

On Penalty of £100.

Distillers shall deliver to the Collectors every Month, an Account of all Rum, &c. remaining in their Hands,

and also of the Quantity distilled within the Month past, on Penalty of £100.

Any Foreman of a Distill House, having the Care thereof, liable to the like Penalties.

II. *And be it also Enacted*, That all Merchants, Distillers, and other Persons whatsoever, importing, receiving, and having in their Possession, any Rum or other distilled Spirituous Liquors, shall, within Twenty Four Hours after such Importation or Receipt of the same, deliver to the Collector or Receiver, or Collectors or Receivers of Excise, an Account upon Oath of all such Liquors by them so imported or received, specifying the Kinds of Casks, with the Marks and Numbers thereof, in which the same is contained, under the Penalty and Forfeiture of One Hundred Pounds for each and every Offence.

III. *And be it also further Enacted*, That the Distillers shall, on the First Day of each and every Month, deliver to the Collector or Receiver or Collectors or Receivers aforesaid, an Account, in Writing and upon Oath, of all Rum and other distilled Spirituous Liquors remaining in their Possession; and also on the First Day of each and every Month, or within three Days thereafter, shall render an Account in like Manner to the Collector or Receiver or Collectors or Receivers aforesaid, of all Rum or other Spirituous Liquors by them distilled during the Month then last past, under the Penalty and Forfeiture of One Hundred Pounds for each and every Offence; and when it shall so happen that the Business of a Distill House shall be carried on under the Directions of a Foreman Distiller, or any other Person in the Absence of the Owner or Master thereof, that then and in that Case the said Foreman or other Person shall render his Monthly Account upon Oath, as is directed to be done by the said Owner or Master of the Distill House, and under the like Penalties.

IV. *And*

IV. *And be it Enacted,* That no Merchant, Distiller, or other Person whatsoever, shall presume to buy or sell, barter or exchange, or deliver any Rum or other distilled Spirituous Liquors, duly entered as aforesaid, other than to such Persons, or for such Quantities, as shall be expressed in a Permit to be first granted by the Collector or Receiver, or Collectors or Receivers aforesaid, and so often as the same shall be bought, sold, bartered, exchanged, delivered, or shipt, in any Quantities more than Five Gallons, under the Penalty and Forfeiture of One Hundred Pounds for each and every Offence: And the said Merchant, Distiller, or other Person, shall give sufficient Security to the Collector or Receiver, or Collectors or Receivers aforesaid, to render a just Account, upon Oath, of the Disposal of all such Liquors in their Possession, or that shall hereafter be received or distilled by any of them, whenever thereunto required.

Persons selling &c.  
Rum &c.

in any Quantity  
more than five Gal-  
lons, without Per-  
mits from the  
Collectors, forfeit  
£100.

Security to be gi-  
ven to render an  
Account of all such  
Liquors.

V. *And be it further Enacted,* That the Collector or Receiver, or Collectors or Receivers aforesaid, or either of them, shall grant Permits *Gratis*, to all Retailers and others, for the several Quantities of such Spirituous Liquors as they shall from Time to Time purchase from the Merchants, Distillers, or other Persons whatsoever, and shall deliver a Duplicate of such Permit, one to remain in the Hands of the Buyer, and the other to be delivered to the Seller, at the Time of Delivery of such Spirituous Liquors.

Permits to be gran-  
ted, *Gratis*, by the  
Collectors.

VI. *And be it also further Enacted,* That the Collector or Receiver, or Collectors or Recivers, is and are hereby impowered and directed to take and receive, from the Purchaser or Purchasers of such distilled Spirituous Liquors as aforesaid, the Duty of Excise at and after the Rate aforesaid, for the Number of Gallons to be expressed in the said Permit and Duplicate, before the Delivery of the same; *Provided* the Amount of the said Duty does not exceed Ten Pounds; but if the same should exceed Ten Pounds, the Collector or Receiver or Collectors or Receivers are hereby authorized, on sufficient Security being given, to give Credit for Payment thereof within the Term of Three Months.

The Excise to be  
paid at the Delive-  
ry of the Permit,

If under £10.

if above £10.  
Security to be given  
to pay it in three  
Months.

VII. *And be it also Enacted,* That all Rum and other distilled Spirituous Liquors, to the Amount of upwards of Five Gallons, which shall be found in the Custody of any Person whatsoever, not duly entered with the proper Officers appointed by the Laws of Imposit and Excise, may and shall be seized and declared forfeited; and the Person in whose Possession, or who occupies any House or Store where the same shall be found, shall forfeit and pay a Fine according to the Nature of the Offence, not exceeding One Hundred Pounds for each and every Offence; and if the Defendant in such Case cannot make it appear that the same has been duly entered or permitted according to Law, Judgment shall be made up for the Fine and Forfeiture.

All Rum &c. above  
five Gallons, found  
in any Person's Cust-  
ody, not duly en-  
tered, shall be for-  
feited,

and such Person  
shall forfeit £100.

VIII. *And*

Merchants &c.  
shall not retail Rum  
&c. without Li-  
cense.

and shall file Du-  
plicates of Permits,  
for the Inspection  
of the Collectors.

Servants &c. may  
be supplied with  
Rum &c. which  
has paid the Duties.

The Permits shall  
discharge the Stock  
of Merchants &c.  
for the Quantities  
therein expressed.

Stock Accounts to  
be settled every  
Three Months, on  
Penalty of £10.

