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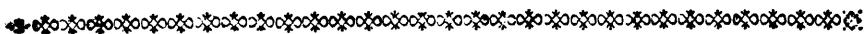
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At the GENERAL-ASSEMBLY of the Province of *Nova-Scotia*, begun and holden at HALIFAX, on the Sixth Day of *June*, Anno Domini 1770, in the Tenth Year of the Reign of our Sovereign Lord GEORGE the Third, of *Great-Britain, France, and Ireland*, King, Defender of the Faith, &c. and there continued by several Prorogations until the Sixth Day of *October*, Anno Domini 1774, in the Fourteenth Year of His said Majesty's Reign, being the Fifth GENERAL-ASSEMBLY convened in the said Province.



C A P. I.

An Act in Amendment of and explain an Act made in the Tenth Year of His present Majesty's Reign, intitled, *An Act for establishing the Rate of Interest*. 10 Geo. 3. cap. 5.

 **HEREAS** in an Act made in the Tenth Year of His present Majesty's Reign, intitled, An Act for establishing the Rate of Interest, it is among other Things Enacted, that no Person or Persons whatsoever, upon any Contract which shall be made, shall take directly or indirectly for Loan of any Monies, Wares, Merchandize, or other Commodities whatsoever, above the Value of Six Pounds for the Forbearance of One Hundred Pounds for a Year; and whereas doubts have arisen how far the Words Wares, Merchandize or other Commodities, may be extended, to fix the Offence of Usury, upon any Person or Persons who have heretofore, or may hereafter let or hire out any Grain, Stock of Cattle, Horses, Cows, Oxen, Heifers, Sheep or Swine, at a Rate exceeding the Sum of Six per cent per Annum upon the Value thereof. Preamble.

I. Be it Enacted by the Governor, Council and Assembly, That
D 5 from

After Publication of this Act it shall be lawful for any Person to contract and agree for the loan or hire of Cattle, &c.

from and after the Publication hereof, it shall and may be lawful for any Person or Persons to contract and agree for the Loan or Hire of any Quantity of Grain and Number of Cows, Horses, Oxen, Heiffers, Sheep, Swine or any other kind of Stock of Cattle or Grain upon Halves or otherwise, as the Lender or Hirer may agree, upon the Lenders taking the Risk of all such Cows, Horses, Oxen, Heiffers, Sheep, Swine or any other Kind of Live Stock upon himself, unless it doth or can be made appear, that the said Stock so lent, perish'd, and was lost thro' the wilfull Neglect of the Borrower, or that the said Borrower sold or converted the said Stock to his own Use, in which Case the Borrower shall make good to the Lender the full Value thereof; and that such Dealings was not, nor shall be accounted Usury.

And whereas great Benefit and Advantage has accrued to many Persons from the hiring Grain and Cattle from Persons, who may have inadvertently let out, or lent the same to them, in a Manner which by some may be deemed Usury.

Prosecutions commenced for Cattle Grain lent and not on usurious Contracts to cease.

II. *Be it Enacted*, That all Prosecutions or Complaints which may have been commenced for Grain, or Cattle Hired or Lent, and which have not yet been lawfully determined shall cease and be no further prosecuted, *Provided*, such Complaint or Prosecution shall relate only to the Hire or Borrowing Grain or Cattle, and not to usurious Contracts for Money lent within the Meaning of this Act.

And whereas there is no Time limited in the said Act, wherein the Offence or Offences so prohibited shall and may be prosecuted.

All Prosecutions to be brought within Twelve-months.

III. *Be it Enacted*, That all Prosecutions hereafter to be brought for any Offence already done or committed, or which may hereafter be done or committed against the said Act, shall be brought by the Person or Persons aggrieved, or by any Person who may sue for the same within twelve Months for the Time the Offence was committed: and it shall and may be lawfull for any Person or Persons, who shall think themselves aggrieved by any Judgment of any Inferior Court, to bring his Writ of Error, or Appeal to His Majesty's Supreme Court.

Persons aggrieved at any judgment of Inferior Court to bring Writ of Error or Appeal to Supreme Court.

C A P. II.

An Act to empower the Province Treasurer to borrow a Sum, not exceeding the Sum of Four Hundred Pounds, for paying off the Debt incurr'd by making Bridges, and opening the Road to *Truro* in the County of *Halifax*.

