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Commentaires supplémentaires:

Pagination is as follows: p. 280-285.

At the GENERAL-ASSEMBLY of the Province of *Nova-Scotia*, begun and holden at HALIFAX, on the Sixth Day of *June*, Anno Domini 1770, in the Tenth 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 Twelfth Day of *October*, Anno Domini 1773, in the Thirteenth Year of His said Majesty's Reign, being the Fifth GENERAL-ASSEMBLY convened in the said Province.

C A P. I.

An A C T to empower the Province Treasurer to issue other Notes in Exchange for such Notes as have been issued heretofore, in Virtue of the several Loan Acts made by the *General-Assembly* of this Province, and are defaced and worn.

 *HERE AS* it has been represented, that several Persons who now possess Notes for Sums borrowed in Pursuance of the several Loan Acts made by the *General Assembly* of this Province, labour under great Inconvenience by Reason that many of the said Notes are defaced and worn, and some would prefer to have large Notes in lieu of a Number of small Ones, or to have the same exchanged, For Remedy whereof,

I. Be it Enacted by the Governor, Council and Assembly, That the Treasurer of the Province be, and he is hereby empowered and directed, on Application made to him for that Purpose, to take up and receive all such Notes for Money borrowed as aforesaid, and in Lieu thereof to give Receipts in the Form following,

The Treasurer to take up and receive Notes defaced and worn, and to give receipts in form following.

PROVINCE NOVA-SCOTIA the Day of

“ **R** ECEIVED of the Sum of for the Use and  
 “ Service of the Province of *Nova-Scotia*, and in Behalf of  
 “ said Province, I do hereby promise and oblige myself, and suc-  
 “ cessors in the Office of Treasurer to repay the said or  
 “ Order the Day of the aforefaid Sum of  
 “ with Interest at the Rate of Six Pounds per *Centum per Annum*.

“ This Note being in Lieu of worn and defaced Notes hereto-  
 “ fore issued from the Treasury, amounting to the like or same  
 “ Sum and now cancelled. Witness my Hand.

Or in the following Form, at the Option of the Person who shall bring in such Notes or Receipts to be exchanged.

PROVINCE of *Nova-Scotia* the

“ **R** ECEIVED of the Sum of for the Use and  
 “ Service of the Province of *Nova-Scotia*, and in Behalf of  
 “ of said Province, I do hereby promise and oblige myself and  
 “ Successors in the Office of Treasurer, to repay the said  
 “ or Bearer the Day of the aforefaid Sum of  
 “ with Interest, at the Rate of Six Pounds per *Centum per Annum*.

“ This Note being in Lieu of worn and defaced Notes here-  
 “ tofore issued from the Treasury, amounting to the like or same  
 “ Sum, and now cancelled. Witness my Hand.

Such Notes to bear interest.

II. And be it further Enacted, That all Receipts so issued by the Treasurer of the Province, shall, according to the Tenor thereof, bear an Interest at the Rate of Six Pounds per *Centum per Annum*, and so in Proportion for a greater or lesser Sum, and all such Receipts so given, shall be dated on the Day following the Day to which the Interest due on such Notes or Receipts brought in as aforefaid was paid.

Notes brought in, to be cancelled in presence of Persons to be appointed by the Governor.

III. And be it also further Enacted, That all Notes brought into the Treasury as aforefaid, and for which Receipts shall be given in Pursuance of this Act shall be cancelled in Presence of such Persons as shall be appointed by the Governor, Lieutenant Governor, or Commander in Chief of the Province and all new Notes issued in Pursuance of this Act, shall be counter-signed by them, or at least two of them.

When Notes are brought in to be exchanged, the interest to be calculated to the day the new Note is dated; and not included in new Note issued.

IV. And be it Enacted, That when Notes of different Dates are brought to the Treasury to be exchanged for new Notes, the Interest in that Case shall be calculated upon each Note to the Day the new Note shall be dated, and the Treasurer shall pay said Interest and not include such Interest in any new Note so issued.

## C A P. II.

## An A C T for the rating and levying the Expences attending the executing Writs of Partition.

*HEREAS Difficulties may arise in the Recovery of the Charges and Expences attending the executing Writs of Partition, unless the same is enforced by Law;*

Preamble.