The whole of the  
Stock to be gauged,  
previous to the set-  
tling such Accounts,  
and

the Gauger's Cer-  
tificates, with the  
Permits on File, to  
be admitted as  
Vouchers.

The Excise to be  
paid for any Quan-  
tity deficient at the  
Quarterly Settle-  
ment,

on Penalty of £10.

Allowance to be  
made for any Li-  
quors really lost.

VIII. *And be it further Enacted*, That no Merchant or Distiller of such Spirituous Liquors, or other Person whatsoever (without Licence first obtained) shall retail Rum or other distilled Spirituous Liquors, in less Quantity than Five Gallons, to be delivered at one and the same Time; and that the Merchant, Distiller, or any other Person whatsoever, shall preserve upon File the Duplicates of all such Permits, for the Inspection of the Collector or Receiver, or Collectors or Receivers aforesaid or either of them, whenever thereunto required: *Provided* that nothing in this Act shall be construed to prevent any Person or Persons from supplying his or their Servants or Labourers with necessary Rum or other Spirituous Liquors, *Provided* that the same shall have paid the Duties prescribed by Law.

IX. *And it is hereby Enacted*, That the Quantity contained in said Permits upon File in the Custody of said Merchant, Distiller, or other Person whatsoever shall, as far as they go, be sufficient to discharge him or them of so much Stock as he or they shall have so bought, received, or distilled aforesaid,

X. *And be it Enacted*, That all Persons entering Stock as aforesaid, with the Collector or Receiver, or Collectors or Receivers of the Duties, shall at the End of each Quarter, or within Ten Days after, balance and settle their Stock Accounts with the said Collectors at their Office, under the Penalty of Ten Pounds for every Offence.

XI. *And be it further Enacted*, That the Public sworn Gaugers shall have Power to gauge the whole of the Stock, in the Cellars or Storehouses of all Persons entering such Stock, previous to the balancing and settling the said Stock Accounts, at the End of each Quarter; and the Certificate of the said Gaugers of the Quantity in Store unfold, with the Permits that have been filed according to Law, shall serve as Vouchers for the settlement of such Stock Accounts.

XII. *And be it also further Enacted*, That all Merchants or other Persons entering Stock as aforesaid, shall account with and pay immediately to the Collector or Receiver, or Collectors or Receivers aforesaid, or either of them, the Duty of Excise appointed by Law, for whatever Quantity of exciseable Liquors shall be found deficient at the Time of making such Settlement, and that under the Penalty of Ten Pounds for each and every Offence.

XIII. *And be it further Enacted*, That no Allowance for Wastage and Leakage shall be made, but in lieu thereof, if through Accident any Part of the Stock of Rum or other distilled Spirituous

ous Liquors in the Hands of any Merchant, Distiller, or other Person, shall by Leakage or otherwise be lost, the Collector or Receiver, or Collectors or Receivers of the Duties, shall, on due Proof of the same on Oath, credit the Stock of such Merchant, Distiller, or other Person, for the Quantity so lost.

XIV. *And be it also further Enacted*, That all distilled Spirituous Liquors, brought into any Port or Place in this Province as Prize, or which shall be seized and condemned at any Time from and after the Publication of this Act, shall be subject to the Excise imposed by this Act; and the Marshal of the Court of Vice Admiralty or his Deputies, or any Auctioneer or Vendue Master, shall not deliver any such distilled Spirituous Liquors, sold by him or them at Public Auction or otherwise, without a Permit from the Collector or Receiver, or Collectors or Receivers of the Excise, and shall render an Account to the Collector or Receiver, or Collectors or Receivers aforesaid, (upon Oath) of the Quantity of all such distilled Spirituous Liquors, which he or they shall sell at Public Auction or otherwise, and of the Persons Names to whom the same shall be sold, under the Penalty and Forfeiture of Two Hundred Pounds for each and every Offence.

XV. *And be it Enacted*, That the Collector or Receiver, or Collectors or Receivers, appointed to take Charge of this Duty of Excise, either by themselves or by the Land Waiters or Gaugers, who shall be under their Orders, shall have Power to inspect, in the Day Time only, the Houses of all Persons entering Stock or having Licence, to take an Account from Time to Time, at his and their Discretion, of all Rum and other distilled Spirituous Liquors, in the Possession of such licensed Person or Persons; and all and every Person or Persons entering Stock or having Licence, who shall refuse to admit the Collector or Collectors aforesaid, or the Land Waiters or Gaugers when ordered by them to inspect their Houses, Shops, Cellars, or other Stores whatsoever, and to take an Account from Time to Time at his or their Discretion, of all Rum or other distilled Spirituous Liquors in the Possession of such licensed Persons or Stockholders, shall forfeit and pay the Sum of Ten Pounds for each and every Offence. And the said Collector or Collectors, or the said Land Waiters or Gaugers, by Order of said Collector or Collectors in Writing, are hereby also impowered to enter the Houses of all Persons suspected of selling without Licence; for the better Discovery of Persons who shall have Rum or other distilled Spirituous Liquors without a Permit, that the Offenders may be prosecuted according to Law.

XVI. *And be it also Enacted*, That in Case of reshipping and Exportation out of the Province, of any Part of such distilled Spirituous Liquors as are excised by this Act, the Collector or Receiver

Prize Rum, &c. subject to the Excise;

Auctioneers, &c. shall not deliver such Liquors without Permit, and shall render an Account thereof, upon Oath,

on Penalty of £200.