HERE AS the Duties arising from the Act made in the Eighth Year of His present Majesty's Reign, intituled, "An Act for suppressing Unlicensed Houses, and granting to His Majesty a Duty on Persons hereafter to be Licensed," were appropriated for making Highways, Roads and Bridges, and keeping the same in Repair; and whereas the aforesaid Fund has been found insufficient to answer the present Demands for making and repairing Roads into the Interior Parts of the Province.

Preamble.

I. Be it therefore Enacted, by the Governor, Council and Assembly, That the Treasurer of the Province be, and he is hereby empowered and directed to borrow from such Person or Persons as shall be willing to lend the same, a Sum not exceeding the Sum of Four Hundred Pounds, and the Sum so borrowed shall be applied in Manner as in this Act is hereafter directed, and for any Sum or Sums so borrowed, the Treasurer aforesaid shall give his Receipt or Obligation, in the Form, and Manner following.

The Treasurer to borrow £400.

and give his Receipt or obligation.

Province *Nova-Scotia* the Day of

" RECEIVED 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 aforesaid Sum of with
 " Interest at the Rate of Six Pounds per Centum per Annum,
 " Witness my Hand,

Form of the Receipt or obligation.

Or in the following Form, at the Option of the Person lending the Money, or that shall be otherwise intituled thereto pursuant to this Act.

Province *Nova-Scotia* the Day of

" RECEIVED of the Sum of for the Use and
 " Service of the Province of *Nova-Scotia*, and in Behalf of
 " the said Province, I do hereby promise and oblige myself and
 " Successors in the Office of Treasurer, to repay the said or
 " Bearer

“ Bearer the day of the aforesaid Sum of
 “ with Interest at the Rate of *Six Pounds per Centum per Annum*,
 “ Witness my Hand,

Such Receipts to
 bear Interest at 6
per Cent.

II. *And be it also 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 the Treasurer is hereby directed to give his Receipt or Receipts for any Sum or Sums; provided the same be not less than Five Pounds, at the Option of the Lender or Persons intitled to the same.

Application of the
 Money borrowed.

III. *And be it also further Enacted*, That the Sum so borrowed shall be applied to the Payment and Discharge of the Debt incurr'd in making Bridges and opening the Road to *Truro* in the County of *Halifax*.

Treasurer to re-
 ceive the Governor's
 Orders or Warrants
 as Cash.

IV. *Provided always*, That if the Province Treasurer shall, (by Scarcity of Money) not be able to borrow the Sum intended by this Act, that then and in such Case any Person or Persons, who shall produce any Orders or Warrants from the Governor for the Payment of the Debt incurr'd as aforesaid; such Orders or Warrants shall be received by the Treasurer, who is hereby directed to give his Receipt or Receipts for the Sum or Sums therein specified, bearing Interest in Manner herein directed.

Interest to be paid
 annually until the
 Principal is dis-
 charged.

V. *And provided always, and be it Enacted*, That if there shall not be Money sufficient in the Treasury to discharge the several Receipts so issued, when the same becomes payable, that then and in such Case the Treasurer is hereby authorized and directed to pay off the Interest as the same becomes annually due, out of such Monies as may then be in his Hands arising from the Duties aforesaid.

Receipts issued by
 the treasurer to be
 entered at the Se-
 cretary's Office and
 signed by Secretary
 of the Province.

VI. *Provided also, and be it Enacted*. That all Receipts to be issued by the Treasurer of the Province, in Pursuance of this Act, shall be entered at the Secretary's Office, and be signed by the Secretary of the Province, before they are issued from the Treasury.

VII. *And whereas for the better securing the Payment of the principal and interest of the money so borrowed, the several Acts relating to the Duty on Licensed Houses are continued to the Thirty First Day of December, One Thousand seven Hundred and Eighty.*

Monies arising from
 Licenses to be ap-
 plied towards pay-
 ment of Interest and
 Principal of the
 Money borrowed &
 Repairs of Roads.

Be it Enacted, That the Monies arising by the Operation of the said Acts shall be applied towards the Payment of the Interest and Principal of the Money borrowed by this Act, as well as for Repairs of such Roads as it may hereafter be found necessary to amend.

C A P. III.

An Act to prevent Waste and Destruction of Pine or other Timber Trees, on certain reserved and ungranted Lands in this Province.