I. **Be it Enacted, by the Governor, Council and Assembly,** That all Accounts of Charges and Expences, which have already arisen, or which may hereafter arise, for the obtaining and executing Writs of Partition for the Division of Lands in any Township or Place in this Province, until final Judgment thereon, together with the Charges for Surveying the said Lands, and all other incident Expences relative thereto, shall be laid before his Majesty's Supreme Court, and when the same shall have been approved by the said Court, two or more proper Persons shall be appointed by the Court to assess the Amount thereof, in due Proportion on each several Share allotted and assigned to each and every Proprietor, and be levied out of the Profits and other extendible Goods and Chattels thereon, or belonging to such Proprietor or Person in Possession of the same, or any Part thereof, and shall be paid to the Person or Persons appointed by the Court to receive the same.

All Accounts of charges on obtaining writs of partition to be laid before the Supreme Court, and when approved, two or more assessors to be appointed.

amount to be levied out of the profits &c. of Proprietor or person in possession of lands, and paid to person appointed by the Court.

II. **And be it Enacted,** That if any Proprietor or other Person in Possession of any Land allotted and assigned as aforesaid, shall refuse or neglect to pay the Sum assessed as his Dividend or Proportion of the Charges aforesaid. It shall and may be lawful for any one of his Majesty's Justices of the Peace, on Complaint of the Receiver appointed as aforesaid, to issue a Warrant of Distress and Sale of the Delinquent's Goods and Chattels for the Recovery of the Sum so assessed with the Charges of Prosecution.

If Proprietor or person in possession refuses or neglects to pay sum assess'd, the same may be levied by distress.

III. **And be it also Enacted,** That in Case no Person be resident on any Lands allotted and assigned as aforesaid, nor any Goods and Chattels thereon, whereby the Sum due as aforesaid may be levied, it shall and may be lawful for any one of his Majesty's Justices of the Peace to let out any Part of such Delinquents Lands as may be sufficient to pay, by the Produce of the same, any such Dividend, Proportion or Charge so due, and in case no Person shall offer to hire the same, such Lands shall be held chargeable therewith.

In case no person resident on lands nor goods or chattels thereon whereby assessment may be levied, the lands to be let or held chargeable.

## C A P. III.

An ACT in further Amendment of an Act, made in the First Year of his present Majesty's Reign, intituled, *An Act for repairing and mending Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways within the several Townships in this Province.*

1 Geo. 3. cap. 14.  
5 ————— 2.

Preamble.

◆◆◆◆ *HEREAS* in the second Section of an Act, made in the first Year of his present Majesty, intituled, an Act for repairing and mending Highways, Roads, Bridges and Streets, and for appointing Surveyors of Highways within the several Townships in this Province; *certain Forfeitures are directed to be paid by such Persons as shall neglect to attend on their Duty in Manner therein set forth, for the Repairs of the Highways, Roads, Streets or Bridges, which said Forfeitures are directed to be recovered by warrant of Distress from one of his Majesty's Justices of the Peace; and whereas it is thought more expedient that such Forfeitures should be recovered as Actions of Debt or Trespass are recoverable according to the Value thereof:*

All forfeitures for neglect to attend for repairing and mending Highways &c. to be recovered as Debts are before one or more Justices.

I. *Be it Enacted, by the Governor, Council and Assembly, That all such Forfeitures as aforesaid, shall be sued for by the Surveyors of Highways in like manner as Debts of the like Value are sued for, and recovered before one or more Justices, any Thing in the said afore-recited Act to the contrary notwithstanding.*

II. *And whereas it is a great Hardship on poor labouring Men and other poor Persons to be obliged to labour at said Highways, Roads and Streets, during the whole of the Six Days appointed by the afore-recited Act,*

Two Justices may lessen number of days labour by poor Persons.

*Be it Enacted, That upon Application to two of his Majesty's Justices of the Peace, the said Justices shall, and may in their Discretion lessen the Number of Days Labour to be performed by such Men as cannot without Detriment to their Families attend the same.*

Persons who keep Carts, &c. tho' exempted from labouring by age to send their Carts, &c.

III. *And be it also Enacted, That all Persons keeping Carts, Teams, and Trucks, who by being Sixty Years Old or upwards, are exempted from labouring themselves on the said Highways or Roads, shall nevertheless send their Carts, Teams or Trucks, to assist in making or repairing the same.*

IV. *And*

IV. And be it also further Enacted, That any one of his Majesty's Justices of the Peace, shall and may on his own View, or on the Oath of one credible Witness, impose a Fine, not exceeding Twenty Shillings, on any Person who shall encumber or stop up the way in any of the Roads or Streets in this Province, by laying Timber, Wood, Carts, Trucks or any other thing thereon, to be recovered by Warrant of Distress and Sale of the Offenders Goods and Chattels, or in Case such Offender shall not be known or found, the same shall be recovered by Sale of so much of the Timber or Wood, and the Carts, Trucks or other thing encumbering or stopping the Way in such Road or Street as aforesaid, and be paid to the Overseers of the Poor for the Use of the Poor of the Town or Place where, or nearest the Place where the Offence shall be committed, rendering the overplus, if any be, to the Owner when found. And if the said Nuisance shall continue, the same shall be deemed a new Offence, and shall be prosecuted, and liable to the Penalty aforesaid.