Collectors &c. to inspect the Houses of Persons entering Stock, or having Licence;

Such Persons refusing Admittance to the Collectors, &c.

shall forfeit £10.

Collectors, &c. may search the Houses of Persons selling without Licence.

The Excise to be repaid on Exportation.

ceiver, or Collectors or Receivers aforesaid shall credit the Stock on Hand of the Merchant, Distiller, or other Person, for what shall, *bona fide*, have been so exported, upon the said Merchant, Distiller, or other Person's producing a Certificate, within Eighteen Months after the Time of Exportation, (the Danger of the Seas and Enemies excepted) from the principal Officer of His Majesty's Customs, or Commanding Officer for the Time being of the Port to which the same shall be carried, of it's being there duly landed; and in Case any such Liquors shall have duly paid or secured to be paid, the Duties prescribed by this Act, such Merchant, Distiller or other Person, shall produce a Certificate from the Collector or Receiver, or Collectors or Receivers aforesaid, or either of them, that the Duty thereon has been duly paid or secured to be paid before such Exportation, upon which the same shall be repaid by the Treasurer of the Province, or the Bond given therefor discharged.

Every Exporter to take the following

XVII. *And for the better preventing Frauds herein*, the following Oath shall be taken for the future by every such Exporter of any Rum or other distilled Spirituous Liquors imported or distilled, or by any Means brought into this Province as aforesaid, (which Oath the Collector or Receiver or Collectors or Receivers, or either of them, are hereby authorized to administer.)

Oath.

**Y**OU A. B. do swear that the Quantity of by you  
 shipped for Exportation on board the Master,  
 bound for was really and bona fide purchased of  
 or (imported in the ) and that the same is not  
 intended to be fraudulently reloaded into any Port or Place in this  
 Province.

Rum, &c. fraudulently reloaded, after shipped for Exportation, shall be forfeited, and the Vessel.

XVIII. *And be it Enacted*, That if any Rum or other distilled Spirituous Liquors, shall be fraudulently reloaded into any Port or Place in this Province, after shipped for Exportation, the same shall be forfeited, together with the Vessel out of which the said Rum or other distilled Spirituous Liquors shall have been so fraudulently reloaded.

The Excise to be repaid on Rum, &c. issued for the Use of His Majesty's Navy.

XIX. *And be it also further Enacted*, That in case any Quantity of such distilled Spirituous Liquors as are excised by this Act, shall be issued for the Use of His Majesty's Navy, the same shall be deemed so far an Exportation thereof, as that the Collector or Receiver, or Collectors or Receivers aforesaid, shall credit the Stock on Hand of the Merchant, Distiller, or other Person, for so much as shall have been so issued; and in case the Duty of Excise thereon shall have been paid, or secured to be paid, the same shall be repaid as aforesaid, or the Bond given therefor discharged, on the Person or Persons issuing such Rum or other distilled Spirituous Liquors, for the Use of His Majesty's Navy, making Oath to the  
Delivery

Delivery thereof, and producing a Certificate from the Commander and other signing Officers of such His Majesty's Ship or Ship, or the Naval Storekeeper, of the Quantity and Kind of such Spirituous Liquors, and that the same was actually received for His Majesty's Use and no other.

XX. *And be it Enacted*, That the Collector or Receiver, or Collectors or Receivers for the Time being, shall render a just Account, and pay into the Hands of the Treasurer of the Province, all such Monies by him or them received in Pursuance of this Act, within Thirty Days after the End of each Quarter, under the Penalty of Fifty Pounds for his or their Neglect.

Collectors to render an Account of the Monies received, and pay it into the Treasury, within 30 Days after the End of each Quarter on Penalty of £50.

XXI. *And be it further Enacted*, That all Causes or Trials for Forfeitures and Penalties, on a Breach of this Act or any Part thereof, shall and may commence in the Courts of *General Quarter Sessions of the Peace, Inferior Court of Common Pleas, or Supreme Court*, at their stated Sessions and Terms, and that upon Motion a Special Jury shall be called to try the same, agreeable to the Form and Manner of calling Special Juries in the Courts of Westminster. And the Person claiming or defending the Suit to pay all Cost, if the Jury find a Verdict for the Crown. And the Money arising from such Penalties and Forfeitures, after deducting any extraordinary expences of Prosecution not taxed against the Defendant, shall be one Half to His Majesty for the Uses and Intents for which the Duties are granted, and the other Half to him or them who shall seize, or inform and sue for the same; and that all Prosecutions in pursuance of this Act, shall be commenced within the Space of Twelve Months, from the Time of the Offence committed.

In what Courts Penalties, &c. may be sued for.

Special Juries to be allowed, upon Motion.

Persons claiming to pay Costs, if Verdict be for the Crown.

Application of Penalties and Forfeitures.

XXII. *And be it also further Enacted*, That in Case it shall happen, that any of the Witnesses for supporting any Information that may be so brought, are obliged to leave the Province before the Day appointed for the Trial of the Cause, that then and in such Case it shall be in the Power of any one of the Judges or Justices of the Courts aforementioned, upon Notice given to the adverse Party to be present, to take the Depositions of the said Witnesses in Writing, which Depositions so taken and subscribed by the Judge or Justices aforesaid and Witnesses, shall be admitted as Evidence to the Jury upon Trial.

When Witnesses are obliged to leave the Province, their Depositions may be taken before a Judge of the Court, and allowed as Evidence at the Trial.