HEREAS His Majesty has been pleased to reserve, and set apart several Tracts of Land within this Province, for the special Purpose of securing to the Crown, a Perpetual Fund for the Supply of Masts and Ship Timber for the Royal Navy, particularly all those Lands on St. John's River above the present Settlements, and the Island of Cape Breton.

Preamble.

In Order therefore, that the same be effectually secured against any Waste or Trespafs.

I. *Be it Enacted, by the Governor, Council and Assembly, That if any Person shall spoil, cut down, or any otherwise injure, or destroy any Pines of any Dimensions whatever, or any other Timber Trees, growing on the afore-recited reserved and ungranted Lands, or shall cause the same to be done, or shall cut down, or carry off any Tree fit for a Mast, from the said Premises for every Tree so cut or carried off, and for each and every Offence, or without having first obtained a License therefor, from the Governor, Lieutenant Governor, or Commander in Chief, for the Time being, certifying that the said Pine Trees, and Timber so to be cut, are for the sole Use of His Majesty and for no other Purpose. All such Persons being duly convicted of the Waste and Trespafs aforesaid, he or they shall forfeit and pay to His Majesty a Fine not exceeding One Hundred Pounds on due Conviction thereof, before any of His Majesty's Courts of Record, in any County within this Province, by Action of Debt, Bill, Plaint, or Information, one Half of the said Fine to be paid to the Informer, the other Half to His Majesty for the Use of the Province.*

If any Person spoil, cut down or destroy &c. any Pines or other Timber growing on reserv'd and ungranted Lands, or carry off any Timber.

unless by License from the Governor certifying that the same is for his Majesty's use.

Such Person being convicted thereof.

shall pay a Fine not exceeding £100. to be recover'd in any Court of Record.

II. *And be it further Enacted, That if such Offender on due Conviction, shall be unable to pay such Fine, that it shall and may be lawful for such Court, before which the Conviction shall be made to imprison such Offender, for the Space of Six Months without Bail or Mainprize.*

Offender unable to pay Fine shall be imprisoned Six Months.

without Bail.

III. *And Whereas the setting fire to any Wood Lands, is often attended with great Destruction of Timber Trees and otherwise destroys and prevents their Growth; Be it Enacted, by the Authority aforesaid. That if any Person shall purposely & maliciously set fire to any Places within the Limits of the aforesaid reserved & ungranted Territories, and thereby destroy any of the young Growth, or Timber Trees thereon, upon due Conviction before his Majesty's Supreme Court, Court of Assize and General Goal Delivery, such*

If any Person shall purposely and maliciously set fire to any place within the limits of reserved and ungranted Territories, and thereby destroy Timber, &c.

on Conviction shall suffer as a Felon.

Crime shall be adjudged Felony, and such Person so convicted shall suffer as a Felon.

This Act not to extend to Firewood & underwood used in the Fishery and within half Mile of Sea Shore.

IV. *Provided*, That nothing in this Act shall be construed to extend to such Fire Wood and underwood as is commonly used in the Fishery, and shall be within Half a Mile of the Sea Shore.

C. A. P. IV.

An Act for admitting Depositions *de bene esse*, of Witnesses aged, Infirm, and otherwise unable to travel, and of Witnesses departing from the Province.

When it shall happen that Witnesses in a Cause are infirm, aged or unable to travel, or obliged to leave the Province.

One of the Judges on due Notice given to adverse Party may take the Deposition of such Witnesses, which shall be Sealed up and directed to the Court where Cause is to be tried.

*** *Et ita Enacted, by the Governor, Council and Assembly,*
* B * That when it shall so happen that any of the Witnesses
* * * which shall be judged necessary to be produced on the
*** Trial of any Cause between Party and Party, shall be infirm, aged, or otherwise unable to travel, or when any such Witness or Evidence is obliged to leave the Province, it shall and may be lawful for any One of the Judges of the Court where the Cause is to be tried, on due Notice given to the adverse Party to be present (if he sees fit) to take the Deposition of such Infirm or aged Person, or Persons unable to travel, or who is obliged to leave the Province, and such Depositions so taken and certified under the Hand and Seal of the said Judge and sealed up, and directed to such Court, shall be received as legal Evidence in such Cause.

Oath to be made of Notice given to adverse Party.

