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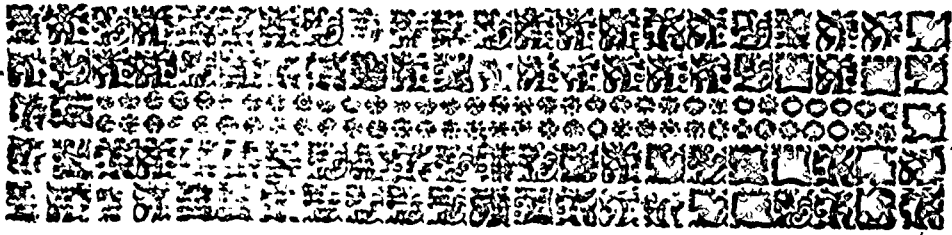
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At the *General-Assembly* of the Province of *Nova-Scotia*, begun and holden at *Halifax*, on Wednesday the *First* Day of *July* 1761, in the *First* Year of His Majesty's Reign, and there continued by several Prorogations until Thursday the *22d* Day of *March*, 1764, in the *Fourth* Year of His Majesty's

*Altogether*

Reign.



An Act for amending Defects in Pleas, Processes, and Records.

It is enacted by the Lieutenant Governor, Council, and Assembly, That for Error in any Record, Process, or Warrant of Attorney, Original Writ, or Judicial, Panel or Return, in any Places of the same razed or interlined, or in any Addition, Substraction, or Diminution of Words, Letters, Syllables, or Titles found therein: No Judgment or Record shall be reversed or annulled, but the Judges of the Courts before whom such Records and Proests shall be depending, shall have Power to examine such Records, Proests, Words, Pleas, Warrants of Attorney, Writs, Panels, or Return by them, and their Clerks, and to reform and amend in Affirmance of the Judgments of such Records and Processes, all that which to them in their Discretion, seemeth to be misprison of their Clerks,

*1*

in such Record, Proceses, Word, Plea, Warrant of Attorney, Writ, Panel and Return; except Appeals, Indictments of Treasons and Felonies, and the Outlawries for the same; and the Substance of the proper Names, Surnames, and Additions left out in original Writs, and Writs of Exigent, and any other Writs containing Proclamations.

*And be it further enacted, by the Authority aforesaid, That all Writs of Error, Appeals from Judgments in any Action, Real, Personal, or mixt, according to the Courte of Proceedings in this Province, wherein there shall be any Variance from the Original Record, or other Defect, may and shall be amended and made agreeable to such Record, by the Courts where such Writ or Writs of Error, or such appeals shall be returnable; and that where any Verdict shall be given in any Action, Suit, Bill, Plaint or Demand in any of His Majesty's Courts of Record within this Province, the Judgment thereupon shall not be stayed or reverted for any Defect or Fault either in Form or Substance, in any Bill, Writ, Original or Judicial, or for any Variance in such Writs from the Declaration or other Proceedings.*

*Provided Nevertheless, That nothing in this Act contained, shall extend, or be construed to extend, to any Appeal of Felony or Murder, or to any Process upon any Indictment, Presentment, or Information, of or for any Offence or misdemeanour whatsoever.*

Published according to Law, the 10th Day of April 1764.



An Act in further addition to an Act, made and pass'd 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 Excise on Wines, Rum, and other distilled Spirituous Liquors, sold within this Province.*

*ap. 2.*

**H**EREAS in the Act made and pass'd 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 Excise on Wines, Rum, and other distilled Spirituous Liquors, sold within this Province, no Provision is made in what manner the Distillers account is to be render'd in case of the absence of the Owner or Occupier of any Distill-house, or in case the Business of such Distill-house, be carried on under the Direction of a Foreman Distiller or any other Person.*

Be

Be it therefore enacted by the Lieutenant-Governor, Council, and Assembly, That from and after the Publication hereof ; whenever it shall so happen, that the Business of a Distill-house shall be carried on under the Direction of a Foreman Distiller, or any other Person in the absence of the Owner or Master thereof, that then and in such case, the said Foreman or other Person, shall render his Monthly Account upon Oath, as is directed in the afore recited Act, to be done by the said Owner or Master of the Distill-house ; and shall also in every other particular pay due Obedience to the several Rules and Directions, prescribed by the said aforesaid Act, under the like Penalties as are imposed by the said Act for each and every Neglect thereof.

Published according to Law, the 10th Day of April 1764.



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



Be it enacted by the Lieutenant Governor, Council, and Assembly, That the General Sessions of the Peace, and inferior Court of Common Pleas for the County of *Halsfax*, shall be held in the Town of *Halsfax*, on the first Tuesday of *March*, on the first Tuesday of *June*, on the first Tuesday of *September*, and on the first Tuesday of *December*; at which Courts the Business of the Sessions shall be first proceeded upon and Dispatched. For the County of *Annapolis* in the Town of *Annapolis*, on the third Tuesday of *January*, and on the second Tuesday of *September*; For the County of *Lunenburg*, in the Town of *Lunenburg* on the third Tuesday of *February*, and on the first Tuesday of *September*; for *Queen's* County, in the Town of *Liverpool*, on the first Tuesday of *February*, and on the third Tuesday of *September*; for *King's* County in the Town of *Horton*, on the last Tuesday of *May*, and on the first Tuesday of *October*; and for the County of *Cumberland*, in the Town of *Cumberland*; on the last Tuesday of *March* and second Tuesday of *October*; which Courts shall be held at the said Places respectively, and on the said Days in every Year.