XXIII. *And be it further Enacted*, That the Monies arising from the Duties imposed by this Act, shall be and are hereby appropriated for the Payment of Bounties and Premiums, and other Uses as already specified and directed by the Laws of this Province, or that may hereafter be directed by the *General Assembly*,

Monies arising by the Excise, to be applied to pay Bounties &c.

XXIV. *And*

This Act to be the Rule and Guide to the Collectors,

and on Prosecutions for Fines and Forfeitures.

Monies to be accounted for in the Treasury in Great Britain, and audited by the Auditor General of the Plantations or his Deputy.

Act to be in force till the 15th January 1771, and to End of the then next Session of the General Assembly.

XXIV. *And be it further Enacted*, That this Act shall be the Rule and Guide to the Collector or Receiver, or Collectors or Receivers of the Duties of Excise, and to the Officers employed by or under them, in receiving the Duties granted by this Act; and also that this Act shall be pleaded and be the Rule and Guide for all and every of His Majesty's Courts aforesaid, when any of the Breaches of this Law, or the Fines or Forfeitures incurred by the same, are prosecuted; any Law, Usage or Custom to the contrary notwithstanding.

XXV. *And it is also Enacted*, That the Monies arising by the Operation of this Act, shall be accounted for unto His Majesty in the Kingdom of Great Britain, and to the Commissioners of His Majesty's Treasury or High Treasurer for the Time being, and audited by the Auditor General of His Majesty's Plantations or his Deputy.

XXVI. *And be it also further Enacted*, That this Act shall continue and remain in force from and after the First Day of February which will be in the Year of Our Lord One Thousand Seven Hundred and Sixty Eight, until the Fifteenth Day of January One Thousand Seven Hundred and Seventy One, and until the End of the Session of the General Assembly then next following.

## C A P. IV.

An Act to explain, amend, and reduce into one Act, the several Laws now in Force, relating to the Duties of Impost on Beer, Rum, and other distilled Spirituous Liquors.

Preamble.

 *HEREAS notwithstanding the several Amendments, Additions, and Alterations, made to the Impost Acts, for the better and more effectually securing and collecting the Duties therein granted to His Majesty, there are many Inconveniences still remaining; For Remedy whereof, and for the more effectually securing the said Duties, Be it Enacted by the Governor, Council, and Assembly, That from and after the First Day of February One Thousand Seven Hundred and Sixty Eight, there shall be paid by the Importers of all Beer, Rum, and other distilled Spirituous Liquors that shall be imported or brought into this Province (except the Produce or Manufacture of Great Britain, legally and directly imported from thence) the several Rates and Duties as follows.*  
*viz.*

Duties granted on

For every Barrel of Beer containing Thirty Gallons, *Two Shillings and Six Pence.*

Beer 2s. 6d. per Barrel.

For every Gallon of Rum or other distilled Spirituous Liquors, *Three Pence.*

On Rum 3d. per Gallon.

II. *And be it Enacted,* That all the Rates, Duties and Imposts before mentioned, shall be paid in current Money of this Province, by the Importer of any Beer, Rum, or other distilled Spirituous Liquors, unto the Collector or Receiver, or Collectors or Receivers for the Time being, for entering and receiving the same, at or before the Landing, *Provided* the same do not exceed Ten Pounds, but if the Sum exceeds Ten Pounds, the Collector or Receiver, or Collectors or Receivers for the Time being, is and are hereby authorized, on sufficient Security being given, to give Credit for the Payment thereof within the Term of Three Months.

To be paid at Landing, if under £10. if above £10. Security to be given to pay in three Months.

III. *And be it further Enacted,* That all Masters of Ships, Coasting, Fishing, and all other Vessels whatever coming into any Harbour or Port within this Province, shall before breaking Bulk and within Twenty Four Hours after his or their Arrival, make Report in Writing, and upon Oath, to the Collector or Receiver, or Collectors or Receivers of the Duties for the Time being, of all Beer, Rum, or other distilled Spirituous Liquors on board the said Ship or Vessel, specifying the Kinds of Casks in which the same is contained, together with the Marks and Numbers thereof, and that he has not landed nor suffered to be landed, sold, bartered, or exchanged, any Beer, Rum, or other distilled Spirituous Liquors, at any Port or Place within this Province, or on the Coasts thereof, since his sailing from the Port or Place where the same were laden on board the said Ship or Vessel for Exportation, which Oath the Collector or Receiver, or Collectors or Receivers aforesaid, is and are hereby empowered to administer.

Masters of Vessels to report their Cargoes, to the Collectors, before breaking Bulk, and also to take following

### FORM of the OATH.

**Y**OU A. B. do swear that the Report which you have now made, read, and subscribed, contains a just and true Account of all the Beer, Rum, and other distilled Spirituous Liquors, laden on board the *at* and that you have not landed or suffered to be landed, sold, or delivered, bartered or exchanged, any Beer, Rum, or other distilled Spirituous Liquors, at any Port or Place within this Province or the Coasts thereof, since your sailing from

Oath.

III. *And be it also Enacted,* That if any Beer, Rum, or other distilled Spirituous Liquors, not duly entered, be found on board any Ship or Vessel after Entry made, the same shall be and is hereby

All Beer, &c. not duly entered, and found on board any Vessel after Entry made, shall be forfeited.

by declared forfeited, and shall and may be seized by the Collector or Receiver, or Collectors or Receivers, or either of them, or by the Land Waiters or Gaugers.

Upon Information, the Collector, &c. to search for and seize all Beer, &c. remaining on board not duly entered.