II. *Provided*, That Proof be made on Oath, that due Notice was given to the adverse Party of the Time and Place of taking such Depositions.

If such Witness is in the Province or able to travel testimony *viva voce* required.

III. *And provided nevertheless*, That if such Witnesses shall at the Time of the Trial of the Cause, be in the Province, or able to travel, they shall be required to give their Testimony *viva voce*, at such Trial, in the same Manner, as if such Depositions had not been taken.

Saving benefit of exceptions to the Credit of such Witnesses.

IV. *Provided also*, That all Benefit of Exceptions to the Credit of such Deponents shall be reserved in the same Manner as on producing Witnesses for Examination, *viva voce*, at the Trial.

Quakers allowed to make Affirmation.

V. *And be it Enacted*, That every Person of the Profession of the People called Quakers, who shall be required to take an Oath as aforesaid, shall instead of an Oath be permitted to make his or her Solemn Affirmation.

VI. *And be it also Enacted*, That every Person who shall have made such Oath or Solemn Affirmation, and shall be convicted of wilfully, falsely and corruptly having sworn or affirmed any thing, shall incur the same Penalties as Persons convicted of wilful and corrupt Perjury.

Person convicted of Swearing or affirming falsely to incur Penalties as for perjury:

C A P. V.

An Act for punishing Rogues, Vagabonds, and other idle and disorderly Persons.

Act 7th, Geo. 3. cap. 5.

~~XXXX~~ *E it Enacted, by the Governor, Council and Assembly,*
~~XX~~ *B* That all Soldiers belonging to His Majesty's Troops in this Province, or Seamen or Mariners belonging to any ~~XXXX~~ of His Majesty's Ships or Vessels, who shall be travelling or wandering within the said Province, and shall not have a Pass from the Commanding Officer of the Regiment, Company or Ship or Vessel, to which they belong; and all idle and wandering Persons, who shall not have a Pass, or Testimonial from some Justice of the Peace, setting forth, the Place from whence such Soldier, Seaman or Mariner, or such other idle and wandering Person shall have come, and the Place to which they are to pass; every such Soldier, Mariner or Seaman or other Person, shall be deemed idle and disorderly Persons, and shall be proceeded against, as is herein after directed.

All Soldiers belonging to his Majesty's Troops Seamen or Mariners belonging to his Majesty's Ships or Vessels not having a Pass from their Commanding Officer.

All idle and wandering Persons not having a Pass from a Justice of Peace,

shall be deemed idle and disorderly Persons.

II. *And be it also Enacted*, That all Persons who run away, or threaten to run away, and leave their Wives or Children upon any Township, and all Persons who unlawfully return to such Township, or Place from whence they have been legally removed by order of two Justices of the Peace, without bringing a Certificate from the Township whereunto they belong, and all Persons who not having wherewith to maintain themselves, live idle and refuse to work for the usual Wages, and all Persons going about to beg Alms, shall be deemed idle and disorderly Persons; and it shall be lawful for any Justice of Peace to commit such Offenders (being convicted by his own View or by Confession, or by the Oath of one credible Witness) to prison, or to the House of Correction, there to be kept to hard Labour for any Time, not exceeding one Month.

All Persons who run away or threaten to run away and leave their Wives, &c. on any Township, or Persons unlawfully returning to Places from whence they have been removed, and other idle Persons, and Persons begging Alms, deemed idle and disorderly Persons, and shall be committed to Prison or House of Correction.

III. *And be it also further Enacted*, That it shall be lawful for any Person to apprehend Offenders against this Act, and convey to some Justice of Peace, the Persons so apprehended to be proceeded against as is herein after directed, and in Case any Constable or other such Officer refuse or neglect to use his best Endeavours

Lawful for any Person to apprehend Offenders.

If Constable or other such Officer refuse or neglect to apprehend them deemed a neglect of Duty and punished. If any Person being charged by a Justice where no Officer can be found refuse or neglect to apprehend such Offender to forfeit 10s.

If any Person not being a Constable apprehend Deserters or idle wandering Servants, &c. and deliver him to Constable or convey to a Justice; or Constable so apprehend such Deserter &c. — to be rewarded by such Justice.

Justices receiving information that Deserters or idle Persons are in any Place within their Jurisdiction shall issue a Warrant for a Search.