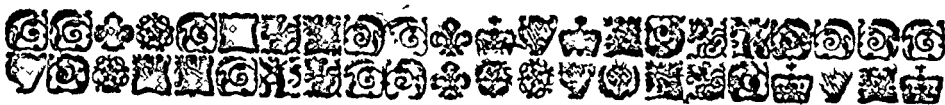
cap. 3.  
Temp.  
10th April.

And be it further Enacted, That all Writs, Summons, and all other Process, issued and returnable to the Courts heretofore appointed, shall be returned to the Courts at the Times and Places appointed by this Act, any Law, Usage, or Custom to the Contrary notwithstanding.

This Act to continue and be in force from and after the Publication thereof

thereof, for the Space of *Three Years*, and from thence until the End of the Session of the General Assembly then next following.

Published according to Law, the 10th Day of *April* 1764.



An Act in addition to an act, made and pass'd 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.

6.4. *Be it enacted by the Lieutenant-Governor, Council, and Assembly,* That from and after the Publication hereof, whensoever it shall happen, that any Wines, Beer, Rum, or other distilled Spirituous Liquors upon Prosecution in any of his Majesty's Courts, shall be condemn'd for illegal Importation and declared to be forfeited, the Court before whom the same shall be condemn'd for illegal Importation as aforesaid, are hereby authorized and directed to proceed in a Summary Way, To impose a Fine or Penalty of *Ten Pounds* upon any Person or Persons Occupying any Dwelling-House, Cellar, Store, Out-Houses, Stables, Yard or other Inclosure whatsoever, where such Wines, Beer, Rum, or other distill'd Spirituous Liquors shall be found.

And whereas the Masters of Vessels or other Persons importing Wines, Beer, Rum, or other distill'd Spirituous Liquors into this Province, frequently clear out part of the said Wines, Beer, Rum, or other distilled Spirituous Liquors by them imported, under pretence of their not being able to dispose of the same; And whereas sundry Frauds have been committed therein to the great Prejudice and Loss, of His Majesty's Revenue.

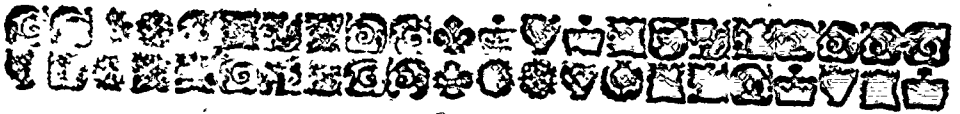
*Be it therefore enacted,* That from and after the Publication hereof, the Master of any Ship or Vessel importing any Wines, Beer, Rum, or other distill'd Spirituous Liquors as aforesaid, shall be liable to pay or secure to be paid in manner as is directed in and by an Act made and pass'd in the third 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 whole duties of Impost on all such Wines, Beer, Rum, or other distill'd Spirituous

Spirituos Liquors, as shall be contained in his, or their, Report to the Collector or Receiver, or Collectors or Receivers, of the said Duties.

Provided *always*, That there shall be allowed on all such Wines, Beer, Rum, or other distilled Spirituous-Liquors on their being exported out of the said Province, a drawback of the whole Duties paid or secured to be paid on said Wines, Beer, Rum, or other distilled Spirituous Liquors, except the *Port* per Gallon, on their producing a Certificate (as is prescribed by the aforesaid Act) and together with such Certificate, there shall be produced an Affidavit made by the exporter, before some Magistrate of the port or place where the said Wines, Beer, Rum, or other distilled Spirituous Liquors shall have been landed, that the same was *bona fide* landed there according to the Tenor of the said Certificate.

And be it further enacted, That all Fines and Penalties incurred by this Act, shall be applied and disposed of in manner as in the beforementioned Act is directed.

*Published according to Law the 10th Day of April 1760*



### An Act for preventing abatement and discontinuance of Suits,

Be it enacted by the Lieutenant-Governor, Council, and Assembly, That in all Actions to be commenced in any Court of Record, from and after the first Day of June next ensuing, if any Plaintiff happen to die after an interlocutory Judgment and before a final Judgment obtained therein, the said Action shall not abate by reason thereof, if such Action might be originally prosecuted, or maintained by the Executors or Administrators of such Plaintiff; and if the Defendant die after such interlocutory Judgment and before final Judgment therein obtained, the said Action shall not abate, if such Action might be originally prosecuted, or maintained against the Executors or Administrators of such Defendant; and such Court is hereby empowered to try the said Action, and to determine and give Judgment thereon, in the same manner as if the said Suit had been commenced by, or against such Executors or Administrators, as in right of their Testator or Intestates.