IV. *And be it further Enacted*, That upon Information made to the Collector or Receiver, or Collectors or Receivers, or any of them, that any Beer, Rum, or other distilled Spirituous Liquors, do remain on board any Ship or Vessel that have not been duly entered; in such Case it shall and may be lawful for the said Collector or Receiver, or Collectors or Receivers, or either of them, or the said Land Waiters or Gaugers by their Orders, to search for and seize all such Beer, Rum, and other distilled Spirituous Liquors, so remaining on board not duly entered as aforesaid.

All Beer, &c. landed after Entry made, and not contained in the Master's Report, shall be forfeited, or the Value.

V. *And be it also further Enacted*, That if any Beer, Rum, or other distilled Spirituous Liquors, shall be landed or proved to have been landed from on board such Ship or Vessel, after such Report made as aforesaid, other than such as have been specified and contained in such Report or Manifest by this Act directed to be made, then and in such Case all such Beer, Rum, and other distilled Spirituous Liquors, or the Value thereof, (to be estimated at the then highest Price such Commodity shall bear at that Time) shall be and are hereby declared to be forfeited, and shall and may be seized by the Collector or Receiver, or Collectors or Receivers of the Duties for the Time being, or the Land Waiters or Gaugers; and if any such Beer, Rum, or other distilled Spirituous Liquors, shall be concealed or Stove, whereby Seizure cannot be made of the same, the Master of such Vessel, Owner, or Receivers, upon Conviction thereof, shall pay the Value thereof agreeable to such Estimation.

and if any Beer, &c. shall be concealed or stove to prevent Seizure, the Master of the Vessel shall pay the Value.

Masters of Vessels refusing Obedience to this Act,

shall forfeit £100.

VI. *And be it further Enacted*, That if any Beer, Rum, or other distilled Spirituous Liquors, shall be found on board any Vessel, which have not been duly entered, or shall be proved to have been landed, sold, delivered, bartered, or exchanged, contrary to the Intent and Meaning of this Act, or if any Master of any Ship or Vessel shall refuse or neglect to yield strict Obedience to the Directions prescribed by this Act, in either of such Cases he shall, on Conviction thereof by the Oath of One credible Witness, forfeit and pay a Fine not exceeding One Hundred Pounds Currency of this Province.

All Beer, &c. landed contrary to this Act, and found in the Custody of any Person on Shore, (not having a Permit) shall be forfeited, and such Person shall forfeit £50.

VII. *And be it Enacted*, That if any Beer, Rum, or other distilled Spirituous Liquors, shall be landed from on board any Vessel contrary to the Rules prescribed by this Act, and found in the Custody of any Person on Shore, (not having a Permit for the same) the same shall be forfeited, and the Person with whom it is found shall forfeit Fifty Pounds, unless he can prove the same to have been legally entered and landed.

VIII. *And*

VIII. *And be it further Enacted*, That if any Person whatsoever shall knowingly be aiding, or assisting in the clandestine landing or concealing any Beer, Rum, or other distilled Spirituous Liquors, in order to avoid Payment of the Duties to which the same are liable by this Act, he shall, upon Conviction thereof upon the Oath of one credible Witness, pay the Sum of Fifty Pounds, or suffer Six Months Imprisonment without Bail or Mainprize.

Persons assisting in clandestine landing any Beer, &c. forfeit £50.

IX. *And be it also further Enacted*, That no Beer, Rum, or other distilled Spirituous Liquors, that by this Act are liable to pay Duty, shall be landed or delivered from on board any Ship or Vessel, or put into any Warehouse or other Place, but in the Day Time only, and that after Sunrise and before Sunset, unless in the Presence of and with the Consent of the Collector or Receiver, or Collectors or Receivers for the Time being, on Pain of forfeiting all such Liquors as aforesaid, and the Lighter, Boat, or Vessel out of which the same shall be landed, together with the Trucks, Carts, and Horses, employed in carrying off the same.

Beer, &c. not to be landed but in the Day Time only, unless by Consent of the Collectors, on Penalty of being forfeited, with the Vessels, Trucks, &c. employed therein.

X. *And be it Enacted*, That the Master of any Ship or Vessel, importing any Beer, Rum, or other distilled Spirituous Liquors, as aforesaid, shall be liable to pay the Duty for so much thereof as is contained in his Report, not duly entered nor the Duty paid for by the Person or Persons, to whom such Beer, or other Liquors are or shall be consigned; and it shall and may be lawful to and for the Master of any Ship or Vessel to detain in his Hands, or deliver to the Collector or Receiver, or Collectors or Receivers aforesaid, for the Security of such Duty, all such Beer or other Liquors as are not entered, which said Collector or Receiver, or Collectors or Receivers, or either of them, are hereby impowered and directed to receive, and keep the same at the Owner's risque, until the Duty thereof with the Charges be paid; and if the Duty due for such Beer or other Liquors, shall not be paid or secured to be paid by the Owners thereof, within the Term of Three Months, that then and in such Case the Collector or Receiver or Collectors or Receivers, are hereby impowered to sell and dispose of so much of such Beer or other Liquors, as shall be sufficient to pay the Duty due thereon, and also the Freight, Charges of Custody, and Sale thereof.