Proceedings in regard to Persons apprehended.

deavours to apprehend or convey to the some Justice any such Offender, it shall be deemed a Neglect of Duty, and he shall be punished as is herein after directed; and in Case any other Person charged by any Justice so to do, refuse or neglect to use his best Endeavours to apprehend and deliver to the Constable, or such other Officer, or to carry such Offender before some Justice, where no Officer can be found being convicted upon View, or by the Oath of one Witness before a Justice, he shall forfeit Ten Shillings to the Use of the Poor of the Township, to be levied by Distress and Sale of Goods by Warrant from any Justice, and in Case any Person not being a Constable or Officer, apprehend any Deserter or idle wandering Servant, or other Person, and deliver him to a Constable or convey him to a Justice, or if any Constable so apprehend and convey such Deserter or idle wandering Servant, or other Person, it shall be lawful for such Justice to reward any such Constable or other Person, by making an Order under his Hand and Seal on the Treasurer of the County to pay Ten shilling to the Person so apprehending him on producing such Order and giving a Receipt, and the Justices at the *General Sessions*, shall allow the same to such Treasurer in his Accounts, upon his producing the Vouchers aforesaid.

IV. *And be it Enabled*, That any One or more Justices of the Peace on receiving Information, that Deserters or any idle and disorderly Persons are in any Place within his or their Jurisdiction, shall issue his or their Warrant to the Constables to search for and apprehend such Deserters or idle and disorderly Persons, and in Case any Person apprehended upon any such Search be charged before such Justice or Justices with being a Deserter from His Majesty's Navy, or Army, or an idle and disorderly Person, or with suspicion of Felony (altho' no direct Proof be then made thereof) to examine such Person, not only as to the Place from whence he came, and where he was last legally settled, but also, as to his Manner of livelihood, the Substance of which Examination shall be put in Writing and be signed by the Person so examined, and the said Justice or Justices shall sign the same and transmit it to the next *General Sessions of the Peace* for the County, or *Special Sessions* for the District where such Justice or Justices reside, to be filed and kept on Record, and if such Person make it not appear to such Justice or Justices, that he is not a Deserter, and that he has a lawful Way of getting his Livelihood by Labour or otherwise, or procure not some responsible House-keeper to appear to his Character, and give Security for his Appearance before such Justice or Justices, at some other Day (in Case the same be required) to commit such Person to some Prison or House of Correction for any Time not exceeding Fourteen Days, and in the mean Time to order the Overseers of the Poor of the Township or Place, in which such Person is apprehended, insert Advertisement in the public News Paper, describing such suspicious Person, and any Thing

Thing found upon him or in his Custody, and which he is suspected not to have come honestly by, and mentioning the Place to which such Person is committed, and specifying when and where such Person is to be again brought before the said Justice or Justices to be examined, and if no Accusation be then laid against him, such Person shall be discharged, or otherwise dealt with according to Law.

V. *And be it also further Enacted*, That if any Constable or other Officer, or Master of any House of Correction be negligent in his Duty in the Execution of this Act, or in Case any Person disturb the Execution of this Act, or rescue any Person apprehended or passing by Virtue thereof, or be assisting to his or her Escape, and be convicted thereof upon the Oath of one credible Witness before one Justice of the Peace, where such offence is committed, the Person so offending, for every such Offence, shall forfeit any Sum not exceeding *Five Pounds*, nor less than *Ten Shillings*, to the Use of the Poor of the Township, to be levied by Distress and Sale of the Offenders Goods, by warrant from such Justice, and if sufficient Distress cannot be found, it shall be lawful for such Justice to commit the Persons so offending to Prison, or to the House of Correction, there to be kept to hard Labour for any Time not exceeding two Months.

Penalty on Officers not doing their duty.

and on Persons hindering the execution of this Act or rescuing Prisoners.

to be levied by Distress and Sale, &c.