Penalty for encumbering or stopping Roads or Streets.

#### C A P. IV.

An A C T to further explain and amend an Act made in the Thirty Second Year of his late Majesty's Reign, intituled, *An Act for making Lands and Tenements liable to the Payment of Debts.*

\*\*\*\*\* *HEREAS* in the First Section of an Act made in the  
 \* W \* *Thirty Second Year of his late Majesty's Reign, intituled,*  
 \* \* \* \* \* An Act for making Lands and Tenements liable to the  
 Payment of Debts; *It is among other things Enacted,* " That  
 " when any Estate shall be found by the Appraisers to be of  
 " greater Value than the Debt and Cost, the Creditor or Creditors  
 " shall be obliged at the Expiration of Thirty Days next after  
 " the End of the said two Years, (if not sooner redeemed) to  
 " give public Notice by Advertisement, that the Lands or Tenements  
 " so extended, are to be sold at public Auction by the Provost  
 " Marshal or his Deputy." And *Whereas Doubts have arisen*  
*in what Manner Notice of such intended Sale should be given,*  
**It is hereby Declared and Enacted, by the Governor,**  
**Council and Assembly,** That it is the Intention of the Legis-  
 lature, that Notice of any Sale intended to be made by the Pro-  
 vost Marshal or his Deputy as aforesaid shall be published in the  
 Nova-Scotia Gazette or other public News-Paper, and in some  
 public Place in the Township or other Place where the Lands lie,  
 at least three several Times during three Months before such Sale.

Preamble.

Notice of Sale of  
 Lands by Provost  
 Marshal to be in  
 Nova-Scotia-Ga-  
 zette or other News-  
 Paper and posted  
 up in or near Place  
 where Lands lie.

II. And *Whereas by the Second Section of the afore-recited Act, It is Enacted,* “ That in case the yearly Rents of the Lands  
 “ or Tenements of the Debtor are not sufficient to satisfy the  
 “ Debt with Costs and Interest, together with the Charge of need-  
 “ ful Repairs, within the space of two Years, then the Execution  
 “ shall and may be levied on Part of such Estate.” And *Whereas*  
*great Detriment has arisen to Persons by the levying the Execu-*  
*tion in such Cases, in such Manner as to render the Remainder of the*  
*Estate of little Value, to the great Prejudice of the Debtor; for*  
*Remedy whereof, Be it Enacted,* That whenever an Execution  
 shall be levied as aforesaid, on a part of the real Estate of the  
 Debtor, there shall be Five Appraisers, fit and discreet Men, two  
 to be chosen by the Debtor, two by the Creditor, and one by the  
 Provost Marshal or his Deputy, who shall be sworn to do equal  
 Justice between Debtor and Creditor in valuing the same, and  
 shall set off so much thereof as they shall think sufficient to satisfy  
 the Debt with Costs and Interest, with as little Injury as may be  
 to the Debtor and to the Remainder of the said Estate, so as to  
 prevent any such Grievance as aforesaid; any Law Usage or  
 Custom to the contrary in any wise notwithstanding.

when Execution levied on part of real Estate, five appraisers shall set off so much thereof as shall be sufficient to satisfy debt and cost, with as little injury as possible to the remainder.

III. And *Whereas no Provision is made in and by the afore-recited Act, for the Relief of Femmes Covert, Persons non Compos Mentis, imprisoned, or in Captivity, Minors, or Persons out of the Province, to sue for Recovery of any Lands or Tenements so sold, to which they are intitled, Be it Enacted,* That nothing in the said Act, nor any thing therein contained, shall extend or be construed to extend, to bar the Title of any Minor, Feme Covert, or Person non Compos Mentis, imprisoned, or absent from the Province, but they shall be intitled to sue for, and recover any Lands or Tenements within this Province, to which they are intitled, within Six Years after such Impediment shall be removed, any thing in the said Act to the contrary in any wise notwithstanding.

Minors, &c. may recover lands within six Years after impediment removed.