Masters of Vessels liable to the Duty for Beer, &c. not duly entered nor the Duty paid for,

and may detain such Liquors, or deliver the same to the Collectors, to secure the Duty;

XI. *And be it also Enacted*, That when any Master of any Vessel shall be prosecuted by Virtue of this Act, the Vessel in which the said Beer, Rum, or other distilled Spirituous Liquors, is imported, shall and may be attached as Effects to answer the Judgment, unless the Master of such Vessel shall enter into Recognizance, with sufficient Sureties, to answer and abide the final Judgment in said Cause.

Vessels may be attached, unless the Master give Security to abide the Judgment.

Two Land waiters  
to be appointed for  
the Port of *Halifax*;

their Duty.

All Beer, &c. land-  
ed contrary to this  
Act shall be for-  
feited.

Two Thirds of the  
Duty to be repaid  
on Beer exported.

All Rum, &c. to  
be free of Duty,  
imported from the  
*West Indies*, and  
purchased with the  
Produce of the  
Province.

Owners or Masters  
of Vessels, to de-  
liver to the Col-  
lectors, an Invoice  
upon Oath, that  
Two Thirds of  
their Cargo is the  
Produce of the Pro-  
vince:

XII. *And be it further Enacted*, That it shall be in the Power of the Governor, Lieutenant Governor, or Commander in Chief for the Time being, to appoint two proper Persons as Surveyors or Land Waiters, for the Port of *Halifax*; before one of whom and in whose Presence, or in Presence of the Collector or Receiver, or Collectors or Receivers aforesaid, or either of them, all Beer, Rum, or other distilled Spirituous Liquors; shall be landed at the said Port; and all such Rum, or other distilled Spirituous Liquors, shall be gauged, and the same shall be so landed, and the Rum or other Spirituous Liquors so gauged within such Hours as are here- in before prescribed; and all Beer, Rum, or other distilled Spirituous Liquors, which shall be landed contrary to the Intent and Meaning of this Act, shall be forfeited, and shall and may be seized by such Collector or Receiver, or Collectors or Receivers, or either of them, or the said Surveyors or Land Waiters.

XIII. *And be it also further Enacted*, That from and after the Commencement of this Act, two Thirds of the whole Duty which shall or may have been paid or secured to be paid on any Beer, im- ported into this Province, shall, upon the same being exported out of the said Province, be repaid to the Exporter thereof.

XIV. *Provided nevertheless*, That if any Master of any Ship or Vessel, Merchant or Trader, shall lade any Ship or Vessel with any Kind of Merchandize, two Thirds of the Value of which at least, shall be the Produce or Manufacture of this Province, and shall export the same to any of His Majesty's *West India* Islands, and import from thence directly into this Province, any Rum being the Produce of said Islands, and purchased by the Cargo carried from this Province; on Oath of the Master of such Ship or Vessel, which Oath the Collector or Receiver, or Collectors or Receivers of the Duties, or either of them, are hereby authorized to admi- nister, or other sufficient Proof, such Rum, so purchased and im- ported, shall be exempt from the Payment of the said Duty of three Pence *per* Gallon imposed by this Act.

XV. *And to prevent any Frauds which may be committed by the Owners or Masters of Vessels, in purchasing Fish and Lumber the Pro- duce of other Provinces, and shipping the same as the Produce of this Province; Be it Enacted*, That every Owner or Master of any Ship or Vessel, who shall ship any Merchandize the Produce of this Province, and who intends to receive the Benefit of this Act, shall deliver an Invoice of his Cargo on Oath, to the Collector or Re- ceiver, or Collectors or Receivers, or either of them, whereby it shall appear that at least two Thirds in Value of the said Cargo, is the Produce or Manufacture of this Province, as certified and sworn to by the Person or Persons from whom the same is purchased.

XVI. *And*

XVI. *And be it further Enacted,* That from and after the Commencement of this Act, there shall be allowed on all Rum or other distilled Spirituous Liquors, which shall have been imported into this Province, on the same being exported out of the said Province, a Drawback of the whole Duty paid or secured to be paid on said Rum or other distilled Spirituous Liquors, except one Penny per Gallon.

Drawback on Rum exported.

XVII. *And be it also Enacted,* That the Drawbacks herein before expressed to be paid on Beer, Rum, or other distilled Spirituous Liquors, exported out of this Province, shall, upon the same being so exported out of this Province, within Six Months from the said Importation, be paid to the Exporter thereof as usual out of the Money arising from the Duties on the Liquors aforesaid, upon the said Exporters producing a Certificate, within Eighteen Months after the Time of the Exportation (the Dangers of the Seas and Enemies excepted) from the Principal Officer of His Majesty's Customs or other proper Officer for the Time being of the Port to which the same shall be carried, of its being there duly landed, together with a Certificate from the Collector or Receiver, or Collectors or Receivers of the said Duty, or either of them, that the Duty thereon has been duly paid or secured to be paid before such Exportation, agreeable to the Rates prescribed by this Act; and the Collector or Receiver, or Collectors or Receivers aforesaid, or either of them, may take such Certificates in Payment of any Duties to be paid by the Importers of any of the Liquors aforesaid.

Drawbacks to be paid, upon Certificates being produced.

XVIII. *And for the better preventing Frauds herein,* the following Oath shall be taken for the future, by every such Exporter of any Beer, Rum, or other distilled Spirituous Liquors, which Oath the Collector or Receiver, or Collectors or Receivers aforesaid, or either of them, are hereby authorized to administer.