VI. *And be it Enacted*, That if any Person shall knowingly permit any Deserter or idle and wandering servant or Vagabond to lodge in his or her House, Barn or other Outhouse or Buildings, and shall not apprehend and carry such Deserter or idle Servant or Vagabond before some Justice, or give Notice to some Constable or other Officer so to do, such Person being thereof convicted, either on Confession or upon Oath of one credible Witness, before a Justice where such offence is committed, shall forfeit any Sum not exceeding *Forty Shillings*, nor less than *Ten Shillings*, one Moiety to the Informer, and the other Moiety to the Poor of the Township, to be levied by Distress and Sale of Goods by Warrant from such Justice, and if any Charge be brought upon any Township or Place by Means of any such Offence, the same shall be answered to the said Township by such Offender, and be levied by Distress and Sale of goods, and if sufficient Distress cannot be found, such Offender shall be committed to prison or to the House of Correction by the Justice for any Time, not exceeding one Month.

Penalty for sheltering Deserters, &c.

Provided, That any Person who shall have been prosecuted and fined on the Act of Parliament for concealing or harbouring Deserters shall not be again prosecuted for the same, on this Act.

VII. *And be it also Enacted*, That where Persons by Lunacy or otherwise, are furiously mad, and dangerous to be permitted to

Lunatics to be confined by Warrant of Justices.

go abroad, it shall be lawfull for two Justices where such Lunatic is found, by Warrant directed to the Constables, Church Wardens and Overseers of the Poor of the Township or Place, to Cause such Person to be apprehended, and kept safely locked up in some secure Place within the County, as such Justices direct, and if such Justices find it necessary to be there chained, if the last legal Settlement of such Person be in any Place within such County, and if such Settlement be not there, such Person shall be sent to the Place of his last legal Settlement by a pass, and shall be locked up and chained by Warrant of two Justices of the county to which such Person is to be sent, and the Charges of removing and maintaining and curing such Person during such restraint (which shall be for such Time only as such Madness Continues) shall be paid, being first proved upon Oath, by Order of two Justices directing the Church Wardens or Overseers of the Poor, where any Goods Lands or Tenements of such Person be, to seize and sell so much of the Goods or receive so much of the Rents of the Lands as is necessary to pay the same, and to account for what is so seized, sold or received to the next *Sessions of the Peace*; but if such Person hath not an Estate to pay the same over and above what is sufficient to maintain his or her Family, then such Charge shall be paid by the Township or place to which such Person belongs, by Order of two Justices, directed to the Church Wardens or Overseers.

Goods & Estates of Lunatics to be seized to pay the Charge of their maintenance.

Otherwise at the Charge of the Township or Place.

Proviso.

VIII. *Provided.* That nothing herein contained, shall extend or be construed to extend to abridge the prerogative of his Majesty, or of the Chancellor, concerning such Lunatics, or restrain any Friend or Relation of such Lunatics from taking them under their own Care.

Persons sued for any thing done in execution of this Act may plead general issue.

IX. *And be it also further Enacted,* That if any Person or Persons shall be sued for any Matter or thing, which he or they shall do in Execution of this Act, he or they may plead the General issue, and give the special Matter in Evidence, and if a Verdict shall pass for the Defendant or the Plaintiff shall be non suited, or discontinued his Suit, the Defendant may recover treble Costs,

Treble Costs recovered.

C A P. VI.

An Act in Addition to, and in Amendment of an Act, made in the Eighth Year of His present Majesty's Reign, intituled, *An Act for establishing the Times of holding the Supreme Court.*

8 Geo. 3. cap. 5.

*W*HEREAS many and great Inconveniencies have arisen, and daily do arise, for want of a more speedy and full Administration of Justice in the several Counties in this Province, that many Suitors living and residing therein, do sue and prosecute their Actions and Causes of Complaint in the Supreme Court, at present held only at Halifax, and that their being obliged to come from a great Distance themselves, and bringing their Witnesses, is very detrimental as well as expensive to them, and great Injury is thereby done to Individuals, as well as to the public Good of the Province; and whereas His Majesty has been pleased to grant a Commission and appoint a Supreme Court, Court of Assize and General Goal Delivery, to be holden in, and through the Province, exercising the Powers of the several Courts of King's-Bench, Common Pleas and Exchequer in England, and that the holding the said Court at certain stated Times in such Counties to which there is a Communication with the Town of Halifax by Land, will greatly contribute to the Security of the Rights of the Crown, as well as to the Ease and Welfare of His Majesty's Subjects in this Province.

Preamble.