Cap

And be it further enacted by the Authority aforesaid, That if there be two or more Plaintiffs or Defendants and one or more of them should die, if the cause of such Action, shall survive to the surviving Plaintiff, or Plaintiffs, or against the surviving Defendant or Defendants, the Writer

An Action shall not be thereby abated ; but such death being suggested upon the Record, the Action shall proceed at the Suit of the surviving Plaintiff or Plaintiffs, against the surviving Defendant or Defendants.

And be it further enacted, That in all actions personal and real, or mixt, the Death of either Party between the Verdict and the Judgment shall not hereafter be alledged for Error, so as such Judgment be entered within two terms after such Verdict.

And be it further enacted, by the Authority aforesaid, That where any Judgment after a Verdict shall be had by, or in the Name of any Executor or Administrator : in such case an Administrator de bonis non may sue forth a Scirefacias, and take Execution upon such Judgment.

And be it further enacted, That no Process or Suit before any Justices of Assize, Goal delivery, Over and Terminer, Justices of Peace or other Commissioners, shall be discontinued by the making and Publishing of any new Commission or Association, or by altering the Names of the Justices of Assize, Goal Delivery, Over and Terminer, Justices of Peace or other Commissioners, but such new Justices of Assize, Goal Delivery, and of the Peace and other Commissioners, may proceed as if the former Commissions, Justices or Commissioners, had remained and continued without alteration.

Published according to Law the 10th, Day of April 1764.



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

6. **W**HEREAS the Sums demanded for Bounties, and Premiums, have greatly exceeded the Funds appropriated for their Payment ; and whereas for the support of the publick 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 publick Debt will be greatly augmented, by the Demands that will be made for the governing 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.

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Be it enacted, by the Lieutenant Governor Council and Assembly, 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, (exceptonly the Bounty for building Stone Walls on the Peninsula of Halifax,) any thing to the contrary in any wise notwithstanding.



An Act to impower the Province Treasurer to borrow a Sum not exceeding the Sum of *Two Thousand Nine Hundred Pounds*, for paying off Bounties, Premiums, and other Debts, payable by the Laws of this Province.

WHEREAS the Act made and pass'd in the present Year of His Majesty's Reign, Intitled an Act to impower the Province Treasurer to borrow a Sum not exceeding the Sum of Four Thousand Pounds, for paying off Bounties, and Premiums, and other Debts payable by the Laws of the Province, has been found insufficient to answer fully the Expenses there intended, as in a report from the Treasurer, it appears that there are Debts to a considerable amount which remain yet unsatisfied, and therefore not upon a Footing as to Interest with the other Creditors of the Province.

Cap. 7

Be it therefore enacted by the Lieutenant Governor, Council, and Assembly, That the Treasurer of the Province be and is hereby impowered and directed to borrow from such Person or Persons as shall be willing to lend the same, a Sum not exceeding *Two Thousand Nine 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 following.

PROVINCE *Nova-Scotia* the *Day of*  
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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 Successors, 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

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 the Treasurer is hereby directed to give his Receipt



Receipt or Receipts for any Sum or Sums, (provided the same be not less than *Twenty Shillings*) at the option of the Lender, or Person intitled to the same.

*And be it further enacted*, That the Sum so borrow'd, shall be applied to the Payment and Discharge of the Bounty Certificates and Premiums and of all other Debts which are or shall become due and payable by the Laws of this Province, and the Expences of the Council, and House of Assembly, which pass by Votes of the respective Houses.

*Provided*, That the Accounts and Vouchers of all such separate Debts shall be first regularly audited, and Certified to be justly due.

*Provided also*, That if the Province Treasurer should (by a 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 present Bounty Bills, or Accounts of Money due, or Votes as aforesaid; said Bounty Bills, Accounts or Votes may be received by the Treasurer, who is hereby directed to give his Receipt or Receipts for the said Sum or Sums, bearing Interest in manner herein directed.

*And provided always, and be it further enacted*, That if there should not be Money sufficient in the Treasury, to discharge the several Receipts so issued, when the same become payable, that then 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 of Impost and Excise.

And WHEREAS the Act, Intituled, *an Act to empower the Province Treasurer, to borrow a sum not exceeding the sum of Four Thousand Pounds for paying of Bounties, Premiums, and other Debts, payable by the Laws of this Province*, has been found insufficient to discharge the whole of the Bounties, and Premiums, and other Debts that were to have been discharged with the Money borrow'd by the said Act, as sundry of the said Bounty, and Premium, Certificates, and other Debts are still outstanding, and whereas it is reasonable that such Certificates or other Debts, should bear Interest as they could not then be paid.

*Be it further enacted*, That the Treasurer aforesaid, shall state and allow Interest for all such Certificates and outstanding Debts, in the manner as prescribed by the said Act.

*And be it further enacted*, That all Monies, which may be collected by Virtue of the several Laws of this Province, and which are appropriated for the Payment of Bounties, Premiums, and other Accounts of Money due as aforesaid, over and above what will pay the Interest of Money borrow'd by the Government, shall after discharging the former Loans (Creditors) be applied for paying off the Receipts, given by the Treasurer for Monies borrow'd, or Bounty and Premium Certificates receiv'd in by Virtue of this or the aforesaid Act.

*Published according to Law the 10th Day of April, 1760*