Collectors empowered to administer the

**Y**OU A. B. do swear that the Quantity of \_\_\_\_\_ by you shipped  
ped for Exportation on board the \_\_\_\_\_ Master, bound for  
was bona fide imported in the \_\_\_\_\_ Master since the  
Day of \_\_\_\_\_ and that the Duties for the same have been paid or  
secured to be paid, as by Law is required, and that the same is not intended to be fraudulently reloaded into any Port or Place in this Province.

Exporter's Oath

XIX. *And be it Enacted,* That if any Beer, Rum, or other distilled Spirituous Liquors, shall be fraudulently reloaded into any Port or Place of this Province, after shipped for Exportation, the same shall be forfeited, together with the Vessel out of which the said Beer, or other Liquors as aforesaid, shall have been so fraudulently reloaded.

Beer, &c. fraudulently reloaded, to be forfeited,

and the Vessel

Q

XX. *And*

Naval Officer shall not clear out any Vessel till certified that the Master has complied with this Act.

XX. *And be it further Enacted*, That the Naval Officer at any of the Ports of this Province, shall not clear or give Passes to the Master of any Ship or Vessel outward bound, until he shall be certified by the Collector or Receiver, or Collectors or Receivers of the Duties, or either of them, that the said Master has complied with the Directions contained in this Act.

Draw back on Rum, &c. issued for the Use of his Majesty's Navy.

XXI. *And be it also Enacted*, That from and after the Commencement of this Act, all Rum, or other Spirituous Liquors, which shall have been imported into this Province, and shall have paid or secured to be paid the Duty imposed by Law, and which shall be issued for the Use of His Majesty's Navy, be deemed so far an Exportation thereof, as to be intituled to a Drawback of One Penny *per* Gallon; to be paid as usual out of the Funds arising from the aforesaid Duty, upon the Person or Persons (issuing such Rum or other Spirituous Liquors for the Use of His Majesty's Navy) making Oath to the Delivery thereof, and producing a Certificate from the Collector or Receiver, or Collectors or Receivers as aforesaid, that the Duty thereon has been paid or secured to be paid; and also producing a Certificate from the Commander and other signing Officers of such His Majesty's Ship or Ships, or the Naval Storekeeper, of the Quantity and Kind of such Spirituous Liquors, and that the same was actually received for His Majesty's Use and no other.

The Collectors to account Quarterly,

XXII. *And be it further Enacted*, That the Collector or Receiver, or Collectors or Receivers for the Time being, shall render a just Account and pay into the Hands of the Treasurer of the Province all such Monies by him or them received in Pursuance of this Act, within Thirty Days after the End of each Quarter, under the Penalty of Fifty Pounds for his or their Neglect.

on Penalty of £50.

By this Clause the *Proc. Act, 6. Geo. 3. Sess. 2. c. 5. is discontinued, and all Trials are hereby confined to the Supreme Court, or the stated Quarterly Sessions, or Inferior Courts.*

In what Courts Penalties, &c. shall be sued for

Special Juries may be allowed.

Persons claiming, shall pay Costs if the Verdict be for the Crown.

Application of Penalties and Forfeitures.

XXIII. *And be it also Enacted*, That all Causes or Trials for Forfeitures and Penalties on a Breach of this Act or any Part thereof, shall and may commence in the Courts of *General Quarter Sessions of the Peace, Inferior Court of Common Pleas, or Supreme Court*, at their stated Sessions and Terms, and that upon Motion a Special Jury shall be called to try the same, agreeable to the Form and Manner of Calling Special Juries in the Courts of *Westminster*; and that the Person claiming, or defending the Suit, to pay all Cost if the Jury find a Verdict for the Crown: And the Money arising from such Penalties and Forfeitures, after deducting any extraordinary Expences of Prosecution not taxed against the Defendant, shall be one Half to His Majesty for the Uses and Intents for which the Duties are granted, and the other Half to him or them who shall seize, or inform and sue for the same; and that all Prosecutions in pursuance of this Act, shall be commenced within the Space of Twelve Months, from the Time of the Offence committed.

XXIV. *And*

XXIV. *And be it also further Enacted,* That in Case it shall happen that any of the Witnesses for supporting any Information that may be so brought, are obliged to leave the Province before the Day appointed for the Trial of the Cause, that then and in such Case it shall and may be lawful for any one of the Judges or Justices of the Courts aforementioned, upon Notice given to the adverse Party to be present, to take the Depositions of the said Witnesses in Writing, which Depositions so taken and subscribed by the Judge or Justices aforesaid and Witnesses, shall be admitted as Evidence to the Jury upon Trial.

*Eng. Stat. 13. & 14: Car. 2. c. 11. Sect. 29.* Depositions of Witnesses taken before a Judge, shall be admitted as Evidence on the Trial.

XXV. *And be it Enacted,* That the Monies arising from the Duties imposed by this Act, shall be and are hereby appropriated for the Payment of Bounties and Premiums, and other Uses as already specified and directed by the Laws of this Province, or that may hereafter be directed by the *General Assembly*.

Application of Monies arising by the Duties.

XXVI. *And be it further Enacted,* That no Post Entry of any Beer, Rum, or other distilled Spirituous Liquors, shall be admitted to be made to the Collector or Receiver, or Collectors or Receivers of the Duties, by any Person but the Master of the Ship or Vessel, and that within Twenty four Hours after the Ship or Vessel arrives.

No Post Entry shall be made, but by the Master of the Vessel.

XXVII. *And be it also further Enacted,* That the Monies arising by the Operation of this Act, shall be accounted for unto His Majesty in the Kingdom of *Great Britain*, and to the Commissioners of His Majesty's Treasury or High Treasurer for the Time being, and audited by the auditor General of His Majesty's Plantations or his Deputy.