I. *Be it therefore Enacted, by the Governor, Council and Assembly,* That the said Supreme Court shall from and after the Thirtieth Day of December next, be holden in the several Towns and Counties, and at such Times and in such Manner, as are hereafter mentioned, and that the said Supreme Court shall be, and is hereby impowered to proceed at the said several Sitings, in and as near the same Manner as hath heretofore been used in the said Court, sitting at Halifax, and that the several Laws of this Province, respecting Jurors shall extend and be construed to extend to the holding the said Supreme Court at the said several Times and Places, and that all the Proceedings, Rules, Judgments and Executions of the said Supreme Court, legally had, made and done, in and at their Sitings and Terms, and at the said several Places, shall be good, valid and effectual to all Intents and Purposes whatsoever.

The Supreme Court shall after the 30th Dec. 1774. be held in the several Towns and Counties & Times hereafter mentioned.

The Laws respecting Jurors to extend to the holding the said Court at the said Times, &c. and all Proceedings &c. therein valid & effectual.

II. *And Whereas it may be attended with Inconvenience, that all and every the Judges of the said Supreme Court, should be present at the several Sitings of the said Court.*

Be

Two Judges to hold
the said Court.

Be it Enacted, That any two of the Judges of the said Court, shall be sufficient for holding the same, and transacting the Business thereof, at all, any, and every of the Times and Places hereafter mentioned, and the legal Proceedings then and there had, shall be to all Intents and Purposes whatsoever, as good and effectual, as if all the Judges of the said Court were present.

Times and Places
of holding the
same.

III. *And be it Enacted*, That the said Supreme Court shall be held at *Halifax*, on the first Tuesday of *January*, the last Tuesday of the Month of *March*, the Second Tuesday of the Month of *July*, and on the last Tuesday of the Month of *October*; at *Horton* in *King's County*, on the Third Tuesday of the Month of *April*, and Second Tuesday of the Month of *October*; at *Annapolis* in the County of *Annapolis*, on the First Tuesday of the Month of *May*, and last Tuesday of the Month of *September*; at *Cumberland* in the County of *Cumberland*, on the last Tuesday of the Month of *May*, and First Tuesday of the Month of *September* in every Year. And that the Time of Sitting of the said Supreme Court, in each of the Terms or Times for holding the same, shall be limited, *that is to say*, at *Halifax* for Fourteen Days, from the Day of opening the said Court, unless in Cases of unavoidable Necessity, or that the Multiplicity of Business at either of the said Terms should require it, in which Case the Judges may continue the same for a Time not exceeding Six Days longer. And that in each of the other Counties the said Court shall not sit longer than Five Days from the Day of opening each of the said Courts.

Manner of drawing
the Jurors for the
first sittings.

IV. *And be it further Enacted*, That the said Supreme Court shall and may at the next Sitting of the said Court, issue their several Writs of *Venire Facias* to the Provost Marshal or his Deputy for the Summoning of Jurors in the said Counties of *King's County*, *Annapolis*, and *Cumberland*, and that the said Provost Marshal or his Deputy, shall upon the Receipt of such Writ or Writs of *Venire Facias*, draw out of the Jury Box of the said County in the presence of Two of His Majesty's Justices of the Peace for such County, (and who are hereby directed to attend the Provost Marshal or his Deputy at the drawing the same) a Grand and Petit Jury, to serve at the Sitting of the said Supreme Court in the County, where the said Writ is so directed, and the said Provost Marshal or his Deputy shall duly summon the said Juries, Twelve Days before the Sitting of the said Court in the said Counties respectively, and that the said Jurors shall be liable to all the Penalties of the Laws of this Province for their Non-Attendance as aforesaid, and that all Presentments, Indictments, Verdicts and other legal Proceedings then and there had, made and done by the said Jurors so summoned as aforesaid, shall be good and lawful to all Intents and Purposes whatsoever; and that from and after the first Sittings of the said Supreme Court in the said Counties of *King's-County*, *Annapolis*, and *Cumberland*,

to be summoned
Twelve Days be-
fore sitting of
Courts.

the

the several Juries to be summoned in and for the said Counties respectively, shall be summoned as hath heretofore been used and practised in the *Supreme Court* sitting at *Halifax*.

and after first fittings to be drawn as usual.

Provided always, That nothing herein contained shall be of Force or Effect until His Majesty's Pleasure be known thereon.

C A P. VII.

An ACT in further Amendment of an Act, made in the Thirty Second Year of His late Majesty's Reign, intituled *An Act relating to Treasons and Felonies*.

32d Geo. 2. cap. 13.

WHEREAS in and by an Act made in the Thirty Second Year of His late Majesty's Reign, intituled An Act relating to Treasons and Felonies, it is among other Things Enacted, "That Offences therein described as in Degree of Petit Larceny, shall be punished by such public Whipping as the Court before whom such Offender shall be convicted shall direct;" and whereas it is thought expedient that the Court should have Power to order the Person convicted of such Petit Larceny to be imprisoned, or committed to the House of Correction, or whipped at the Discretion of the Court.

Preamble.

Be it therefore Enacted, by the Governor, Council and Assembly, That it shall and may be lawful for the Court before whom any Offender shall be so convicted as of Petit Larceny, punish such Offender by Whipping or Imprisonment or Commitment of such Offender to the House Correction, there to be put to hard labour, the said Imprisonment or Commitment to the House of Correction not to exceed Three Months, and within that Space for such Time as the Judges in their Discretion shall think fit.

In Convictions of petit larceny Court impower'd to punish Offenders by whipping or imprisonment.

C A P. VIII.

An Act to impower the Supreme Court to issue Writs of Certiorari.

Be it Enacted by the Governor, Council and Assembly, That the Supreme Court for this Province shall and may upon Application, issue Writs of Certiorari for removing Orders of Sessions of the Peace, under such Regulations, Restrictions, and Powers, as Writs of Cerubari are issued

Supreme Court may on application issue Writs of Certiorari for removing Orders of Sessions of the Peace.

issued by His Majesty's Court of King's-Bench in *Great-Britain*, and conformable to the Course and practise of the Common Law, and the several Statutes for that Purpose made and provided.

C A P. IX.

An Act for altering the Times of holding the Court of *General Sessions of the Peace*, and *Inferior Court of Common Pleas* for the County of *Cumberland*.

HEREAS by an Act made in the Seventh Year of His present Majesty's Reign, intituled, "An Act for regulating the Times and Places for holding the several Courts of Justice," therein named. It is Enacted, That the Courts of *General Sessions of the Peace*, and *Inferior Court of Common Pleas* shall be held for the County of *Cumberland*, in the Town of *Cumberland*, on the First Tuesday of *June*, and on the Second Tuesday of *October*; And whereas the holding the said Courts at those Times has been found inconvenient;

Be it Enacted, by the Governor, Council and Assembly, That the said Courts, shall be held for the future, on the last Tuesday of *June* and the last Tuesday of *October*, in every Year, any Law, Usage or Custom to the contrary notwithstanding.

C A P. X.

An Act in Amendment of an Act, made in the Thirty Second Year of His Late Majesty's Reign, intituled, *An Act for punishing Criminal Offenders*.

32d Geo. 2. cap. 20.

Preamble.

Sect. 9.

Sect. 6.

HEREAS by an Act made in the Thirty Second Year of His Late Majesty's Reign, intituled, "An Act for punishing Criminal Offenders, it is among other things Enacted, that every Person convicted of Perjury in Manner therein mentioned, shall be set in the Pillory, and that both his Ears shall be nailed to the Pillory, and that every Person convicted of Counterfeiting, impairing, diminishing, or imbasing any Foreign Coins current in this Province, in manner also therein mentioned, shall be set in the Pillory, and that one of his Ears shall be nailed to the Pillory." And Whereas it was the Intent of the said Act for due Punishment of such Offenders,

ders, that both the Ears of the Person convicted of Perjury, and that one Ear of the Person convicted of Counterfeiting, impairing, diminishing, or imbasing, any Foreign Coin current in this Province, should be cut off and then nailed to the Pillory.

Be it therefore Enacted, by the Governor, Council and Assembly, That the said Act shall on all Convictions for the Offences aforesaid, be hereafter so understood and construed, and that both the Ears of such Offender or Offenders as shall be convicted of Perjury; and one of the Ears of the Offender or Offenders as shall be convicted of counterfeiting, impairing, diminishing, or imbasing any Foreign Coin current in this Province, shall for more exemplary Punishment, be first cut off; and then nailed to the Pillory, any thing expressed in the said Act to the contrary notwithstanding.

Punishment of Persons convicted of Perjury, and of counterfeiting, &c. any Foreign Coin, explained.

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