Monies to be accounted for in the Treasury in *Great Britain*, &c.

XXVIII. *And be it also Enacted,* That this Act shall be the Rule and Guide to the Collector or Receiver, or Collectors or Receivers, of the Duties of Impost, and to the Officers employed by or under them in receiving the Duties granted by this Act; and also that this Act shall be pleaded, and be the Rule and Guide for all and every of His Majesty's Courts aforesaid, when any of the Breaches of this Law, or the Fines or Forfeitures incurred by the same are prosecuted, any Law, Usage, or Custom to the contrary notwithstanding.

This Act to be the Rule & Guide to the Collectors,

and to the Courts.

XXIX. *And be it also further Enacted,* That this Act shall continue and remain in force, from and after the First Day of February which will be in the Year of our Lord One Thousand Seven Hundred and Sixty Eight, until the Fifteenth Day of January One Thousand Seven Hundred and Seventy One, and until the End of the Session of the *General Assembly* then next following.

Continuance of this Act.

C A P. V.

An ACT for granting to His Majesty a Duty on Wheel Carriages within the Peninsula of *Halifax*.

Duty laid on Wheel Carriages in the Peninsula of *Halifax*.

*E. it Enacted by the Governor, Council, and Assembly, That*  
**B** from and after the Publication hereof, each and every Wheel Carriage used within the Peninsula of *Halifax*, drawn by one or more Horses or by Oxen, every Owner or Owners of any such Wheel Carriage shall pay Ten Shillings for each Pair of Wheels to every such Carriage.

To be paid to the Surveyors of Highways, and applied to repair the Highways.

*And be it further Enacted, That* the Surveyors of Highways for the Township of *Halifax*, shall, and they are hereby impowered to receive from any Person or Persons keeping any Wheel Carriage as aforesaid, the Duty imposed by this Act, and to apply the same towards the Repairs of the Highways within the Town and Peninsula of *Halifax*, where there may be most Occasion at their Discretion; and if any Person or Persons shall refuse or neglect to pay the Duties imposed by this Act, it shall and may be lawful, on Complaint made by the Surveyors of Highways, to any one of His Majesty's Justices of the Peace for the County of *Halifax*, for such Justice of the Peace to cause the same to be levied by Warrant of Distress from off the Goods and Chattels of the Person or Persons refusing or neglecting to pay the same, with the Charges; and the Surveyors of Highways at the Expiration of their Office, shall Account as is directed in Cases of Fines received by them for the Use of the Highways, and under the like Penalties.

One Justice may levy the Duty by Warrant of Distress, on Persons refusing to pay.

Surveyors to account at the End of the Year.

III. *Provided always, And it is the Intent and Meaning of this Act,* that any Person or Persons who may keep one or two Horses or two Oxen for the Use of one Wheel Carriage, and may for Conveniency keep several other Carriages to be used on different Occasions by the same Cattle, that each and every such Person or Persons shall not be liable to pay for more than one Carriage. *And provided also, That* if any Person or Persons shall have any Wheel Carriage as aforesaid for Sale or otherwise, and never uses the same, such Person or Persons shall not be liable to pay the Duties imposed by this Act.

Persons keeping one Horse or Team for the use of several Carriages, shall pay only for one Carriage.

Wheel Carriages for Sale, not liable to the Duty.

IV. *And be it Enacted, That* the Monies arising by the Operation of this Act, shall be granted to His Majesty for the Uses therein mentioned, and shall be accounted for unto his Majesty in the Kingdom of *Great Britain*, and to the Commissioners of His Majesty's Treasury or High Treasurer for the Time being, and audited by the Auditor General of His Majesty's Plantations or his Deputy.

Monies to be accounted for in the Treasury in *Great Britain*, &c.

V. *And be it also Enacted*, That this Act shall continue and remain in force for the Term of One Year from the Publication hereof.

Act to continue  
One Year.

At the GENERAL ASSEMBLY of the Province of *Nova Scotia*, begun and holden at *Halifax*, on the Twenty Eighth Day of *May*, *Anno Domini* 1765, and in the Fifth Year of the Reign of Our Sovereign Lord GEORGE the Third, of *Great Britain, France, and Ireland*, KING, Defender of the Faith, &c. and there continued by several Prorogations until the Seventh Day of *October*, *Anno Domini*, 1767, in the Seventh Year of His said Majesty's Reign, being the Fifth Session of the Fourth GENERAL ASSEMBLY convened in the said Province.

### C A P. I.

An ACT in Addition to an Act, intituled an Act for granting to His Majesty, a Duty on Wheel Carriages within the Peninsula of *Halifax*.

HEREAS in an Act, intituled An Act for granting to His Majesty a Duty on Wheel Carriages within the Peninsula of *Halifax*, the Method for collecting the said Duty is not set forth, Therefore be it Enacted by the Lieutenant Governor, Council, and Assembly, That all Persons using any Wheel Carriage within the Peninsula of *Halifax* shall, and are hereby directed to give Notice thereof to the Surveyors of the Highways, within Twenty Days after the Publication of this Act, under the Penalty of Forty Shillings for such Neglect; and shall pay the Duty imposed by the above recited Act, on or before the First Day of May next.

Preamble.

Persons using any Wheel Carriage shall give Notice thereof to the Surveyors, within 20 Days, on Penalty of 40s. and shall pay the Duty before 1st May next.